

Change of use of Methodist Church to a single residential dwelling (resubmission following withdrawal of 23/00413/FUL)

**Report Item No
A2**

**Worthington Methodist Church
Main Street Worthington
Leicestershire
LE65 1RP**

**Application Reference:
23/01595/FUL**

**Grid Reference (E) 440882
Grid Reference (N) 320482**

**Date Registered:
01 December 2023
Consultation Expiry:
24 May 2024
8 Week Date:
26 July 2024
Extension of Time:
None agreed**

**Applicant:
Mr J Boam**

**Case Officer:
Karina Duncan**

**Recommendation:
PERMIT**

Site Location - Plan for indicative purposes only



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Reason the case is called to the Planning Committee:

The application is brought to the Planning Committee for determination under the requirement of the constitution as the applicant for this application is related to a serving Member of the Council and objections have been received in relation to the application.

RECOMMENDATION – PERMIT, subject to the following conditions and informatives:

1. Approved Plans.
2. Approved Materials.
3. Grampian planning condition to ensure that no occupation takes place unless the approved bin enclosure is made available for us.
4. Permitted Development Rights removal to restrict any change of use from the approved C3 (Dwellinghouse) use.

Informatives:

1. Positive/proactive statement
2. Biodiversity Net Gain exemption informative
3. Bat roosting/legislation (recommended by LCC Ecology)
4. Applicant reminded to comply with conditions of the Listed Building Consent application 25/01596/LBC

MAIN REPORT

1. Proposals and Background

This application seeks full planning permission for the change of use of Worthington Methodist Church to a single residential dwelling. Worthington Methodist Church is a Grade II listed building.

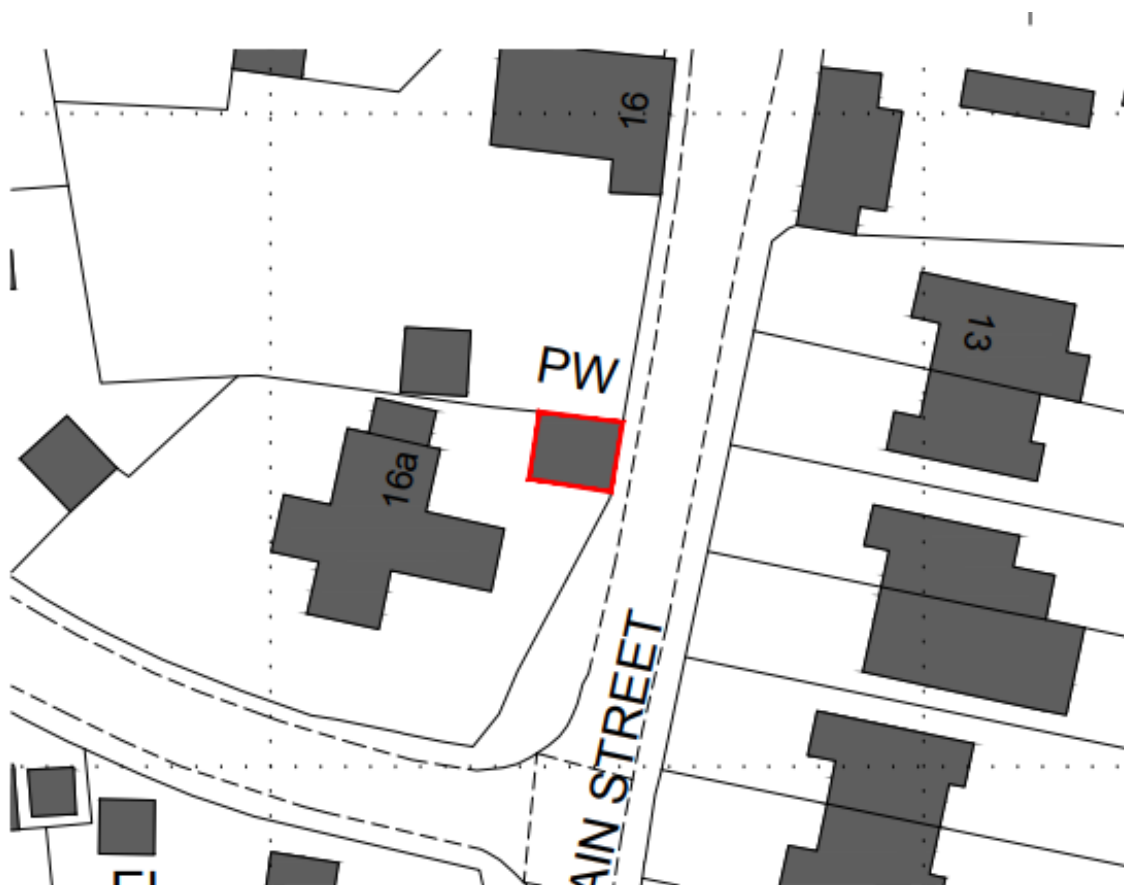
The dwelling would feature an open plan kitchen, dining and living area at the ground floor with a ground floor bathroom. At the first floor the dwelling would feature one double bedroom with a mezzanine which would occupy approximately half of the footprint of the dwelling. There is no land associated with the proposed dwelling and the property would, as is the case now, be accessed by foot from the public footpath on the western side of Main Street.

The dwelling would not feature any off-street car or cycle parking and would not have any form of external amenity space.

Amendments to the scheme have been made throughout the course of the application which now show the provision of external vents and the installation of a bin enclosure adjacent to the principal elevation of the existing Church.

The application site is located within the defined Limits to Development as per the adopted North West Leicestershire Local Plan (2021).

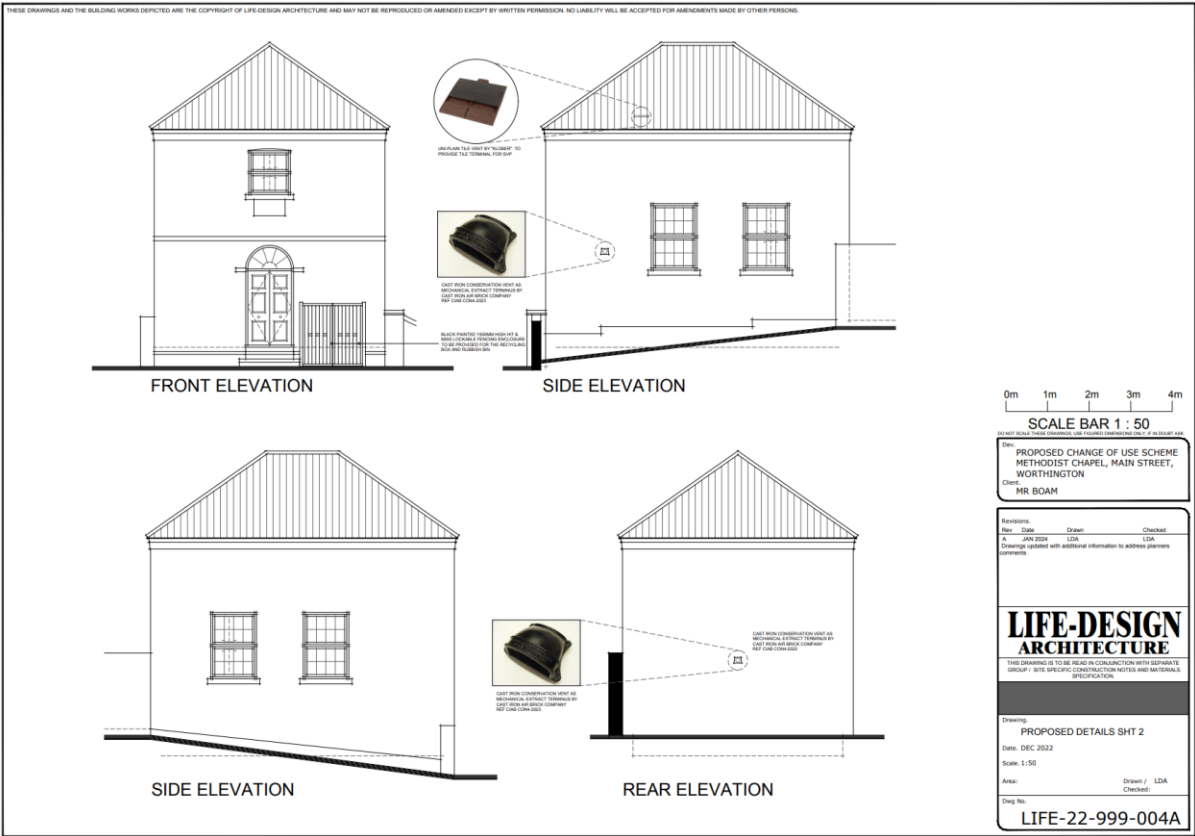
Site Location Plan



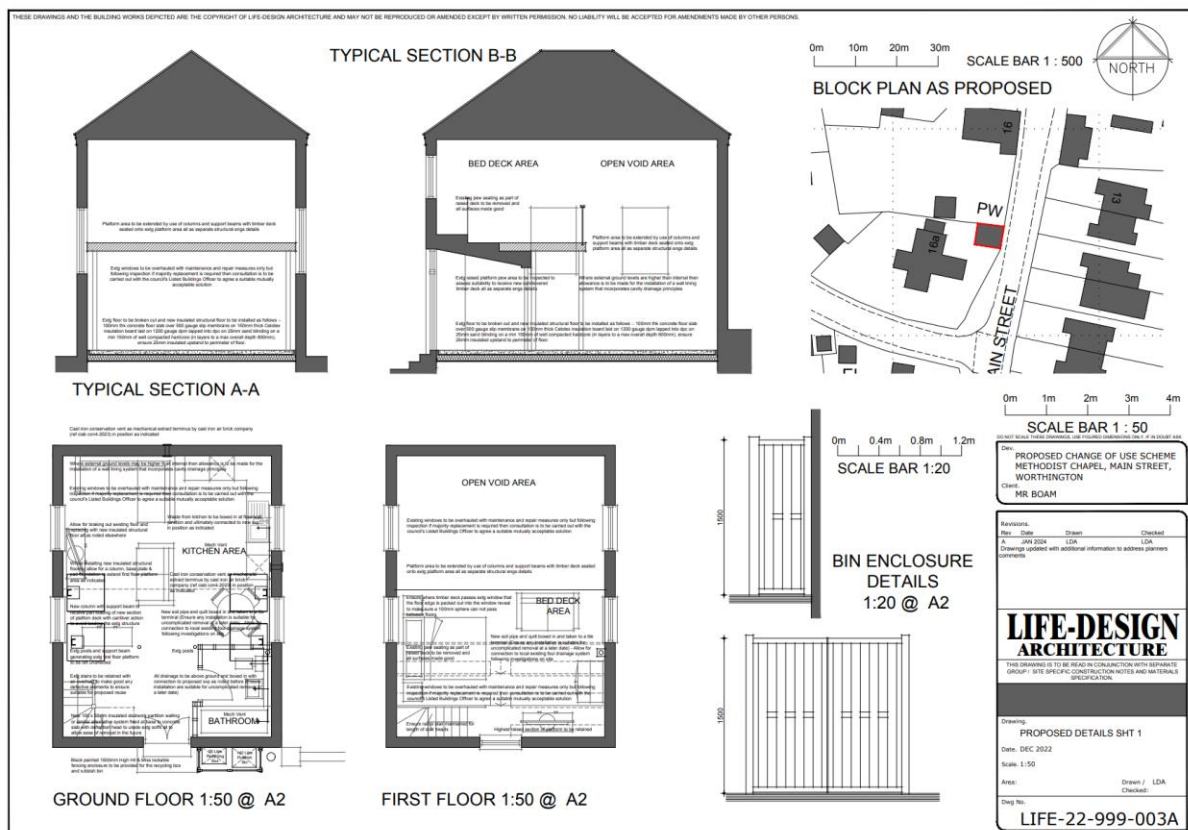
Aerial Imagery of Site Location



Amended Proposed Elevations



Amended Location Plan, Block Plan and Proposed Floor Plans and Sections



Further information in respect of the application, including the supporting documentation and relevant plans, can be found on the District Council's website.

Relevant Planning History

In March 2023 planning permission was sought for the use of the listed building as a dwelling (23/00413/FUL). The application was accompanied by an associated Listed Building Consent application (23/00414/LBC). Both applications were withdrawn in September 2023. This application is a resubmission of the full application.

An associated Listed Building Consent application 23/01596/LBC for the internal alterations to facilitate the use of the building as a dwelling is pending consideration and is Item A3 on the agenda.

2. Publicity

15 neighbours were initially notified on the 12th December 2023.

A site notice was displayed on the 14th December 2023.

A press notice was published in the Leicester Mercury on the 27th December 2023.

3. Summary of Consultations and Representations Received

The following summary of representations is provided. All responses from statutory consultees and third parties are available to view in full on the Council's website.

Objections from:

Worthington Parish Council

No Objections from:

Leicestershire County Council Ecology, subject to an informative.

NWLDC Environmental Protection

Refers to Standing Advice

Leicestershire County Council - Highway Authority.

Comments made by:

NWLDC Conservation Officer.

NWLDC Waste Services Team.

No comments received from:

Severn Trent Water.

NWLDC Building Control Team.

Third Party Representations

Four letters of objection have been received with the comments raised summarised as follows:

Grounds of Objections	Description of Impact
Parking and Highway Impacts	Parking would have to be on the road which would cause splay visibility issues for vehicles turning from Chapel Rise, and problems for residents across the road.
	Lack of detail relating to where cycles will be stored.
	The road is quite narrow, at this location, and the bus regularly has difficulty navigating past any parked cars. The Parking statement is misleading. At most there were 10 people attending the Church (not 125 as stated in the Parking Statement) and most walked and this would only be on a Sunday.
	The bin enclosure would be on the public footpath and could cause an obstruction to a narrow footpath. The reduction in width cannot be determined as the plan fails to show the depth of the wooden structure. When the doors are open, it will be impossible for pedestrians and pushchairs to pass unless they step into the road, which is normally lined with cars during school times.

	The area is close to the village primary school which causes a lot of car movement at school times, plus many young children walking, scooting or cycling in the area, plus parents with prams and push chairs.
	The provision of the bin enclosure on the public footpath is dangerous and would restrict visibility for people when reversing out of neighbouring driveways, and would also interfere with the sight of drivers pulling out of Chapel Rise.
Bin Storage	The building has no outside space to house refuse bins, and no area inside has been highlighted for storage. The application clearly states that no refuse area is provided.
	The bin enclosure is unsightly in front of a listed building.
Drainage	Lack of clarity relating to drainage.
Amenity Impacts	The drawings include a vent that extracts directly onto a neighbouring property which will discharge steam, smells and noise below head height.
Other matters	Lack of detail relating to the type of heating system.
	A listed building would not be allowed solar panels and there is no outside space to put air source equipment.
	There is only one entry/exit point to the building which opens directly onto the street. For fire safety regulations where would another door/exit be situated?
	The building is not suitable for conversion to a dwelling.

One letter of objection also states that despite objections to a number of elements of the application, they would prefer to see the building in use rather than left to ruin.

4. Relevant Planning Policy

National Policies

National Planning Policy Framework (2024)

The following sections of the NPPF are considered relevant to the determination of this application:

Chapter 2. Achieving sustainable development;

Chapter 4. Decision-making;

Chapter 5. Delivering a sufficient supply of homes;

Chapter 8. Promoting healthy and safe communities;

Chapter 9. Promoting sustainable transport;

Chapter 11. Making effective use of land;

Chapter 12. Achieving well-designed places;

Chapter 14. Meeting the challenge of climate change, flooding and coastal change;

Chapter 15. Conserving and enhancing the natural environment;

Chapter 16. Conserving and enhancing the historic environment.

Local Policies

Adopted North West Leicestershire Local Plan (2021)

The North West Leicestershire Local Plan forms part of the development plan and the following policies of the Local Plan are relevant to the determination of the application:

Policy S1 - Future Housing and Economic Development Needs;

Policy S2 - Settlement Hierarchy;

Policy D1 - Design of New Development;

Policy D2 - Amenity;

Policy He1 - Conservation and enhancement of North West Leicestershire's historic environment;

Policy IF2 - Community and Cultural Facilities;

Policy IF4 - Transport Infrastructure and New Development;

Policy IF7 - Parking Provision and New Development;

Policy En1 - Nature Conservation;

Policy Cc2 - Water - Flood Risk;

Policy Cc3 - Water - Sustainable Drainage Systems.

Adopted Leicestershire Minerals and Waste Local Plan (September 2019)

The Leicestershire Minerals and Waste Local Plan forms part of the development plan and the following policies are relevant to the determination of the application:

Policy M11: Safeguarding of Mineral Resources
Policy W9: Safeguarding Waste Management Facilities

Other Policies

National Planning Practice Guidance

Good Design for North West Leicestershire Supplementary Planning Document (April 2017).

National Design Guide

Leicestershire Highways Design Guide (Leicestershire County Council)

The Conservation of Habitats and Species Regulations 2017

Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System)

The Planning (Listed Buildings and Conservation Areas) Act 1990

The Town and Country Planning Act 1990 (as amended)

5. Assessment

Principle of Development

In accordance with the provision of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for determination of the application is the Development Plan, which, in this instance, comprises the adopted North West Leicestershire Local Plan (2021) and the Leicestershire Minerals and Waste Local Plan (2019).

As of 21st November 2022, the adopted Local Plan became five years old and therefore an assessment is required as to whether the most important policies in the determination of the application are up to date having regard for their consistency with the National Planning Policy Framework. The most important policies in the determination of this application are Policies S2, IF2 and He1 as they relate to the provision and distribution of housing, loss of community facilities and heritage matters. The Council can demonstrate a five-year housing land supply and has performed well against the Government's Housing Delivery Test. It is considered that Local Plan Policies S2, IF2 and He1 are consistent with the National Planning Policy Framework, are effective, not out of date and carry significant weight.

The site is located within the defined Limits to Development, as defined by the Policy Map to the adopted North West Leicestershire Local Plan (2021). The site is located within Worthington, which is defined as 'Sustainable Village' under Policy S2 of the Local Plan (2021). Policy S2 defines Sustainable Villages as *'settlements which have a limited range of services and facilities where a limited amount of growth will take place within the defined Limits to Development.'*

As such, the provision of new residential development within the Limits to Development in a Sustainable Village is considered to be acceptable in principle and would accord with Policy S2 of the Local Plan (2021). The remaining paragraphs of this section of the report will assess the loss of the Church itself.

Loss of a community facility

Paragraph 88(d) of the NPPF states that planning decisions should enable the retention and development of accessible local services and community facilities, which includes places of worship. The Church therefore constitutes a community facility and the proposal would result in its loss.

Policy IF2 (Community and Cultural Facilities) of the Local Plan (2021) states that *'the loss of key services and facilities will be resisted unless an appropriate alternative is provided, or there is demonstrable evidence that the facility is no longer required and/or viable and that suitable alternative community uses have been considered.'*

The application does not propose an 'appropriate alternative' to the existing Church and therefore Policy IF2 requires the application to provide *'demonstrable evidence that the facility is no longer required and/or viable'* (It should be noted that the Policy only requires one of these criteria to be met given the use of the word 'or') *and that suitable alternative community uses have been considered.'*

Is there demonstrable evidence provided as part of the application to demonstrate that the facility is no longer required or viable?

Paragraph 9.12 of the Local Plan (2021) states that the council will require that proposals demonstrate that a particular facility or service is no longer viable and explain the options that have been investigated to maintain the facility or service.

It goes on to state that in relation to commercial services, such as public houses and shops, marketing of the property for a minimum of 6 months with an appropriate price will be required. In this case, the building is a Methodist Church and is not therefore a 'commercial service.' On that basis, there is no requirement set out within the Local Plan (2021) to market the property for a minimum of 6 months at an appropriate price. Paragraph 9.12 of the Local Plan (2021) further states that for other types of facilities, appropriate forms of evidence may be the internal processes that have been undertaken by the disposal bodies when identifying the future role of the facility.

The application has been supported by a letter provided by Simon Hollis (Chartered Surveyors) dated 23rd April 2024. The letter states that since construction in 1820, the Methodist Church has been in predominantly constant use until its recent closure as a result of dwindling attendance. It states that it is unlikely that an adequately funded religious organisation would be found to purchase and use the building in its present condition and to continue its past use into the future. The letter goes on to state that *"in its present condition, the chapel requires a significant amount of work to bring it back into any form of modern use – at present, the building is one large open space with a raked mezzanine area. There is no mains water, drainage, or space heating and there are no welfare facilities. In our opinion, this makes change inevitable to achieve any form of sustainable future for the building."*

The letter states that ensuring a sustainable future for the building will likely require conversion to a commercial use, or domestic one. The letter goes on to state that a non-domestic conversion would likely require a comprehensive refurbishment of the interior and exterior of the property, external signage and parking for employees and visitors and that bearing in mind the work required and the commercial property rents in the immediate and surrounding areas, it is considered unlikely that a landlord/owner-occupier would consider the chapel a financially

viable project. The letter states that it could therefore remain vacant with its condition deteriorating further for a significant amount of time.

The letter concludes by advising that they do not think that the heritage asset has a future as a religious building, a community asset-type venture or as a commercial property and that a conversion to a single domestic dwelling is the most sustainable viable use for the heritage asset and that the minimal harm proposed would be outweighed by bringing the building back into beneficial use.

The application has also been supported by a statement provided by Gadsby Nichols (RICS Registered Valuers) dated 8th May 2024. The statement covers matters relating to viability and the letter confirms that Gadsby Nichols have been instructed [by the agent for the planning application] to report on events prior to and during the marketing of the Church.

The statement confirms that Gadsby Nichols have acted for the Methodist Church for a number of years on land and property owned by the Church. The statement confirms that Gadsby Nichols are not privy to congregation numbers, however, from experience, they have confirmed that the Methodist Church only dispose of property where the congregation is unable to maintain and keep the property up to the standard outlined in the '5-yearly quinquennial property report,' or where congregation numbers have dwindled to such a level that it is no longer viable to retain the asset.

The statement sets out that the Methodist Church instructed Gadsby Nichols to prepare a Qualified Surveyors Report in respect of the property (which is a requirement of the Charities Act prior to disposing of assets). The QSR was prepared in June 2022 which confirmed that the property was considered to be in a poor state of repair, with signs of timber decay, water ingress, and damp. Utility supplies were also limited to electricity only; the building was not DDA (Disability Discrimination Act) compliant having only a stepped access, and there was no water connections or foul water discharge.

The QSR concluded that *"the property is very unusual in terms of its size and Listed Building status. Subject to planning, the property could be suitable for a variety of uses, which may include tearoom, office, studio, residential, or community facility."* The QSR also concluded that there were no alternative options available to the Church as it was not financially viable to keep the building in good repair and retain the asset.

The QSR concluded that the property should be promoted on the open market with a marketing period of 4 weeks with a sale secured via auction which was a sale method chosen in order to comply with the Charities Act.

Assessment

It is considered that the statement which has been prepared by the same valuers acting on behalf of the Methodist Church in the disposal of the Church, provides sufficient evidence to demonstrate that the Church was no longer required or viable. The letter submitted by Simon Hollis is also considered to demonstrate that the use of the building as a Church was no longer viable. This element of Policy IF2 of the Local Plan (2021) is therefore considered to be satisfied.

Is there demonstrable evidence provided with the application to demonstrate that suitable alternative community uses have been considered?

The letter provided by Simon Hollis confirms that following the closure of the Church it is understood that the Diocese presented the opportunity to purchase the building for the local Worthington community, however, there was insufficient interest in this to progress a sale to the community and the property has been vacant since its use as a religious building ceased. The letter goes on to state that based on the outcome of this exercise, it is considered unlikely that a community use for the building in its present condition would be found.

The statement provided by Gadsby Nichols confirms that Worthington Parish Council requested that the District Council list the property as an 'Asset of Community Value.' No date for when this request was made has been provided in the statement, however, the statement confirms that because of this, the marketing of the property was delayed to enable the Parish Council or any other community group an opportunity to bid on the building. The notice period provided was 6 weeks ending 10th August 2022. This process delayed the auction date for the property by 2 months with the action taking place on 29th September 2022. It should be noted that the Methodist Church is not listed in the Council's latest 'Asset of Community Value listings' register either as a successful or unsuccessful listing.

The statement confirms that the Church was marketed via Gadsby Nichols and via 'SDL auctions' with all interested parties, including those interested in utilising the building for community uses, given the opportunity to bid for the property. The statement confirms that under Charity law, it is a requirement to ensure that best value is obtained for the sale of the asset.

Assessment

The Gadsby Nichols statement does not confirm any details relating to the valuation of the Church or details of the marketed reserve price to enable the Local Planning Authority to determine whether the property was marketed at a price which would have been viable for other community uses to purchase the property. However, Policy IF2 of the Local Plan (2021) only sets out a requirement for commercial services (such as public houses and shops) to be marketed for a minimum of 6 months at an 'appropriate price' and therefore the Methodist Church was not bound by this requirement.

Whilst the statement confirms that the Methodist Church was advised that the building could be suitable for other uses including a tea room or other community facilities, the advice provided to the Methodist Church was to dispose of the asset at auction. In addition, whilst the building could have been utilised for other community uses, these uses, in the opinion of Officers, would be limited owing to the restricted nature of the site with no external space or car parking available, the limited size of the building internally, its poor condition, and its lack of services (no water or foul waste connections). For these reasons, the buyer profile is likely to have been limited in this case.

On the above basis, other community uses were considered by the Methodist Church, however, the decision was made to dispose of the asset in line with the advice provided in the QSR. This element of Policy IF2 of the Local Plan (2021) has therefore been met.

Principle of Development Summary

The provision of new residential development within the Limits to Development in a Sustainable Village is considered to be acceptable in-principle and would accord with Policy S2 of the Local Plan (2021).

With regard to the loss of the Methodist Church as a community facility, the statement (Gadsby Nichols) and letter (Simon Hollis) submitted to support the application provide sufficient evidence to demonstrate that the Church was no longer required or viable and that community uses were considered by the Methodist Church before its disposal. The application is therefore considered to be acceptable in-principle and would accord with Policy IF2 of the Local Plan (2021).

Heritage and Design Impacts

Policy He1 (Conservation and enhancement of North West Leicestershire's historic environment) of the North West Leicestershire Local Plan (2021) states that to ensure the conservation and enhancement of North West Leicestershire's historic environment, proposals for development, including those designed to improve the environmental performance of a heritage asset, should:

- a) Conserve or enhance the significance of heritage assets within the district, their setting, for instance significant views within and in and out of Conservation Areas;
- b) Retain buildings, settlement patterns, features and spaces, which form part of the significance of the heritage asset and its setting;
- c) Contribute to the local distinctiveness, built form and scale of heritage assets through the use of appropriate design, materials and workmanship;
- d) Demonstrate a clear understanding of the significance of the heritage asset and of the wider context in which the heritage asset sits.

Paragraph 203(a) of the NPPF states that planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. It further states (at paragraph 212) that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 213 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

The proposed development must also be considered against Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) which sets out a general duty for decision makers and states that in considering whether to grant planning permission for any development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Policy D1 (Design of New Development) of the North West Leicestershire Local Plan supports proposed developments that are well designed and, as a minimum, offer a good standard of design based upon robust opportunities and constraints assessment and informed by a comprehensive site and contextual appraisal. This is expanded upon in the Council's Good Design for North West Leicestershire Supplementary Planning Document (April 2017) (the SPD) which states that developments must be underpinned by a thorough understanding and appreciation of the place, both the site and its immediate and wider context.

The NPPF includes several measures to improve design quality. This includes a test at paragraph 139 which directs that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

Paragraph 135 of the NPPF states that planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

The Council's Good Design SPD and the government's National Design Guide therefore carry substantial weight.

Assessment

This application for planning permission will consider all proposed external works requiring planning permission. Any internal alterations, or other proposed external works which do not require planning permission, are matters which are to be assessed fully under the associated listed building consent application.

The submitted Heritage Statement states that there are no external changes proposed to the building itself, though maintenance of the windows may be required and this element of the proposal would be assessed under the associated listed building consent application. It is also noted that the application includes the installation of external vents, however, these do not require planning permission and are not to be assessed as part of this report.

The only external alteration proposed requiring planning permission is the installation of a bin enclosure to the front elevation of the building. The bin enclosure would be constructed from black painted 'hit and miss' timber fencing which would have a height of 1.5 metres. The enclosure would be positioned to the north of the existing steps leading to the front door of the Church and would abut the front elevation of the Church. It would be positioned between these steps and a pillar which forms part of the boundary treatment associated with No.16 to the north of the site. The double doors of the enclosure would face east towards Main Street.

Objections to the design and siting of the proposed bin enclosure have been received from nearby occupiers. It is considered, as advised by the Council's Conservation Officer, that the enclosure would harm the appearance of the building's principal elevation and therefore both visual and heritage harm would arise as a result of this element of the proposal. The Conservation Officer has made a request that the enclosure be omitted from the proposal, however, this omission has not been made and therefore the visual and heritage harm would remain.

The Council's Conservation Officer has not identified the level of harm arising to the significance of the listed building in the consultation responses provided, however it is considered that the level of harm arising to the listed building would be 'less than substantial,' likely to fall at the lower end of the scale. In such scenarios, Paragraph 213 of the NPPF, requires that any harm to the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. In this case the alternative would be for bins associated with the proposed dwelling to be permanently sited to the front of the building outside of any form of bin store. This arrangement would in itself be unsightly to the front of the building and within the street scene and in the opinion of Officers, is more likely to result in bins being left in an untidy

manner along the public footway in front of the building. As such, whilst both visual and heritage harm would arise as a result of the proposed design and siting of the enclosure, this harm is considered to be justified in this case and would be outweighed by the public benefits of the building being converted to a dwellinghouse which would secure the ongoing use of an existing empty listed building. Furthermore, it is likely that the majority of other alternative uses for the building (such as commercial or other community uses) would also require external bin storage provision.

In addition, the letter provided by Simon Hollis (Chartered Surveyors) states that the conversion of the building to a single domestic dwelling is considered to be the most sustainable viable use for the heritage asset and that the minimal harm proposed would be outweighed by bringing the building back into beneficial use. When having regard to the site-specific constraints (no external space and no car parking), the condition/state of repair of the building, its limited size, and the lack of services provided internally (electricity only), this is a view which is agreed with by Officers and therefore it is considered that the proposal would secure the optimum viable use of the building.

On the basis of the above, whilst design and heritage harm has been identified in this case which results in conflict with Policies D1 and He1 (a) and (c) of the Local Plan (2021), on balance the harm in this particular case, when having regard to the site-specific constraints which restricts the ability for bins to be stored elsewhere on or adjacent to the site, is considered to be justified and would be outweighed by the public benefits of the proposal as required by Paragraphs 203 and 213 of the NPPF. Furthermore, the conversion of the building to a dwellinghouse is considered to preserve the heritage asset as a whole by ensuring that it is brought back into use and that its optimum viable use would be secured, as required by both Policy He1 of the Local Plan (2021) and Paragraph 215 of the NPPF.

Neighbour Amenity

Policy D2 (Amenity) of the Local Plan (2021) requires that proposals for development should be designed to minimise their impact on the amenity and quiet enjoyment of both existing and future residents within the development and close to it. As such, development proposals will be supported where:

- 1) They do not have a significant adverse effect on the living conditions of existing and new residents through loss of privacy, excessive overshadowing and overbearing impact, and;
- 2) They do not generate a level of activity, noise, vibration, pollution or unpleasant odour emission, which cannot be mitigated to an appropriate standard and so, would have an adverse impact on amenity and living conditions.

Policy D2 of the Local Plan (2021) is consistent with the NPPF requirement that developments create places which promote health and well-being, with a high standard of amenity for existing and future users. Paragraph 198 of the NPPF also states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

The application does not propose the installation of any additional openings within any of its elevations which would introduce further overlooking opportunities to neighbouring properties

or garden areas over and above that of the existing arrangement. As such, it is not considered that the proposal would be unacceptable with regard to the privacy of neighbouring occupiers.

There are no extensions proposed and therefore the application would not introduce any additional overbearing or overshadowing impacts. The proposed bin enclosure to the front of the site, owing to its positioning away from other neighbouring properties and its limited scale, would not result in any unacceptable amenity impacts.

Given the residential use proposed there are no concerns with regard to noise impacts.

An objection has been received to the application relating to the positioning of a proposed vent which would discharge into a neighbouring site. The objection states that the vent will discharge steam, smells and noise below head height. The vent would be positioned within the northern side elevation of the building and would serve the proposed kitchen area. It should be noted that vents of this nature do not require planning permission for their installation and therefore this element of the proposal is only a matter to be considered under the associated listed building consent application in respect of preserving the features of special architectural or historic interest which the listed building possesses. Notwithstanding the above, the vent would be positioned a sufficient distance from the nearest neighbouring windows associated with No.16 to the north of the site and there would be no unacceptable impact arising to the occupiers of this neighbouring property.

On the above basis, the application is considered to be acceptable with regard to impacts upon residential amenity and no conflict has been identified with Policy D2 of the Local Plan (2021) or the guidance set out in Paragraph 198 of the NPPF.

Living conditions for future occupiers

Paragraph 11.31 of the Council's Good Design SPD states that the rear private garden spaces must be at least equal to the footprint of the property. This is a minimum required standard.

The Council's Good Design SPD also states that *"Buildings should be designed internally to ensure that spaces are fit for their intended purpose with adequate internal space for their intended purpose. The Council will encourage applicants to provide furnished internal floor plans to demonstrate that homes and the rooms within them are fit for purpose. Internal layout plans should demonstrate that there is sufficient space within the home for the following activities:*

- o (The maximum number of) occupants to sit together in the living room.*
- o (The maximum number of) occupants to sit around a table together.*
- o A space to allow work at a desk to be undertaken without disturbance, i.e. located away from the kitchen or living room.*
- o Applicants must demonstrate that homes offer sufficient internal storage space to enable residents to store items conveniently and out of sight when not in use."*

Policy D2 of the Local Plan (2021) does not refer to the Technical housing standards - nationally described space standard (March 2015) (NDSS); however, as a well-established expression of national housing standards, it provides a reasonable guide to appropriate room sizes.

Assessment

In this case, the dwelling would not be afforded with any private amenity space given the constraints of the site. The application is therefore considered to result in conflict with the Council's Good Design SPD in this respect. However, when having regard to the location of the site, there are open spaces within walking distance of the site, including access to a network of Public Rights of Way and The Cloud Trail which is a traffic free off-road route which uses the Cloud trail following the disused Derby, Melbourne and Ashby branch railway from Worthington and Cloud quarry before joining the Trent and Mersey canal to Swarkestone Stop. Whilst it is recognised that Public Rights of Way and recreational routes are not substitutes for private amenity space, given the small size of the dwelling proposed (which features one bedroom), it is considered unlikely that the dwelling would be occupied by a family who would likely find the lack of private amenity space to be a more significant issue when compared to other occupiers (such as young professionals, or students for example).

In addition, the conversion of an existing building, particularly one that is listed, to residential use can often result in the creation of residential accommodation with no access to private gardens. Furthermore, it is not considered uncommon for dwellings of the size and nature proposed to not incorporate private outdoor garden space. Therefore, as the proposed development would result in a one bedroom dwelling, and given the proposal relates to a conversion scheme, it is not considered the proposal would result in detriment to the amenities of future residents that a reason to refuse the application would be warranted in this case.

In terms of internal space standards, Section 12 of the Good Design SPD provides some guidance in relation to internal layout plans and states that applications should demonstrate that there is sufficient space within the home for a range of activities. The Nationally Described Space Standards are still considered to act as a useful guide in assessing the quality of internal living environments.

The dwelling cannot reasonably be considered as a two storey dwelling given that the first floor features a mezzanine. As such, the dwelling has been classed as a '1 storey dwelling' given that the Nationally Described Space Standards does not specify 1.5 storeys. The gross internal floor area of the proposed dwelling would exceed the minimum gross internal floor area for a 1bed 2person 1 storey dwelling of 39m² set out within Table 1 of the Nationally Described Space Standards.

The proposed bed deck area has been measured in terms of the floor area and width. The minimum standards set out within the Nationally Described Space Standards for bedrooms state that in order to provide 2 bedspaces, a double (or twin bedroom) should have a floor area of at least 11.5m² and a 1 double (or twin bedroom) should be at least 2.75m wide. The proposed bedroom meets this requirement.

It is also considered that all habitable rooms proposed, including the proposed bed deck area, would be afforded with adequate natural light for future occupiers.

As such, the proposed dwelling is considered to be acceptable in terms of living conditions for future occupiers.

Highway Impacts

Policy IF4 (Transport Infrastructure and new development) of the Local Plan (2021) requires that development takes account of the impact upon the highway network and the environment, including climate change, and incorporates safe and accessible connections to the transport network to enable travel choice, including by non-car modes, for residents, businesses and employees.

Policy IF7 (Parking provision and new development) of the Local Plan (2021) requires that development incorporates adequate parking provision for vehicles and cycles to avoid highway safety problems and to minimise the impact upon the local environment.

Paragraph 115 of the NPPF states that it should be ensured that safe and suitable access to the site can be achieved for all users. Paragraph 116 of the NPPF states 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, following mitigation, would be severe, taking into account all reasonable future scenarios.

The County Council's Highway Authority (CHA) have been consulted on the application and have referred the LPA to its standing advice.

A number of objections to the application have been received on the basis that the proposed dwelling would not benefit from off-street car parking and that the resultant on-street parking impacts would result in highway safety impacts to include reduced visibility for drivers using nearby driveways, and the highway being blocked with parked cars. Further concerns have been raised relating to the siting of the proposed bin enclosure on the footpath which would block the path for pedestrians and would force pedestrians, including children out on to the road when the doors of the bin enclosure are open.

Car Parking

With regard to car parking there is no land owned by the applicant associated with the existing Methodist Church which could be utilised for off-street car parking and therefore the car parking arrangement proposed remains unchanged from the existing arrangement. Concerns from objectors state that the Parking Statement submitted to support the application is misleading in that the Methodist Church was not attended by 125 people and that a maximum of 10 people attended the Church. It further states that these 10 people mostly walked to the Church and only attended on Sundays. Whilst it is recognised that the proposed conversion would result in a demand for on-street car parking, the car parking demand associated with a one bedroom dwelling would be limited. Table 28 (Residential Parking Standards) of the Leicestershire Highways Design Guide (LHDG) states that dwellings with up to 3 bedrooms require a minimum of 2 off-street car parking spaces.

It should be noted that a Methodist Church falls within Use Class F1 (Learning and non-residential institutions) which encompasses a range of different uses including the provision of education, for the display of works of art (otherwise than for sale or hire), as a museum, as a public library or public reading room, as a public hall or exhibition hall, and for, or in connection with, public worship or religious instruction. On this basis, the Church could change use to any one of these uses without the need to obtain planning permission. If the Church were to be used for any of these uses falling within the same use class, in all cases, the

demand for car parking would be in excess of the demand for car parking generated by a one bedroom dwellinghouse.

Furthermore, the CHA have been consulted on the application and have confirmed that on-street parking is common along Main Street, therefore, the development proposal would not change the character of Main Street and cause a severe impact on the surrounding highway network. No objection from the CHA has been received on highway safety or pedestrian safety grounds. On this basis, when having regard to the provisions of Paragraph 116 of the NPPF, it is not considered that the proposed development could be prevented or refused on highways grounds.

Cycle Parking

Table 27 (Minimum Provision for Cycle Parking) of the LHDG states that one cycle space for every bedroom should be provided for C3 (Dwellinghouse) uses and that cycle parking should be under cover and secure. In this case the application does not propose any form of cycle parking provision for the dwelling which would fail to meet the guidance set out within the LHDG. However, given the site-specific constraints in this case which restricts the ability for cycle provision from being provided externally, it is not considered that the application could be resisted on this basis.

On the basis of the above, the application is considered to be acceptable when having regard to highway and pedestrian safety, as well as parking impacts and would accord with Policies IF4 and IF7 of the Local Plan (2021).

Ecology and Biodiversity Net Gain

Policy En1 (Nature Conservation) of the Local Plan (2021) supports proposals that conserve, restore or enhance the biodiversity of the District. It goes on to state that new development will be expected to maintain existing ecological networks, hotspots and landscape features (such as water courses and waterways, disused railway lines, trees and hedgerows) for biodiversity, as well as for other green infrastructure and recreational uses. Paragraphs 187(d) and 192(b) of the NPPF set out a requirement for developments to minimise their impacts on and provide net gains for biodiversity.

Ecology

Following the submission of amended plans showing the installation of a vent in the roof, and the County Ecologist has confirmed that an informative should be imposed upon any planning permission issued to advise the applicant that the building may be suitable for roosting bats, and that it is the applicants' responsibility to ensure that bat legislation is not breached. The informative would also advise that the applicant may need to consult with a licenced bat ecologist prior to commencement to ensure that bats will not be impacted by the works.

Subject to the imposition of the recommended informative the application is considered to be acceptable in terms of ecology impacts.

Biodiversity Net Gain

The mandatory requirement for 10% Biodiversity Net Gain (BNG) for minor development as required by the Environmental Bill was enacted on the 2nd April 2024. However, a development that does not decrease the biodiversity value of a site is exempt from providing

a biodiversity net gain. In this case, as the proposal relates solely to the conversion of the existing Church, and the installation of the proposed bin enclosure on an existing area of hardstanding, no habitat would be affected. As such, the application is not required to demonstrate a mandatory 10% biodiversity net gain.

Overall, subject to the imposition of an informative relating to roosting bats and their protection, the application would be acceptable when having regard to ecology and biodiversity. It is considered that the proposals would comply with the requirements of Policy En1 of the Local Plan (2021).

Flood Risk and Drainage

Policy Cc2 (Flood Risk) of the Local Plan (2021) seeks to minimise the risk and impact of flooding through: (a) Directing new development to areas with the lowest probability of flooding; and (b) Ensuring that all new development addresses the effective management of all sources of flood risk; and (c) Ensuring that development does not increase the risk of flooding elsewhere; and (d) Ensuring wider environmental benefits of development in relation to flood risk.

The site lies within Flood Zone 1 (which has the lowest risk of fluvial flooding). It is therefore not considered that the proposed development would exacerbate any fluvial flood risk. The site is also not identified by the Environment Agency Flood Map for Planning to be at a high, medium or low risk of surface water flooding.

Policy Cc3 (Sustainable Drainage Systems) of the Local Plan (2021) states that when assessing development proposals where it is necessary to manage surface water drainage, Sustainable Drainage Systems (SuDS) should be incorporated into developments in accordance with national and local standards.

The existing building does not have any internal facilities which would require drainage (there is no W/C provision or any kitchen facilities nor any water supply). It is considered likely, given the sites' location and its lack of external space which prohibits the ability for SuDS to be provided, that the building will connect to the sewer for surface water disposal and for general grey water drainage. In terms of foul waste, the application confirms that the applicant proposes to connect to the mains sewer which is considered to be acceptable.

An objection has stated that there is a lack of detail with regard to the precise drainage details proposed. Matters relating to the specific drainage details and how or where the site will drain from and to is not a matter for this planning application as such details would be dealt with under Building Regulations. The associated Listed Building Consent application will consider the impacts of any work required to provide drainage routes and services upon the fabric of the listed building.

Overall, the application is considered to be acceptable with regard to flood risk and drainage and no conflict is identified with Policy Cc2 of the Local Plan (2021). Given that SuDS are not achievable on this site, the application is not considered to conflict with Policy Cc3 of the Local Plan (2021).

Bin Storage and Collection

Objections have been received during the course of the application relating to bin storage and collection provision. The amended application shows the provision of a bin enclosure to be installed to the front of the building on an existing area of the public footpath.

The Council's Waste Services Team have commented to state that the occupiers would be responsible for presenting the waste and recycling receptacles for collection at the kerbside adjacent to the adopted highway of Main Street, as per the current collection arrangements for neighbouring properties.

There is no private land associated with the Church which could be utilised for bin storage. Whilst the proposed bin enclosure is not an ideal situation given its positioning to the front of the building which would be visually prominent, as well as its positioning on the public footpath, given that the enclosure would not project any further into the path than the depth of the existing steps leading up to the front door of the Church, and given that it would be positioned between these existing steps and a pillar which forms part of a neighbouring boundary wall which projects slightly beyond the front elevation of the Church, it is considered that the proposed bin enclosure would not impede upon the footpath to any unacceptable degree to warrant a refusal of planning permission on this basis. Furthermore, the Council's waste services crew will be able to service the site from the adopted highway, as per the requirements of the Council's Waste Services Team.

An objection has been received to state that the plans do not show the depth of the proposed enclosure. It should be noted that the enclosure would measure 0.6 metres in depth which would be large enough to accommodate a 140-litre wheelie bin which typically measure 0.55m in depth. The overall width of the enclosure at approximately 1.4m would be wide enough to accommodate the waste wheelie bin referred to above, as well as the recycling boxes and bags used throughout the District.

A Grampian planning condition is recommended to be imposed to any permission granted to ensure that the dwelling is not occupied at any time unless the proposed bin enclosure is made available for use for the future occupiers.

Other Matters

Objections have been received advising that there is a lack of detail relating to the type of heating system proposed, that a listed building would not be allowed solar panels, and that there is no outside space to put air source equipment. Heating systems do not require planning permission and therefore this objection cannot be considered as part of this report. Any works relating to heating which require listed building consent will be addressed under the associated listed building consent application.

A further objection relates to fire safety and entry/exit points. It should be noted that for a proposal of this scale, fire safety is dealt with separately, under Building Regulations.

Overall Planning Balance, Contribution to Sustainable Development and Conclusions

In accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the development plan which, in this instance, includes the adopted North West Leicestershire Local Plan (2021) and the Leicestershire Minerals and Waste Local Plan (2019).

It is outlined above that the most important policies in the determination of the application are Policies S2, IF2 and He1 as they relate to the provision and distribution of housing, loss of community facilities and heritage matters. The Council can demonstrate a five-year housing land supply and has performed well against the Government's Housing Delivery Test. It is considered that Local Plan Policies S2, IF2 and He1 are consistent with the National Planning Policy Framework, are effective, not out of date and carry significant weight.

The provision of new residential development within the Limits to Development in a Sustainable Village is considered to be acceptable in-principle and would accord with Policy S2 of the Local Plan (2021). With regard to the loss of the Methodist Church as a community facility, the requirements of Policy IF2 of the Local Plan (2021) have been fully met. The statement (Gadsby Nichols) and letter (Simon Hollis) submitted to support the application provide sufficient evidence to demonstrate that the Church was no longer required or viable and that community uses were considered by the Methodist Church before its disposal. The application is therefore considered to be acceptable in-principle.

Design and heritage harm has been identified in this case as a result of the proposed bin enclosure which results in conflict with Policies D1 and He1 (a) and (c) of the Local Plan (2021), however the harm in this particular case, when having regard to the site-specific constraints which restricts the ability for bins to be stored anywhere else on or adjacent to the site, is considered to be justified and would be outweighed by the public benefits of the proposal as required by Paragraphs 203 and 213 of the NPPF. Furthermore, the conversion of the building to a dwellinghouse is considered to preserve the heritage asset as a whole by ensuring that it is brought back into use and that its optimum viable use would be secured, as required by both Policy He1 of the Local Plan (2021) and Paragraph 215 of the NPPF.

Whilst no off-street car or cycle parking is proposed, no objection from the CHA has been received on highway safety or pedestrian safety grounds. On this basis, when having regard to the provisions of Paragraph 116 of the NPPF, it is not considered that the proposed development could be prevented or refused on highways grounds.

There are no ecology concerns arising as a result of the proposal and the application is exempt from providing a mandatory 10% biodiversity net gain. There are no unacceptable living conditions or residential amenity impacts arising as a result of the proposed change of use and the application is considered to be acceptable when having regard to bin storage and collection, as well as drainage and flood risks.

On the basis of the above, and after balancing the heritage and design harm against the benefits of the proposal, including public benefits, which include ensuring that the building is brought back into use and that its optimum viable use would be secured, it is considered that the proposed development complies with the relevant policies of the North West Leicestershire Local Plan (2021) and the NPPF (2024).

Subject to the imposition of conditions the proposed development represents sustainable development, and approval is therefore recommended. There are no other material considerations that indicate that planning permission should not be granted.