Resubmission of planning application no. HPK/2012/0579. Conversion of joiners workshop (formerly a chapel) into 2 no. dwellings at 34 Market Street, Chapel-en-le-Frith

for Mr. Carl Lomas

Planning, Design and Access Statement

Site Description

The property the subject of this application is a former Primitive Methodist Chapel constructed in 1852. However, its use for religious purposes ceased many years ago, and until relatively recently the building has been used as a joiners workshop.

The property is not listed, but it lies within the designated Conservation Area and within the designated Town Centre of Chapel-en-le-Frith, as denoted on the Proposals Map of the High Peak Local Plan. The building is situated in a prominent position within the Conservation Area being located on the north side of Market Street, the main thoroughfare passing through the town centre of Chapel-en-le-Frith.

The building is constructed of natural gritstone to the walls; the front elevation and the front section of both side elevations being of diminishing courses, whilst the rear section of the side elevations and the rear elevation itself is constructed of gritstone rubble. The roof is of natural stone slate. There is an additional two-storey side / rear extension constructed of red brick to the walls, with a natural blue slate roof, located on the north-east side of the main building.

The main façade and principal elevation of the building is a coped gable facing directly onto the street. The building is of symmetrical design, with a central arched doorway on the ground floor, and large arched-topped window openings on the front and both side elevations, all fitted with timber frames. The windows on the front elevation have full natural gritstone surrounds, whilst those on the side elevations have natural gritstone heads and sills.

To the front of the building lies a small private cobbled forecourt, separating the building from the public highway. This area is currently utilised informally for the parking of vehicles.

The property also benefits from a pedestrian accessway along its' eastern side, leading to a small external yard area and rear access door into the extension.

The proposal to convert the building into 2 no. separate dwellings would not, however, involve only minimal changes to the external appearance of the building, which would be retained in essentially its' current form.

The building has already been divided internally to provide work / storage space at first floor level, with an internal floor supported by large steel beams having already been constructed. The conversion scheme now proposed would retain this existing internal floor, to provide bedroom accommodation at first floor level, above the proposed living accommodation on the ground floor.

Site History

The property has been the subject of previous planning applications.

1. Application no. HPK/2004/1169 for the conversion of a workshop to 2 no. self-contained apartments. This application was refused on 17 February 2005 solely on the grounds that the development would be contrary to the housing moratorium then in force within most areas of the Borough.

2. Application no. HPK/2005/0429. A resubmission of HPK/2004/1169 for the conversion of a workshop into 2 no. self-contained apartments. This was refused on 22 July 2005, again solely on the grounds of being contrary to the housing moratorium.

3. Application no. HPK/2011/0608. Change of Use of joiners workshop to a carpet warehouse with retail. This application was approved on 18 January 2012, despite the fact that neither a Design & Access Statement nor a Bat Survey were submitted, both of which were necessary under the Borough Councils Validation Requirements.

4. Application no. HPK/2012/0579. Change of use of Joiners Workshop into 2 no. dwellings. This was refused on 6 December 2012 on the grounds that "The submitted ecological survey fails to demonstrate that a European Protected Species would not be adversely affected by the proposed development. As such the development fails to comply with Conservation of Habitat and Species Regulations and the Wildlife and Countryside Act 1981 (as amended) and paragraph 118 of the National Planning Policy Framework."

Planning Policies Relevant to the Application

The following policies are relevant to the consideration of this resubmitted application.

High Peak Local Plan (Saved Policies) 2008

GD.2 Built-Up Area Boundaries Identifies the boundaries of the main settlements, and provides the main focus for development within these areas.

GD.4 Character, Form and Design . This policy favours the grant of planning consent when the scale, siting, layout, form, design and materials etc. of new development is sympathetic to the character of the area.

GD.5 Amenity. This policy requires that new development will not create an unacceptable loss of amenity, by virtue of overlooking, loss of light, overbearing effects, pollution, or traffic safety and generation.

OC.9 Protected Species. States that planning permission will not be granted for development which is likely to have a materially adverse effect on a protected species, or one identified as being nationally rare unless the development will incorporate a viable population of the species, or in exceptional circumstances, the development will include satisfactory relocation of the species. Conditions will be imposed, and/or planning obligations sought, to ensure that appropriate steps are taken to adequately protect, manage and enhance the place of shelter, routes of movement or immediate habitat of the species.

BC.1 External Materials. Favours granting planning consent for new development when the type of external materials are sympathetic to the character of the area (e.g. natural materials would be required in Conservation Areas).

BC.5 Conservation Areas and their Settings. This policy states that planning consent for development, including Changes of Use, will be granted providing the use, siting, scale, detailed design, external appearance and landscape treatment of the development will preserve or enhance the special architectural or historic character or appearance of the area.

TC.1 Town Centres. Within town centres, planning permission will be granted for development which sustains and enhances the vitality and viability of the centre.

TC.8 Residential Development inTown Centres. This policy states that within town centres, permission for residential development including changes of use, will be granted providing the development will not remove or materially reduce retail or business uses, unless that use is within a primarily residential part of the centre.

H.1 New Housing Provision. Stipulates that planning permission will be given to new housing, giving priority to the redevelopment of previously used land in built-up areas, and the conversion and sub-division of existing urban buildings.

H.5 Housing within the Built-Up Area Boundaries. States that planning consent will be granted for residential development on previously developed land within the Built-up Area Boundary, provided that a significant source of local employment would not be lost, and the development will not unduly prejudice the continuation of an appropriate existing or proposed adjoining land use.

EMP.9 Change of Use from Industry or Business. This policy advocates the change of use of industrial or business land or premises provided that the continued employment use of the site would perpetuate significant traffic or environmental problems, and there is no market demand for the site for employment uses.

TR.5 Access, Parking and Design. This policy requires new development to make a safe and appropriate provision for access (both pedestrian and vehicular) and for parking.

National Planning Policy Framework (2012)

Section 2: Ensuring the vitality of town centres

Para.23 : Local planning authorities are required to recognise that residential development can play an important role in ensuring the vitality of town centres and set out policies to encourage residential development on appropriate sites.

Section 6: Delivering a wide choice of high quality homes

Para.49: Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

Para.51: Local planning authorities should identify and bring back into residential use empty housing and buildings in line with local housing and empty homes strategies and, where appropriate, acquire properties under compulsory purchase powers. They should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided there are not strong economic reasons why such development would be inappropriate.

Section 11: Conserving and enhancing the natural environment

Para.118: When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity, by applying a number of principles including:-

- If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or as a last resort, compensated for, then planning permission should be refused.

Section 12: Conserving and enhancing the historic environment

Para.137: Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

The proposed conversion scheme

Design

The applicant proposes to sub-divide the building lengthways in order that both new properties would benefit from an access directly onto the main frontage, and also benefit from similar amounts of natural daylight afforded by the existing windows. One unit would, however, be of larger proportions, having the additional benefit of accommodation within the side extension.

The proposal is to provide 2 no. separate dwellinghouses, both forming 2-bedroomed units. With the internal floor already in place, the proposed layout would provide for 2 no. dwellings of 86 square metres and 108 square metres floorspace respectively The proposal would involve only minimal external alterations to the building, which would be converted utilising existing window openings on the front and side elevations, and retaining the existing timber window frames. As there are no existing window openings in the rear gable wall of the property, it would be necessary to install 1 no. conservation rooflight within the master bedroom of the larger unit. Three further conservation rooflights would be installed, one over each of the stairwells, and one in the en-suite.

The side extension, which is currently faced with red brick, would be pebbledashed to match the external finish of the existing neighbouring outbuildings. The existing rear door into the property would be replaced by a new vertically-timbered door. The small window opening directly adjacent to that door would be retained as existing to serve the proposed utility room. Currently there is a further timbered loft door at first floor level, but this would be replaced by a new window of the same dimensions, to serve the new en-suite bathroom / dressing room area of the principal bedroom in unit 2.The new window would be designed with small panes, to match the style of the large windows within the main building.

Whilst the building has a restricted curtilage, the side accessway leads to the existing rear yard, which it is proposed would provide a communal bin and recyclable waste storage area for the use of both new properties.

As there would be no significant alterations to the building, the scheme would accord with Local Plan policy BC5 and paragraph 137 of the National Planning Policy Framework, by preserving the historic character and appearance of the Chapel-en-le-Frith Conservation Area in which it is located. Indeed the loss of the previous industrial usage from the property would lead to an enhancement of the Conservation Area, by the removal of the large sign from the front of the building. Similarly, as there are no significant external alterations to the building, the proposal would also accord with the provisions of policies GD4 and BC1. The fascias would remain untouched, and as such the concerns expressed by the Derbyshire Wildlife trust in relation to the original application, are unfounded, and the development would accord with Policy OC9.

Access and parking

The cobbled forecourt to the front of the building has been utilised in the past for the parking of cars. However, due to the narrowness of the forecourt, this involves difficult vehicle manoeuvres in order to enter and exit the site and difficulty in parking a vehicle without it overhanging the footway. It is not therefore proposed to designate this area for car parking purposes as part of this application. The cobbled forecourt would remain in its current form and would not be enclosed by any wall or fencing.

Unfortunately the building has insufficient external curtilage where car parking space could be provided on-site, as would normally be required by policy TR5 of the Local Plan. However, the site is located in close proximity to public car parks within the town centre of Chapel, specifically on the Market Place and on Thornbrook Road. Additionally, there is restricted on-street parking along sections of Market Street, including a section immediately outside of the building. It is generally acceptable in such town centre locations, for residential development to be permitted without specific designated parking space on-site, bearing in mind that adequate public car parking provision is available nearby.

General Amenity

Being within the town centre of Chapel-en-le-Frith, the development would comply with policies GD2 and H1 of the Local Plan. The properties on Market Street comprise a mixture of both residential and business uses, both retail and commercial, but in the immediate area around the application site, the area is primarily residential. The building is located between terraced houses on all sides, whilst immediately opposite, on the south side of Market Street, a previous industrial site has now been redeveloped for housing. As such, the scheme as submitted would bring a currently vacant building into an economic use adding to the vitality

and viability of the town centre, and as such comply with policies TC1 and TC8 of the High Peak Local Plan and paragraph 23 of the National Planning Policy Framework.

Removal of the industrial use from a primarily residential part of the town centre would benefit the residential amenity of the occupiers of surrounding properties, by the removal of a potential noise nuisance from any future industrial occupier of the building. Additionally, the proposed residential usage of the site would lead to a reduction in traffic generation, particularly of commercial vehicles. The development thus accords with policy GD5 of the Local Plan.

The use of the property as a joiners workshop ceased over a year ago, and although a planning application for a carpet warehouse within the property was approved in January of this year, the consent was not implemented as the applicant (who was not the owner) withdrew interest in the site as it was not commercially viable. The property has thus remained vacant for some time, with no alternative business use being found to be viable. The proposed new residential units would put the building to an economic and feasible use, and in doing so would preserve the character and appearance of both the host building and the surrounding Conservation Area. The development would thus accord with Local Plan policies H5 and EMP9.

Apart from application no. HPK/2012/0579, of which this application is a resubmission, there have been two earlier planning applications for a similar development, involving the conversion of this building into 2 no. apartments, application nos. HPK/2004/1169 and HPK/2005/0429 (which was a resubmission of the earlier scheme). Both applications were refused solely on the grounds that they were contrary to the housing moratorium then in force within all areas of the Borough, with the exception of Buxton. There were no other reasons for refusal. The moratorium was subsequently lifted in 2008/9 and is therefore no longer in force. The scheme as submitted therefore, complies with all relevant local development plan policies.

Following a recent planning appeal for a large residential scheme of 105 no. dwellings on a greenfield site at Manchester Road / Crossings Road, Chapel-en-le-Frith, the Planning Inspector, in allowing the appeal, reported on the considerable shortfall in the availability of housing sites within the area, which were deliverable within a 5 year timescale. She also commented that the High Peak Local Plan could no longer be considered an up-to-date development plan, as far as the relevant housing policies were concerned.

The current application therefore, which comprises sustainable development within the centre of the town, with accessibility to all services and facilities, would comply with paragraph 49 of the National Planning Policy Framework. The proposed scheme would also bring back into use a prominent and visually important building, which has remained empty for some time. There are no strong economic arguments as to why the change of use from a class B2 workshop, would be inappropriate in

this location. As such, the development would also comply with paragraph 51 of the National Planning Policy Framework.

The development as submitted, although it may be regarded as a windfall site, would thus contribute towards meeting the housing targets required of the Council.

Ecological Survey

In line with the Councils' validation requirements, and as the proposed scheme involves the Change of Use of a vernacular building, a bat survey was enclosed as part of the original application. A report of the survey concluded that no evidence of bats was found within the building. There were however, two small gaps behind the fascia board on the north-east elevation of the building which could not be examined in detail. However, no bat droppings were seen beneath these features. As a precaution therefore, it was recommended that these gaps remain unaffected by the proposals to convert the building, or if this is not possible, a detailed examination of the gaps be undertaken by a licensed bat ecologist, prior to the fascia being removed. This requirement could be covered by a planning condition. The applicant is proposing to carry out very little external works to the building. Such works would be limited to the insertion of roof lights, the insertion of one small window and the rendering of the side extension. The fascias are to remain undisturbed and the conversion works would be carried out without the need to erect scaffolding around the building. Nevertheless, a precautionary condition, referred to above, would be welcomed.

Notwithstanding the conclusions of the bat survey, Derbyshire Wildlife Trust, in response to their formal consultation, submitted an objection to the original application on the basis that a single daytime survey "conducted outside of the optimum time of the year is not considered sufficient to be confident that bats will not be affected by the proposal".

As a result of the recommendation by the Derbyshire Wildlife Trust, and the subsequent refusal of planning consent on this basis, the applicant sought a second opinion of another reputable local firm of Ecological Consultants, Penny Anderson Associates of Buxton. The firms' Principal Ecologist, Helen Hamilton reviewed the original bat survey carried out by Peak Ecology. A copy of Ms.Hamiltons' letter (dated 24th January 2013) is now enclosed as part of this application. An additional Desk Study was undertaken by Ms.Hamilton on behalf of Penny Anderson Associates, and is also included as part of this resubmission.

Ms.Hamilton reports that the Derbyshire Wildlife Trust letter takes a very cautious approach, and more importantly makes several points which are mistaken.

The good practice guidelines (2012) provided by the Bat Conservation Trust states that inspections of buildings and structures for roosts can be carried out at any time of the year. Her letter discusses in more detail the wording of that guidance, but

concludes that since the building presented no evidence of bats, provided only low-grade internal and external roosting habitats, and is situated in a built-up location, the daytime bat survey already submitted is entirely adequate to provide reasonable confidence that bats are not present at the site. Furthermore, the precautionary recommendations to either avoid disturbance to the fascias or to search behind them prior to any works which are outlined in Peak Ecology's Bat Inspection Report, would ensure that bats, if present, were dealt with appropriately.

A further substantiating letter from Peak Ecology is also attached, which clarifies the issue of the timing of bat surveys, and also refers to the guidance produced by English Nature in relation to transient roosts. It summarises by stating categorically that the proposed works would not contravene any domestic or European legislation.

The development as submitted would therefore accord with Policy OC.9 of the High Peak Local Plan, and with paragraph 118 of the National Planning Policy Framework.

Summary

The proposed scheme as submitted would provide an economic and viable use for the disused chapel, which is a prominent building and important feature within the Chapel-en-le-Frith Conservation Area. The development would be carried out without any external alterations to the building, thus maintaining its' original character and appearance. The proposal would also provide a more suitable usage for the property than the previous industrial use. As such, the proposal would enhance and preserve both the host building, and its' setting within the Conservation Area and would accord with all relevant saved Local Plan policies and with the policies contained within the National Planning Policy Framework with regard to the provision of new dwellings.

Furthermore, the proposed development would not adversely affect a protected species. The Bat Inspection Report by a licensed bat worker employed by ecological consultants Peak Ecology and submitted as part of the original planning application, is now confirmed by a second firm of ecological consultants, Penny Anderson Associates, to be entirely adequate to provide reasonable confidence that bats are not present at this site. An additional Desk Study, also included, led to the same conclusion.

The recommendations of the Derbyshire Wildlife Trust expressed in their letter of 5th December 2012, resulting in the refusal of the original planning application, no. HPK/2012/0579, are based on a misinterpretation of the Bat Conservation Trust Guidance.

Therefore, it is requested that the resubmitted application be approved, with a precautionary condition attached to either avoid disturbance to the fascias, or search

behind them prior to the commencement of any works which may affect them, as outlined in the Bat Inspection Report.