

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, 17 April 2025
- Time:** 10.00 am
- Venue:** Council Chamber, Ryedale House, Malton, YO17 7HH

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.

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 Democratic Services by midday Monday, 14 April 2025.

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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.

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Business

1. **Apologies for absence**
2. **Minutes for the meeting held on 20 March 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 - 18)
Report of the Assistant Director Planning.
5. **ZB25/00435/FUL - Proposed upper storey en-suite bedroom extension to be constructed above an existing single storey rear residential annexe at Annexe One at The Old Black Bull, Thormanby, North Yorkshire** (Pages 19 - 26)
Report of the Assistant Director Planning
6. **Any other items**
Any other items which the Chair agrees should be considered as a matter of urgency because of special circumstances.
7. **Date of next meeting**
Thursday, 15 May 2025 at 10.00am.

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

Agenda Contact Officer:

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Wednesday, 9 April 2025

North Yorkshire Council

Thirsk and Malton Area Planning Committee

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

Councillor Caroline Goodrick in the Chair and Councillors Joy Andrews, Alyson Baker, Lindsay Burr MBE, Sam Cross, Nigel Knapton and Malcolm Taylor.

Officers present: Connor Harrison - Senior Planning Officer, Peter Jones - Development Manager, North, Nicki Lishman - Senior Democratic Services Officer and Laura Zielinski - Solicitor Lawyer Planning and Environment

Copies of all documents considered are in the Minute Book

163 Apologies for absence

There were no apologies for absence.

164 Minutes for the meeting held on 20 February 2025

The minutes of the meeting held on 20 February 2025 were agreed and signed by the Chair as a correct record.

165 Declarations of interests

There were no declarations of interest.

The Committee considered report(s) of the Assistant Director Planning – Community Development Services relating to applications for planning permission. During the meeting, Officers referred to additional information and representations which had been received.

In considering the report(s), 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 deferred consideration or refused planning permission the reasons for that decision are as shown in the report or as set out below.

166 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

The Assistant Director Planning – Community Development Services sought determination of planning application ZB24/01642/FUL for the above development.

The application was 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.

The officer's presentation detailed

- the history behind medieval burgage plots where the site was located
- its relationship to the neighbouring properties
- the heritage asset
- the existing and proposed site layout
- the existing and proposed elevations
- the proposed floor plans of the domestic and commercial units
- visual detail of the site within conservation area

The officer discussed the written update note and confirmed the changes to RFR3 and provided a verbal update in relation to a correction in paragraph 10.21 of the report to that 216 of the NPPF should be 212.

The officer advised that the conversations reported in the written update note were informal and no formal response had been received. Officers also confirmed that reference to NPPF should be 'NPPF December 2024 and amended in February 2025.

Councillors asked questions of the officer regarding:

- The size of the domestic properties and whether they met Nationally Described Space Standards (NDSS).
- That the proposed aluminium windows did not suit the conservation area.
- The lack of parking spaces in the application
- The orientation of the domestic properties within the site
- Biodiversity Net Gain. The officer confirmed that the development was exempt

Mrs Donna Bell spoke to object to the application.

Councillor Gareth Dadd spoke as the Division Member

Mr Dan Gracy, agent, spoke in support of the application.

During debate Members considered the size and orientation of the domestic units. Members supported the development of domestic properties within the town centre but were mindful that such properties should be of an appropriate size and quality.

Discussion took place on the demands placed on the availability of the employment opportunities for local residents, the viability of the town centre, the possibility of placing a condition on the type of windows used in the development, the impact of the shop signage in the Market Place and the support for the local economy.

Members queried whether the orientation of the buildings could be changed by 90 degrees. Officers confirmed that NDSS and windows were matters which could be dealt with within the framework of the application but amending the orientation would be a re-design which would attract further consultation.

In addition, Members considered the historic value of the burgage plots and the possibility of overlooking of and by neighbouring properties.

Members were broadly supportive of the principle of the application but they required further information and for the issues previously listed to be addressed.

Councillor Burr wished to propose a deferral however the Chair and the Solicitor were in agreement that this motion had been already moved by Cllr Knapton.

A further motion was moved by Councillor Taylor that Members were minded to grant permission with the decision delegated to officers to deal with the technical aspects but this was not seconded.

The Solicitor advised members to consider deferment in line with the constitution and the Chair clarified that minded to grant could not be deferred. A decision could only be to be minded to grant or to be deferred.

Councillor Knapton proposed and Councillor Burr seconded that the application be deferred to allow the plans to be amended to clearly illustrate the dimensions of the domestic units.

After further discussion the proposal to defer was clarified:

- To allow the plans to be amended to illustrate the dimensions of the domestic units to ensure they meet NDSS.
- For officers to discuss the proposed aluminium windows with the applicant.
- For details to be submitted of the proposed style and type of signage at the front of the property.
- To discuss the proposed orientation of the building with the applicant.

Decision

It was unanimously agreed that Members DEFER the decision for the reasons below:

- To allow the plans to be amended to illustrate the dimensions of the domestic units to ensure they meet NDSS.
- For officers to discuss the proposed aluminium windows with the applicant.
- For details to be submitted of the proposed style and type of signage at the front of the property.
- To discuss the proposed orientation of the building with the applicant.

167 Any other items

There were no other items of business.

168 Date of next meeting

The date of the next meeting was confirmed as Thursday, 17 April 2025.

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North Yorkshire Council
Community Development Services
Thirsk and Malton Area Planning Committee
17 April 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

On behalf of Mr Paul Nichols

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 Member call-in 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.

Deferral Update

3.3 This application was deferred by the Planning Committee on the 20 March 25 so that officers could enter into discussion with the agent in order to clarify matters identified by Councillors as requiring further attention.

3.4 These matters are: Compliance with Nationally Described Space Standards (NDSS), Proposed Materials and the orientation of the proposed flats.

3.5 Relevant information has subsequently been provided by the agent addressing these issues, which are discussed below:

3.6 With regard to NDSS, the agent clarified that the likely discrepancy within the measurements was due to a software error. However, updated plans have been provided which demonstrate compliance of the scheme with the NDSS, with the figures for each flat clearly shown within the plans.

3.7 Furthermore, the scale of the flats has been slightly increased; the figures provided show an increase above NDSS of approx. 10% for Flat 1, whilst Flat 2 demonstrates an increase of approx. 9% (with the units sized at 67.1m² and 76.5m², respectively). The flats are now considered to comfortably exceed NDSS. As such, Reason for Refusal 3 (NDSS) has been removed from the recommendation at Section 12 of this report.

3.8 Amendments to the scheme have been provided with regard to signage, doors and windows. The signage on the Market Place elevation now consists of a single, dark green fascia featuring the company's name. To the rear, facing Chapel Street, window materials have been changed from aluminium to wood and the doors to the flats and the shop fire escape will now consist of painted, timber doors in a panelled design.

3.9 It is considered that the windows and doors are more sympathetic to the surrounding area. Whilst the signage does not necessarily make the best of its surroundings, this could be more properly examined during an advert application.

3.10 The issue of altering the orientation of the residential portion of the flats was raised and discussed with the agent, who has stated that the particular layout of the burgage plot would limit the deliverability of the scheme. They have stated that re-orientation of the flats to more properly reflect the character of the burgage plot would have the following impacts:

- A loss of amenity for the flats as their main windows would be a small distance from adjoining buildings.
- A conflict of use as deliveries for the shop would be made across the front of the flats.
- A loss of floor area for the shop, which would affect the viability of the proposal.

- 3.11 It is considered that the above does not, in itself, constitute sufficient reasoning to justify the proposed layout: a mews development of the type that would be provided by such a scheme is, by its nature, close to other development and the first-floor location of the flats would afford them an unimpeded view over the single-storey structures to the east, with the nearest two-storey development being 1-4 Smiths Row to the east. This represents an improvement over the current arrangement, where Flat 2 will have a comparably limited view of the roof associated with the single-storey extension and with all windows arranged in a northerly direction, which would result in a relatively dark space.
- 3.12 Further, the arrangement relating to the shared use of space for access and deliveries described in 3.10 is considered to be the case in the current arrangement. Space is relatively tight at approximately 87m², and incorporating access to the flats, deliveries, bin storage and staff access will necessitate some interplay of these factors regardless of the general arrangement of the structure.
- 3.13 Finally, limited information has been provided as to what extent the scale of the building is required for viability – whilst the business model of the operator does seek to maximise space, how much is actually required in this situation is unclear.
- 3.14 The updated scheme therefore represents an improvement to the proposal, with matters such as NDSS and materials adequately addressed by the submitted amendments.
- 3.15 However, less-than-substantial harm remains due to the scale, massing and form of the extension and, due to the weight afforded to the heritage asset (the Conservation Area) by both national and local planning policies, this is not entirely balanced out by the economic and social benefits to be derived from the proposal. As such, the planning balance is still weighted in favour of refusal.

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 burgage 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 requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset. 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 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 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 overbearance 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 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.
- 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 the NPPF, which encourages commercial development within sustainable locations. 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 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 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. 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

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

17th April 2025

ZB25/00435/FUL - Proposed upper storey en-suite bedroom extension to be constructed above an existing single storey rear residential annexe.

At Annexe One at The Old Black Bull, Thormanby, North Yorkshire

On Behalf of Mr Peter Gibson

Report of the Assistant Director Planning – Community Development Services

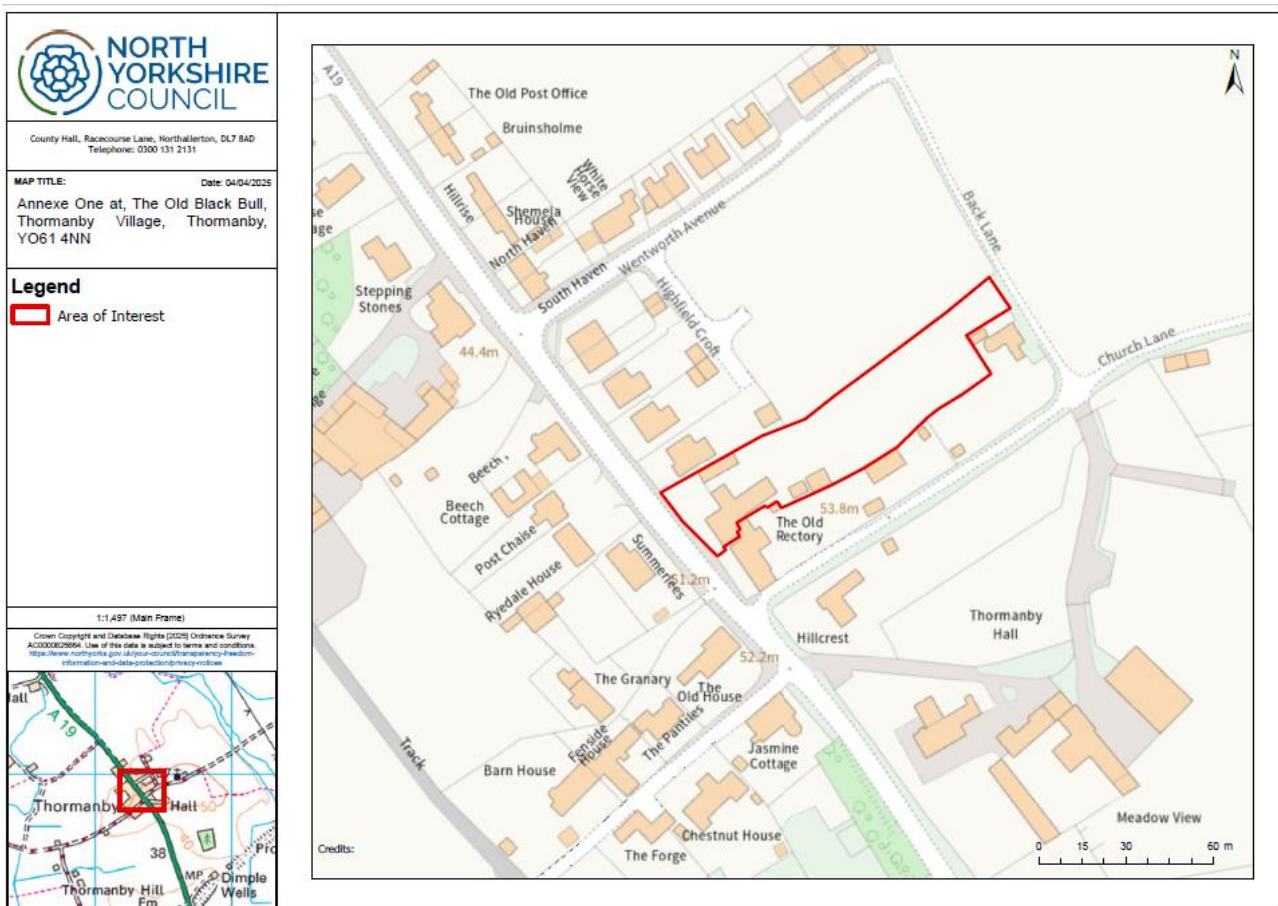
1.0 PURPOSE OF THE REPORT

- 1.1 To determine an application for full planning permission for a proposed first floor extension to be constructed above an existing single storey rear residential annexe.
- 1.2 The application is considered appropriate to be determined by the Planning Committee as the applicant is the partner of a Member of the Council, who resides at the property.

2.0 SUMMARY

RECOMMENDATION: That Planning Permission be **GRANTED** subject to the conditions set out in Section 12 of this report.

- 2.1 The proposed development comprises a first-floor extension above the existing attached single storey annexe accommodation at The Old Black Bull.
- 2.2 Compliance with Local Plan Policy E1 (Design) is one of the main considerations, with particular regard to the link between the main dwelling and the annexe and the impact of the annexe extension on the character and appearance of the surrounding area. Further considerations include the impact of the development on residential amenity and the impact on the adjacent Listed Building.



3.0 PRELIMINARY MATTERS

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

Planning history

3.2 05/00986/FUL - Single storey extension to existing dwelling to form ancillary accommodation. Approved 20.06.2005.

4.0 SITE AND SURROUNDINGS

4.1 The Old Black Bull is located within the village of Thormanby, which can be accessed from the A19. The proposed development is at Annex One of the Old Black Bull, which is sited to the rear of the main dwellinghouse. Located on the site is an additional Annex, which is sited opposite Annex One. To the western elevation of the property is the Grade II Listed Building, The Old Rectory.

5.0 DESCRIPTION OF PROPOSAL

5.1 The application seeks full planning permission for the construction of a first-floor extension above the existing single storey annexe to the rear of The Old Black Bull.

5.2 The proposed extension to the first floor of the annexe includes the addition of a bedroom, dressing room, and shower room. Changes to the ground floor layout involve converting the annexe kitchen into a living room and converting the existing bedroom into a Home Office. The existing utility/storage room would be converted into a staircase to provide access to the first floor of the annexe.

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.

Legislation, Policy and Guidance - Material Considerations

6.4 Relevant material considerations for this application are:

- National Planning Policy Framework 2024
- National Planning Practice Guidance
- Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990

7.0 CONSULTATION RESPONSES

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

7.2 Thormanby Parish Council – No response received. Consultation deadline 09.04.2025.

Local Representations

7.3 No local representations have been received. Consultation deadline 09.04.2025 and 14.04.2025.

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
- Design
- Amenity
- Impact on Heritage Asset

10.0 ASSESSMENT

Principle of Development

- 10.1 Policy E1 of the Local Plan states that a proposal for the extension of an existing residential dwelling or the provision of ancillary accommodation within the residential curtilage will be supported provided certain criteria are met.
- 10.2 Annexe accommodation is defined in the Local Plan as accommodation ancillary or incidental to the main dwellinghouse. An annexe must be designed to provide additional facilities and not become a self-contained dwelling, that could be separate from the original dwellinghouse, particularly in open countryside. In the case of a detached residential annex, the following is set out in Policy E1 (Design) of the Hambleton Local Plan:
- I. The annex is within the curtilage of the main dwelling,
 - II. Visually subordinate to the main dwelling,
 - III. Sited to ensure a clear functional link between the annexe and main dwelling,
 - IV. Shares the same access, parking and garden areas.
- 10.3 The Domestic Extensions Supplementary Planning Document (SPD) was adopted in October 2022 and sets out basic principles for the design of domestic extensions and alterations to dwellings. The document provides advice on five design principles, namely maintaining character, subservience, form, maintaining privacy and daylight. The SPD states that the relationship of an annexe to the main building is one of the most important aspects of designing a successful scheme.
- 10.4 Policy E1 of the Hambleton Local Plan requires extensions and annexes to meet specific criteria. Annexes and other outbuildings within the curtilage should:
- I. Respect the scale, massing and materials of the original dwelling and not cause unacceptable harm to its character,
 - II. Ensure that there is no unacceptable harm caused to the character or appearance of the surrounding area or to the amenity of other homes and buildings nearby,
 - III. Ensure that there is no unacceptable loss of parking or garden or amenity areas,
 - IV. Be visually subordinate to the main dwelling, sited to ensure a clear functional link between the annexe and main dwelling and share the same access, parking and garden areas.
- 10.5 The proposed extension of Annexe One at The Old Black Bull would be sited within the curtilage of the main dwelling, is visually subordinate to the main dwelling, maintains the functional link to the main dwelling and shares the same access, parking and garden area to the Old Black Bull and there is no loss of parking, garden or amenity areas.
- 10.6 The proposal is therefore considered acceptable in principle subject to compliance with the expectations and requirements of the relevant policies of the Local Plan and as set out in more detail below.

Design

- 10.7 Local Plan Policy E1 (Design) states that all development should be of a high quality, integrating successfully with its surroundings in terms of form and function, reinforcing local distinctiveness and help to create a strong sense of place.
- 10.8 The application proposes the construction of a first-floor extension above the existing single storey annexe to the rear of The Old Black Bull. The existing annexe has an established functional link to the main dwellinghouse, as the annexe is attached to the rear of the property, has shared access and outdoor amenity areas.

- 10.9 The proposed first floor of the annexe will include a bedroom, dressing room, and shower room, with access to the external terrace above the kitchen, which is already accessible from the main dwelling. Changes to the ground floor layout involve converting the annexe kitchen into a living room and converting the existing bedroom into a Home Office. The current shower room will remain unchanged. The existing utility/storage room will be converted into a staircase to provide access to the first floor of the annexe.
- 10.10 The first-floor extension would increase the ridge and eaves height of the existing annexe by approximately 2.1m. The plans propose the installation of three Velux rooflights to the rear elevation of the roof and two additional windows on the first-floor front elevation, one of which is a bay window measuring approximately 2.7m by 2.2m. The proposed materials are smooth facing brickwork with contrasting colour smooth facing brickwork detailing and double pantile clay interlocking roof tiles, to match the materials of the host dwelling and existing annexe. The materials for the windows and doors will be dressed timber with a black gloss paint finish, to also match those of the host dwelling.
- 10.11 The extension of Annexe One at The Old Black Bull maintains the functional link to the main dwellinghouse, is visually subordinate and does not have the facilities to become a self-contained dwelling. Furthermore, the proposal respects the scale and materials of the host dwelling and does not dominate or detract from the host dwelling. The proposal is acceptable in terms of design and appearance and would not cause unacceptable harm to the character of the host dwelling or harm the character of the surrounding area. The proposal therefore complies with Policy E1 (Design) of the Local Plan and SPD guidelines.

Amenity

- 10.12 Policy E2 (Amenity) of the Local Plan expects all proposals to provide and maintain a high standard of amenity for all users and occupiers, including both future occupants and users of the proposed development as well as existing occupants and users of neighbouring land and buildings, in particular those in residential use.
- 10.13 Taking into consideration the position of the proposal within the rear garden of The Old Black Bull, screening is provided by the host property and neighbouring properties and as such the development cannot be seen in public views from the street scene.
- 10.14 The proposal includes the addition of three Velux rooflights on the rear of the first-floor roof and the addition of two windows to the front elevation of the annexe. The windows and doors on the ground floor level will remain the same. The addition of rooflights to the rear elevation will not increase the level of overlooking at this elevation. The addition of two first floor windows to the front elevation is not considered to significantly impact the level of overlooking to the neighbouring property at this elevation.
- 10.15 Taking into consideration the location of the annexe and the separation distance to neighbouring properties, there is not considered to be a significant impact as a result of overshadowing or loss of light on neighbouring properties.
- 10.16 The proposed development is not considered to have an adverse impact on the amenities of neighbours and would therefore comply with Policy E2 (Amenity) of the Local Plan.

Impact of Heritage Asset

- 10.17 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in determining a planning application for development which affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 10.18 The National Planning Policy Framework (NPPF) requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset and requires that harm should be weighed against the public benefits of the proposal, including securing the optimum viable use of the building.
- 10.19 The Old Black Bull is sited to the western elevation of the Grade II Listed Building, The Old Rectory. The proposed development at Annexe One, including the increase in roof height, the addition of Velux windows on the rear roof and the addition of two windows on the front elevation is not considered to have an impact on the setting of the Listed Building. Taking into consideration that the proposal is within a domestic setting and of domestic scale, the setting of the Listed Building will be preserved and there is not considered to be any harm to the setting of the Listed Building. Furthermore, the proposed development will not impact how the Listed Building is perceived. The proposal therefore meets Policy E1 of the Hambleton Local Plan, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1 To conclude, the proposed development is acceptable in principle and in terms of design, scale and appearance and would not harm the character and appearance of the surrounding area. The proposal raises no concerns with regards to neighbour amenity.
- 11.2 Overall, the proposal complies with Policy E1 and E2 of the Hambleton Local Plan, SPD guidelines and the NPPF. The approval of this application is recommended on this basis.

12.0 RECOMMENDATION

- 12.1 That permission be **GRANTED** subject to the imposition of the below listed conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered PG/001, PG/002, PG/003 received by the Local Planning Authority on 06.03.2025 unless otherwise approved in writing by the Local Planning Authority.

Reason: In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Local Plan Policies S1 and E1.

3. The development hereby approved shall not be formed of materials other than those detailed within the application form received by the Local Planning Authority on 06.03.2025

Reason: In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Local Plan Policies S1 and E1.

Target Determination Date: 01/05/2025

Case Officer: Emily Hampton
emily.hampton@northyorks.gov.uk

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