

DELEGATED REPORT

Report by Claire Booth	Date of report: 17/04/2024	Ref: 70511/FUL
Registration: 23/02/2024	LDfC: 19/03/2024	Expiry Date: 19/04/2024
Site Visit: 05/04/2024	Site Notice: N/A	Press Date: N/A
14:20:00		
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: MIOT

Proposal: Single storey rear/side extension for use as changing room and shower area

Location: Mikvah, 102-104 Albert Avenue, Prestwich, Manchester, M25 0LU

Description

The application site relates to a pair of semi-detached properties, which are located on the south side of Albert Avenue and between Harrogate Avenue and Sedgley Avenue. The property is in use as a Mikvah, a Jewish communal ritual bath, at ground floor. Application 52243, dated 07 May 2010 planning permission granted permission for the first floor to become a residential apartment.

The application site, on what was formally 102 Albert Avenue, has a small rear outrigger.

The application site borders 100 Albert Avenue to the West, a plot of green space bordering the eastern boundary of the application site, and a further green space/ woodland to the South.

Approval of application 69174 for a single storey rear extension on the 01/02/2023, which approved a rear extension, projecting 7.5 metres from the rear elevation of the application building and extending the full width of the rear elevation. This approved extension has not been started, however it remains extant until the 01/02/2026.

Planning permission is sought for the same rear extension and for a side extension which would extend approximately 3.6m down the west facing gable elevation before extending approximately 10.5 metres beyond the main portion of the rear elevation. The additional accommodation will enable improved showering and changing facilities and also for a Laundry Room.

Relevant Planning History

69174 - Single storey rear extension - Approved with Conditions, 01/02/2023

52243 - Change of use of ground floor to communal ritual bath (Mikvah); Erection of single storey rear extension and conversion of first floor to self contained flat. Approved with Conditions, 07 May 2010.

49269 - Conversion of the ground floor of 104 to a Mikvah, Approved with Conditions, 28 February 2008.

Publicity

5 neighbouring properties have been formally consulted by letter.

No representations have been received.

Statutory/Non-Statutory Consultations

Environmental Health - Contaminated Land - No objections

Environmental Health - Pollution Control - No comments or observations received.

Traffic Section - No comments or observations received.

Waste Management - No comments or observations received.

Pre-start Conditions - Not applicable.

Unitary Development Plan and Policies

EN1/2	Townscape and Built Design
EN7/2	Noise Pollution
EN1/2	Townscape and Built Design
JP-P1	Sustainable Places
JP-P3	Cultural Facilities
JP-C8	Transport Requirements of New Development
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) and the adopted Bury Unitary Development Plan (UDP) together with other relevant material planning considerations, including relevant policies in the emerging Places for Everyone Joint Development Plan.

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 Policy 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 of Development

Policy JP-P3 of the Places for Everyone Joint Development Plan will protect existing heritage, cultural and community venues, facilities and uses. The property is already used as a Mikvah, and seems to have been operating since approximately 2008.

Albert Road is located in a community that is largely, but not exclusively, Jewish. The Jewish religion places various constraints on its participants and one of them is that they may not use mechanical devices of any kind on the Shabbat (the Sabbath). Certain adherents to the faith also have a requirement to bathe prior to attending the Synagogue. This bathing facility is for these specific adherents to the faith. Given the location of the baths within the Jewish Community, the fact that the immediate neighbours have not objected and that it is adjacent to a vacant site and that it would extend an existing 'community' facility it is considered that from a land use point of view it would be in compliance with P/E Policy JP-P3. The proposal is therefore acceptable in principle.

Design and Visual Amenity

UDP Policy CF1/1 requires, amongst other things, consideration be given on the impact of proposals on the locality and that the scale and size of the development. Policy EN1/2 concerns itself with townscape and built design, the appearance of proposed developments, and their relationship to their surroundings and upon visual amenity.

The application site was formally a pair of semi-detached dwelling which each had their own rear garden. The two garden areas are now one large space. The application site backs on to a woodland located at the rear, on land to the rear of Albert Avenue and Cavendish Avenue. There are no formal Public Rights of Way through this woodland and therefore there would be no public views of the site from this land.

The proposed extension would be single storey in height, and would extend from the side elevation towards the rear of the property. In views from Albert Avenue, the proposed side extension would appear as a subordinate addition to the host building. The open plot of land abutting the western boundary of the site, contains a number of trees which prevent clear open views of the gable of the property. Therefore, whilst the proposed extension would extend beyond the rear elevation of the existing building by approximately 10.5m, only partial views of the proposed rear extension would therefore be visible from Albert Avenue, primarily when travelling towards Albert Avenue from Harrogate Avenue, and therefore, the impact on the visual amenity of the street scene would not be significant. The proposal therefore accords with the criterion c) of UDP Policy CF1/1.

Residential Amenity

Policy CF1/2 requires, under criterion a.) that the impact on residential amenity be considered.

To the East of the application site 100 Albert Avenue, a semi-detached dwelling, exists. Due to the extension not projecting beyond the existing side of the property, being single storey and flat roofed and the rear of the property facing north, the length of the proposed

extension would not cause demonstrable harm to the amenity of these occupants as any loss of sunlight to these residents would be minimal. The approximate 2.0 metre high timber boarded boundary fence along the shared boundary assists in minimising the extent the extension proposed. Moreover, the extent of the extension nearest the shared boundary with no. 100 Albert Avenue would be no longer than the proposals approved under application 69174.

A plot of vacant land borders the western boundary of the site and therefore the proposed extension would be at least 18m away from the boundary of 110 Albert Avenue. The proposed extension would therefore not harm the amount of sunlight or daylight currently received by these occupiers. In addition, as only high level windows are proposed in the side elevations of the proposed extension, no overlooking of this neighbours habitable room would occur. The proposed extension would therefore not harm the amenity of the occupiers of 110 Albert Avenue.

The application site backs on to a woodland located at the rear, which separates the rear garden areas of properties on Albert Avenue from the rear garden areas of properties on Cavendish Road. There would thus be no loss of amenity to any of the residents on Cavendish Road resulting from the proposed extension.

Highway Safety

Policy JP-C8 of the Greater Manchester Places for Everyone Joint Development Plan concerns itself with the transport requirements of new development. It requires development to be located and designed to enable and encourage walking, cycling and public transport use to reduce the negative effects of car dependency, and help deliver sustainable, high quality, attractive and livable environments.

The existing Mikvah is primarily used by local residents, who walk to the site. Bury Old Road is also on a Public Transport Route. There are also a range of local shops along Park Place, set back off Bury Old Road. The application site is therefore located in an accessible location.

The increase in the size of the existing changing area, over and above the extent of the extensions approved under application 69174 would not cause a significant increase in the number of visitors to the application site, and therefore would not result in demonstrable harm to highway safety or the current on-street car parking provision on Albert Avenue. The proposal therefore accords with Policy JP-C8 of the Places for Everyone Joint Development Plan.

Conclusions

The proposed extension is to be located to the rear of the property and would thus not be highly visible within the street scene and due to the presence of woodland at the rear, the proposed extension would not cause harm to the visual amenities of the locality. In addition, the proposals would not harm the amenity of the nearby neighbours or highway safety. Overall the proposals therefore comply with Policies CF1/2, EN1 and EN1/2 of the Bury Unitary Development Plan and Policies JP-P3 and JP-C8 of the Places for Everyone Joint Development Plan. For these reasons, the proposals are thus recommended for approval.

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

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. 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 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 This permission relates to the following plans:

Drawing. No. 001.Rev. 2: Site - Location and Block Plan;
Drawing. No. 301. Rev. 1: Existing and Proposed Site Pla; and,
Drawing. No. 003. Rev. 6: Proposed GA Plans and Elevations

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Bury Unitary Development Plan and the National Planning Policy Framework.

- 3 The external finishing materials for the proposal hereby approved shall match those of the existing building.

Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan and the National Planning Policy Framework.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
CB - 16/04/2024		DM	17/04/2024