

Application Number

P/2012/0748

Site Address

St Marys Church
Methodist Church
Milton Street
Brixham
Uk
TQ5 0BX

Case Officer

Mr Scott Jones

Ward

St Marys With Summercombe

Description

Demolition works; conversion of Church and hall into 2 number dwellings each with 4 bedrooms.

Executive Summary/Key Outcomes

The principle of the proposed change of use, from assembly and leisure to two residential dwellings is considered to be acceptable, given the character of the surrounding locality and the desire to make efficient use of redundant buildings.

In regard to physical changes the proposal is considered to offer a sensitive conversion of the existing buildings, which will largely retain and reinforce the established character and their contribution to the area. Although the scheme is considered positive in respect to its historic context, there has been no 'Statement of Heritage Significance' submitted with the application. A statement has been requested and, although it is considered likely that the changes to the historic buildings will be acceptable, it will be necessary to consider the scheme further once the statement has been submitted.

The proposal is also considered to improve the spatial arrangement with adjacent residential plots via the partial demolition of the buildings, which will draw the rear building lines away from the joint boundary. The change in levels and the border screening is considered to offer suitable protection to the level of amenity afforded to adjacent occupiers and will present a general arrangement acceptable within the context of the area.

There is no empirical evidence of the existence of protected species however when considering the age, the former use and the current underused state of the buildings, a bat survey has been requested to determine whether the building is used by this protected species. The findings are pending and the recommendation accounts for this.

Recommendation

Conditional Approval; Subject to the approval of a Statement of Heritage Significance; subject to confirmation that South West Water do not object to the proposal; subject to satisfactory findings contained within the requested Bat Survey; and subject to a section 106 legal agreement being signed or upfront payment being received within 3 months of the date of this committee meeting; Conditions to be delegated to the Executive Head of Spatial Planning.

Site Details

The site is a small urban plot approximately 21.5 metres wide by 16.25 metres deep that is set on the south eastern side of Milton Street and sits slightly above road level. The plot presently holds two redundant buildings that largely cover the expanse of the site, which were formally a church and church hall, sat side-by-side and connected to the rear via an ancillary link. The church building dates from the late 19th Century and takes a gabled form, with stone elevations supplemented by brick detailing and ornate windows to the front elevation. The hall building dates from the early-mid 20th Century and also takes a simple gabled form, with a stone frontage and ornate windows, which give way to rendered side and rear elevations and simpler window forms.

Both buildings are set behind a natural stone wall adjacent to the footway.

In regard to context the plot abuts residential plots to each of its three private borders, and in regard to planning designation the site sits on the edge of the Higher Brixham Conservation Area.

Detailed Proposals

The scheme encompasses a change of use, partial demolition, and various alterations and amendments to the plot configuration and buildings.

The scheme proposes the change of use from the established church and church hall, which sits within the Assembly and Leisure Use Class, to that of two dwellings. Each dwelling will offer four bedrooms, with habitable space set over two floors.

In regard to demolition the scheme proposes to remove the rear third (approx) of each building along with the ancillary link. The demolition is to provide a degree of rear outdoor space between the building line and the rear border of the plot, where none exist at present.

In regard to alterations and amendments the principal alteration from the public street scene and plot frontage are cosmetic alterations to the front elevations, which include the replacement of the two timber doors within the church building with partially glazed timber doors, and the lengthening of the two ornate windows within the hall building to offer door openings with replica window patterns retained above.

Away from the principle elevations, the existing outward facing windows within the hall building, overlooking the adjacent bungalow, are removed with the wall detail made good. Alterations to the inward facing elevation of the hall building entail the reconfiguration of the windows to provide a column detail set below a small gable and one further window. The side elevations of the church remain largely unaltered, bar the replacement of replica windows in the inward facing elevation. To the rear, through demolition of the final third of the buildings, rear elevations are created between 5 and 6 metres from the rear boundary. The rear elevations are more modern, with white render and partial cladding set around metal framed windows and glass-framed balconies. Off the back elevation garden space is created. The border around the rear is to be defined by maintaining a boundary wall with timber fencing set over.

Summary Of Consultation Responses

Highways- No objections. The absence of on-site parking is considered acceptable given the established previous use of the buildings and likely trip generation of that previous use.

Conservation & Design - Although there is an inference of support towards the scheme and its approach, formal comments are awaited pending the submission of a Statement of Heritage Significance. This will provide clarity on the nature, extent and importance of the significance of the heritage asset and its setting.

Brixham Town Council – Recommend refusal inline with the minutes of the meeting of the planning committee dated 30th July 2012. In summary it was resolved to recommend refusal on the grounds of (1) concerns over the stability of the properties adjoining and adjacent, (2) insufficient parking, (3) highway safety regarding exiting the site, and (4) overlooking.

South West Water - Comments pending.

Summary Of Representations

A number of representations have been submitted. These have been reproduced on Page B200. The points raised within the submissions are summarised below:

- Overlooking/loss of privacy due to the introduction of windows, balconies and the outdoor garden area
- Insufficient parking for the size of the dwellings

- The area has limited parking and more dwellings will add to the pressure on street parking
- Buildings should be kept as original as possible
- Concern over land instability linked to the level of excavation required
- Impact on neighbours through the demolition and build process
- Covenant on the building for a community use
- The building may hold some bats as it has been left unused for 3 years.

Where relevant to planning considerations and planning merit the points raised above will be explored within the key issues/material considerations section below. Certain points are not considered material to planning and these issues are summarised as follows.

Covenants: It has been asserted that there is a covenant that states that the buildings should be maintained for community use. Covenants are civil restrictions placed on land or buildings and are not a material planning consideration. The granting of planning consent does not overrule covenants.

Land instability: In this context land instability and the potential implications of development upon adjacent plots or buildings is not considered a material planning consideration. The interests of adjoining third parties associated with excavation or works close to boundaries/adjacent buildings are protected through civil legislation, notably the Part Wall etc Act 1996.

Relevant Planning History

None.

Key Issues/Material Considerations

The key material considerations are considered to be (i) the principle of the change of use, (ii) the visual implications/impact upon the conservation area, (iii) the implications upon local amenity, (iv) highway safety matters, and (v) ecological/arboricultural matters

General Policy and Principle - The plot sits in an area with an overriding residential character, with occasional business uses present outside of the nearby defined commercial area to the northeast, that of St Mary's Square Local Centre. In this context, in respect of general principles, the change of use of a redundant church and church hall to two dwellings is considered to be an appropriate move and broadly acceptable, as it would offer a new use commensurate to and supportive of the overriding residential character.

Visual implications/Impact upon the conservation area - The site sits in the Higher Brixham Conservation Area and hence a successful scheme should conserve or enhance the character or appearance of the area, taking into account the defining characteristics of the existing local environment.

The retention of the ornate windows within the principle elevation of the church is welcomed, as is the subtle modification to and replication of the hall windows and church door detail to the front. Subject to details the alterations to the principal elevation of each building appears acceptable. Elevation changes to the sides are relatively limited, and again subject to detail appear supportable. To the rear the remodelled rear elevation, and modernist treatment to the form and character, is also suitable in this location. Again the detail of the treatment will be an important consideration, but this can be appropriately dealt with by way of condition.

The scheme is considered to offer a sensitive conversion of both buildings which would maintain or enhance the character and appearance of the plot and its contribution to the wider area, and thus the proposal is deemed acceptable in regard to its visual impact.

Local Amenity - The implications upon local amenity, in regard to potential overlooking and loss of privacy, loss of light or outlook, or the creation of an overbearing impact, have been considered. It is relevant also to note the current arrangement, with development up to the joint boundary and, in the case of the church hall, with windows within the rear elevation over an adjacent garden. The

removal of the rear portion of the two buildings is therefore welcomed as it would provide breathing space between buildings, an arrangement that is more commensurate with the defined local character.

Overlooking/Loss of privacy – The proposal retains an absence of outward-facing windows within the church building and removes such windows which exist within the hall building. This detail retains and protects the privacy currently afforded the plots/occupiers to either side. Towards the rear the reformed rear elevation sits between 5/6 metres off the rear boundary, with windows over two floors and a recessed balcony at first floor level to the central side of each building. The proposed balconies are linear and each cover an area approximately 3-4 square metres. The impact of these raised outdoor areas is lessened by the upward sloping topography of the land to the rear and the enclosure of the rear borders by walls and additional fencing. The resultant arrangement appears acceptable for all parties in regard to there being limited inter-looking between properties and a degree of screening to stop unacceptable overlooking into garden areas. On this latter point the existing plot arrangements do tend to provide some degree of overlooking into garden areas simply from proximity of one plot to another.

Loss of light/Outlook/Overbearing impact – The proposal removes parts of the existing buildings that are in close proximity to adjacent plots, which is considered to bring positive implications upon the levels of light and general outlook afforded the most immediate of neighbours.

Highway Safety - The scheme does not propose any creation or amendment of a vehicular access. This is welcomed as the plot has a walled front border that sits aside a narrow footpath and carriageway, which could have clear implications upon safe access and egress.

Subsequently the matter for consideration is whether the likely vehicle movements of the proposed use would have a detrimental impact upon the safety of road users. In regard to this matter the proposed use is unlikely to create any addition net vehicle movement in the area over and above the established former use and thus there is unlikely to be any detrimental impact upon road safety. The scheme is therefore considered acceptable on highway merit.

Ecology/Arboriculture - The plot is a brownfield site and the proposal simply seeks the part removal of buildings to offer an improved arrangement for the proposed use as residential. The plot is not considered to hold any ecological or arboricultural constraints that would warrant the refusal of the application.

It is noted that representation has raised the point that bats have been seen in the local area, which is not unsurprising in itself. Aside this general sighting the building is of an age and type that may increase the likelihood of roosting bats, and it has hence been requested of the applicant to commission an inspection of the building for bats. This detail is currently pending.

As stated above there are no arboricultural constraints on the site. A representation states that a tree to the rear is to be lost, which appears incorrect on the information provided within the application. There is a leylandii to the rear of the buildings within an adjacent plot, on higher ground that is physically separated by a retaining stone boundary wall. The implications upon this specimen is that it is unlikely that the root growth would spread to the development site due to the existence of the boundary wall and the local topography, and thus root damage is not considered likely. In addition on a positive note the regression of the buildings away from the specimen is likely to reduce any pressure to fell from any adjacent land owner. It is concluded that the specimen is not a constraint to development as it does not lie within the site, is not detailed to be removed and is unlikely to be affected by the development. Aside this should the tree be affected the development the matter would be a civil one between the two land owners.

S106/CIL - The application will provide two dwellings in place of an assembly and leisure use. The addition of residential units would create additional pressures upon local and social infrastructure, and contributions should be secured through the development process to provide for infrastructure

provision as mitigation. The Council's adopted SPD Planning Contributions and Affordable Housing: Priorities and Delivery, outlines the level of obligations which should be sought, which are detailed below.

Scale of development proposed: 2 dwellings (1 @ 95-119m² and 1 @ +120m² in floor area).

Mitigation for established use: 240m² of D2 Assembly and Leisure use.

Level of contributions triggered by the development (after mitigation):

Sustainable Transport:	£771.00
Greenspace and Recreation:	£4740.00
Lifelong Learning:	£880.00
Waste & Recycling:	£100.00

Total: £6491.00 (+ the Council's legal fees approx £500)

(if paid up front £6166.45 with no fees – due to a 5% discount structure for early payment/delivery)

Conclusions

The fundamental principle of a residential use for these redundant buildings is supported. The maintenance of the front boundary wall and overriding character and appearance of the buildings is welcomed, and subject to detail appears to maintain or enhance the character and appearance of the plot, the street scene and the Higher Brixham Conservation Area. This judgement is however subject to the receipt of the Statement of Heritage Significance and subsequent consideration of the impact on the heritage asset. The spatial arrangement and relationship between plots is considered to be improved by the proposed partial demolition, and appropriate amenity levels appear to be protected through boundary treatments (which should be maintained at all times thereafter).

Proposed Headers for Conditions

- Statement of demolition
- Submission of detailed design
- Submission of external materials
- Removal of Permitted Development Rights
- Boundary treatment in place prior to occupation and maintained as such at all times thereafter

Relevant Policies

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