

Parish: Topcliffe
Ward: Sowerby & Topcliffe
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Committee Date : 27 June 2019
Officer dealing : Tim Wood
Target Date: 22 May 2019
Date of extension of time (if agreed): 3 July 2019

19/00579/FUL

Alterations to existing chapel to create a single 4-bed dwelling.
At: Topcliffe Methodist Church, Church Street Topcliffe North Yorkshire
for: The Methodist Church.

This application is referred to Planning Committee as the application raises issues relating to the availability of parking that have previously been considered by the Planning Committee.

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application property is the Wesleyan Methodist chapel located at the junction of Long Street and Church Street, within the Development Limits of Topcliffe at the south western extent of the village. The building dates from 1840, is Grade II Listed and is within the Topcliffe Conservation Area.
- 1.2 The chapel is no longer in use following closure in 2014. Permission is sought to convert the building into single dwelling. This application is accompanied by an associated application for listed building consent (19/00580/LBC).
- 1.3 Conversion of the building to a dwelling would be achieved by introducing a series of partitions to create a study at ground floor level. Removal of the northern staircase of a pair of staircases that lead from the entrance to the gallery. A new floor structure would be introduced to create a first floor throughout the building closing off the clearstory above the pulpit, with the first floor space subdivided by further partitions to create the four bedrooms.
- 1.4 The removal of the 'school room' on the northern side of the chapel is proposed to create on-site parking space for 2 vehicles and a bin storage space.
- 1.5 Other external alterations proposed to facilitate the conversion include:
 - the introduction of two roof lights in the eastern single storey part of the building (currently used as a kitchen and proposed to be used as a cloakroom),
 - closing up two opening on the north elevation of the chapel,
 - an increase in height to the chimney stack on the eastern elevation of the building by 0.9m
- 1.6 The small area of garden to the south of the building would remain as it is with the railings bounding the south side of the building.
- 1.7 There are no proposed changes to the south and west elevations of the chapel building.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 15/00823/FUL - Change of use and internal alterations to form three apartments; Refused 3 March 2016.

- 2.2 15/00824/LBC - Listed Building Consent for internal alterations to form three apartments; Refused.
- 2.3 Application 15/00823/FUL was refused because of concern that the absence of adequate on-site parking space would result in vehicles being regularly parked outside the site on the highway to the detriment of the free flow of traffic and road safety. Application 15/00824/LBC was refused on the ground that, without the justification of planning permission for the residential conversion, the proposed works to the fabric of the listed building would not be appropriate.
- 2.4 17/00578/FUL - Revised application for alterations to chapel to form three apartments. The resolution of Planning Committee on 12th October 2017 was to grant planning permission subject to achieving a Traffic Regulation Order to restrict on street parking around the junction of Church Street and Long Street and the implementation of such an Order. A Traffic Regulation Order has not been achieved and the planning decision could not therefore be issued. The application has been 'finally disposed of' under the procedures of the Town and Country Planning (Development Management Procedure)(England) Order 2015 (as amended) section 40(13) as the case had not progressed and was beyond the time for appeal.
- 2.5 17/00579/LBC - Listed Building Consent for alterations to chapel to form three apartments; As above the application had been resolved to be approved and has subsequently been 'finally disposed of' due to lack of progress and being beyond the time for appeal.
- 2.6 19/00580/LBC - Listed Building Consent for alterations to existing chapel to create a single 4-bed dwelling; Pending consideration

3.0 RELEVANT PLANNING POLICIES:

- 3.1 The relevant policy of the Development Plan and any supplementary planning policy advice are as follows;

- Core Strategy Policy CP1 - Sustainable development
- Core Strategy Policy CP2 - Access
- Core Strategy Policy CP4 - Settlement hierarchy
- Core Strategy Policy CP8 - Type, size and tenure of housing
- Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
- Core Strategy Policy CP17 - Promoting high quality design
- Development Policies DP1 - Protecting amenity
- Development Policies DP3 - Site accessibility
- Development Policies DP4 - Access for all
- Development Policies DP5 - Community facilities
- Development Policies DP8 - Development Limits
- Development Policies DP12 - Delivering housing on "brownfield" land
- Development Policies DP13 - Achieving and maintaining the right mix of housing
- Development Policies DP28 – Conservation
- Development Policies DP31 – Protecting natural resources: biodiversity/nature conservation
- Development Policies DP32 - General design
- National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Topcliffe Parish Council – Content to see the application approved.

- 4.2 NYCC Highways - The Highway Authority has been previously consulted with regard to the application for 3 apartments at this location (17/00578/FUL) where concern was expressed with regard to the lack of off street parking associated with the proposals. This application does offer 2 off street parking spaces and a new access onto Church Street. Whilst there are concerns in relation to the visibility splay to the north which may be over 3rd party land the new access is adjacent to an existing access which has similar constraints to the visibility splay in that direction. The existing use of the building as a Church has the potential for visitors to park on the streets nearby and it is considered that a dwelling here would have a lesser impact in relation to the potential for on street parking in the area. As such the Highway Authority would recommend conditions.
- 4.3 MOD Safeguarding – no objections
- 4.4 Environmental Health Officer – no objections
- 4.5 Site notice, press notice, neighbour notifications – no responses received to date.

5.0 ANALYSIS

- 5.1 The main issues in this case relate to: (i) the principle of re-use of the chapel as dwelling; (ii) heritage issues; (iii) the loss of community facilities; (iv) any impact upon neighbour amenity; (v) highway safety and parking; and (vi) design.

Principle of development

- 5.2 The site is within the Development Limits of Topcliffe, which is identified as a Service Village in the 2014 Settlement Hierarchy. As such under the provisions of LDF Policy CP4 residential development is acceptable in principle subject to an assessment of other relevant policy tests.

Heritage assets

- 5.3 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving any listed building affected by the proposal or its setting or any features of special architectural or historic interest which it possesses. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving or enhancing the character or appearance of the Topcliffe Conservation Area.
- 5.4 The National Planning Policy Framework 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.
- 5.5 The chapel is a Grade II Listed Building and is therefore a designated heritage asset. The site lies within the Topcliffe Conservation Area; this is also a designated heritage asset. The chapel is on the east side of Church Street, in close proximity to the Listed C13th and C14th St Columba's Church that is Listed Grade II star and is therefore considered to be a particularly important building of more than special interest (5.5% of listed buildings are Grade II*). There are other Listed Buildings including The Old School at St Columba's (Grade II) and Walkers Ground and The Mount both Grade II on Church Street. There are 9 further Listed Buildings within the village of Topcliffe on Long Street and Front Street. There are no non-designated heritage assets recorded in the village.

- 5.6 On assessment of the application and in the light of guidance within the Planning Practice Guidance, it is considered that the development would lead to less than substantial harm to heritage assets. The building is designated as a Listed Building Grade II wherein it is primarily included for its group value. It is the external features of the building, inclusive of the red brick in Flemish bond, Welsh slate roof, central double leaf four panel door and round headed sash windows which are noted to be of special interest. The proposal seeks to retain and make good these original features.

The demolition of the adjoining 'school room' is harmful as it will (i) result in a loss of historic fabric, (ii) remove a building that is part of the evolution of the building and use of the site, (iii) will change the appearance of the building that has intrinsic merit in the detailing of windows, roof line, brick and slate materials that strongly reflect the age and use of the Wesleyan Methodist Chapel, (iv) result in the loss of a significant part of an historic building within the setting of the Listed Church and within the Topcliffe Conservation Area. Although the proposal is considered to result in harm as the proposal shows the retention of the northern and eastern wall of the school room and does not result in the demolition of the Chapel itself the harm is not "substantial harm". In the case of a proposal that results in "less than substantial harm" the proposal is to be weighed against the public benefits of the proposal as noted above.

- 5.7 The chimney stack to the east has been the subject of a previous alteration. The proposal specifies a 900mm increase in the height to allow the stack to draw more efficiently, though in the proposed layout the chimney stack is not shown to be re-used as a flue to a fire. This is likely to be consistent with the original historic form and consequently no objections are raised. The works to facilitate the conversion are concentrated internally. The loss of 'school room' as noted is a significant change.
- 5.8 The sympathetic and modest nature of the proposed internal works are such that the scheme is considered to preserve the special interest of the two storey element of the Listed Building however the removal of the front wall and roof of the 'school room' would result in harm.
- 5.9 The proposed development would provide for a new use of the building that would be likely to secure the long term maintenance of the building. Securing the long term use and maintenance is a public benefit of the scheme that must be weighed against the harm to the heritage asset.

Loss of the community facility

- 5.10 The LDF seeks to encourage more sustainable settlements and communities. This is secured in part by the provision of facilities such as village halls, schools, nurseries, places of worship, public houses and post offices, all of which play an important role in the social and cultural infrastructure of a settlement. The LDF places a presumption against the loss of such community assets. However, exceptions may be considered under the following criteria of policy DP5:
- i There is a demonstrable lack of community need for the facility, and the site or building is not needed for an alternative community use; or
 - ii Retention of the community facility is clearly demonstrated not to be financially viable when operated either by the current occupier or by any alternative occupier; or
 - iii An alternative facility is provided, or facilities are combined with other facilities, which meets identified needs in an appropriately accessible location.
- 5.11 In this instance Topcliffe is served by a range of community facilities including St Columba's Church, which lies to the immediate west; the village hall to the north east

and a public house, post office and surgery, all of which are located in close proximity on the southern side of Long Street.

- 5.12 The application is made by the Methodist Church and it is considered that the Church is well placed to determine whether the chapel in Topcliffe is necessary to meet the needs of the Methodist community and whether an alternative place of worship can meet the needs of the local community. No representations have been received that make the case that the building should be retained in the current use or for any other community use. It is acknowledged that the Methodist Church and Church of England share resources and it is considered that the availability of St Columba's Church, combined with a range of other facilities, as outlined above, are such that the loss of the former Methodist Church is considered to be acceptable in this instance and permissible under the LDF Core Strategy Policy CP2 and Development Policy DP5.

Amenity

- 5.13 Development Policy DP1 requires that all development proposals adequately protect neighbouring land users in terms of privacy, security, noise, disturbance, pollution, odours and light.
- 5.14 The proposed use of the premises for residential purposes is consistent with the established characteristics of the area. In turn, the relationship of the building, the position of existing openings relative to neighbouring land users and the limited nature of the external changes so far as they relate to changes to openings are such that the development is not considered to be prejudicial to the amenity of neighbours.
- 5.15 Policy DP1 also requires that new development make provision for the basic amenity needs of occupants and with an adequate level of open space for the use of occupants of the development. It was previously noted in the 2017 Planning Report that: "In light of the limited amenity space the use of the building as self-contained apartments is considered to be logical, as opposed to that of a family home." The proposal now made is for a family home and is therefore considered to be less appropriate than the scheme previously submitted due to the mis-match between the expectation of a four bedroom family home and the very limited provision of amenity and storage space around the property. Use of the south facing open space for the storage of domestic paraphernalia would be harmful to the character and appearance of the Listed Building and Conservation Area and use of the space for storage and in the event of approval of the development should be controlled by condition. The space on the north side 12.5m x 4.7m that is available for parking, storage and amenity would not leave sufficient space for sitting out, drying of clothes or other storage and the proposal is therefore considered to be a breach of the requirements of Policy DP1.

Highway safety and parking

- 5.16 Core Strategy Policy CP2 and Development Policies DP3 and DP4 seek, in part, to achieve minimum levels of car parking commensurate with road safety. Concerns had been expressed at the time of the previous application by local residents and the Highway Authority regarding the lack of any off street parking within the site and the impact this is likely to have upon existing residents and the safety of road users. This issue constituted the reason for refusal of the previous application in 2015; prior to the 2017 application a survey was carried out to illustrate the availability of parking in the vicinity of the site. This concluded that space was available locally and that with restriction (achieved by a Traffic Regulation Order, for double yellow lines near to the Chapel) to prevent congestion on the southernmost part of Church Street the development could be approved for the creation of 3 apartments.

- 5.17 The site in its present form has no designated off-street parking and the lawful use of the premises as a place of worship is likely to have generated a number of vehicular movements. Moreover, the former Methodist Church is defined under The Town and Country Planning (Use Classes) Order 1987 as a Non-Residential Institution (Use Class D2) wherein the premises could be occupied for an alternative purpose such as a clinic, nursery, crèche or training centre without the need for planning permission. The use of the premises for such purposes would be likely to generate a significant number of vehicular movements. Consequently, the Council must be mindful of the lawful use of the premises, the potential use of the premises and the vehicular movements associated with those uses.
- 5.18 The proposed use of the premises, as a 4 bedroom dwelling, would not be likely to generate a greater number of vehicular movements than that which would otherwise be created by the former Methodist Church or an alternative Non-Residential Institution (Use Class D2) but would spread the movements and parking demands over a more regular daily pattern of activity rather than intensely concentrated at specific times as could be the case with the lawful use of the premises. The behaviour of vehicle users would also differ. Attendees of the Church or potential alternative Class D2 uses would be likely to accept the lack of on-site vehicular parking and that a degree of walking would be required. Occupiers of a dwelling would most likely wish to park their vehicles nearer the site. The highway infrastructure surrounding the site includes few parking or waiting restrictions, therefore the potential for stationary vehicles to impede the flow of traffic is high. This is compounded by the level of visibility at the junction between Church Street and Long Street, which has necessitated the use of a stop sign for drivers exiting Church Street onto Long Street. There is the potential for parked cars to further reduce visibility at this junction.
- 5.19 The Local Highway Authority in their response in 2017 acknowledged the findings of the parking survey that demonstrated the availability of on street parking on Long Street that would be available to future occupants of the development. However concern remained because of the temptation to park as close as possible to the property. This resulted in the recommendation that a condition be applied to require a Traffic Regulation Order (TRO) to introduce waiting restrictions be completed and implemented prior to the development being brought into use. (The standard tests regarding the use of conditions require that they are reasonable in all respects, the process by which the traffic order would be achieved includes public consultation, a condition of this nature would therefore require the applicant to carry out works that are not within their gift and a condition that required a traffic order to be achieved and implemented could not therefore be considered reasonable. It is, however, possible to impose a planning condition that prevents occupation of the units until such time as a TRO is in place; this prevents the harm of additional residential on-street parking but does not require the applicant to carry out works that are not within their gift). The applicant (the same applicant now as in the 2017 application) has not made an application for a TRO.
- 5.20 In this revised scheme the provision of two on-site parking spaces has been accepted by the Local Highway Authority to be acceptable for the proposal and have not sought to introduce parking controls.
- 5.21 Concern had previously been raised that the front door of the Chapel opens on to Church Street and that a visitor to the property would be exposed to the danger of traffic. The revised proposals include a side access door from the proposed parking spaces and reduce the risk to pedestrians.

Design

- 5.22 One of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."
- 5.23 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.24 The National Planning Policy Framework Planning supports this approach and, at paragraph 130, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 5.25 With the exception of the removal of the 'school room' it is considered that the design proposals are sympathetic with most of the original external form of the building retained with only minimal alteration. The proposal would not result in the loss of identity or distinctiveness when viewed from Long Street.

Ecology

- 5.26 A bat survey undertaken in 2015 has been submitted in support of the application, whilst the report is now significantly beyond the date for update it usefully recorded that the building had negligible to low bat roost potential. Whilst there has been a significant period of non-use the building is unchanged and due to the treatment of the internal face of the roofing slates with foam insulation the potential for bats to roost in the building remains low.

Public benefits

- 5.27 The public benefits arising from the scheme are i) the likelihood of improved maintenance and ii) the long term re-use of a Listed Building and iii) to provide a new home in a sustainable location. The harm caused to the significance of the heritage asset through the loss of historic fabric to the Grade II listed building, the impact upon the character and appearance of the Topcliffe Conservation Area and the setting of the neighbouring Grade II* Listed St Columba's Church must be given great weight and importance. It is found that the harm is not outweighed by the public benefits.

Planning balance

- 5.28 The previous resolution of approval for the creation of 3 apartments provided public benefits, a likelihood of maintenance and long term re-use of the Grade II Listed Building and new homes in a sustainable location without the partial demolition of a Grade II Listed Building. The failure to make an application for a Traffic Regulation Order to reduce the potential for congestion of Church Street has precluded the issue of the necessary planning approval and Listed Building Consent.
- 5.29 The scheme would result in modest economic gains through the works to convert the building and would result in social gains through the creation of an additional dwelling. However the development would cause harm to the environment by failing to respect the heritage and this outweighs the benefits of the proposed scheme. The

proposal fails to meet the tests of the LDF Policies and the tests set out in the NPPF and on balance must be recommended for refusal.

6.0 RECOMMENDATION:

6.1 That subject to any outstanding consultations the application be **REFUSED**

The reasons are:-

1. The proposed development would result in less than substantial harm to designated heritage assets and that harm is not outweighed by the public benefits of the scheme and is therefore contrary to the Hambleton Local Development Framework Policies CP16, DP28 and the NPPF.

2. The proposed development fails to provide private amenity space and open space to meet the basic amenity needs of occupants of the development and is therefore contrary to the Hambleton Local Development Framework Policies CP1 and DP1.