

Application No: 14/1185N

Location: North Street Methodist Church, NORTH STREET, CREWE, CW1 4NJ

Proposal: Variation of Condition 2 (Plans) Inclusion of Balconies to Application 13/0136N - Demolition of Existing Church Building, Erection of Church Community Centre and 18 Affordable Retirement Apartments and Associated Access and Car Parking Provision

Applicant: Ann Lander, Wulvern Housing Ltd

Expiry Date: 29-May-2014

## **SUMMARY RECOMMENDATION**

### **REFUSE**

#### **Main issues:**

- Principle of development
- The impact of the design
- The impact upon amenity

## **REASON FOR REFERRAL**

This application is referred to the Southern Planning Committee as it relates to a variation to major development involving over 10 residential units.

## **DESCRIPTION OF SITE AND CONTEXT**

The application site relates to the former North Street Methodist Church itself and land to its rear on the southern side of North Street, Crewe, within the Crewe Settlement Boundary.

In April 2013 planning permission was granted for the demolition of the Church and the erection of a community centre and a 3-storey affordable housing retirement block. This development is currently under construction.

There are no designations affecting the site.

## **DETAILS OF PROPOSAL**

The application seeks to vary Condition 2 from the planning permission 13/0136N.

Planning permission 13/0136N was a Full Application for *'Demolition of existing church building, erection of church community centre and 18 affordable retirement apartments and associated access and car parking provision.'*

Condition 2 of this approval reads as follows;

### Condition 2

*'The development hereby approved shall be carried out in total accordance with the approved plans numbered; 1974:01 (excluding parking plan), 1974:02 (excluding parking plan), 1974:03 (excluding parking plan), 1974:04, 1974:05, 1974:06 and 1974:09, received by the Local Planning Authority on the 2nd January 2013 and the approved plan numbered; 1974:11 (excluding parking plan), received by the Local Planning Authority on the 19th February 2013.*

*Reason: For the avoidance of doubt and to specify the plans to which the permission relates.'*

The applicant seeks to vary the approved plans condition in order to secure elevational changes to the affordable housing retirement block. The changes proposed include;

#### North elevation (side)

- Amendment of julliet balcony design on 3 windows

#### East elevation (front)

- Removal of all 12 julliet balconies
- Erection of 4 first-floor and 4 second-floor 'walk-on' balconies

#### West elevation (side)

- Amendment of julliet balcony design on 3 windows

### **RELEVANT HISTORY**

**13/0136N** - Demolition of existing church building, erection of church community centre and 18 affordable retirement apartments and associated access and car parking provision – Approved 3<sup>rd</sup> April 2013

**7/02487** - Alteration of existing vehicular access to car park to place of worship – Approved 16<sup>th</sup> December 1976

### **POLICIES**

#### **Local Plan Policy**

BE.1 - Amenity

BE.2 - Design Standards

BE.3 - Access and Parking

BE.4 - Drainage, Utilities and Resources  
BE.5 – Infrastructure  
BE.6 – Development on potentially contaminated land  
RES.2 - Unallocated Housing Sites  
TRAN 9 – Car parking standards  
NE.5 – Nature Conservation and Habitats  
NE.9 - Protected Species

## **National Policy**

National Planning Policy Framework (NPPF)

## **Cheshire East Local Plan Strategy – Submission Version**

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

At its meeting on the 28<sup>th</sup> February 2014, the Council resolved to approve the *Cheshire East Local Plan Strategy – Submission Version* for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

## **Cheshire East Local Plan Strategy – Submission Version**

PG1 – Overall Development Strategy  
PG2 – Settlement Hierarchy  
PG6 – Spatial Distribution of Development  
SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
SE1 – Design

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

N/a

## **VIEWS OF THE PARISH COUNCIL**

**Crewe Town Council** – No comments received at time of report

## **OTHER REPRESENTATIONS**

3 letters of neighbouring objection have been received. The main areas of concern relate to;

- Access / Boundary concerns – Insufficient restriction between the site and the Bowling Green. Approved application had a ballustrade across the ground floor openings fronting the Green which have now been removed. Furthermore, proposed fence is considered too low to prevent access from the site into the Bowling Green site.
- Amenity – Loss of light from development as a whole

## **APPLICANT'S SUPPORTING INFORMATION**

Letter

### **OFFICER APPRAISAL**

The acceptability of amending the approved plans condition (Condition 2) from approved planning application 13/0136N is assessed on whether the introduction of 'walk-on' balconies would create any amenity or design concerns.

Furthermore, an assessment as to whether the revised design of the julliet balconies is deemed to be acceptable.

The principal of the affordable housing retirement block itself is not under consideration given that approval for this building has already been granted.

### **Amenity**

Policy BE.1 of the Local Plan advises that development shall only be permitted when the proposal would not have a detrimental impact upon neighbouring amenity in terms of overlooking, overshadowing, visual intrusion or environmental disturbance.

Four 'walk-on' balconies are proposed at first-floor level and four similar balconies are also proposed at second floor level, both on the front (eastern) elevation of the nearby approved unit which fronts onto the Copenhall Methodist Bowling Club.

Each of these balconies measure approximately 0.9 metres in depth, 2.1 metres in width and would consist of a screen surround which would measure approximately 1.1 metres in height.

The closest neighbouring properties to these 'walk-on' balconies would be the occupiers of Church Mews, North Street to the northeast, the occupiers of No.8 Churchmere Drive to the South and the occupiers of 332 and 334 Broad Street to the southeast.

The closest of the 'walk-on' balconies proposed to the approved affordable retirement building to the properties on Church Mews, North Street would be positioned approximately 26 metres away. The closest private amenity spaces of these properties within Church Mews would be approximately 20 metres away. Given this large separation distance and the oblique angle that these amenity spaces would be to the closest of the proposed 'walk-on' balconies, it is not considered that overlooking would be of significant concern to this side.

No.8 Churchmere Drive would be approximately 14 metres away from the closest of the proposed 'walk-on' balconies to the southwest. This neighbouring property would be screened from the closest of the proposed balconies by the main body of the affordable retirement apartment block itself. Notwithstanding this, a corner of this neighbouring property's garden would be located directly south of the closest balconies and would be overlooked. This issue however, could be overcome with the addition of a screen to one side of the 2 closest balconies which could be secured via condition should the application be approved.

The rear elevations of No's 332 and 334 Broad Street would be positioned between approximately 25 and 30 metres away from the closest of the proposed 'walk-on' balconies. The private rear amenity spaces of these neighbouring properties would be approximately 8-12 metres away to the closest of these proposed balconies. As such, it is considered that the private amenity spaces of these neighbouring properties would be subject to an unacceptable degree of overlooking. A screening condition would not overcome this concern in this instance given that this overlooking could be created from the front of the balconies as well as the side of the balconies.

As such, it is considered that the proposed development would be contrary to Policy BE.1 of the Local Plan.

Policy SE.1 of the Cheshire East Local Plan Strategy – Submission Version advises that development proposals should ensure an *'...appropriate level of privacy for new and existing residential properties.'*

It is considered that the proposed development would be contrary to this emerging local policy.

Paragraph 17 of the NPPF states that planning should *'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.'*

As it is considered that the proposal would create an unacceptable degree of overlooking, it is considered that the development would also be contrary to the NPPF.

## **Design Standards**

Policy BE.2 of the Local Plan advises that any new development should respect the pattern, character and form of the surroundings and not adversely affect the streetscene by reason of scale, height, proportions or materials used.

8 'walk-on' balconies on the front elevation of this recently approved 3-storey unit are proposed.

It is advised within the supporting letter that the balconies would be steel framed with concrete floor finishes and matt black painted soffits and edges. The hand rails will be formed of stainless steel sections and the front and side panels beneath the hand rails will be clear safety glass.

Given that these balconies would be constructed from glass and a simple metal handrail, and would be positioned in a symmetrical manner on the elevation, it is not considered that the impact upon the overall design of the approved building would be significant enough to warrant refusal of this application on design grounds.

It is noted that the design of the julliet balconies has also been amended from the approved plans. Although no details of the materials or finish of these balconies have been provided at this stage, it appears that vertical railings are proposed. Subject to an appropriate materials condition, it is considered that this aspect proposed development would be acceptable.

As such, it is considered that the proposed development would adhere with Policy BE.2 of the Local Plan.

### **Other Matters**

No new issues in relation to trees, nature conservation or highway safety would be created by the proposed changes.

The concerns raised by neighbouring properties / interested parties such as; the impact of the overall development upon light and trespass concerns are not material planning matters and as such, are not considered as part of this assessment.

Furthermore, the railings shown on the boundary of the site with the Bowling Club have already been granted approval.

### **CONCLUSIONS**

The application seeks to erect 8 'walk-on' balconies on the front (east facing) elevation of the approved affordable, 3-storey retirement block and seeks to amend the design and materials of 6 of the approved julliet balconies.

It is not considered that the addition of the 'walk-on' balconies would create a significant design concern given that they would be enclosed by glazed panels. The changes to the julliet balconies are also considered acceptable subject to a materials condition.

No new issues in relation to highway safety, protected species, landscaping or flooding would be created by the sought development.

The proposed changes to the approved scheme would however, create an unacceptable degree of overlooking onto the private amenity space for the occupiers of No's 332 and 334 Broad Street.

As such, the application is recommended for refusal.

### **RECOMMENDATION**

#### **REFUSE**

- 1. The proposed 'walk-on' balconies are considered to create an unacceptable degree of overlooking onto the private amenity spaces of the occupiers of No's 332 and 334 Broad Street. As such, the proposal is considered to be contrary to Policy BE.1 of the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011. The proposal is also considered to be contrary to Policy SE.1 from the emerging Cheshire East Local Plan Strategy – Submission Version. The proposal would also be contrary to the NPPF.**

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 Interim Planning and Place Shaping Manager has delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

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