

Reference: 09/00313/COU
Date Submitted: 09.07.09
Applicant: The Leicester Diocesan Board Of Finance
Location: St Peters Church, Church Lane, Saxby
Proposal: Change of use from use Class D1 to use Class C3.

Introduction:-

The application relates to a redundant grade II* Listed Building which was formerly used as a place of worship within the village envelope for Saxby. The Church has not been in use since 2005. St Peters Church lies within a designated Protected Open Area, which consists of an open grave yard. There is a path leading up to the church and graveyard from a gated access along Church Lane. The site is located on the edge of the village envelope with open countryside to the north and residential properties to the west, east and southeast. The Old Rectory which is also a grade II Listed Building lies to the southeast of the church on lower ground level due to the topography of the area; raising up towards the open countryside. The village of Saxby has been designated as a 'category 3' village through the formulation of the preferred options of the Core Strategy due to having limited services available.

The application is presented to Committee as it presents a departure from the approved policies of the LDF

Relevant History:-

09/00314/LBC - To convert existing building to dwelling including provision of vehicular access. - Currently pending.

Melton Local Plan (saved policies):

PPS1 'Delivering Sustainable Development' – The guidance sets out the government's planning policies on delivering sustainable development through the planning system. It advocates development which reduces the need to travel and encourages accessible public transport provision to secure more sustainable patterns of transport development. It states that planning should focus development in existing centres and promote the more efficient use of land through higher density and the use of suitably located previously developed land and buildings. The Statement also outlines the Government's commitment to protecting and enhancing the quality of the natural and historic environment, in both rural and urban areas.

PPS3 Housing - provides central government guidance for residential development. The general thrust of this policy is that development should be focused in accessible locations and that brownfield land should be developed in preference to greenfield land releases. It states that housing development should be of high quality housing that is well-designed and built to a high standard. A mix of housing, both market and affordable, particularly in terms of tenure and price, to support a wide variety of households in all areas, both urban and rural.

PPS5 'Planning for the Historic Environment' outlines the Government's policies for effective protection of all aspects of the historic environment. Planning has a central role to play in conserving our heritage assets and utilising the historic environment in creating sustainable places. The Government's overarching aim is that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations. To achieve this, the Government's objectives for planning for the historic environment seek to recognise that heritage assets are a non-renewable resource, recognise that intelligently managed change may sometimes be necessary if heritage assets are to be maintained for the long term and wherever possible, heritage assets are put to an appropriate and viable use that is consistent with their conservation.

PPS7 ‘Sustainable Development in Rural Areas’: promotes sustainable development as the core principle underpinning land use planning. It reiterates the objectives in PPG13 regarding modes of travel and that new building development (including residential) in the open countryside away from existing settlements, or outside areas allocated for development should be strictly controlled. All development in rural areas should be well designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness. It includes encouragement of the re-use of buildings that are appropriately located and suitably constructed for commercial purposes as part of the approach to encourage and diversify the rural economy and suggests that residential conversion may be acceptable for some buildings.

PPG 13 ‘Transport’ - A main objective seeks to reduce the need to travel, especially by car. With regard to rural areas, the guidance makes clear that jobs, shopping, leisure facilities and services are primarily sited at the most accessible locations in the local area. In determining the appropriate strategy for employment in rural areas, the guidance says that it is important to consider the scale, impact and likely catchment area of development, and that the larger the number of staff employed on site, the greater the need to ensure the development is accessible by public transport, walking and cycling.

Melton Local Plan (Saved Policies)

Policies OS1 and BE1 allow for development within Village Envelopes providing that:-

- the form, character and appearance of the settlement is not adversely affected;
- the form, size, scale, mass, materials and architectural detailing of the development is in keeping with its locality;
- the development would not have a significantly adverse effect on the historic built environment or buildings and structures of local importance.
- the development would not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing dwellings in the vicinity; and,
- satisfactory access and parking provision can be made available.

Polices BE12 allows for development within designated Protected Open Areas providing the proposal is in conjunction or associated with an existing use and the development would not adversely affect the intrinsic character of the area.

Melton LDF Core Strategy: seeks to focus development in Melton Mowbray with a small balance (20%) in the surrounding Borough and expectations to produce mixed, integrated housing developments and meet local needs by addressing identified imbalances in housing stock in all locations. Identifies villages by virtue of a hierarchy reflecting their sustainability and, therefore, suitability for development.

Consultations:-

| Consultation reply | Assessment of Head of Regulatory Services |
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| <p>Highway Authority – No objections subject to the access, parking and turning facilities complying with current Highway standards.</p> | <p>There is no off street parking at present for the existing Church. It is proposed to widen the gated entrance to the church which will require partial demolition of the boundary wall. The wall is in need of repairs due to large cracks being present. The existing path is to be widened to 4.8 metres to provide an adequate vehicle access which will lead to a parking and turning area. Two small yew trees are to be removed and three head stones are to be relocated to allow the parking area to be constructed. None of the trees on site are protected and there is no designated Conservation Area, the relocation of the headstones will require consent from the Diocesan. It is considered that subject to a condition requesting parking details and submission of surface materials for the drive</p> |

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| | and parking the highways requirements can be satisfied. |
| Freeby Parish Council –No objections to the change of use. | Noted. |
| English Heritage – No objections to the amended proposals to convert the church into a one bedroom residential property with amenity garden to the east of the church. | Extensive consultations have taken place with English Heritage on this proposal over the period of a year leading up to this determination. The amended proposal maintains a full height open space at the east end of the Nave moving the kitchen from the chancel and replacing with a study area. The changes are considered to be less intrusive and they maintain the integrity of the internal fabrication of the listed building. |
| <p>Conservation Officer: St Peters Church is a grade II* listed Church that is no longer in use for worship. It was built 1789 to the designs of George Richardson and its interior altered and re-seated by J.Goddard, 1874.</p> <p>The Church has stood empty for many years but remains unaltered. The proposal is to convert the building for residential use together with an access driveway and off road parking etc.</p> <p>There have been several meetings and prolonged discussion concerning the least intrusive methods of securing a suitable residential conversion. At this stage it is reasonable to conclude that an appropriate internal conversion scheme has been achieved which will minimise intrusion into historic fabric whilst maintaining the spatial character and spiritual ‘feel’ of the internal space.</p> <p>The Officer has no concerns regarding the change of use of the listed Church which is currently vacant (and has been so for many years) and is beginning to deteriorate. Naturally a new use will ensure that the deterioration is halted and the listed building will be maintained in good order for the longer term.</p> <p><u>External Works</u> - The conversion works proposed will have no effect on the external fabric of the building but associated works will impinge to a degree on its setting.</p> <p>The existing boundary wall fronting the highway is in poor condition suffering from movement and cracking. Clearly this fault would need addressing eventually but the proposal to provide a wider entrance and associated driveway will alleviate this problem – The boundary wall, which is a listed curtilage structure, will however need to be re-built (post landscaping works) in the same style as existing using reclaimed materials etc. –</p> | <p>The application has been subject to lengthy consultations with the Conservation Officer and English Heritage and it is now considered that the final proposal has address all the previous concerns relating to the impact upon the Listed Building.</p> <p>The Conservation Officer has requested that conditions be imposed to ensure that appropriate materials are used for the new driveway and parking areas to better respect the Church and its setting. The boundary wall is considered to be curtilage listed and should be rebuilt in similar manner. These can be dealt with by means of a condition.</p> <p>The Officer has suggested that replacement trees (of suitable species) be planted elsewhere within the Churchyard to enhance the landscaping scheme to mitigate the loss of the two yew trees.</p> |
| <p>Housing Policy: No objection.</p> <p>David Couttie Associates conducted a Housing Market Analysis for Melton Borough Council</p> | The proposal relates to a conversion of a heritage asset to create a two bedroom property. The |

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| <p>(Housing Stock Analysis 2006-2011; 2006) and found within the Rural East of the borough there is limited need for additional market housing to 2011, the need for additional market housing in the area relates mainly to the need for additional 2 and 3 bedroom units; there is only a significant surplus of larger sized properties in the area. There are limited opportunities within village envelopes for significant new residential developments and therefore residential developments in the area should contribute towards the creation of a mixed community and have regard to local market housing needs.</p> <p>The change of use of the church would create a 2 bedroom dwelling; given that the application represents the conversion of an existing listed building and that the house type proposed would meet the shortfall of smaller properties in the housing market the application is supported in terms of the type of housing proposed.</p> | <p>proposal is considered to meet the identified need in term of size but given the sensitivity of the site it is not likely to appeal to the majority.</p> |
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Representations:

A site notice was posted and neighbouring properties consulted. As a result no representation has been received. Further rounds of consultations have taken place on the amended information and no objections or comments have been received at the time of drafting the report.

Other material considerations (not raised through consultation of representation)

| Considerations | Assessment of Head of Regulatory Services |
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| <p>Application of Development Plan and other planning policy.</p> <p>Through the formulation of the preferred options of the Core Strategy a hierarchy approach has been adopted which identifies villages by virtue of their sustainability and, therefore, suitability for development in line with PPS1 and PPS3.</p> <p>PPS 5 – Planning and the Historic Environment states in <u>Policy HE1</u> that... ‘Local Planning Authorities should identify opportunities to mitigate the effects of climate change when making decisions related to heritage assets by, amongst other things, seeking their re-use. Keeping heritage assets in use avoids the consumption of building materials and energy.’</p> <p><u>Policy HE9</u> sets out the presumption in favour of the conservation of designated heritage assets. Not all designated assets are of equal significance or sensitivity to change, some will be more capable than others of accommodating it. Any changes must be weighed against the conservation benefits that the proposal would bring in terms of realising the optimum viable use for the asset.</p> <p>It is important that any use is viable. Viable uses will fund future maintenance but the optimum use is the one that causes the least harm to the</p> | <p>Whilst PPS1, PPS 3 and the Core Strategy seeks to resist new dwellings in unsustainable locations in this instance it is considered that, there are other material considerations to take into account.. The proposal relates to a heritage asset as defined in PPS5, which advises that heritage assets are a non-renewable resource which should be intelligently managed and that change may sometimes be necessary if heritage assets are to be maintained for the long term.</p> <p>The village of Saxby is considered to be an unsustainable location where development for new housing would normally be restricted. Whilst it cannot be ascertained if residential conversion is the optimum viable use, The Church lies within the village envelope and its conversion to residential is supported by the saved policy OS1 of the Melton Local Plan and policy HE9 of PPS5 which seeks to preserve the long term upkeep of a listed building.</p> <p>The church has not been in use for the past five years and to protect the future of the grade II* Listed Building the church was offered for sale by informal tender. This method was selected as it was considered to be the best way of demonstrating both the best market value and the</p> |

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| <p>significance of the asset, not just through necessary initial changes but also likely future changes. The optimum use is not necessarily the most profitable one.</p> | <p>most favoured use for the building. The majority of tenders were for residential conversion.</p> <p>Clearly the proposed residential use of the Church involves a degree of adaptation and additional fittings. These proposals have been discussed at length and adapted to ensure that the conversion can be achieved sensitively and limiting disruption to historic fabric. On balance it is considered that the preservation of a historic asset outweighs the unsustainable location of the proposal and the application is considered to be supported by Policy HE9 of PPS5 and saved Policy OS1 of the Local Plan.</p> |
| <p>Impact upon the setting of the Listed Building:</p> | <p>The graveyard surrounds the church and this will remain open to members of the public with the most recent burials having taken place to the North of the church. There will be no change of use to the grave yard and the amenity area for the future occupiers is proposed to the East of the church beyond the graveyard but still within the church land boundary, behind a mature hedge, which will ensure the area remains private to the occupiers. Permitted development right should be removed to ensure that no inappropriate development takes place to ensure that the setting of the listed building is preserved.</p> <p>To enable vehicular access for the future occupiers it will be necessary to widen the entrance and the existing pathway leading up to the church. The front boundary wall has severe cracks in the brick work. It has been proposed to remove the two gate piers and earth behind the retaining walls which would then be contoured. The boundary would have then been suggested to be marked out by an oak post fence and a new gate to the drive. No details have been provided and should be requested in the form of a condition in order to seek appropriate boundary treatment in the interest of preserving the setting of the listed building.</p> |
| <p>Impact on residential amenity</p> | <p>The site is located some distance from the nearest residential dwelling. It is therefore not considered that the proposal will adversely affect the residential amenities of any nearby properties.</p> |
| <p>Impact on the streetscene</p> | <p>The conversion works proposed will have no effect on the external fabric of the building but associated works will impinge to a degree on its setting. The proposed access, driveway, turning and amenity space is not considered to have an adverse impact on the streetscene.</p> |

Conclusion

The application seeks to convert a grade II* Listed Building to a habitable use which will secure its long term future. The Church sits within the village envelope for Saxby, a Category 3 Village, where future housing development would not normally be supported. It is considered that preserving of the historic building outweighs matters in regards to sustainability and its use as a one bedroom residential dwelling is acceptable. Private amenity areas can be provided which ensures that the integrity of the grave yard and protected open area will remain intact. The applicant has shown that parking provisions can be provided within the site with modifications to the entrance and pathway and the proposal would

not impact on the amenities of adjoining residential properties. Accordingly the application is recommended for approval.

RECOMMENDATION: Permit subject to conditions:-

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The proposed development shall be carried out strictly in accordance with the amended plans, drawing no. 080364/A/11 rev B, 080364/A/12 rev B and 080364/A/13 rev A, deposited with the Local Planning Authority on the 16th April 2010.
3. Notwithstanding the provisions of Parts 1 and 2 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 1995, as amended (or any Order revoking and re-enacting that Order), in respect of the residential dwelling hereby permitted no development as specified in any of the aforementioned Classes shall be carried out unless a specific grant of planning permission has first been given by the Local Planning Authority.
4. No domestic paraphernalia, including children's play equipment, washing lines, seating, sheds etc shall be erected or sited within the graveyard area surrounding the church unless prior agreement is given in writing by the Local Planning Authority.
5. A strict watching brief shall be maintained at all times during the development for protected species, before works begin and as they progress. In the event of any protected species being discovered, works must cease temporarily while you seek expert advice and any appropriate mitigation measures for the protection of the species, which may be necessary, are put in place before any work can resume.
6. No development shall start on site until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. This scheme shall indicate full details of the treatment proposed for all hard and soft ground surfaces, including vehicle driveway and boundaries together with the species and materials proposed, their disposition and existing and finished levels or contours. The scheme shall also indicate and specify all existing trees and hedgerows on the land which shall be retained in their entirety, unless otherwise agreed in writing by the Local Planning Authority, together with measures for their protection in the course of development.
7. The approved landscape scheme (both hard and soft) shall be carried out before the occupation of the buildings or the completion of the development, whichever is the sooner; unless otherwise agreed in writing by the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reasons:-

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt; the initial proposals being considered unsatisfactory
3. To enable the Local Planning Authority to retain control over future extensions in view of the impact upon the setting of the Listed Building.
4. To preserve the setting of the listed building.
5. To protect any species that may be present on the site
6. To ensure satisfactory landscaping is provided within a reasonable period.
7. To provide a reasonable period for the replacement of any planting.

Officer to contact:

Mrs Denise Knipe

7th July 2010