

<b>APPLICATION NO.</b>	<a href="#">P21/S4923/FUL</a>
<b>APPLICATION TYPE</b>	FULL APPLICATION
<b>REGISTERED</b>	22.11.2021
<b>PARISH</b>	CHOLSEY
<b>WARD MEMBER(S)</b>	Anne-Marie Simpson Jane Murphy
<b>APPLICANT</b>	Mr N Miah
<b>SITE</b>	Cholsey Free Church 26A Honey Lane Cholsey, OX10 9NL
<b>PROPOSAL</b>	Proposed change of use from a church to residential use as amended by plans received on 4 January. (As amended by plans received on 24 January altering the fenestration details and amplified by bat report received 7 March 2022 and as amplified by bat survey report dated 27 June 2022).
<b>OFFICER</b>	Kim Gould

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**1.0 INTRODUCTION**

- 1.1 This report sets out the justification for the recommendation to grant planning permission having regard to the development plan and any other material planning considerations. The application is referred to Planning Committee because the recommendation to approve planning permission conflicts with the views of the Cholsey Parish Council and the County Highway Authority who object to the proposal.
- 1.2 The site lies within the built-up limits of Cholsey, in a backland location behind a terrace of houses on Honey Lane to the east and Brookside dwellings to the west. Cholsey Free Church is currently vacant. There is an existing narrow vehicular access to the site from Honey Lane. The building is shown on historic maps as a Baptist Chapel as far back as 1870.
- 1.3 The northern elevation of the church forms part of the boundary with number 22 Honey Lane whilst the south and western boundaries form the boundary with number 8 Brookside. The site is identified on the map extract **attached** at Appendix 1.
- 1.4 **THE PROPOSAL.** In its amended form, this application seeks full planning permission to convert the existing church building into a three-bedroom dwelling with amenity space, bin storage cycle and vehicle parking.
- 1.5 The proposal includes the partial demolition of a side/rear extension and the insertion of rooflights in the southern and northern elevations and the replacement a window in the western elevation with a high-level window.
- 1.6 Reduced copies of the plans accompanying the application are **attached** at Appendix 2. Full copies of the plans and consultation responses are available for inspection on the Council's website at [www.southoxon.gov.uk](http://www.southoxon.gov.uk)

**2.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

- 2.1 **Cholsey Parish Council** – objection – Inadequate parking which contravenes Cholsey Neighbourhood Plan policy H6. The Parish Council also shares the concerns of the neighbours regarding the large rooflights in the roof which would result in loss of neighbours' privacy.

**OCC Archaeological Services** – No objection

**OCC Highways Liaison Officer** – Objection

An access onto Honey Lane exists, however, this does not meet guidance in terms of visibility splays. Furthermore, this access is unlikely to support the movement of motor vehicles to the proposed parking spaces adjacent to the building. This access was measured at its narrowest point to be 1.9 metres.

In addition, it is unclear how vehicles would be able to access, egress and turn within the site given the geometry of this access drive using vehicular swept path analysis.

**Countryside Officer** - Following submission of a Bat Survey Report – No objection. The document concludes that no bats emerged or entered the building during the dusk emergence and dawn re-entry surveys. Therefore, I am satisfied that the proposed development is unlikely to impact roosting bats.

**Neighbour objections (5) Initial plans**

- Inaccurate plans
- Essential that privacy glass is used on the arched windows in the northern elevation.
- These windows must not open beyond the limit of the sill
- Rooflights in the north elevation are unneighbourly and adversely affect the appearance of the attractive roof scape.
- Dangerous access
- Window in bedroom 1 will look directly into private rear garden
- Bin store should be removed from boundary with number 8 Brookside to reduce odour and vermin.
- Site is too small for 2 cars and access is dangerous.
- Nos 22, 24 and 26 Honey Lane have always enjoyed the rights to access over the Free Church's ground
- Potential loss of light by erection of solid barrier between number 26 and the new development.

**Neighbour objections (3) Subsequent Plans**

- Rooflights are inappropriate and potentially unneighbourly
- Arched windows in northern elevation should be obscure glazed and have limited opening.
- Dangerous access and egress of site.
- Access to the site is very tight for delivery vehicles
- Hours of operation should be controlled
- Insufficient room for 2 cars on the site.
- Rights of access to be maintained.
- Loss of light potentially from boundary treatments.

The consultations responses can be seen in full on the council's website at [www.southoxon.gov.uk](http://www.southoxon.gov.uk)

3.0 **RELEVANT PLANNING HISTORY**

3.1 [P68/R3964](#) - Approved (05/12/1968)

Proposed extension to form hall, kitchen and sanitary accommodation

4.0 **ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 The site is not in a sensitive location and an EIA is not required for this relatively small scale of development.

5.0 **POLICY & GUIDANCE**

5.1 **Development Plan Policies**

**South Oxfordshire Local Plan 2035 (SOLP) Policies:**

CF1 - Safeguarding Community Facilities

DES1 - Delivering High Quality Development

DES10 - Carbon Reduction

DES2 - Enhancing Local Character

DES5 - Outdoor Amenity Space

DES6 - Residential Amenity

DES8 - Promoting Sustainable Design

DES9 - Renewable Energy

ENV3 - Biodiversity

TRANS5 - Consideration of Development Proposals

H16 - Backland and Infill Development and Redevelopment

5.2 **Neighbourhood Plan**

**Cholsey Neighbourhood Plan made 2019**

H2 Infill

H6 Parking

CNP15 Loss of essential community facility

The Parish Council has begun a review of the plan. The Parish Council has submitted the review Neighbourhood Plan for consultation. This consultation runs from 20 July to 31 August 2022. Policy H2 has some minor changes to improve clarity and remove duplication but other relevant policies remain the same.

5.3 **Supplementary Planning Guidance/Documents**

South Oxfordshire and Vale of White Horse Joint Design Guide 2022 (SVJDG)

5.4 **National Planning Policy Framework and Planning Practice Guidance**

5.5 **Other Relevant Legislation**

Human Rights Act 1998

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.

Equality Act 2010

In determining this planning application, the Council has regard to its equalities obligations including its obligations under Section 149 of the Equality Act 2010.

6.0 **PLANNING CONSIDERATIONS**

6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise.

6.2 Section 70 (2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations. Development

which is not in accordance with an up-to-date development plan should be refused unless material considerations indicate otherwise.

- 6.3 In the case of this application, South Oxfordshire Local Plan 2035 (SOLP) and the Cholsey Neighbourhood Plan (CNP) comprise the development plan and the policies within it must be assessed in relation to the material considerations relevant to this proposal.
- 6.4 The main issues to consider in relation to this development are as follows:
- **Principle of development**
  - **Loss of community facility**
  - **Design and character**
  - **Residential amenity of neighbours**
  - **Access and Parking**
  - **Garden size**
  - **Biodiversity**
  - **Sustainable development and carbon reduction**
- 6.5 **Principle.** The spatial strategy in Policy STRAT1 of the SOLP establishes a settlement hierarchy where the amount and location of new housing is related to the availability of facilities and services in order to achieve a sustainable pattern of development. Policy H1 of the SOLP also deals with the delivery of new homes, allowing new housing on allocated sites (including Neighbourhood Plan (NP) allocations). Cholsey has a made Neighbourhood Plan, but this site is not an allocated site for residential development.
- 6.6 In this case the proposal involves the conversion of an existing building. Paragraph 84 of the NPPF encourages the re-use of existing buildings in rural areas. Where sites are not specifically allocated for housing, Policy H1. 3 vii) of the SOLP allows for residential development where “it would bring redundant or disused buildings into residential use and would enhance its immediate surroundings.”
- 6.7 This proposal seeks to convert an existing building which has been empty and neglected for over 2 years. It involves the demolition of an unattractive side/rear extension which would improve the overall appearance of the building. The church is an attractive building which will be retained, and its longevity secured by a residential use. As such, I consider that the conversion would enhance the building’s immediate surroundings by being retained and the principle of converting this building is considered acceptable.
- 6.8 It should be noted that the Cholsey Neighbourhood Plan does not contain a policy which relates to the conversion of disused buildings to residential uses.
- 6.9 **Loss of community facility**  
Policy CF1 of the SOLP seeks to ensure that proposals will not result in the loss of an essential community facility or service through change or use or redevelopment unless it would lead to a significant improvement of an existing facility or has been determined that the community facility is no longer needed or in the case of commercial services is not economically viable. Policy CNP 15 of the CNP echoes these aims.
- 6.10 In this case, the Free Church has been vacant for 2 years. It is not the only place of worship within Cholsey – St Mary’s Church is located to the north west of the village. As such, the Free Church is not considered an essential community facility. Also of

relevance is that although the Parish Council have objected to this proposal it is not on the grounds of the loss of an essential community facility.

**6.11 Design and character**

Policy DES2 of the SOLP seeks to ensure that all new development is designed to reflect the positive features that make up the character of the local area and should both physically and visually enhance and complement the surroundings.

6.12 The church is an attractive building with a half-hipped clay tiled roof with painted, rendered walls. There are arched windows in the north and south elevations. It is readily visible from Honey Lane and is closely surrounded by residential development. The building has been vacant since mid-2020. It currently provides ground floor accommodation only. A modern extension to the side is proposed to be demolished.

6.13 In this case, the application proposes the conversion/change of use of an existing building. The most pertinent external alterations are the insertion of rooflights in the north and south elevations. These additions will not, in my view materially alter the established design and character of the building and would not be out of keeping with the character of the area.

**6.14 Residential amenity of neighbours**

Policy DES6 of the SOLP relates to residential amenity and requires development proposals to demonstrate that they will not result in significant adverse impacts on the amenity of neighbouring uses, when considering both individual and cumulative impacts in relation to loss of privacy, day light and sunlight, dominance or visual intrusion, noise or vibration, smell dust, heat, odour or other emissions, pollution and external lighting.

6.15 The most affected neighbours by this development are no 8 Brookside to the southwest and numbers 22 – 26 Honey Lane to the east. The north, west and south elevations of the church form part of the boundary to these neighbouring properties.

6.16 There are existing windows in the church which face the neighbouring properties. The church currently has ground floor accommodation only. The proposal involves the creation of first floor accommodation hence there is the potential for overlooking from the existing windows and proposed rooflights into neighbouring gardens. This is a concern which has been raised by the neighbours.

6.17 In its amended form, a window in the western elevation which would have overlooked the private rear garden of number 8 Brookside has been replaced with a high-level window. A condition has been recommended which will require the existing windows in the north elevations and one in the southern elevation to be obscure glazed and to be retained as such. Those in the northern elevation will be fixed shut with the exception of a top opening fan light. In addition, a condition is recommended that the rooflights in the south and north elevations and the high-level window in the western elevation would have a cill height of at least 1.7m above finished floor level to protect neighbour amenity. A condition requiring details of the boundary treatments along the southern boundary to be submitted and approved prior to the occupation of the building has also been recommended to ensure that when the single storey side extension is removed, there will not be any direct overlooking into the private rear garden of number 8 Brookside.

6.18 Subject to these conditions it is my opinion that the proposed development would not result in significant adverse impact on neighbour amenity.

6.19 **Access and Parking**

With respect to highway safety matters the advice from Central Government set out in the National Planning Policy Framework (NPPF) is as follows:

*Development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.*

- 6.20 The term severe is locally interpreted as situations, which have a high impact, likely to result in loss of life or a higher possibility of occurrence with a lower impact.
- 6.21 Policy TRANS5 of the SOLP seeks to ensure that development does not harm highway safety and provides for sufficient parking and turning areas. Cholsey Parish Council have objected to the planning application on the grounds of insufficient parking and being contrary to policy CNP H6 of the CNP which requires 2.4 parking spaces for a new three-bed housing proposals. CNP H6 requires the number of spaces be rounded up on smaller schemes of less than 10 houses and for extensions to existing dwellings – so three car parking spaces would be required for a new build three bed dwelling. CNP H6 does not specifically refer to conversion of buildings to a residential use.
- 6.22 The existing access is narrow with poor visibility. The highway authority has objected to the proposal on the grounds that visibility is substandard, and a vehicle is unlikely to be able to easily access the site given the narrowness of the driveway and is unlikely to be able to turn within the site to exit in a forward gear.
- 6.23 In this case, the church has a vehicular access which has been used historically in association with the church and more recently by neighbours who have periodically parked their cars on the site and had deliveries made to their houses via this access. It is unlikely that the use as a dwelling will involve a significant increase in traffic generation on the site. This is a material consideration in the determination of this application.
- 6.24 Your officers acknowledge that the access is very narrow with substandard visibility. Given the existence of the vehicular access your officers consider that it would be unreasonable to refuse the application on highway safety grounds because traffic levels are unlikely to change significantly.
- 6.25 I have explored with the highway officer whether a condition could be added to any planning permission requiring the existing access to the site off Honey Lane to be restricted to pedestrian access only and for any vehicles used by the occupier of the conversion to be parked on Honey Lane which is unrestricted.
- 6.26 Whilst the highway officer agrees that such a condition would address his concerns in relation to the access, he is of the opinion that this is likely to result in indiscriminate and or obstructive parking occurring within the vicinity of the site increasing the risk to highway safety and to other users of the Highway.
- 6.27 In assessing this proposal, consideration must be given to changes of use that could be carried out within permitted development rights. A church use falls within Class F1 of the Use Classes Order 1987 (as amended). Other uses within class F1 include schools, galleries, museums, exhibition rooms and libraries. Such alternative uses would not require planning permission and could potentially attract greater vehicular movements within the site than a single dwelling. The use of the building as a children's nursery, for example, could attract large numbers of vehicular movements at peak times and also lead to an adverse impact on neighbour amenity by way of noise and disturbance.

Alternative uses for the site which do not require planning permission are a material consideration in the determination of this planning application.

- 6.28 I have discussed the potential permitted uses for the building with the highway liaison officer. He acknowledges that these uses could result in more vehicular movements than the proposal and lead to further indiscriminate and or obstructive parking occurring within the vicinity. He does, however, have to consider the proposal on the information submitted with this application and maintains the objection to the proposal on highway safety grounds.
- 6.29 Having carefully considered the highway officer's comments and concerns, your officers are of the opinion that given that the access exists and has been used in association with a church and that alternative uses permitted without planning permission could generate greater vehicular movements both within and outside the site, a refusal of planning permission on highway safety grounds would not be justified in this case.
- 6.30 **Garden sizes**  
Policy DES5 of the SOLP seeks to ensure that a private outdoor garden or amenity space is provided for all new dwellings. The amount of land that should be provided for the garden or amenity space will be determined by the size of the dwelling proposed and by the character of surrounding development.
- 6.31 The Joint South and Vale Design Guide advises that a three-bed dwelling should have an amenity space of some 100sqm. In this case, an existing building with an established curtilage is being converted and opportunities to provide any additional area is very limited given the close relationship with neighbours. However, the amenity space which will be provided for this dwelling including the driveway would be some 110sqm, which is considered acceptable in the circumstances.
- 6.32 **Biodiversity**  
Policy ENV3 of the SOLP relates to biodiversity. It states that all development should provide a net gain in biodiversity where possible. As a minimum, there should be no net loss of biodiversity. The submitted bat survey has confirmed that there would be no harm to roosting bats from this development.
- 6.33 This development does not result in the loss of biodiversity. Opportunities for a gain in biodiversity are very limited on this site given the size of the plot and the location. There will be no net loss of biodiversity and a condition is proposed that requires a bird box to be fixed to the building prior to the first occupation of the dwelling to satisfy the requirement of Policy ENV3 of the SOLP.
- 6.34 **Sustainable development and carbon reduction**  
Policy DES8 of the SOLP states that all new development, including building conversions, refurbishments and extensions, should seek to minimise the carbon and energy impacts of their design and construction. Proposals must demonstrate that they are seeking to limit greenhouse emissions through location, building orientation, design, landscape and planting.
- 6.35 In relation to carbon reduction and sustainable development, the agent has submitted the following comments:

*the conversion of the building has been designed at the preliminary planning stage to ensure high levels of energy efficiency, low carbon emissions and resilience to climate change. This has been achieved with a combination of elements incorporated to benefit the building's overall long-term performance.*

*The conversion has been reviewed as part of a holistic approach by focusing on the building's energy performance, energy requirements and airtightness. The effectiveness of thermal insulation can be significantly reduced as up to 70% of a buildings heat loss can be through air leakage. To address this, the conversion will be designed to achieve a high level of airtightness and minimise air leakage through appropriate design and detailing. Appropriate levels of background and forced ventilation will ensure a comfortable internal environment. Grey water recycling and rainwater harvesting measures can also be incorporated at the detailed design stage.*

*Further improvements to the performance of the building will be made when specific manufacturers details and materials are known. A formal SAP rating will then be produced for Building Regulations approval. Further active measures for keeping energy demand to a minimum will be achieved by: • use of PIR sensors for lighting where possible; • use of advanced heating controls; and • use of 'A' rated appliances.*

6.36 As such, I believe the proposal accords with policy DES8 of the SOLP.

6.37 **Community Infrastructure Levy**

The development is liable for **£8,355.27** of CIL money 25% of which will go to Cholsey Parish Council because there is made Neighbourhood Plan.

7.0 **CONCLUSION**

7.1 The proposed development will result in the creation of a new residential unit in a highly sustainable location within Cholsey. As amended, the proposal will not result in significant adverse impacts to neighbouring amenity. Alternative permitted uses for the building have been considered and are likely to result in more vehicular movements and demand for parking either within or close to the site than the proposed use as a single dwelling. The proposal generally accords with Development Plan policies and Government advice.

8.0 **RECOMMENDATION**

**Planning Permission**

**1 : Commencement 3 years - Full Planning Permission**

**2 : Approved plans**

**3 : Materials as on plan**

**4 : Obscure glazing northern elevation**

**5 : Obscure glazing southern elevation**

**6 : Rooflights (specified cill level)**

**7 : Withdrawal of P.D. (Part 1 Class A) - no extensions etc**

**8 : Withdrawal of P.D. (Part 1 Class E) - no buildings etc**

**9 : Landscaping (incl boundary treatment)**

**10: Bird box to be attached to building pre occupation**

**11 : Restricted hours of operation – construction/demolition**