

PLANNING COMMITTEE

29 MARCH 2017

REPORT OF THE HEAD OF PLANNING

A.10 PLANNING APPLICATION – 17/00028/FUL – MISTLEY CHURCH HALL, NEW ROAD, MISTLEY, CO11 1ER



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Application:	17/00028/FUL	Town / Parish: Mistley Parish Council
Applicant:	Mistley with Manningtree PCC	
Address:	Mistley Church Hall, New Road, Mistley	
Development:	Change of use from church hall to a single residential dwelling.	

1. **Executive Summary**

- 1.1 This application is referred to Planning Committee by Councillor G Guglielmi on the grounds that there have been a significant number of objections to the proposal.
- 1.2 The application seeks planning permission for the change of use of the existing Mistley Church Hall (Class D1) to a single residential dwelling (Class C3). The proposal will result in no external changes. The site lies within the Mistley Conservation Area and the building (excluding its rear extension) was listed at Grade II in December 2016.
- 1.3 The proposal will result in the loss of a community facility. Policy COM3 of the Tendring Local Plan 2007 states that in order to ensure that basic community facilities and local services are retained, redevelopment that would result in their loss will not be permitted unless replacement facilities are within a reasonable walking distance (800m), or it has been demonstrated that there is no longer a local need for the facility, or it is no longer viable.
- 1.4 The proposal meets the above criteria, with clear demonstration of adequate provision of similar facilities within a reasonable walking distance. In addition, the applicant states that the Church Hall will be re-deployed rather than lost, and clear demonstration the site is not financially viable in its current use.
- 1.5 The application site is located on New Road, adjacent to, but outside of any defined Settlement Development Boundary, as established in both the Tendring District Local Plan 2007 and the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document (July 2016).
- 1.6 The National Planning Policy Framework however sets out that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 1.7 The site is considered to be located in a sustainable location, meeting the economic, social and environmental strands of sustainability. It is considered that the site can be developed without material harm in respect of; layout/design/appearance, impact to neighbours, heritage impact and highway safety. The application is therefore recommended for approval.

Recommendation: Approve

Conditions:

- 1) Time Limit
- 2) Approved Plans

3) Landscaping

2. **Planning Policy**

NPPF National Planning Policy Framework

National Planning Practice Guidance

Tendring District Local Plan 2007

COM3 Protection of Existing Local Services and Facilities

EN17 Conservation Areas

EN22 Extensions or Alterations to a Listed Building

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG1 Housing Provision

HG9 Private Amenity Space

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document (July 2016)

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

LP1 Housing Supply

LP3 Housing Density and Standards

HP2 Community Facilities

PPL8 Conservation Areas

PPL9 Listed Buildings

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 14th July 2016, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document. As this plan is currently at an early stage of preparation, some of its policies can only be given limited weight in the determination of planning applications, but the weight to be given to emerging policies will increase as the plan progresses through the later stages of the process. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

3. Relevant Planning History

TPC/95/40	Repollard 8 Lime trees annually for 5 years	Current	23.10.1995
10/01234/FUL	Erection of two sheds.	Withdrawn	24.02.2011
15/00414/FUL	Proposed replacement windows in rear elevation.	Approved	12.05.2015
16/01647/ACV	Nominated as an Assets of Community Value held and maintained by Tendring District Council.		27.01.2017

4. Consultations

Building Control and Access Officer	A Building Regulations change of use application would be required for this alteration. Otherwise no further comments at this time.
ECC Highways Dept	This site is served by an existing access and the conversion would reduce the number of vehicles associated with the site. As such the Highway Authority does not wish to submit formal comments.

5. Representations

- 5.1 Mistley Parish Council object to the proposal as the church hall has been a valued asset to the local community for more than a century and they would like it to continue to be.
- 5.2 40 letters of objection have been received. The points raised have been summarised below:

- Highly valued community asset;
- Continues to be used as a community facility;
- Inappropriate to change the buildings use given it is a Listed Building;
- No other comparable facilities within walking distance;
- Inadequate level of advertisement of the application;
- The PCC does not have the legal authority to change the use of the Church Hall;
- The building is not redundant as a community hall;
- The building is within a Conservation Area;
- The building is Grade II Listed;
- The building should not be altered or demolished;
- Residents will use facilities outside of the immediate area, increasing traffic;
- The site is a registered asset of community value;
- An increasing population will result in more need for this community asset;
- If they don't legally own the property, they should not be allowed to submit a planning application;
- The building is not suitable as a dwelling; and
- Unsure if the applicant has the deeds.

5.3 With respects to objections relating to the ownership of the site, the applicant has confirmed via email that nobody other than the applicant is the owner of the site, whilst planning is not concerned with land property registration, as planning permission goes with the land and could therefore only be implemented by the landowner.

6. **Assessment**

6.1 The main planning considerations are:

- Site Context
- Proposal
- Principle of Development
- Layout/Design/Appearance
- Impact to Neighbours
- Heritage Impact
- Highway Safety

Site Context

6.2 The application site is located on New Road, within the Parish of Mistley. Having regard to the Saved Tendring District Local Plan (2007) and the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document (July 2016), the site lies adjacent to, but outside of any defined Settlement Development Boundary.

6.3 The site falls within the Mistley Conservation Area and as of December 2016, the building is Grade II Listed and known as Mistley Institute. The surrounding area is predominantly rural, with numerous Grade I and Grade II Listed Buildings approximately 50 metres to the south-east, at The Green and along The High Street, whilst to the north-east are the Grade I Listed Mistley Towers, who are also a Scheduled Ancient Monument. All internal changes are confirmed to the rear extension which is excluded from the buildings listing.

Proposal

6.4 The current application seeks planning permission for the change of use from the existing Church Hall (Class D1) to a single residential dwelling (Class C3). The proposal will result in no external changes.

Principle of Development

- 6.5 Policy COM3 of the Tendring Local Plan 2007 states that in order to ensure that basic community facilities and local services are retained, redevelopment that would result in their loss will not be permitted unless replacement facilities are provided within a reasonable walking distance, or there is adequate provision of similar facilities within reasonable walking distance (800m), or it has been demonstrated that there is no longer a local need for the facility or it is no longer viable.
- 6.6 Within the submitted Design and Access Statement, the applicant has clearly demonstrated that there is adequate provision of similar facilities within a reasonable walking distance of 800 metres, with clear examples being St Mary and St Michael Church 200 metres to the west, Mistley Cricket Club Pavillion 400 metres to the west, Mistley Methodist Chapel 700 metres to the east and Mistley Norman School approximately 800 metres to the east. Furthermore, the applicant has also stated that the Church Hall will be re-deployed rather than lost, whilst in providing accounting information, has clearly demonstrated that it is not a financially viable building in its current use.
- 6.7 Therefore, the proposal meets the relevant criteria of Policy COM3 and it is considered that subject to detailed consideration as to the sites sustainability credentials below, the principle of development is acceptable.
- 6.8 The site is located adjacent to, but outside of, the Settlement Development Boundary (SDB) for Mistley, as established in the saved local plan and the Tendring District Local Plan Preferred Options Document (July 2016). Outside development boundaries, the Local Plan seeks to conserve and enhance the countryside for its own sake by not allowing new housing unless it is consistent with countryside policies.
- 6.9 Saved Tendring District Local Plan (2007) Policy QL1 sets out that development should be focussed towards the larger urban areas and to within development boundaries as defined within the Local Plan. However, given the limited weight that can be applied to the draft Local Plan, and the status of Policy QL1, assessment of the principle of development falls to be considered under the NPPF.
- 6.10 Chapter 6 of the National Planning Policy Framework (NPPF) has as an objective for the delivery of a wide choice of high quality homes. In order to facilitate this objective paragraph 49 of the NPPF sets out housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 6.11 It is accepted that the Council cannot demonstrate a deliverable 5 year housing land supply and as a result officers consider that Tendring District Local Plan (2007) Policy QL1, cannot be considered up-to-date as set out in paragraph 49 of the NPPF.
- 6.12 Based on the above it is considered that, in the absence of up-to-date policies, development proposals cannot be refused solely on the basis that a site is outside the development boundary. Paragraph 14 of the NPPF supports this view when it sets out that where relevant policies are out-of-date planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.
- 6.13 On this basis and having regard to paragraphs 14 and 49 of the NPPF, the presumption in favour of sustainable development carries significant weight. As a result the current scheme falls to be considered against the three dimensions of 'sustainable development',

- economic,
- social and
- environmental roles.

- 6.14 The sustainability of the application site is therefore of particular importance. In assessing sustainability, it is not necessary for the applicant to show why the proposed development could not be located within the development boundary.

Economic:

- 6.15 It is considered that the proposal for 1 no. dwelling would contribute economically to the area, for example by providing employment during the construction of the development and from future occupants using the nearby facilities, and so meets the economic strand of sustainable development.

Social:

- 6.16 The NPPF seeks to support a prosperous rural economy. It promotes sustainable transport and seeks a balance in favour of sustainable transport modes to give people a real choice about how they travel recognising that opportunities to maximise solutions will vary between urban and rural areas. With regard to the social dimension, this means supporting strong, vibrant and healthy communities by supplying the housing required to meet the needs of present and future generations and creating a high quality environment with accessible local services.
- 6.17 Socially it is necessary to consider the proximity of the site to destinations such as convenience shopping, education, healthcare, community halls and jobs. The site is situated within Mistley, and is within walking distance to key facilities such as a post office, church, and school. Furthermore, the site benefits from footpaths and street lighting to these areas, with a good bus service running to the nearby towns. Therefore, on balance, the site is considered to meet the social strand of sustainability.

Environmental:

- 6.18 The environmental role is about contributing to protecting and enhancing the natural built and historic environment and is assessed below.
- 6.19 The site is located in a predominantly rural area, with large open fields to the north-west and south. However, further to the south-east, the character becomes more urbanised with examples of residential dwellings and retail units. Furthermore, the site does not fall within a recognised green open space and the design of the proposal will remain unaltered, therefore resulting in a neutral impact to the surrounding area. The impact on the historic environment is assessed under 'Heritage Impact' below and is deemed acceptable.

Layout/Design

- 6.20 The submitted plans show that there will be no external changes as a result of the proposal, and therefore it will result in a neutral impact to the character of the surrounding area.
- 6.21 Policy HG9 of the Saved Tendring Local Plan 2007 states that private amenity space for a dwelling of three bedrooms or more should be a minimum of 100 square metres. From the information that has been supplied, it is considered that there is sufficient space to accommodate 100 square metres of amenity space. The site is currently surrounded by a low level picket fence so is not private. Any replacement fence/wall would require planning permission as this is a Listed Building, however planting could provide more privacy and as such, a landscaping condition is imposed to control this.

Impact to Neighbours

- 6.22 Due to the location of the proposed dwelling, the only neighbouring property is adjacent to the east. However, given that there are no external changes proposed, there will be only a neutral impact to their existing amenities. Furthermore, the change of use from a church hall to a single residential dwelling is also likely to result in reduced disturbance.

Heritage Impact

- 6.23 Paragraph 128 of the National Planning Policy Framework ("the Framework") requires applicants to describe the significance of any heritage assets affected. This requirement is retained by draft Policy PPL9 of the 2012 Local Plan: Proposed Submission Draft, as amended by the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document (July 2016). Paragraph 134 of the Framework adds that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 6.24 Mistley Institute, designed by William Douglas Caroe and built in 1911, has in December 2016 been awarded Grade II Listed Building status (List Entry Number: 1440369), with the exception of the rear south extension. It is considered to have historic interest due to it being an interesting example of a village institute established with the purpose of improving the education and well-being of local parishioners, its architectural interest due to its subtle architectural quality which imparts a welcome homeliness typical of the Arts and Crafts ethos, its interior merits, as well as use of building materials such as a combination of rich red brick and roof tiles and the tile creasing and roughcast render. Finally, it is afforded Listed Building status due to its associated group value with numerous surrounding listed buildings, notably the Grade I-listed and Scheduled Ancient Monument Mistley Towers opposite.
- 6.25 It is unfortunate that the building cannot be retained for the purpose for which it was designed; however this does not represent grounds on which planning permission could be refused.
- 6.26 Given this and that the site falls within the Mistley Conservation Area, the heritage impact is a key consideration to this application. As such the applicant has supplied a Heritage Statement to justify how the proposal will either preserve or enhance the building and local area.
- 6.27 Whilst the proposal will result in some minor internal amendments to the Grade II Listed Building, these changes are situated within the rear south extension, which does not form part of the buildings listing. Any further internal changes would need to be subject to Listed Building Consent, of which the applicant is clearly aware of within their Design and Access Statement. A note will be added for the avoidance of doubt.
- 6.28 Furthermore, due to there being no external changes there will be a neutral impact to the Mistley Conservation Area and the impact to nearby Listed Buildings will again be neutral due a minimum separation distance of 40 metres. Overall, despite the historic character of both the building and the surrounding area, there is not considered to be a harmful impact as a result of the proposal.

Highway Safety

- 6.29 The site would require no new access and there is sufficient parking for at least two vehicles as per the Adopted Essex County Parking Standards which state that each space

should measure a minimum of 5.5m x 2.9m and therefore there will be no highways implications as a result of this proposal.

- 6.30 Furthermore, Essex Highways Authority has stated that as the site is served by an existing access and the conversion would reduce the number of vehicles associated with the site, it does not wish to submit formal comments.

Conclusion

- 6.31 The change of use complies with Saved Policy COM3 and the residential use complies with the three strands of sustainability, as detailed within the National Planning Policy Framework. Any future internal or external alterations, including fencing/walls, ponds, pools, extensions and outbuildings would all require separate Planning Permission and/or Listed Building Consent, so would be subject to the Local Planning Authority's control.

Background Papers.

None.