

Application Number 17/00096/FUL

Proposal	Variation of planning condition 2 attached to application 12/00731/FUL
Site Location	Stamford Street Methodist Church, Stamford Street Central, Ashton Under Lyne
Applicant	Bryal Developments Ltd
Recommendation	Grant planning permission subject to conditions and prior signing of S106 legal agreement
Reason for report	A speakers panel decision is required because the application proposes a major development, as defined by The Town and Country Planning (Development Management Procedure) (England) Order 2015.

REPORT

1. APPLICATION DESCRIPTION

- 1.1 The proposal in this application is to vary planning condition 2 on an existing planning consent for conversion of a Listed Methodist Chapel to 12 apartments to enable double glazing to be used.

2. SITE & SURROUNDINGS

- a. The application site is located in the middle of the southern side of Stamford Street Central on the corner of Warrington Street.

3. PLANNING HISTORY

- 3.1 12/00731/FUL - Conversion to 12 duplex apartments. Installation of a new access door opening, roof lights, roof and wall vents, and the construction of a new railing fence, Permitted September 2012

12/00732/LBC – Conversion to 12 duplex apartments. Installation of a new access door opening, roof lights, roof and wall vents, and the construction of a new railing fence, Permitted September 2012

13/00077/PLCOND – Discharge of conditions 3, 5 & 7 of application 12/00731/FUL. Pending Consideration

13/00078/PLCOND – Discharge of Conditions 2, 6, 9 & 10 of application 12/00732/LBC. Pending Consideration

14/00315/LBC – Re-siting of WW1 Memorial Plaque in adjacent Methodist Hall

16/00434/LBC – Submitted as amendment to existing Listed Building Consent reference 12/00732/LBC for the conversion to 12 duplex apartments, installation of a new access door opening, roof lights, roof and wall vents, and the construction of a new railing fence. Permitted June 2016

17/00006/PLCOND – Discharge of Conditions on 16/00434/LBC. Permitted March 2017

17/00095/LBC - Variation of conditions 4 and 10 attached to application Listed Building consent 16/00434/LBC. Pending Consideration

4. RELEVANT PLANNING POLICIES

4.1 Tameside Unitary Development Plan (UDP) Allocation
Within Settlement Boundary

4.2 Tameside UDP

4.2.1 Part 1 Policies

1.3: Creating a Cleaner and Greener Environment.
1.4: Providing More Choice and Quality Homes.
1.5: Following the Principles of Sustainable Development
1.12: Ensuring an Accessible, Safe and Healthy Environment

4.2.2 Part 2 Policies

H2: Unallocated Sites.
H7: Mixed Use and Density.
OL10: Landscape Quality and Character
S2: New retail Developments in Town Centres
T1: Highway Improvement and Traffic Management.
T11: Travel Plans.
C1: Townscape and Urban Form
C2: Conservation Areas
C4: Control of Development in or Adjoining Conservation Areas
C5: Alternative Uses, Alterations and Additions for Listed Buildings
MW11: Contaminated Land.
U3: Water Services for Developments

4.3 Other Policies

4.3.1 Greater Manchester Spatial Framework – Publication Draft October 2016
The Greater Manchester Joint Waste Development Plan Document April 2012
The Greater Manchester Joint Minerals Development Plan Document April 2013
Residential Design Supplementary Planning Document
Trees and Landscaping on Development Sites SPD adopted in March 2007.

4.4 National Planning Policy Framework (NPPF)

4.4.1 Section 1 Delivering sustainable development
Section 6 Delivering a wide choice of high quality homes
Section 7 Requiring good design
Section 8 Promoting healthy communities
Section 12 Conserving and Enhancing the Historic Environment

4.5 Planning Practice Guidance (PPG)

This is intended to complement the NPPF and to provide a single resource for planning guidance, whilst rationalising and streamlining the material. Almost all previous planning Circulars and advice notes have been cancelled. Specific reference will be made to the PPG or other national advice in the Analysis section of the report, where appropriate.

5. PUBLICITY CARRIED OUT

5.1 As this is a variation of conditions application none has been carried out.

6. RESPONSES FROM CONSULTEES

6.1 N/A

7. SUMMARY OF THIRD PARTY RESPONSES RECEIVED

7.1 N/A

8. ASSESSMENT

8.1 The principal issues in determining this application are whether the conditions that are requested to be varied still meet the 6 tests set out in the NPPF and NPPG. In addition it needs to be considered whether the unilateral obligation which secured contributions towards education, open space and transport infrastructure meets the tests for such contributions set out in the CIL regulations.

9. PRINCIPLE OF DEVELOPMENT

9.1 Planning and Listed Building consent has already been granted for the development proposed. The current application proposes to vary condition 2 of the existing planning permission reference 12/00731/FUL which states;

‘All new or replacement windows shall be single glazed double hung sashes using cords, weights and pulleys and shall replicate the original windows in all respects, including moulding profiles of glazing bars, cover beads and sills and timber sections. All windows shall be set back from the face of the building within the window reveals by a minimum of 100mm.’

9.2 The applicant wishes to use double glazing within the replacement windows which is currently prevented by the wording of Condition 2. Whilst the glass proposed to be used is thicker than in traditional sash windows this is only discernable upon close inspection. As the windows being replaced were modern and not original historic fabric the proposal to use double glazing would not be harmful to the architectural or historic interest of the building and is considered acceptable and this condition can be re – worded to allow the use of double glazing as requested.

9.3 As this application would result in a new Planning consent the wording of a number of the other conditions will also need to be varied to reflect matters which have been discharged subsequent to the original consent being granted.

10. S106 CONTRIBUTIONS

10.1 Whilst there is no requirement for the developer to provide affordable housing Homes and Communities Agency funding has been secured to help bring the site forward. A condition of this funding is that the development shall be occupied as affordable rent for at least the first 10 years and as such would make a significant contribution to the provision of affordable housing for at least the first 10 years.

10.2 The previous approval was accompanied by a unilateral undertaking containing contributions towards education, green open space and ‘integrated transport’. The applicant has submitted a revised unilateral undertaking in relation to the current application which again offers contributions towards education, green open space and integrated transport.

- 10.3 Whilst Highways have stated that the sum of £5840.59 apportioned to 'integrated transport' could be used towards improved crossing facilities on Stamford St. they have conceded that the development would be acceptable without this contribution and as such it can not be considered to pass the test of 'necessity' and can not be sought.
- 10.4 The Council's Greenspace development officer has accepted that a reduced sum can be requested in light of the proposal for the development to provide affordable housing and has requested a sum of £5000 towards Ashton Memorial Gardens.
- 10.5 Education have confirmed that the sum of £6112.18 would be required to increase capacity at St Damian's for Year 7 in 2018

11. CONCLUSION

- 11.1 The variation of condition 2 to allow for double glazed windows is considered acceptable for the reasons set out above. Variation of other conditions is required to reflect details already submitted under discharge of conditions applications related to the previous application.

RECOMMENDATION

To permit planning permission subject to;

A) Prior signing of S106 legal agreement to secure £6112.18 towards Education and £5000 towards Green Open Space.

B) the conditions set out below:-

1. All new or replacement windows shall be double hung sashes and shall replicate the original windows in all respects, including moulding, profiles of glazing bars, cover beads and sills and timber sections except in so far as any adjustment may be necessary to accommodate 15mm double glazed glass as per the approved sample window. All windows shall be set back from the face of the building within the window reveals by a minimum of 100mm unless otherwise agreed in writing with the Local Planning Authority.
2. All new external doors shall be constructed in timber in accordance with submitted samples and shall be constructed in accordance with drawing number 1279_P700 Rev P1.
3. All extractor vents, heater flues, meter boxes, airbricks, soil and vent pipes and rainwater goods shall be carried out in accordance with the details submitted with application reference 17/00006/PLCOND unless otherwise agreed in writing with the local planning authority.
4. The railings and gates approved shall be erected in accordance with the details submitted with application reference 17/00006/PLCOND unless otherwise agreed in writing with the local planning authority.
5. No part of the development hereby permitted shall be occupied until the following information has been submitted in writing and written permission at each stage has been granted by the Local Planning Authority.
 - i) A preliminary risk assessment to determine the potential for the site to be contaminated shall be undertaken and approved by the Local Planning Authority. Prior to any physical site investigation, a methodology shall be approved by the Local

Planning Authority. This shall include an assessment to determine the nature and extent of any contamination affecting the site and the potential for off-site migration.

ii) Where necessary a scheme of remediation to remove any unacceptable risk to human health, buildings and the environment shall be approved by the Local Planning Authority prior to implementation.

iii) Any additional or unforeseen contamination encountered during development shall be notified to the Local Planning Authority as soon as practicably possible and a remedial scheme to deal with this approved by the Local Planning Authority.

iv) Upon completion of any approved remediation schemes, and prior to occupation, a completion report demonstrating that the scheme has been appropriately implemented and the site is suitable for its intended end use shall be approved in writing by the Local Planning Authority.

The discharge of this planning condition will be given in writing by the Local Planning Authority on completion of the development and once all information specified within this condition and other requested information have been provided to the satisfaction of the Local Planning Authority and occupation/use of the development shall not commence until this time, unless otherwise agreed by the Local Planning Authority.

6. The development hereby approved shall not be occupied until full details of the hard and soft landscaping of the building's curtilage including the retention of existing features have been submitted to, and approved in writing by, the local planning authority. All existing features shall remain in-situ until such an approval has been issued and the development shall be implemented in accordance with the approved details within 6 months of the first occupation of the development.
7. The approved bin and cycle storage facilities illustrated on drawing ref 1270_P_100 rev. P3 shall be provided prior to the occupation of the building and thereafter kept available for their intended purpose at all times.
8. During construction no work (including vehicle and plant movements, deliveries, loading and unloading) shall take place outside the hours of 07:30 and 18:00 Mondays to Fridays and 08:00 to 13:00 Saturdays. No work shall take place on Sundays and Bank Holidays.
9. The development shall be carried out in accordance with the following approved drawings:

1279-P-200-P1; 1279-P-301-P1; 1279-P-302-P1; 1279-P-300-P1; 1279-P-500-P1 - 1279-P-501-P1; 1279-P-0700-P1; 1279-P-1000-P1; 1279-P-1001-P1; 1279-P-001-P1; 1279-P-102-P1; 1279-P-101-P1; 1279-P-103-P1; 1279-P-104-P1; 1279-P-105-P1

Reasons for conditions:

1. In order to ensure that the Listed Building retains as much of the vernacular and traditional character and appearance as possible
2. In order to ensure that the Listed Building retains as much of the vernacular and traditional character and appearance as possible
3. In order to ensure that the Listed Building retains as much of the vernacular and traditional character and appearance as possible
4. In order to ensure that the Listed Building retains as much of the vernacular and traditional character and appearance as possible

5. In order to ensure that the Listed Building retains as much of the vernacular and traditional character and appearance as possible
6. To safeguard against the potential risks of contamination on site
7. To safeguard the character and appearance of the area.
8. To ensure the provision of adequate space for bin storage
9. To define the permission