

5k 3/11/0065/FP – Change of use from Church (D1) to residential dwelling (C3) with new access and associated parking at St Anne’s Church, Slough Road, Allens Green, Sawbridgeworth, Herts, CM21 0LR for Philip Chamberlain, Parochial Parish Council of High Wych

Date of Receipt: 17.01.2011

Type: Full – Minor

Parish: HIGH WYCH

Ward: MUCH HADHAM

RECOMMENDATION

That planning permission be **REFUSED** for the following reason:

1. The application fails to demonstrate that a residential use of the building is the only means to secure its retention and fails to demonstrate that the Church building is no longer needed as a community facility. The proposal is thereby contrary to Policies GBC9 and LRC11 of the East Herts Local Plan Second Review April 2007.

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1.0 Background:

- 1.1 The application site is shown on the attached OS extract.
- 1.2 St Anne’s Church is a detached, small 19th Century Victorian Church, designed with flint, white brick with a slate roof. The property is Grade II Listed, is one storey in height and is sited on a corner plot, adjacent to Allen’s Green.
- 1.3 This application seeks planning permission to convert the existing Church into a 2 bedroom residential dwelling. The conversion would provide 2 bedrooms, a bathroom and an open plan living and kitchen area. It is also proposed to pave part of the existing grass area to the rear of the church to accommodate 2 vehicle parking spaces.

2.0 Site History:

- 2.1 Listed Building Consent was granted on the 17th November 2010 under LPA reference 3/10/1614/LB for internal alterations to accommodate the conversion of the Church into a 2 bedroom dwelling.
- 2.2 An application for planning permission within LPA reference 3/10/1613/FP to convert the Church into a two bedroom house with new access and associated parking was withdrawn by the applicant

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following Officers concerns that the application failed to demonstrate that a residential use of the building is the only means to secure its retention and failed to demonstrate that the Church is no longer needed as a community facility.

3.0 Consultation Responses:

- 3.1 Environmental Health comment that should planning permission be granted, conditions regarding air quality issues, hours of construction works and the provision of refuse facilities should be included.
- 3.2 County Highways - do not wish to restrict the grant of permission.
- 3.3 The Council's Landscape Officer has recommended refusal of the application and has raised concerns with the removal of the hedge to accommodate the proposed off - street parking spaces which the Landscape Officer considers contributes to the setting of the Church.
- 3.4 Herts and Middlesex Wildlife Trust comment that the bat survey submitted with the report found no evidence of bats and that the proposed works would not pose a risk to any potential bat roosts. Herts and Middlesex Wildlife Trust support these findings and recommend precautionary measures before works commence.

4.0 Town Council Representations:

- 4.1 High Wych Parish Council object to the proposal and comment that the proposed vehicle entrance would be a danger to highway users. The Parish Council has also attached notes from Councillor Sykes regarding the proposal. Councillor Sykes also raises concerns with the dangerous nature of the proposed vehicular access.

5.0 Other Representations:

- 5.1 The application has been advertised by way of press notice, site notice and neighbour notification.
- 5.2 One letter of objection has been received which outlines that the Church should do other things to encourage its patronage. There are further concerns that the 2 allocated parking spaces would not be sufficient for a 2 bedroom property and would result in on-street parking.

Policy:

6.1 The relevant 'saved' Local Plan policies in this application include the following:

GBC2	The Rural Area Beyond the Green Belt
GBC3	Appropriate Development in the Rural Area Beyond the Green Belt
GBC9	Adaptation and Re-use of Rural Buildings
ENV1	Design and Environmental Quality
TR7	Parking
LRC11	Retention of Community Facilities

In addition to the above it is considered that Planning Policy Statement 5: Planning for the Historic Environment forms a material consideration in the determination of this application.

6.0 Considerations:

Principle of Development – change of use

7.1 The building is located within the Rural Area beyond the Metropolitan Green Belt wherein the conversion of a community facility will be permitted provided that it complies with Policies LRC11 and GBC 3 of the Local Plan. Policy GBC3 outlines that permission will not be given for the conversion and adaptation of non-residential rural buildings unless it fully accords with GBC9 (II) of the Local Plan. Policy GBC9 (II) of the Local Plan allows for the residential use of a rural building where;

(a) the building is worthy of retention and a residential use would not detract significantly from the rural character and appearance of the area;

(b) the retention of the building is unable to be facilitated by conversion to a business/ community use or other purposes compatible with the rural area;

(c) A contribution to affordable housing cannot be made by the building.

7.2 In relation to criteria (a) above, the building is Grade II listed. As such, Officers consider that the building is of fine architectural merit, is worthy of retention does not require substantial renovation. Furthermore, taking into account the siting of the building, encompassed by other residential dwellings, such a use in principle would be acceptable. Officers also consider that as the residential use would be contained within the existing footprint of the building, the physical intrusion that the

development would have into the openness of the Rural Area would be minimal. In light of the above, it is my Officer view that the proposal meets criterion (a) of GBC9.

- 7.3 The applicant has outlined in the submitted design and access statement that it would not be possible to convert the existing building into a business/tourism/leisure/community use because owner-occupiers are more likely to maintain the building in a satisfactory condition. Officers consider however that the proposal does not meet criterion (II) (b) of Policy GBC9 of the Local Plan, as it is not considered that the applicant has fully explored nor considered the other options for the conversion of the building that may be compatible with the surrounding area. Whilst the impact of alternative uses on the fabric of the Listed Building and on amenities of the occupiers of the nearby residential dwellings would need to be considered, Officers do not consider that the relationships between the buildings are such that would preclude alternative, possibly commercial or community uses of the building, particularly when taking into account the size of the Church. As such, Officers are not satisfied that alternative uses for the site have been adequately explored (with no evidence to support the applicant's submitted suggestions) and based on the evidence submitted, that the proposed residential use is not the only remaining viable and realistic use to ensure the retention, repair and future maintenance of this building.
- 7.4 With reference to criteria (c), the use of the building for affordable housing would not be appropriate in this instance due to the future maintenance of the building and the remote village location of the site.
- 7.5 In accordance with the above, it is considered that the proposal fails to meet criterion (II) (b) of GBC9 and as such fails to demonstrate that a residential use of the building is the only means to secure its retention.

Loss of a community facility

- 7.6 Policy LRC11 of the Local Plan requires proposals that will result in the loss of a community facility to provide suitable alternative facilities on site or in the locality; or are required to demonstrate that the facility is no longer needed and that there is insufficient demand to make an alternative community facility available.
- 7.7 Within any planning application submitted for such a proposal, the Council would therefore need to see evidence and a justification as to how and why the existing use of church building is not capable of being retained as a community facility and that other alternative uses of the site

have been looked at.

- 7.8 It could be argued that the use of the building as a church has been abandoned and that a loss of a community facility is not actually occurring in this case as it is noted that church attendance has fallen rapidly over the last decade. However, the table of attendance submitted with the application shows that services are still held and people do still visit St Anne's Church. Furthermore, it is noted that the Parish Council previously objected to the proposal and commented that they would be keen to convert St Anne's into a community facility, such as a community hall. The existing building is of such a size and has existing facilities (kitchen/stage/bathroom) that would allow for its adequate conversion to a community hall. The applicant has therefore failed to demonstrate that there is insufficient demand to make an alternative community facility available. The proposed development therefore conflicts with the aims and objectives of Policy LRC11 of the Local Plan.

Highway Safety and Parking

- 7.9 In relation to traffic movements, the concerns raised by the third parties have been noted and it is acknowledged that the residential use would be likely to result in a small increase in traffic movement compared to that created by the current use of the site. However, should the building be reinstated as another community use, it is Officers opinion that the level of traffic would be substantially greater than that of a 2 bedroom dwelling.
- 7.10 With regards to the proposed access and parking provision for the proposed conversion, it is proposed to remove a 5.5 metre wide section of hedging along the western boundary of the site to accommodate 2 off - street parking spaces. Whilst residents and the Parish Council have raised concerns in respect of inadequate parking provision, visibility splays and the removal of the hedge, the comments from the Highways Authority have been noted. Members should also note that County Highways do not object to the principle of the change of use of the church to a residential dwelling, particularly when taking into account that the provision of 2 off - street parking spaces did not previously exist.
- 7.11 With regards to the intensification of parking requirements, it is noted that the proposal would provide 2 allocated off - street parking spaces sited to the north elevation of the existing church. In respect of this parking provision, the Vehicle Parking Standards, as set out in the East Herts Local Plan requires a maximum of 1.5 spaces per 2 bedroom

dwelling. As such Officers are of the opinion that there is sufficient off - street parking provided and Officers therefore raise no objections to the level of parking provision proposed in the application.

Impact on the amenities of neighbouring residential occupiers

- 7.12 Turning to the impact upon neighbour amenity, taking into account that the existing building is sited some distance from nearby residential properties, it is Officers view that the proposal would not result in any impact on the occupiers of such properties.

Internal alterations

- 7.13 Members will note that Listed building Consent was recently granted under LPA reference 3/10/1614/LB for the internal alterations to accommodate the conversion of the Church into a residential dwelling. It is important to note that this consent granted for the internal works does not convey any planning permission for the change of use of the building. Within LPA reference 3/10/1614/LB, Officers only considered the impact of these alterations on the historic fabric and setting of the building, not the principle of converting the Church into a residential dwelling.

7.0 Conclusion:

- 8.1 Having considered the above matters, it is Officers opinion that the applicant has not presented any material considerations that warrant a departure from Local Plan Policy. The applicant has not demonstrated that a residential use of the building is the only means to secure its retention and fails to demonstrate that the Church is no longer needed as a community facility.
- 8.2 For this reason I recommend that planning permission be refused for the reason set out at the commencement of this report.