

**Ward:** Prestwich - Sedgley

Item 03

**Applicant:** Shaarei Mordechai Synagogue

**Location:** Shaarei Mordechai Synagogue, 76 Bury New Road, Prestwich, M25 0JU

**Proposal:** Variation of condition 13 following approval of planning permission 45841- Change opening hours from 07:00 - 23:00 to 06:00 - 00:00

**Application Ref:** 66854/Full

**Target Date:** 22/06/2021

**Recommendation:** Approve with Conditions

### **Description**

The application relates to a synagogue on the corner of Bury New Road and Queens Drive/Sedgley Park Road. The site has two vehicular access points, one from the Queens Road end and one further south next to 74 Bury New Road. There is a hardstanding on the Bury New Road side with space to park 3/4 cars.

The area is characterised by a mix of uses with an office block across the road to the north and the police college to the east. There are residential properties directly to the south with district centre commercial units and telephone exchange on the opposite side of Bury New Road to the west.

The original planning permission for the synagogue (Ref:45841) was approved in 2002 and condition 13 of the approval restricted opening hours to 07.00- 23.00hrs.

A subsequent application to extend the opening hours from 6am to midnight was refused in 2019 on grounds that it would have an unacceptable impact on the residential amenity of neighbours.

This application is a resubmission of the application to extend the existing approved opening hours an extra hour in the morning and also at night with proposed opening from 06.00 to 24.00hrs (midnight).

The application was accompanied by a supporting statement. It states that the opening hours are no longer suitable in that there is now a greater demand for earlier prayers, particularly in the period prior to the Jewish New Year (Rosh Hashanah) and up to Yom Kippur - this occurs at slightly different times each year but usually for a two week period September/October. The applicant also states that the building has been used for private study before 7am and after 11pm for a number of years. Prayer sessions are not accompanied by music and there is no singing apart from the Sabbath. It is noted that there is no permission for this nor any claim formalised via a lawful development certificate under s191 of the Town & Country Planning Act.

An acoustic report (KP Acoustics Ltd) was also submitted with the application. Detailed results of the assessment can be found on the planning application file on the Council's website. The main points of the report are set out below:

- The survey at the Synagogue covered the assessment of daytime and night-time levels at noise sensitive receivers near the synagogue during its proposed extended operating hours and a noise break-out calculation was undertaken in relation to the proposed synagogue extended operating hours.
- It is understood that activity within the synagogue and auxiliary building in its extended opening hours of 06:00-07:00 and 23:00-24:00 is not likely to exceed 120 attendees.

- Access to the synagogue premises is located through doors on the north and east facades. Access to the function room is located between the synagogue and function rooms buildings, the door for which is set back from the road.
- The attendees would be accessing the site individually, therefore it is not expected any group of attendees larger than 4 standing at any elevation in these hours. Furthermore, the existing noise profile of the area would partially mask any typical speech at the entrance of the community centre, and therefore patron noise would not negatively impact the amenity of the closest residents.
- It is understood that amplified music and speech is not played within the synagogue or its function room.
- The predictions show that noise break-out is expected to be below the measured representative background noise levels and to comfortably meet the most stringent recommendations of the relevant British Standard.
- No further mitigation measures should be required in order to protect nearby residential dwellings from external noise intrusion from the synagogue.

### **Relevant Planning History**

45841 - Construction of new synagogue & mikveh and extension to existing synagogue (amended scheme) - Approved 04/04/2002.

64341 - Extension of opening hours 7am to 6am and 11pm to 12 Midnight - Refused 29/08/2019

### **Publicity**

Surrounding neighbours and previous objectors (64341) - Objections received from the following properties Nos.1 and 2 Queens Drive and 25 Rochester Avenue.

concerns are summarised:

- There is already considerable noise from car doors banging before 7am and well after midnight and parking is limited.
- Worshipers have conversations late at night and early morning outside the house disrupting our sleep. To have the synagogue operating longer hours will be a further disruption to our everyday lives.
- Surely consideration should be given to all residents in the area including those who are not members of the synagogue.
- I have been told, on more than one occasion, by several congregants that no matter what objections I might have "they have people on the council who will pass their request". If this is so, it also implies there could be a concerted effort to drive non Jewish members of the community out of the area. Having lived here in our home for 45 years that indication is outrageous.

103 representations have been received from properties within the Prestwich area in support of the proposal, generally stating that the extended opening and closing for the synagogue would benefit the congregation and wider Jewish community.

All those making representations have been notified of the Planning Control Committee.

### **Statutory/Non-Statutory Consultations**

Environmental Health (Pollution Control) - No objection subject to a condition for restricting the additional hours to the limited festivals.

### **Pre-start Conditions - N/A**

### **Unitary Development Plan and Policies**

NPPF	National Planning Policy Framework
EN7/2	Noise Pollution
CF1	Proposals for New and Improved Community Facilities
H3/1	Assessing Non-Conforming Uses

### **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.

**Need** - The critical factor in assessing this proposal is whether the need for, and benefits accruing to, the extended opening hours outweigh the detrimental impact caused by the noise and disturbance to neighbours.

The applicant states that the hours conditioned by the original consent back in 2002, are not appropriate to the current demand by patrons for earlier prayers and later prayers and study.

**Extended hours/ Impact on Residential Amenity** - It is important that the religious/cultural needs of the any community are recognised and catered for. It is also important that the residential amenity of existing residents is also taken into consideration and balanced.

There are in general, two areas where conflict with neighbour amenity could occur - noise and disturbance from patrons arriving and leaving the synagogue and from noise from within the building.

Given the findings of the acoustic report, it is not considered that there would be significant noise outbreak from the building during prayer times to cause a serious problem to neighbouring residents.

With regard to noise and disturbance from external areas, this would most likely come from patrons coming and going and by definition is more difficult to assess. The main access is on the north side of the building, a short distance from the nearest neighbours on Bury New Road and Queens Drive. Although a proportion of patrons visiting the synagogue during the earlier and later opening periods would be attending on-foot, it is reasonably assumed that a proportion of patrons visiting the synagogue, either for prayer or study, would come by car and park on surrounding roads, given the limited on-site parking. As already stated, if patrons are parking on residential roads such as Queens Drive or Rochester Road, the comings and goings (engine noises, car doors/gates banging etc) would, it is considered cause a certain amount of noise and disturbance during the generally quieter periods before 7am and after 11pm. Given that the surrounding roads are usually 'parked up' with resident's cars and visitors to the nearby police training college, the parking/ manoeuvring is likely to be to be extended. Furthermore, it is probable that there would be people arriving before these times to prepare the synagogue for opening, thereby diminishing the 'quiet time' even further.

It is considered that the existing opening hours of the synagogue, from 7am to 11pm are appropriate to it's site and surroundings and later opening throughout the year, would cause significant harm to the residential amenity of neighbours. In recognition of the issues here, a degree of mitigation could be achieved and be more acceptable in terms of residential amenity to restrict the extended opening periods to those related to the religious festival period between Jewish New Year (Rosh Hashanah) and Yom Kippur and the period of late sundown in June and early July only. All other times of the year, normal prayer and study times would be restricted to those previously approved under the original application. This can be achieved by attaching a suitable condition to this effect. Extending the opening throughout the year for patrons who want to study later is not considered acceptable. This approach is supported by Environmental Health as they consider that the external activities or arriving/departing is where the likely noise source would be generated.

With the proposed condition, restricting opening to the two specific periods in June/July and September/October referred to above, the proposal is considered, on balance, to be acceptable and complies with the National Planning Policy Framework and UDP Policies EN7/2 Noise Pollution, H3/1 Assessing Non-Conforming Uses and CF1 Proposals for New and Improved Community Facilities as there would be a substantial element of protected time daily and throughout the rest of the year.

**Objections** - The concerns of the neighbours with regard to noise and disturbance are addressed in the above report.

**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 the application process 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

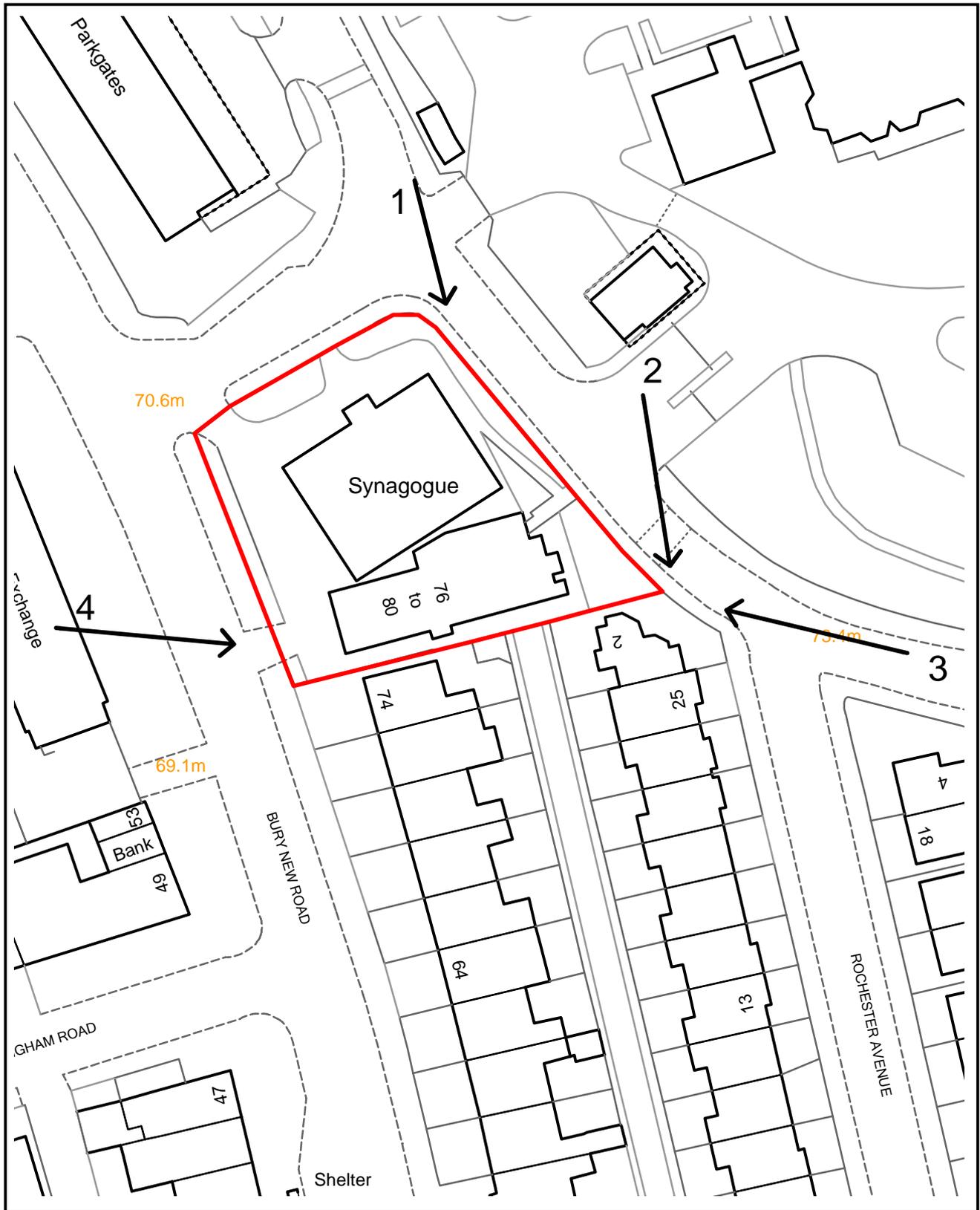
## Conditions/ Reasons

1. The opening times for the Synagogue shall be :-
  - 0600hrs to 0000hrs (Midnight) restricted to those dates indicated in the Selichos Calendar (submitted as additional information on 3/06/2021 and reproduced within the informatives attached to this decision); and for the period 1st June to 10<sup>th</sup> July for late evening prayer (Maariv); and
  - For all other times, 0700hrs to 2300hrs (in accordance with the original approval (45841)).

Reason. In the interests of residential amenity pursuant to UDP Policies EN7/2 Noise Pollution and CF1 New and Improved Community Facilities.

For further information on the application please contact **Tom Beirne** on **0161 253 5361**

# Viewpoints



## PLANNING APPLICATION LOCATION PLAN

APP. NO 66854

ADDRESS: Shaarei Mordechai Synagogue  
76 Bury New Road

Planning, Environmental and Regulatory Services

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**Bury**  
COUNCIL

66854

Photo 1



Photo 2



66854

Photo 3

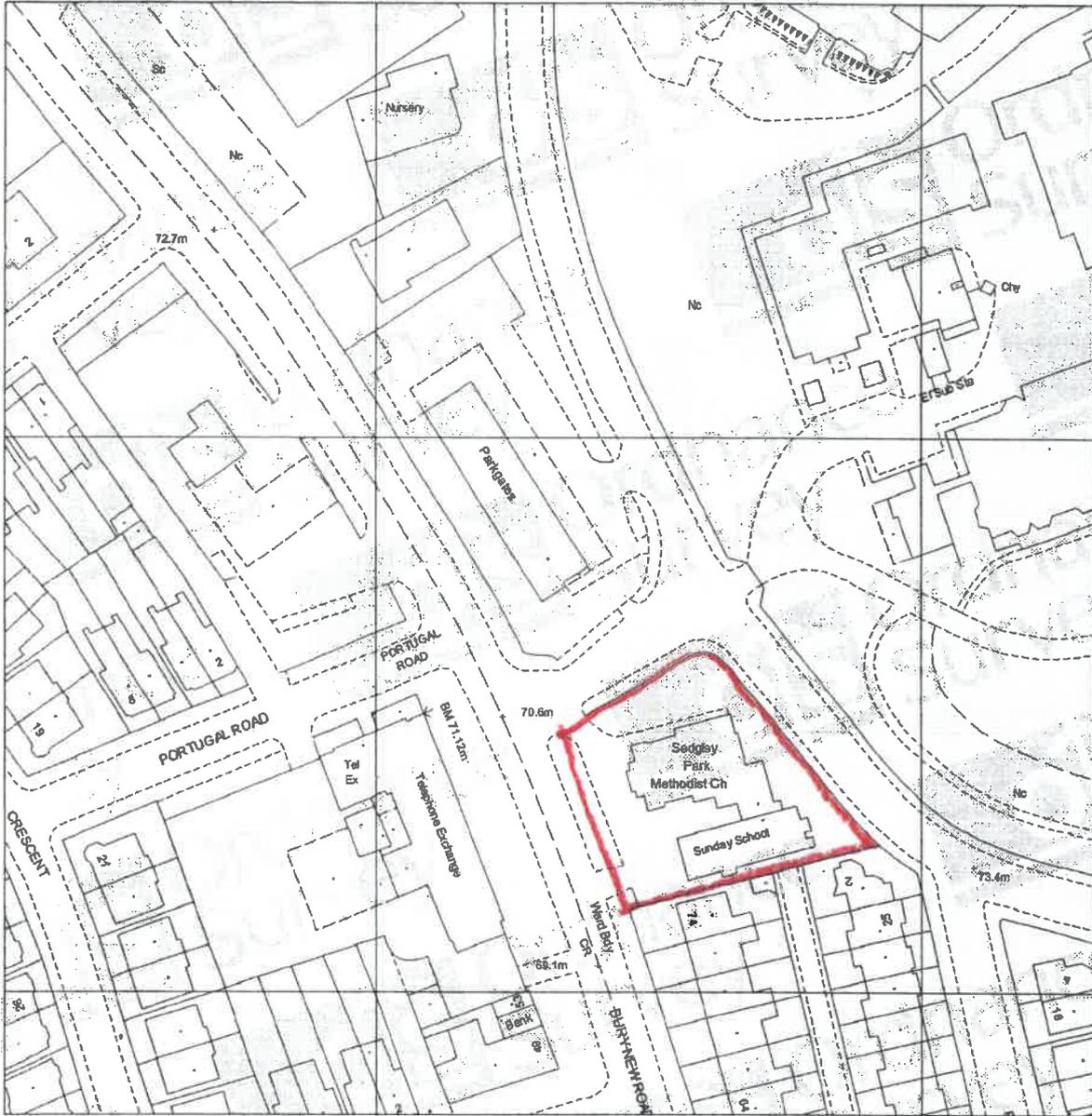


Photo 4



**Siteplan®**

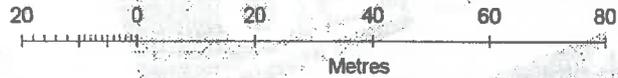
**1:1250 Scale**



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**76 BURY NEW ROAD, PRESTWICH  
MANCHESTER  
M25 0JU**

Centre coordinates : 382032mE 402678mN

National Grid sheet reference at centre of this Siteplan: SD8202NW.

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## 20 year Calendar of Selichos

The first date is the Sunday (or Sunday week) before Jewish New Year. The second date is Yom Kippur eve (day before Day of Atonement)

- 2021 29 August – 15 September
- 2022 18 September - 4 October
- 2023 10 September – 24 September
- 2024 29 September – 11 October
- 2025 14 September - 1 October
- 2026 6 September – 20 September
- 2027 26 September – 10 October
- 2028 17 September – 29 September
- 2029 2 September – 18 September
- 2030 22 September – 6 October
- 2031 14 September - 26 September
- 2032 29 August – 14 September
- 2033 18 September – 2 October
- 2034 10 September -22 September
- 2035 30 September – 12 October
- 2036 14 September – 30 September
- 2037 6 September - 18 September
- 2038 26 September – 8 October
- 2039 11 September - 27 September
- 2040 2 September – 16 September

