

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H09-0697-24 **Applicant:** Revd L Smith
Proposal: Change of use from Methodist Church to single dwelling
Location: Holbeach Drove Methodist Church Chapel Drove Holbeach Drove
Terminal Date: 15th November 2024

Planning Policies**South East Lincolnshire Local Plan - Adopted: March 2019**

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
11	Distribution of New Housing
17	Providing a Mix of Housing
28	The Natural Environment
29	The Historic Environment
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance**National Planning Policy Framework 2023**

Sections 5, 8, 11,12 and 16 of the National Planning Policy Framework (December 2023)

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SOUTH HOLLAND	0	0	0	1

INTERNAL DRAINAGE BOARD				
SHDC INTERNAL	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

This application is for the change of use of the existing Methodist church to a single dwelling at Holbeach Drove Methodist Church, Chapel Drove.

Site Description

The Holbeach Drove Methodist Church is a non-listed historic building, dating to the early C19th. The property can be considered to be a non-designated heritage asset, and is included in the Lincolnshire County Council HER record under reference MLI97746 - PRN 25673

The wider setting is characterised by low-density c20th ribbon development, interspersed between open countryside settings.

History

None relevant

Consultation Responses

LCC Historic Places Team

Requests that a Scheme of Archaeological Recording takes place, via standard SHDC conditions AR01, AR02, & AR03 should the application be approved.

LCC Lead Local Highways and Flood Authority

No objections.

South Holland Internal Drainage Board

No objections. A letter reminding the applicant of their obligations to the drainage board was also supplied.

Holbeach Parish Council

No comment

SHDC Environmental Protection Officer

No comment

Planning Considerations

The main issues and considerations in this case are (but are not limited to):

- Principle of Development and Sustainability
- Heritage Impact
- Impact on Neighbouring Residents/Land Users/Land Uses

- Highway Safety and Parking
- Flooding Risk Considerations
- Impact upon community asset.

Evaluation

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework (December 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

The Authority is able to demonstrate a supply of deliverable sites equivalent to in excess of 5 years through the latest Housing Land Supply Assessment.

Principle of Development

The South East Lincolnshire Local Plan sets out the settlement hierarchy in respect of delivering sustainable development that meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local housing need, whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.

Policy 1 of the South East Lincolnshire Local Plan sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework of settlements, ranking the settlements deemed to be most sustainable in descending order.

The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy in respect of sustainable development are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

Policy 1 (Spatial Strategy) of the South East Lincolnshire Local Plan indicates that within Minor Service Centres, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities. This policy goes on to detail that development within Minor Service Centres will normally be limited to Allocated and Committed sites and infill.

The National Planning Policy Framework, (NPPF) (December 2023) outlines, within para 60, that "to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay and that land with permission is developed without unnecessary delay".

Para 70 of the NPPF (December 2023) also emphasises the importance that the contribution of small to medium sized sites can make in meeting the housing requirements. ("Small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly"). This policy seeks to ensure that there is a sufficient supply of homes and advises that sites of all sizes make a contribution to the housing requirement of an area.

The application site in this instance is within Holbeach Drove, an Other Service Centre and Settlements, and lies within the defined settlement boundaries as detailed by Policy 1. In context of

this, the principle of residential development within this location is considered to be appropriate, comprising an appropriate form of development for the location and would be in accordance with the overall principles of the spatial strategy.

As such, the proposal is considered to be in accordance with the requirements of Policy 1 of the South East Lincolnshire Local Plan when viewed in principle. This is subject to the assessment against site specific criteria; including (but are not limited to) the impact of the proposal on the character or appearance of the area, impact on the residential amenities of neighbouring occupiers, impact on highway safety and flood risk, which are discussed in turn as follows.

Heritage Impact

Paragraph 209 of the National Planning Policy Framework (NPPF) (December 2023) confirms that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Furthermore, Policy 29 of the South East Lincolnshire Local Plan (2019) confirms that to respect the historical legacy, varied character and appearance of South East Lincolnshire's historic environment, development proposals will conserve and enhance the character and appearance of designated and non-designated heritage assets

The Holbeach Drove Methodist Church can be considered to be a non-designated heritage asset, owing to the fact that it is listed within the County Council's Historic Environment Record under reference MLI97746 - PRN 25673 as a Wesleyan Chapel, constructed in 1833.

LCC Historic Places team were consulted and raised no objection to the proposal, although confirmed that the case officer should be mindful of the heritage value of the site as a community building - this will be discussed later in this report.

Otherwise, the Local Planning Authority does not consider there to be any risk presented to the value or significance of this non-designated heritage asset in the physical aspect. This proposal seeks no external amendments apart from the installation of 6 roof lights (three on each of the North and South Pitches. This is considered a minimal alteration that does not risk the character or loss of the Non-designated heritage asset.

This proposal is therefore considered to satisfy Policy 29 of the SELLP in addition to P209 of the NPPF.

It should also be noted that in respect of Archeaology, LCC Historic Places team indicated that a proposal should be accompanied with SHDC standard conditions AR01, 02 & 03 should the proposal be approved. However, the application proposes no extension or ground level works to the proposal site, and so AR01, 02 & 03 seem an unreasonable request, as they seek an archaeological investigation of the site, when seemingly no subsurface work is required as a part of the proposed development. However, Condition AR04 seems a reasonable compromise, which will allow for a full recording of the building, and its cultural significance prior to the works required to fit and adapt the site to residential use.

Highway Safety and Parking

Section 9 of the National Planning Policy Framework (December 2023) specifically relates to 'Promoting sustainable transport'. Paragraph 115 of the National Planning Policy Framework (December 2023) advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

In respect of highway matters, Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

Further, policy 36, to be read in conjunction with Appendix 6 of the South East Lincolnshire Local Plan, sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms.

The Lincolnshire County Council Highways Authority were consulted and raised no objection. No additional vehicular accesses are proposed and the site is already used for visitor purposes and as such, it is not considered that the residential use would not mark a significant increase in traffic generation and in fact, it is anticipated that the change of use could represent an occasional decrease in traffic generation.

The proposed residential use of the building provides only for a single bedroom. Whilst the proposal seeks only to retain the existing parking unchanged, the extant available provision contains enough space for several vehicles, well above the minimum two space requirement for properties up to 3 bedrooms.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the National Planning Policy Framework (December 2023).

Flood Risk

Section 14 of the National Planning policy Framework (December 2023) requires development plans to "apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: a) applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 168 details "The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding", with the sequential approach being required in areas known to be at risk now or in the future from any form of flooding, with the flood risk assessment being the tool to demonstrate this.

If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate.

The site lies within Flood Zones of the Environment Agency's Flood Maps. These have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences.

The South East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan; including the spatial strategy and the assessment of housing and employment sites. Policy 4 of the South East Lincolnshire Local Plan is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.

It is worth noting that large parts of the district of South Holland lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

The site lies within Flood Zone 1 of the Environment Agency's Flood Maps - the lowest level of flood risk. Therefore, the site could be seen as acceptable on the basis of flooding risk.

Overall, when considering the development on balance, it is considered that given the mitigation measures detailed and recommended by condition, it is considered that the proposal accords with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan and the intentions of the National Planning policy Framework in this regard.

Residential Amenity

Paragraph 135 of the National Planning Policy Framework (December 2023) states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The Local Planning Authority does not anticipate any material risk of harm to residential amenity created by this proposal.

The application does seek to create 6 additional windows in the form of 6 roof lights oriented in a pattern of 3 on each of the south and north roof elevations. Only one of these 6 windows could be considered to bear a potential risk of harm, as the proposed internal mezzanine covers only westernmost portion of the building, enjoying potential views from the two western most north and south facing windows. The remaining rooflights are positioned above the ground floor non-mezzanine section of the site and therefore well above eye-height. To the north of the site is the site address garden, looking onto the B116. Therefore, the only window which presents a potential risk of harm is the westernmost south facing rooflight. However the view out of this window would be oriented towards a blanked elevation of the neighbouring property, and would only look out onto open space which is already directly and readily visible from the roadside. Therefore, this window cannot be said to risk views of private domestic space and therefore, the risk is considered to be minimal and acceptable.

Otherwise, the proposal seeks no dimensional alterations and as such, there is no further risk of overshadowing created by this proposal.

Residents of the site would enjoy access to a modestly sized side garden, which would afford an acceptable level of external amenity space.

As detailed above, the scale and design of the proposal is considered to be such that there would be no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the provisions of the Section 12 of the National Planning Policy Framework (December 2023), and Policies 2 and 3 of the Local Plan.

Impact on Community Facility

Policy 32 of the SELLP confirms that development shall contribute to: the creation of socially-cohesive and inclusive communities; reducing health inequalities; and improving the community's health and well-being. To this end, it confirms that the change of use of an existing community facility will be permitted where it can be demonstrated that the facility is surplus to requirements, not economically viable or unfit for purpose.

In certain instances, it would be necessary to provide a fully rationalised and evidenced assessment of the above. However, in this instance, the chapel is so obviously out of regular and widespread use that its redundancy is obvious, and this is typical of chapels and other smaller religious buildings in the district. Because of this, the LPA is satisfied that the existing property is surplus to requirements of the area and therefore, the proposal passes the test outlaid under Policy 32 of the SELLP.

Biodiversity NET Gain

Biodiversity Net Gain (BNG) is a way of creating and improving natural habitats, it makes sure development has a measurably positive impact (net gain) on biodiversity. Developers must deliver a BNG of 10% on site and means a development will result in more or better quality natural habitat than there was before development. There are a list of exemptions from the need for BNG, in this instance they believe they are exempt for the following reason(s) -

"After taking advice from a local Ecology Consultant this application for change of use to an existing building with no external works required will not affect any current biodiversity on the site. There are no building works taking place."

The applicant has not specifically mentioned the reasoning behind why the property is exempt in law, however, they are indirectly referencing the 'de minimis' exemption, as established in law by The Biodiversity Gain Requirements (Exemptions) Regulations 2024. This exemption confirms that any development which does not impact any onsite priority habitats, and would impact upon any of the following:

- (a) less than 25 square metres of onsite habitat that has biodiversity value(1) greater than zero; and
- (b) less than 5 metres in length of onsite linear habitat.

Is exempt from the requirements. As the proposed development does not include any increase in footprint and therefore, effectively no physical development, it cannot be held to impact any onsite habitats of any nature. It is therefore accepted that the proposal is exempt.

Planning Balance

As detailed above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The proposal represents appropriate development within the defined settlement boundary. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking, whilst conforming with the South East Lincolnshire Local Plan and the provisions of the National Planning policy Framework when viewed as a whole.

In this instance, there are no material considerations that weigh against the proposal and as such, the planning balance is in favour of the development.

Conclusion

For the reasons listed above, the application is deemed to be in accordance with Policies 1, 2, 3, 4, 11, 17, 28, 29, 32, 36, and Appendix 6 of the SELLP, in addition to Sections 5, 8, 11, 12 and 16 of the National Planning Policy Framework (December 2023). Therefore, the recommendation is to approve.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

- A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
- C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.