

Application No: 22/0722M
Application Type: Listed Building Consent
Location: 46 Church Street, Bollington, Macclesfield, Cheshire East, SK10 5PY
Proposal: Listed building consent for 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 '*Listed building consent for conversion of grade II listed Church to 18 apartments and associated works*'.

The proposals would see the conversion of the Grade II listed Church to form 18no. 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 the relevant policies and guidance concerning works to and impact on the setting of a Grade II listed designated heritage asset and that the proposed C3 use of the building is an optimal usage for the long-term vacant building and is of best public benefit concerning securing its long-term preservation, enhancement and conservation with regards to its special historical characteristics and architecture.

Summary recommendation

Approve subject to conditions.

1. REASON FOR REFERRAL

1.1 This application is to be heard at the Northern Planning Committee following successful call-in of the application and the associated full planning application (22/0721M) by Councillor 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 ran 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 notable most cars park on the eastern side resulting in effective 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 trees and hedgerows within and at the boundaries of the site the tree of which benefit from formal protection under 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 red 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.

3. DESCRIPTION OF PROPSAL

- 3.1 The proposed development description is '*Listed building consent for conversion of grade II listed Church to 18 apartments and associated works*'.
- 3.2 The 18no. units are proposed with a split as follows: 14no. one-bedroom apartments and 4no. two-bedroom apartments according to the application form. 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 sat 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. A small section of wall to form a doorway will be demolished to allow for accessibility.
- 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

4.1 22/0721M – Conversion of grade II listed Church to 18 apartments and associated works – awaiting determination

4.2 19/4316T – Works to trees - Lime trees and Horsechestnuts trees. – consent for tree works in a Conservation Area – approved – 4th November 2019

4.3 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 – 12th December 2014

4.4 14/2403D – Discharge of Conditions 4, 5, 9, 10, 12, 13, 14 & 16 (Full) and 5 & 7 on (LBC) - Conversion of Existing Building into 13 apartments, including associated parking. – withdrawn – 1st January 2017

4.5 13/4032M – Conversion of existing building into 13 apartments, including associated parking – approved with conditions – 3rd February 2014

4.6 12/3845M – variation of condition 2 & 17 planning application 10/2927m relating to windows and trees – finally disposed of – 23rd May 2014

4.7 10/2959M – conversion of existing building into 13 apartments, including associated parking (listed building consent) – approved with conditions – 17th November 2010

4.8 10/2927M – conversion of existing building into 13 apartments including associated parking – approved with conditions – 29th 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

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles

SE1 Design

SE2 Efficient Use of Land

SE7 The Historic Environment

Site Allocations and Development Policies Document (SADPD) 2022

GEN1 Design principles

HER1 Heritage assets

HER3 Conservation Areas

HER4 Listed Buildings

6.3. Neighbourhood Plan

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

Bollington Neighbourhood Plan (BNP)

HO.P4 Design of Housing

BE.P1 Historic Town

BE.P2 Conservation Areas

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. Bollington Conservation Area SPD

8. CONSULTATIONS (External to Planning)

Historic England – no comments to make.

Bollington Town Council – No comments received

9. REPRESENTATIONS

5no. Letters were received from the public, Councillor Snowball and Bollington Civic Society 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 18th 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 29th 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 26th 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.

Listed Building

- 10.6 Between them these policies and guidance seek 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.
- 10.7 Concern was raised from the public that compared with the previous consented scheme of 13no. dwellings that this scheme of 18no. units represents overdevelopment of the site that may diminish the special features and setting of the Listed Building.
- 10.8 The application is supported by a Heritage Statement and Design and Access Statement. With regards 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 following the historical approvals and as it is the least architecturally or historically significant part of the building as reported in the supporting Heritage Statement. 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. A small element of demolition to a wall to allow better access is also planned.
- 10.9 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.
- 10.10 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 residential 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 regards 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 Listed Building.

- 10.11 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. It is considered that the public benefits of the conversion scheme to secure a long term and optimum use for the building outweighs the limited harm to the Listed Building. 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.

Other Matters

- 10.12 As this application only concerns the acceptability of the proposals with regards to the Listed Building, all other concerns raised covering the following are not able to be considered under this type of application and will be discussed as part of the associated Full Planning ref: 22/0721M: principle of conversion; design; highways safety and parking; amenity; pollution control; trees and hedgerows; landscaping; nature conservation and biodiversity; flood risk and water management and impacts on infrastructure and services.

Conclusion

- 10.13 Subject to the use of conditions to secure materials details (as not all are provided), sections of windows and rooflights etc., provision of access control details, no installation of new plumbing, pipes, flues, cameras etc without prior first permission of the LPA, it is considered that the proposals are in compliance with policies and guidance covering built and below ground heritage.

11. RECOMMENDATION

Approve subject to following conditions:

1. Time 3 years LBC
2. Development in accordance with approved plans
3. Materials samples, sections and specifications to be submitted including windows, rooflights, internal walls, doors, glazed balconies, staircases, transoms (including glass inserts) timber louvres and vents
4. Access control details submission prior to installation
5. Prior to commencement submission of a method statement for the demolition and construction period of the development to ensure the structural stability, safety and retention of historic fabric. To include an updated photographic record of the interior and exterior of the building.

6. No installation of new plumbing, pipes, soil stakes, flues, vents, ductwork grilles, security alarms, lighting, cameras without the express prior permission of the LPA.

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.

