

<b>Application Number:</b>	19/00625/FUL
<b>Proposal:</b>	Renovation and extension of existing single storey church, including internal remodelling and additional storey (re-submission of 16/00422/FUL)
<b>Site:</b>	Celestial Church of Christ, Audenshaw, Tameside M34 5PN
<b>Applicant:</b>	Celestial Church of Christ, Celestial Church of Christ, Audenshaw, Tameside M34 5PN
<b>Recommendation:</b>	APPROVE subject to conditions
<b>Reason for report:</b>	A Speakers Panel decision is required because, in accordance with the Council's Constitution, Councillor Teresa Smith has called in the application.

## **1. APPLICATION DESCRIPTION**

- 1.1 Further to the recently lapsed permission, planning permission is sought for the renovation of the existing single storey church on Kershaw Lane which would include internal remodelling and the construction of an additional storey to the existing building with a pitched roof. The footprint of the building would be the same as existing. It is proposed to create 35 new parking spaces which would be delineated around the perimeter of the site, with bike storage located to the North-West corner of the site. The vehicular access to the site remains unchanged.
- 1.2 The proposed development would comprise of 2 floors, with a flexible community space, office and private space for the pastor at ground floor level, with the main worship space occupying the first floor. All services held in the first floor space will be streamed by TV link to the ground floor for anyone unable to ascend the stairs.

## **2. SITE & SURROUNDINGS**

- 2.1 The application site was previously used as changing facilities for the adjacent sports pitch and most recently a Children's Nursery. The building is now being used as a place of worship (same D1 use class) with access off Kershaw Lane leading into an informal car parking/service area. The building is single storey brick built with a flat roof and white UPVC detail. Existing openings are secured by galvanised roller shutters with anti-climb spikes to the roof. Concrete/timber fencing marks the boundary to the east and south of the site.
- 2.2 To the west and north of the site are playing fields. The rear elevations of the traditional semi-detached properties are located to the east with access taken off Porlock Avenue, with brick built terraces and semi-detached properties to the south which front Kershaw Lane and Audenshaw Road. A canal runs to the north of the site adjacent to the playing fields.
- 2.3 The site is separated from the playing fields to the west and north by existing 2.2 metre high green coloured palisade fencing with trees spread along the sites north, east and south boundaries. Existing 1.8m/2m high fencing marks the boundary to the south and east.
- 2.4 The ground level of the site is approximately 2 metres higher than the level of Kershaw Lane.

### **3. PLANNING HISTORY**

- 3.1 16/00422/FUL - Renovation and extension of existing single storey church, including internal remodelling and additional storey – Approved 28 June 2016.

### **4. RELEVANT PLANNING POLICIES**

- 4.1 Tameside Unitary Development Plan (UDP)

- 4.2 UDP Allocation – Protected Green Space

#### **4.3 Part 1 Policies**

- 1.3 Creating a Cleaner and Greener Environment
- 1.5 Following the Principles of Sustainable Development
- 1.12 Ensuring an Accessible, Safe and Healthy Environment

#### **4.4 Part 2 Policies**

- OL4 Protected Green Space
- C1 Townscape and Urban Form
- T1 Highway Improvement and Traffic Management
- T7 Cycling
- T10 Parking
- MW11 Contaminated Land

#### **4.5 Other Policies**

Tameside Residential Design Supplementary Planning Document.

It is not considered there are any local finance considerations that are material to the application.

#### **4.6 National Planning Policy Framework (NPPF)**

- Section 2 Achieving Sustainable Development
- Section 9 Promoting Sustainable Transport
- Section 12 Achieving well-designed places

#### **4.7 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 Neighbour notification letters were issued and a site notice was displayed on 5<sup>th</sup> September 2019 in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the Council's adopted Statement of Community Involvement.

### **6. RESPONSES FROM CONSULTEES**

- 6.1 TMBC Highways Engineer: has raised no objection to the proposal subject to conditions relating to car parking provision, cycle storage and the requirement to submit a highways survey.

- 6.2 TMBC Environmental Services (Public Protection): has raised no objection to the proposal subject to conditions relating to hours of demolition/construction, hours of use and the submission of an acoustic assessment.
- 6.3 TMBC Environmental Services (Contaminated Land): has raised no objection to the proposal - recommends an informative relating to ground gas.

## **7. SUMMARY OF THIRD PARTY RESPONSES RECEIVED**

- 7.1 Numerous representations have been made on the application.
- 7.2 9 separate letters of objection have been received on the following grounds:
- a. Object to site expansion;
  - b. Excessive noise levels – exacerbated by current proposal;
  - c. Fail to comprehend need for living accommodation;
  - d. Very little car parking spaces available for residents (already densely populated residential area);
  - e. Impact on quality of life;
  - f. Excessive noise pollution – continued into early hours at frequent time – would be exacerbated by current proposal;
  - g. Slamming of car doors and radios late at night;
  - h. Security/car lights late at night;
  - i. Building unsuitable as a church as is the location;
  - j. Building would be more noticeable and not blend in with area;
  - k. More traffic and dangerous for pedestrians;
  - l. Unless noise is managed , extending the facility in a residential area is unacceptable and unwise;
  - m. Modern isn't the design of the street – stands out far too much – eyesore;
  - n. Decrease house value;
  - o. New building would provide for larger parties due to increased capacity;
  - p. No control over own street – ability to park/use of gardens peacefully;
  - q. General rubbish left around; and
  - r. Was built as a single storey changing block.
- 7.3 Some 47 letters of support have also been received with many from the south Manchester area, on the following grounds:
- a. Asset to the community – open to everyone;
  - b. Church helps people spiritually and mentally;
  - c. Request to grant the application;
  - d. Charity church;
  - e. The small building needs an extension;
  - f. New development will reduce noise from the musicals – project will be soundproof; and
  - g. Before the church the building was previously occupied by hoodlums for shabby activities.

## **8. ANALYSIS**

- 8.1 In accordance with the revised NPPF and the Tameside UDP, the main issues raised by the application relate to the following:
- Principle of the development;
  - Impact of the development on the character and appearance of the surrounding area;
  - Impact on residential amenity; and,
  - Impact on highway safety

8.2 The above matters are considered in more detail below.

## **9. PRINCIPLE OF DEVELOPMENT**

9.1 The site is allocated within the UDP as Protected Green Space where the Council would normally not permit built development. This policy relates to amenity or playing field provision and the site is already developed and not used as playing field provision or amenity space. It is therefore considered that the proposed development would not conflict with this policy having no effect on the existing play provision.

9.2 Planning approval 16/00625/FUL has lapsed; however the policy position and site circumstances have not changed since the approval in 2016 and so is highly relevant as a material consideration in the determination of this application.

## **10. DESIGN AND APPEARANCE**

10.1 Nationally, the Framework states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Specific to paragraph 127 the Framework states that, amongst other matters, planning policies and decisions should ensure that developments:

- Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation and change (such as increased densities); and
- Establish or maintain a strong sense of place, using the arrangement of street spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

10.2 Locally, amongst other matters, Policy 1.3 of the UDP states that all developments must achieve high quality design which is sensitive to the character of the local area, particularly in the relationship between buildings, between buildings and adjoining spaces, and in associated landscaping. In addition to the above, Policy C1 of the UDP states that in considering proposals for built development, the Council will expect the distinct settlement pattern, open space features, topography, townscape and landscape character of specific areas of the Borough to be understood, and the nature of the surrounding fabric to be respected.

10.3 As existing, the current church building is considered to be of a poor standard of design by reason of its flat roof design, relatively blank elevations and square box appearance - which in the view of Officers neither complements nor enhances the surrounding area or buildings.

10.4 As proposed, whilst the footprint of the building would remain the same as existing, the overall design and appearance of the proposed church would be significantly different to the existing. The proposed building would have a maximum height of 9.5m and an eaves height of approximately 6m, and so the increase in height would be significant given the existing structure is only single storey.

- 10.5 Of a modern appearance, the external elevations of the proposed church would be painted brickwork (RAL 9003), except for the east and west facing gables which would be surfaced with smooth render (colour: white). The new pitched roof would be an anthracite grey standing seam metal roof with matching trim and flashing. The existing windows to the side elevations of the existing single storey building would be bricked up and replaced with six new window openings of a vertical emphasis to the north and south side elevations of the building. The east elevation, which would front the entrance of the site, would feature a glazed cross surrounded by untreated Scottish larch timber cladding (fixed vertically). The west facing gable, which would comprise the main entrance to the building, would feature floor to ceiling glazing of the same vertical emphasis.
- 10.6 Having regard to its setting, it is acknowledged that the proposal would be of a more contemporary style than the surrounding buildings, however there isn't considered to be a strong distinct vernacular for the proposed development to be in keeping with. Centrally aligned within the plot, set behind the existing building line and located some 21m in distance away from the gable of the nearest house and 45m away from the nearest housing opposite the site, it is not considered that the proposal would unduly detract from the character and appearance of the existing residential dwellings or visually overpower them. Indeed, through the use of high quality materials, it is considered that the proposal would add to the overall quality of the area and would enhance the overall aesthetic appearance of the existing site.
- 10.7 The proposal also seeks to improve the existing landscaping of the site by replacing the unorganised gravel/tarmac surfacing with a new formal parking area and designated paved pedestrian zones around the building. Existing planting and trees are to be retained which would provide valuable greenery when viewed from outside of the site, reducing its visual prominence.
- 10.8 Overall, it is considered that the proposed building would make a positive contribution to the street scene and Officers are satisfied that the proposal has been designed in accordance with the NPPF, particularly paragraph 127, and UDP Policies 1.3 and C1.

## **11. RESIDENTIAL AMENITY**

- 11.1 As part of its underlying drive to promote sustainable development, paragraph 127(f) of the revised National Planning Policy Framework says that a high standard of amenity should always be sought for all existing and future occupants of land and buildings. Policy H10 of the UDP also states that new development should have no unacceptable impact on the amenity of neighbouring properties through noise, loss of privacy, overshadowing or traffic. In order to prevent undue over-shadowing and over-looking of neighbouring properties the Residential Design SPD requires that minimum distances, measured from habitable room windows, be maintained. In relation to 2-storey buildings, the normal standard is that 21m be maintained between directly facing habitable room windows.
- 11.2 In this instance the nearest residential dwelling to the proposed church building is No.5 Kershaw Lane - whose two storey side gable fronts the southern boundary of the site. Achieving a 21m separation distance and separated by two existing mature trees located outside of the application site, Officers are satisfied that the proposed building would not appear overbearing for the occupiers of this property or result in an unacceptable loss of privacy. Situated in a position north of No.5 Kershaw Lane, Officers are also satisfied that the proposal would not result in an unacceptable loss of light, compliant with Policy H10 of the UDP.
- 11.3 The objections raised in respect of noise are acknowledged, however it is important to note and emphasise that the use of the existing building as a place of worship is lawful given the

existing D1 use of the building. However, it is acknowledged by Officers that the proposal seeks to intensify the use of the site and therefore there is risk of additional harm.

- 11.4 In order to mitigate this harm, it is recommended by Environmental Services (Public Protection) that the following condition should be attached to any approval:
1. During demolition/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.
  2. The use hereby permitted shall not be operated outside the hours of 09:00 to 22:00 Monday to Sunday and Bank Holidays.
  3. Any public address system/television set/amplified music and/or musical instrument played inside the premises, including singing, shall be operated at such a level as to ensure that it is not audible at the perimeter of the application site.
  4. Prior to commencement of the development, a Noise Management Plan shall be submitted to the Local Planning Authority for their written approval. The Noise Management Plan, to prevent disturbance to local residents resulting from the hereby permitted use of the property, shall include undertakings and procedures for:
    - i) The name(s) of an on-site supervisor responsible for the behaviour of users of the site and for liaison with local residents;
    - ii) The control and use of outside areas, including car parks
    - iii) The control of noise break out from within the building;
    - iv) Recording of complaints and responses to those complaints;
    - v) The annual review of the approved Noise Management Plan and, if necessary, the submission and approval of a revised Noise Management Plan.
- 11.5 In relation to the above, with the use of the building being D1 ((Non-residential Institutions e.g. Clinics, health centres, crèches, day nurseries, day centres, schools, art galleries (other than for sale or hire), museums, libraries, halls, places of worship, church halls, law court. Non-residential education and training centres etc.)), it is considered by Officers that 09:00 to 22:00 would be too restrictive and unreasonable. It is suggested that the operating hours should be 08:00 to 22:00 to allow more flexibility of use – the Council's Environmental Officer is in agreement with this.
- 11.6 Proposed condition 3 (as above – paragraph 11.4) would fail to meet the tests for conditions having regard to the National Planning Policy Framework, as it is not enforceable or precise. In addition, with regards to proposed condition 4, given that the building can operate for the same use now lawfully (D1), such an onerous condition could not be justified.
- 11.7 Given the significant alterations to the building, there is opportunity to suitably mitigate noise and the intensification of the lawful use (and risk of additional harm) through the use of a more appropriate pre-commencement condition. With confirmed written agreement from the applicant's agent, it is considered necessary to require the implementation of a suitable sound proofing scheme to ensure any noise does not have a significant, adverse impact on the surrounding residents. This would be achieved through controlling the fabric and construction of the building - for example, the specification of the glass used and the opening mechanism of windows that are fitted which allow ventilation – particularly those to the south facing side elevation which front No.5 Kershaw Lane.
- 11.8 Comments received in respect of light pollution are acknowledged. Having regard to the design of the building, it can be noted that the largest expanse of glazing would be located to the west facing gable, with a smaller glazed cross design to the east facing gable. To the

west, the properties opposite on Greenwood Close are situated some 112m away, with the properties to the east on Porlock Avenue located some 45m in distance away. Officers are mindful of the fact the design of the building has previously been approved in 2016; however notwithstanding this, any light that is emitted, set against the distances from the neighbouring properties, in the view of Officers, would not unreasonably affect the residential amenities of the neighbouring occupiers in accordance with Policy H10 of the UDP.

- 11.9 Overall, subject to conditions, Officers are satisfied that the proposal is acceptable in respect of the NPPF, Policy C1 and H10 of the UDP.

## **12. HIGHWAY SAFETY**

- 12.1 As submitted, the proposal presented 36 new car parking spaces around the perimeter of the site, however spaces 1 and 2 (as identified on drawing (90)A002) were inaccessible if a car were to be parked in spaces No.12 or 13. In light of this, amendments were sought and in replacement of spaces 1 and 2 a new cycle storage facility has been integrated into the scheme. An additional car parking space was re-aligned at the site entrance resulting in a total of 35 proposed car parking spaces. The provision of these spaces is considered adequate and in compliance with the parking standards as outlined in the UDP.
- 12.2 Concerns have been raised from neighbours relating to the number of vehicles using Kershaw Lane to access the site, by reason of the proposed intensification of the site. The TMBC Highways Engineer has raised no objection to the use of the existing access arrangements to the site and the Local Highway Authority are satisfied that the proposed increase in traffic movements on Kershaw Lane will not have a significant impact on highway safety, and the impact on the road network not being severe, compliant with Section 9 of the NPPF.
- 12.3 Overall, subject to conditions, the proposal is considered to be acceptable in respect of highway safety.

## **13. OTHER MATTERS**

- 13.1 In this instance, the Local Highway Authority have recommended that: "Prior to commencement of work on site the applicant shall undertake a condition and dilapidations survey of the highway fronting the site and giving access to the site and prepare and submit a report to the Engineering Operations Manager. The developer will be responsible for making good any damage caused to the highway by the development works or by persons working on or delivering to the development. Any damage caused to the street during the development period shall be reinstated to the full satisfaction of the Highway Authority prior to the occupation of any part of the development". However, the making good of any damage caused to the highway by the development works, which would be identified by the survey, would require compliance with other regulatory requirements.
- 13.2 Loss of property value is not a material planning consideration and holds no weight in the determination of this planning application.

## **14. CONCLUSION**

- 14.1 To conclude, it is considered that the application is in accordance with the National Planning Policy Framework, UDP policies 1.3, OL4, C1, H10 T1, T7, T10 and MW11 together with the Council's adopted Supplementary Planning Document on Residential Design and is therefore recommended for approval.

## 15. RECOMMENDATION:

Approve, subject to the following conditions:

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved drawings:
  - a. Drawing number (90)A001 (Location Plan)
  - b. Drawing number (0-)A018 REVISION B (Proposed Elevations)
  - c. Drawing number (90)A002 REVISION A (Planning Site Plan)
  - d. Drawing number (2-)A002 (Planning First Floor Plan)
  - e. Drawing number (2-)A001 (Planning Ground Floor Plan)
3. The materials to be used in the construction of the external surfaces of the extension hereby approved shall be as detailed on the approved drawing (0-)A018 REV B (Proposed Elevations).
4. Prior to the development hereby approved being first brought into use, the external finishes as shown on approved drawing (0-)A018 REV B shall be completed in accordance with the submitted details.
5. The development hereby approved shall not commence until a scheme for sound proofing of the building has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such approval and retained as approved thereafter.
6. During demolition/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.
7. The use hereby permitted shall not be operated outside the hours of 08:00 to 22:00 Monday to Sunday and Bank Holidays.
8. Prior to occupation, the car parking indicated on the approved plan ref. (90)A002 rev A shall be provided to the full satisfaction of the Local Planning Authority and thereafter kept unobstructed and available for its intended purpose. The area shall be maintained and kept available for the parking of vehicles at all times.
9. The covered cycle storage provision indicated on the approved plan ref (90)A002 rev A, shall be provided prior to the first occupation of the development hereby approved and thereafter kept available for its intended purposes at all times.