DECISION DELEGATED TO HEAD OF PLANNING

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|---|---|---|---|
| **Application No:** | **H23-0409-24** | **Applicant:** | **Brock Business Ltd** |
| **Proposal:** | Change of Use/Conversion of building from Class B8: Storage and Distribution to Class C3: Dwelling House | | |
| **Location:** | The Old Methodist Church High Road Whaplode | | |
| **Terminal Date:** | 15th July 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 |
| 10 | Meeting Assessed Housing Requirements |
| 11 | Distribution of New Housing |
| 28 | The Natural Environment |
| 29 | The Historic Environment |
| 30 | Pollution |
| 36 | Vehicle and Cycle Parking |
| APPENDIX 6 | Parking Standards |

**National Guidance**

**National Planning Policy Framework 2023**

Section 2 - Achieving sustainable development
Section 5 - Delivering a sufficient supply of homes
Section 11 - Making effective use of land
Section 12 - Achieving well-designed and beautiful places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment

## Representations:

| | Object | Support | No Obj. | Comments |
|---|---|---|---|---|
| PARISH COUNCIL | 0 | 0 | 0 | 0 |
| WARD MEMBER | 0 | 0 | 0 | 0 |
| HIGHWAYS & SUDS SUPPORT | 0 | 0 | 0 | 1 |

| | | | | |
|---|---|---|---|---|
| SOUTH HOLLAND INTERNAL DRAINAGE BOARD | 0 | 0 | 0 | 1 |
| SHDC INTERNAL | 0 | 0 | 1 | 0 |

CASE OFFICER ASSESSMENT

**Proposal**

This is a full application seeking permission for the change of use/conversion of The Old Methodist Church from Class B8 (Storage) to Class C3 (Dwelling House).

**Site Description**

The is located within the defined settlement boundary of Whaplode as outlined in the South East Lincolnshire Local Plan, 2019 (SELLP). The Old Methodist Church was opened in 1838 and served the purpose for Wesleyan meetings, major renovations were carried out in 1912 through the addition of gothic-headed windows with Japanese glass at the sides and leaded lights at the front.

**History**

H23-0039-03 - Extension to provide ramped access and toilet facilities - Approved

H23-0411-13 - Conversion of existing building into a single residential dwelling - Approved

H23-0575-15 - Change of use from a church to ceramics storage - use class B8 - Withdrawn

H23-0954-15 - Change of use from a church to ceramics storage - Use Class B8 - Approved

**Consultation Responses**

South Holland Internal Drainage Board

No comments.

Lincolnshire County Council Highways

Recommendation: No objection

This proposal is for the change of use/conversion of building from Class B8: Storage and Distribution to Class C3: Dwelling House and adequate provision for car parking can be provided within the limits of the. Therefore, it is considered that this proposal would not result in an unacceptable impact upon highway safety.

As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application.

No Objections

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected

to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

South Holland District Council Environmental Protection

No comments.

## Key Planning Considerations

The main issues and considerations in this case are (but are not limited to):
- Principle of Development and Sustainability
- Layout, Design and Impact on the Character of the Area
- Impact on Neighbouring Residents/Land Users/Land Uses
- Highway Safety and Parking
- Flooding Risk Considerations and Drainage
- Heritage Matters
- Biodiversity Net Gain

## 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 and Sustainability

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 Main 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.

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 use of The Old Methodist Church was converted to storage (B8) under H23-0954-15 and thus following on from this a new extant use was established. Interest had been shown at this time to convert the church into a residential dwelling however was not acted on at the time mostly due to the lack of amenity space/garden area within the site. It can therefore be considered that it has been established that the use is open to change for this property and the area is not losing a community asset in a church due to this not being in operation since at least 2015. The site is within the defined settlement boundary of Whaplode and therefore is a suitable area for housing to be located. The principle of this site is therefore considered to be acceptable subject to meeting other relevant and appropriate policies throughout, this will be assessed in the following sections of the report.

Layout, Design and Consideration of the Character and Appearance of the Area

Section 12 of the National Planning Policy Framework (December 2023) specifically relates to 'Achieving well-designed and beautiful places' and details that "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135, contained within Section 12 of the National Planning Policy Framework (December 2023), states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing.

Development proposals should also ensure that developments 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, among other considerations.

Likewise, Policy 2 of the South East Lincolnshire Local Plan outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 accords with the provisions of Section 12 of the National Planning Policy Framework, in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.

These policies accord with the provisions of the National Planning Policy Framework and require that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

The internal layout of the existing Methodist Church features storage areas to the front and rear as well as on the first floor. Furthermore, there is an office, utility two WC and a lobby on the side for internal access. The proposal plans to alter the layout to make it habitable, the new living room will be located to the front of the property with the stair case to remain in place; this will be connected and feed directly into the open plan kitchen/dining area which then passes through to the utility. To

the very rear of the property there is a ground floor bedroom with a dressing room and en-suite with a shared bathroom also located in this vicinity. Finally, the lobby as a further entrance will also remain as is. On the first floor there will be two extra bedrooms both with en-suites. The layout of this proposed conversion allows for the residents to operate and comfortably reside within the property whilst also meeting the Nationally Described Space Standards; they are also not considered to cause any harm to the street scene or locality due to them being solely internal alterations.

In addition to this there are no external alterations proposed throughout, the elevations will remain as they are and no additions to any elevation are proposed. Should the owner/occupier wish to extend the property in any aspect this must be agreed in writing with the LPA prior to construction. As such, this is considered to be acceptable and in accordance with policy. By keeping the main features of the Methodist Church this allows it to keep its long and extant history that it offers whilst serving a purpose within the settlement; it also ensures that it remains blended in with the area as a whole.

Taking account of the design, scale and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with policies 2 and 3 of the South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework (December 2023).

Impact on Residential Amenity/Land Users

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.

There is considered to be no material increase in the levels of overshadowing following the conversion of this building. As there are no external alterations or additions throughout, there are no aspects that could effect existing residential properties nearby. This would mean there is no new harm in comparison to the existing building and overall is considered to be acceptable in this regard.

Additionally, there are no new windows proposed however it is important to note many of these windows will now feature habitable rooms within them and could increase the potential for overlooking. Firstly, the windows on the north, south and east elevations are all an adequate distance away from neighbouring properties that they face and therefore the view from existing windows in this regard will not provide any unacceptable views. Finally, the windows that could potentially provide a harmful view are all located on the west elevation - these serve the living room, kitchen/dining room, lobby, two bathrooms and a dressing room (both the bathrooms and the lobby are not habitable rooms and therefore are not considered to increase the loss of privacy). The living room and kitchen/dining are both located on the front half of the building and as such these windows are directly aimed towards 1 Chapel Gardens garden and rear windows, whilst these would be considered to provide a view, in any case the windows and gardens are completely visible from the public highway due to the low hedges and lack of fencing along the boundary and therefore regardless of these windows and/or conversion it would be visible and they would have a lack of privacy. As such, this justification is considered to outline why this is considered to be acceptable, if the harm is drastic the residents at this neighbouring property should be able to erect a 2m high fence under permitted development to combat this issue.

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. Whilst the proposal is not in direct accordance with the provisions of the Section 12 of the National Planning Policy Framework (December 2023), and Policies 2 and 3 of the Local Plan it would still be acceptable.

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.

Three bedrooms are proposed for this dwelling and as such two vehicle spaces are required on site. From the plans provided this outlines where two vehicles can be safely stored off the highway with one along the side of the building behind the gate and with the other forward of the principal elevation. This is therefore considered to be adequate parking space for the property and is therefore policy compliant. Lincolnshire County Council Highways Authority were consulted on this application and they raised no objections with their comments stating 'Adequate provision for car parking can be provided within the limits of the house. Therefore it is considered that this proposal would not result in an unacceptable impact upon highway safety'. Therefore, the proposal cannot be refused on highway grounds.

Flooding Considerations

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 3 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 Residual Flood Hazard Map for the 1% fluvial and 0.5% tidal event shows the site being outside of low hazard area for the present day, and for 2116. The Residual Peak Depth Map for the 1% fluvial and 0.5% tidal shows that the site is outside of the area at risk in the present day, and for 2116.

The SFRA indicates that the site is within an area identified as no danger. Despite this, due to the site being within Flood Zone 3 and classed as 'More Vulnerable', a Flood Risk Assessment has been submitted with reference to the Sequential and Exception Test. Within this flood risk assessment they claim that the Government's flood risk services state that this site has a very low risk of surface water flooding with a change of flooding of less than 0.1% each year. It also has low risk of flooding from both rivers and the sea with a chance of flooding between 0.1% and 1% each year, whilst also confirming that flooding from groundwater and reservoirs is unlikely in this area. The following flood risk mitigation measures are proposed/in use currently: a drainage gulley is provided to the front of the site, the hardstanding ramps up towards the building, away from the drainage gulley, there is an approximately 150mm difference between the external ground level and internal finished floor level and finally a mezzanine first floor level is already in place, the proposed plans show bathrooms installed on this floor. This would provide occupants with a place of refuge in the event of a flood. As a whole, these mitigation measures are considered to be acceptable and the development passes both the sequential and exception test.

Overall, when considering the development on balance, it is considered that the proposal accords with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan 2019 and the intentions of the National Planning Policy Framework 2023 in this regard.

Heritage Matters

Despite the building not being listed nor having Article 4 Direction attached to it, The Old Methodist Church clearly has long and rich history attached to it. From records produced by Lincolnshire County Council it is apparent that it was opened in 1838 by Rev Robert Newton and had seating for around 130 people, it held Wesleyan meetings which prior to this were held in a house as early as 1759 although a society was not formed until 1813. Major renovations took place in 1912 which included the removal and replacement of old widows with the porch also being rebuilt and a vestry erected at the rear of the building. The building continued in use as a chapel until about 2016 when works to convert the structure to residential use can be discerned on Google Street View, the former iron railings were removed as part of the conversion. In any case, the external elevations will remain the same throughout and therefore the heritage of the site will remain intact.

Biodiversity Net Gain

The applicant claims that they are exempt from BNG under the 'de minimis' exemption because the development does not impact on any onsite priority habitat and there is no impact on any onsite habitat. The whole site has a biodiversity value of zero - all external area is a sealed surface, made of concrete/tarmac hardstanding. No external changes are proposed as part of the application. Due to the fact there is no existing biodiversity on site currently, the conversion of this building would not impact the levels as it does not reduce or increase it, therefore the LPA consider the application is exempt from biodiversity net gain.

## 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.

## 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.

## Conclusion

Taking into consideration these factors, the proposal is considered to comply with Policies 1, 2, 3, 4, 28, 29 and 36, along with Appendix 6, of the South East Lincolnshire Local Plan (SELLP), 2019; in addition to the identified sections contained within the National Planning Policy Framework (NPFF) (December 2023). Notwithstanding the aforementioned minor conflict regarding overlooking, there are no significant factors in this case that would outweigh the benefits of the proposal; therefore, in considering all the matters raised above the planning balance is in favour of the proposal and the policies referred to above.

## Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.