

North York Moors National Park Authority

Borough: Scarborough Borough Council
Parish: Staintondale

Application No. NYM/2016/0246/FL

Proposal: alterations and extension to and change of use of holistic therapy and teaching centre to 1 no. local needs letting dwelling

Location: Former Methodist Chapel, Staintondale

Decision Date: 30 May 2016

Consultations

Parish -

Highways - No objections.

Environmental Health Officer - No objection on housing grounds.

Site Notice Expiry Date - 18 May 2016.

Director of Planning's Recommendation

Approval subject to the following conditions:

| 1. | TIME01 | The development hereby permitted shall be commenced before the expiration of three years from the date of this permission. | | | | | | | | | | | | |
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| 2. | PLAN01 | The development hereby permitted shall not be carried out other than in strict accordance with the following documents: <table border="1"><thead><tr><th>Document Description</th><th>Document No.</th><th>Date Received</th></tr></thead><tbody><tr><td>Site Location Plan</td><td>1032A-3</td><td>04 April 2016</td></tr><tr><td>Site Layout Plan</td><td>1032A-2</td><td>04 April 2016</td></tr><tr><td>Plans as Proposed</td><td>1032A-1A</td><td>04 April 2016</td></tr></tbody></table> or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority. | Document Description | Document No. | Date Received | Site Location Plan | 1032A-3 | 04 April 2016 | Site Layout Plan | 1032A-2 | 04 April 2016 | Plans as Proposed | 1032A-1A | 04 April 2016 |
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| Site Location Plan | 1032A-3 | 04 April 2016 | | | | | | | | | | | | |
| Site Layout Plan | 1032A-2 | 04 April 2016 | | | | | | | | | | | | |
| Plans as Proposed | 1032A-1A | 04 April 2016 | | | | | | | | | | | | |
| 3. | WPDR01 | Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order), no development within Schedule 2, Part 1, Classes A to H Schedule 2, Part 2, Classes A to C and within Schedule 2 Part 14 Classes A to I of that Order shall take place without a further grant of planning permission being obtained from the Local Planning Authority. | | | | | | | | | | | | |



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| 4. | RSUO13 | <p>The occupation of the dwelling hereby permitted shall be limited to:</p> <ul style="list-style-type: none"> i) a qualifying person; and ii) a wife or husband (or person living as such), licensee, dependant or sub-tenant of a qualifying person. <p>For the purpose of the above, a person is a qualifying person in relation to the dwelling if he/she has an interest in the dwelling (see Note A) and, immediately prior to occupying the dwelling, he/she satisfied the Local Planning Authority that he/she was in need of local needs housing in terms of the criteria set out in Core Policy J of the adopted North York Moors Local Development Framework, namely that he/she:</p> <ul style="list-style-type: none"> a) is currently living in and has permanently resided in the National Park for five years or more and is living in accommodation that no longer meets their requirements or b) does not currently live in the National Park but has a strong and long standing link to the local community including a previous period of residence of five years or more or c) has an essential need to move to live close to relatives who are currently living in and have resided in the National Park for at least the previous five years or more and require support for reasons of age or infirmity or d) requires support for reasons of age or infirmity and need to move to live close to relatives who are currently living and have resided in the National Park for at least the previous five years or more or e) needs to live in the National Park as a result of current sole employment within that parish or adjacent parishes within the National Park. <p>Prior to the occupation of the development the qualifying person shall have obtained confirmation in writing from the Authority that they satisfy the local need criteria outlined in points a - e above.</p> <p>Note A: For the purposes of the above, a person has an interest in the dwelling if he/she has a freehold or leasehold interest in the whole or any part of it, or is a secure tenant or statutory tenant within the meaning of the Housing Act 1985 or the Rent Act 1977.</p> <p>Note B: For the purposes of the above, resident within the National Park will include the whole of parishes split by the National Park boundary with the following exceptions; Allerston, Beadlam, Burniston, East Ayton, East Harlsey, Eberston and Yedingham, Great Ayton, Great and Little Broughton, Great Busby, Guisborough, Ingleby Arncliffe, Irtton, Kirkby in Cleveland, Kirkbymoorside, Lockwood, Nawton, Newby, Pickering, Potto, Scalby, Snainton, Sutton under Whitestonecliffe, West Ayton.</p> |
| 5. | RSUO00 | <p>The dwelling unit hereby approved shall not be used for residential purposes other than local needs letting purposes in accordance with the terms of condition 4 above without a further grant of planning permission from the Local Planning Authority.</p> |
| 6. | GACS07 | <p>No external lighting shall be installed in the development hereby permitted until details of lighting have been submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity.</p> |
| 7. | MATS03 | <p>All new stonework used in the development hereby permitted shall match that of the existing building including the colour and texture of the stone and the method of coursing and pointing unless otherwise agreed with the Local Planning Authority.</p> |



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| 8. | MATS17 | The roof of the development hereby permitted shall be clad in natural slate to match the roof of the existing building in terms of materials, colour and course height and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority. |
| 9. | MATS60 | All new window frames, glazing bars, external doors and door frames shall be of timber construction and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority. |
| 10. | MATS30 | No work shall commence on the installation of any door in the development hereby approved until detailed plans showing the constructional details and external appearance of all external doors and frames (and glazing if included) have been submitted to and approved in writing by the Local Planning Authority. All doors shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority. |
| 11. | MATS40 | No work shall commence on the installation of any replacement or new windows (and glazing if included) in the development hereby approved until detailed plans showing the constructional details of all window frames to be used in the development have been submitted to and approved in writing by the Local Planning Authority. Such plans should indicate, on a scale of not less than 1:20, the longitudinal and cross sectional detailing including means of opening. The window frames shall be installed in accordance with the approved details and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority. |
| 12. | MATS56 | The rooflights to be installed in the development hereby permitted shall be a conservation style rooflight unless otherwise agreed in writing with the Local Planning Authority. |
| 13. | MATS72 | The rainwater goods utilised in the development hereby permitted shall be coloured black and shall thereafter be so maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority. |
| 14. | MATS74 | All flues associated with the proposed development shall be coloured matt black and maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority. |
| 15. | LNDS01 | Prior to the development being brought into use details of a landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the proposed treatment of the land to the north-west of the building which is currently used as a carpark and shall include details of any existing hedges and trees to be retained on the site together with any measures for managing/reinforcing these and shall specify plant species, sizes and planting densities for any new areas of planting. The approved details shall be carried out no later than the first planting season following the occupation of the buildings, or completion of the development, whichever is the sooner, or in accordance with a programme agreed by the Local Planning Authority. The approved landscaping scheme shall be maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority. |



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Informative

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| 1. | BATS | All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and are further protected under Regulation 39(1) of the Conservation (Natural Habitats etc.) Regulations 1994. Should any bats or evidence of bats be found prior to or during development, work must stop immediately and Natural England contacted on 0300 060 3900 for further advice. This is a legal requirement under the Wildlife and Countryside Act 1981 (as amended) and applies to whoever carries out the work. All contractors on site should be made aware of this requirement and given information to contact Natural England or the Bat Conservation Trust national helpline on 0845 1300 228. |
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Reason for Conditions

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| 1. | TIME01 | To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended. |
| 2. | PLAN01 | For the avoidance of doubt and to ensure that the details of the development comply with the provisions of NYM Core Policy A and NYM Development Policy 3, which seek to conserve and enhance the special qualities of the NYM National Park. |
| 3. | WPDR01 | In order to enable the Local Planning Authority to retain control over future alterations to the property in the interests of safeguarding the existing form and character of the building in line with NYM Development Policy 3 and NYM Core Policy A, which seek to enhance and conserve the special qualities of the NYM National Park and secure high quality design for new development. |
| 4. | RSUO13 | In order to comply with NYM Core Policy J which seeks to restrict the occupancy of new residential development to those with a local links and an essential need to live in the locality. |
| 5. | RSUO00 | The site is in a location where new permanent residential development would be contrary to NYM Core Policy J but permission for local needs letting has been permitted to ensure that a traditional rural building is conserved in line with NYM Core Policy J and Development Policy 8. |
| 6. | GACS01 | In order to comply with the provisions of NYM Core Policy A which seeks to ensure that new development does not detract from the quality of life of local residents. |
| 7 & 8. | MATS01 | For the avoidance of doubt and in order to comply with the provisions of NYM Core Policy A and NYM Development Policy 3 which seek to ensure that building materials are of a high quality and compatible with the character of the locality and that the special qualities of the National Park are safeguarded. |
| 9 to 14. | MATS02 | For the avoidance of doubt and in order to comply with the provisions of NYM Core Policy A and NYM Development Policy 3 which seek to ensure that the appearance of the development is compatible with the character of the locality and that the special qualities of the National Park are safeguarded. |
| 15. | LNDS01 | In order to comply with the provisions of NYM Development Policy 3 which seeks to ensure that new development incorporates a landscaping scheme which is appropriate to the character of the locality and retains important existing features. |



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Background

The former Methodist Chapel forms part of the dispersed settlement of Staintondale, but is outside the main cluster of buildings which form the 'core' of this scattered settlement. The chapel is located on the main road which runs through Staintondale and due to the absence of any immediate neighbouring properties can be clearly seen from both directions. The chapel was built in the second half of the 19th Century and is of solid masonry construction under a slate roof. The building is accessed by a small gothic style entrance porch. There is a stained glass round window at the eastern end. The garden area around the chapel is marked by a drystone wall to the south, east and west, the northern boundary being marked by a post and wire fence. The original iron entrance gates to the building are still in place.

Permission was granted in 2008 for the conversion of the Chapel to private holiday accommodation but due to land ownership issues, that permission was never implemented.

Planning permission was granted in 2010 for change of use to a holistic therapy and teaching centre together with the formation of a car parking area and alteration to accesses. The alterations included the rebuilding of an existing lean-to outbuilding on the south-west elevation and the construction of a modest replacement extension of ridge and gable construction to create a WC and a refreshment preparation area. The application also includes the creation of a new entrance to the building in order to provide a level access by altering an existing window in the north-west elevation to a solid timber, vertical boarded door with light above (a remnant of the existing window). That permission was completed and has since been occupied and operated as a therapy centre.

This application seeks full planning permission for the change of use of the property from a therapy centre to a local needs letting property. The proposal includes some physical alterations which include: the construction of a porch on the north-west facing elevation together with a reconfigured single storey rear extension, the installation of 3no. rooflights, provision of a first floor gable window at the rear, installation of a flue pipe and replacement timber windows throughout.

Policy Context

The relevant policies contained within the NYM Core Strategy and Development Policy document to consider with this application are Core Policy J (Housing), Development Policy 3 (Design) and Development Policy 8 (Conversion of Traditional Unlisted Rural Buildings).

CPJ seeks to ensure the provision of a mixture of housing types and tenure to maintain the vitality of local communities, consolidate support for services and facilities and support the delivery of more affordable housing. This is to be achieved through locating all open market housing, including new build and converted units to the Local Service Centre of Helmsley and the Service Villages, as well as other measures including supporting the development of local needs housing within the main built up area of the local service villages and other villages.

DP3 seeks to maintain and enhance the distinctive character of the National Park by ensuring that the siting, layout and density of development preserves or enhances views into and out of the site; that the scale, height, massing, materials and design are compatible with surrounding buildings; that the standards of design details are high and complements that of the local vernacular; good quality sustainable design and construction techniques are incorporated; that there is satisfactory landscaping and that the design takes into account the safety, security and access needs for all potential users of the development.



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DP8 seeks to permit the conversion of traditional unlisted rural buildings which are situated within an existing group, for an employment use, short term self-catering holiday accommodation, residential annexe to an adjacent existing dwelling or long term/permanent residential letting units for local occupancy, where the building is of architectural or historic importance, and makes a positive contribution to the character of the area, is structurally sound, is of sufficient size to accommodate the proposed use without the need for significant alterations or extensions, is compatible in nature, scale and levels of activity with the locality, is of a high quality of design and does not require changes to the buildings curtilage or new vehicular access or parking areas. In the case of long-term/permanent residential uses, the occupancy of the accommodation is restricted to a person satisfying the local needs criteria set out in Core Policy J and the tenure will be restricted to letting only and the unit will not be sold off separately from the main dwelling.

Main Issues

The main issues to consider with this application are whether the alterations to the Chapel would adversely affect the character and appearance of the building and whether the building is capable for conversion to its proposed use.

External Alterations

The submitted scheme proposes relatively small scale alterations and modest extensions. The proposed combined porch and single storey extension are located discretely towards the rear of the building and have been designed to complement the architectural character of the existing building. The proposed extension would provide a small lobby and pellet store over an existing doorway but all remaining accommodation would be provided within the existing building.

The existing Chapel windows are of relatively simple design comprising two fixed lights with a small pivoted opening light above. The windows are proposed to be replaced in a similar design but with a pair of side hung casements with a fixed light above. It is proposed to incorporate an arched glazing bar detail into the upper fixed section reminiscent of a typical chapel window.

The applicant has previously sought pre-application advice and since that time, has reduced the proposed number of rooflights by half; from six to three.

The proposed scheme is considered to represent a good quality and sensitive conversion scheme in accordance with the requirements of Development Policy 8 and the advice contained within Part four of the Authority's adopted Design Guide. The proposed extension is compatible in terms of its size, scale, position and design with the host property and all proposed materials would match the existing. In terms of the outside amenity areas, no details have been supplied in connection with proposed landscaping. A garden and outbuilding (existing) are shown on the site plan however, these features are not within the red line of the application. The area of land to the north of the chapel which has previously been used as a car park is within the red line but no changes are proposed as part of the application. As the setting of traditional rural buildings can significantly contribute to the overall appearance of a site, and the introduction of domestic paraphernalia can have a seriously detrimental effect on the character of former barns, chapels, schools etc. it is considered reasonable to impose a condition to remove domestic permitted development rights together with requesting a landscaping scheme to allow the Authority to consider future development at the site.



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Proposed Residential Use

The existing building has accommodated a holistic therapy centre for approximately 4 years. It is not known whether that business has ceased trading or whether the owner has instigated a new use for the building but no comments have been received from the owner of the therapy business in response to this application. Current local planning policies require evidence in relation to viability when assessing applications which propose the loss of a community facility or employment use. However, long term/permanent residential letting units for local occupancy are considered to constitute an economic use and therefore detailed viability and marketing assessments are not required.

Development Policy 8 requires buildings to be located within an existing group which have a close physical and visual link to each other and in the case of proposals of a residential nature; there must be an existing residential unit within that group. Therefore, strictly speaking, the proposal fails to comply with this particular policy requirement however; as Staintondale is characterised by sporadic development of individual properties and in view of the fact ecclesiastical buildings are rarely within a 'group', on balance, the Authority accepts that the proposed use would secure the long-term preservation of an attractive traditional building.

Whilst Staintondale is a recognised settlement, due to its linear and sporadic nature the chapel is considered to fall within an open countryside setting whereas the main built up area of the settlement is considered to be centred around the junction with Prior Wath Road. Core Policy J generally restricts new housing in the open countryside to that which is proven essential for farming, forestry or other land management activities. However, provision is made for the conversion of existing units in the open countryside for residential letting for local needs. Development Policy 8 echoes this requirement but adds a further restriction in tying the ownership of the unit to the main dwelling.

During pre-application discussions, it has been established that this particular case is not a 'typical' conversion proposal on the basis the chapel has always been an independent unit and although the applicant's main residence is relatively nearby, the chapel has not ever formed part of the site and is now only connected through (relatively recent) acquisition. The property is not considered to be close enough in proximity to form part of Church farm and as such, it is accepted that in these circumstances, imposing an ownership condition would be unreasonable in this case. The local occupancy condition will however, be imposed and a further condition to restrict the tenure of the property to letting only, thus continuing an economic use.

Members of the Parish Council are generally supportive of the application but concern has been raised in respect of the understanding that a restrictive covenant on the property which prevents residential use, whether the incremental change from a chapel to a business premises was just a 'stepping stones' exercise to achieve residential use and finally, surface water drainage issues were raised.

In terms of the restrictive covenant, this is regarded to be a civil/legal matter and would not prevent planning permission for change of use being granted. It may prevent a permission from being implemented but that would be a matter dealt with outside of the planning system. In respect of the concern raised by a local councillor in respect of the incremental changes to the buildings use, Officers can confirm that there has not been a change in local planning policies since the determination of the previous application from (chapel to business use) and therefore, had an application for residential letting use come forward initially, the process and outcome would not differ to that currently.



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Finally, in respect of the drainage concerns, the applicant's agent has advised that following a recent bout of heavy rainfall and the failure of one of the protective barriers, surface water had made its way onto the road. However, the applicant is aware of this issue and will repair the system, upgrading the existing trench soakaways around the car park.

The Highway Authority has no objection to the proposal acknowledging that the proposed change of use is likely to reduce the potential number of vehicle trips within the village. No highway conditions were recommended.

Conclusion

The proposed use as local needs letting and associated alterations proposed are considered appropriate for the building and its location. The proposal is therefore considered to comply with the requirements of Core Policy J and Development Policies 3 and 8 together with the advice contained within Part 4 of the Authority's adopted Design Guide. There being no further comments, approval subject to the above conditions is recommended.

Explanation of how the Authority has Worked Positively with the Applicant/Agent

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

