

Agenda

- Meeting:** Thirsk and Malton Area Planning Committee
- Members:** Councillors Caroline Goodrick (Chair), Joy Andrews (Vice-Chair), Alyson Baker, Lindsay Burr MBE, Sam Cross, Nigel Knapton and Malcolm Taylor.
- Date:** Thursday, 20 March 2025
- Time:** 10.00 am
- Venue:** Council Chamber, Ryedale House, Malton, YO17 7HH

The Council operates a scheme for public speaking at planning committee meetings. Normally the following people can speak at planning committee in relation to any specific application on the agenda:

- speaker representing the applicant
- speaker representing the objectors
- parish council representative and
- local Division councillor.

Each speaker has a maximum of five minutes to put their case. If you wish to register to speak through this scheme, then please notify Nicki Lishman, Senior Democratic Services Officer by midday on Monday, 17 March 2025.

Business

1. **Apologies for absence**
2. **Minutes for the meeting held on 20 February 2025** (Pages 3 - 6)
3. **Declarations of interests**
All Members are invited to declare at this point any interests, including the nature of those interests, or lobbying in respect of any items appearing on this agenda.
4. **ZB24/01642/FUL - Demolition of existing buildings, extension of bank for retail use, construction of two flats and signage at former Barclays building, 24 Market Place, Thirsk** (Pages 7 - 16)
Report of the Assistant Director Planning – Community Development Services
5. **Any other items**
Any other items which the Chair agrees should be considered as a matter of urgency because of special circumstances.

6. Date of next meeting

Thursday, 17 April 2025 at 10.00am.

Recording is allowed at Council, committee and sub-committee meetings which are open to the public. Please give due regard to the Council's protocol on audio/visual recording and photography at public meetings. Anyone wishing to record is asked to contact the named democratic services officer supporting this committee prior to the start of the meeting. We ask that any recording is clearly visible to anyone at the meeting and that it is non-disruptive.

If you are exercising your right to speak at this meeting but do not wish to be recorded, please inform the Chairman who will instruct anyone who may be taking a recording to cease while you speak.

Members of the public are entitled to attend this meeting as observers for all those items taken in open session. Please contact the named Democratic Services Officer supporting this committee, details below, if you have any queries.

You may also be interested in [subscribing to updates](#) about this or any other North Yorkshire Council committee.

Members are encouraged to contact Officers prior to the meeting with questions on technical issues in reports, in order to expedite business at the meeting and enable Officers to adapt their presentations to address areas causing difficulty.

Agenda Contact Officer:

Nicki Lishman, Senior Democratic Services Officer
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Wednesday, 12 March 2025

North Yorkshire Council

Thirsk and Malton Area Planning Committee

Minutes of the meeting held on Thursday, 20 February 2025 commencing at 10.00 am.

Councillor Caroline Goodrick in the Chair and Councillors Joy Andrews, Alyson Baker, Lindsay Burr MBE, Malcolm Taylor and George Jabbour (substitute).

In attendance: Councillor Sam Cross (remotely as Division Member, not voting or counting towards the quorum).

Officers present: Nicki Lishman, Nathan Denman, Alpha Love-Koh and Nick Read.

Apologies: Councillor Nigel Knapton

Copies of all documents considered are in the Minute Book

The Committee considered the report of the Assistant Director Planning – Community Development Services relating to an application for planning permission.

The conditions as set out in the report and the appropriate time limit conditions were to be attached in accordance with the relevant provisions of Section 91 and 92 of the Town and Country Planning Act 1990.

In considering the report, regard had been paid to the policies of the relevant development plan, the National Planning Policy Framework and all other material planning considerations.

Where the Committee granted planning permission in accordance with the recommendation in a report this was because the proposal was in accordance with the development plan, the National Planning Policy Framework or other material considerations as set out in the report unless otherwise specified below.

157 Apologies for absence

Apologies noted (see above).

158 Minutes for the meeting held on 16 January 2025

The minutes of the meeting held on 16 January 2025 were agreed and signed by the Chair as a correct record.

Voting record

4 For

2 Abstentions

159 Declarations of interests

There were no declarations of interest.

160 ZF24/01766/FL - Extension to and reinforcement of the existing seawall and addition of replacement rock armour at Land South Of Royal Parade, Filey, North Yorkshire

The Head of Development Management – Community Development Services sought determination of planning application reference ZF24/01766/FL for the above development at the Land to the South of Royal Parade, Filey.

The application was in relation to a North Yorkshire Council-led development to extend and reinforce a section of the seawall and, in accordance with the North Yorkshire Council Area Constituency Planning Committees Scheme of Delegation, the application falls to be determined by the Thirsk and Malton Planning Committee.

The officer took Members through a presentation detailing:

- the location of existing land drainage pipework
- the extent of the works
- access during construction, which would be as the arrangements for existing works to repair the seawall.
- biodiversity and ecological enhancements to take place on the adjacent cliff

The officer advised that since the original submission, the Council ecologists had recommended a change to the red line boundary area of the site.

Biodiversity net gain regulations stipulated that the works must take place within the application site therefore the plans required amendment to incorporate this area within the red line. Amended plans, showing the expansion of the relevant boundary including the adjacent cliff as part of the application site were being prepared.

Therefore, the Solicitor advised that the decision would be that Members were minded to approve the application with delegated authority to officers.

Councillor Sam Cross, Division Member, attended the meeting remotely and spoke in support of the application.

Councillor Lindsay Burr raised concerns regarding the safety of the public trying to leave the beach in an emergency and sought assurances that there would be no impact on current accesses from the beach. Officers advised that this was outside the remit of this application, but these concerns would be raised with North Yorkshire Council engineers who were leading the project and could take account of Members' concerns.

During consideration of the item, Members queried:

- The provision of a construction management plan
- Access and timescales for the works
- Access up and across the rock armour in an emergency
- Drainage from the slipway and cliff

The Chair proposed and Councillor Alyson Baker seconded that Members were minded to approve the application.

Resolved (unanimously)

That Members were minded to approve the application subject to the conditions listed in the report and to delegate authority to officers to determine the application following receipt of

amended plans for the application site.

161 Any other items

There were no items of urgent business.

162 Date of next meeting

The date of the next meeting was confirmed as Thursday, 20 March 2025.

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**North Yorkshire Council
Community Development Services
Thirsk and Malton Area Planning Committee
20 March 2025**

**ZB24/01642/FUL - Demolition of existing buildings, extension of bank for retail use,
construction of two flats and signage
at former Barclays building, 24 Market Place, Thirsk
Report of the Assistant Director Planning – Community Development Services**

1.0 PURPOSE OF THE REPORT

- 1.1 Demolition of existing buildings, extension of bank for retail use, construction of two flats and signage.
- 1.2 This application is requested to be determined by the Area Planning Committee following a referral by a Member due to the balance between the conservation impacts and the economic benefits of the proposal.

2.0 SUMMARY

RECOMMENDATION:

- 2.1 That members **REFUSE** planning permission for the reasons outlined within the report below.
- 2.2 The subject of the application is a former Bank in Market Place, Thirsk. The building is a good example of a late-Victorian/Edwardian bank, and the front (north) elevation is built from stone at ground floor level, with the first floor constructed in red brick. The rear (south) elevation consists of a brick-built range roughly contemporary with the main bank and a single-storey late-twentieth-century extension.
- 2.3 Further land associated with the site and the application includes a car park, accessed from Chapel Street, which takes up much of the former medieval burgage plot upon which the site is located. To the southern site boundary is a structure of unknown date, but which appears to be Victorian and originally in a use distinct from the former bank.
- 2.4 The site is very visible within Thirsk's Conservation Area, due to its prominent position within the Market Place and the clear visibility of the rear when viewed from Chapel Street. The frontage is marked as being within an important frontage area within the Thirsk and Sowerby Conservation Appraisal and the rear is identified as a Potential Area for Improvement within the same document. The site is also within the Thirsk and Sowerby Article 4 Area.

3.0 PRELIMINARY MATTERS

3.1 Access to the case file on Public Access can be found here: [Planning Documents](#)

Planning history

3.2 Application site:

ZB23/01868/FUL - Application for alterations to elevations to support the decommission of the Bank. – PERMITTED.

4.0 SITE AND SURROUNDINGS

4.1 The site of the proposal is within Thirsk's Conservation Area. Thirsk is identified as a Market Town within the Local Plan. The site is within the defined Town Centre and a Primary Shopping Area, with the frontage forming part of Thirsk's principal retail area. The rear is accessed from Chapel Street, the character of the area is informed by the siting of light industrial/retail uses in close proximity to residential properties. There are a number of properties surrounding the site, with 8 and 19 Chapel Street and 1-7 Steads Yard being the closest in proximity and the most affected by the proposal.

4.2 Chapel Street itself is broadly Victorian in terms of built character, with the main departure from this character consisting of the northern side of the street, which is dominated by the shape of the medieval plots, the primarily Georgian buildings associated with Market Place and the later (primarily 20th century) additions to those Market Place properties.

5.0 DESCRIPTION OF PROPOSAL

5.1 This application seeks consent for the change of use of the former bank building to form a retail unit, including the extension of the unit by approx. 545m² to the rear and the formation of 2, two-bedroom first-floor flats. The flats are to be constructed above the goods entrance on the Chapel Street elevation.

5.2 As mentioned above, the access associated with deliveries is proposed to be located on the Chapel Street access, whilst the customer entrance will make use of that associated with the existing bank, leading from Market Place.

5.3 The application is submitted with a Design, Access and Planning Statements; Preliminary Ecological Appraisal; Heritage Assessment; Percolation Test; Tree Survey; Biodiversity Net Gain report.

6.0 PLANNING POLICY AND GUIDANCE

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

Adopted Development Plan

6.2 The Adopted Development Plan for this site is the Hambleton Local Plan (adopted February 2022).

Emerging Development Plan - Material Consideration.

- 6.3 The North Yorkshire Local Plan is the emerging development plan for this site though no weight can be applied in respect of this document at the current time as it is at an early stage of preparation.

Guidance - Material Consideration

- 6.4 Relevant guidance for this application is:
- National Planning Policy Framework 2021
 - National Planning Practice Guidance

7.0 CONSULTATION RESPONSES

- 7.1 The following consultation responses have been received and have been summarised below:

Consultees

- 7.2 Town Council – Support the proposal.
- 7.3 NYC Highways – Conditions and informatives provided.
- 7.4 Environmental Health – Conditions and informatives provided.
- 7.5 North Yorkshire Police – No objection.
- 7.6 Historic England
- Have concerns that the scheme will result in a modest level of less than substantial harm, summarised below:
 - The proposals would result in a modest level of less than substantial harm to the conservation area.
 - The scale and character of proposed development and loss of traditional ancillary buildings relates poorly to the site's heritage significance.
 - Should your authority be minded to accept the principle of development, then it is Historic England's view that the current approach misses considerable opportunities to regenerate the application site in a way which better reveals the significance of the conservation area.
 - We recommend the applicant works with your authority and retains the ancillary building near to Chapel Street and an appropriate boundary presence. Any new development should retain and reinforce the hierarchy of the burgage plot, ensuring that height, scale and massing are appropriate for the context.
- 7.7 - Yorkshire Water – No response.
- 7.8 - MoD – No objection.

Local Representations

- 7.9 Three representations have been received. Of these representations one is in support and two are objections. A summary of the comments is provided below, however, please see website for full comments.

Support:

- The extra jobs and accommodation would be positive.
- It would result in the re-use of a space which is currently large and disused.

Objections:

- The development will be to the detriment of the heritage asset.
- The small building to the southern property boundary should be retained.
- The movement of chain stores into Thirsk is contrary to the largely independent nature of businesses within the town.
- Not enough parking available to the shop via existing parking within town centre.
- The nature and use of Chapel Street will mean that deliveries will increase risk to other users of the highway and could result in disturbance to nearby residents.
- Concern relating to staff parking for the site, especially in relation to existing issues on Chapel Street.

8.0 ENVIRONMENT IMPACT ASSESSMENT (EIA)

8.1 The development proposed does not fall within Schedule 1 or 2 of the Environmental Impact Assessment Regulations 2017 (as amended). No Environment Statement is therefore required.

9.0 MAIN ISSUES

9.1 The key considerations in the assessment of this application are:

- Principle of development.
- Impact upon the character and appearance of the site and wider surroundings.
- Heritage matters.
- Highway matters.
- Impact upon the amenity of neighbouring properties.
- Other matters.

10.0 ASSESSMENT

Principle of Development

- 10.1 The key policy considerations relating to the principle for the proposal relate to Policies S1, S3, EG3, EG4, EG5 and EG6.
- 10.2 Policy S1(d) seeks to promote the former Hambleton district as a location for new and existing businesses to develop, in turn providing a range of employment opportunities. S3(a), meanwhile, looks to focus growth within Northallerton and Thirsk, due to the wide range of services and good transport opportunities offered by both towns, whilst S3(h) identifies support for economic development within the built form of settlements within the hierarchy. As such, there is considered to be a degree of policy support to be garnered by the proposed siting of the development within the centre of Thirsk.
- 10.3 Further support for the principle of development can be found within EG3, where retail uses are given support within defined Town Centres. Despite the significant scale of the proposal, the position of the site within the Primary Shopping Area ensures that there is no requirement for a sequential test or retail impact assessment. The proposal does not compromise the use of the upper floors associated with the former bank and so does not run contrary to Policy EG4.
- 10.4 The provision of additional housing units within the extension does not run contrary to the above, with Policy EG3 specifically identifying support for residential development within defined Town Centres where they would not compromise current or planned future uses in the area of the site and will not harm the viability of the centre. It is considered that,

particularly with regard to the mixed-use (residential/retail/light industrial) character of Chapel Street, the siting of the two flats within the development would not harm the operational viability of the centre and, if adequately conditioned, any amenity impacts could be managed to ensure this.

- 10.5 It is stipulated within EG3 that to enjoy full policy support a development must respect the centre's character, including its special architectural and historic interest. It is considered that the large infill extension does not achieve this aim and results in the loss of legibility as far as the historical context surrounding the site is concerned, with the medieval burgrave plot which provides the long, north-south shape of the site being completely obscured by the development. Additionally, the scale of the southern range (incorporating both the rear access and the flats) would be inappropriate to Chapel Street, with the construction of a substantial building in close proximity to the highway, ultimately producing a structure which will dominate the streetscene and which would be contrary to the established form of the area.
- 10.6 Additional policy issues relating to the design and the impact on the character and appearance of the site are found in Policies EG5 and EG6. EG5 states that support is dependent on the ability of a development within a market town to achieve a design which reinforces local distinctiveness through high quality design, which is not considered to be the case here – there is no aspect of this development that plays towards that which is locally distinct about Chapel Street or, more generally, Thirsk.
- 10.7 Whilst it is understood that the rear of the extension will not be a primary frontage, its position within approximately 6.3m of the public highway ensures that it can be regarded as a building frontage. EG6 is clear that - particularly in Conservation Areas – attention must be had as to the appearance and scale of a development, with the inference that a scheme that does not pay sufficient attention would be contrary to the policy.

Residential Element

- 10.8 HG5(b) states that a proposal should provide a housing mix in terms of size, type and tenure which is consistent with the requirements of the Council's Housing and Economic Development Needs Assessment (HEDNA) and Strategic Housing Market Assessment (SHMA) or successor documents. In addition to the above, the Council now has regard to the Housing SPD (Supplementary Policy Document).
- 10.9 HG2(f) emphasises the requirement for new developments to reflect the needs of the former Hambleton District as identified in the Strategic Housing Market Assessment (SHMA). The Housing SPD at Part 3 identifies the majority of need within market dwellings being for both two- and three-bedroomed properties. The proposal is for two properties both of which two-bedroomed flats.
- 10.10 Policy HG2 at criterion (g) requires new dwellings to meet the Nationally Described Space Standards (NDSS) and this is also carried through into the Housing SPD, which at paragraph 3.12 states that the expectation of the Council is that new development is NDSS compliant. Whilst one of the flats meets NDSS at 70m², the most southerly unit measures at 62m² and is therefore not NDSS compliant, contrary to Policies HG2 and HG5.
- 10.11 It is considered that the proposal represents incremental growth of the town which is commensurate to its size, scale, role and function. As a Market Town, Thirsk is recognised as being a highly sustainable settlement within the former district and as a place in which there are a number of services and facilities to support development. It is considered that HG5(c) - in which the scale, role and function of a settlement is a determining feature of the acceptability of growth – allows for the extension of settlements where appropriate and given the position of Thirsk within S3's hierarchy, the proposed

development does not represent overdevelopment, especially given the ability of the settlement to absorb the low numbers of units involved in this application.

- 10.12 The land in which the proposal is to be sited is considered to have some importance to the historic form and layout of the settlement, with the site forming a well-preserved and legible burgage plot which makes an important contribution to the character of the area. However, it is considered that, being located within the first floor of the development, the impact of the proposed housing on this relationship is limited – the dwellings are not in and of themselves responsible for the infill and obfuscation of this historic form.
- 10.13 Nonetheless, Historic England have identified harm to the character and appearance resulting directly from the provision of a two-storey element within the scheme, stating that its inclusion would “draw the eye and dilute the historical pattern of development within the conservation area”. Further, fittings which are specific to the flats (i.e. the windows and doors) are considered to be inappropriate in terms of form and materials, with the proposed details demonstrating an incongruously modern appearance.
- 10.14 As a result, it is considered that criterion (e) of HG5 is therefore not met.
- 10.15 It is considered that the scheme complies with Policy S3 in terms of the general principle of the uses proposed, but does not meet the requirements of Policies EG3, EG5, EG6, HG2 or HG5.

Impact on Character and Appearance of the site and wider surroundings

- 10.16 Policies E1 and E7 both seek to ensure that the design of all developments is of a detail and quality appropriate to their setting and purposes. It is considered that the proposal is discordant with the broad character of Chapel Street and with Thirsk more generally. The scale of the proposed extension, its height to the rear and its design and use of materials do not complement the surrounding area. Further, the extensive infilling of the plot reduces the legibility of the historic context of the site, to the detriment of the character of the site and surrounding area.
- 10.17 Some of the proposed materials (brick and pantiles) are considered to be appropriate to the character and appearance of the property and to the immediate and wider setting, but others (such as the aluminium windows) are not deemed to fit with the established character of the area. The use of metal sheeting for the roofing of the single-storey element is consistent with the adjacent property but is otherwise not a material that would be encountered within the conservation area outside of an industrial setting/unsympathetic twentieth-century development and which does not sit well aesthetically with the roofing materials used within the host structure, which appears to be clad in slates and rosemary tiles. However, a significant part of the structure will be obscured by the two-storey element, with the inappropriate use of sheeting being restricted to the single-storey section of the extension and so it is considered that the impact of this material would be limited.
- 10.18 When viewed from Chapel Street the proposed scale and east-west orientation of the two-storey element of the scheme would create a feature which would be contrary to the established grain of the locale. Moreover, the scale, height and massing of the development would also increase the visual impact of the structure, leading it to become a focal point within the streetscene, further negatively impacting the distinctive character within Chapel Street.
- 10.19 Whilst it could be argued that the proposed design is simply making efficient use of the site, E1(h) identifies that this should not come at the expense of local character and amenity. It is unclear as to how the proposed development has drawn from the key

characteristics of its surroundings, with the overall effect being one of a development which is out of place within the site context. This is not due to the proposed use or function of the structure, which is broadly consistent with the prevailing use of the northern half of Chapel Street (i.e. minor residential/functional retail development related to Market Place frontages) but is instead due to the scale and form of development.

- 10.20 It is considered that the proposed scheme does not comply with Policies E1 and E7.

Heritage

- 10.21 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in exercising an Authority's planning function, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The NPPF para 216 requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset. Any identified harm, must be given great weight and importance in-line with para 212. Policies S7 and E5 also requires the loss or harm to a designated heritage asset to be weighed within the planning balance.
- 10.22 The site is set well within Thirsk's Conservation Area and is very visible in relation to the Market Place and to Chapel Street. With regard to the principal (Market Place) elevation, there are minimal planned interventions to the facade. However, as previously discussed, the rear (Chapel Street) elevation is to be much changed and is equally visible (if not quite as important) from the public highway as the Market Place frontage.
- 10.23 In addition to the more immediately tangible elements of the conservation area the site also represents a well-defined and easily delineated burgage plots, allowing for an understanding of the mediaeval origins of Thirsk and how this has shaped subsequent development within the town. The scale of infill proposed would largely obliterate this context, with the various elements which contribute directly to this historical built narrative (such as the hierarchy between the principal structure and those ancillary buildings to the rear) being lost. The degree of development proposed exceeds that found anywhere else on Chapel Street and would exacerbate the impact of other unsympathetic development from the late twentieth-century (such as the neighbouring workshop) in obscuring the historical plan form of the settlement. It is important to note that the NPPF para 209 seeks to prevent harm from the past excusing harm caused by new development proposals.
- 10.24 The proposed structure will itself also have a deleterious impact on the character and appearance of the Conservation Area. The scale and massing of the development at its southern extent is such that it would dominate the character of the immediate area, with the relatively plain and unbroken façade doing little to minimise this impact. It is also considered that the negative visual impact of the proposal will be emphasised by its close proximity to the building to its immediate west which, despite the proposal being set back to an extent, would result in approximately 27m of blank, unsympathetic frontage onto the street. The overall impact of this development across the plot would be to draw the eye and dilute the historical pattern of development within the conservation area.
- 10.25 Further harm can be identified through the loss of ancillary structures such as the boundary wall and the small brick-built building to the south of the plot and the partial loss of the earlier rear extensions. Whilst not prominent within the conservation area, they make an important contribution to the special character.
- 10.26 As a result of the above, it is considered that the scheme introduces less than substantial harm to the Conservation Area. Any harm identified to the significance of the conservation must be given great weight in the determination of the application. The proposal is considered not to accord with Policies S7 and E5.

Highway Safety

- 10.27 NYC Highways have not objected to the scheme and have provided conditions.
- 10.28 Whilst the development will remove approximately twenty parking spaces it is considered that parking for staff and customers can be found elsewhere within Thirsk, which benefits from parking provision derived from the many public car parks within the town. Additionally, Thirsk is, relatively speaking, well-connected in terms of public transport and it is therefore possible that staff and customers would not have need of a parking space. The loss of the parking spaces is therefore considered not to have a negative impact on the safety and efficacy of the nearby highway system nor to weigh in the balance against the proposed development.
- 10.29 Given the scale of Chapel Street and the extent of the proposed building, it is considered that deliveries would have the potential to limit the ability of other road users to make use of the street. This could be controlled via condition to restrict deliveries to times which would be less likely to impact the use of Chapel Street.
- 10.30 The scheme would therefore meet the requirements of S1 and IC2.

Amenity

- 10.31 Policy E2 requires that all development proposals must have regard to privacy, security, noise and disturbance, pollution, odour and daylight. New development must not unacceptably affect the amenity of future residents or existing neighbours.
- 10.32 There was some concern that the proposal could result in amenity impacts resulting from access to the rear of the retail space, particularly activity involving the loading and unloading of goods from vehicles. Environmental Health have not objected to the proposal, and it is acknowledged that the mixed nature of the area means that commercial vehicle movements will be relatively commonplace. It is considered that the scheme can be adequately conditioned to manage acceptable times of operations, loading/unloading, etc.
- 10.33 There is some concern that the proposed development would, by virtue of its proximity, cause an overbearing impact on 8 Chapel Street, which is set to the south of the site, across the highway. It is considered that the spatial relationship between The Meads and the development is such that, despite there being some space between the proposed unit (provided by the highway) and the existing dwelling, there is an over-bearing on 8 Chapel Street. This is further intensified by the workshop adjacent which, in combination with the proposed scheme, would remove a significant portion of the outlook currently enjoyed by No. 8.
- 10.34 The relationship described above also increases the potential for overlooking, with the distances between the southernmost flat's proposed bedroom window and that of No. 8's being approximately 10m. Whilst the sightline between the two is not direct, the angle is not acute enough to limit the potential for overlooking, with the overall effect giving the perception that views between each window would be possible.
- 10.35 Whilst the proposal would block or severely restrict available light to windows belonging to Nos 1-7 Steads Yard and 19 Chapel Street it appears that they are non-primary windows, serving the bathrooms of those properties. Given the low status of those windows within the hierarchy, it is considered that, whilst not ideal, the impact on those properties is limited.

10.36 The lack of private amenity space is not deemed to be of concern in this location; the lack of private external amenity space for each flat is countered by the close proximity of a number of designated Green Spaces (such as Sowerby Flats) which can provide this to a large extent.

10.37 It is considered that the proposed scheme does not satisfy the requirements of Policies S1 and E2.

Drainage

10.38 Yorkshire Water were consulted but did not respond. Due to the position of the site within the centre of Thirsk it is considered that the ability of the proposal to drain effectively is therefore a reasonable possibility, if a suitable drainage condition were to be attached to an approval. The Environment Agency's mapping has identified that the site is at risk of surface water flooding in the future (2040-2060) and so this should be taken into account when designing the drainage scheme. The site is located in Flood Zone one, the area at the lowest risk of flooding. It is considered that the proposed development is not introducing a more vulnerable use into an area at risk of surface water flooding and as such a Flood Risk Assessment is not required.

10.39 The scheme would therefore meet the requirements of S1 and RM1 and RM3.

Ecology

10.40 The site contains no features of biodiversity interest and it is considered that the site is exempt from the requirement to provide replacement Biodiversity Net Gain (BNG) spaces.

11.0 PLANNING BALANCE AND CONCLUSION

11.1 It is considered that the proposal is sited within an area in which the principle of development is both well-established and encouraged by Policies S1, S3, EG3, EG4, EG5 and EG6 and by section 6 and 7 of the NPPF, which encourages commercial development within sustainable locations and promotes the vitality of town centres. It is further considered that weight can be given to the eighteen full-time roles that the development would provide, and that the proposal will not lead to negative impacts on the local highways system or the drainage system if adequately conditioned.

11.2 However, the full support of a large number of those policies listed above (S1, EG3, EG5 and EG6) is not enjoyed by the development due to the less than substantial harm to the character and appearance of the local area and the wider Conservation Area, which also brings it into conflict with Policies S7, E1, E5 and E7. The proposal will also result in harm to the residential amenity of an adjacent property (No. 8 Chapel Street) and will not provide an adequate floorspace in line with NDSS guidance within one of the proposed dwellings and so would be contrary to Policies S1, E2, HG2 and HG5. It should be remembered that, in accordance with para 212 of the NPPF, any harm to the significance of heritage assets must be given great weight in the determination of the application.

11.3 The weight that can be attributed to the employment benefit is limited by two factors: that this is not the sole possible use of the site and that this is not the only possible form and scale of extension that can be achieved on the site. The ability to provide a retail/commercial use within the site is not dependent on this form of development and a number of other proximate retail uses operate without extensions of this size. In discussion between the applicant and officers, the applicant has intimated that their business model is dependent on the proposed scale and form of development proposed and simply would not work in a smaller unit or one over two floors.

- 11.4 It is therefore considered that the benefits of the proposal, namely the bringing back into use of a prominent building within the Conservation Area and the employment opportunity is offered limited weight which does not outweigh the harms to the character and appearance of the area, the Conservation Area and to nearby residential amenity.
- 11.5 The application is deemed not to accord with relevant Local Policy, the NPPF or the requirements of Section 71 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

12.0 Recommendation

That the application be refused for the reasons set out below:

1. The proposed development would result in less than substantial harm to the character, appearance and significance of the Thirsk and Sowerby Conservation Area through the introduction of forms of development which are inappropriate in scale and massing. Further, the mediaeval burgage plot which constitutes the broader site would be totally obscured, negatively impacting the legibility of the historical planform. This is contrary to Local Plan Policies S1, S7, E1, E5 and E7 along with the requirements of Section 16 of the NPPF.
2. The proposed development would result in development which is unsympathetic to its surroundings, and which does not contribute positively to local character. It is considered that the proposal does not respond positively to its context and does not incorporate any design cues taken from the Chapel Street area, contrary to Local Plan Policies E1 and E7.
3. One of the proposed residential units does not meet the requirements of the Nationally Described Space Standards (NDSS). A two-bedroom unit should have a minimum internal floorspace of 70m², whilst the unit in question measures at 62m². This failure to meet the NDSS means that Local Plan Policies HG2 and HG5 and the requirements of the Housing SPD are not met by the proposal.
4. It is considered that the proposal would result in an overbearing and overlooking impact on 8 Chapel Street, harming the amenity of the residents of that dwelling. This would be contrary to Local Plan Policy E2.

Target Determination Date: 17 October 2024.

Case Officer: Mr Connor Harrison, connor.harrison@northyorks.gov.uk