

Parish: Felixkirk
Ward: Bagby & Thorntons
5

Committee Date : 10 December 2015
Officer dealing : S Leeming
Target Date: 4 November 2015

15/02034/FUL and 15/02035/LBC

Applications for planning and Listed Building Consent for alterations and extension and change of use of Village Hall to dwelling as amended by plans received by Hambleton District Council on 16 November 2015.

**at Felixkirk Church Hall Felixkirk North Yorkshire
for on behalf of Felixkirk Church of England PPC, Diocese Of York.**

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 These applications seek planning permission and Listed Building Consent to alter and extend and change the use of Felixkirk Church Hall to form a detached dwelling. The building is Grade II Listed and is located within the Felixkirk Conservation Area.

1.2 The proposals as amended are to demolish the existing rear extension and to replace this with a single storey extension (of York Handmade bricks and reused and reclaimed slates) to form a kitchen and dining room. Internally an additional floor is proposed to be created with 2 new first floor windows one to each side and 3 roof lights added to the rear. The proposal is to form a dwelling with one bedroom/study at ground floor level and 2 on the first floor.

1.3 Externally 2 car parking spaces are proposed to be sited on a hardstanding area at the rear with gardens to the front and side. The main frontage of the garden is to be kept open.

2.0 RELEVANT HISTORY

2.1 None relevant

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
Development Policies DP1 - Protecting amenity
Core Strategy Policy CP3 - Community assets
Development Policies DP5 - Community facilities
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Development Policies DP28 - Conservation
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP32 - General design
Interim Guidance Note - adopted by Council on 7th April 2015

4.0 CONSULTATIONS

4.1 Parish Council - no response, but have indicated they hope to respond to the amended plans following their meeting on 16 December 2015.

4.2 EHO - no objections

4.3 NYCC Highways - verbally expressed concerns about plans as initially submitted due to location of proposed garage. This has now been omitted from the plans and their views on the amended plans are awaited.

- 4.4 Felixkirk Social Group have responded as follows "We have grave concerns about this proposal which would deprive the community of a much loved Village facility. Over the years the community has invested a lot of time and money in improving and maintaining the building, and thought the people of the village collectively owned the Hall. Indeed the Church has never been able to prove that it does own the building.

The memory of older villagers is that it was purchased in the 1950's by the then Vicar for £5 on behalf of the community for community use. The heritage statement within the planning application states that the Hall is a little used facility, but it wasn't always so. This is a relatively recent even and is largely a result of the uncertainty created by the PPC in stating their intention to sell the property.

Over the years the Hall has been well used by local people. The idea that this could be replaced by Sutton Village Hall which lies two miles away is not a viable option for many people in our community. Felixkirk is not served by public transport and therefore those that don't drive or who are less mobile would not be able to access a community facility, increasing social exclusion and isolation."

- 4.5 Neighbours/site notice/advert - 2 responses received both of which support the principle of conversion to a dwelling ("The Hall is no longer fit for purpose it lacks access suitable for disabled people and appropriate toilet and kitchen facilities. The maintenance of this building is clearly a drain on the resources of the PCC which could be better used on the church") but the objections related to the position of the proposed garage and the fact that it would prove difficult to access, block visibility and be out of keeping with the listed building and conservation Area. Any further comments on the amended plans (which have omitted the garage) are awaited.

5.0 OBSERVATIONS

- 5.1 The main issues for consideration in this case relate to the principle of the change of use resulting in the loss of a community facility, together with any impact upon the historic character of the Listed Building and the surrounding Conservation Area. In addition any impact upon neighbours' amenities and highway safety must also be considered.

- 5.2 Felixkirk is not a settlement with development limits as designated under policy CP4. The Interim Policy on Housing however states that "Small scale housing development will be supported in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community AND where it meets ALL of the following criteria:

1. Development should be located where it will support local services including services in a village nearby.
2. Development must be small in scale, reflecting the existing built form and character of the village.
3. Development must not have a detrimental impact on the natural, built and historic environment.
4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
6. Development must conform with all other relevant LDF policies."

Further to this it explains that small scale development "adjacent to the main built form of a settlement will be supported" and that "development should not compromise the open and rural character of the countryside".

- 5.3 In this case there is firstly the concern that the proposal will result in the loss of a village service (whilst hopefully supporting the remaining village facility, the Pub) but it is considered that as one dwelling only it is small scale and as a conversion within a central part of the village it will reflect the existing built form of the village and not harm the surrounding countryside. Its impact upon the historic environment will be discussed in greater detail later in this report.
- 5.4 The existing Church Hall is still being used as a community hall within the village. The Felixkirk Social group nominated this to become an Asset of Community Value in 2012 as there had been a previous attempt by the PCC to sell the Hall. The Social Group considered that "It is the only non-licensed venue for social events within the Village and has been used as a Village Hall for the past 50 to 60 years. In the past few years the Hall has been increasingly used by residents of the village and surrounding area for community events including the Big Lunch, celebration of the Royal Wedding and Diamond Jubilee, New Year's Eve celebrations and numerous other events throughout the year, attracting between 30 and 40 people at each event. These have been organised by the Felixkirk Social Group and have been open to all people from the village and surrounding area. They have served to bring the community closer together and engender a community spirit amongst people who otherwise may not have the opportunity to meet other residents. Much of the profits from the events were donated back to the Hall for upkeep and maintenance." The Social Group have again objected to the proposal to change the use of the Hall and the loss of this valuable community asset which must be considered under policies CP3 and DP5.
- 5.5 Policy DP5 states that development leading to the loss of a community facility will only be permitted if:
- 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.
- The involvement of the local community will be sought in identifying the importance of local facilities and in developing appropriate solutions for their retention and enhancement.
- 5.6 In this case the applicants have submitted details clarifying the frequency of use of the Hall and detailed how this has been reducing in frequency with events such as village dances and use as a Polling Station no longer taking place at this Hall and more commonly now events are held at the recently constructed Sutton under Whitestonecliffe Village Hall.
- 5.7 The applicants have set out how they have made attempts to find partner(s) to increase the use and viability of the hall as a community venue but have been unsuccessful. They explain that the few events run from the Hall now generate far less money in rental income than it costs to run and maintain the Hall, noting that the rental income in the last year was about £200 and that does not cover the cost of insurance and such matters as servicing of fire extinguishers and does not enable investment in the fabric of the building. There is compelling evidence of a low level of use that is implicit of a low level of need. The rental income when set against the costs of running the building show that it is not economically viable.
- 5.8 The applicants have provided evidence to show that the building is owned by the PCC of the Parish of Felixkirk and that they are bound by the covenant on the sale that any money raised from the sale of the building be used for ecclesiastical

purposes to benefit the Parish (Felixkirk). Whilst there is strong objection to the loss of this community asset from the local Social Group and the loss of any community asset is regrettable it is considered that on balance it has been proved that this is no longer needed, is not financially viable and that there is an alternative Hall albeit at some distance and less accessibly within the neighbouring village of Sutton-under-Whitestonecliffe.

- 5.9 It must also be noted however that under Policy CP4 an exception for residential development outside Development Limits may be allowed where "It is necessary to secure a significant improvement to the environment or the conservation of a feature of acknowledged importance". In this case it is considered that the Church Hall being a Listed Building within a prominent location within the Conservation Area is of some considerable importance and with this proposal resulting in the continued retention and use and the appropriate alteration of the Hall (which it is feared may otherwise continue to fall into disrepair and a possible lack of use) the principle of the change of use is on balance considered acceptable under the terms of CP4.
- 5.10 Regarding the alterations and extensions proposed, the amendments made to the plans now propose a single storey extension of an appropriate small scale and of a design and materials which satisfactorily respect the historic character of the Listed Building through the use of appropriate design detailing, and overall appearance. The windows proposed and the method of forming the additional first floor area will satisfactorily retain the original historic fabric of this Listed Building. The dwelling is located within a prominent central part of the Conservation Area on which is a presently open site. The proposal is to retain the openness to the front of the building by setting the garden boundary fence back level with the main part of the building and this together with siting the parking spaces to the rear should satisfactorily respect the character and appearance of the Conservation Area.
- 5.11 The location of the property means it has no direct neighbours who may be impacted through any overlooking or other loss of amenity. The views of NYCC Highways relating to the amended plans are awaited. Subject to the outstanding consultation responses approval is recommended.

6.0 RECOMMENDATION:

- 6.1 That subject to any outstanding consultations the application be **GRANTED** Planning Permission subject to the following condition(s)

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
3. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered 223/04A received by Hambleton District Council on 16 November 2015 unless otherwise approved in writing by the Local Planning Authority.
4. The development shall not be commenced until details relating to boundary walls, fences and other means of enclosure for all parts of the

development have been submitted to and approved in writing by the Local Planning Authority. No part of the boundary treatments proposed shall be positioned further forward on the site than the main original front elevation of the building.

5. No dwelling shall be occupied until the boundary walls, fences and other means of enclosure have been constructed in accordance with the details approved in accordance with condition 4 above. All boundary walls, fences and other means of enclosure shall be retained and no part thereof shall be removed without the prior consent of the Local Planning Authority.

The reasons for the above conditions are:-

1. 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. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.

3. 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 Development Plan Policy(ies) DP28 and DP32.

4. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.

5. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.

6.2 That subject to any outstanding consultations the application be **GRANTED** Listed Building Consent subject to the following condition(s)

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

2. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.

3. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered 223/04A received by Hambleton District Council on 16 November 2015 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:-

1. To ensure compliance with Section 18A of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
3. 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 Development Plan Policy(ies) DP28 and DP32.