

Parish:	Wimbotsham	
Proposal:	A single storey monopitch extension to the south of the church, Air Source Heat Pump (ASHP) and enclosure to the south-west of churchyard, integrated PV panels to the south slope of the Nave roof and external landscaping works.	
Location:	Church of St Mary Church Road Wimbotsham Norfolk PE34 3QL	
Applicant:	Wimbotsham Parochial Church Council (PCC)	
Case No:	23/02244/F (Full Application)	
Case Officer:	Mrs C Dorgan	Date for Determination: 15 February 2024 Extension of Time Expiry Date: 10 May 2024

Reason for Referral to Planning Committee – The officer recommendation is contrary to the Parish Council comments and the application was referred by the Sifting Panel.

Neighbourhood Plan: No

Case Summary

This application seeks permission for a single storey mono-pitched roof extension to the south of the church, including an air source heat pump and associated enclosure to the south-west of churchyard, integrated solar PV panels to the south slope of the nave roof, a car parking area to the north of the church, and external landscaping works. The vehicular access is as existing, via Church Road.

The application is at St. Mary's Church in Wimbotsham. The church is a Grade II* Listed Building, it was devastated by a fire in September 2019, and has not been in ecclesiastical use since. The interior and nave roof were destroyed by the fire. The site sits outside and adjacent to the development boundary for Wimbotsham and is within the Wimbotsham Conservation Area. The application seeks to bring new use and community services / facilities to this listed building.

Key Issues

- Principle of Development
- Form and Character (Impact on Listed Building and Conservation Area)
- Highways/Access/Parking
- Neighbour Amenity
- Other Material Considerations

Recommendation:

REFUSE

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THE APPLICATION

This application seeks permission for a single storey mono-pitched roof extension to the south of the church, including an air source heat pump and associated enclosure to the south-west of churchyard, integrated solar PV panels to the south slope of the nave roof, a car parking area to the north of the church, and external landscaping works. The vehicular access is as existing, via Church Road.

The application is at St. Mary's Church in Wimbotsham. The church is a Grade II* Listed Building, it was devastated by a fire in September 2019, and has not been in ecclesiastical use since. The site sits outside and adjacent to the development boundary for Wimbotsham and is within the Wimbotsham Conservation Area.

Wimbotsham Church dates from the 12th century and was largely restored in the 1850s. The nave is essentially of Norman construction and the south elevation is home to one of the largest Norman doorways in Norfolk. The regular carstone block exterior is a Victorian restoration as are the chancel and apse. Much of the external fabric of the church survived the 2019 fire, but the nave roof, and all the interior furnishings were destroyed. The nave roof is to be reinstated with Welsh slate, which is reflective of the slate roof installed by the 1850s restoration.

The proposed extension would be located on the south elevation encapsulating the Norman doorway, perpendicular arched window, and the pointed arch window. It has a proposed footprint of 10.95m by 6.5m. The proposed materials of the extension would be brick on the lower course and south elevation, with large glazed panels on the east and west elevations. The lean-to roof of the extension with Welsh slate roof tiles would match the proposed roof tiles for the new nave roof. Solar PV panels are proposed to be placed on the south slope of the new nave roof and an air source heat pump is to be sited to the south west corner of the churchyard.

The proposed parking would be situated at the north of the churchyard, adjacent to the existing shared access track which leads down to Church Road. Some graves would need to be relocated to establish the ground for car parking.

The applicants sought pre-application advice from the Borough Council and Historic England prior to this application. This advice informed the application as submitted although as discussed below regrettably not all matters were resolved by these proposals.

SUPPORTING CASE

The Church have parked cars on an ad-hoc/casual basis at the churchyard for at least the last 40-odd years, this has not been restricted to the gravel skirt area around the North Porch entrance, cars would occasionally park on the grass either side of the track avoiding the limited number of headstones in that area. There has hardly been any parking at the churchyard since the fire in September 2019, with only the odd maintenance van and consultants/specialist's cars on limited occasions and these would have stayed in the hard standing. As it is 56 months since the fire there is therefore little physical evidence that the grassed area has been used for parking in the past.

Church Rd has parked cars to one side, a number of the houses along Church Rd do not have drives/garages, so need to park on the street. The Planning Pre-App noted that "At present parking is accommodated on the road successfully", however the church is not in use. Parking on Church Rd is not successfully accommodated, and the number of public comments in support of the parking in the churchyard is testament to this (17nr specifically

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mention this out of the 44nr public comments of support). And this is reiterated by the Wimbotsham Town/Parish Council comment “We support this application but would like to see more parking”.

In the Planning Pre-App site plan there was 4nr wheelchair accessible parking spaces next to the North Porch and parking on grass reinforcement shown along the whole of the north boundary of the churchyard, which accommodated 13nr cars. This proposal was supported by Ely DAC. In the Planning Pre-App the Local Highway Authority did not make any comments on the parking areas shown and did not recommend removal of the parking area, they provided the following comment: This site has limited off-street parking and a substandard access so the development would only be considered to be acceptable on highway safety grounds on the basis that the extensions facilities are utilized in conjunction with the standard operations of the site and not used, for example, as a café/food hall that would effect additional undesirable on-street parking on an increased basis.

The new facilities are to be used in conjunction with the standard operations of the Church, such coffee mornings, soup lunches etc delivered as part of their ministry. Also note the Community Safety and Neighbourhood Nuisance comment “Having considered all the information, including objections, the development does not create a significant intensification of use”.

The Church would like to try and minimise disruption to Church Rd residents and continue to use the churchyard for casual parking as they have done in the past and this is the reason for the

PLANNING HISTORY

None.

RESPONSE TO CONSULTATION

Parish Council: SUPPORT

Wimbotsham Parish Council would like to SUPPORT the application but would like to see more parking.

Historic England: NO OBJECTION subject to conditions.

We are supportive of the rebuilding of the church and the wish to create a flexible building for both worship and community use. There are however parts of the scheme where further detail should be requested either at this stage or by way of condition. Modification of the parking might also help to reduce the impact of the scheme.

Significance -

The Listed church has stood at the centre of the community since the 12th century and embodies a wealth of architectural and historic interest. The decorative Norman north and south doorways are a characterful illustration of this early work. Later changes illustrate evolving architectural styles and the patronage of the building over the centuries up to a major restoration in the 19th century. It is attractively sited within a large churchyard.

Impact of the proposals -

The design of the south extension has been revised in line with the pre application advice. The extension is a lean-to addition echoing the linear plan of the church. It would enclose the

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central three bays of the nave and change the appearance of the south side of the church. However, it has been designed to allow visibility of the elevation within the new room and, to a degree, from the churchyard through the predominantly glazed east and west walls.

The upper screens to the east and west glazing have been introduced since the pre application. These would erode the transparency of the glass and clarity of design as shown in the 3D sketch view. We suggest further details of these should be provided to demonstrate how this effect might be minimised.

Integrated solar panels are proposed on the lower part of the nave roof and within the roof of the extension. The use of an integrated panel system retains the plane of the roof slope. However, the nave roof panels would remain very visible and contrast with the traditional palette of materials and this would result in harm.

The supporting information responds to our earlier questions about whether a ground mounted array might be feasible.

Car parking spaces on a gravel surface are proposed along the length of the nave and tower to the north of the church, with an area of reinforced overflow parking between the chancel and boundary.

The hard surfacing and parking along much of the north of the church would detract from the green churchyard setting which contributes to the significance and appreciation of the church.

An air source heat pump is proposed to the south against the boundary hedge. The location against the boundary would help to reduce the impact of this. No details are provided of the enclosure which should also be designed to minimise any impacts.

Policy -

The National Planning Policy Framework requires local planning authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, paragraph 203. It continues that any harm or loss should be justified, and the harm weighed against the public benefits of the proposal, paragraphs 206 and 208.

Historic England's position -

Historic England is keen to see the church repaired and brought back into use and is supportive of the proposal to create a flexible building for worship and community use. While the new addition would alter the south elevation and result in some harm, the new space and facilities would help to support the future use of the building. In line with policy, efforts should be made to ensure harm is minimised. In view of this details of the glazed east west walls and upper screens should be provided together with other large scale details, either at this stage or under conditions.

The impact of the new hard standing to the north of the church might be reduced by omitting the parking bay adjacent to the tower.

We recommend details of the new parking surfaces and air source heat pump enclosure and are also provided under conditions.

The harm to significance should be weighed against the public benefits put forward in the application including those of securing the repair and reuse of the building and the aim to meet the 2030 Net Zero target.

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Recommendation -

Historic England supports the repair and rebuilding of the church and the aim to create a flexible building to give it a more sustainable future. However, in relation to some of the detail of the work proposed, we consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 203 and 206 of the NPPF.

Conservation Officer: NO OBJECTION subject to conditions

St Mary's Church is a building with origins from the 12th century. A fine normal doorway in the south wall survives from this early phase of development. It was much 'restored' in the 1850's when the nave walls were raised and an apse was built. The building as it stands is a combination of early and Victorian material. The Victorian roof and much of the interior was lost in a fire in 2019 and has had no use since.

This scheme has been the result of pre-application discussions with the applicant and it should be noted that it is not the remit of the planning system to consider the internal layout and proposals for the inside of the building.

The proposal would result in a significant amount of alteration to the prominent south facing elevation of the church. In the pre-app discussions it was determined that the church could be seen in long range views and once the roof had been returned to the nave this visibility would be increased. An extension to the nave would result in the Norman doorway being obscured from public view, in particular from the trackway to the south, with which it has a historic relationship.

However, the visualisations produced by the applicant team have shown that glazed panels would be installed along the joins with the church building which would reveal the building and the Norman doorway to public viewing and create a glazed link between the old and the new parts of the building. The modern design of the extension would be offset by the traditional form of a lean to which would minimise the amount of glazing seen in the long views and instead, the roof would match that of the church roof creating a sense of continuity between both built elements. The design is therefore of high quality and of a good historic form which would, subject to details, be complimentary to the built form of the church building.

The proposed solar panels are able to be integrated into the roof of the church and the extension which would result in no visible upstand. This minimises the visual impact of the panels and, as the roof of the main church was damaged by fire and no longer exists, the installation of panels would not cause harm to any historic fabric. They should however be panels with a matt finish to avoid glinting as far as possible.

The car parking to the north side of the church remains a disappointing element of the scheme. Although it will be laid to reinforced grass, the presence of cars within this green space results in a change to the setting of the building. Pre-application discussions conceded that disabled bays outside of the church on the north elevation could be a possibility but the conservation team are still concerned that parking in the area in front of the church will need to be demarcated and controlled to prevent overspill onto surrounding green space which will result in further formalisation of the church setting.

No details of the proposed new footpath to the south have been submitted.

Overall however the scheme will result in a Grade II* listed building being restored and brought back into a community use. Although there is less than substantial harm caused to

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the setting and form of the building this is low in scale and should be balanced accordingly against the public benefits of bringing this building back into use. We do not object to the principle of the scheme proposed.

Should you be minded to approve this application, please consider conditions to cover the following;

- Details of all new and replacement windows at a scale of 1:20
- Details of the glazed rooflights in the extension
- Details of and a sample panel to be provided of all external materials
- Details of the proposed new solar panels
- Details of the glazed screen of the extension and details of how this will be fixed to the walls of the church
- Details of all hard and soft landscaping including the car park and the new footpath
- Details of any new external lighting required
- Details of the new air source heat pump and its enclosure

Historic Environment Service: NO OBJECTION subject to conditions

The church of St Mary is a 12th century building with additions in the late 13th century and the mid-19th century. It is likely that this church replaced an earlier structure on the same site. As such, it is very probable that human burials and perhaps the remains of earlier church structures may be adversely affected by the proposed extension and associated works. In addition churches were normally founded within or adjacent to settlements and/or manorial/estate centres.

Consequently, there is potential that heritage assets with archaeological interest (buried archaeological remains) will be present at the site and that their significance will be adversely affected by the proposed development.

In addition as the building is a highly significant medieval building, the reconstruction may well alter and affect the original building and gives a good opportunity for it to be subjected to a programme of historic building recording before its restoration.

If planning permission is granted, we therefore ask that this be subject to a programme of archaeological mitigatory work secured via conditions.

In addition, if planning permission is granted, we ask that this also be subject to condition for a programme of historic building recording again secured via condition. In this instance the programme of historic building recording will comprise a photographic survey of the structures for which a brief is available from the Norfolk County Council Historic Environment Team, in addition to the required archaeological excavation on the footprint of the extension and archaeological monitoring of any other groundworks.

Highways Authority: OBJECTION

The Heritage Design and Access Statement suggests that the meeting area/activity room is to be utilised to accommodate a variety of uses, and there is mention that the kitchen is able to cater for large numbers and the building used by the wider community.

Having visited the site there is clearly a distinction of the formal historic trafficked area within the grounds by the presents of gravel which suggests to me that any parking on grassed areas that may have occurred would have been on more of an informal basis. We would have additionally expected to see some signs of rutted or compressed ground if been in

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regular use and while it is accepted that the church has not been used for some time there was no strong evidence of this. Our concerns are regarding the additional on-site parking proposed. While we could accept the principle that parking provision for disabled people should be accommodated, we are concerned that the lane is narrow which creates conflict between cars and pedestrians and is without the ability for cars to pass. It is also very evident that visibility at the junction of the lane with Church Road is substandard in terms of its width, construction and has very poor levels of visibility.

There appears to be general support for to what is considered to be additional car parking in the grounds. My interpretation from that is there would be more vehicles on the site and therefore an intensification of the drive.

Unfortunately, without any significant evidence to the contrary that the driveway use would not increase we would recommend the application be refused. The applicant has not made adjustments to the parking areas as previously requested. The development would ultimately increase the availability and subsequent use of the access which is found to be of insufficient to allow two vehicles to pass and also has restricted visibility with the public highway, below that recommended by Manual for Streets (see photographs attached to e-mail dated 25 March 2024) and would lead to conditions to the detriment of highway safety.

CSNN: NO OBJECTIONS subject to conditions

CSNN have no objections to this proposal. Having considered all of the information, including objections, the development does not create a significant intensification of use.

The only recommendations are that a condition be applied requiring further details for the noise from the ASHP and enclosure and also that any new lighting will not cause an adverse impact to residents.

Arboricultural Officer: NO OBJECTIONS subject to conditions

No objection in principle. However, the avenue of lime trees, and other trees on and adjacent to the site could be easily damaged and should have been assessed by the applicant. They were advised at pre-app to carry out an arboricultural appraisal which would have highlighted the areas of concern prior to design work being done.

Because of the lack of information at this time, it's difficult to assess the potential risk of harm to the trees by the proposed work, and a pre-commencement tree protection condition is required to ensure minimal harm to the existing trees during reinstatement works, installation and use of new hardstanding, services, and reinforced grass areas.

Environmental Quality: NO OBJECTION subject to conditions

We have reviewed our files and the site is on land seen developed for the duration of our records. The surrounding landscape is largely residential and agricultural.

Due to the previous fire damage on site it is unclear if any contamination remains which could cause risks to future site users, with this in mind we recommend conditions are attached.

REPRESENTATIONS

FOUR OBJECTIONS have been received and **FORTY-ONE** letters of **SUPPORT**. These are summarised below -

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Representations of Support-

- The church building needs new facilities such as the toilets, parking, and heating in order to move into the 21st century.
- The installation of solar PV panels would help to lower the running costs of the church and sustainable practises should be encouraged.
- The plans were informed by a questionnaire sent out to villagers on their thoughts and needs for the redevelopment of the church.
- The church as a community facility needs to be reinstated as soon as possible.
- Increase in new housing developments locally will mean that the church is going to be used more.

Objections to the scheme –

- It would be disgraceful to remove headstones and graves in order to facilitate parking, it could disrupt burial findings.
- The car park could negatively impact on the surrounding trees, and a tree protection plan should be ordered.
- Unclear how many cars will be parked on the proposed area and where the turning circle would be.
- The track up to the church is narrow and visibility splays are poor at the junction with the road. No passing places along the track and it is used by pedestrians too. This would cause conflict and congestion.
- Neighbour states that the current areas for parking are hardly used and cars have not previously used the area proposed for parking.
- There would be additional noise and disturbance from the increase in traffic along the track along with a loss of privacy for neighbours.
- The church should be kept as historical as possible, and the modern extension will not be in keeping and will be regretted in years to come.
- Air source heat pump is not adequate for heating a large building like the church.
- The solar panels are obtrusive on the setting of the church and the installation could damage the fabric of the church.
- Noise from the heat pump should be minimised with an acoustic enclosure.
- It would be irresponsible to renovate the church unsympathetically.
- The church was irregularly used for worship prior to the fire.
- Hours of operation should be limited, and the usage should be limited to worship and similar only.
- There is only space for 5-6 cars maximum next to the entrance. 15 cars cannot be accommodated.
- The village hall already has adequate parking provisions and facilities and is used by the people of Wimbotsham for events.

LDF CORE STRATEGY POLICIES

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS11 - Transport

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CS12 - Environmental Assets

CS13 - Community and Culture

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM2 – Development Boundaries

DM9 - Community Facilities

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)
National Design Guide 2021

PLANNING CONSIDERATIONS

The main considerations are:

- Principle of Development
- Form and Character (Impact on Listed Building and Conservation Area)
- Highways/Access/Parking
- Neighbour Amenity
- Other Material Considerations

Principle of Development:

Wimbotsham is designated in the Core Strategy (2011) as a Rural Village and has a defined development boundary as set out in policy DM2 of the Site Allocations and Development Management Policies Plan (2016).

The church was used from the 12th century up to the fire in September 2019. Although the site sits outside the development boundary, it sits adjacent to that boundary and the proposed development would be reinstating a community building which has been in continual use for around 900 years.

Policy DM9 of the Site Allocations and Development Management Policies Plan states that *'The Council will encourage the retention of existing community facilities and the provision of new facilities.'*

The principle of development is considered acceptable given the use of the land is well established and is in accordance with policy DM9 and CS13 of the adopted Local Plan.

Form and Character – Impact on Listed Building and Conservation Area:

Historic England have made comments to the proposed development, as has the Conservation Officer neither of whom object to the proposal. Historic England are broadly supportive of the scheme subject to concerns raised about the harm caused by the integrated solar panels on the nave roof, the hard surfacing and parking along the north of

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the churchyard, and further information is required regarding the nature of the proposed enclosure for the air source heat pumps, and the upper screens to the east and west glazing.

In policy terms, Historic England is keen to see the church repaired and brought back into use and is supportive of the proposal to create a flexible building for worship and community use. Details of the glazed east and west walls and upper screens could be provided together with other details via conditions. The impact of the new hard standing to the north of the church can be reduced by omitting the parking bay adjacent to the tower. Historic England also recommend details of the new parking surfaces and air source heat pump enclosure are provided under conditions. Historic England are of the view that the issues and safeguards outlined in their advice need to be addressed in order for the application to meet the requirements of paragraphs 203 and 206 of the NPPF.

The Conservation Officer comments are provided in full above. Their view is that the design is of a high quality and of a good historic form which would, subject to details, be complimentary to the built form of the church building. The proposed solar panels to be integrated into the roof of the church and the extension would result in no visible upstand, which minimises the visual impact of the panels providing these have a matt finish.

However, the Conservation officer is of the view that the car parking to the north side of the church is a disappointing element of the scheme. Although it will be laid to '*reinforced grass*', the presence of cars within this green space results in a change to the setting of the building. Pre-application discussions conceded that disabled bays outside of the church on the north elevation could be a possibility, but concerns remain that parking in the area in front of the church will need to be demarcated and controlled to prevent overspill onto surrounding green space which will result in further formalisation of the church setting.

Notwithstanding these concerns, the development will bring back into use an important Listed Building. While there is less than substantial harm caused to the setting and form of the building this is low in scale and should be balanced accordingly against the public benefits of bringing this building back into use. A number of conditions are proposed to secure the details of the building materials, lighting, the solar panels and air source heat pump.

Therefore, the rebuilding of the church building itself is very much welcomed. The proposed extension is deemed acceptable, subject to the inclusion of conditions to secure further information. Officers note broad support from Historic England but that the support is caveated with concerns regarding the solar panels on the nave roof. Historic England and the Conservation Office share concerns about the proposed parking area and the impact of this on the setting of the Listed Building. These aspects would result in less than substantial harm. Officers note the potential wider public benefit from the re use of the building and therefore on balance find under the NPPF (paragraph 208) and policy CS12, that the development is deemed to be acceptable in terms of the impact on the Listed Building, and Conservation Area.

Highways/ Access/ Parking:

The application will utilise the existing vehicular and pedestrian access via the shared driveway onto Church Road. Access via this driveway is shared with two private dwellings. The existing churchyard has a grassed area to the north of the church. The applicant states this area has historically been used as informal parking. The Planning Statement says that the areas of parking proposed do not result in the provision of any new parking facilities, i.e., beyond that which has been available historically. Further that the expansion of the parking is simply to facilitate three spaces for visitors with disabilities (paragraph 5.34). However,

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elsewhere in the Statement inconsistency refers to dedicated DDA complaint spaces alongside “*increased off-road parking*” for the Church (paragraph 5.20). The resurfacing of the parking area will require the relocation of two headstones/ graves to accommodate this and these are shown on the proposed site plan.

Neighbours and the Local Highway Authority Officer dispute the extent of this existing/ historical use. The highways officer states *‘there is clearly a distinction of the formal historic trafficked area within the grounds by the presence of gravel which suggests any parking on grassed areas would have been on more of an informal basis. We would have additionally expected to see some signs of rutted or compressed ground if in regular use and while it is accepted that the church has not been used for some time there was no strong evidence of this.’* A neighbouring resident has said that there is only space for 5-6 cars maximum and that the area indicated for parking has rarely been used for such.

The Parish Council has requested additional car parking is provided in the grounds. However, the Highways officer view is that there would be more vehicles on the site and therefore an intensification of use of the access drive. The Highways officer would not be against the refurbishment of the church, but they consider that this should be without the use of the drive being intensified. Local objections reinforce these concerns, citing that an increased use would lead to congestion and a conflict of uses/ users. Significantly, the increased use of the driveway would mean an increased use of a substandard junction with poor visibility leading to conditions to the detriment of highway safety.

No details of the proposed new footpath to the south have been submitted as part of the application. If approved such details would be required by a suitably worded condition.

The scheme as proposed fails to accord with the NPPF, and policies CS08, CS11 and DM15 of the adopted Local Plan.

Neighbour Amenity:

The use of the site as a church and community facility is well-established; that use and intensity has evolved over time. The repair and extension proposed will maintain and diversify the use possibly increasing the numbers of people. However, this is not considered to be a substantial intensification.

CSNN were consulted on the application and have no objections to the scheme as proposed subject to conditions requiring further details on noise from the ASHP and enclosure, and also information to ensure that any new lighting would not cause an adverse impact to residents.

Neighbouring residents have objected to the parking area, raising concerns that increased use of the shared drive will lead to noise and disturbance and a loss of privacy and conflict. They claim the application has failed to sufficiently address these points.

To summarise, CSNN do not object to the development as proposed (subject to conditions); there is an established community use on the site, the proposals comply with the NPPF and policy DM15 of the Local Plan, and finally the application would not give rise to unacceptable neighbour amenity issues.

Other matters requiring consideration prior to the determination of this application:

Flood Risk - The application site lies within Flood Zone 1 of the Council’s Strategic Flood Risk Assessment and mapping and is therefore at the lowest risk of flooding.

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Ecology – The applicant has submitted a Preliminary Ecological Appraisal. This report identifies that the building itself has bat roosting potential and there is evidence of use by bats. In addition, the site itself supports limited bat foraging/commuting. There was also evidence of hedgehogs, and breeding/ wintering birds within the site, and potentially amphibians at a pond approximately 80m away. As such further surveys are required for roosting bats, and a derogation licence from Natural England will be required in order to legally proceed with the works to the building.

Changes have been made to the Conservation of Habitats and Species Regulations 2017 (as amended). The changes are made by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. The 2017 Regulations are one of the pieces of domestic law that transposed the land and marine aspects of the Habitats Directive (Council Directive 92/43/EEC) and certain elements of the Wild Birds Directive (Directive 2009/147/EC) (known as the Nature Directives). Protected Species (PS) have full protection under the 2017 Regulations. It's an offence to deliberately capture, injure or kill, or deliberately disturb PS. These requirements are enforced in the 2017 Regulations and any derogation is regulated and overseen by a system of licensing administered by Natural England (NE).

In exercising its functions, including determining planning applications, a Local Planning Authority is required to have regard to the requirements of the Habitats Directive in so far as they may be affected by the exercise of those functions. It is not the role or responsibility of the LPA to monitor or enforce NE's obligations under the regulations. However, if a development proposal could potentially result in a breach of the Directive, the LPA is required to form a view on the likelihood of a licence being granted under the Regulations by NE in order to fulfil its own obligation to have regard to the Directive requirements.

NE will only grant a licence if satisfied that the three statutory tests prescribed under the directive and regulations have all been met. The tests are:

1. There are imperative reasons of overriding public interest (IROPI);
2. There are no satisfactory alternatives; and
3. It would not be detrimental to the maintenance of the population of the species at favourable conservation status

The obligation on the LPA is to consider the likelihood of a licence being granted by NE, not to determine definitively whether or not the licence will, in fact, be granted. It therefore has to review the three tests, in the context of a planning application, to then form a view on the likelihood of NE granting a derogation licence under the Regulations.

In this case, the initial survey work submitted concluded that the development will result in the loss of a confirmed bat roost area, and that if the development were to proceed there is the possibility of a breach of the Directive. Additional survey work is required between the months of May to September prior to commencement of development, and it is likely that an EPS license from Natural England will be required prior to commencing works on site.

LPA's consideration of the tests:

1. IROPI – NE's guidance advises that IROPI can potentially include developments that are required to meet or provide a contribution to meeting a specific need. In this case, the development seeks to restore a valuable historic asset and bring back into use a community building for the village.
2. No satisfactory alternatives – The repair of the Church and extension to this could not be moved elsewhere and it is therefore considered to be reasonable to conclude that there are no satisfactory alternatives.

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3. Population maintenance – it appears unlikely that the conversion of this barn, subject to the appropriate mitigation measures, will affect the conservation status of the protected species.

The LPA can therefore reasonably form the view, from the information submitted to it for this planning application, that NE would be likely to grant a derogation license under the Regulations in relation to this development.

As a result, the additional survey work which will inform the appropriate mitigation measures and the EPS licence, in addition to the mitigation and enhancement measures outlined in the Ecology Assessment can be conditioned accordingly.

Planning Control Sifting Panel – The officer recommendation is contrary to the Parish Council comments and therefore in line with the Scheme of Delegation the application was referred to the Sifting Panel. The Sifting Panel considered that the application should be debated and determined at Planning Committee.

CONCLUSION:

The Church of St Mary, Wimbotsham is clearly a well-established building and use. The scheme seeks to repair an important heritage asset and bring this back into community use, which is well supported by residents and statutory consultees. The form and character of the design of the building and extensions is considered acceptable subject to conditions.

However, the application includes the formalisation of an area for dedicated parking. While there is some dispute as to the extent the proposed parking would result in an expansion to the parking area, it is clear that the development would result in some intensification of the use of the site. Of particular concern are the increase in vehicular movements utilising the existing access. The access is substandard in width, construction and visibility, and is shared with two neighbouring dwellings. The increased use would result in likely conflict and given the poor visibility at the junction on Church Road, will increase highway safety risks. As such the Local Highway Authority objects to the scheme in its current form and considers the development is contrary to the NPPF, and policies CS11 and DM15 of the adopted Local Plan.

This is a finely balanced application with planning merit in sustaining and diversifying a community facility and the services it provides. Further the listed building will be restored as a result of the proposals. Those positive elements are weighted against other material considerations such as local amenity and impact on the setting of the listed building. Most potentially negative elements can be mitigated by conditional control. However, the weight attributable to the adverse impacts on local highway safety are substantive. It is this weight that is persuasive and guides officers to a negative planning balance. Members are duly recommended to refuse the application for the reasons outlined above.

RECOMMENDATION:

REFUSE for the following reason:

- 1 The application includes the provision of a parking area onsite for users of the Church and will result in enhanced community meeting facilities. The expansion of parking facilities and increased use of the building would clearly result in the intensification of use of the existing access by vehicles. The access is unsatisfactory to serve the proposed development by reason of its inadequate width and substandard levels of

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visibility splays at the junction of the access with the highway. This would cause danger and inconvenience to users of the adjoining public highway. The development is contrary to the NPPF, Core Strategy policy CS11 and Site Allocations and Development Management Policies Plan policy DM15.