

Application No: 22/0721M  
Application Type: Full Planning  
Location: 46 Church Street, Bollington, Macclesfield, Cheshire East, SK10 5PY  
Proposal: Conversion of grade II listed Church to 18 apartments and associated works  
Applicant: The Simply Group,  
  
Expiry Date: 15-November 2024

## SUMMARY

The proposed development description is '*Conversion of grade II listed Church to 18 apartments and associated works*'.

The proposals would result in the conversion of a Grade II statutory listed Church to form 18no. total one and two bedroom apartments/duplexes with minor external works to the building and associated parking, access and landscaping.

It is considered that the proposals comply with all relevant policies and guidance with regards to the principle of the development, built heritage, archaeology and below ground remains, design, trees, pollution control, flood risk and water management, highways safety and parking.

The proposals are considered not to provide a mixture, size of type of housing that meets the defined local needs, including that to provide affordable housing and therefore are not considered to create or contribute to a balanced or sustainable community. The proposals are considered to be contrary to policies and guidance covering residential amenity as there is an insufficient provision of daylight and sunlight to lower ground floor bedrooms detrimental to the residential amenity of future occupants. The proposals also involve the loss of a proportion of Protected Open Space comprising a cemetery/graveyard land associated with a Church as per the Green Spaces update. The proposals do not provide for any affordable housing on site nor towards financial contributions to support infrastructure impacted as a result of demand placed on them as a result of the development, the proposals are not policy compliant on these grounds.

The application is supported by a Viability Appraisal which concludes that the development is unable to support on-site affordable housing or financial contributions towards open space, outdoor sport and recreation, green infrastructure or allotments in Bollington. This has been independently reviewed by an Assessor on behalf of the Council who also concluded this.

It is not considered that the conversion of the building for 18no. units to secure best viable usage of a designated heritage asset outweighs the lack of financial contributions, due to the elements highlighted as being contrary to neighbourhood, local and national planning policies and guidance, also in an instance where the Council have a demonstratable housing land supply.

It is therefore considered that the proposals are contrary to policies and guidance covering affordable housing/housing mix, residential amenity, Protected Open Space and infrastructure and thus is considered not to represent sustainable development as a whole.

A recommendation to refuse approval is advanced.

## **SUMMARY RECOMMENDATION**

**Refuse approval.**

## **1. REASON FOR REFERRAL**

1.1 The application was called in to Committee by the former Ward Member, Cllr Stott, for the following reasons:

*"Please note that the Church is a listed building and the settings of listed buildings are important and the church is in a protected open space according to the SADPD map for Bollington.*

*1. Simple overdevelopment in moving from 13 to 18 apartments.*

*2. This overdevelopment means additional parking is required which will be very difficult to accommodate in an already overcrowded and congested site given the needs of the Columbarium and the still used graveyard.*

*3. Lack of a Heritage Impact Assessment of the development on other uses of the site which have a common entrance: the Columbarium and the extant graveyard rights of residents as required by the Neighbourhood Plan plus the convenience of visitors to graves of family and friends.*

*4. The Town Council is concerned of the evidence of detailed consultation with the Anglican Management Committee*

*5. With regard to listed building consent: 'The special character, architectural interest, and integrity of the building ' close attention MUST be paid to its surrounds and current use of those surrounds which give the building part of its special characteristics.*

*6. The former church sits in the centre of an important open space with significant characteristics of its own which must be taken into account and protected as much as possible."*

## **2. DESCRIPTION OF SITE AND CONTEXT**

2.1 The application site comprises the Grade II listed St John the Baptist Church which lies within the Bollington Conservation Area. Immediately surrounding the site is the cemetery and graveyard associated with the church which is still visited and in operation by the Diocese of Chester (DAC). The site has varying topography with a decline from north to south and from east to west with the church on a plateau. The site has various terraces held in place by stone retaining walls with landscaping largely muted to serene grass and mature established trees which provide a sylvan setting to the church. The church and its graveyard are Protected Open Spaces cited as cemetery or Church Yard associated with a Church included for greenery and vegetation ref: 2BE.

2.2 Church Street is an adopted, two-way, single lane highway with pedestrian pavements either side. The highway has unrestricted parking though most cars park on the eastern side resulting in a single lane restriction. Boundary treatments to the site comprise stone wall with site entrance in an arc shape with ornamental black painted cast iron railing leading to a small parking area to the Church frontage. There are various pathways from here leading into the cemetery. There are various trees and hedgerows within and at the boundaries of the site. The

trees benefit from protection due to their location within the Conservation Area. Surrounding uses are predominantly residential cottages finished in the same stone, slate etc. material palette as the Church. Other than this there are 2no. public houses, Tullis Russel Group Industrial site and a public footpath nearby. Harrop Road Allotments are located to the east of the site. The Palmerston Street local shopping area is located to the north-west of the site accessed at the northern point of Church Street. The River Dean runs further south beyond the site edge and passes beneath Lord Street. The feel of the area is traditional, rural village style settlement and typical of the Peak District fringe areas in architectural style and organic layout.

2.3 Constraints: Coal standing advice area – low risk, Bollington Conservation Area, Protected Open Space REC1, Manchester Airport Safeguarding, Bollington Neighbourhood Plan, Bollington Settlement Boundary, Ecological Network Restoration Area/Core Area, PROW Bollington FP33 opposite to east, Grade II listed St John the Baptist Church

### **3. DESCRIPTION OF PROPOSAL**

3.1 The application seeks full planning permission for the *‘Conversion of grade II listed Church to 18 apartments and associated works’*.

3.2 The 18no. units are proposed as market tenure with a split as follows: 14no. one-bedroom apartments and 4no. two-bedroom apartments according to the application form. The applicants intend to rent out the units privately. These are all proposed as duplex in style split across lower ground, ground, first and second floor levels within the existing fabric interior of the church. Some will have glass floors to allow light into lower levels and otherwise will be set behind existing windows in the church almost like a false façade. The proposed materials are indicated as Crittall W20 Slim painted steel framed windows, boundary treatments of stone walls with metal railings, internal walls as stud partitions and rainwater goods in powder coated aluminium.

3.3 The proposals would use the existing site access as the entry point of a one-way vehicle system, however with new automatic vehicular entrance gates and 2no. dedicated pedestrian gate entries one to the main site and the other to access a bin store at the entrance. A further new vehicular access point further north on Church Street will be formed as the exit point onto the highway with a further set of automatic gates. A bicycle store for 4no. cycles is proposed at the entrance and 14no. more to the west of the vehicular parking area next to the church. Vehicular parking for 32no. vehicles will be created inclusive of 3no. visitor disabled bays and 3no. visitor bays. The parking area will be formed around existing grave areas maintained as part of wider landscaping. The majority of existing walls to the frontage with the highway will be retained though parts removed and rebuilt to allow for vehicle sight lines at the egress points onto the highway.

### **4. RELEVANT PLANNING HISTORY**

22/0722M – Listed building consent for conversion of grade II listed Church to 18 apartments and associated works – awaiting determination

19/4316T – Works to trees - Lime trees and Horsechestnuts trees. – consent for tree works in a Conservation Area – approved – 4<sup>th</sup> November 2019

14/5102T – 2 no. Sycamore trees - crown lift to 5m 2 no. Lime trees - re-pollard – consent for tree works in a Conservation Area – approved – 12<sup>th</sup> December 2014

14/2403D – Discharge of Conditions 4, 5, 9, 10, 12, 13, 14 & 16 (Full 10/2927M) and 5 & 7 on (LBC 13/4032M) - Conversion of Existing Building into 13 apartments, including associated parking. – finally disposed of – 1<sup>st</sup> January 2017 – application form states development not commenced

13/4032M – Conversion of existing building into 13 apartments, including associated parking – approved with conditions – 3<sup>rd</sup> February 2014 – application form confirms no works commenced

12/3845M – variation of condition 2 & 17 planning application 10/2927m relating to windows and trees – finally disposed of – 23<sup>rd</sup> May 2014

10/2959M – conversion of existing building into 13 apartments, including associated parking (listed building consent) – approved with conditions – 17<sup>th</sup> November 2010

10/2927M – conversion of existing building into 13 apartments including associated parking – approved with conditions – 29<sup>th</sup> June 2011 – subject to s106 agreement.

## **5. NATIONAL PLANNING POLICY**

5.1. The National Planning Policy Framework (NPPF) was first published by the Government in March 2012 and has since been through several revisions. It sets out the planning policies for England and how these should be applied in the determination of planning applications and the preparation of development plans. At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF is a material consideration which should be taken into account for the purposes of decision making.

5.2. National Planning Practice Guidance

5.3. National Design Guide

5.4. Nationally Described Spatial Standards (NDSS)

## **6. DEVELOPMENT PLAN POLICY**

6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires decisions on planning applications to be made in accordance with the Development Plan unless material considerations indicate otherwise. The Cheshire East Local Plan Strategy (2010 – 2030) was adopted in July 2017. The Site Allocations and Development Policies Documents was adopted in December 2022. The policies of the Development Plan relevant to this application are set out below, including relevant Neighbourhood Plan policies where applicable to the application site.

6.2. Relevant policies of the Cheshire East Local Plan Strategy (CELPS) and Cheshire East Site Allocations and Development Plan Policies Document (SADPD)

### **Cheshire East Local Plan Strategy (CELPS)**

MP1 Presumption in Favour of Sustainable Development

PG2 Overall Development Strategy

PG2 Settlement Hierarchy

PG7 Spatial Distribution of Development

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles

IN1 Infrastructure  
IN2 Developer Contributions  
SC1 Leisure and Recreation  
SC2 Indoor and Outdoor Sports Facilities  
SC3 Health and Well-Being  
SC4 Residential Mix  
SC5 Affordable Homes  
SE1 Design  
SE2 Efficient Use of Land  
SE3 Biodiversity and Geodiversity  
SE4 The Landscape  
SE5 Trees, Hedgerows and Woodland  
SE6 Green Infrastructure  
SE7 The Historic Environment  
SE8 Renewable and Low Carbon Energy  
SE9 Energy Efficient Development  
SE12 Pollution, Land Contamination and Land Instability  
SE13 Flood Risk and Water Management  
CO1 Sustainable Travel and Transport  
Appendix C Parking Standards

### **Site Allocations and Development Policies Document (SADPD) 2022**

PG9 Settlement Boundaries  
GEN1 Design principles  
GEN5 Aerodrome safeguarding  
GEN7 Recover of planning obligations reduced on viability grounds  
ENV1 Ecological network  
ENV2 Ecological implementation  
ENV3 Landscape character  
ENV5 Landscaping  
ENV6 Trees, hedgerows and woodland implementation  
ENV7 Climate Change  
ENV12 Air Quality  
ENV14 Light pollution  
ENV15 New development and existing uses  
ENV16 Surface water management and flood risk  
ENV17 Protecting water resources  
HER1 Heritage assets  
HER3 Conservation Areas  
HER4 Listed Buildings  
HOU1 Housing Mix  
HOU3 Self and custom build dwellings  
HOU8 Space, accessibility and wheelchair housing standards  
HOU11 Extensions and alterations  
HOU12 Amenity  
HOU13 Residential standards  
HOU16 Small and medium sized sites  
INF1 Cycleways, bridleways and footpaths  
INF3 Highways safety and access  
INF9 Utilities  
REC1 Open space protection  
REC2 Indoor Sport and recreation implementation  
REC3 Open space implementation

### 6.3. Neighbourhood Plan

Policies of the Neighbourhood Plan relevant to the consideration of this application are:

#### **Bollington Neighbourhood Plan (BNP)**

HO.P1 New dwellings  
HO.P2 Housing location  
HO.P3 Type of Housing  
HO.P4 Design of Housing  
HO.P5 Parking provision for new dwellings  
EOS.P2 Maintenance of Open Space allocations  
ENE.P1 Natural Environment Policy  
ENE.P3 Provision of Landscape Plan  
BE.P1 Historic Town  
BE.P2 Conservation Areas  
MA.P1 Improve safety and efficiency of moving around  
MA.P2 Parking provision  
BE.CA2 Conservation Areas

### **7. Relevant supplementary planning documents or guidance**

7.1. Supplementary Planning Documents and Guidance do not form part of the Development Plan but may be a material consideration in decision making. The following documents are considered relevant to this application:

- 7.2. Cheshire East Borough Design Guide 2017 (CEDG)
- 7.3. SuDS SPD
- 7.4. Housing SPD
- 7.5. Environmental Protection SPD
- 7.6. Developer Contributions SPD
- 7.7. Bollington Conservation Area SPD
- 7.8. Open Spaces Assessment 2012 – Local Service Centres
- 7.9. Evidence Base: Green Space Strategy Update 2020

### **8. CONSULTATIONS (External to Planning)**

**Environmental Protection** – no objections subject to conditions as follows: prior to commencement Site Specific Dust Management Plan; Sustainable Travel Information Pack prior to first occupation; 1no. electric vehicle charging point per dwelling prior to occupation; prior to occupation Ultra Low Emission Boilers; prior to commencement submission of Phase I, Phase II if required and remediation strategy if required; prior to occupation verification report; reporting of previously undiscovered contaminated land

**Cheshire Archaeology Planning Advisory Service** - no objection subject to conditions requiring a prior to commencement submission of programme of archaeological works with scheme of written investigation and prior to first occupation/use submission of an Archaeological Report.

**Historic England** – no comments to make.

**Cadent Gas** – no objections subject to informatives.

**NHS Estates** – no comments or requests for financial contributions.

**CEC Greenspaces** – no objections subject to s106 to secure financial contributions directed towards off-site projects in Bollington for POS, ROS, Allotments and Green Infrastructure, without this they would object to the proposals due to the impact of the development on existing infrastructure without sufficient mitigation.

**Education Officer** – no comments received.

**Lead Local Flood Authority** – no objections subject to implementation of the Drainage Strategy

**Bollington Town Council** – no objections subject to conditions/the following:

- Affordable housing wording in application misleading as it doesn't propose social housing.
- Archaeological survey must be completed.
- Bat Survey must be completed.
- Electric vehicle charging points must be in place.
- Construction management plan for plant and machinery during construction phase to safeguard amenity.
- Heritage Impact assessment for building and graveyard and column bearings.
- Consideration when funerals take place for access.
- An increase in parking for apartments as it is not reasonable to presume 1 bedroom apartment will only accommodate 1 no. vehicle.
- Increase from 13 no. apartments to 18 no. to make financially viable leads to concern of over development.

## **9. REPRESENTATIONS**

1 no. letter of support was received from the public summarised as follows:

- Creation of affordable housing for local community is positive.
- Re-use and alterations to the Church preserve the asset.
- How will graveyard be accessed?

5 no. Letters were received from the public making general observations summarised as follows:

- Positive to see re-use of the building which has sat empty for many years which also secures viable use of a heritage asset and using previously developed land within a settlement.
- Concern at loss or moving of graves and gravestones and how mortal remains will be handled and relocated in a respectful manner. Laws may have been broken by removal of some already with regards to The Burial Act 1857 and Disused Burial Grounds (Amended) Act 1981.
- For graves that remain there is a lack of information as to how interested parties may access them in the future and their maintenance.
- Concern at how construction management phase will be managed respective to the existing highway situation and with regards to amenity and the conservation area protection.
- How will the site be managed for those wishing to attend a funeral service and respect the new residents?
- Unclear information as to how the units are actually affordable.
- Loss of green space around the building to create car parks impacts visual amenity and character.

17 no. Letters were received from the public, Councillor Snowball, Bollington Civic Society, Transition Bollington objecting to the proposals summarised as follows:

- The development will increase and intensify the surrounding highway network on Church Street due to additional number of vehicles and movements on an already busy road which is also noisy due to the lorries going to Tullis Russell.
- The proposed new vehicle access point opposite Turner Street is impractical and unsafe lacking visibility, noting Church Street due to parking is often single lane.
- The development will cause amenity impacts due to noise, on-street parking and dust as a result of construction.
- The proposals result in overdevelopment within the existing historic fabric.
- The proposals are not supported by sufficient Ecological Survey efforts that are up to date covering bats, breeding birds, nesting birds, badgers etc.
- The proposals do not respect the historic nature and listing of the building.
- The development will result in the desecration of sacred land and burial sites without sufficient information as to how bodies and remains will be recorded handled respectfully and relocated – following on from Archaeology Officers comments.
- The development would impact existing services and infrastructure in Bollington without developer contribution concerning schools, NHS etc.
- Insufficient justification to warrant various tree felling on the site which in turn may adversely impact nature conservation, biodiversity and ecology relating to bats, birds etc.
- Detrimental impacts on existing services such as drainage which is said to be overloaded.
- The development lacks on-site open outdoor space for the future occupants and visitors and the risk is that the graveyard is used for such purposes.
- The development does not respect, preserve or enhance the designated heritage assets.
- The development results in detrimental impacts on amenity and well-being for future occupants due to the small size of units, their layout and lack of light with circular stairs unsuitable for children.
- The proposals do not clarify how they are social/affordable properties with no housing association etc. involved.
- The development will be detrimental to the setting of the Open Space it forms part of.
- The development lacks provision of electric vehicle charging facilities for vehicles or bikes.
- There is unclear information as to how the graveyard will continue to function, hold services and cater to visitors once the development is complete.
- The development lacks information regarding air quality and associated assessments such as noise/dust.
- There is an insufficient provision of bin storage for the number of residents the development would generate.
- Concern that external lighting in car park would be damaging to nature conservation, amenity and highways safety.
- There is little effort to address climate change matters through inclusion of air source heat pumps or solar panels.
- The proposed boundary treatments of automatic electric gates are not in keeping with the immediate area character.

## **10. OFFICER APPRAISAL**

### **Planning History Context**



- 10.1 This application follows on from a Full Planning and Listed Building Consent applications 10/2927M and 10/2959M respectively for the conversion of the building into 13no. residential apartments.
- 10.2 The applicant states that lawful commencement has been undertaken on the historic permissions for 13no. residential units and thus the previous permissions are extant. They state a letter from a previous Council Enforcement Officer was produced following a call out that stated that lawful commencement had occurred, however it has not been possible to substantiate this with no record of this on file. In the applicant's Design and Access Statement, Heritage Statement, supporting letter from Paul Butler Associates dated 18<sup>th</sup> September 2024 and in email correspondence they maintain that lawful commencement of the 13no. unit scheme has occurred in line with 10/2927M (Full Planning) and 13/4032M (Listed Building Consent). The Heritage Statement and Design and Access Statement provide photographs (said to be dated 2021) showing that internal strip out works comprising removal of the ground floor and further excavations exposing the sleeper walls. Over 100 headstones have been removed externally in line with a separate permission to planning from the Diocese of Chester where the car park is to be located.
- 10.3 It is also acknowledged that the Open Space, Recreation, Outdoor Sports and Amenity Land planning obligation/financial contribution secured by way of S106 agreement attached to 10/2927M to the sum of £4,500 was paid. Evidence provided by the Council's S106 Officers contain an email from the architects dated 29<sup>th</sup> August 2013 where they state that works had not commenced at that time due to the financial market at the time.
- 10.4 Whilst a discharge of condition application 14/2403D was submitted in 2014, this was never determined. During the course of application ref: 14/2403D the agent at the time clarified in a letter dated 26<sup>th</sup> June 2014 to the then case officer, what activities had taken place at the site since the granting of permission 10/2927M. The activities listed were: relocation of 110no. gravestones/memorials from what will become the car parking area to another part of the graveyard; removal of the Church organ – to be refurbished and reinstalled at another Church; removal of Church Bells for re-use in St Thomas Church, Stockton Heath; removal of the Church Clock mechanism with external face left insitu for re-use at another facility; removal of the entire internal wooden floor and commencement of drainage and foundation work excavations. The applicant considers that this demonstrates that the works have commenced and that the permissions 10/2927M or 13/4032M (or 10/2959M) are extant.
- 10.5 Notwithstanding this, it is not considered that these permissions have lawfully commenced. These permissions included prior to commencement style conditions including watching briefs in respect of the historic structure to be submitted to the LPA and approved prior to works commencing on site – none of these have been discharged and go to the heart of these permissions including a watching brief for the period of strip out to ensure structural safety of the building during this period. As a result, this means fundamentally works have been undertaken to a statutory listed building without relevant permissions or consents in place, these works do not benefit from immunity that may have otherwise been afforded under s191 of the Town and Country Planning Act 1990. Further to this, in August 2014 the previous case officer formally recorded that works had started on site without formal confirmation, that the relevant prior to commencement conditions had not been formally discharged and also highlighted that the 14/2403D discharge of condition application was submitted to discharge those attached to 2010 consents but these 2010 consents had expired. To this end it is concluded that the previous permissions relating to a 13no. residential unit conversion scheme have expired.

## Principle of the Development

- 10.6 The site is located within the settlement boundary of Bollington defined in policy PG2 of the CELPS as a Local Service Centre. In these areas small scale development to meet needs and priorities will be supported where they contribute to the creation and maintenance of sustainable communities. Residential development directed towards these types of settlements is supported due to the existing provision of supporting infrastructure and opportunities subject to adherence with other relevant planning policies. The site also involves previously developed/brownfield land of which its re-use for sustainable purposes is supported in policies throughout neighbourhood, local and national policies as listed. The proposals would make a small, but positive, contribution as a windfall site to the Council's housing land supply. The principle of the development is therefore considered to be acceptable.

## Housing Mix

- 10.7 The 18no. duplex style C3 market tenure dwellings are proposed as: 14no. one-bedroom apartments and 4no. two-bedroom apartments. The applicant's supporting information seeks to justify the chosen housing mix alongside an Affordable Housing Statement.
- 10.8 The submitted Housing Mix letter states again that the previous residential conversion scheme 10/2959M and 10/2927M has commenced, but that that development was held in abeyance pending approval of this scheme which they consider is better suited to local market conditions. They state that the Accommodation Schedule shows that a range of 45-63sqm one-bedroom apartments and 62-93sqm two-bedroom apartments will be provided. The Housing Mix letter explains that the three-bedroom units in the previous scheme were not included in this latest scheme as they are not considered to appeal to the local market in Bollington. They do not consider that a three-bedroom unit in a Church conversion scheme which is unconventional, without private amenity space set within a graveyard and with a communal car park, would appeal to the family market. They consider the market and policy context is stronger for one- and two-bedroom units and particularly considering policy SC4 and the Housing SPD which provide specific support to key worker housing which they consider this scheme would be attractive to health, education, emergency services and social workers and those wishing to downsize/older people or first homes. They consider the siting within the settlement boundary within walking distance of shops, travel, leisure and recreation facilities to be a positive feature of the proposals. These statements are supplemented by a letter from Moore Homes letter which anticipates strong market demand for these proposals. They consider the Bollington property market has predominantly houses and larger properties and as such these proposals would be attractive as they complement existing stock providing smaller apartment types for young people, first time buyers with strong demand from mature singles and couples looking to downsize whilst still remaining within the area.
- 10.9 Policy SC4 Residential Mix of the CELPS sets out the housing mix must mirror local needs and reflect the need to provide a variety of accommodations for differing life stages in sustainable area. HOU1 Housing Mix of the SADPD indicates that housing developments should deliver a range and mix of house types, sizes and tenures, which are spread throughout the site and that reflect and respond to identified housing needs and demands.
- 10.10 The BNP, Section 3, includes a review of existing housing in Bollington which shows that 9.1% are one bedroom, 34.4% are two bedroom, 39.5% are three bedroom,

14.4% are four bedroom and 3% are five bedroom plus. The type of existing housing units was also reviewed and out of that surveyed only 286 or 7.9% were purpose-built flats out of house types including detached, semi-detached, terraced and other flats which comprise 3610. For purpose-built flats Bollington has averages below England and Cheshire East at 16.7% and 8.8% respectively. The applicant suggests this demonstrates a demand for the proposed units to catch up with regional and national averages.

- 10.11 The justification to BNP policy HO.P3 explains a survey shows the greatest needs for future housing in Bollington to be for affordable homes, housing for elderly or people with special needs and houses with three bedrooms, then followed by small houses with one or two bedrooms directed towards brownfield sites. Elsewhere in the justification it states the age distribution figures for Bollington show a need to provide housing for age group 35 to 55 with growing families and for the over 65 group with smaller dwelling requirements, with the latter built to meet higher space and accessibility standards to allow adaptability.
- 10.12 The BNP offers no specific interpretation of '*small houses with one or two bedrooms*', however it is considered, a duplex apartment may fall within this category as such in terms of type of housing unit may be considered as policy compliant at the neighbourhood level.
- 10.13 With regard to policy HOU8 Space, accessibility and wheelchair housing standards the proposals meet all minimum space standards when assessed against the Nationally Described Space Standard. This policy for major developments also requires that
- '1. In order to meet the needs of the borough's residents and to deliver dwellings that are capable of meeting people's changing circumstances over their lifetime, the following accessibility and wheelchair standards will be applied.*
- i. For major developments:*
- a. at least 30% of dwellings in housing developments should comply with requirement M4 (2) Category 2 of the Building Regulations regarding accessible and adaptable dwellings; and*
- b. at least 6% of dwellings in housing developments should comply with requirement M4 (3)(2)(a) Category 3 of the Building Regulations regarding wheelchair adaptable dwellings.*
- 2. The standards set out in Criterion 1 will apply unless site specific factors indicate that step-free access cannot be achieved or is not viable. Where step-free access is not viable, the Optional Technical requirements in part M of the Building Regulations will not apply.*
- 3. Proposals for new residential development in the borough should meet the Nationally Described Space Standard. The standard will apply from six months after the date of adoption of the plan.'*
- 10.14 Part M paragraph 0.13 states '*Requirements for accessibility should be balanced against preserving historic buildings or environments. In achieving an appropriate balance, it would be appropriate to take into account the advice of the local authority's conservation and access officers, English Heritage and the views of local access groups.*'
- 10.15 All proposed apartments meet the minimum Nationally Described Space Standards. In consideration of part 1 of HOU8 there is no indication in the submission or from the plans that the additional requirements for parts of a major development to meet M4(2)

Category 2 or M4 (3)(2)(a) of the Building Regulations can be achieved. Internally there are many staircases even and steps even to access the building, as such level access is not provided. The Design and Access Statement states a lift has not been provided as it was determined *‘to offer very little benefit, whilst taking up space and imposing a maintenance liability on tenants’*. Whilst these additional requirements are to be balanced against the fact this involves essentially a façade retention scheme of a listed asset, it is that the entirety of the original floor levels of the Church are to be stripped out, as such there is an opportunity for these required policy standards to be met, whilst securing the redevelopment of a statutory listed structure. Due to the internal layout of the apartments, number of stairs including spiral staircases, not level entry and lack of wheelchair accessibility or lifts it cannot be said these standards are met or that conceivably the proposals would be suitable for older persons or downsizing. Therefore, whilst the type of housing may be acceptable, it does not meet the specific need defined in the BNP in that it would not be housing designated or suitable for older people or downsizing.

## Affordable Housing

10.16 Policy SC5 of the CELPS indicates that in Local Service Centres such as this for development of 11 or more dwellings at least 30% of all units are to be affordable. This is also a requirement of HO.P3 of the BNP. Despite what is stated on the planning application form it has been clarified this is an open market scheme intended to be rental properties and not affordable units. No affordable units are proposed. The proposed development based on SC5 generates a requirement of 5.4 units which is rounded up to 6 units. The guidance for that policy indicates a split of these units as 65% affordable or social rent housing and 35% intermediate affordable housing. This results in the need for 4no. affordable/social rent units and 2no. intermediate affordable units. The need at present for these types of units in terms of size of home/bedroom numbers.

	How many bedrooms do you require?						
First Choice	1	2	3	4	5	5+	Grand Total
<b>Bollington</b>	<b>92</b>	<b>42</b>	<b>12</b>	<b>7</b>	<b>6</b>		<b>159</b>

10.17 The Strategic Housing officer has objected on the basis of no on-site provision of affordable homes contrary to the policies listed and that a Viability Appraisal would be required as set out in policy SC5 to justify the omission. They also sought confirmation as to whether the existing building may be considered for Vacant Building Credits which as set out in the NPPF may be taken into consideration and where appropriate allow for a reduction in on-site affordable housing based on a ratio of the existing vs. proposed floorspace. This will be considered in an upcoming section of this appraisal.

### Vacant Building Credit

10.18 National policy (para 65 NPPF) provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace.

- 10.19 The building is vacant and is not considered to be abandoned and therefore is considered to fall within the parameters of considering Vacant Building Credit with regards to potential reductions to affordable housing amounts required. It is also considered over the time of its non-use there has been the express intention to convert it into residential units as shown from the planning history. The below Table 1 considers the difference between the existing and proposed floorspace.

<b>22/0721M Table 1</b>	<b>Lower ground floor</b>	<b>Ground floor</b>	<b>First floor</b>	<b>Second floor</b>	<b>Total</b>
<b>Existing floorspace GIA sqm</b>	n/a	362	204	n/a	564
<b>Proposed floorspace GIA sqm</b>	312	356	347	340	1355
<b>Difference sqm</b>	n/a	n/a	n/a	n/a	791
<b>Difference %</b>	n/a	n/a	n/a	n/a	141

- 10.20 The Housing SPD explains how to apply VBC. The formula used is (net change in floorspace/proposed floorspace) x affordable housing policy requirement. For this development that results in  $(791/1355) \times 6 = 3.5$ , rounded up is 4no. units. The affordable housing requirement for the development is therefore 4 units. This would be for 3no. affordable/social rent units and 1no. intermediate unit. Notwithstanding this reduction in the amount of on-site affordable housing taking into account Vacant Building Credit the proposals would still be contrary to the listed policies and guidance as they do not provide any on-site affordable units. In addition whilst the proposals would provide a type of housing 'small houses with one or two bedrooms' highlighted as being with the types of housing in greatest need for Bollington, it would not meet the greatest defined need as being suitable for downsizing or for older people/elderly. The proposals are considered to be contrary to policies and guidance: SD1, SC4 and SC5 of the CELPS, HOU1 and HOU8 of the SADPD, HO.P2 and HO.P3 of the BNP, the Housing SPD and the NPPF. These matters will be reviewed in the context of viability later in this report.

### **Design, local character, and heritage**

- 10.21 Between them, relevant adopted policies seek to ensure that new development is of an appropriate size, scale and design that is commensurate to the character of the area in which it would be situated, whilst championing higher quality design to enhance and improve the wider borough alongside the immediate area of Bollington. These policies and guidance also seek to conserve, enhance and protect designated heritage assets and their settings. The building is Grade II listed and is located within the Bollington Conservation Area.
- 10.22 Concern was raised from the public that compared with the previous scheme of 13no. dwellings that this scheme of 18no. units represents overdevelopment and also with regard to the careful consideration of the removal and relocation of human remains and gravestones to prepare for the re-development of the site.
- 10.23 The application is supported by a Heritage Statement and Design and Access Statement. It is noted the property is of traditional buff sandstone construction with Welsh slate roof and tower complete with non-functioning clock face. In the Design

and Access Statement they note the building is in poor repair '*due in part to vandalism and general neglect over many years, the envelope requires a significant package of repair work*'. Further to this they note '*there are long-standing signs of water ingress leading to significant outbreaks of dry rot*'. With regard to the physical conversion of the building and the impact of this on the designated heritage asset and its setting, some internal demolition works have taken place which the applicants state is in line with a previous consent allowing for internal conversion. The loss of the galleries and interior of the church is not contested and as it is the least architecturally or historically significant part of the building as reported in the supporting Heritage Statement.

- 10.24 It is considered that all the units meet the NDSS and would have sufficient internal space and layout that fits well within what may be considered as a façade retention of the original church with its original windows positions retained. A number of stone transoms to match existing at new floor level are planned and, in some floors, glazed elements are planned to allow natural light through to lower ground or second floor areas. There is a limited amount of external works to the original building with the majority of this being repairs and redecoration of elements such as the main doors, louvres, clock etc. with new windows proposed alongside rooflights within the main roof set behind parapets. There is also mention of a recessed access control into the building set into the existing stonework.
- 10.25 The proposed car park and loss of trees on the site are considered to be the elements of the development which will result in the greatest visual impact on the character of the Conservation Area and setting of the Grade II listed church. The Built Heritage Officer has considered the application and does not raise objection to it. They noted whilst the number of apartments has increased the new design reflects the historic fabric of the church with the movement of rooflights from high levels within the roof space to the majority being hidden behind parapet walls and window frames being Crittall creating crisp lines around the existing stone of the window frames which maintains its character. They considered that the design is a betterment on that previously approved however notes that this does result in additional harm inside the church but assists in keeping the setting and character of the existing building. They consider that the harm to the building must be balanced against the benefit of retaining a key Bollington landmark. There is no issue with the car park and landscaping layout almost mirroring that previously approved. They considered the harm as less than substantial overall.
- 10.26 Taking into account policies SE7 of the CELPS, HER4 of the SADPD and paragraph 208 of the NPPF where less than substantial harm to the significance of the designated heritage asset is found, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The conversion of the asset into a C3 usage throughout is considered to be the most suitable and viable future usage of the building which is compatible with the structure of the building and also with regard to conserving and preserving this asset for the future. This is due to the limited amount of external works to the structure to facilitate the new use with the external façade being the most special character element of the building. The layout of the site is considered acceptable and largely reflects that previously approved with tree removals planned to the rear and side of the building rather than those of most character to the Church Street frontage and bin stores and parking set behind the existing retained stone walls with additional landscaping buffers. It is considered the proposals would have an acceptable impact in visual terms on the character and setting of the Conservation Area.
- 10.27 Notwithstanding the above it is noted that internal works to strip out the church have been partially undertaken following previously issued consents, however without

relevant information having been submitted for discharge and thus executed without permission – the historic permissions are considered to have expired as previously discussed. With this said a condition may be attached seeking that no development may take place until a record of the current internal and external structure of the building has been taken including written explanation and photos and a method statement submitted for to ensure the structural stability and safety of the structure during the demolition and construction phases of any future development. This is also noting that the Built Heritage Officer has not raised objection to the works depicted in the photographs within the supporting Heritage Statement for this application.

10.28 With regards to below ground heritage, graves and remains the Council's Archaeologist has reviewed the proposals and raises no objections subject to the use of a prior to commencement style condition to secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation which is to be submitted by the applicant and approved in writing by the Local Planning Authority. The Archaeologist noted that there will be a proposed car park area to the front of the church and that there had been approximately 100 graves located there during the previous application. They go on to say that through discussion with the Diocese of Chester (DAC) headstones of these graves were removed from that area and relocated with permission from the DAC (separate to previous planning permissions) and following guidance set out to contact families of the interred prior to the removal of the headstones. The Archaeologist noted during a recent site visit that while headstones had been moved, there were many open stone sockets and deep depressions where the stones had been laid. Given that this is the area of the proposed car park it is likely that it will require an element of levelling for the car park to be built, in this instance it is advisable that any levelling works is undertaken with archaeological observation. The proposed second entrance/exit to the car park and any excavations for footing this area will also require archaeological observation. The DAC provided an outline graveyard plan which indicated the headstones to be removed. Following a site visit, there are several headstones which have not yet been moved, and this will need to be done under the standard guidance of the 2010 Disused Burial Grounds (Amendment) Act. A programme of archaeological observation should be undertaken during key aspects of this proposed development. These key aspects include, further removal of headstones, removal of top-soils, levelling, excavations for foundations (new access point), excavations for services. This programme of mitigation should take the form of a developer funded watching brief secured by condition.

10.29 It is noted that beyond the application site to the rear/west, the area is still owned and operated by the Church, however the pedestrian and vehicular access to this area will be via this new development to allow for access to this retained area. There appears to be logical visitor parking and pedestrian access shown on the Proposed Site Plan, however it is noted that there are no indications of how this will be managed and should there be any future burials services how this is accounted for. It is therefore recommended that further details of the management of such services should be secured by condition.

10.30 Subject to the use of conditions to secure materials details, sections of windows and rooflights, provision of access control details, archaeological working method statement submission, landscaping and permitted development rights removal relating to boundary treatments it is considered that the proposals are in compliance with policies and guidance covering design, local character and heritage.

## **Amenity**



- 10.31 Between them the listed policies seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality, surface water and groundwater, noise, smell, dust, vibration, soil contamination, light pollution or any other pollution which would unacceptably affect the natural and built environment, or detrimentally affect amenity or cause harm. Developers will be expected to minimise and mitigate the effects of possible pollution arising from the development itself, or as a result of the development (including additional traffic) during both the construction and the life of the development. Where adequate mitigation cannot be provided, development will not normally be permitted.
- 10.32 There is in excess of 25m distance from the proposals to houses opposite on Church Street and 45m to neighbours to the side and as such the proposals are in compliance with minimum distance standards to secure privacy arrangements and prevention of overlooking for future residents of the development and those living opposite with regards to HOU12 and HOU13 of the SADPD. It is also not considered that the proposals would be overbearing or result in loss of sunlight/daylight due to the existing siting of the building, nor are there significant impacts regarding traffic generation concerning immediate neighbouring form. In terms of external lighting which may be installed around or onto the building or the car parking etc. areas as this has the potential to be harmful due to synthetic light leakage towards existing residential properties, a condition is recommended to seek the provision of these details on a prior to installation basis to secure residential amenity protection.
- 10.33 Between the determination of the original permission for residential conversion and the submission of these applications, local and national planning policies and guidance have been updated with more stringent tests for securing appropriate levels of residential amenity for future occupants, with higher emphasis/requirements to secure appropriate outlook and daylight/sunlight provision to new residential units. Of particular concern are the habitable rooms (bedrooms) to lower ground floor units which rely on glass floors to provide natural light into these areas. Paragraph 129 (2) of the NPPF states *'local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).'* HOU12 of the SADPD states *'With reference to the residential standards set out in Table 8.2 'Standards for space between buildings', the Cheshire East Borough Design Guide supplementary planning document and other policies where relevant, development proposals must not cause unacceptable harm to the amenities of adjoining or nearby occupiers of residential properties, sensitive uses, or future occupiers of the proposed development due to: 2. loss of sunlight and daylight'.*
- 10.34 This concern was raised with the applicants and subsequently an Internal Daylight Adequacy Report (IDAR) was provided. This report assessed the proposals against BS EN 17037:2018 "Site Layout Planning for Daylight and Sunlight (2022)" Method 2. Different room uses have different target daylighting values, but for Method 2 the illuminance values recommended to be achieved are:

Room Type	Target % Area of Reference Plane	Target % Available Daylight Hours	Target Illuminance (LUX) Value
Bedroom	50%	50%	100

Table 1 – Values of target illuminance for room types in Manchester (UK) dwellings



- 10.35 The report concludes that the Spatial Daylight Autonomy (SDA) for the lower ground habitable rooms assessed all bedrooms will achieve 100 lux to part of the room area. 3no. of these bedrooms achieve 100lux to 50% of the room area, with the remainder ranging between 29% and 46%. The assessor of the report concludes that whilst the majority of these lower ground floor bedrooms fall below the 50% area target based on total room area, they note that this room is predominantly used for sleeping and storage (large furniture such as wardrobes) as such they consider that realistically the percentage of total room area that requires daylight levels specified should be less. They consider that reasonable levels of daylight can be offered elsewhere in that unit for tasks that require higher levels of lighting and therefore this is why the applicant considers that a provision of daylight less than the standard is acceptable on this occasion.
- 10.36 Notwithstanding the conclusion of the IDAR, sensibly and logically, bedrooms are habitable rooms that do require good levels of natural sunlight and daylight provision. For instance, waking up to natural light is important for good sleep routine and overall health and therefore the argument presented that a lack of adherence to standards for the lower ground bedrooms due to their being better light provision in these units one floor above in living areas is considered not to overcome the lack of provision to bedroom areas noting they would also have no outlook. This in combination gives the sense that 18no. units in this façade retention scheme would represent overdevelopment. Further to this concern is also raised as to the second-floor bedrooms particularly in terms of outlook due to the presence of the parapet walls of the façade retention which is what they would directly look out onto. The Cheshire East Design Guide states that homes should be designed to provide sufficient natural light and an outlook from windows for habitable rooms. It notes that “This is especially important in accommodation utilising roofspaces”. The proposals are therefore considered to be contrary to policies SD1 and SE2 of the CELPS, GEN1 and HOU12 of the SADPD paragraph 129 (2) of the NPPF, and the CEC Design Guide.
- 10.37 Concern was raised during consultation at the potential amenity impacts of the proposals during the construction period due to parking, noise, dust etc. It is considered that this may be effectively conditioned to secure a Construction/Dust Management Plan on a prior to commencement basis.
- 10.38 In terms of pollution control and contamination the Environmental Health team have raised no objection to the proposals subject to the use of conditions to secure Sustainable Travel Information Pack, Phase I and II contaminated land assessments with Verification Reports, soil importation testing and reporting of previously undiscovered contaminated land. They also requested conditions to seek securing of electric vehicle charging points and ultra-low emission boilers, however as these are covered by Building Regulations it would not meet the tests for the use of planning conditions.
- 10.39 Taking these points into account and subject to the use of conditions and informatives it is considered that the development is in compliance with policies and guidance covering contaminated land and pollution control. However, due to the lack of sufficient natural daylight and sunlight provision to the bedrooms located in duplexes set across lower ground floor areas, it is considered that the proposals would be detrimental to the living conditions of future occupants.

## **Highway safety and parking**

- 10.40 Between them the listed policies for highway safety and parking seek to deliver safe, sustainable, high quality, integrated transport systems that encourage a modal shift away from car travel to public transport, cycling and walking. Appendix C Parking Standards of the CELPS states the recommended car parking standard to be 1no. space for 1-bedroom dwellings and 2no. spaces for 2/3-bedroom dwellings in 'remainder of borough' areas such as this. Parking spaces should be 4.8 x 2.5m. 1no. cycle parking space per unit is also expected to be accommodated as part of the development.
- 10.41 Concerns were raised during the course of the application regarding the highway safety impact of the proposed new access position noting the junction opposite, the intensification on the highways network as a result of additional vehicle usage from the development and regarding the provision of vehicle and cycle parking.
- 10.42 This generates a requirement of 18no. cycle parking spaces and 22no. parking spaces. 32no. vehicle parking spaces are proposed in total with 6no. of these (including 3no. disabled) being for visitors to the graves / residents, the remaining 26no. for the residents. 18no. cycle spaces are also proposed. A dedicated bin store located near the highway entrance to the site is also proposed. The level of vehicle and cycle parking meets our recommended standards.
- 10.43 The Highways Officer raises no objection to the parking or access proposals. Subject to the use of conditions to secure cycle parking and bin storage details and implementation of vehicle parking as per Site Plan it is considered that the proposals are in compliance with the listed policies and guidance regarding highways safety, parking and access.

### **Biodiversity and nature conservation**

- 10.44 Between them the listed policies and guidance regarding biodiversity and nature conservation seek that all development must aim to positively contribute to the conservation and enhancement of biodiversity and geodiversity and should not negatively affect these interests, instead planning for net gains. Where appropriate, conditions will be put in place to make sure appropriate monitoring is undertaken and make sure mitigation, compensation and offsetting is effective.
- 10.45 Concern was raised during the course of the application regarding the impact on nature conservation and biodiversity as a result of the conversion of the building and the proposed loss of trees.
- 10.46 The proposals are supported by a Preliminary Ecological Survey, Bat Survey and Dusk Survey. The Bat Survey highlights that evidence of Pipistrelle bat was found in two locations of the church, albeit not in great quantities. There is noted potential for roosting in the roof lining and gaps between roof slates and for foraging in the immediate area that would support a colony, however a colony was not present at the site. The building is established as a host to a single common Pipistrelle day roost following dusk surveys. The roost will be lost during the works to make the building habitable. Therefore, impacts to a protected species need to be addressed from a conservation and legal perspective along with the application of appropriate mitigation before any works can take place. A European Protected Species Mitigation Licence (EPSML) will be required to legally destroy the roost/place "actively used for breeding, rest or shelter (roost) by bats. The applicants propose to install tree mounted bat boxes as mitigation plus relevant works/talks/supervision with ecologists during the demolition/construction period of the development to ensure protection.

10.47 The Nature Conservation Officer advises that the usage of the building by bats (minor roost of relatively common species) is likely to be limited to single or small numbers of animals using the buildings for relatively short period of time and there is no evidence to suggest a significant maternity roost is present. They also noted that the loss of roosts associated with the buildings on this site, in the absence of mitigation, is likely to have a low impact upon bats at the local level and a low impact upon the conservation status of the species as a whole. The Nature Conservation Officer notes that since a European Protected Species has been recorded on site and is likely to be adversely affected by the proposed development the planning authority must have regard to whether Natural England would be likely to subsequently grant the applicant a European Protected Species licence under the Habitat Regulations. A Habitat Regulations licence can only be granted when:

- The development is of overriding public interest;
- There are no suitable alternatives and;
- The favourable conservation status of the species will be maintained.

#### Overriding public interest

10.48 The conversion of the building into apartments would allow for the retention and preservation of a designated heritage asset for the future, whilst allowing for bat species numbers to be maintained albeit from provision of roosts and other enhancements exterior to the building on trees and through landscaping.

#### Suitable alternatives

10.49 The alternative would be no development of the site. Without any development the bat roost would be retained on site, however without a suitable end use planned for the vacant building, the building may fall into disrepair and perhaps in long term result in loss of the roost, and ultimately the building. The development would provide for new roosting and bat enhancement features albeit on nearby retained trees, alongside other foraging improvements to be secured through a condition for biodiversity net gains as such without the development this would not be provided.

#### Favourable conservation status of the species

10.50 The Nature Conservation Officer (NCO) notes that if planning consent was to be granted the proposed mitigation/compensation is acceptable and is likely to maintain the favourable conservation status of the species of bat concerned subject to securing of this by appropriately worded planning condition.

10.51 It is therefore considered that the relevant tests of the Habitats Regulations are met.

10.52 The NCO also advises that, whilst no badger setts were recorded in the latest survey, as a badger sett is known to be present in the vicinity and the status of badgers can change within a short time scale a condition is recommended to seek an updated badger survey prior to the commencement of development. The NCO notes that based on the current status of badgers on site the species is not reasonably likely to be affected by the proposals. General biodiversity enhancements are also sought to ensure biodiversity gains as part of the proposals and protection of breeding/nesting birds during the demolition and construction period of the development. Additionally, a condition to secure prior to installation external lighting schemes is recommended to allow impacts on habitats of bats/birds as a result to be considered to ensure their ongoing protection and enhancement.

- 10.53 Subject to the use of conditions it is considered that the development is in compliance with policies and guidance on biodiversity and nature conservation.

### **Trees and hedgerows**

- 10.54 Between them the listed policies seek to ensure that trees and hedgerows are considered, protected and enhanced as part of any new development and adequate mitigation afforded if applicable.
- 10.55 The application is supported by a Tree Survey and Site Plans noting where trees are to be retained and removed etc. Policy ENV6 (2) seeks the provision of an Arboricultural Impact Assessment to support the layout of applications. Whilst this has not been provided the Forestry Officer who does not object to the proposals. They note that the trees within the site are not protected by a Tree Preservation Order, but are afforded 'pre-emptive' protection by virtue of their location within the Bollington Conservation Area and therefore they are a material consideration. The Forestry Officer notes there was an Arboricultural Report provided in support of the 2010 application which identified 2no. low category Weeping Ash (T2 and T5) for removal and 2no. low category Lime trees (T3 and T4) which presented a poor relationship to the existing Church. A further 2no. Lime trees (T6 and T11) both previously pollarded were identified as being close to the building and regular pollarding or removal advised as alternative management options. At that time the Forestry Officer's comments advised that a regime of pollarding would in all likelihood be an onerous management commitment given the trees proximity to the building and that removal would be a more prudent and replacement planting being provided to compensate for loss.
- 10.56 Some concerns were raised by the Councils Forestry Officer in relation to the proposed car park and the likely detrimental effect on adjacent trees on the Church Street frontage due to the encroachment within Root Protection Areas, although the applicant had identified the use of a 'no dig' construction method using Cellweb to minimise impacts. The previous approval was granted subject to a Tree Retention and Tree Protection Scheme condition. The Forestry Officer notes this application is only supported by a Tree Survey and as a consequence there is no explanation of the impacts of tree constraints and how the site layout is considered. They note that the impact of the car parking can be dealt with by condition to secure suitable methodology for minimising impact on the rooting environment of retained trees. In the 2010 decision there was no reference to the creation of access to the north of the site where the access encroaches within the RPA of the retained High A category Lime tree (T16) and will include a change in levels at the interface with the adjoining adopted highway. Whilst approved in that decision, impacts were not identified in the original tree report or now within this application, as such to ensure the long-term viability of trees and maintain consistency and sustainability of tree cover that contributes to character of the Conservation Area a number of conditions are requested to be attached to any approval issued. These are considered to be acceptable with regards to the use of planning conditions tests and subject to the use of these it is considered that trees and hedgerows will be adequately preserved and enhanced as a result of the development.

### **Flood risk and water management**

- 10.57 Between them the listed policies seek that developments must integrate measures for sustainable water management to reduce flood risk, avoid an impact on water quality and quantity within the borough and provide opportunities to enhance biodiversity, health and recreation. New development must be designed to be safe,

taking into account the lifetime of the development and the need to adapt to climate change, seeking improvements to current surface water drainage network and be designed to manage surface water noting it is not sustainable to drain surface water to public sewers. New development should incorporate water efficiency measures.

10.58 According to the national flood risk mapping there is a low risk of flooding from surface water and very low risk of flooding from fluvial waters at this location. The application is supported by a Flood Risk Assessment, Drainage Strategy 24391-DR-C-0100 Rev P4 and supporting Drainage Calculations. The Drainage Strategy proposes that surface water is managed via several new pipes that connect into a cellular storage tanks which connects to a private package pump that then connects into the combined United Utilities sewer which is located under Church Street. To manage surface water run-off from the hardstanding for vehicle parking a series of perforated pipes under these areas is planned to connect into larger pipes and then into the storage tank. For foul water this will also be managed via a private package pump which connects separately into the combined United Utilities sewer under Church Street. Both will have discharge rates not exceeding 2.5 l/s. This has been reviewed by the LLFA who raise no objection subject to securing this drainage strategy by condition.

10.59 With this said there has been some concern raised by the Council's Archaeologist, as whilst permission was provided from the Diocese of Chester (DAC) for the removal of headstones where the car park area is located, it is unclear whether there are still human remains in these locations and without the headstones it is more difficult to identify the potential human remains locations in terms of comparing the Existing Site Plan (showing location of graves) and the drainage layout. The Council's Archaeologist requested that proposed depths below ground for the pipework, package plant and cellular storage be provided. The applicants have stated in email correspondence that the attenuation tank (storage) was moved from that previously proposed to avoid all human remains and provided information as to the depths of the equipment. Further to this the Council's Archaeologist has reviewed the proposals and clarifies that it is certain that the implementation of the Drainage Strategy will directly impact several of the interments within the proposed development area and therefore a programme of archaeological mitigation is required for these works. The main area impacted is the new car park area to the north and east of the church where new drainage pipelines are to be installed. The Archaeologist recommends that archaeological mitigation should take the form of a programme of archaeological observation and recording during key aspects of the proposed development. These key aspects include:

- Removal of topsoils for levelling of the car park.
- Excavations for foundations of the new access gate
- Excavations for drainage lines
- Excavations for other services.

10.60 Where human remains are encountered it is recommended that they are recorded as described in the Historic England Guidance document "Guidance for Best Practice for the Treatment of Human Remains Excavated from Christian Burial Grounds in England" Section 4B. In brief the Archaeology Officer explains that this will mean the excavation and recording of affected burials within the limits of the ground that will be necessary to be disturbed by the works plus provision for the respectful reinterment of the remains within the working area. They recommend 2no. conditions be attached to any approval issued covering prior to commencement written scheme of archaeology investigation and prior to first

occupation use submission of an archaeological report to ensure that below ground remains, and archaeology are respected and reported accordingly as part of the re-development of this site.

- 10.61 The proposals are considered to be in compliance with the listed policies and guidance covering flood risk, water management and related pollution control subject to the use of conditions.

### **Public Open Space**

- 10.62 Between them the listed policies and guidance seek that new development does not result in the unjustified loss of existing areas of designated open space/informal space and seeks to protect and enhance this offer. All new major developments are expected to provide open space on site as a matter of good design and to support health and well-being, with off-site provision acceptable in limited instances via financial contributions where this meets the needs of the development and achieves a better outcome in terms of open space delivery including consideration of management. Outdoor/indoor sports facilities need generation from a development will be covered by financial contributions.
- 10.63 The entire area enveloping the existing church including the cemetery/graveyard to the rear (west) beyond the site edged red and that including the red edge is Protected Open Space. The Open Spaces Assessment for Local Service Centre Bollington has this area as "08 Cemeteries and churchyards 2BE", and is rated as "good". These spaces are considered to be accessible located close to villages or town centres of foot or by public transport, have good biodiversity due to mixed landscaping, wild areas and mature trees and it is note that important landmarks with associated green spaces need to be protected and maintained.
- 10.64 The Greenspace Officer noted that the proposals have a significant impact on the open space with a large area parallel to the road lost to parking, which is not addressed in this current application. The Greenspace Officer states this area of protected open space provides a significant contribution to the public realm and provides an important extended area of Green Infrastructure in a historic area of Bollington. Policy REC1 of the SADPD states that development proposals that involve the loss of open space will not be permitted unless they are demonstrated to be surplus to requirements or would be replaced by equivalent or better provision. This has not been demonstrated within the application and as such there is conflict with this policy.
- 10.65 In addition to this due to the major scale of development it triggers a range of open space requirements including the provision of childrens play space, amenity green space, allotments, outdoor sports facilities and Green Infrastructure connectivity on site or agreed off-site. As this is not provided on-site a financial contribution towards off-site provision is required as follows:
- Public Open Space = 14no. one bed and 4no. two bed = £51,629.86 (£2,346.81 per bedspace capped at maximum two bedspaces increased from Developer Contributions SPD due to indexing)
  - ROS = £17,209.94 (£782.27 per bedspace increased from Developer Contributions SPD due to indexing)10951.78
  - Allotments = £5,280.30 (£293.35 per apartment increased from Developer Contributions SPD due to indexing)
  - Green Infrastructure = £10,560.60 (£586.70 per apartment increased from Developer Contributions SPD due to indexing)

- 10.66 The commuted sums would all be required on a commencement of development basis and used over a 20-year period to make additions, enhancement and improvements to existing facilities and amenities within Bollington. For POS spend this would be for the Coronation Gardens Play Area and for the adjacent memorial gardens. For ROS spend this be in line with the Councils adopted Playing Pitch and Outdoor Sports Strategy. The Allotments and Green Infrastructure contributions spend would be towards improvements in wider Bollington. The Viability Appraisal makes clear that no money is available towards financial contributions as such the proposals would be contrary to policy SE6. This aspect will be considered in the upcoming Viability/Planning Balance section of this Officer Appraisal.
- 10.67 The proposals result in the unjustified loss of Protected Open Space, do not otherwise provide alternative on-site Open Space and does not contribute towards the impacts of the development on existing Public Open Space, ROS, Allotments and Green Infrastructure as a result of the additional residents generated. The proposals therefore conflict with policies SD1, SD2, SC3 and SE6 of the CELPS and REC1 and REC3 of the SADPD.

### **Other material considerations**

#### Housing land supply

- 10.68 In terms of housing land supply, the Council has deliverable supply in excess of the minimum of 5 years required under national planning policy. As a consequence of the decision by the Environment and Communities Committee on 1 July 2022, to carry out an update of the Local Plan Strategy (LPS), from 27 July (the fifth anniversary of its adoption), the borough's deliverable housing land supply is now calculated using the Council's Local Housing Need figure. The latest published assessment of deliverable housing land supply can be found in the Cheshire East Housing Monitoring Update (base date 31 March 2022) which confirms a deliverable five-year housing land supply of 11.6 years.
- 10.69 The 2021 Housing Delivery Test Result was published by the Department for Levelling Up, Housing & Communities (DLUHC) on the 14 January 2022 and this confirmed a Housing Delivery Test Result of 300% for Cheshire East. The 2022 Housing Delivery Test Result has not yet been published by DLUHC.
- 10.70 Under-performance against either of these can result in relevant policies concerning the supply of housing being considered out-of-date with the consequence that the 'tilted balance' at paragraph 11 of the NPPF is engaged. However, because of the Council's strong performance, the 'tilted balance' is not engaged by reference to these housing supply and delivery tests. Limited positive weight is given to this additional windfall development.

#### Viability

- 10.71 The applicant has stated that for viability reasons no affordable housing and no financial contributions towards other planning obligations (open space, etc.) can be provided. To support this position a viability report has been submitted.
- 10.72 The applicant's financial viability (FVA) appraisal has been prepared using a residual methodology with the costs of undertaking the development, including a fixed land value, deducted from the value of the completed development (GDV) to leave a residual developers profit. This residual developer's profit is then compared to the developers profit range referenced in the Planning Practice

Guidance (PPG) at 15% - 20% of GDV to determine whether the development is viable and able to support any planning contribution.

- 10.73 The applicant's FVA shows that, even with no planning contributions, once the costs of undertaking the development (including a land value) are deducted from the gross development value (GDV), the outcome of the appraisal is a residual developer's profit of £16,322. This is equivalent to 0.38% of GDV. In comparison the FVA notes the profit range for market housing identified in the PPG at 15% - 20% of GDV. Given the outcome of this assessment, it follows that the landowner/developer in this case must be willing to reduce their land value/profit expectations from those adopted in the PPG to enable the development to proceed.
- 10.74 The independent evaluation undertaken by consultants on behalf of the LPA adopted a residual methodology with the cost of undertaking the development including the developers profit deducted from the value of the completed development to leave a residual sum. The residual sum in this case is the land value (RLV) which is then benchmarked against the Benchmark Land Value (BLV) to determine whether the development is viable. If the RLV is greater than or equal to the BLV, then the development is viable.
- 10.75 The appraisal (which includes a developer's profit of 10%) generates a RLV which is a negative sum of -£296,845. This is less than the assessed BLV of £50,000 and hence the appraisal demonstrates that the application proposals are not sufficiently viable to support any planning contributions. The consultant also prepared sensitivity testing to determine the extent of rental increases that would be required to generate an RLV in excess of the benchmark and so make the development viable. The sensitivity testing shows that with a 10% increase in rents (all other aspects remaining the same) the RLV would be £40,088, which is marginally below the BLV at £50,000. It would therefore require an increase in rents slightly in excess of 10% for the development to be viable and become able to support some limited planning contributions. In terms of construction costs it would require a reduction in the order of 9.5% for the development to become viable and able to support any planning contributions.
- 10.76 This assessment is based on the delivery of a private rented scheme. Absent of any condition requiring delivery on this basis, then the development could of course be made available for market sale. On this basis the costs and revenues would be broadly similar however the developers profit would be significantly greater with a minimum under the PPG of 15% of GDV. There would also be additional costs incurred in terms of sales and marketing. A greater profit requirement together with these additional costs would only serve to worsen the viability position in comparison with a private rented scheme.
- 10.77 It is therefore accepted that the viability assessment demonstrates that scheme is not sufficiently viable to support any planning obligations. However, the NPPF advises that the weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case.

## **11. PLANNING BALANCE / CONCLUSION**

- 11.1 The proposals would provide small one and two bedroom homes in line with one of the greatest needs highlighted in the Bollington Neighbourhood Plan which at first glance is a positive feature of the development. However, the proposals would conflict



with the listed policies concerning housing mix and affordable housing provision overall, as the type of units proposed are not adaptable or accessible reducing the types of occupants that could occupy them in a manner not consistent with the highlighted greatest needs to provide housing for the elderly/older persons and for affordable on-site provision. This holds moderate negative weight in the planning balance.

- 11.2 The proposed development will fail to provide satisfactory living standards for future occupiers as the lower ground floor level and second floor level habitable rooms (bedrooms) do not have adequate daylight, sunlight or sufficient outlook provision. The internal lighting assessment demonstrates that the lower ground rooms would on the whole have sub-standard natural light provision with no direct outlook and second floor rooms rely on rooflights with an outlook onto parapet walls which is also poor. Whilst the previous expired permission included lower ground floor and second floor bedrooms, planning policies adopted in the time since those permissions were issued have strengthened requirements for provision of daylight, sunlight and outlook to such rooms. The internal layout could potentially be re-arranged to avoid these issues due to it being a façade retention scheme. As such the development is in conflict with local plan policies and the CEC Design Guide. Substantial negative weight is attached to the harm arising from the unsatisfactory living conditions.
- 11.3 The proposals would result in the loss of a portion of the associated graveyard/cemetery which is allocated as Protected Open Space to create car parking, access and pathways with associated sub-terranean drainage. The loss of Protected Open Space attracts moderate negative weight in the planning balance.
- 11.4 In terms of matters in favour of the development, significant positive weight can be afforded to the principle of the conversion of the Listed Building to dwellings as this is considered to hold public benefit as an optimum future use for the building, and it makes a contribution, albeit limited, towards the Council's housing land supply. It is noted that the proposals would provide for a façade retention scheme of suitable external/internal design in architectural character terms that responds to its historic fabric and defined characteristics with externally few differences to the building itself would be noticeable from the public realm. The conversion of the building itself and that of associated external access, car parking and landscaping works would represent works to secure the long-term future use of a Listed Building. Limited positive weight can be attached to biodiversity enhancement, which can be secured by condition.
- 11.5 The findings of the viability report are generally accepted insofar as the scheme as proposed cannot support any planning obligations, and moderate weight can be attached to the viability position.
- 11.6 It is also accepted that previous losses to open space and similar unsatisfactory living conditions have previously been accepted with the previous permissions on this site. However, these permissions have expired and given the changes in policy that have taken place since that time, can only attract very limited weight in favour of the proposal.
- 11.7 Subject to conditions, neutral weight is given to other matters including design and character; highway safety, access and parking; trees; and flood risk and water management.

- 11.8 Whilst the benefits of the proposal are acknowledged, the scheme as proposed results in dwellings that are not adaptable or accessible, and which have substandard living conditions for future occupants, which are considered to be of overriding importance. The lack of affordable housing and loss of open space is therefore not justified. As such the matters in favour of the development are not considered to outweigh the unacceptable harm which has been identified and, accordingly, it is concluded that the application is not sustainable development and should be refused.

## **12.RECOMMENDATION**

- 12.1 As the development is in contrary to neighbourhood, local and national planning policies and guidance concerning housing mix/type/tenure, affordable housing, residential amenity, loss of Protected Open Space and supporting infrastructure, it is recommended that the application is refused approval for the following reasons:

1. The development does not propose a housing mix of types, sizes or tenures that meets the locally defined needs including that for affordable housing, downsizing and homes for elderly/older persons. The proposals are considered to result in a development that does not create or contribute to providing a mix of homes to create a balanced and sustainable community. The proposals are considered to be contrary to policies and guidance: SD1, SC4 and SC5 of the Cheshire East Local Plan Strategy 2017, HOU1 and HOU8 of the Site Allocations and Development Policies Document 2022, HO.P2 and HO.P3 of the Bollington Neighbourhood Plan, the Housing Supplementary Planning Document and the National Planning Policy Framework.
2. The development results in the provision of habitable rooms that would have an insufficient provision of natural daylight, sunlight and level of outlook that is considered to be detrimental to the future occupants residential amenity. The proposals are considered to be contrary to policies and guidance SD1 and SE2 of the Cheshire East Local Plan Strategy 2017, GEN1 and HOU12 of the Site Allocations and Development Policies Document 2022, paragraph 129 (2) of the National Planning Policy Framework and the Cheshire East Design Guide.
3. The development results in the unjustified and unmitigated loss of Protected Open Space, a cemetery and graveyard area associated with a historic Church. The proposals are contrary to policies SD1, SD2, SC3 and SE6 of the Cheshire East Local Plan Strategy 2017 and REC1 and REC3 of the Site Allocations and Development Policies Document 2022.
4. The development fails to provide adequate financial contributions towards planning obligations for open space, outdoor sport and recreation, allotments, green infrastructure and affordable housing to offset the impact of the development on these needs, infrastructure and services as a result of additional demand placed on them. It is not considered there are material considerations, such as the conclusion of viability Appraisal works that outweigh the conflict with policies and guidance highlighted. It is considered that the proposals do not represent sustainable development when considered as a whole. It is considered that the development is contrary to policies and guidance MP1, SD1, SD2, IN1, IN2, SC1, SC2, SC4 and SC5 of the Cheshire East Local Plan Strategy 2017, GEN4, GEN7, REC2, REC3 and HOU1 of the Site Allocations and Development Policies Document 2022, EOS.P2 of the Bollington Neighbourhood Plan, the Developer Contributions SPD and the National Planning Policy Framework.

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning has delegated authority to do so in consultation with the Chair of the Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

