

11. FULL APPLICATION – CHANGE OF USE AND ALTERATIONS TO FORM A SINGLE DWELLING AT FORMER SCOUT HUT, CHARLOTTE LANE, BRADWELL (NP/DDD/0918/0817), P994, AM)

APPLICANT: MR S MEAKIN

Site and Surroundings

1. The application building is a Grade II listed building, the building is currently unoccupied, formerly a Presbyterian chapel and last used as a scout headquarters. The building is located on the south side of Charlotte Lane within the designated Bradwell Conservation Area.
2. The building dates from 1754 with 20th century additions and alterations constructed from coursed squared limestone with gritstone dressings and quoins under a 20th century concrete tile roof.
3. To the west elevation there are three large, raised, square section mullioned and transomed cross windows with 20th century glazing. The east elevation has flush doorcase with plank door. With a small rectangular stone plaque inscribed '1754' above. To either side, similar cross windows to those on west elevation with remains of C18 glazing.
4. Access to the property is from Charlotte Lane where there is a small area of hardstanding with no other land around the building forming part of the application site.
5. The nearest neighbouring property is 'The Cottage' which adjoins the building to the east. There are domestic properties to the west including 'Fox Cottage' and 'Elmswell'.

6. Proposal

7. It is proposed to convert the building to a market dwelling. A separate application for Listed Building Consent has been submitted.
8. Amended plans have been received during the course of the application. These show that that the building would be converted to a two bedroom dwelling.
9. Externally new window and door frames are proposed along with a flue pipe on the eastern elevation.
10. Internally a staircase and first floor would be installed to create two bedrooms and bathroom at first floor and kitchen and living room at ground floor.
11. The curtilage of the building would be limited to the area of hardstanding to the east of the building which would be utilised for parking.

RECOMMENDATION:

That the application be REFUSED for the following reasons:

1. **There is no evidence within the application that the community facility is either no longer needed by the community or can no longer be viable contrary to the requirements of HC4. HC4.C. goes on to say that wherever possible, the new use must either meet another community need or offer alternative community benefit such as social housing and that evidence of reasonable attempts to secure such a use must be provided before any other use is permitted. Contrary to the requirements of policy HC4 and DSM2 no evidence of a viability and marketing exercise has been submitted. The application asserts that the property would not be suitable for affordable housing but no evidence of contact with the parish council or local affordable housing needs has been submitted. Policies HC4. C. and DSM2 are clear that this evidence must be provided before any alternative use such as a market dwelling is accepted in principle. In the absence of any such evidence it cannot be concluded that the proposed development is acceptable in principle.**
2. **The proposed scheme would harm the significance of the listed building particularly in relation to the insertion of the first floor, and window detailing, contrary to Core Strategy policy L3 and saved Local Plan policies LC4, LC5, LC6 and LC8. In the absence of public benefits that would outweigh the harm that has been identified the proposal is also considered to be contrary to the National Planning Policy Framework.**
3. **The proposed development would be likely to create intervisibility between facing windows and a loss of privacy which would harm the amenity of the occupants of Elmswell and the proposed dwelling contrary to Core Strategy policy GSP3, saved Local Plan policy LC4 and the Authority's adopted design guidance.**
4. **Insufficient evidence has been provided to allow the Authority to conclude that the proposed development would not harm protected species contrary to Core Strategy policy L2 and saved Local Plan policy LC17.**

Key Issues

- Impact of the development upon the significance of the listed building and its setting.
- Whether the change of use of the building from a community facility to a market dwelling is acceptable in principle.
- Impact of the development upon neighbouring properties.
- Impact of the development upon protected species.

12. History

13. 2018: ENQ 32577: Pre-application advice in regard to the change of use of the building to a single market dwelling. Planning and Conservation officers visited the site, met the agent and gave the following advice:
14. The building is a former Chapel, last used as Scout Hut and located within Bradwell and the designated Conservation Area. The building is Grade II listed. As you know planning permission and listed building consent is required for the proposal.
15. *"For the purposes of the development plan the property would be considered to be a community facility given its former use. Therefore any proposal to change the use of the building to any non-community use would need to comply with Core Strategy policy HC4*

C. As we discussed the emerging Development Management Policies have undergone examination and therefore are being afforded increasing weight in decisions. Policy DMS2 is directly relevant and provides detailed and specific criteria to assess such proposals against. The adopted Bradwell neighbourhood plan is also relevant.

16. *Policy HC1 allows for change of use of valued vernacular or listed buildings to market dwellings if this is required to achieve conservation or enhancement. Therefore the principle of a market house would rest on whether the scheme achieves the conservation or enhancement of the listed building. Policies GSP2, GSP3, L3, LC4, LC5, LC6 and LC8 are relevant for enhancement schemes and listed buildings.*
17. *On site I mentioned potential inter visibility with the neighbouring property to the south west Elmswell this would need to be addressed as part of any scheme proposing a first floor.*
18. *We discussed the principles of any conversion and a couple of the key elements we discussed related to the character of the internal space related to the former function as a chapel and minimising external impacts. We would expect modern / inappropriate elements to be reversed. We have strong concerns about the proposal to install a first floor irrespective of how the junctions with the window openings are resolved as this would effectively close off the space which is currently and was intended to be open to the ceiling.*
19. *Our view is that the living accommodation would need to be limited to the ground floor with open plan kitchen and living space. We suggested that any mezzanine would need to be limited in size and avoid crossing the window openings. The obvious place for a mezzanine was in the south east corner. The existing windows would in our view provide ample light to the accommodation and that roof lights would be unnecessary and harmful to the character of the building.*
20. *The detailed proposals for the building would need to be included with the listed building application we would be happy to provide further advice on a detailed scheme. The Authority would require a heritage assessment and protected species survey in support of any planning application.”*

21. Consultations

22. Highway Authority – Raise no objection and make the following comment:

23. *“Given the permitted use of the building, it’s unlikely a single dwelling will significantly increase the traffic generation that could be associated with the site. Whilst the level of emerging visibility from the sites access onto Charlotte Lane is not in accordance with current guidance, given the low traffic volumes and speeds on Charlotte Lane the continued use of this access is unlikely to lead to any severe highway safety issues.”*

24. District Council – No response to date.

25. Parish Council – Supports the application but believes that there are existing memorials / grave sites / consecrated ground in and around this building that requires more detailed investigation.

26. PDNPA Conservation Officer – Objects to the application and makes the following comments:

“Insertion of first floor:

27. *A key part of the significance of this grade II listed building is that its interior is a single open space, with the exception of the more recent partitioning, steps and first floor enclosed room at the north end of the building, reflecting the original use of the building as a mid-18th century Presbyterian Chapel. The windows reflect the fact that this was always a single-storey space, with the bottoms of the steeply splayed sills extending below head-height and the tops to the windows only a short distance below the bottom of the trusses. The 18th century stone transoms to the windows are positioned towards the upper part of the window openings – it would not be possible, therefore, to align any upper floor with the transoms.*
28. *Any subdivision of this space will, therefore, have a negative impact on this historically open interior and cut across the window lights themselves, which would harm the significance of this Grade II listed former chapel.*
29. *The applicant has cited a number of former chapels which have upper floors extending across the whole of the building. However, none of these buildings are listed, and they are not, therefore, protected.*
30. *Officers advised the agent, at pre-application, that the living accommodation would need to be limited to the ground floor with open plan kitchen and living space. We suggested that creating a minimal mezzanine, at one end of the building, could be considered but this would need to be limited in size and avoid crossing the window openings.*

New windows and front door:

31. *Photographs held by the Authority, taken in 1985, show some earlier multi-paned windows still in situ. These appear to have been removed and replaced with modern windows, and the new windows may therefore be unauthorised.*
32. *Subdivision of the proposed full-height windows is now acceptable, but each light is shown top-hung and outward-opening which would be non-traditional and unacceptable. The small upper window at the south end of the east elevation was, when listed, a pair of 6-light side opening casements. However, the amended drawing shows this as a single 20-pane top-hung outward-opening window. This would be non-traditional and unacceptable. The fully boarded entrance door is now acceptable (subject to detailing, which could be conditioned). However, a pair of inward-opening doors appears to be shown on the ground floor plan.*

Summary

33. *Conversion of the chapel to a single dwelling may be acceptable in principle, but it is essential that this maintains the historic character of the building as a mid-17th century non-conformist chapel, internally and externally. As proposed, the insertion of a first floor and the form of the proposed new windows would harm the significance of the grade II listed building. No convincing justification has been provided and no exceptional circumstances have been presented.”*
34. PDNPA Archaeology – Makes the following comment:
35. *“It is not clear whether other groundworks are required e.g. reduction of internal or external floor or ground levels, for the insertion of new service or drainage routes. Should any such groundwork be required then an appropriate archaeological response would be required both in relation to possible burials and belowground remains of the earlier chapels, which could be secured by a condition.”*

36. Representations

37. No representations have been received to date.

38. Main Policies

Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, L1, L2, L3, HC1 and HC4

Relevant Local Plan policies: LC4, LC5, LC6, LC8, LC16, LC17, LH1, LT11 and LT18

Relevant Neighbourhood Plan policies: H1, H5, LE3, E2 and E4

National Planning Policy Framework

39. In the National Park the development plan comprises the Authority's Core Strategy 2011 and saved policies in the Peak District National Park Local Plan 2001. Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. It is considered that in this case there is no significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the NPPF with regard to the issues that are raised.'

40. Core Strategy

41. Policy GSP1 sets out the broad strategy for achieving the National Park's objectives having regard to the Sandford Principle, (that is, where there are conflicting desired outcomes in achieving national park purposes, greater priority must be given to the conservation of the natural beauty, wildlife and cultural heritage of the area, even at the cost of socio-economic benefits). GPS1 also sets out the need for sustainable development and to avoid major development unless it is essential, and the need to mitigate localised harm where essential major development is allowed.

42. Policy GSP3 sets out development management principles and states that all development must respect, conserve and enhance all valued characteristics of the site and buildings, paying particular attention to, amongst other elements, impact on the character and setting of buildings, scale of the development appropriate to the character and appearance of the National Park, design in accordance with the National Park Authority Design Guide and impact on living conditions of communities.

43. Policy L1 identifies that development must conserve and enhance valued landscape character and valued characteristics, and other than in exceptional circumstances, proposals in the Natural Zone will not be permitted.

44. Policy L2 says that development must conserve and enhance the biodiversity of the National Park, and other than in exceptional circumstances development that has harmful impact upon biodiversity will not be permitted.

45. Policy L3 says that development must conserve and enhance the significance of the National Park's heritage assets and other than in exceptional circumstances development that has harmful impact upon heritage assets will not be permitted.

46. Policy HC1 says that new housing will only be permitted in exceptional circumstances. HC1.C. says that new housing is acceptable if it is required to achieve conservation and or enhancement of a valued vernacular or listed building.

47. Policy HC4. C. says that proposals to change the use of buildings which provide community services and facilities to non-community uses must demonstrate that the service or facility is either no longer needed, available elsewhere in the settlement or can no longer be viable. Wherever possible, the new use must either meet another community need or offer alternative community benefit such as social housing. Evidence of reasonable attempts to secure such a use must be provided before any other use is permitted.

48. Local Plan

49. Policies LC4, LC5, LC6 and LC8 together say that development must conserve or enhance the character and appearance of the existing building and its setting within the Conservation Area. Policy LC4 also says that development must conserve the amenity, security and privacy of neighboring properties.

50. Policies LC16 and LC17 provide more detailed considerations in assessing impact of development upon archaeology and protected species and habitats respectively.

51. Policies LT11 and LT18 require satisfactory parking provision and safe access as a prerequisite of all development within the National Park.

52. Neighborhood Plan

53. Policy H5 sets out detailed criteria for new housing development in Bradwell including design, layout garden or amenity space, bin storage meter boxes and flues, gutters and lighting schemes.

54. Policy LE3 says that new properties should be served by a superfast broadband connection installed on an open access basis unless it can be demonstrated that this would not be possible, practical or viable.

55. Policy E2 says new development must contribute to local character by retaining a sense of place appropriate to its location. Developers are strongly encouraged to support proposals with a Building for Life assessment. Development proposals must be designed to retain, or where appropriate, replace, dry stone walls and trees and hedgerows. Where development will affect trees and/or hedgerows, proposals should be accompanied by a survey which establishes the health and longevity of affected trees and/or hedgerows and an appropriate management plan.

56. Policy E4 says Proposals for the conversion of buildings to residential and holiday accommodation will only be supported in cases where there is a minimal alteration of the external fabric, curtilage and access to the building and there is no proposed or potential intrusive and detrimental impact on the landscape character of the National Park.

57. Assessment

58. Principle

59. The application building is a Grade II listed former Presbyterian chapel and last used as a scout headquarters before being sold to the applicant in March this year. The building is currently unoccupied but given its former uses is considered to be a community facility for the purposes of Core Strategy policy HC4.

60. Policy HC4. C. is therefore directly relevant and says that proposals to change the use of buildings which provide community services and facilities to non-community uses must

demonstrate that the service or facility is either no longer needed, available elsewhere in the settlement or can no longer be viable.

61. There is no evidence within the application that the community facility is either no longer needed by the community or can no longer be viable. Officers do however accept that there are other existing and better positioned facilities within Bradwell, for example the Methodist Church off Town gate which benefits from an off street car park and is located closer to the centre of the village.
62. HC4.C. goes on to say that wherever possible, the new use must either meet another community need or offer alternative community benefit such as social housing and that evidence of reasonable attempts to secure such a use must be provided before any other use is permitted. The proposal is for a market dwelling rather than an affordable dwelling to meet local need and therefore policy HC4. C. requires evidence of attempts to secure alternative beneficial uses to be provided.
63. In this respect emerging Development Management policy DSM2 is relevant as this gives more detail about what evidence is required in these circumstances. Given the advanced stage of this policy this is given significant weight in the determination of this application. The agent was advised about the relevance of policy DSM2 at the pre-application stage.
64. Policy DSM2 says the following evidence must be provided:
 65. evidence of a thorough viability and a marketing exercise with a commercial property agent, sustained over at least 12 months, to sell or let the building for alternative community uses or facilities including local needs affordable housing; and
 66. evidence of marketing of the property through the economic development team of the appropriate local authority for at least 12 months; and
 67. details of contact with the Town Council, Parish Council or Meeting and other adjacent Parishes to establish the needs existing in the local area and an assessment of the local affordable housing needs in the Parish or adjoining Parishes with reference to an up to date housing needs survey prepared by or in consultation with the district authority as housing authority.
68. No evidence of a viability and marketing exercise has been submitted nor any evidence of marketing of the property through the economic development team. The application asserts that the property would not be suitable for affordable housing but no evidence of contact with the parish council or local affordable housing needs has been submitted.
69. Policies HC4. C. and DSM2 are clear that this evidence must be provided before any alternative use such as a market dwelling is accepted in principle. In the absence of any such evidence Officers are not able to conclude that the proposed development is acceptable in principle.
70. Impact of development upon listed building
71. The application building is a Grade II listed building and therefore the Authority's is obliged to 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. This is reflected in the Authority's conservation policies which are in accordance with the National Planning Policy Framework.
72. Officers do have serious concerns about the impact of the proposed conversion upon the significance of the listed building.

73. The original use of the building was as a Presbyterian Chapel and consequently a key aspect of the historic and architectural significance of this listed building is that its interior is a single open space, with the exception of more recent partitioning and steps at the north end of the building. The windows to the building reflect that this was always a single-storey space, with the bottoms of the steeply splayed sills extending below head-height and the tops to the windows only a short distance below the bottom of the trusses.
74. The proposal is to install a new first floor and staircase and to subdivide the new first floor area into two bedrooms, bathroom and hallway. These works would have a very significant impact upon the single open space of the chapel which would no longer be apparent and is a key feature of the building. This impact would therefore be significantly harmful to this key aspect of the significance of the listed building.
75. The application has referred to a number of other former chapels which have been converted with upper floors. However none of these buildings are listed and therefore are not comparable to this current proposal. In any case any proposed works to a listed building must be considered on their own merits and against the significance of the specific building in question.
76. The application also argues that these works are required to secure a viable use for the building in the long term. There is no evidence that the listed building is at risk or that the only potential viable use for the building would be as a dwelling. Even if it were accepted that the use of the building as a dwelling was essential there is no evidence that the proposed scheme is the only way to achieve this. For example at the pre-application stage Officers advised that consideration was given to a mezzanine for a bedroom which would allow the whole space to be read.
77. Officers also have concerns about the potential impact of the proposed window frames as detailed which should be traditionally designed to enhance. However, improved details along with the detail of the new door and flue pipe could potentially be required by planning condition.
78. Officers therefore conclude that the proposed scheme would harm the significance of the listed building contrary to Core Strategy policy L3 and saved Local Plan policies LC4, LC5, LC6 and LC8. In the absence of public benefits that would outweigh the harm that has been identified the proposal is also considered to be contrary to the National Planning Policy Framework.
79. Impact upon neighbouring properties
80. The proposed use as a market dwelling would potentially have significantly fewer visitors than the existing use of the building and therefore there are no concerns that noise or disturbance from the proposal would be harmful to any neighbouring property.
81. Officers also agree with the Highway Authority that subject to retention of parking that the proposal would not be harmful to highway safety or the amenity of road users.
82. Officers do however have concerns about the potential for overlooking of the neighbouring dwelling known as Elmswell. Elmswell is a single storey property located approximately 15m to the south west of the chapel. One of the proposed bedrooms would face towards this property and give rise for the potential for overlooking between the bedroom and living accommodation at Elmswell.
83. This facing distance is closer than the 22m distance required by the Authority's design guide for rear to rear facing elevations. The two facing windows are at an angle relative to each other and therefore a closer distance than 22m may be acceptable but having

viewed the relationship on-site Officers have concluded that as the proposed development would be likely to create intervisibility between these facing windows and a loss of privacy which would harm the amenity of the occupants of Elmswell and the proposed dwelling contrary to Core Strategy policy GSP3, saved Local Plan policy LC4 and the Authority's adopted design guidance.

84. Impact upon protected species

85. A protected species survey has not been carried out for the application. Policies L2 and LC17 make clear that all development must conserve the biodiversity of the National Park and that sufficient evidence must be submitted in support of planning applications to enable the Authority to assess any potential impact upon protected species.

86. Officers advised the agent at the pre-application stage that a protected species survey would be required, however the agent considers that this is not necessary.

87. Natural England have provided standing advice for local planning authorities to assess impacts of development upon bats. The advice says that bats can be affected by construction work including conversions and that survey for bats should be carried out in certain circumstances. The advice says that you are more likely to find bats in buildings built before the early 20th century, and in buildings with a large roof area.

88. Given the advice from Natural England it is considered reasonable to conclude that bats may utilise the building and therefore that they may be affected by the proposed development. Therefore a protected species survey is required to allow the Authority to assess whether the development will impact upon protected species or not.

89. In the absence of a survey the Authority is unable to assess this contrary to Core Strategy policy L2 and saved Local Plan policy LC17.

90. Conclusion

91. There is no evidence within the application that the community facility is either no longer needed by the community or can no longer be viable contrary to the requirements of HC4. HC4.C. goes on to say that wherever possible, the new use must either meet another community need or offer alternative community benefit such as social housing and that evidence of reasonable attempts to secure such a use must be provided before any other use is permitted. Contrary to the requirements of policy HC4 and DSM2 no evidence of a viability and marketing exercise has been submitted nor any evidence of marketing of the property through the economic development team. The application asserts that the property would not be suitable for affordable housing but no evidence of contact with the parish council or local affordable housing needs has been submitted. Policies HC4. C. and DSM2 are clear that this evidence must be provided before any alternative use such as a market dwelling is accepted in principle. In the absence of any such evidence it cannot be concluded that the proposed development is acceptable in principle.

92. The proposed conversion would harm the significance of the Grade II listed building contrary to Core Strategy policy L3 and saved Local Plan policy LC6 and the potential public benefits of the scheme would not outweigh this harm.

93. The proposed development would be likely to create intervisibility between facing windows and a loss of privacy which would harm the amenity of the occupants of Elmswell and the proposed dwelling contrary to Core Strategy policy GSP3 and saved Local Plan policy LC4.

94. Insufficient evidence has been provided to allow the Authority to conclude that the proposed development would not harm protected species contrary to Core Strategy policy L2 and Local Plan policy LC17.

95. For the reasons set out above the proposal is recommended for refusal.

Human Rights

Any human rights issues have been considered and addressed in the preparation of this report.

List of Background Papers (not previously published)

Nil

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