

DELEGATED REPORT

Report by Helen Pressley	Date of report: 02/06/2025	Ref: 71848/FUL
Registration: 09/04/2025	LDfC: 22/05/2025	Expiry Date: 04/06/2025
Site Visit: 02/06/2025	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: Variation of condition 2 (approved drawings) of planning permission 71419 to increase size of single storey extension

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 has been granted 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.

A variation of condition 2 (approved plans) of application 71419 is proposed that includes the enlargement of the proposed single storey side extension. The proposed side extension would now extend beyond the existing rear elevation of No. 72 connecting to the existing single storey rear extension at No. 74. The proposed additional extension would project a maximum of approximately 2875mm from the side of No. 74 as extended and 9090mm beyond the existing rear elevation of No. 72. The proposed additional floor area would be utilised as a cloak room and circulation space.

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F1(f)) with single storey side extension to link to existing synagogue at 74 Kings Road and external alterations - Withdrawn by Applicant 20/03/2024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 neighbouring properties 29th April 2025.

No representations received.

Statutory/Non-Statutory Consultations

Traffic Section - No response.

Environmental Health - Pollution Control - Ensure the noise mitigation methods from original plans 71419 are used in the extension

Pre-start Conditions - Not relevant

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)

As with the original permission, application 71419, 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

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.

As with the previous scheme a proposed single storey, flat roof extension is proposed to join the two properties. The proposed flat roof would now project beyond the existing rear elevation of No. 72 however this element would be screened from public view by the existing rear extensions at No. 74. The proposed extension is simple in form with a window to the front elevation 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 previously submitted a submitted a Noise Impact Assessment to support the previous application. Environmental Health have reviewed the proposed mitigation measures and have asked for them to be secured by condition as with the previous scheme.

The proposed extension would not project beyond the principal front elevations of the existing dwellings. The proposed extension would project beyond the rear ground floor elevation of No.70 (as extended) but would be sited approximately 4900mm off the shared boundary with this property and as such would not have an unduly overbearing relationship with this property. No windows are proposed within the rear and side elevations of the proposed extension The proposed front window would be separated from directly facing properties by a highway and as such no undue 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. Application 71419 was 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. It is not considered that the enlargement of the previously approved single storey extension would materially alter the conclusions of the previously submitted highways note.

Carbon and Energy

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

The applicant confirmed on submission of application 71419 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

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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 7th February 2028.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 This decision relates to drawings numbered GSS23082.2 005, GSS23082.2 003A, GSS23082.2 003 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 submitted and approved as part of application 71419. 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 02/06/2025		DM 2/6/25	