

Parish:	Stow Bardolph	
Proposal:	Change of use from an art studio and holiday home to a detached residential unit	
Location:	The Baptist Chapel 7A Gooding Close Stow Bridge Norfolk	
Applicant:	Pat Wallace	
Case No:	20/01024/F (Full Application)	
Case Officer:	Mr K Wilkinson	Date for Determination: 6 October 2020 Extension of Time Expiry Date: 14 January 2021

Reason for Referral to Planning Committee – The recommendation is contrary to the views of the Parish Council and at the request of the Sifting Panel (4/11/20).

Neighbourhood Plan: No

Case Summary

Full permission is sought to convert a former Baptist Chapel from an art studio and holiday home into a detached residential unit with associated additional amenity space, vehicular access and parking.

The building lies on the western bank of the Great River Ouse at Stow Bridge and is proposed to be accessed via Gooding Close – a modern residential cul-de-sac to the west off Low Road. Presently the building is 'land locked' and only accessible on foot via the public footpath along the riverbank.

Stow Bridge is categorised as a Smaller Village & Hamlet in Policy CS02 of the Core Strategy so there is no defined area of development, however the site borders residential development on three sides – the riverbank creating the other side. It lies within Flood Zones 2 & 3a of the Council-adopted Strategic Flood Risk Assessment.

There is a history of enforcement action on the building which will be covered in the report.

Key Issues

Planning history
 Principle of development
 Impact on amenity of adjoining properties
 Impact upon character and appearance of the building
 Highway implications
 Flood risk
 Other material considerations

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Recommendation

APPROVE

THE APPLICATION

Full permission is sought to convert a former Baptist Chapel from an art studio and holiday home into a detached 1 bedroomed residential unit with associated additional amenity space, vehicular access and parking for two cars.

The alterations involve bricking up, obscurely glazing and fixing some windows; creation of a mezzanine floor at first floor level in the eastern half of the building; and new rooflights replacing Perspex panels.

The block plan shows additional third party land to create the vehicular access off Gooding Close and two parking spaces plus amenity space for the intended dwelling. The site area now amounts to approx. 270m² compared to that covered by a previous enforcement notice of approx. 100m².

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Stow Bridge is categorised as a Smaller Village & Hamlet in Policy CS02 of the Core Strategy so there is no defined area of development, however the site borders residential development on three sides – the riverbank creating the other side. It lies within Flood Zones 2 & 3a of the Council-adopted Strategic Flood Risk Assessment.

SUPPORTING CASE

The Agent has made the following statement in support of this proposal:

“Dear members of the Committee I would like to state that the conversion of this Heritage Asset to residential use is fully Planning Policy compliant and its conversion will assist in its retention and avoid the loss of yet another piece of our architectural history. The use of planning conditions and the changes proposed will ensure residential amenity in the locality is protected and the owner of the adjoining land (annotated for use as car parking) has expressed his willingness to provide this as part of the conversion. We understand the neighbours' concerns but the perceived impact of the scheme is not enough to outweigh the presumption in favour of sustainable development as the scheme delivers economically (conversion work), socially (a new residential unit), and environmentally (retention of a heritage asset). We are more than willing to adhere to any conditions the planning department may wish to impose in order to ensure a high quality development.”

PLANNING HISTORY

19/01874/LDE: Not Lawful: 20/12/19 - Application for a Lawful Development Certificate for the existing use as a holiday home and art studio for no more than six months in any twelve month period since 1980 on an uninterrupted basis

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RESPONSE TO CONSULTATION

Parish Council: OBJECT - Stow Bardolph Parish Council has reviewed the above planning matter and their decision is that they object to this application. The property was subject to an enforcement order in 2015 which stated that the property should not be used as a residential dwelling due to the flood risk and the fact that the only access is via the river bank.

As far as the Parish Council understands, the enforcement order is still in place and an application for a Lawful Development Certificate to confirm the property's use as an art studio and holiday home was refused for this reason. As these details remain unchanged, the Parish Council consider that this property is not suitable for residential use.

Highways Authority: NO OBJECTION – Subject to conditions relating to creation of access, no obstructions, provision of access and parking prior to occupation.

NCC – Public Rights of Way Officer: NO OBJECTION – We would however still highlight that the Public Right of Way, known as Stow Bardolph Bridleway 6 is aligned very close to the Eastern boundary of the site. The full legal extent of this bridleway must remain open and accessible for the duration of the development and subsequent occupation.

Environment Agency: NO OBJECTION - The site is located within Flood Zone 2 and outside of our Tidal Hazard Mapping. The above planning application falls within our Flood Risk Standing Advice.

District Emergency Planning Officer: NO OBJECTION – Suggests conditions relating to signing on to Environment Agency's Flood Warning Service and preparation of an evacuation plan.

Internal Drainage Board: No comments received at time of writing report

Conservation Officer: SUPPORT - Historic maps indicate this building has stood for some time, certainly being shown on the first Edition OS map, along with the indication of a structure in its location from the Tithe Plan too. Architecturally simple and functional, the building is constructed in a robust English Brick Bond with some rubbed brick arches above the windows. The building should be regarded as a non-designated heritage asset and considered accordingly under the NPPF.

On this basis the retention and repair of the building is to be welcomed. Bricking in the windows but keeping the reveal detail will at least ensure that the balance of the building is retained. Given the existing roof glazing, the proposed roof lights will enhance the external appearance.

Any bricking in of windows should follow the existing brick bond.

REPRESENTATIONS

FIVE items of correspondence (including two from the Gooding Close Residents Association) raising **OBJECTION** on the following grounds:

- The building has no services – water, electricity or mains sewer;
- Limited land to accommodate a cesspit;
- Private treatment plant serving Gooding Close has no spare capacity and not possible to connect into this system;
- There is a history of enforcement action;

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- Flood risk;
- Overlooking;
- Devaluation of adjoining property;
- Only pedestrian access from bridge on The Causeway or Vine Hill;
- The proposed parking area and concealed drainage system is actually situated on land which is privately owned, fenced around and accessed only via a locked gate. This area is not owned by the owners of the Baptist Chapel and access is not allowed at this present time; and
- Unauthorised works done previously.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS11 – Transport

CS12 - Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM3 - Development in the Smaller Villages and Hamlets

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Planning Policy Framework – sets out the Government's planning policies for England and how these are expected to be applied.

National Planning Practice Guidance - Provides National Planning Practice Guidance, in support of and in addition to the NPPF

National Design Guide 2019

PLANNING CONSIDERATIONS

The key issues in considering this application are as follows:

Planning history

Principle of development

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Impact on amenity of adjoining properties
Impact upon character and appearance of the building
Highway implications
Flood risk
Other material considerations

Planning history

It will be seen from the History section above, that this property has been the subject of previous applications and enforcement action.

A certificate of lawfulness of existing use or development (CLEUD) was sought under Section 191 of the Act as amended, for the use of the building as a holiday home and art studio for no more than six months in any 12 month period – application ref: 19/01874/LDE. In order for the CLEUD to be issued it had to be demonstrated that there had been a consistent and consecutive use of the building for the purposes of the mixed use claimed, for a period in excess of 10 years prior to the submission of the application (i.e. 30 October 2009).

A Planning Enforcement Notice (ref: 13/00429/UNAUTU) was however served on 23 June 2015 in connection with unauthorised occupation of the building, on the grounds of flood risk, no separate vehicular access and located close to existing residential development. In the absence of an appeal, the notice became effective on 28 July 2015. The requirements of the notice were as follows:

- The residential use of the land and building permanently ceases; and
- Any internal and external alterations carried out to facilitate the residential use are reversed.

From that date (28 July 2015) any residential use, including for holiday purposes, could not be used in seeking immunity by way of continuous use for a 10 year period.

Section 191(2) of the Act as amended states:

“For the purposes of this Act uses and operations are lawful at any time if —

- (a) no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); and
- (b) they do not constitute a contravention of any of the requirements of any enforcement notice then in force.”**

It was therefore definitive that the provisions of Section 191(2)(b) was not met and a Certificate of Lawfulness of Existing Use or Development could not be issued.

It must be noted once again that the site area defined on the Enforcement Notice (approx. 100m²), is significantly smaller than the current application (approx. 270m²). Additional third party land has been incorporated with appropriate notices served.

Should this application be approved and implemented as agreed, then the Enforcement Notice would no longer apply.

Principle of development

This application seeks to change the use of the building into a dwelling and include additional amenity and parking space with access taken off Gooding Close.

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Policy DM3 applies to Small Villages or Hamlets in the settlement hierarchy defined in Policy CS02 of the Core Strategy (2011). This states:

- “New development in the designated Smaller Villages and Hamlets will be limited to that suitable in rural areas, including:
- small scale employment uses (under Policy CS10);
- community facilities (under Policy CS13);
- smaller scale tourism facilities (under Policy CS10);
- **conversions of existing buildings (under Policy CS06);**
- rural exceptions affordable housing; and
- development to meet specific identified local need, including housing to support the operation of rural businesses (under Policies CS01 and CS06).”

Policy CS06 states:

- “Conversion to residential use will only be considered where:
- the existing building makes a positive contribution to the landscape;
- a non-residential use is proven to be unviable;
- the accommodation to be provided is commensurate to the site’s relationship to the settlement pattern; and
- the building is easily accessible to existing housing, employment and services.”

Taking those criteria above, the building does contribute positively to the landscape/setting given its historic merit as a former Baptist Chapel; a non-residential use would not lend itself given the position of the building close to other residences and current lack of access; as already stated it directly adjoins dwellings; and is as accessible to those services as its neighbours.

The principle of using the building for residential purposes in this context is therefore considered to be acceptable, subject to meeting other criteria which will be covered later in this report.

Impact on amenity of adjoining properties

One of the main issues of objection is the effects upon immediately adjoining dwellings regarding overlooking. The building has high-level windows typical of its kind – two facing west, two north and one south; and there is a ground floor door with first floor French doors and small timber balcony facing the river. There are no views out of the ground floor due to the elevated position of the windows, but there would be angled views of the rear of No.7 Gooding Close (approx. 7m away). There is a mezzanine level creating a first floor within the eastern half of the building forming a bedroom/refuge area to meet flood risk implications. The ground floor would be mostly open plan accommodating a studio, kitchen and shower room/wc.

The proposed plans indicate that the two north-facing windows would be infilled with brickwork, and the west windows would be fixed and obscurely glazed to negate overlooking. This can be secured via condition, plus the removal of permitted development rights to add windows, extend the property or increase the mezzanine floor area. The window in the south elevation is to be retained – its position relative to the mezzanine and separation to No.8 Gooding Close (approx. 18m), together with existing boundary treatment plus established landscaping, would render this relationship to be acceptable in terms of overlooking/amenity.

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It is considered that these measures described above, would secure an acceptable relationship with the adjoining dwellings, and would meet the requirements of Policy CS08 of the Core Strategy (2011) and Policy DM15 of the SADMPP (2016).

Impact upon character and appearance of the building

It will be noted from the Consultation section above that our Conservation officer has identified the building on First Edition Ordnance Survey map and evidence on an earlier Tithe map. He therefore considers this to be a non-designated heritage asset of historical rather than architectural merit.

The alterations proposed are fairly limited – existing openings are retained save for the two windows in the north elevation, which are to be infilled with brickwork but maintaining a reveal to define the openings. Proper rooflights are proposed to replace the current Perspex sheeting. Overall the character and appearance of this non-designated heritage asset would be preserved and the alterations would accord with paragraph 197 of the NPPF which states:

“197. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”

The improvement works and change of use proposed are sensitive and would secure the retention of this building in the long-term. This is a view shared by our Conservation Officer. The proposal therefore complies with paragraph 197 of NPPF, Policy CS08 and CS12 of the Core Strategy 2001 and Policy DM15 of the SADMPP 2016.

Highway implications

The property is proposed to be accessed via Gooding Close to the west, with two parking spaces created off the private drive and within the extended garden area. Notice has been served on the third party land owner to facilitate the access. The Local Highway Authority has no objection to this proposal on highway grounds subject to conditions relating to creation of the access, no obstructions, plus provision of access and parking prior to occupation. These conditions would meet the appropriate tests endorsed by the NPPF, as there is every prospect that the parking etc. can be achieved given the support from the current third party owners.

Flood risk

The site lies within Flood Zones 2 & 3a of the Council-adopted Strategic Flood Risk Assessment. In terms of flood risk vulnerability and compatibility, this is a ‘more vulnerable’ use which would normally require exception testing. However the notes to the compatibility table in the NPPG states that the Sequential and Exception Tests do not need to be applied to minor developments and changes of use, except for a change of use to a caravan, camping or chalet site, or to a mobile home or park home site.

The SADMPP contains a section on Flood Risk Design Guidance for Conversion of Existing Buildings to Residential Use which is assessed on a case by case basis. This application is accompanied by a Flood Risk Assessment and indicates that there is only one point of ingress at ground floor level (personnel door) and there is refuge and means of escape from the first floor level of the proposed dwelling. Our Emergency Planning Officer raises no objection to the proposal subject to signing up to the EA’s Flood Warning Service and

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producing an evacuation plan. This is usually covered by an informative note on any approval, due to concerns in relation to the tests applied to use of conditions with regards to enforceability. The Environment Agency raise no objections to this proposal.

Whilst the views of the Parish Council are noted, it is considered that the sustainability benefits afforded to the provision of a new dwelling, and its contribution towards the supply of housing in this village, outweighs any flood risk implications/concerns. The proposal therefore accords with the provisions of the NPPF, NPPG and Policy CS08 of the Core Strategy (2011).

Other material considerations

There are no contamination or ecological issues raised by the development.

The effect of any proposed development upon the value of adjoining properties, either up or down, is not a material planning consideration.

The public right of way along the riverbank is not affected by this proposal.

Foul water disposal is via a sealed cesspit (covered by Building Regulations) and surface water via soakaway with water butts.

Electricity and water would be laid on by the service providers via Gooding Close using their statutory powers.

There are no significant issues raised by this proposal with regards to Crime and Disorder matters.

CONCLUSION

Whilst the views of the Parish Council and local objectors are noted, the application has demonstrated that: with additional land to create access, two parking spaces and amenity space, alterations including bricking up existing windows plus fixing and obscuring glazing others, can achieve a dwelling with acceptable levels of amenity and inter-relationship with adjoining properties. The conversion would secure the future of the former Baptist Chapel in a manner that would not significantly affect its appearance and maintain its status as a non-designated heritage asset. Plus the sustainability benefits afforded to the provision of a new dwelling, and its contribution towards the supply of housing in this village, would outweigh any flood risk implications/concerns.

It is concluded that the proposal mainly accords with the provisions of the NPPF, NPPG, Policies CS01, CS02, CS06, CS08, CS11 & CS12 of the Core Strategy (2011) and Policies DM1, DM3, DM15 & DM17 of the SADMPP (2016). The application is therefore duly recommended for approval subject to certain conditions listed below.

RECOMMENDATION:

APPROVE subject to the imposition of the following condition(s):

- 1 Condition: The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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- 1 Reason: To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans: A01 (dated 17.10.20), A04 (dated 17.10.20), A05 (dated 15.11.20) & A06 (dated 17.10.20).
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: Prior to the first occupation of the development hereby permitted the proposed access, on-site car parking and amenity area shall be laid out, surfaced and drained in accordance with the approved plan (Drawing No. A01 dated 17.10.2020) and retained thereafter available for those specific uses.
- 3 Reason: In order to secure appropriate levels of parking and amenity space to serve the proposed dwelling and to accord with the provisions of the NPPF, Policies CS08 & CS11 of the Core Strategy and Policies DM15 & DM17 of the SADMPP.
- 4 Condition: Prior to the first occupation of the development hereby permitted the vehicular / pedestrian / cyclist access / crossing over the verge shall be constructed in accordance with the highways specification TRAD 4 and thereafter retained at the position shown on the approved plan. Arrangement shall be made for surface water drainage to be intercepted and disposal of separately so that it does not discharge from or onto the highway.
- 4 Reason: To ensure construction of a satisfactory access and to avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety and to accord with the NPPF, Policy CS11 of the Core Strategy and Policy DM15 of the SADMPP.
- 5 Condition: Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order (2015), (or any Order revoking, amending or re-enacting that Order) no gates/bollard/chain/other means of obstruction shall be erected across the approved access unless details have first been submitted to and approved in writing by the Local Planning Authority.
- 5 Reason: In the interests of highway safety and to accord with the NPPF.
- 6 Condition: Prior to occupation, the windows in the northern elevation shall be infilled with a reveal in matching bricks and bonding to the existing building and shall remain in that condition thereafter.
- 6 Reason: To define the terms of this permission in the interests of the appearance of the building and the amenities of the locality; in accordance with Policy CS08 of the Core Strategy & Policy DM15 of the SADMPP.
- 7 Condition: Prior to occupation, the windows in the western elevation of the building shall be obscurely glazed and fixed as shown on the approved plan (Drawing No. A04 dated 17.10.20), and shall be retained in that condition thereafter.
- 7 Reason: To negate overlooking in the interests of residential amenity of neighbours and to accord with Policy DM15 of the SADMPP.
- 8 Condition: Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B, C & G of the Town and Country Planning (General Permitted Development)(England) Order

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2015 (or any order revoking and re-enacting that Order with or without modification), the enlargement, improvement or other alteration of a dwelling house, the enlargement of a dwelling house consisting of an addition or alteration to its roof, or other alterations to the roof, or chimneys, flues etc. on a dwellinghouse, shall not be allowed without the granting of specific planning permission.

- 8 Reason: In order that the Local Planning Authority may retain control of development which might be detrimental to the amenities of the locality if otherwise allowed by the mentioned Order.
- 9 Condition: The mezzanine floor within the building shall not exceed or be expanded beyond the area defined on the approved plans (Drawing No. A05 dated 15.11.20) unless otherwise agreed in writing by the Local planning Authority.
- 9 Reason: In order that the Local Planning Authority may retain control of internal changes/alterations which might be detrimental to the amenities of the neighbouring properties, and to accord with Policy DM15 of the SADMPP.
- 10 Condition: There shall be no sleeping accommodation at ground floor level.
- 10 Reason: To safeguard future occupiers at times of high risk of flooding and to accord with the provisions of the NPPF, NPPG and Policy CS08 of the Core Strategy.