

**HARROGATE BOROUGH COUNCIL  
PLANNING COMMITTEE – AGENDA ITEM 6: LIST OF PLANS.  
DATE: 20 December 2011**

<b>PLAN:</b> 07	<b>CASE NUMBER:</b> 11/04228/FUL
	<b>GRID REF: EAST</b> 450258
	<b>NORTH</b> 451212
<b>APPLICATION NO.</b> 6.125.159.FUL	<b>DATE MADE VALID:</b> 31.10.2011
	<b>TARGET DATE:</b> 26.12.2011
<b>CASE OFFICER:</b> Mr A Hough	<b>WARD:</b> Marston Moor

**VIEW PLANS AT:** <http://tinyurl.com/bs4dca2>

**APPLICANT:** Tadcaster Methodist Circuit

**AGENT:** R And JP

**PROPOSAL:** Demolition of Methodist Chapel and erection of detached dwelling (site area 0.03ha)

**LOCATION:** Former Methodist Church York Road Long Marston North Yorkshire

## **REPORT**

This proposal seeks planning permission for the erection of a single detached two storey house following the demolition of the former Methodist Chapel in Long Marston.

The application site is located at the north eastern edge of the village, on the right hand side of the B1224 as one approaches the village from York. The B1224 is a busy route between York and Wetherby and the site is located at a point where the speed limit changes from 60mph to 40mph as you enter the village.

The Chapel itself is of single storey construction consisting of a rendered frontage building under a slate roof. Attached to the rear is a later brick built structure, which formed a kitchen and meeting room. Both structures, whilst of single storey construction have high ceilings and roof ridges, such that the overall height of the building is very close to the that of adjacent dwelling , Fairfax Cottage , which is itself of two storey construction (albeit having a low eaves height). The domestic garden area of Fairfax Cottage abuts the application site to the south western boundary of the plot. There is an extant outline planning permission for a dwelling to be constructed within this part of the garden of Fairfax Cottage (Planning Reference 6.125.54.I.REP). The remaining boundaries of the site abut agricultural land to the north east and north west and the B1224 to the frontage. The Chapel is itself set back from the road frontage by approx.4.5 metres with a small grass apron situated between the footpath and building. The Chapel has no off street parking provision.

In addition to Fairfax Cottage, residential property is located diagonally opposite the

site fronting the B1224 road in the form of a line of single storey bungalows.

The applicants seek consent to demolish the Chapel and construct a detached two storey dwelling providing 4/5 bedroom accommodation including a study/bedroom. A new vehicular access is to be constructed onto the B1224 serving a single integral garage and turning area. The turning area is to be provided to the front of the premises and located behind a new low wall.

The dwelling will have a reduced footprint in comparison to the Chapel comprising of 116 square metres (compared to 215 square metres). The accommodation will be provided within a unit which will utilise part of the roof space to provide the second floor. The adoption of such a design, results in a dwelling designed with a primary roof ridge height of approx. 7.5 metres (eaves at 4metres) with accommodation provided within the roof space above the integral garage.

#### MAIN ISSUES

1. Land Use
2. Visual Impact
3. Residential Amenity
4. Highway Safety
5. Other Matters

#### RELEVANT SITE HISTORY

None

#### CONSULTATIONS/NOTIFICATIONS

##### **Parish Council**

LONG MARSTON

##### **Rural Strategy Officer**

No comments received

##### **NYCC Highways And Transportation**

No objection subject to the imposition of conditions

##### **EHO Contaminated Land**

No ground contamination issues

##### **Estates Manager**

No objection

##### **DCS - Open Space**

Confirm a commuted sum of £6218.85 consisting of £2886.40 for the Provision of Open Space Facilities and £3332.45 for the Provision of Village Halls

#### RELEVANT PLANNING POLICY

- |       |   |
|-------|---|
| PPS1  | Planning Policy Statement 1: Delivering Sustainable Development |
| PPS03 | Planning Policy Statement 3, Housing                            |
| PPS04 | Planning Policy Statement 4, Planning for Sustainable Economic  |

Growth

PPS5 Planning Policy Statement 5, Planning for the Historic Environment

PPS09 Planning Policy Statement 9, Biodiversity & Geological Conservation

PPS07 Planning Policy Statement 7, Sustainable Development in Rural Areas

PPG13 Planning Policy Guidance 13, Transport

PPG17 Planning Policy Guidance 17, Planning for open space, sport and recreation

RSYH6 The Yorkshire and Humber Plan Policy RSSYH6, Local Service Centres and Rural and Coastal Areas

RSYH7 The Yorkshire and Humber Plan Policy RSSYH7, Location of Development

PPG2 Planning Policy Guidance 2, Green Belts

RSEV05 The Yorkshire and Humber Plan Policy RSSENV5, Energy

RSEV08 The Yorkshire and Humber Plan Policy RSSENV08, Biodiversity

RSEV09 The Yorkshire and Humber Plan Policy RSSENV9, Historic Environment

RSYH9 The Yorkshire and Humber Plan Policy RSSYH9, Green Belts

CSSG1 Core Strategy Policy SG1 Settlement Growth: Housing Distribution

CSSG2 Core Strategy Policy SG2 Settlement Growth: Hierarchy and limits

CSSG3 Core Strategy Policy SG3 Settlement Growth: Conservation of the countryside, including Green Belt

CSSG4 Core Strategy Policy SG4 Settlement Growth: Design and Impact

CSC1 Core Strategy Policy C1: Inclusive communities

CSEQ1 Core Strategy Policy EQ1: Reducing risks to the environment

CSEQ2 Core Strategy Policy EQ2: The natural and built environment and green belt

SPGRES Supplementary Planning Guidance, Residential Design Guide

SPDHSE Supplementary Planning Document: House Extensions and Garages Design Guide

## **APPLICATION PUBLICITY**

**SITE NOTICE EXPIRY:** 02.12.2011

**PRESS NOTICE EXPIRY:**

## **REPRESENTATIONS**

**LONG MARSTON PARISH COUNCIL** - Long Marston Parish does not object to this proposal but wishes to seek safeguards as follows:

Before any permission to demolish the building is granted, a full risk assessment should be carried out under the appropriate legislation with regard to the removal and disposal of hazardous material on the site, and for the material to be removed by licensed demolition companies. The roof of the building known as the schoolroom is believed to be constructed of asbestos sheeting and possibly further asbestos has been used in the construction.

Can this be made a condition of planning?

**OTHER REPRESENTATIONS** - 1 letter received, which doesn't make any comments upon the merits of the planning application but seeks assurances that the removal and disposal of any hazardous and toxic materials on site are carried out in

accordance with the appropriate legislation.

## **VOLUNTARY NEIGHBOUR NOTIFICATION**

None undertaken

**1. LAND USE** - Harrogate District Local Development Framework Core Strategy Policy SG1 sets out the Council's settlement growth policy during the period 2004-2023 and identifies that within this period, the majority of new housing will be directed to the district's largest settlements of Harrogate, Knaresborough and Ripon with a priority towards the re-use and redevelopment of previously developed land and buildings. The majority of new housing built in the villages and the countryside will be accommodated in those villages with the best access to jobs, shops and services.

Core Strategy Policy SG2 identifies those villages where settlement growth would be acceptable to support sustainable growth. Long Marston is identified as Group 'C' settlement that will only accommodate only very limited growth mainly in the form of suitable development within their existing built up areas. The identified site lies within the development limit for the village as identified under Harrogate District Local Plan Proposals Map Inset no. 31. As the site is currently occupied by the Chapel, it is considered that the site represents a previously developed site under the definition contained within the revised Annex B of Planning Policy Statement 3: Housing.

Subject to meeting all other relevant policies of the development plan it is considered that the broad land use principle of residential development can be supported in this location.

### Loss of Community Facility

The proposed development would however represent the loss of an existing community facility protected by the saved Selective Alteration to the Local Plan Policy CFX. This is recognised by the applicants who state that the 'Methodist Circuit has explored all avenues to try and maintain the Chapel as an asset for the village, as the loss of a place of worship within a community is to be regretted. However, the low level of attendance and support for the Chapel led to its closure four years ago, and despite much consideration since that time, no other viable activities have been put forward'.

Policy CFX seeks to retain community facilities (including places of worship) except where it can be shown that:

Continued community use would cause unacceptable planning problems: or  
A satisfactory replacement facility is provided, in a suitably convenient location for the catchment served, prior to the commencement of development; or  
There is no reasonable prospect of the existing use continuing on a viable basis with all options continuance having been fully explored, as a priority and, thereafter , securing a satisfactory viable alternative community use.

As stated above due to falling attendance and lack of support the Chapel has remained vacant for four years. The applicants have included a marketing exercise

that has been submitted in support of the proposal. The detailed marketing evidence identifies that the site has been advertised for sale for a period of 1 year by Strutt and Parker, Commercial Property Consultants. The supporting report identifies the marketing information undertaking, with over 2,000 viewings on the firms global web site. 72 copies of the sales particulars have been distributed and 15 accompanied viewings have taken place. One offer and sale was subsequently agreed to a purchaser who wanted to obtain planning permission for a change of use to retail with parking on adjacent land. The offer was subsequently withdrawn after consultation with the planning department regarding the planning merits of the scheme. No other offers have been received and all other interest has been from parties interested in residential development.

The sites location at the edge of the village close to the unrestricted speed limit and lack of off street parking are considered particularly restrictive from securing an alternative community use on this site and whilst the marketing campaign has resulted in interest in the property this has primarily been for residential rather than community use.

The site itself is located on land designated as green belt (as is the adjacent agricultural fields) although the 'development or infill limit', as identified on the Inset Map No 31 would allow for infill/redevelopment of the site, within the development limit only, as identified within Planning Policy Statement 2: Green Belt and Core Strategy Policy SG2.

In the absence of the existing use continuing on a viable basis and the likelihood of an alternative community use being secured as demonstrated by the marketing campaign and the lack of on-site parking on a stretch of the road where vehicle speeds are high, it is considered that the provisions of Policy CFX can be set aside in this instance.

**2. VISUAL IMPACT** - Planning Policy Statement 3: Housing, reflecting advice in PPS1 identifies that good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions should not be accepted.

The saved HDLP Policy HD20 sets out the design principles that should be taken into account in new development. Core Strategy Policy SG4 seeks to ensure that the all development proposals should inter alia be of a scale density, layout and design which makes the most efficient use of land; and be well integrated with and complementary to, neighbouring buildings and the spatial quality of the local area; be appropriate to the form and character of the settlement and the visual, residential and general amenity should be protected and where possible enhanced.

The application site is located at an edge of village location that is characterised by its eclectic mix of property. Fairfax House is a stone built traditional cottage with more modern bungalows' situated diagonally opposite the site. The original Chapel was built in 1850, rectangular in plan with a flat roofed entrance porch attached to the south side. The rear extension was added at some point in the 20th century providing a meeting room, toilet and kitchen facilities. The Chapel occupies almost

the whole of the site with a narrow strip around three sides.

The proposed dwelling occupies a significantly smaller footprint than the Chapel and as a consequence will have less of an impact upon the openness of the green belt than the existing structure. The reduction in footprint allows the proposed dwelling to be set back further into the plot, which in turn can allow for the provision of an integral garage and turning space to be provided within the grounds of the unit. The layout is thus considered to represent a significant improvement to the existing situation experienced by the community facility with no off street parking and no opportunity to provide such parking as a consequence of its siting in close proximity to the road frontage.

The size of the site and restrictive entrance is considered only sufficient to allow for the siting of a single unit on the site. The scale of the proposed development, which incorporates a second floor within the roof space of the unit is considered acceptable to the locality, the height being similar to the existing chapel building.

The applicants have identified that the dwelling would be constructed of brick under a pantile roof, which is considered consistent with the overall character of the village, although it is accepted a variety of materials are used in the construction of property in the immediate locale. The final approval of materials can be controlled by the imposition of a condition.

**3. RESIDENTIAL AMENITY** - The dwelling has been designed so that the majority of principal room windows do not face the adjacent garden area of Fairfax Cottage. The exception to this is the first floor study/bedroom window and ground floor utility room. Rooflights within the main body of the house are not to habitable rooms. Fairfax Cottage does have windows that face the application site, however the dwelling is set in from the joint boundary of that unit, so as to give a separation distance of approximately 20 metres. Whilst the study /bedroom window is set only some 6.5metres from the joint boundary and hence is 1metre less than the minimum recommended within the 'House Extensions and Garages Design Guide', it is noted that ground floor windows within the existing extended meeting room are located within a metre of the joint boundary. Whilst some overlooking of the garden would occur, the part of the garden affected cannot be considered private given the location of the footpath to the site frontage. Adequate separation distance is provided between Fairfax Cottage and the proposed unit to ensure no mutual overlooking occurs. In this respect the separation distance is in excess of the suggested 12 - 18 metres highlighted within the guidance.

In addition to the above regard has to be taken of the extant outline planning permission for a dwelling within the garden area of Fairfax Cottage. The outline permission granted under 6.125.54.I.REP approved a two storey dwelling sited within the garden area of Fairfax House. The indicative siting of the dwelling is set back 10 metres from the road frontage and some 3.5 metres from the joint boundary of the application site. In this respect the design of the proposal dwelling, turns its back onto the adjacent site and thus ensures that the future development of the adjacent plot is neither compromised or prejudiced.

**4. HIGHWAY SAFETY** - Harrogate District Local Development Core Strategy Policy

SG4 seeks to ensure that the travel impact of any scheme should not add significantly to any pre-existing problems of access, road safety or traffic flow and should have been assessed against the transport policies of the plan.

The site is located within the established development limits for the village and within a settlement that would support sustainable growth. The village itself is located on an identified key bus route within the district. The proposal meets the accessibility objectives of the transport policies of the Core Strategy.

Unlike the existing land use, the proposal will incorporate off street parking and a turning area within the site. The highway authority have been consulted and have no objection to the development subject to the imposition of conditions.

**5. OTHER MATTERS** - No known heritage assets are affected by the proposed development which would involve the demolition of the existing Chapel building. The Chapel is of some local historic interest, but is not listed and not protected by a conservation area. Unfortunately, whilst the frontage building does add character to the street scene (the rear extension is of no merit whatsoever), the building does not lend itself to conversion to any particular use, given that the frontage is not deep enough to allow vehicles to turn within the site and on street parking would be hazardous to road safety. Thus a balanced view is needed to the demolition of the building against the merits of providing a new unit of accommodation within a village that would support new settlement growth. Given the problems of selling the site and that the local Methodist Circuit Officer has confirmed that there is insufficient demand in the area to be re-opened for its original purpose, the balance rests with demolition and redevelopment of the site in this instance. The proposed demolition would not therefore conflict with advice contained within Planning Policy Statement 5: Planning for the Historic Environment.

As a new build dwelling the provisions of Core Strategy Policy EQ1 are applicable to the proposal and the applicant has included a Pre Assessment Report that indicates that the dwelling should be able to achieve Code Level 4 of the Code for Sustainable Homes. Subject to the imposition of a controlling condition to secure the level 4 rating the scheme would be in accordance with Policy EQ1.

Core Strategy policy C1 is applicable to the proposal and a commuted sum of £6218.85 has been generated for the proposal, consisting of £2886.40 for the provision of Open Space Facilities and £3332.45 for the provision of Village Halls. The applicants have been informed of this requirement and a signed Unilateral Undertaking has been received in compliance with the policy.

The ecological survey undertaken at the site indicates that some foraging and commuting of common pipistrelle and brown long eared bats takes place at the site but no roosting bats or evidence of roosting bats were observed at the time of the survey. An activity survey during the optimum summer period has not however been undertaken. Comments are awaited from the council's Rural Strategy Officer on this matter.

## **CONCLUSION**

The proposed development represents the demolition of an existing Chapel and meeting room to allow for the construction of a dwelling.

The construction of the dwelling is considered compliant with the provisions of national planning policy contained within Planning Policy Statement 3: Housing and the Development Plan Policies SG1 and SG2 contained within Harrogate District Local Development Framework Core Strategy.

Having regard to the constraints of the site, marketing exercise and cessation of the existing use of the premises, it has been demonstrated that there is no reasonable prospect of the continued use of the premises for community use. As such the development need not be considered contrary to the provisions of the saved Selective Alteration to the Harrogate District Local Plan Policy CFX.

The scale form and design of the replacement dwelling is considered compliant with Core Strategy Policy SG4 and Harrogate District Local Plan Policy HD20.

The proposed layout consisting of an internal turning area and off street parking spaces ensures that the development would not prejudice highway safety.

In the absence of any material considerations to set aside the provisions of the development plan approval of the scheme can be supported.

**CASE OFFICER:** Mr A Hough

## **RECOMMENDATION**

That the application be APPROVED subject to the following conditions:-

- 1 The development hereby permitted shall be begun on or before 3 years.
- 2 The development hereby approved shall be carried out in accordance with the submitted details and the following approved plans:

Location Plan Dwg. No: 0809-lp1.doc  
Proposed Plans DWG. 0809.2  
Proposed Elevations 0809.3

- 3 Samples of the materials it is intended shall be used externally in the construction of the roof and walls of the development hereby approved, shall be submitted for the written approval of the Local Planning Authority and the external walling shall not be started before any such approval. Thereafter the approved materials shall be implemented.
- 4 Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have

been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:

(ii)(a) The access shall be formed to give a minimum carriageway width of 4.1 metres, and that part of the access road extending 6 metres into the site shall be constructed in accordance with Standard Detail number E6.

(iii) Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.

(v) Provision shall be made to prevent surface water from the site/plot discharging onto the existing or proposed highway in accordance with the Specification of the Local Highway Authority.

All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition

5 There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until visibility splays providing clear visibility of 2 metres x 2 metres measured down each side of the access and the back edge of the footway of the major road have been provided. The eye height will be 1.05 metre and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

6 No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition number:

(i) have been constructed in accordance with the submitted drawing (Reference 0809.2 April 2008)

Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times

7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions, garages, roof or dormer windows other than any expressly authorised by this permission shall

be erected without the grant of further specific planning permission from the local planning authority.

- 8 Notwithstanding the provisions of The Town and Country Planning General Permitted Development Order 1995 (or any order revoking and re-enacting that Order), no further windows shall be inserted in the south west elevations of the development hereby approved, without the prior written approval of the Local Planning Authority.
- 9 No development shall take place until the applicant has provided for the approval in writing of the Local Planning Authority a Design Stage Code for Sustainable Homes Certificate for each dwelling type comprised in the development to be carried out by a BREEAM or STROMA licensed accredited Code assessor that achieves Code Level 4 or higher. The Code Level to be achieved will be a minimum of:

- \* Code Level 4 for dwellings to be completed between 2011 and 2015, and
- \* Code Level 6 for dwellings to be completed after 2015

Development shall thereafter be carried out in accordance with the approved details.

- 10 A Post Construction Stage Certificate (under The Code For Sustainable Homes) for the dwelling shall be provided to the Local Planning Authority in writing, confirming that the required Code level has been met, prior to the first occupation of the dwelling comprised in the development hereby approved.

#### Reasons for Conditions:-

- 1 To ensure compliance with Sections 91-94 of the Town and Country Planning Act 1990.
- 2 The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details.
- 3 In order to ensure that the materials used conform to the amenity requirements of the locality
- 4 In accordance with Harrogate Local Development Framework Core Strategy policy SG4 and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
- 5 In accordance with Harrogate Local Development Framework Core Strategy policy SG4 and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
- 6 In accordance with Harrogate Local Development Framework Core Strategy policy SG4 and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.

- 7 In order to protect the visual amenities of the surrounding area in view of the prominence of this site.
- 8 In the interests of privacy and residential amenity.
- 9 To safeguard the environment and mitigate climate change in accordance with Harrogate District Core Strategy Policy EQ1.
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Church

Fairfax  
Cottage

Moor  
Cottage

MS

Bilbo

Sun Inn  
(PH)

18.9m

Hervordia

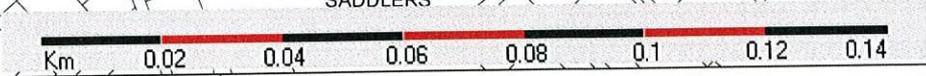
Springwood

Hustledown

Baughins

TCB

SADDLERS WAY



Working for you

**Department of Development Services**

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Harrogate Borough Council 1000 19628 2008.

**PLANNING COMMITTEE**

Item No. 7

<b>App No./Case No.</b>		11/04228/FUL 6.125.159.FUL		
<b>Scale (at A4 size)</b>	1:1250	<b>Site area</b>	0.03ha	<b>Site boundary</b>
<b>Drawn</b>	MDTT	<b>Date</b>	20.12.2011	



