



**Melton
Borough
Council**

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Planning Committee

19 August 2021

Report of: Assistant Director for Planning and Delivery

20/01233/FUL – Conversion of Former Methodist Church to a 3 Bedroom Dwelling | Somerby Methodist Church High Street Somerby Melton Mowbray LE14 2PZ

Applicant: Mr Tim Spencer

Corporate Priority:	Delivering sustainable and inclusive growth in Melton
Relevant Ward Member(s):	Councillor Leigh Higgins
Date of consultation with Ward Member(s):	
Exempt Information:	No

1 Summary



- 1.1 Somerby Methodist Chapel is located in the Somerby Conservation Area. The Chapel was originally built as a Sunday school extension to the original Methodist Church. The Chapel's character and appearance when viewed from the street scene is neutral, with no significant historic or architectural interest. The Chapel belonged to the 'Stamford Methodist Circuit' until it was closed for worship and sold in October 2019.

Recommendation(s)

1. **It is recommended the application for change of use is APPROVED, subject to:**
- (i) **conditions as set out in appendix A and**
 - (ii) **the completion of a s106 agreement to provide funds of £10,000 to facilitate the adaption of the Village Hall.**

2 Reason for Recommendations

- 2.1 In the opinion of the Local Planning Authority (LPA), the Chapel's proposed change of use from religious place of worship and community use to residential is acceptable. The building was sold nearly two years ago; in that time there has not been an interested community group to come forward with funds or a business case to acquire the building.
- 2.2 The change of use cannot be supported unless there is alternative suitable community facility for the community groups that previously used the Somerby Methodist Chapel, in accordance with Melton Local Plan Policy C7 and the Somerby Neighbourhood Plan Policy CF1, or the existing use is shown to be unviable. As no community group has come forward to purchase the Chapel, an alternative solution has to be found. It is the opinion of the LPA that the offer of £10,000 is a fair and reasonable amount towards the adaption and extension of Somerby Village Hall, to a condition appropriate for the displaced groups to find accommodation.
- 2.3 Should the application for a change of use be refused, it is likely that Somerby Methodist Chapel will remain empty; its condition thereby continuing to degrade. The building would then remain empty until such time as either a community group came forward to purchase the building, or the change of use to residential was granted. It has been approaching two years since building was sold, which is considered sufficient time to allow a community group to come forwards with a viable proposal. As such, there are tangible public benefits to securing the future use of the building; this will ensure the character and appearance of the Conservation Area is maintained; the Chapel is a prominent feature on the High Street, located in the heart of the Conservation Area. Paragraph 206 of the National Planning Policy Framework (NPPF) states that LPA's should look for opportunities for new development within Conservation Areas to preserve those elements of the setting that make a positive contribution to the asset.
- 2.4 The proposed development would therefore accord to Policies C7 and SS1 of the Melton Local Plan, Policy CF1 of the Somerby Neighbourhood Plan and Paragraph 206 of the NPPF, as well as the overall aims of the NPPF (revised 2021).

3 Key Factors

- 3.1 **Reason for Committee Determination**

- 3.2 The application is required to be considered by the Committee because the number of objections goes beyond the threshold for delegated authority.
- 3.3 **Relevant Policy context**
- 3.3.1 The Melton Local Plan 2011-2036 was adopted on 10th October 2018 and is the Development Plan for the area. Policy C7 and SS1 apply.
- 3.3.2 No inconsistency with the NPPF has been identified that would render Local Plan Policies 'Out of Date'.
- 3.3.3 The Somerby Neighbourhood Plan was made in 2020 and carries full weight. Policy CF1 applies
- 3.3.4 Please see Appendix D for a list of all applicable policies.
- 3.3.5 The Site lies in the Somerby Conservation Area and as such the duty of s72 Planning (Listed Buildings and Conservation Areas) Act 1990 is applicable, to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
- 3.4 **Main Issues**
- 3.4.1 The key issues for this application are considered to be:
- Principle of change of use from place of worship to residential
 - Impact upon the character of the Somerby Conservation Area
 - Impact upon residential amenities
 - Impact upon highways and parking

4 Report Detail

4.1 Position under the Development Plan Policies

- 4.1.1 The site is within the village of Somerby where Policy SS1 and SS2 apply. This relates to sustainable development and encourages residential development within 'Service Centres' such as Somerby (as well as 'Rural Hubs') through development of allocated sites and windfall development such as this proposal.
- 4.1.2 Local Plan Policy C7 relates to the provision of community assets. C7 states that applications resulting in the loss of community assets should be refused, unless there is alternative provision for the community groups in the local area or they are proven to be unviable for continued community use. Until its closure in 2019 the premises were used for worship and a range of community groups (see para. 4.2.2 below for details).
- 4.2 Somerby Neighbourhood Plan Policy CF1 concerns assets of community value in the village of Somerby, of which the Methodist Chapel is included. CF1 states that change of use for the Chapel should be refused if the community building cannot be replaced by an equivalent or better provision in an equally suitable location, or it can be demonstrated that the facility is not viable or is no longer required by the community.
- 4.2.1 'Limits to Development' states development within the limits will be viewed positively where in accordance with other policies within the Plan subject to accessibility, design and amenity considerations.

4.2.2 A number of community groups based in Somerby used the Chapel for community events. The Somerby Parish Hub (a subsidiary branch of Somerby Parish Council) worked in partnership with the Stamford Methodist Circuit, to facilitate bookings on behalf of the community groups. However, it has been unavailable for such purposes since shortly after its sale in 2019. The Groups that used the building comprised 'Friends of the 10th', Somerby Computer Club, Yoga & Pilates Group and Somerby Horticultural Club

4.3 **Principle of Development, residential amenity, highways and parking.**

4.3.1 Policy D1 of the Local Plan requires new development to be of high quality design regarding layout, context, amenity, landscaping and connectivity. There is a presumption in favour of new dwellings, subject to factors such as visual amenity, residential amenity and the impact on the character of its locality; these are addressed below.

4.3.2 The proposed change of use to residential is considered acceptable with regards to Policy D1. The internal space of the Chapel is sufficiently large enough to accommodate a two-three bed property and there is ample amenity space around the building.

4.3.3 There are no issues with regards to highways or parking. There are no objections from Leicestershire County Council (LCC) Highways and there is ample space for parking at the site.

4.4 **Impact upon the character of the site and surrounding area**

4.4.1 The proposed change of use to residential does not include significant changes to the street-facing elevations of the building. As such there will be no harm caused by change of use. At present, the building is slowly degrading as it is no longer occupied and this has consequently had a negative impact on the character and appearance of the Somerby Conservation Area. The proposed change of use would have the positive effect of bring the building back into active use, thereby addressing the issue of a vacant building in the heart of the Somerby Conservation Area.

4.4.2 Therefore approval of the application, to allow for its productive use and arrest its decline, would be in accordance with the duty of s72 Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

4.5 **Principle of Change of Use**

4.5.1 Melton Local Plan Policy C7 and Somerby Neighbourhood Plan Policy CF1 are in place to safeguard the future of community buildings and the policies share a commonality by stating that applications should be refused if there are no suitable alternative facilities available and active in the same village which would fulfil the role of the existing use/building, or the existing use is no longer viable and there is no realistic prospect of the premises being re-used for alternative business or community facility use

4.5.2 An Asset of Community Value (ACV) designation was placed on the building by MBC in 2019, shortly after the building was closed for worship, due to the number of community groups that used the building.

4.5.3 The six months moratorium on the onward sale has expired during which no party made an offer to acquire the property. The building remains on the Melton Borough Council ACV register until its expiry after five years and, whilst this remained the case, any future sale within this period would trigger a further moratorium period.

- 4.5.4 A number of community groups based in Somerby used the Chapel for community events. The Somerby Parish Hub (a subsidiary branch of Somerby Parish Council) worked in partnership with the Stamford Methodist Circuit, to facilitate bookings on behalf of the community groups.
- 4.5.5 The relevant community groups that used the building at its time of closure were as follows: Friends of the 10th, Somerby Computer Club, Yoga & Pilates Group and Somerby Horticultural Club. Furthermore, the Parish Hub arranged one-off bookings for a variety of events relevant to no specific community group.
- 4.5.6 The loss of the community asset primarily concerns the displaced community groups who previously used the building. Each of these groups made a representation to the planning application for change of use, objecting to the proposal.
- 4.5.7 The former use as a Methodist Chapel became unviable owing to the small numbers of worshippers that lead to the Methodist Circuit closing the Chapel. There appears no reasonable prospect of the building being returned to community use given the absence of any interest from community groups. Thus the viability' criteria of the relevant LP and NP policies appear to have been met.
- 4.5.8 In the village of Somerby the Village Hall provides an alternative community facility. However, the Village Hall Committee have stated they would require an improvement and adaption of the facility in order to accommodate new community groups as well as to cater for growing demand, namely the addition of a single storey storage room extension; this would allow for one of the function rooms to be used once again (as it is currently used for storage).
- 4.5.9 The applicant has offered to contribute £10,000 towards the construction of a new storage room and other adaptations to the Village Hall. While this is less than the total cost of a new extension, it is sufficient as a starting point for the initial costs. The need for the extension is not generated by the 'displaced groups' alone, the Village Hall wishes to improve its facilities to cater for a wider range of activities and a growing population. It is considered that this sum is a proportionate share of the project commensurate with the demand created by the displaced groups.
- 4.5.10 Having appointing an architect to carry out a feasibility study, draw up plans and create a schedule of works and to go out to tender to obtain best prices from contractors it was shown that there would still be money left over beyond this programme to start the build project. Any such contribution made by the applicant to the trustees of the Village Hall (via the Borough Council, through s106), would need to be ringfenced to safeguard the contribution for the exclusive purposes described above and a timetable for its expenditure.
- 4.5.11 A Trustee of the Village Hall made a representation to the application and proposed s106 contribution on 3rd August 2021, stating they support the proposed change of use and that the village hall can accommodate the displaced groups. The Trustee also stated that as the village hall is approaching capacity, the offer of £10,000 from the applicant is welcomed and will allow the village hall to begin the process of constructing an additional storage room. This will allow for the provision of more usable space in the village hall, thereby serving to better assist in accommodating the displaced groups from the Chapel. This contribution of £10,000, arranged through s106, is considered to mitigate the impact of the

loss of the Chapel and satisfies the 'alternative suitable facilities' criteria of both Melton Local Plan Policy C7 and Somerby Neighbourhood Plan Policy CF1.

- 4.5.12 The figure is estimated to amount to approximately one quarter / one fifth of the total cost of a single storey extension, in accordance with the Building Cost Information Service (BCIS). The village hall is 193 square meters in footprint, the proposed extension would be 30 square meters in footprint and single storey in height. The size and height have been used in accordance with the BCIS to calculate the build cost. Given it will benefit also other purposes, it is considered that the applicant's offer of £10,000 is a fair and reasonable sum to contribute towards the provision of an additional storage room at the Village Hall. As part of the s106 agreement, the money would be ringfenced to ensure it cannot be used for any other purposes.
- 4.5.13 The Parish Council's response to the applicant's offer of £10,000 to adapt the Village Hall is awaited and any response will be reported to the Committee.
- 4.5.14 Furthermore, a Trustee of the Village Hall Committee actively supports the proposal for the change of use and they made a representation on 3rd August 2021 stating they welcome the offer of £10,000 towards the construction of a new storage room.
- 4.5.15 In conclusion, the proposal is considered to have demonstrated that the facility is no longer viable. It is also considered that a suitable, alternative, facility can be developed to provide for the needs and uses that this site previously did. Accordingly, it is considered that both 'strands' of Policy C7 and CF1 are met (n.b these are expressed as alternatives (alternatives 'or' viability) and either can be met to secure compliance with the LP and NP).

5 Consultation & Feedback

- 5.1 A site notice was posted and 5 neighbours were notified. 17 letters of representation objecting to the proposal have been received to date. There have also been 3 letters making further representations and 2 of support.
- 5.2 The Parish Council comments are reported below and further comments (regarding the s106 proposal) will be reported verbally.

6. Financial Implications

- 6.1 None identified.

7. Legal and Governance Implications

- 7.1 No specific issues are identified. The application is being considered by the Committee under the scheme of delegation within the Constitution. Legal advisors will also be present at the meeting.

Legal Implications reviewed by: Tom Pickwell (Solicitor)

8 Background Papers

- 8.1 There are no relevant historic applications.

9 Appendices

- A: Consultation responses
- B: Representations received
- C: Recommended condition

D: Applicable Development Plan Policies

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Appendix A : Summary of Statutory Consultation Responses

Parish Council

The Parish Council consider that neither of the circumstances set out in the applicable development plan policies (NP CF1 and LP C7) have been demonstrated. There are mounting objections from individuals, groups and clubs in the community who explicitly do still require use of the building as a meeting place. All the evidence we have is objectively averse to the application. Notwithstanding that C7 is a strategic policy of the Melton Local Plan, it does not specifically identify any of the rural services it seeks to protect. The Neighbourhood Plan adds that level of detail for Somerby Parish and so policy CF1 (in conformity with the Local Plan) is the most directly applicable to this building

The application makes no reference to the proposal's location in the Conservation Area or its proximity to a number of heritage assets (both designated and non-designated) and other assets, such as the allotments which it overlooks. These should be referred to and taken into account in the Design and Access Statement but are not. The Applicant is referred to Neighbourhood Plan Objective 9, policies CD1 and Appendix 8, ENV3, ENV7, ENV10, ENV12 and ENV 14

The Parish Council know the building is now privately owned. We also believe (though we haven't been inside) that the interior has been comprehensively stripped and emptied by the owner/developer. This action may have rendered it unviable at this time as a community building but if so, it was premature. Actions of the owner/developer taken before any change of use is approved are at their own business risk. They cannot comply with policies simply by proceeding contrary to them.

We do recognise the practical difficulties in retaining the building as a community space. Simply put, the new owner doesn't have to let anybody in to use it. We are not arguing for the building to stand empty, that would also be absurd. We would like to see the building put to a good use that benefits the community we represent. It is not impossible that that could eventually be a dwelling, but if so, the lost amenity should (according to policy) be replaced with equal value in the same settlement

Recommendation:

On the information presently available all of the most relevant policies indicate refusal. We therefore recommend that the application be refused

The Parish Councils subsequently advised that their position was not altered as a result of the applicant's 'rebuttal' statement (March 2021)

n.b. Comments are awaited in respect of the s106 proposal and will be reported verbally

Public Consultation Responses

The Parish Hub made a formal representation, stating that the application must reflect fully on the status of the building as an Asset of Community Value.

The introduction of Section 106 funding and change of use approval would eliminate the protection of the Asset Of Community Value assessment. This could set precedent of departure from the local plan policies.

The loss of Somerby Chapel will take away an amenity of long standing. The building use includes a support centred approach, offering shared resources with a volunteer network giving hands on assistance when requested. Affordability is not a barrier to use as the building offers a community service style focus.

Significant housing development plans 40+ new homes within the approval stage. This will impact on existing provision, social inclusion and services. Somerby is defined as a service centre within Melton Local Plan- an important recognition.

A single building to cover multiple uses, including existing primary school use and adopt a service style role to replace the chapel focus for its user groups. The Section 106 funding will help the building to fulfil extended uses, however, broad discussions are needed with Methodist Chapel users to develop a formal structure with collaborative working to meet needs and ensure continuity.

Before agreeing to accept this funding there should be broader discussions to ensure:

- The building is physically suitable, welcoming and affordable for small group activity.
- Have the necessary storage for group equipment, discussions with users of the Methodist Chapel are needed to understand their requirements.
- Ensuring that the facility is available throughout the day and for most days of the week.
- Ensuring the future management of the Memorial Hall would include representatives from users of the Methodist Chapel so that the development of a collaborative approach could be developed, particularly in relation to the Community Hub.

In order to meet needs and ensure continuity through management and governance, collaborative discussion and formal confirmation would be needed.

Seventeen further objections to the proposal have been received. These objections are broadly consistent with the community asset safeguarding issues as defined by Melton Local Plan Policy C7 and the Somerby Neighbourhood Plan Policy CF1. Each of the objectors were consistent in their approach, by stating that the change of use should be refused because there was not a suitable alternative community facility for the displaced groups. Amongst these objections, each of the community groups that used the building made a formal objection to the proposal; these were as follows: Friends of the 10th, Somerby Horticultural Society, Computer Club and the Parish Hub who acted as the coordinator of these groups. There were no further comments from the above objectors after the re-consultation concerning the developer contribution of £10,000.

No further objections have been received following consultation on the proposed s106 support for the adaption of the Village Hall

Support

On 3rd August 2021, a Trustee of the Village Hall made a representation in favour of the application; they support the proposed change of use and believe there is sufficient space at the Village Hall to accommodate the displaced groups.

There are 7 further letters of support for the proposal, on the grounds of the quality of the conversion and the need to arrest the decline in the appearance of the Hall. 5 of these were received after the re-consultation following the developer's offer to contribute £10,000 to the Village Hall.

Appendix B : List of applicable Development Plan Policies Melton Local Plan

Policy SS1 – Sustainable Development

Policy D1- Raising the Standard of Design

Policy C7 – Community Assets

Somerby Neighbourhood Plan

Policy CF1: Retention Of Existing Community Assets And Facilities - Development proposals that result in the loss, reduction or degradation of the following important community assets or facilities, or makes them less accessible to local people, will not be supported, unless the building or facility is replaced by an equivalent or better provision in terms of quantity and quality in an equally suitable location or it can be demonstrated that the service or facility is not viable or is no longer required by the community and there is adequate alternative provision within the same settlement

Policy HR2: Limits to Development - Development proposals within the Neighbourhood Plan area will be supported on sites within the Limits to Development

Policy CD1: Building Design Principles – All development proposals should respect local character and conservation areas (criteria applied).

Appendix C : Recommended Conditions

1. The development shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with drawings

Received by the Local Planning Authority on 12 March 2021

Reason: For the avoidance of doubt.