

DELEGATED REPORT

Report by Claire Booth	Date of report: 31/01/2023	Ref: 69174/FUL
Registration: 13/12/2022	LDfC: 31/01/2023	Expiry Date: 07/02/2023
Site Visit: 12/01/2023	Site Notice: N/A	Press Date: N/A
12:40:00		
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: MIOT

Proposal: Single storey rear extension

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

Description

The site comprises the ground floor of a pair of semi detached former residential properties which have been knocked through to create one building, used as a Mikvar/ communal ritual baths, in a central location of a Jewish community in Prestwich. A small extension exists at the rear that has a width of approximately 2.5m and projects approximately 3.5m from the rear elevation. A single storey side extension projects off the

The first floor of the property is used as a residential flat. This is accessed internally. The rear and gables of the property are covered in white render.

Permission is sought for a rear single storey extension that would project from the original rear elevation of the semi-detached properties by approximately 7.7 metres (including the roof overhang) and is to expand the whole width of the property. The extension is to have a flat roof and would be approximately 3.3m in height. It would sit below the sills of the first floor windows. The proposed extension would have high level horizontal windows to all three elevations and would have rendered walls. A doorway is proposed on the west facing side elevation.

The proposal would create approximately 80m² of additional floor space to create toilets and an enlarged changing room area for the Mikvah, religious baths.

Due to inconsistencies between the submitted Block Plan and the Proposed Plans and Elevations drawing, the LPA requested that these be corrected. Amended Plans, relating to the Block Plan and the submission of Existing and Proposed detailed Site Plans have therefore been received, on both the 30th and 31st January 2023 correcting the discrepancies and clarifying the extent of the proposals. The amendments and additional information received are minor and do not change the extent of the proposals. Therefore there is no need to re-consult neighbours on the amended drawings.

Relevant Planning History

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

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.

Publicity

Immediate neighbours have been consulted by letter. No comments have been received.

Statutory/Non-Statutory Consultations

Not applicable.

Pre-start Conditions - Not applicable

Unitary Development Plan and Policies

EN1/2	Townscape and Built Design
EN7/2	Noise Pollution
CF1	Proposals for New and Improved Community Facilities
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. 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

UDP Policy CF1/2 concerns itself with proposals for new and improved community facilities and is generally supportive of such proposals subject to a number of matters being considered and found to be acceptable. These matters will be discussed throughout this report.

In terms of the principle of these proposals, 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 bath 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 the UDP policies CF1/1.

Design and Visual Amenity

Policy CF1/2 requires, amongst other things, consideration be given on the impact of proposals on the locality and that the scale and size of the development. Policies EN1 and EN1/2 concerns itself with townscape and built design and 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 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. As the extension would be single storey in height, there would be minimal impact on visual amenity.

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.

A plot of vacant land borders the West boundary of the site and therefore the proposed extension would be at least 18m away from the boundary of 110 Albert Avenue. In addition, as only high level windows are proposed in the side elevations of the proposed extension, no overlooking of this neighbour's 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

The existing Mikvah is primarily used by local residents, who walk to the site. The increase in the size of the existing changing area would not cause a significant increase in the number of visitors to the application site, it would result in a more pleasant experience for users of the religious baths.

Conclusions

The proposed extension is to be located to the rear of the property and would thus not be visible from 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. 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, within an agreed decision timescale, to allow the applicant to address the inconsistencies that existed between plans/ drawings. 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:

Dwg. No. 001.Rev. 1: Site - Location and Block Plan, amended 30 January 2023;
Dwg. No. 003. Rev. 3: Proposed GA Plans and Elevations; and,
Dwg. No. 301: Existing and Proposed Site Plan, amended 31 January 2023.

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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>