



Committee Report

Planning Committee South - 23 February 2021

Application no DC/20/4544/FUL

Location

52 The Street
Melton
Suffolk
IP12 1PW

Expiry date 14 January 2021
Application type Full Application
Applicant Melton Podiatry Practice

Parish Melton

Proposal Change of Use of existing building from Class D1(h) [reclassified on 1/9/2020 to Class D1(a)] to Class D1(a) Healthcare and Medical Services Provision [reclassified on 1/9/2020 as Class E Commercial, Business and Services Use]

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1. Summary

- 1.1 The application proposes the change of use of a former chapel in Melton to be used as a podiatry clinic.
- 1.2 The application is being presented to the Planning Committee for determination as the proposal is contrary to the development plan in that it would result in the loss of a community facility without full marketing having taken place and without the provision of an alternative community facility elsewhere however given that the proposal would result in the re-use of a prominent and attractive historic building in the village core, that the space is likely to be made available to some community groups and the Parish Council's comments that they do not consider there to be a need for the building to be retained in community use, it is considered that the application can be supported as a departure from policy. The application is therefore recommended for approval.

2. Site description

- 2.1 52 The Street is a detached, two storey building located on a small site in the centre of Melton village, fronting The Street. It also lies within the Melton Conservation Area. The building is the former Melton Chapel which dates from 1860 and is a brick built building set slightly back from the pavement behind a low red brick wall. The Conservation Area Appraisal identifies the site as an unlisted building that makes a positive contribution to the street scene and wider Conservation Area.

3. Proposal

- 3.1 The proposal seeks to change the use from a chapel which would now fall within Class F2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) to a podiatry clinic which would fall within the wider commercial Class E.

4. Consultations/comments

- 4.1 102 letters of support have been received. The main points raised are summarised below:
- support a local business
 - local and convenient service
 - repair and maintenance of Melton Chapel would benefit the streetscene and community
 - there is a bus stop nearby
 - provides a vital service
- 4.2 A number of the letters also mention the need for the business to have a larger premises due to the current pandemic and comment on the very high level of service given by the practitioners.

5. Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
Melton Parish Council	23 November 2020	17 December 2020
<p>“Melton Parish Council Planning and Transport Committee considered this application at its meeting on 16 December 2020 and recommends approval. It considers that the application is in line with the National Planning Policy Framework, the East Suffolk Local Plan and the Melton.”</p> <p>Followed by further comments on 20 January 2021: “I am writing to clarify the Parish Council’s position in respect of planning application DC/20/4544/FUL – Former Chapel, 52 The Street, Melton – change of use to Class E commercial Business and Services use.</p>		

As you will be aware, Melton Parish Council Planning and Transport Committee recommended approval of this application at its meeting on 16 December 2020. The chapel was not included in the list of community facilities listed in the Neighbourhood Plan because (1) it has been unused for some time and before then was in poor condition (2) when previously used it was only available to its small number of members (3) it does not have modern facilities for community use (4) crucially it has no car parking in the part of the village with the greatest unmet parking need. Consequently it has never been considered a “community facility” caught by Neighbourhood Plan Policy MEL8.

The key arguments accepted by the Parish Council in coming to a decision on its recommendation are that if the application is approved, this significant building in the Melton Conservation Area will be given a new lease of life, will strengthen community business use in the heart of the village providing a service to a large number of Melton residents who would otherwise have to travel to either Ipswich, Felixstowe or Halesworth for a comparable facility, and will have minimal impact on the parking situation, as clients of the building will only attend individually for their appointments.

In terms of the Suffolk Coastal Local Plan Policy SCLP8.1, the Burness Parish Room, just a few doors along The Street, provides community space in that part of the village, and the Parish Council is planning in 2021/22 to redevelop the pavilion on its Melton Road playing field and that will include community space. Indeed the Council did look briefly at the chapel building as a possible village hall, but quickly dismissed the idea as the building is unsuitable for modern community use. Even where an identified shortfall may exist, there would be no point in providing substandard facilities, which when in use as such would cause serious loss of residential amenity to neighbours. The Parish Council would contend that, in terms of Policy SCLP8.1, that the site is inappropriate for modern community use and there is certainly no community need for the existing facility, which is why it has wholeheartedly supported this proposed change of use. “

Non statutory consultees

Consultee	Date consulted	Date reply received
Design And Conservation (Internal)	23 November 2020	No response
Summary of comments: None received		

6. Publicity

The application has been the subject of the following press advertisement:

Category	Published	Expiry	Publication
Conservation Area	21 January 2021	11 February 2021	East Anglian Daily Times
Category	Published	Expiry	Publication
Conservation Area	26 November 2020	17 December 2020	East Anglian Daily Times

Site notices

General Site Notice
Reason for site notice: Conservation Area
Contrary to Development Plan
Date posted: 22 January 2021
Expiry date: 12 February 2021

General Site Notice
Reason for site notice: Conservation Area
Date posted: 24 November 2020
Expiry date: 15 December 2020

7. Planning policy

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that “where in making any determination under the planning Acts, if regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise”.

7.2 National Planning Policy Framework (NPPF) (2019)

7.3 National Planning Policy Guidance (NPPG)

7.4 The East Suffolk Council – Suffolk Coastal Local Plan was adopted on 23 September 2020 and the following policies are considered relevant:

SCLP7.2 - Parking Proposals and Standards (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP8.1 - Community Facilities and Assets (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP11.2 - Residential Amenity (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP11.5 - Conservation Areas (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

7.5 Melton Neighbourhood Plan was ‘Made’ January 2018. The following policy is considered relevant.

MEL 8 - Community Facilities (Melton Neighbourhood Plan - 'Made' January 2018)

8. Planning considerations

Principle

8.1 The application seeks to change the use of the building to be used as a podiatry practice. The last use, and therefore lawful use of the building was a chapel which falls within use class F1 (f) as a use for, or in connection with, public worship or religious instruction. The

proposed use as a podiatry practice would fall within use class E which covers commercial premises including part (e) which includes uses for the provision of medical or health services, principally to visiting members of the public, except the use of premises attached to the residence of the consultant or practitioner.

- 8.2 National and local planning policy seeks to retain community facilities, such as a place of worship. The NPPF, at paragraph 83 d) supports the "retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship."
- 8.3 Local Plan Policy SCLP8.1 relates to community facilities and assets and states, in part:
- "Proposals to change the use, or redevelop for a different use, a community facility which is not registered as an asset of community value, will only be permitted if:
- a) It can be demonstrated that there is no community need for the facility and the building or the site is not needed for an alternative community use;
 - b) It can be demonstrated that the current, or alternative community uses are not viable and marketing evidence is provided which demonstrates the premises have been marketed for a sustained period of 12 months in accordance with the Commercial Property Marketing Guidance;
- Or
- c) Development would involve the provision of an equivalent or better replacement community facility either on site or in an alternative location in the vicinity that is well integrated into the community and has equal or better accessibility than the existing facility which meets the needs of the local population."

8.4 Melton Neighbourhood Plan policy MEL8 also relates to community facilities. This policy, in part, states:

"Proposals that would result in the loss of existing community facilities will not be supported unless appropriate re-provision is made. Such re-provision will be required to demonstrate that the replacement facility is:

 - a. At least of an equivalent scale to the existing facility; and
 - b. is in a generally accessible location to the community of Melton within the Neighbourhood Plan area; and
 - c. is made available before the closure of the existing facility; and
 - d. is of a quality fit for modern use."

8.5 SCLP8.1 requires that applicants are required to demonstrate that there is no community need for the facility and the building or the site is not needed for an alternative community use and also comply with parts b) or c) of the policy requirements as detailed above. MEL8 of the Melton Neighbourhood plan requires that any proposal resulting in the loss of a community facility will not be supported unless a replacement facility can be provided. The application has not met the requirements of either of these policies and therefore the proposal has been advertised as being contrary to the development plan.

8.6 In 2017, the building was abandoned by the then Methodist group who owned and operated the Chapel which has since remained vacant. The building was purchased by the current owner (and applicant) in 2020. Although the Chapel has not been actively used as a community facility since it closed in 2017, this remains its lawful use. No formal marketing

of the building has taken place however the applicant has submitted a letter from Cornerstone Estate Agents which indicates that they held the key for the building and were instructed to market the property for community use and state that no other party was forthcoming. There is, however, no evidence of any of this marketing.

- 8.7 In an attempt to demonstrate that there is no demand for the building to be used as a community facility, the Parish Council submitted further comments following their original comment of 'recommend approval' setting out why they do not consider the building to be contrary to the Neighbourhood Plan. They say that the Chapel was not included in the list of community facilities listed in the Neighbourhood Plan because:
- it has been unused for some time and before then was in poor condition
 - when previously used it was only available to its small number of members
 - it does not have modern facilities for community use
 - it has no car parking in the part of the village with the greatest unmet parking need.
- 8.8 Melton Parish Council also stated that consequently it has never been considered a "community facility" caught by Neighbourhood Plan Policy MEL8.
- 8.9 They go on to comment that if the application is approved, this significant building in the Melton Conservation Area will be given a new lease of life, will strengthen community business use in the heart of the village providing a service to a large number of Melton residents who would otherwise have to travel to either Ipswich, Felixstowe or Halesworth for a comparable facility, and will have minimal impact on the parking situation, as clients of the building will only attend individually for their appointments.
- 8.10 They also comment that the Burness Parish Room, just a few doors along The Street, provides community space in that part of the village, and the Parish Council is planning in 2021/22 to redevelop the pavilion on its Melton Road playing field and that will include community space. They add that they did look briefly at the chapel building as a possible village hall, but quickly dismissed the idea as the building is unsuitable for modern community use and its use as such could result in the loss of residential amenity to neighbours.

Parking

- 8.11 The building currently has no dedicated parking and on road parking in front of the building is limited and often taken. While the proposed use would require some parking spaces, given that customers would visit their site individually solely for their appointment, it is considered that the proposed use would generate less demand for parking than a community use where often, many people would visit the building at the same time.

Residential Amenity

- 8.12 The proposed use would be relatively quiet, particularly compared to its previous use which could have attracted larger numbers of people visiting the site at the same time either for worship or any other group meeting which could have taken place within the building.

Use

- 8.13 The application proposes the building be used as a podiatry practice which falls within Class E of the Use Classes Order. This use class also includes retail, cafes/restaurants, offices and nurseries and therefore the building would also be permitted to be used as any of these

uses. While the local planning authority is able to impose conditions on planning permissions which can restrict the use of buildings, given the current lawful use as a community facility, it is not considered that any of the other permitted Class E uses would be significantly or demonstrably more harmful to the character of the area or residential amenity such that the use should be restricted. The Government has also been clear in publishing the amendments to the Use Classes Order that they are seeking greater flexibility for changes to commercial premises. As such, it is not considered necessary or appropriate to make any restrictions on the use permitted.

Heritage

- 8.14 The property is identified in the Conservation Area Appraisal as an unlisted building but one which makes an important contribution to the Conservation Area. No physical changes are proposed to the building, however it is in need of repair and these works are currently being undertaken. Given the poor current state of the building which would have deteriorated in the last three years while unoccupied, bringing it back into use facilitates these repairs which help to preserve the building for the future which has a benefit on the character and appearance of the Conservation Area. Any active use of the building therefore results in a positive heritage benefit.

9. Conclusion

- 9.1 Whilst both the Local Plan and Neighbourhood Plan do not support the change of use of a community facility such as Melton Chapel without either providing equivalent space elsewhere and demonstrating that there is no need to retain the community use, in this case, given the support of the Parish Council and the benefit that it would bring as a result of bringing the building back into use, it is appropriate to support the proposals.

10. Recommendation

- 10.1 Approve, subject to the following conditions.

Conditions:

1. The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.
Reason: This condition is imposed in accordance with Section 91 of the Town and Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be completed in all respects strictly in accordance with Site Plan received 11 November 2020 and drawing nos. 01A, 02A, 04B and 05A received 20 November 2020 for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.
Reason: For the avoidance of doubt as to what has been considered and approved.
3. The premises herein referred to, shall be used for purposes that fall within Class E of Town and Country Planning [Use Classes] Order (1987) (as amended).
Reasons: For the avoidance of doubt what has been considered and approved.

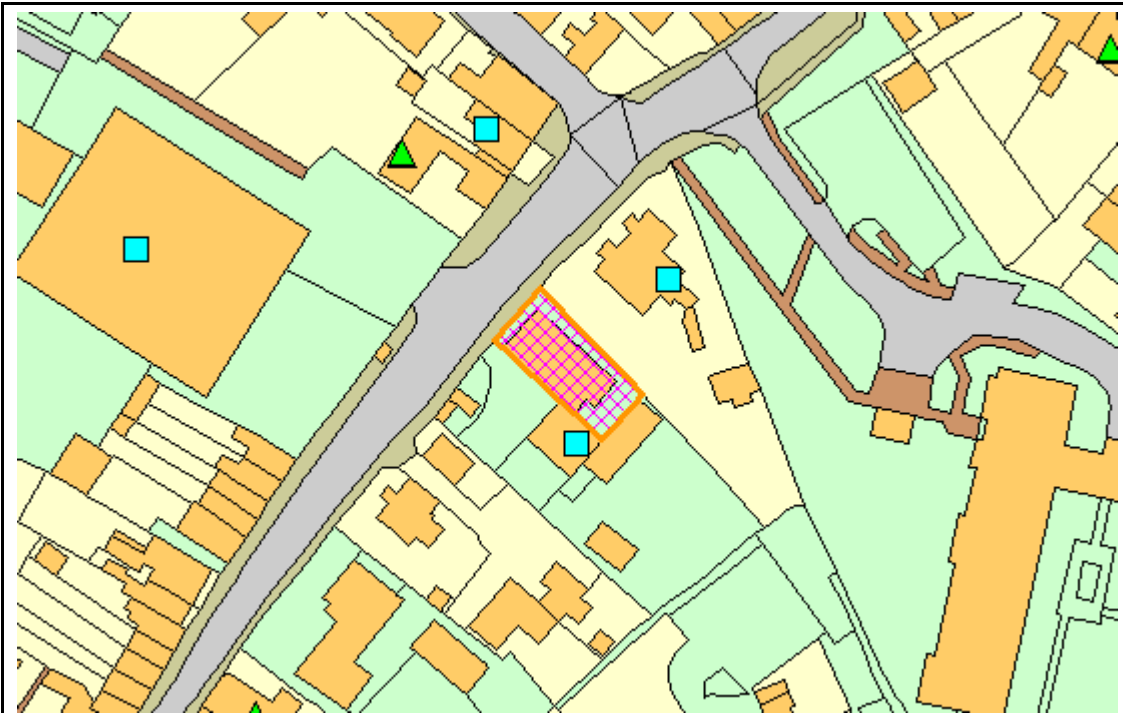
Informatives:

1. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.

Background information

See application reference DC/20/4544/FUL on [Public Access](#)

Map



DO NOT SCALE SLA100019684

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Key



Notified, no comments received



Objection



Representation



Support