

DELEGATED REPORT

Report by Helen Pressley	Date of report: 06/02/2025	Ref: 71419/FUL
Registration: 18/12/2024	LDfC: 15/01/2025	Expiry Date: 12/02/2025
Site Visit: 13/01/2025	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: COUS

Proposal: Change of use of 72 Kings Road from residential dwelling (Class C3) to synagogue (Class F1(f)) with single storey side extension to link to existing synagogue at 74 Kings Road and external alterations

Location: 72-74 Kings Road, Prestwich, Manchester, M25 0LN

Description

The application relates to an existing detached synagogue (No. 74) on the corner of Kings Road and Mowbray Avenue, and a semi-detached dwelling house (No. 72) which is sited to the east of the existing Synagogue. The properties both face Kings Road.

Planning permission is sought for the change of use of 72 Kings Road from residential dwelling (Class C3) to synagogue (Class F1(f)) with single storey side extension to link to existing synagogue at 74 Kings Road. The proposed extension would project approximately 1170mm to enable to two properties to be linked. Internal alterations to No. 72 to enable to change of use are also proposed.

Relevant Planning History

53455 - Single storey extension at rear - Approve with Conditions 04/02/2011

70360 - Change of use of 72 Kings Road from residential dwelling (Class C3) to synagogue (Class F1(f)) with single storey side extension to link to existing synagogue at 74 Kings Road and external alterations - Withdrawn by Applicant 20/03/2024

Publicity

Letters sent to 21 neighbouring properties on the 19th December 2024.

11 representations of support received in relation to:

- Currently very crowded.
- Need the extra space to pray, learn and socialize in a large and safe environment which is most suitable in a synagogue .
- Most people walk as it's a local synagogue not a central main one.
- Overdue project
- Will benefit community greatly.
- Spiritual and social hub for community.

Statutory/Non-Statutory Consultations

Traffic Section - Do not wish to restrict the grant of planning.

Environmental Health - Pollution Control - The noise assessment report (point 5, pg 6 to 5.1.2.1 pg 8) has proposed mitigation to acoustically line the party wall of no.72 and no.70 with Hush-Wall lining which has been calculated to achieve 50dB reduction. This must be a condition of the application.

Pre-start Conditions - Agent made aware of prior to occupation condition.

Development Plan and Policies

CF1/1	Location of New Community Facilities
H3/1	Assessing Non-Conforming Uses
JP-P1	Sustainable Places
EN1/2	Townscape and Built Design
EN7/2	Noise Pollution
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-C8	Transport Requirements of New Development
HT2/4	Car Parking and New Development
JP-S2	Carbon and Energy
JP-C2	Digital Connectivity
JP-G8	A Net Enhancement of Biodiversity and Geodiversity
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury
NPPF	National Planning Policy Framework

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within the adopted Bury Unitary Development Plan (UDP), together with other relevant material planning considerations.

The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP and PfE Policies will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

The elimination of discrimination, harassment and victimisation;

The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;

The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and

Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

Principle (Community Use)

The NPPF advocates the objectives to achieve sustainable development, one such objective is to support strong, vibrant and healthy communities by fostering well-designed and safe built environments with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.

Chapter 8 - Promoting healthy and safe communities, states that policies and decisions should aim to achieve healthy, inclusive and safe places which, amongst things, promote social interaction, are safe and accessible and enable and support healthy lifestyles. Account should also be taken to support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community.

UDP Policy CF1/1 - Location of Community Facilities gives regard to factors including impact on residential amenity, traffic generation and parking, scale and size of development, accessibility to shops and services, suitability of the chosen location, public transport and needs/requirements of those with a physical disability.

UDP Policy H3/1 - Assessing Non-Conforming Uses in primarily residential areas assess proposals, including the change of use, in consideration of factors including noise, vibration, smell, visual intrusion, traffic generation, parking arrangements and hours of operation.

PfE Policy JP-P1 that states that all development, where appropriate should be socially inclusive:

- A. Responding to the needs of all parts of society;
- B. Enabling everyone to participate equally and independently;
- C. Providing opportunities for social contact and support; and
- D. Promoting a sense of community.

The applicant has confirmed that the existing synagogue at No. 74 is a Shtiebel which are traditionally served as places for prayer and community gatherings. The existing building however has become overcrowded and therefore unsuitable for the needs of the community already utilising the facility.

The application seeks to create a single storey extension to link the existing Shtiebel to No. 72 to create a larger ground floor prayer room that extends into the proposed extension and partially into the adjacent property. The remaining ground floor area of No. 72 will be utilised as a cloak room. The main entrance for the Shtiebel will be retained as existing within the front elevation of No. 74.

The ground floor of No 72 will also be used to accommodate an entrance to the first floor office area. The planning statement confirms that these are designated to the Rabbi, office administration and general office. The layout of the first floor of No. 74 will be retained as existing.

It is considered that the proposal would provide improved facilities for the local community, and would be readily accessible by end users who are already utilising No. 74. The proposal would be located within a mixed use locality with residential, and commercial uses within the vicinity of the site and as such the proposal would not impact on the character of the local area. As such it is considered that the proposal would provide an improved community facility that would be acceptable in principle.

Layout and Design

In addition to the policies set out above UDP Policy EN1/2 - Townscape and Built Design seeks to protect the character and townscape of the boroughs towns. PfE Policy JP-P1 Sustainable Places aims to promote a series of beautiful, healthy and varied places.

A proposed single storey, flat roof extension is proposed to join the two properties. The proposed extension is simple in form with a window that is suitably aligned with the other ground floor windows within the row and as such would not detract from the character of the row. Amendments are also proposed to the existing porch/entrance for no. 72 seeing the front location moved closer to the existing bay window to allow for the construction of the proposed extension. This minor amendment would not materially alter the character of the host property.

It is considered that the proposed external changes to facilitate the change of use would not have a detrimental impact on the overall character of the locality and would therefore conform with the policies set out above.

Amenity

In addition to UDP Policy H3/1, UDP Policy EN7/2 seeks to restrict development that would lead to an unacceptable noise nuisance to nearby occupiers and/or amenity users.

No. 72 is currently a semi-detached dwelling attached to No. 70 which is also occupied as a dwelling. The introduction of a non-residential use therefore has the potential to impact the amenity of the immediately attached neighbours. The applicant has therefore submitted a Noise Impact Assessment to support the proposal.

The synagogue will be open daily 07:00 – 23:00. The applicant confirms that there would be no amplified sound, either in the existing synagogue or the proposed extended unit. The applicant considers that the only potential of noise is that of raised voices being transferred via the party wall to the adjacent property at No. 70.

The applicant seeks to acoustically line the party wall, to exceed the Building Regulations Part E threshold. BS8233 requires that noise within a daytime habitable room does not exceed 35 dB. Calculations of noise transfer via the party wall predict that the noise level within the adjacent habitable rooms will be 25 dB. This is far less than the maximum value of 35 dB and therefore considered to be acceptable. Environmental Health have reviewed the proposed mitigation measures and have asked for them to be secured by condition.

The proposed extension would not project beyond the principal front/rear elevations of the existing dwellings and as such no undue overbearing relationships or overlooking is foreseen.

Highways and Parking

Policy EN1/2 requires the consideration of the design and appearance of access, parking and service provision. PfE Policies JP-C5 and JP-C6 require streets to be well designed and managed to make a significant positive contribution to the quality of place and support high levels of walking, cycling and public transport.

Policy JP-C8 requires new development to be located and designed to enable and encourage walking, cycling and public transport use and to reduce the negative effects of

car dependency. In terms of parking standards, in addition to Policy JP-C8 and Policy HT2/4 requires all applications for development to make adequate provision for their car parking and servicing requirements. Supplementary Planning Document 11 provides parking standards for developments.

As set out above the proposal is to extend an existing Shtiebel, to meet the needs of the existing community. The application has been submitted with a Highways Note that has assessed the baseline conditions and highway safety in the vicinity of the site. The site is accessible by public transport and the note highlights that a vast majority of the members live within walking distance of the site.

As the proposal is sought to relieve overcrowding of an existing use, rather than to introduce a new use into the locality it is considered that the conclusions of the Highways Note are acceptable and it is unlikely that the proposal would generate additional traffic over and above what is currently generated to warrant the refusal of the scheme.

Carbon and Energy

PfE Policy JP-S2 - Carbon and Energy sets out the steps required to achieve net zero carbon emissions.

The applicant has confirmed that the proposed build will comply with Part L of the building regulations complying with the policy set out above.

Digital Connectivity

JP-C2 - Digital Connectivity - this policy requires development to have full fibre to premises connections unless infeasible or unviable, with multiple-ducting. The policy supports the provision of free, secure, high-speed public wi-fi connections, particularly in the most frequented areas. The building has fully functioning fibre.

Biodiversity Net Gain

While every grant of planning permission in England is deemed to have been granted subject to the biodiversity gain condition, commencement and transitional arrangements, as well as exemptions, mean that certain permissions are not subject to biodiversity net gain.

The proposed change of use would occupy an existing building, with an extension linking two properties that would not lead to more than 25 square meters of habitat being lost and therefore the de-minimis exemption applies.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during pre-application discussions to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Approve with Conditions

Conditions and Reasons:

- 1 The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.

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- 2 This decision relates to drawings numbered Site Location Plan, GSS23082 001, GSS23082 002 Rev 1, GSS23082 002A, GSS23082 003 Rev 4, GSS23082 003A Rev 3, GSS23082 005 Rev 2 and the development including the disposition of uses described within the building shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan and Places for Everyone Joint Development Plan listed.
- 3 The development hereby approved shall include Hush-Wall acoustic lining along the Party Wall with No. 70 Kings Road as set out within paragraphs 5 - 5.1.2.1 of Noise Impact Assessment Ref 11283revB. The acoustic lining shall be implemented in full and available for use before use of the premises first commences.
Reason. To protect the amenity of the occupants of the attached dwelling once the development hereby approved is occupied pursuant to Bury Unitary Development Plan Policy EN7/2 - Noise Pollution.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP 6/2/25		DM 6/2/25	