

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING AND DEVELOPMENT CONTROL COMMITTEE**

DATE: **22ND MARCH 2017**

REPORT BY: **CHIEF OFFICER (PLANNING AND ENVIRONMENT)**

SUBJECT: **FULL APPLICATION – CHANGE OF USE AND CONVERSION OF AN EXISTING CHAPEL TO FORM A SINGLE DWELLING AT CYSEGR CHAPEL, RHEWL MOSTYN, HOLYWELL.**

APPLICATION NUMBER: **056319**

APPLICANT: **MS LOUISE JOHNSON**

SITE: **CYSEGR CHAPEL, RHEWL MOSTYN, HOLYWELL**

APPLICATION VALID DATE: **4TH JANUARY 2017**

LOCAL MEMBERS: **COUNCILLOR DAVID RONEY**

TOWN/COMMUNITY COUNCIL: **MOSTYN COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **MEMBER REQUEST**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This planning application is submitted for the change of use and conversion of the existing chapel to form a single dwelling. It is proposed to utilise the area to the side of the chapel for the parking of vehicles and to set back the existing front wall and railings by 1m.
- 1.02 It is considered that the proposed change of use and conversion of the chapel to a dwelling is in accordance with Policies GEN1, GEN2, WB1 and HSG3. The proposed vehicular access and parking provision to the side of the chapel are acceptable in highways terms.

2.00 RECOMMENDATION: TO GRANT PLANNING PERMISSION, SUBJECT TO THE FOLLOWING:-

- 2.01
1. 5 year commencement
 2. In accordance with approved plans
 3. Footpath to be created to frontage in the intervening land created by the set back of the wall/railings, in accordance with standard details.
 4. Prior to commencement of works a level 1 photographic survey is to be carried out

Note to Applicant

All bats and their roosts are protected under the Conservation of Habitats and Species Regulations 2010, and the Wildlife and Countryside Act 1981, as amended. Please be advised that if bats are discovered all works should stop immediately and Natural Resources Wales or the County Ecologist should be contacted for advice before continuing.

All British birds, their nests and eggs (with certain limited exceptions) are protected by law by the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. Please be advised that no demolition/ building works or clearance of vegetation should be undertaken while nesting birds are present

3.00 CONSULTATIONS

3.01 Local Member

Councillor D. Roney

Requests Committee determination and site visit, as his preliminary view is that the proposal is unrealistic, the taking down of the wall / railings will result in these touching the front of the Chapel. Application states that proposal is not solely residential, an element of commercial involvement. Considers that there is no way that three vehicles would reverse down the side of the Chapel

Mostyn Community Council

The Community Council has continued concerns about the lack of parking in the area, the taking down of the wall/railings and reversing difficulties from the site.

Head of Assets and Transportation

Have no objection to the proposal. Would advise that the intervening section of land created by setting back the wall/railings shall be constructed as a footway in accordance with standard details. Necessary supervision and subsequent adoption under Section 228 of the Highway Act 1980 will be required. The existing traffic sign will require relocation to the rear of the footway in consultation with the

Street Scene Section,

Head of Public Protection

Confirm that they have no adverse comments to make regarding this proposal.

Welsh Water/Dwr Cymru

No response received at time of writing this report.

Natural Resources Wales

Have identified that bats may be present and recommend that the site be screened for the reasonable likelihood of bats being present and to ascertain the need for a bat survey. The County ecologist has confirmed that a bat survey is not required, but has recommended that any planning consent has a Note to Applicant attached with regard to protection of any bats that may be found during the course of works carried out.

Ecology

As a result of the comments of Natural Resources Wales, the county ecologist has visited the site and has advised that whilst there is evidence of historic use of the building by bats. The building has the benefit of planning permission and had been made secure to prevent pigeons from nesting.

During the County ecologists visit to site recently to inspect the building for signs of bats, there is little evidence of recent use and there is no evidence of nesting birds. It is noted that the attic area will be retained as a cold space, with insulation placed within the ceiling, as such this will offer the potential for bats once the building has been renovated.

Although there was no evidence of a bat roost; this does not preclude a bats from the site and to this end I would recommend a Note to Applicant advising on the protection of bats under the relevant legislation and that the applicant be advised that if any bats are found works must cease and appropriate advice be sought before continuing works.

At the recent site visit the applicant was recommended that the vegetation adjacent to and on the outside of the building be cut/ removed as soon as possible, (to avoid attracting nesting birds, prior to the start of the development). In light of the potential for nesting birds it is recommended that the applicant be advised by a Note to Applicant that all British birds, their nests and eggs (with certain limited exceptions) are protected by legislation, no works including vegetation clearance should be undertaken while nesting birds are present.

Coal Authority

When considering this particular proposal the planning application is primarily for a change of use of an existing building. With only limited groundwork's proposed to reinstate the boundary treatment. Therefore we do not consider that a Coal Mining Risk Assessment is necessary for this proposal and do not object to this planning application.

Capel

In their capacity as an interest group for Chapel buildings have supported the application.

Clwyd Powys Archaeological Trust

Information held within the Regional Historic Environmental Record indicates that although the development appears to have limited sub surface archaeological implications the proposal will affect a traditional 19th C chapel. The building retains much of its original fabric, features and layout and is of local importance, it would be unfortunate if this building was now altered without a record of its present form being retained.

Therefore a Level 1 photographic survey is required to be carried out before any works commence, in order to preserve a record of the building.

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification

No response received as a result of the above publicity.

5.00 SITE HISTORY

5.01 **051199**

Change of use and conversion of existing chapel to form a single dwelling – Approved 28/5/2014.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

GEN1 - General Requirements for Development

GEN2 - Development Inside Settlement Boundaries]

HSG3 - Housing on Unallocated Sites Within Settlement Boundary

CF1 - Retention of Existing Facilities

AC13 - Access and Traffic Impact

WB1 - Species Protection

7.00 PLANNING APPRAISAL

7.01 Introduction

This planning application seeks consent for change of use and conversion of the existing chapel to a single dwelling and the formation of access and parking provision for three vehicles to the side of existing Cysegr Chapel, Rhewl Mostyn.

7.02 Site Description

The application site is a former chapel of local character set within the settlement boundary of the village of Rhewl Mostyn. The site is set within a residential area comprising of a variety of property designs, scale and varying plot sizes reflecting the piece meal development of the village over time.

7.03 The chapel building is a large two storey property of character (however it is not listed or a building of local interest), fronted by a low brick wall and railings, as part of the scheme it is proposed to set these back by 1 metre from its original position, to secure visibility for the parking area to be provided to the side of the existing chapel. There is small amenity area to the rear of the chapel. Hedges and existing boundary walls enclose the site from the neighbouring residential properties.

7.04 Site History

The site was subject to a previous planning application under reference 051199 for the change of use and conversion of the chapel to a dwelling with parking provision to be supplied on land opposite the chapel. Following the grant of planning consent under this reference, the land forming the proposed parking area, was no longer available for this use to the applicants. As such the applicant entered in to pre application discussions in which the alternative parking provision was discussed and considered. A result of this was it was considered that the provision for parking to the side of the chapel was a viable option, with visibility secured by the moving back of the frontage wall/railings and removal of one of the existing gate posts that is currently in situ. As part of these discussions it was also recommended that the wall/railings were rebuilt and set back, as they also form part of the character of the building, the applicant was in full agreement to these recommendations.

7.05 Proposed Development

The existing chapel is no longer used as a Chapel and Capel, the body that seek to protect chapel buildings, have raised no objection to its proposed change of use and conversion to form a single dwelling. The existing internal configuration of the floors in the building are such that they are able to be utilised as part of the conversion scheme and will not lead to cutting through windows when viewed externally as often happen in such schemes, to the detriment of visual amenity of such conversions. The proposed external appearance of the building is proposed to be little changed and the main elevation is

not changed in terms of design and fenestration as such the proposal retains the character and integrity of the existing building.

7.06 The conversion will enable the creation of one dwelling over two habitable floors, with the main living accommodation being provided on the ground floor with the living room to the front of the building and the kitchen /utility room to the rear. The first floor is to comprise of bedroom and bath room facilities, with an open landing and study area utilising the existing open atrium area of the former chapel.

7.07 Concerns have been raised that the scheme proposes a commercial element, but there is no reference to this in the documentation supporting the application and the application description clearly states, proposed change of use and conversion of an existing chapel to form a single dwelling.

7.08 Protected Species

Due to Natural Resources Wales identifying the potential for bats in the building, the County Ecologist has recently meet the applicant and agent on site and has inspected the building. As the building has the benefit of planning permission previously the building had been secured to prevent pigeons nesting. During the site visit the building was inspected for evidence of bats and while there was some evidence of historic use, there was no evidence of recent use. However this would not preclude bats from visiting the site and it is recommended that any permission has a note to applicant advising that should bats be found during development, that works cease and advice be sought from Natural Resources Wales or the County Ecologist, before continuing with works. At the site visit it was recommended that the vegetation adjacent to and on the building be cut/removed as soon as possible to avoid attracting nesting birds, as these as well as their nests are protected by law. In view of this it is recommended that a note to applicant be attached to any planning consent with regard to the protection of nesting birds and that no works including vegetation clearance should be undertaken while nesting birds are present.

7.09 Street Scene

The building makes a significant contribution to the existing street scene and utilises an existing building, which would otherwise be likely to remain vacant and deteriorate over time. This scheme of conversion is sensitive to the existing character and historic nature of the building. The proposed change of use utilises the existing openings of the building in the form of windows and doors and will not lead to adverse impact upon adjoining occupiers or a loss of the building existing historic character and appearance.

7.10 Access and Parking

Access and parking provision for the change of use to a single dwelling are to be created to the side of the existing Chapel building. The creation of the point of access will involve the removal of one of the existing gate posts and the removal of part of the side boundary wall, as well as the taking down and reinstatement of the front wall and railings a further 1m set back from their original position. By moving the wall and railing back on site it will secure visibility to and from the created access point. Whilst it is noted that concerns have been raised with regards to the creation and use of the parking provision proposed, highway officers have assessed the application and have raised no objection to the proposal. As part of the assessment of the application highways officers have recommended that the intervening land created by the setting back of the frontage wall, shall be constructed as a footway, In addition they recommend that the existing traffic sign will be required to be relocated to the rear of the footway in conjunction with the advice of the Street Scenes Officer.

8.00 CONCLUSION

8.01 It is considered that the scheme proposed for the change of use and conversion of the existing former chapel building to a single dwelling is a scheme of merit that retains the integrity of the existing historic and characteristic building.

8.02 The proposal therefore complies with Policies GEN1, GEN2, HSG3, CF1, WB1 and AC13 of the adopted Flintshire Unitary Development Plan.

8.03 Other Considerations

The Council has had due regard to its duty under Section 17 of the Crime and Disorder Act 1998 and considered that there would be no significant or unacceptable increase in crime and disorder as a result of the recommended decision.

The Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

The Council has had due regard to its public sector equality duty under the Equality Act 2010.

The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents

National & Local Planning Policy

Responses to Consultation

Responses to Publicity

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