

TITLE: 2004/763 : CONVERSION OF CHAPEL TO 14 APARTMENTS (6 ONE BEDROOM AND 8 TWO BEDROOM), FORMER WHITWORTH METHODIST CHAPEL, 285, MARKET STREET, WHITWORTH, ROCHDALE; 2004/762 : SURFACING OF EXISTING YARD TO FORM CAR PARK; RESITING OF EXISTING GARAGES, GARAGE SITE TO REAR OF FORMER WHITWORTH METHODIST CHAPEL, 285, MARKET STREET, WHITWORTH, ROCHDALE.

TO/ON: DEVELOPMENT CONTROL COMMITTEE 3 FEBRUARY 2005

BY: TEAM MANAGER :DEVELOPMENT CONTROL

APPLICANT: MESSRS. G. AND. C. JACKSON

DETERMINATION EXPIRY DATE: 16 DECEMBER 2004 AND 20 JANUARY 2005

Human Rights

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights: -

Article 8

The right to respect for private and family life, home and correspondence.

Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

Site and Proposal

Whitworth Methodist Chapel is a vacant grade II Listed Building constructed of natural stone under a natural blue slate roof. The land to the immediate east is currently used as a Council garage site. Both sites are located approximately 45 metres north west of the junction of Market Street/Albert Street/Union Street within a predominantly residential area.

Application number 2004/762 seeks approval to carry out works to the adjoining garage site so as to retain it in use for car parking purposes. The works involve the demolition of some of the garages, the relocation of those that are still currently in use to the south western end of the site, and the resurfacing of the land to enable its continued use for car parking purposes. Vehicular access to this area is to be gained from Massey Croft as it is at present. The intention is that the car park will be for the use both of future residents of the flats and the general public. Application number 2004/763 seeks planning permission to convert the former church into six one bedroom and eight two bedroom apartments.

For Members information applications for both planning permission and Listed Building Consent, seeking approval to convert the church to 14 apartments, were submitted earlier this year (see Relevant Planning History Section below). Whilst the latter was approved, the planning application was refused on grounds that it would likely lead to problems of on-street parking in the locality. Application number 2004/763 is a re-submission of that application.

This application is being reported to Committee because a Council Member (Councillor Neal) has requested that it be dealt with in this way.

Relevant Planning History

2004/492 – Conversion of Chapel to 14 apartments (6 one bedroom and 8 two bedroom)(Listed Building Consent application) – Approved 11 August 2004

2004/493 – Conversion of Chapel to 14 apartments (6 one bedroom and 8 two bedroom) – Refused 11 August 2004 on highway safety grounds.

Notification Responses

Two letters of objection have been received from local residents. The objections are:-

- a) that the proposal makes inadequate provision for the 'off street' parking of both existing residents and business owners vehicles and those of the future occupiers of the flats. It would therefore lead to 'on street' parking along the surrounding highways,
- b) that the proposal would prevent existing residents and business owners from gaining vehicular access to the rear of their properties, and would also prevent access to those properties for service and emergency vehicles,
- c) that an approval of this proposal would lead to a reduction in the value of surrounding properties.

One resident claims that because of the length of time that they have been parking on, and maintaining, the land to the rear of their property they have established a legal right to park there.

The applicant's agent has submitted two letters in support of their application in which they state the following:-

- a) that re-use of the church for residential purposes is the only financially viable way of bringing this Listed Building back into productive use. If planning permission is not granted for this purpose they will have no alternative but to seek approval for demolition of either part or all of the building,
- b) that their clients are prepared to provide the car parking for the benefit of everyone rather than for the exclusive use of the future residents of the flats. They are also prepared to enter into a Section 106 Obligation to this end.

Consultation Responses

County Highways

No objections subject to the applicants entering into a Section 106 Obligation requiring them to contribute towards public transport infrastructure in lieu of 'off street' parking provision.

R.B.C.Engineers

No representations received.

Borough Solicitor and Estates Officer

No adverse comments. An application has been received from the applicants to purchase the car parking land but this has not, as yet, been determined.

Whitworth Town Council

Support the proposal.

Rossendale Civic Society

No observations received

Development Plan Policies

Rossendale District Local Plan

Policy DS.1 (Urban Boundary) states that *“the Council will seek to locate most new development within a defined boundary – the Urban Boundary – and will resist development beyond it unless it complies with policies DS3 and DS5. The urban boundary is indicated on the proposals map”*

Policy DC.1 (Development Criteria) states that all applications for planning permission will be considered on the basis of a) location and nature of proposed development, b) size and intensity of proposed development; c) relationship to existing services and community facilities, d) relationship to road and public transport network, e) likely scale and type of traffic generation, f) pollution, g) impact upon trees and other natural features, h) arrangements for servicing and access, i) car parking provision j) sun lighting, and day lighting and privacy provided k) density layout and relationship between buildings and l) visual appearance and relation to surroundings ,m) landscaping and open space provision, n) watercourses and o) impact upon man-made or other features of local importance.

Policy HP.2 (Listed Buildings) states that:-

“a) the Council will safeguard Listed Buildings and structures by strict control of development proposals in relation to such buildings or structures and development of neighbouring sites.

b) the Council will not grant Listed Building Consent for the demolition of a Listed Building other than in the most exceptional circumstances.

c) the Council will not grant planning permission for alterations or additions to a Listed Building unless there is no adverse effect on its architectural or historic character”

Policy HP.4 (New uses for Old Buildings) states that *“ the Council will actively encourage new uses of old buildings or groups of old buildings which are of architectural or historic interest and also encourage private sector conservation initiatives provided that the change of use and alterations would be sympathetic to the character of the buildings and the proposed use does not detract significantly from the quality of the surrounding area”*

Policy H.2 (Protection of Garage Sites) states that “garage sites essential to the long term survival of areas of traditional terraced housing will be protected from redevelopment to ameliorate the problems of on-street parking congestion and traffic hazards in over-crowded narrow streets. Important garage colonies will be indicated upon the proposals map”

Policy T.13 (Off Street Car Parking) states that “proposals for off-street car parking will normally be permitted subject to the following criteria:-

- a) the proposal does not adversely affect the environment of the local area or the amenity of nearby residents.
- b) the proposal has suitable access to the existing road network.
- c) That measures are incorporated for the security of users of the car park, including adequate levels of illumination and the provision of purpose built areas for the parking of cycles and motorcycles together with the provision of security hoops.
- d) That the layout and design of the car park is satisfactory.

Policy T.4 (Car Parking) states that “Development proposals will be required to provide, normally within the cartilage of the development, sufficient space to meet both operational and non operational parking requirements”

Lancashire Structure Plan 1991-2006:

Policy 43 (General Housing Provision) sets out the number of new residential units needed between mid 1991 and mid 2006 to adequately house the County’s population. The number stipulated for Rossendale is 2,500 dwellings.

Joint Lancashire Structure Plan 2001-2016 Proposed Changes to Deposit Edition

Policy 1 states that development should be located primarily within the principal urban areas, main towns, market towns and strategic locations for development. Development outside of these areas will be deemed acceptable in principle if it meets an identified local need or supports rural regeneration.

Policy 5 states, in part, that outside of Market Towns most rural development will take place in villages and other settlements. Such development should support rural regeneration by either providing for farm diversification or by meeting an identified local need for employment, community services or housing. Outside of villages other settlements and the green belt, conversion, re-development and limited ‘new build’ development to meet identified local employment needs will be viewed as acceptable in principle.

Policy 12 stipulates the annual average rates for future housing provision. For Rossendale 220 houses per year are required between 2001 and 2006 and then 80 house per year between 2006 and 2016.

The parking standards require a maximum of two spaces for dwellings with 2 or 3 bedrooms.

Other Material Planning Considerations

PPG3 (Housing)

Government guidance in the form of PPG 3 (Housing) states that sites for housing should be assessed against a number of criteria namely the availability of previously-developed sites, location and accessibility, capacity of existing and potential infrastructure, ability to build communities and the physical and environmental constraints on development of land.

Paragraph 22 states that *“The Government is committed to maximizing the re-use of previously-developed land...in order both to promote regeneration and minimize the amount of greenfield land being taken for development”*.

Paragraph 31 highlights the importance of the location and accessibility of housing sites to jobs, shops and services by modes of transport other than the car.

PPG13 (Transport)

Government guidance in the form of PPG13 states in paragraph 19 that *“A key objective is to ensure that jobs, shopping, leisure facilities and services are accessible by public transport, walking and cycling.”*

PPG15 (Planning and the Historic Environment)

Government guidance in the form of PPG15 provides a full statement of Government policies for the identification and protection of historic buildings, conservation areas and other elements of the historic environment.

Planning Issues

Principle

The Council's housing target for 2006 has already been partially met through the construction of existing properties and it is contended that it will be fully met if existing residential planning permissions are implemented. There is therefore no need for the provision of any further housing in the Borough at present and therefore clearly no need for the additional 14 dwellings proposed by application no. 2004/763. However, it is contended that in this instance there are strong overriding reasons for approving that application despite the lack of need, and these are set out below.

This is an important building both in its own right (it is Grade II listed) and in terms of its contribution to the street scene. It has not been used for some considerable time and is now starting to fall in to disrepair. The proposed conversion of the building to residential units would enable it to be brought back in to productive use and would prevent its further deterioration. In addition, the site is located within the Urban Boundary as defined by the Rossendale District Local Plan. The proposal therefore meets the requirements of policy DS.1 of that plan, which seeks to locate new development within such areas, and partially satisfies the requirements of policy 5 of the Draft Structure Plan which requires, in part, that development outside of market towns be located within villages and settlements. Finally, it is contended that the proposal meets the aims of PPG3. It involves the re-use of an existing building which is sustainably located on a bus route and close to local infrastructure. It also proposes relatively high density development of in excess of 30 dwellings per hectare. For these reasons it is considered that, despite the current lack of need for further housing in the Borough, the proposal to convert this particular building to residential use is, in this instance, considered to be acceptable in principle.

The proposals for the car parking area, which are the subject of planning application number 2004/762, have been considered against the requirements of policies H.2 and T.13 of the Rossendale District Local Plan. It is considered that they satisfy those requirements in so far as:-

- a) the proposal does not seek the redevelopment of the site - the site will remain in use for car parking purposes if the application is approved,
- b) the land is already used for car parking purposes and there are no proposals to significantly increase the level of parking provision as part of this scheme. The continued use of this land for car parking purposes should not therefore lead to any material increase in disturbance to the occupiers of surrounding buildings over and above any that they may currently be experiencing,
- c) conditions can be imposed requiring suitable security measures to be undertaken as part of the development,
- d) there is a suitable vehicular access to the site, and
- e) the layout and design of the car park is considered to be satisfactory.

This element of the proposal is therefore also considered to be acceptable in principle.

Design

It is considered that the proposed conversion works will retain the character of this building and are therefore acceptable. It is proposed to retain its existing features; to keep new openings to a minimum seeking instead to re-use existing openings; and to 'make good' any voids using matching materials. For Members information consideration of the design issues has already been undertaken as part of the parallel Listed Building Application Number 2004/492. As indicated above, this application was approved in August last year.

Amenity

It is contended that the proposal will not lead to any problems of direct overlooking into neighbouring residential properties, or of neighbouring land, provided that certain of the windows are obscure glazed to a height of 1.68 metres (5' 6") above finished floor level. A condition to this end is therefore recommended. Given that the proposal does not involve any enlargement of the building, the level of sunlight and daylight currently received by adjoining properties will not be affected by the proposal.

Highways

As indicated above the previous planning application to convert this building was refused on highway grounds. The concern was that, as it made no provision for the off-street parking of vehicles, it would likely lead to problems of on-street parking in the locality. The current proposal to convert the building also makes no provision, in itself, for the off street parking of vehicles. However, having given further consideration to the matter, County Highways have now indicated that they would be prepared to accept the proposal in this form subject to the applicants entering into a Section 106 Obligation in which they would agree to make a public transport contribution of £10000 in lieu of off street parking. For the sake of clarity this would mean that if the application to convert the church was to be approved in its current form, the flats would have no formal associated off street parking facilities.

Putting this aside the overall scheme, as now submitted, differs from the previous proposal in that the applicants are now seeking to provide some off-street parking on the adjoining land in part for use in conjunction with the new flats. Members should be aware that it would not be possible to formally require that these car parking facilities be used in conjunction with the new flats, as part of any approval of either application, because they will occupy land forming part of a separate application site which is not owned by the applicants. However, since the parking area will immediately adjoin the converted Church, and since there are parking restrictions and a bus stop on Market Street directly in front of that building, it seems very likely that they would be used by future residents. In view of this, given that County Highways now raise no objections to either application subject to the proviso set out above, and given the desire to bring this important building back into productive use, it is considered that it would be difficult to substantiate a refusal of this proposal on highway grounds.

Concern has been expressed, by certain local residents, to the effect that the proposal makes inadequate provision for the parking of both existing and future residents vehicles and as such will lead to problems of 'on street' parking in the locality. However, this is not accepted. It is understood that only seven of the existing garages are currently in use. This being the case, as application number 2004/762 proposes the retention of seven of the existing garages albeit on a different part of the site, and bearing in mind that the Council's parking standards are maximum not minimum, it is considered that the proposal does make adequate parking provision for both existing tenants and future residents of the flats. In view of this it is considered that, in planning terms, there are no reasonable parking grounds for opposing this proposal.

Other Issues

Concerns about the likely effect that the development may have upon the value of surrounding housing, and about legal rights to park on or to access land, can not be taken into consideration when determining a planning application as they are not planning matters.

Recommendation (2004/763)

That subject to the applicants entering into a Section 106 Obligation requiring the payment of a public transport contribution, planning permission be granted for the following reasons and subject to the following conditions.

Recommendation (2004/762)

That planning permission be granted for the following reasons and subject to the following conditions.

Summary of Reasons for Conditional Approval to Appear on Decision Notice (2004/763)

It is considered that the development satisfies the requirements of policy DS.1,DC.1, HP.2 and HP.4 of the Rossendale District Local Plan. It is contended, notwithstanding the Council's normal planning policy, that the creation of additional dwellings can be justified in this instance in the interests of retaining this important building. The re-use of the building for residential purposes is considered

appropriate having regard to its location and the nature of its surroundings. It is considered that the proposed conversion works will retain the character of the building and that the converted building will appear in keeping with, and relate in a satisfactory manner to, its surroundings. The proposal will not give rise to unacceptable overlooking of adjoining properties provided that conditions are imposed requiring the use of obscure glazing where appropriate. Finally, it is contended that the proposal will be acceptable in highway terms provided that the applicants make an agreed public transport contribution.

Summary of Reasons for Conditional Approval to Appear on Decision Notice (2004/762)

It is considered that the development satisfies the requirements of policies DC.1, H.2, HP.2 and T.13 of the Rossendale District Local Plan. It is contended that the proposal will not give rise to any undue highway safety problems. Conditions are imposed designed to ensure the satisfactory layout and appearance of the revamped car park, and to secure suitable security measures.

Conditions (2004/763)

01 The development permitted shall be begun before the expiration of five years from the date of this permission.

Reason:- The condition is required by virtue of Section 91 of the Town and Country Planning Act 1990.

02 All the external materials and finishes to be used on the roof and elevations of the development shall match those on the existing building in terms of type, size, shape, thickness, colour and texture.

Reason:- To ensure the use of appropriate materials to protect the character and appearance of the building, in accordance with policies DC.1, DC.4, HP.2 and HP.4 of the Rossendale District Local Plan.

03 All new stonework to be used to make good damage to window, door or other openings on the building shall be of matching stone in terms of type, size, shape, thickness, texture and colour.

Reason:- To ensure the use of appropriate materials to protect the character and appearance of the building, in accordance with policies DC.1, DC.4, HP.2 and HP.4 of the Rossendale District Local Plan.

04 No works shall take place on the site until the applicant, or their agent, or successors in title, has secured the implementation of a programme of building recording and analysis. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to, and agreed in writing by, the Local Planning Authority.

Reason:- To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the building/site having regard to Policy 23 of the Lancashire Structure Plan.

05 The windows hatched red on approved drawing number J131 – 010B shall be obscure glazed to a height of 1.68 metres (5'6") measured from finished floor level unless otherwise agreed in writing by the Local Planning Authority. Details of the obscured glass to be used shall be submitted to, and approved in writing by, the Local Planning Authority before development commences. The approved obscured

glass shall be installed in the approved positions before the flats hereby approved are first occupied and shall thereafter be retained at all times.

Reason: To safeguard the amenity of nearby residential properties, in accordance with policy DC.1 of the Rossendale District Local Plan.

06 Details of the proposed treatment of the site boundaries, which shall make provision for the retention of all existing stone boundary walls, shall be submitted to, and approved in writing by, the Local Planning Authority before development commences. The approved boundary treatment shall be completed in accordance with the approved details before any of the flats hereby approved are first occupied and shall thereafter be retained at all times.

Reason:- In order to ensure the satisfactory appearance of the development and safeguard the character and appearance of this Listed Building, in accordance with policies DC.1 and DC.4 HP.2 and HP.4 of the Rossendale District Local Plan.

07 Construction works associated with the development hereby approved shall not take place except between the hours of 7:00 am and 7:00 pm Monday to Friday and 8:00 am and 1:00 pm on Saturdays. No construction works shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays.

Reason: To safeguard the amenities of nearby residential properties in accordance with policy DC.1 of the Rossendale District Local Plan.

Conditions (2004/762)

01 The development permitted shall be begun before the expiration of five years from the date of this permission.

Reason:- The condition is required by virtue of Section 91 of the Town and Country Planning Act 1990.

02 This approval relates to the details shown on drawing number J131-012/A received by the Local Planning Authority on 26 November 2004.

Reason:- For the avoidance of doubt and in order to ensure compliance with policies DC.1, HP.2, HP.4 and T.13 of the Rossendale District Local Plan.

03 Details of the proposed means of surfacing, sealing and draining of all areas to be used by vehicles shall be submitted to, and approved in writing by, the Local Planning Authority before development commences. The vehicular areas shall be surfaced, sealed and drained in accordance with the approved details, and laid out in the manner shown on approved drawing number J131-012/A, before they are first brought into use, and shall thereafter be retained at all times solely for the parking and turning of vehicles.

Reason:- In the interests of highway safety and to safeguard the setting of the adjoining Listed Building, in accordance with policies DC.1 HP.2, HP4 and T.13 of the Rossendale District Local Plan.

04 Details of the design of the relocated garages shall be submitted to, and approved in writing by, the Local Planning Authority before development commences. The approved garages shall be constructed in accordance with the approved details, and in the approved positions, before they are first brought into use and shall thereafter be retained at all times solely for the parking of vehicles.

Reason:- In the interests of highway safety, amenity and to safeguard the setting of the adjoining Listed Building, in accordance with policies DC.1 HP.2, HP4 and T.13 of the Rossendale District Local Plan.

05 Details of the proposed treatment of the site boundaries shall be submitted to, and approved in writing by, the Local Planning Authority before development commences. The approved boundary treatment shall be completed in accordance with the approved details before the development hereby approved is first brought into use and shall thereafter be retained at all times.

Reason:- In order to ensure the satisfactory appearance of the development and safeguard the setting of the adjoining Listed Building, in accordance with policies DC.1 and DC.4 HP.2 and HP.4 of the Rossendale District Local Plan.

06 The site shall be landscaped in accordance with details which shall be submitted to, and approved in writing by, the Local Planning Authority before development commences. The submitted details shall include the location of all existing trees and hedgerows on the site and shall specify those that are to be retained and those that are to be removed.

Reason:- In order to ensure the satisfactory appearance of the development and safeguard the setting of the adjoining Listed Building, in accordance with policies DC.1 and DC.4 HP.2 and HP.4 of the Rossendale District Local Plan.

07 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion of the development; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason:- In order to ensure the satisfactory appearance of the development and safeguard the setting of the adjoining Listed Building, in accordance with policies DC.1 and DC.4 HP.2 and HP.4 of the Rossendale District Local Plan.

08 Details of crime prevention measures, to be carried out as part of the development, shall be submitted to, and approved in writing by, the Local Planning Authority before development commences. The approved measures shall be implemented in accordance with the approved details and thereafter retained at all times.

Reason:- In the interests of designing out crime in accordance with policy DC.1 of the Rossendale District Local Plan.

09 Construction works associated with the development hereby approved shall not take place except between the hours of 7:00 am and 7:00 pm Monday to Friday and 8:00 am and 1:00 pm on Saturdays. No construction works shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays.

Reason: To safeguard the amenities of nearby residential properties in accordance with policy DC.1 of the Rossendale District Local Plan.

Local Plan Policies

DC.1
DS.1
H.2
HP.2
HP.4
T.4

T.13

Adopted and Draft Structure Plan Policies

Policy 4 (Adopted)

Policies 1, 5 and 12 (Draft)