

# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION NO:</b>	<b>6/2010/0337/DM</b>
<b>FULL APPLICATION DESCRIPTION:</b>	<b>Change of use of redundant chapel to 3 No bedroom dwelling Lands Methodist Chapel, High Lands, Cockfield</b>
<b>NAME OF APPLICANT:</b>	Bishop Auckland Methodist Circuit
<b>ADDRESS:</b>	23 Cockton Hill Road Bishop Auckland Co Durham DL14 6EN
<b>ELECTORAL DIVISION:</b>	Evenwood
<b>CASE OFFICER:</b>	<b>Adam Williamson Planning Officer 01388 761970 Adam.williamson@durham.gov.uk</b>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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This application is reported to committee because of a Parish Council objection.

The application site consists of a rectangular stone former chapel located at High Lands, Cockfield. The building has a front entrance porch and a vestry/meeting room to the rear. To the highway the porch abuts the footpath, with 500mm high dwarf stone walls forming the remainder of the front boundary. To the rear of the chapel is a stone built mono pitch outbuilding. To the north of the site is open space containing a children's play area, with the village hall beyond. To the south of the site is Sunnycrest, which is a bungalow and is approximately 15 metres from the application site. To the west of the site is open agricultural land. The site lies in the open countryside.

Planning permission is sought for the change of use of the chapel to form a three bedroom dwelling. Externally it is proposed to remove the window above the entrance porch, insert 6 rooflights, and demolish the outbuildings to the rear of the chapel. No extensions are proposed.

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## PLANNING HISTORY

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None

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## PLANNING POLICY

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**Planning Policy Statement 1: Delivering Sustainable Development** sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.

**Planning Policy Statement 3: Housing** sets out the national policy and guidance on applications relating to the provision of housing

**Planning Policy Statement 7: Sustainable Development in Rural Areas** sets out the national policies specific to planning in rural areas.

**Planning Policy Statement 9: Biodiversity and Geological Conservation** sets out planning policies on protection of biodiversity and geological conservation through the planning system.

LOCAL PLAN POLICY:

**GD1 General Development Criteria** Sets out the General Development Criteria against which applications are determined.

**BENV13 Change of use or conversion of a building in the countryside** Identifies criteria which change of use or conversions of buildings in the countryside should follow.

**BENV14 Change of use or conversion of a building in the countryside to residential use.** Demonstrates acceptable marketing criteria.

**ENV1 Protection of the Countryside** Seeks to protect the countryside from inappropriate development.

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*The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at [www.durham.gov.uk](http://www.durham.gov.uk)*

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## CONSULTATION AND PUBLICITY RESPONSES

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**STATUTORY RESPONSES:**

Natural England: No objection subject to;

No development shall take place unless in accordance with the mitigation detailed within the protected species report '*Bat Survey for Development Purposes at: Lands Methodist Church, High Lands, Cockfield, County Durham*', *Dendra consulting Ltd., 14<sup>th</sup> October 2010*' including, but not restricted to adherence to spatial restrictions; provision of mitigation in advance, adherence to precautionary working methods; retention of existing roost space in loft; mitigation measures included on architect's plans.

Evenwood Parish Council: "The residents believe that no planning application should be considered whilst the outstanding issue of how the Chapel was classed as redundant and then sold. This dispute is on going and until resolved nothing should be actioned. There are also concerns over the 2 parking spaces, mentioned but not shown on the plans. Concern that the spaces could be on road of in an area that will restrict access to the neighbouring property. Issues over the drainage and whether it could support a residential dwelling. "

Northumbrian Water: No objection

**INTERNAL CONSULTEE RESPONSES:**

None

**PUBLIC RESPONSES:**

The Parish Council's objection is also on behalf of 22 names.

3 separate letters of objection have also been received, the details of which are summarised below:

- a) No costings were taken for the work to put the building in order.
- b) The decision to close the building was taken without consultation with the congregation and wider community.
- c) We are concerned that the development of the site will lead to loss of privacy.
- d) We cannot see where the two parking spaces detailed on the planning application are, other than the main road outside the property.
- e) When the property was advertised in 2008 we contacted Smiths Gore to ask for information with the view to evaluating the potential as a holiday cottage. Smiths Gore said they did not wish to receive offers for business purposes as this was not the sellers wish.

**APPLICANT'S STATEMENT:**

On 30<sup>th</sup> October 2007 a decision was made by the Methodist Church to cease worship at the Chapel and thereby rendering it redundant. The Chapel has been marketed for 19 months with no offers received for its purchase.

Concerns have been raised with respect to the dangerous condition of the rear outbuildings to the Chapel in the Quinquennial Inspection Report dated October 2007 and various attempts to gain access over adjoining land have been denied. The latter have continued to deteriorate as has the interior of the chapel.

As a registered charity the Methodist Church has a duty to seek best value for its property in offering it for sale, hence the pursuit of planning permission for conversion to a dwelling.

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*The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at (<http://teesdale.planning-register.co.uk/>). Officer analysis of the issues raised and discussion as to their relevance to the proposal and recommendation made is contained below*

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**PLANNING CONSIDERATIONS AND ASSESSMENT**

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Principle of development

The policies which relate to this type of development include Policies BENV13, BENV14 and ENV1 of the Teesdale District Local Plan. The conversion of rural buildings is generally supported provided that there is no other more suitable use for the building, the building is attractive and suitable for conversion and the project complies with sustainability guidelines.

The applicant has advertised the building for more than 12 months in accordance with Policy

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BENV14 of the Teesdale District Local Plan and as such the use of the buildings for residential use may be acceptable in principle where it meets the requirements of other policies, including Policy BENV13 contained within the Plan.

#### Capability of conversion

The agent has submitted a structural survey which concludes that the building is structurally sound and from my site visit this would appear to be the case. Little therefore needs to be done to the main original fabric to preserve its future and is considered a good example of a building capable of being revitalised without significant change of character or disturbance to the original fabric. The proposals do not seek to make vast alterations to this, other than to repair to its original form and make the building suitable for habitation. There are no extensions proposed to the building therefore it is considered that the chapel could be converted without significant impact on the landscape. The chapel has been marketed in accordance with Policy BENV14 of the Teesdale Local Plan without any interest being shown.

#### Residential amenity

The site is removed from nearby residential properties, the nearest dwelling is 15 metres to the south and 60 metres to the north, and the proposal for this reason would not have the potential to adversely impact upon the living conditions of occupiers of nearby dwellings.

The relationship between the application site and the existing dwelling to the south would remain unaltered. It is considered that the change of use to a dwelling would not compromise the residential amenity of neighbouring residents. The proposal accords with policy GD1 of the Teesdale District Local Plan.

The submitted block plan shows that the proposed dwelling would be served by a garden to the west of the building. The proposed garden would measure approximately 45 square metres. This is considered to be an adequate level of provision. The proposal accords with policy GD1 of the Teesdale District Local Plan.

#### External appearance

As the only external alterations are to remove the window above the entrance porch, insert 6 rooflights, and demolish the outbuildings to the rear of the chapel, it is considered that the ecclesiastical character of the building will be retained and the proposed alterations would be small scale in their impact upon the building, and would be in keeping with the existing building and the surrounding area. The proposal accords with policy GD1 of the Teesdale District Local Plan.

#### Protected species

The presence of protected species such as bats and barn owls is a material consideration, in accordance with Circular 06/05 to PPS9 Biodiversity and Geological Conservation. The requirements of the Habitats Directive were brought into effect by the Conservation (Natural Habitats etc) Regulations 1994. These regulations established a regime for dealing with derogations which involved the setting up of a licensing regime administered by Natural England. Under the requirements of the Regulations, it is a criminal offence to kill, injure or disturb the nesting or breeding places of protected species unless it is carried out with the benefit of a licence from Natural England.

The species protection provisions of the Habitats Directive, as implemented by the

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conservation (Natural Habitats Etc.) Regulations 1994, contain three "derogation tests" which must be applied by Natural England when deciding whether to grant a licence to a person carrying out an activity which would harm an European Protected Species (EPS). For development activities this licence is normally obtained after planning permission has been granted. The three tests are that:

- the activity to be licensed must be for imperative reasons of overriding public interest or for public health and safety;
- there must be no satisfactory alternative; and
- favourable conservation status of the species must be maintained.

Notwithstanding the licensing regime, the Local Planning Authority (LPA) must discharge its duty under Regulation 3(4) and also address its mind to these three tests when deciding whether to grant planning permission for a development which could harm an EPS. A LPA failing to do so would be in breach of Regulation 3(4) of the 1994 Regulations which requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions.

As there was a danger that the resting place of bats, which are a protected species, may be disturbed by the proposed development, the applicant has submitted a protected species survey. The Protected Species survey has been forwarded to Natural England, who raise no objection to the proposed scheme as the survey has found that there are no protected species present in the building. Given this, there is no requirement to obtain a licence from Natural England and therefore the granting of planning permission would not constitute a breach of the Conservation (Natural Habitats etc) Regulations 1994.

#### Other Issues Raised

Objections have been received in respect of the closure of the chapel without the proper consultation with the community and the congregation. This is not a matter for the planning system; this would be a civil matter.

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## **CONCLUSION**

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1. The applicant has advertised the building for more than 12 months in accordance with Policy BENV14 of the Teesdale District Local Plan and as such the use of the buildings for residential use may be acceptable in principle where it meets the requirements of other policies, including Policy BENV13 contained within the Plan.
2. It is considered that the proposed external alterations would be sympathetic to the original building and would be in keeping with the buildings character. The proposal accords with policies GD1 and BENV13 and BENV14 of the Teesdale District Local Plan.
3. The nearest dwellings to the application site are located approximately 15 metres to the south and 60 metres to the north of the site, and this relationship will not alter as a result of the proposal. Given that it is considered that there would be no loss of privacy or overbearing impact created as a result of the proposal. The scheme accords with policies GD1 of the Teesdale District Local Plan.

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4. There would be sufficient private amenity space created to serve the development. The proposal accords with policy GD1 of the Teesdale District Local Plan

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## **RECOMMENDATION**

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Recommendation that the application is:

### **APPROVED subject to the following conditions and reasons:**

#### **Conditions**

1. The development hereby approved shall be carried out in strict accordance with the following approved plans unless otherwise agreed in writing with the local planning authority:

<b>Plan Ref No.</b>	<b>Description</b>	<b>Date Received</b>
	Site Location Plan	20.10.2010
03	Proposed layout- Ground floor	20.10.2010
05	Proposed elevations	20.10.2010
04	Proposed layout- First floor	20.10.2010

2. All alterations to the elevational appearance of the existing building shall be made good using materials to match those of the existing building.
3. Prior to the commencement of any works, detailed drawings of the new and/ or replacement windows shall be submitted to and approved in writing by the Local Planning Authority. Window details shall include sections showing the positions of the windows in relation to the face of the wall, depth of reveal together with sill details. Where applicable details shall include sections of glazing bars and frame mouldings. The development shall thereafter be implemented in accordance with the approved details.
4. For the avoidance of doubt and to maintain the character of the building. Notwithstanding the details included on the approved plans, the following design requirements shall be incorporated into the proposed scheme:
  - a) all external doors shall be natural timber doors the exact specifications for which shall be submitted to and approved in writing by the local planning authority prior to the commencement of development including joinery details at a scale of 1:20 so that further consideration can be given to the detailing of these elements.
5. No development shall take place unless in accordance with the mitigation detailed within the protected species report '*Bat Survey for Development Purposes at: Lands Methodist Church, High Lands, Cockfield, County Durham*', *Dendra consulting Ltd., 14<sup>th</sup> October 2010*' including, but not restricted to adherence to spatial restrictions; provision of mitigation in advance, adherence to precautionary working methods; retention of existing roost space in loft; mitigation measures

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included on architects plans.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no development falling within classes A, B, C, D, E, F, G, and H of Part 1, and Classes A, B, and C of Part 2 of Schedule 2 of the said order shall be carried out without the prior written permission of the Local Planning Authority on an application submitted to it.

### **Reasons**

1. To define the consent and ensure that a satisfactory form of development is obtained in accordance with policies GD1 and ENV1, BENV13 and BENV14 of the Teesdale District Local Plan.
2. In the interests of visual amenity and in accordance with policies GD1 and ENV1, BENV13 and BENV14 of the Teesdale District Local Plan.
3. To retain the character of the building in accordance with policies GD1 and ENV1, BENV13 and BENV14 of the Teesdale District Local Plan.
4. For the avoidance of doubt and to retain the character of the building in accordance with policies GD1 and ENV1, BENV13 and BENV14 of the Teesdale District Local Plan.
5. To conserve protected species and their habitat. In accordance with policy GD1 of the Teesdale District Local Plan.
6. In order that the local planning authority may exercise further control in this locality in the interests of the visual amenity of the area and to comply with policy GD1 of the Teesdale District Local Plan.

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## **REASONS FOR THE RECOMMENDATION**

The recommendation to grant permission has been made having regard to the policies and proposals in the County Durham Structure Plan and the Teesdale District Local Plan including the policies referred to below, and to all relevant material considerations, including Supplementary Planning Guidance, and the particular circumstances below:

GD1 General Development Criteria

ENV1 Protection of the Countryside

BENV13 Change of use or conversion of a building in the countryside

BENV14 Change of use or conversion of a building in the countryside to residential use.

The proposal is considered acceptable when assessed against the above policies contained in the Teesdale District Local Plan 2002.

In particular the development was considered acceptable having regard to consideration of principle of development, design, protected species and residential amenity

The objections which have been received have been given due consideration, however the issues raised do not provide sufficient justification for refusal of the application. On balance the scheme is considered to be acceptable. The proposals are considered to accord with

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both local and national planning policies, and would constitute an acceptable form of development subject to conditions.

## BACKGROUND PAPERS

- Submitted Application Forms and Plans.
- Design and Access Statement
- Teesdale District Local Plan 2002
- Planning Policy Statements / Guidance, PPS1, PPS3, PPS7, PPS9,
- Public Consultation Responses

