

Application No: 12/3845M

Location: ST JOHN THE BAPTIST CHURCH, CHURCH STREET, BOLLINGTON, CHESHIRE, SK10 5PY

Proposal: VARIATION OF CONDITION 2 & 17 PLANNING APPLICATION 10/2927M RELATING TO WINDOWS AND TREES

Applicant: THE SIMPLY GROUP

Expiry Date: 22-Jan-2013

Date Report Prepared: 8th January 2013

SUMMARY RECOMMENDATION

Approve subject to conditions and variation of a s106 legal agreement

MAIN ISSUES

- Impact upon Listed Building / Conservation Area
- Impact upon arboricultural interests

REASON FOR REPORT

This application has been referred to Northern Planning Committee as it relates to the variation of conditions attached to a major planning application that was determined by the Committee.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises a vacant Grade II listed church building with surrounding graveyard. The site is allocated as an Area of Existing Open Space within Bollington Conservation Area, and is situated between an Existing Employment Area and a Predominantly Residential Area as identified in the Macclesfield Borough Local Plan.

Application 10/2927M granted full planning permission for the conversion of the existing building into 13 duplex apartments and the creation of a parking area within the existing graveyard.

DETAILS OF PROPOSAL

This application seeks permission to vary condition 2 and remove condition 17 on application 10/2927M, approved on 29 June 2011. The conditions read:

- 2 - The development hereby approved shall be carried out in total accordance with the approved plans numbered E(050)RevA, E(100), E(200), P(050), P(921), P(110)RevA, P(111)RevA, P(112)RevA, P(300)RevB, P301, P(500) received by the Local Planning Authority on 27 July 2010 and P(113)RevB, P(920)RevF, P(200)RevC received by the Local Planning Authority on 18 October 2010.

17 - Notwithstanding the details shown on the approved plans, tree T11 shown on the Tree Survey Plan numbered 624.1 received by the Local Planning Authority on 27 July 2010 shall be retained.

The applicant is seeking to vary condition 2, so that plan no. P(200)Rev C is replaced with P(200)Rev D. Condition 2 would therefore read:

2 - The development hereby approved shall be carried out in total accordance with the approved plans numbered E(050)RevA, E(100), E(200), P(050), P(921), P(110)RevA, P(111)RevA, P(112)RevA, P(300)RevB, P301, P(500) received by the Local Planning Authority on 27 July 2010 and P(113)RevB & P(920)RevF received by the Local Planning Authority on 18 October 2010, and plan number P(200)RevD received by the Local Planning Authority on 4 October 2012.

The effect of this variation in plan numbers will allow a small amendment to be made to the stained glass windows to enable them to be opened for smoke ventilation, and allow the removal of a Lime tree within the site.

RELEVANT HISTORY

10/2927M - Conversion of existing building into 13 apartments including associated parking A/C 29-Jun-2011

10/2959M - Conversion of existing building into 13 apartments, including associated parking (Listed Building Consent) A/C 17-Nov-2010

POLICIES

Local Plan Policy

NE11 – Nature Conservation

BE1 – Design Guidance

BE3 – Conservation Areas

BE15 – Listed Buildings

BE16 – Setting of Listed Buildings

BE19 – Change of Use of Listed Buildings

RT1 – Open Space

H13 – Protecting Residential Area

DC2 – Extensions and Alterations

DC3 – Amenity

DC6 – Circulation and Access

DC8 – Landscaping

DC9 – Tree Protection

DC40 – Children's Play Provision and Amenity Space

DC42 – Subdivision of Property for Residential Purposes

DC63 – Contaminated Land

Other Material Considerations

- National Planning Policy Framework
- Supplementary Planning Guidance on s106 (Planning) Agreements – Macclesfield Borough Council – May 2004
- Bollington and Kerridge Conservation Area Appraisal 2006

CONSULTATIONS (External to Planning)

None

VIEWS OF THE PARISH / TOWN COUNCIL

Bollington Town Council: no objection

OTHER REPRESENTATIONS

None received to date

APPLICANT'S SUPPORTING INFORMATION

A supporting letter details why the changes are sought, the full details of which can be viewed online/on the application file, and are outlined below.

OFFICER APPRAISAL**Heritage and Design**

This property lies within the Bollington Conservation Area and is grade II listed. Accordingly, the revised plans should be mindful of the need to preserve or enhance the character or appearance of the area as stated in the NPPF and the Macclesfield Area Local Plan Policy and the architectural and historic integrity of the building.

The Committee report associated with application reference 10/2927M stated: 'the existing stained glass windows on the east elevation fronting onto Church Street will be restored and retained'.

The applicant's agent has stated that the amendment to the proposed elevation includes opening windows as required for compliance with Building Regulations in relation to smoke ventilation. This involves removing the stained glass and refitting it into a new steel window frame. The Conservation Officer finds this an acceptable alteration.

Trees

Condition no. 17 was requested by Members on application 10/2927M. The arboricultural amendments associated with this application relate to the removal of the mature Lime identified as T11. The Arboricultural Officer raised no objection to the removal of this tree in 2010 and has commented on this application and notes that on balance the issues of social proximity prevail in terms of the trees amenity contribution, and unnecessary ongoing management commitment. An amended landscape scheme will be required to reflect the tree loss.

Other Matters

The original description of development read: 'variation of condition 2 & 17 planning app 10/2927M and Condition 2 10/2959M relating to windows and trees'.

The applicant's agent has been advised that a separate application for variation of condition will be required, to vary the conditions attached to 10/2959M (Listed Building Consent).

As such the description of development now reads: 'variation of condition 2 & 17 planning application 10/2927M'.

CONCLUSIONS AND REASON(S) FOR THE DECISION

These variations to the original permission are considered to comply with prevailing policy, and as such the application is recommended for approval subject to conditions and variation of a s106 legal agreement

LEGAL AGREEMENT - HEADS OF TERMS

Deed of variation to the legal agreement attached to the original planning permission 10/2927P to refer to this application (reference number 12/3845M).

Application for Variation of Condition

RECOMMENDATION:

1. A03FP - Commencement of development
2. A01AP - Development in accord with approved plans
3. A06EX - Materials as application
4. A11EX - Details to be approved - bin store
5. A02HA - Construction of access
6. A08HA - Gates set back from footway/carriageway
7. A01TR - Tree retention
8. A02TR - Tree protection
9. A01LS - Landscaping - submission of details with replacement tree(s) of appropriate species
10. A04LS - Landscaping (implementation)
11. A03TR - Construction specification/method statement
12. A21EX - Roof lights set flush
13. Contaminated land
14. Enhancement for bats
15. External lighting details to be approved
16. Sample of air vent to be submitted

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