

Parish: Topcliffe
Ward: Sowerby & Topcliffe
15

Committee date: 12 October 2017
Officer dealing: Laura Chambers
Target date: 24 May 2017

17/00578/FUL

**Revised application for alterations to chapel to form three apartments
At Topcliffe Methodist Church, Church Street, Topcliffe
For The Methodist Church, Thirsk & Northallerton Circuit**

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application property is a former Methodist chapel located at the junction of Long Street and Church Street, within the development limits of Topcliffe at the south east 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 three apartments. This application is accompanied by an associated application for listed building consent.
- 1.3 Conversion of the building to form three apartments would be achieved by introducing a series of partitions to create two units at ground floor level. A new floor structure would be introduced at both first and second floor level, with the space subdivided by further partitions to create the third unit across the two upper floors.
- 1.4 The external alterations proposed to facilitate the conversion include the introduction of five roof lights across the northern roof slope and an increase in height to the chimney stack on the eastern elevation of the building by 0.9m to reinstate its use. The small area of garden to the south of the building would remain as it is; there is no other outside space associated with the 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 17/00579/LBC - Listed Building Consent for alterations to chapel to form three apartments; Pending decision.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Policy CP1 – Sustainable Development
Core Policy CP2 – Access
Core Policy CP4 – Settlement Hierarchy

Core Policy CP7 – Phasing of Housing
Core Policy CP8 – Type, Size and Tenure of Housing
Core Policy CP13 – Market Town Regeneration
Core Policy CP16 – Protecting and Enhancing Natural and Man-made Assets
Core Policy CP17 – Promoting High Quality Design
Development Policy DP1 – Protecting Amenity
Development Policy DP3 – Site Accessibility
Development Policy DP4 – Access for All
Development Policy DP5 – Community Facilities
Development Policy DP8 – Development Limits
Development Policy DP10 – Form and Character of Settlements
Development Policy DP12 – Delivering Housing on Brownfield Land
Development Policy DP13 – Achieving and maintaining the right mix of housing
Development Policy DP28 – Conservation
Development Policy DP32 – General Design
National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Parish Council – No comments received.
- 4.2 Highway Authority – No objection subject to conditions including a requirement for a Traffic Regulation Order to introduce parking restrictions around the junction of Church Street and Long Street.
- 4.3 Yorkshire Water – No comments received.
- 4.4 Environmental Health Officer – No objection.
- 4.5 Public comments – Three objections have been received, summarised below:
- Increased use of a doorway in the building would and impact on the safety of the private driveway to the rear of the site;
 - Loss of property value;
 - The parking survey does not reflect the current situation as formerly vacant properties are now occupied; and
 - There is insufficient space for bin storage.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of development; (ii) the loss of community facilities; (iii) neighbour amenity; (iv) highway safety and parking; and (v) design and heritage issues.

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 residential development is acceptable in principle subject to an assessment of other relevant policy tests.

Loss of the community facility

- 5.3 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.

5.4 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.

5.5 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. 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.

Neighbour amenity

5.6 Development Policy DP1 requires that all development proposals adequately protect neighbouring land users in terms of privacy, security, noise, disturbance, pollution, odours and light.

5.7 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 are such that the development is not considered to be prejudicial to amenity.

5.8 In response to concerns voiced in respect of waste, the application indicates that a suitable bin store will be provided to the north east, within the envelope of the building.

Highway safety and parking

5.9 Core Strategy Policy CP2 and Development Policies DP3 and DP4 seek, in part, to achieve minimum levels of car parking commensurate with road safety. As noted within section 4 of this report concerns have been expressed 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 for this form of development in 2015; as such the applicant has since carried out a survey to illustrate the availability of parking in the vicinity of the site.

5.10 Firstly, it should be noted that 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.

- 5.11 The proposed use of the premises, to house three self-contained residential units, 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 them 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 the residential use 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.
- 5.12 The Highway Authority acknowledges the findings of the parking survey demonstrate an availability of on street parking on Long Street that would be available to future occupants of the development. However its concern regarding the temptation to park as close as possible to the property has resulted in the recommendation that a condition is 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.
- 5.13 It is highlighted by neighbouring occupiers that the application site immediately abuts a private drive, over which existing doorways to the building open. Concerns are raised that a domestic use would intensify the level of use associated with those doorways and may therefore create a hazard for drivers using the private drive. Evidently drivers would need to exercise caution, however this is an existing situation and use of the doors could be increased by a range of other Class D2 uses that would not require planning permission, as outlined earlier. The area of land outside the building is not in the ownership of the applicant and does not form part of the application site, it would be for existing or future owners to establish any private rights of access that may exist and whether these would be applicable to future uses of the building. Any sort of boundary dispute that may result from this would be a civil matter and not one that could influence the determination of a planning application.

Design and heritage

- 5.14 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."

- 5.15 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.
- 5.16 The National Planning Policy Framework Planning supports this approach and, at paragraph 64, 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.
- 5.17 The submitted statement outlines the design features of the building that enhance its character and those that have influenced the design of the proposal. Given the development would see the conversion of a building with little outside space, there would be limited options available in terms of achieving the proposed residential use. As such the statement does not make assessment of alternative options. It is noted however, that the original external form of the building would be only minimally altered with the roof lights proposed being in the least conspicuous location to the rear, and that internally the original spaces would be referenced so it is apparent the form the building originally took.

Heritage assets

- 5.18 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.
- 5.19 On assessment of the application it is considered that it 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.
- 5.20 The proposed roof lights to the northern roof plane are designed to provide a source of natural light, forming a series of modest breaks within the roof plane. The detailing of the roof lights, finished flush to the plane of the roof, is considered to be appropriate to the historic significance of the building.
- 5.21 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. 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. No features of recorded value would be lost. 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.
- 5.25 The sympathetic and modest nature of the proposed works are such that the scheme is considered to preserve the special interest of this Listed Building and surrounding conservation area, whilst promoting a high standard of design in accordance with LDF Core Strategy Policies CP16 and CP17 and Development Policies DP28 and DP32. Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

- 5.26 The proposed development would see a viable use for a currently vacant building being secured without an appreciable loss of community facilities or detriment to the historic value and character of the listed building or the conservation area it is within. The remaining outstanding issue is that of the potential for parking to impede safe use of the adjacent highway. Waiting restrictions would discourage this and ensure vehicles are only parked in a suitable location elsewhere. Whilst it is not possible to require the applicant to do this, it is possible to prevent the apartments being occupied without a TRO having been made; therefore equal protection can be secured.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) and/or details received by Hambleton District Council on 07/03/17 unless otherwise agreed in writing by the Local Planning Authority.
 3. All doors and windows on elevations of the building(s) adjacent to the existing and/or proposed highway shall be constructed and installed such that from the level of the adjacent highway for a height of 2.4 metres they do not open over the public highway and above 2.4 metres no part of an open door or window shall come within 0.5 metres of the carriageway. Any future replacement doors and windows shall also comply with this requirement.
 4. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Local Highway Authority. The approved Statement shall be adhered to throughout the construction period. The statement shall provide for the following: (a) the parking of vehicles of site operatives and visitors; (b) loading and unloading and materials; (c) storage of materials used in constructing the development; and (d) erection and maintenance of security hoarding and scaffolding where appropriate.
 5. The recommendations of the Quants Environmental Bat Survey dated 27/03/17 shall be followed during construction of the development hereby approved.
 6. None of the apartments hereby approved shall be occupied until a Traffic Regulation Order restricting on-street parking around the junction of Church Street and Long Street has been implemented.

The reasons are:

1. To ensure compliance with Section 18A of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. 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 Policies CP1 and CP17.
3. In accordance with Policy CP2 and to protect pedestrians and other highway users.
4. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

5. In the interests of bat protection.
6. In the interests of highway safety

Informatives

1. This planning permission is liable to the Community Infrastructure Levy adopted by Hambleton District Council on 7th April 2015.
2. The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, the following bins and recycling box conforming to European Standard EN840 should be provided by the developer for the exclusive use of the occupants of that dwelling:

1 x 240 litre black wheeled bin for general waste
1 x 240 litre black wheeled bin with a blue lid for mixed household recycling; and
1 x 55 litre blue recycling box for glass bottles and jars.

In order to guarantee EN840 compliance the Council will only collect from bins and boxes sourced from Hambleton District Council - Waste and Streetscene.

If the developer does not pay for bins and boxes, each new resident will be required to pay for them. In the event that no payment is made, the Council will not collect waste and recycling from the dwelling concerned

Further details of the Council's Waste and Recycling Collection Policy and the charges for bins and boxes is available at www.hambleton.gov.uk or by telephoning 01609 779977.