

**COMMITTEE DATE:** [11/08/2014](#)

**Application Reference:** **13/0736 and 13/0734**

WARD: Talbot  
DATE REGISTERED: 11/11/13  
LOCAL PLAN ALLOCATION: No Specific Allocation  
Defined Inner Area

APPLICATION TYPE: Listed Building Consent  
APPLICANT: Thompson Property Investments

**PROPOSAL:** External alterations including replacement windows and erection of part two-storey, part single-storey rear extension, second floor rear extension including enclosed roof garden following part-demolition of existing single-storey corridor extension, and use of part-ground floor, part- first floor and second floor as altered as five self-contained permanent flats with associated basement cycle storage, rear bin store, landscaping, car parking and boundary treatment (Application for Listed Building Consent).

**LOCATION:** BLACKPOOL UNITED HEBREW SYNAGOGUE, LEAMINGTON ROAD, BLACKPOOL, FY1 4HD

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**Summary of Recommendation:** Refuse

#### **CASE OFFICER**

C Johnson

#### **INTRODUCTION**

Applications for Planning Permission (ref 12/0665) and Listed Building Consent (ref 12/0703) for an almost identical development, were submitted in September 2012. Both applications were withdrawn before they could be brought to the Planning Committee following concerns raised by officers, the public and consultees.

This application and a corresponding application for Planning Permission (ref 13/0734) were submitted in November 2013. The applications are identical and the issues and considerations are complex and interlinked. As such, this report covers both applications and will consider both the planning merits of the proposal and impact on the heritage asset (a Grade II Listed Building).

The case officer and the Head of Development Management have had several meetings and discussions with the agent since September 2012, regarding the content of the applications and the level of detail required so that officers, the general public, Members and statutory consultees can make an informed judgement of the benefits of the scheme for the Listed Building and for the public and to weigh any benefits against other planning policy considerations.

Your officers remain concerned that the sufficient public benefit has not been demonstrated through the proposals.

The Council is seeking to designate the area around the Synagogue as a Conservation Area (Raikes Parade Conservation Area) and it is anticipated that the proposed designation will be consulted on later in 2014.

### **SITE DESCRIPTION**

The area around Leamington Road to the south, east and southwest of the synagogue is predominantly residential in character, comprising two-storey detached, semi-detached and terraced properties. To the west there is the former Raikes Parade Methodist Church and the Grade II Listed Citadel. Properties to the north and north-west of the Synagogue are commercial in nature as Church Street forms one of the main arterial roads into the Town Centre.

Leamington Road and the surrounding residential streets are densely developed with small front gardens and red brick facing materials, giving the area a unified character.

The property is within the Defined Inner Area but has no specific allocation under the Blackpool Local Plan 2001-2016.

The Synagogue was erected between 1916-1926 in smooth red brick with ashlar dressings and pantile and lead roofs. The front elevation is a gable end and has a round-arched, coped, low parapet behind which rises a small octagonal dome. Built in Byzantine style with a combination of architectural elements such as Art Nouveau and Edwardian, the building has stained glass throughout depicting scenes from the Torah and commemorative dedications.

The building was extended in the 1950s and the 1960s to accommodate a growing congregation and to provide ancillary facilities such as a kitchen, meeting rooms and classrooms.

Internally, the main worship space is largely intact with the pews and the gallery/decorative balustrade (for female worshippers) and other features associated with Jewish worship remaining in their original context. A stained glass lantern remains within the vaulted ceiling but this has been covered over externally. In the basement there is an original Mikveh for ritual bathing in working order which is rare to find in synagogues.

A dwarf wall constructed of matching bricks surrounds the site. To the rear there is access to a service alley which runs between Leamington Road and Church Street.

The building is in poor condition with windows and lintels requiring urgent repairs. Some of the stained glass has slumped and is bowing and damaged, blocked or missing rainwater goods have led to brick staining and damp ingress.

The synagogue was given a Grade II Listed status in August 1998 and was deconsecrated on 13th May 2012 and is on the Heritage at Risk register.

### **DETAILS OF PROPOSAL**

The proposal involves the segregation of the 1955 and 1967 extensions at the rear from the front original worship space and the conversion of the rear extensions into five self-contained flats, each with two bedrooms. External alterations would include replacement

windows and erection of a part two-storey, part single storey rear extension, a second floor rear extension including an enclosed roof garden following part demolition of an existing single storey corridor extension.

Each flat would have two bedrooms and access to the roof garden. Refuse storage would be provided at the rear and cycle storage would be provided in the basement. There would be two off street parking spaces at the rear accessed off the rear service alley.

The resulting synagogue worship space would be reduced in size to its original footprint and would be serviced by an office, a small meeting room, kitchen and WCs.

The application is accompanied by a Design and Access Statement, a Conservation Options Appraisal and Risk Assessment and Management Plan and a Statement of Significance which includes a Condition Report and Heritage Impact Assessment.

The Committee will have visited the site on 11<sup>th</sup> August 2014.

### **PLANNING HISTORY**

9234 Construction of classrooms and alterations. Refused 20/04/1954  
9506 Erect classrooms to synagogue. Granted 1954  
26902 Construction of alterations and extensions. Granted 07/08/1963  
33438 Erect more synagogue accommodation. Refused 26/07/1966. Appeal dismissed 08/08/1967  
12/0665 External alterations including replacement windows and erection of part two-storey, part single-storey rear extension, second floor rear extension including enclosed roof garden following part demolition of existing single-storey corridor extension, and use of part-ground floor, part first floor and second floor as altered as five self-contained flats with associated basement cycle storage, rear bin store, landscaping, car parking and boundary treatment. Planning application withdrawn 14<sup>th</sup> May 2013.  
12/0703 External alterations including replacement windows and erection of part two-storey, part single-storey rear extension, second floor rear extension including enclosed roof garden following part demolition of existing single-storey corridor extension, and use of part-ground floor, part first floor and second floor as altered as five self-contained flats with associated basement cycle storage, rear bin store, landscaping, car parking and boundary treatment. Listed building consent application withdrawn 14<sup>th</sup> May 2013.

### **MAIN PLANNING ISSUES**

The main planning issues are considered to be:

- Principle of development
- Impact on the Grade II Listed Building
- The amenity of future occupants

These issues will be discussed in the assessment section of this report.

### **CONSULTATIONS**

#### **English Heritage:**

11th December 2013 - The application appears to be identical to a previous application (application no. 12/0703) in response to which we provided advice letters dated 12th

October 2012 and 27th February 2013. The application relates to the grade II listed Synagogue and proposes to sub-divide the site, with residential apartments to the rear and the Synagogue remaining in a smaller footprint to the front of the site. The existing 1950s rear gallery within the Synagogue would be removed to increase the floorspace available for the apartments. Our principal concern with the previous application related to the lack of integration of the Synagogue with the remainder of the site and the potentially negative impact that the reduced floor area and adjoining residential use could have on the ability to secure a long term use for the Synagogue, the future use of which did not seem to have been considered within the proposed development.

The current application does not appear to address this issue or provide evidence that all other reasonable alternatives have been considered. We do not believe that the proposals would sustain or enhance the significance of the heritage asset, as required by the National Planning Policy Framework (paragraph 131), or secure a viable use for the heritage asset that would be consistent with its conservation. The proposals could cause harm to the heritage asset (NPPF paragraph 134) and it is not clear that the application would create any genuinely public benefits that would outweigh the harm.

Therefore we cannot support the above applications and recommend that consent is refused.

*Following the submission of additional information in respect of the application, English Heritage was reconsulted and has made the following comments;*

14th April 2014 - The application represents a revision to a previous application (no. 12/0703) for the subdivision of the rear part of the synagogue to provide a two storey residential development. Our letter, dated 27th February 2013, provided advice in relation to the previous application. The revised application is supported by a more thorough assessment of significance which sets out the impacts of the proposed scheme. It is clear that the proposals would harm the national significance of the grade II listed synagogue. The degree of harm appears to be less than substantial (NPPF 134) and accordingly the local planning authority should weigh the harm against any public benefits to be gained from the project, including securing the optimum viable use. The application refers to the National Planning Policy Guidance in this respect, however it is not clear how the current proposals would secure the optimum viable use for the synagogue. The application has offered to remove significant windows, undertake a schedule of repairs and record the interior through a series of planning conditions, should the application be approved. However there is no guarantee that a new viable use will be secured for the synagogue. We remain concerned that the proposed subdivision could represent a short term approach to redeveloping the rear part of the site while potentially compromising the ability to secure a new use for the synagogue itself. Therefore we are unable to support the revised application. If the local planning authority weigh the public benefits in favour of the current application we strongly recommend that conditions are attached requiring the proposed schedule of repairs to be implemented prior to the commencement of the residential development to the rear (NPPF 136) and that the applicant enters into a planning agreement with respect to achieving a viable new use, and on-going maintenance, of the synagogue.

If your authority is minded to grant consent, you should notify the Secretary of State of this application in accordance with Circular 08/2009.

**Director of Jewish Heritage:**

A comparison of the amended proposals with the original proposal, does not reveal any appreciable difference in the approach adopted: namely physically to separate the synagogue from the proposed redevelopment of the communal hall and rear of the site as flats. This intention is made clear by the on-going attempt to dispose of the synagogue itself on the open market (asking price: £130,000).

Given that a year has elapsed since the original application was submitted, we are prepared to countenance approval for the redevelopment of the hall and rear of the site as flats to go ahead on condition that:

1. Immediate action is taken to rectify the increasingly neglected state of the site (apparent at our last site inspection in August 2013). The appearance of the front yard and garden area to the side of the synagogue, and the overgrown, unkempt hedge, is inviting undesirable activity, leading to objections from neighbours. The following steps should therefore be taken:

a) Gardening - especially cutting the privet hedge down low enough so that passers-by can see over the top.

b) Rubbish clearing of fly tipping (a mattress), accumulation of beer cans and hypodermic needles.

c) Erection of temporary fencing to block off from trespassers and abuse the exposed side elevation and frontage of the synagogue.

2. Repairs to the synagogue, including roof, dome, rainwater goods, boundary walls and interior, are carried out according to a pre-agreed schedule of works before the construction of the flats takes place.

3. All repair/ replacement of original fabric must be 'like for like' e.g. replacement of lost rainwater goods in iron not upvc.

4. The synagogue prayer hall is withdrawn from commercial sale separately from the rest of the site and renewed efforts are made to find a suitable new user. We strongly favour retention of the synagogue in use as a place of worship, preferably by a Jewish community, perhaps of another denomination or, by another faith group in the town, with appropriate liturgical changes made subject to Listed Building Consent.

5. An 'enabling development' type arrangement is created whereby some of the income generated from the residential development would assist in the upkeep of the synagogue space. A leasehold or tenancy arrangement for the new user of the synagogue, rather than its outright sale, would be most likely to guarantee its long-term maintenance.

**Built Heritage Manager:**

I am concerned about the proposal to sell off the front section of the building and develop the rear in isolation. The reason I initially supported the proposal was as a scheme of enabling development to secure funding for the full repair of the main building. Unless the work is undertaken holistically as envisaged, the future of the main worship space will be seriously compromised and I would, therefore, recommend that the application is refused. If the developer presents a proposal which includes an undertaking to repair the synagogue, preferably having secured an end use(r), then I would be happy to re-negotiate. I also believe that steps should be taken if possible to make sure the whole building is kept in single ownership so that future maintenance of the synagogue can be secured.

**County Archaeologist:**

The Conservation Plan has identified the following elements of the building as being of exceptional significance with a very low capacity for change:

Exterior - the Leamington Road facade and the Laneway facade

Interior - Mikveh, the Main Prayer Room of 1916 synagogue and the Upper Gallery (1916)

These elements should remain unaltered in any proposals, and that consideration also be given to the retention of the rear of the Main Prayer Room (of exceptional significance but considered to have a low capacity for change). It should also be noted that the stained glass windows depicting scenes of the Torah are considered to be of a high quality and merit retention within the building.

Consequently should the Council be minded to grant planning permission to this, or any other revised scheme, LCAS would recommend that mitigation of the impact of the proposals in the form of a detailed archaeological record of the building be undertaken, and that such work be secured by means of the following condition:

**No works shall take place on the site until the applicant, or their agent or successors in title, has secured the implementation of a programme of building recording and analysis. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority.**

**Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the buildings.**

Such a recommendation is in accordance with National Planning Policy Framework, para. 141 – Local planning authorities should make information about the significance of the historic environment gathered as part of plan-making or development management publicly accessible. They should also require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

**Blackpool Civic Trust:**

Object to the proposals.

**Head of Transportation:**

Two parking spaces proposed for five flats are considered sufficient in principle. However, these parking spaces only relate to part of the site and no reference is made to car parking provision for the remainder of the site and if this will continue to be a place of worship. Furthermore, the two car parking spaces proposed will be difficult to access due to the narrow width of the rear street (approximately) 4m and parking on the opposite side of the back street associated with the commercial premises on Church Street, where vehicles overhang the highway. Therefore the proposed parking would not meet standards for the use of the entire premises. The rear street has alley gates installed to improve home safety and reduce the risk of intrusion by unwanted visitors. Other benefits can be associated with alley gates. Future occupiers using the parking area on a regular basis will have to continuously open the gates and may forget to close these. The gates are open during the working day to allow access to the rear parking spaces for the commercial premises but could be left open at all times to allow access to these premises and continued access could lead to unsociable behaviour in the area.

## **PUBLICITY AND REPRESENTATIONS**

Press notice published: 5th December 2013  
Site notice displayed: 2nd December 2013  
Neighbours notified: 25th November 2013

An objection has been received from 10 Leamington Road. The objection is summarised below:

- There is very little or no difference between these and the previous plans.
- I feel that the proposal for five flats is an over development of the confined plot.
- Assuming that each flat occupant will have one vehicle but if a family, more likely two vehicles, this will give severe problems regarding parking as Leamington Road is a residential parking area and is extensively used and on most days it is difficult for us to find a parking space.
- The proposed access to this development is a very narrow one way street and refuse collection will be difficult and a lot of household rubbish will be generated.
- The proposal has not taken into consideration the integrity of the rest of the existing building which is classified as a grade II listed building.

## **NATIONAL PLANNING POLICY FRAMEWORK**

The National Planning Policy Framework (NPPF) came into force in March 2012 and constitutes guidance for local planning authorities and decision-takers as a material consideration in determining applications.

The core planning principles in the NPPF include:

- local authorities always seeking to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- local authorities should encourage effective use of land by reusing land that has previously been developed provided that it is not of high environmental value.
- local authorities should conserve heritage assets in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of this and future generations.
- local authorities should deliver sufficient community and cultural facilities and services to meet local needs.

### **National Planning Policy Framework Part 6 - Delivering a wide choice of quality homes.**

To boost the supply of housing, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements.

### **National Planning Policy Framework Part 7 – Requiring good design.**

Good design is a key aspect of sustainable development which is indivisible from good planning and should contribute positively to making places better for people.

Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

**National Planning Policy Framework Part 8 – Promoting healthy communities.**

The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Planning decisions should aim to achieve places which promote opportunities for meetings between members of the community who might not otherwise come into contact with each other. To deliver the social, recreational and cultural facilities and services the community needs, planning decisions should plan positively for the provision and use of shared space, community facilities (such as meeting places, cultural buildings and places of worship) and other local services to enhance the sustainability of communities and residential environments.

**National Planning Policy Framework Part 12 - Conserving and enhancing the historic environment.**

Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. Where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision.

In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on its significance.

In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including economic viability; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

**NATIONAL PLANNING PRACTICE GUIDANCE.**

Paragraph 14 states that Disrepair and damage and their impact on viability can be a material consideration in deciding an application. However, where there is evidence of deliberate damage to or neglect of a heritage asset in the hope of making consent or permission easier to gain the local planning authority should disregard the deteriorated state of the asset.



Paragraph 15 states that it is important that any use is viable, not just for the owner, but also the future conservation of the asset. It is obviously desirable to avoid successive harmful changes carried out in the interests of repeated speculative and failed uses. If there is only one viable use, that use is the optimum viable use. If there is a range of alternative viable uses, the optimum use is the one likely to cause the least harm to the significance of the asset, not just through necessary initial changes, but also as a result of subsequent wear and tear and likely future changes. The optimum viable use may not necessarily be the most profitable one.

### **SAVED POLICIES: BLACKPOOL LOCAL PLAN 2001-2016**

The Blackpool Local Plan was adopted in June 2006 and the majority of its policies saved by direction in June 2009. The following policies are most relevant to this application:

LQ1	Lifting the Quality of Development
LQ2	Site Context
LQ3	Layout of Streets and Spaces
LQ4	Building Design
LQ6	Landscape Design and Biodiversity
LQ8	Energy and Resource Conservation
LQ9	Listed Buildings
HN4	Windfall Sites
HN5	Conversions and Sub-divisions
HN6	Housing Mix
HN7	Density
BH3	Residential and Neighbour Amenity
BH10	Open Space in New Housing Developments
BH21	Protection of Community Facilities
NE10	Flood Risk
AS1	General Development Requirements
PO1	Planning Obligations

### **Supplementary Planning Document 'New Homes from Old Places' March 2011 (New Homes SPD)**

This document outlines the floorspace and amenity standards for conversions (principally though not exclusively of guesthouse and hotels) to provide residential accommodation and was subject to consultation prior to its adoption.

Assuming the principle of residential accommodation is acceptable, the key components relevant in this case are:

- Outlines the dwelling sizes and rooms' sizes for conversions/subdivisions.
- Outlines amenity space/ car parking/ cycle and refuse storage requirements.
- Give best practice guidelines to raise the quality of homes

### **EMERGING PLANNING POLICY**

The Core Strategy Proposed Submission was agreed for consultation by the Council's Executive Committee on 16th June 2014 and by the full Council on 25th June 2014. The document was published for public consultation on 4th July 2014 for a period of eight weeks. Once this consultation period has closed, the intention is that the document will be

submitted for consideration by an independent Planning Inspector through an Examination in Public in 2015.

The Proposed Submission has been informed by up-to-date evidence, including a new Fylde Coast Strategic Housing Market Assessment 2013 (SHMA), which provides an up-to-date assessment of housing needs for Blackpool and the Fylde Coast, and a 2013 Strategic Housing Land Availability Assessment (SHLAA) Update. The housing figure in Policy CS2 has been revisited in order to consider the SHMA outcomes as well as other evidence, including the alignment of housing growth to economic prosperity and the level of housing considered realistic to deliver in the Borough. The 2013 SHLAA Update demonstrates a five-year housing supply in accordance with the requirements of the NPPF.

Policies in the Proposed Submission which are most relevant to this application are:

- CS2 Housing Provision
- CS7 Quality of Design
- CS8 Heritage
- CS9 Housing Mix, Density and Standards
- CS15 Health and Education

None of these policies conflict with or outweigh the provisions of the adopted Local Plan policies listed above.

#### **OTHER RELEVANT DOCUMENTS**

##### **Office for National Statistics – A Profile of Deprivation in Larger English Seaside Destinations 2007 and 2010, 21st August 2013.**

- Using the Indices of Deprivation, the three most deprived seaside destinations analysed (out of the largest 57) include Blackpool along with Skegness and Clacton and Blackpool was found to be the most deprived in the study.
- The average Lower Super Output Area rank in England is 16,320 and Blackpool's average is 7,159. Blackpool has the highest average deprivation levels of the three seaside locations.

##### **The Centre for Social Justice – Turning the Tide, Social Justice in Five Seaside Towns August 2013.**

- This document offers a glimpse of how social breakdown has affected communities in seaside towns. Benchmarking studies from 2008 and 2010 showed that seaside towns are more disadvantaged than England as a whole when judged against a range of criteria. High unemployment, entrenched generational unemployment, lack of aspiration, poor educational attainment, high rates of teenage pregnancy, high levels of lone parent families, more children in care, low property costs, high levels of substance abuse and anti-social behaviour are typical in seaside towns.
- The stagnation that a depleted economy and a low skills base has meant that the price of property has plummeted as demand has fallen. Buildings formerly used as tourist accommodation and small businesses have been turned into extremely cheap and overcrowded housing. This has served to turn some seaside towns into veritable dumping grounds for groups with social problems such as care leavers, people with substance abuse problems, mental health issues and ex-offenders, for whom placing authorities can easily find low-cost accommodation. As this happens, towns develop a high density of needs that places greater and greater strain on public services and risks

increasing the vulnerability of these already vulnerable groups. These negative spiral, whereby disadvantage attracts and perpetuates further disadvantage, and the forces currently undermining many seaside towns.

- Blackpool is the ninth most deprived local authority in England with an increase in overall deprivation of a marked 17% since 2007.

### **English Heritage - Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment (2008).**

This document sets out a logical approach to making decisions and offers guidance about England's historic environment and includes guidance on conservation principles, understanding values, assessing heritage significance, managing change, appropriate routine management and maintenance, renewal, repair and restoration.

Changes which would harm the heritage values of a significant building should be unacceptable unless:

- the changes are demonstrably necessary either to make the building sustainable, or to meet an overriding public policy objective or need;
- there is no reasonably practicable alternative means of doing so without harm;
- that harm has been reduced to the minimum consistent with achieving the objective;
- it has been demonstrated that the predicted public benefit decisively outweighs the harm to the values of the building, considering its comparative significance, the impact on that significance and the benefits to the building itself and/or the wider community or society as a whole.

Enabling development to secure the future of a significant building should be unacceptable unless:

- it will not materially harm the heritage values of the building or its setting
- it avoids detrimental fragmentation of management of the building;
- it will secure the long term future of the building and, where applicable, its continued use for a sympathetic purpose;
- it is necessary to resolve problems arising from the inherent needs of the building, rather than the circumstances of the present owner, or the purchase price paid;
- sufficient subsidy is not available from any other source;
- it is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the building, and that its form minimises harm to other public interests;
- the public benefit of securing the future of the building through such enabling development decisively outweighs the disbenefits of breaching other public policies.

### **English Heritage - Enabling development and the conservation of significant places (2008).**

Enabling development is development that would be unacceptable in planning terms but for the fact that it would bring public benefits sufficient to justify it being carried out, and which could not otherwise be achieved. The key public benefit to significant buildings is usually the securing of their long-term future. To minimise the need for enabling development, local authorities should monitor the condition of their significant buildings and where necessary use their statutory powers to limit deterioration.

Understanding the nature and significance of the building is fundamental to any decision about its future, and needs to develop in parallel with the evolution of proposals. Assessment is ideally an interactive process between planning authority and applicant, but it should also involve the communities who may be affected by the development. Uses or

management strategies must not only be compatible with the historic form, character and fabric of the building, but be financially viable. This means either that the building must have a positive market value on completion of repair and return to beneficial use, or there must be clarity about who will take responsibility for it in the long term. A solution that does not provide the means of meeting recurrent costs that cannot be generated by the building itself is no solution at all. If fragmentation of ownership is unavoidable, an overall management plan should be put in place.

Success depends on the benefits of the proposal being properly secured. Legally enforceable arrangements must be put in place to ensure that the commercial element of the development cannot be carried out or used until the heritage benefits have first been delivered, or there is a bond in place to ensure performance. This will normally require a 'section 106 agreement', which, where appropriate, should also secure management arrangements to protect the significance of the building in the long term.

## **ASSESSMENT**

### **Principle of flat development**

The Defined Inner Area of Blackpool is amongst the most deprived areas in the Country. The synagogue is in the Defined Inner Area and within Talbot Ward and each ward in the town is subdivided into Lower Super Output Areas (LSOA). The synagogue is within Lower Super Output Area Blackpool 010C.

According to the English Indices of Deprivation 2010, this particular area of Blackpool is one of the most deprived in England and has an Index of Multiple Deprivation rank score of 60 (out of 32,482 Lower Super Output Areas) putting it in the highest one per cent (0.1 per cent) of deprived areas Nationally (LSOA 010C). This is the case across a number of areas including health, employment, crime and living environment. High deprivation levels are typical in densely developed areas and can be directly attributed to a lack of housing choice and an oversupply of small flat accommodation.

In the 2007 English Indices of Deprivation this area of Blackpool had a Multiple Deprivation Rank Score of 51 (out of 32,482 LSOAs) so this area is slightly less deprived in 2010 compared to the 2007 figures (although still in the top 0.1 per cent of most deprived areas). However, in most other areas of Blackpool there has been significant downward trend and levels of deprivation in 2010 are significantly more than in 2007 across the town and this is particularly harmful within the Defined Inner Area.

In terms of the supply of flat accommodation, in the Defined Inner Area, 49.5 per cent of the housing stock is made up of flats compared to 24.8 per cent across Blackpool and 22.1 per cent nationally. However, in LSOA 010C, 59 per cent of the housing stock is made up of flats which is significantly higher than the average for the rest of the Defined Inner Area.

The presumption against additional flat accommodation in the Defined Inner Area and specifically in LSOA 010C was recently supported at an appeal against the refusal to grant planning permission for 225 Church Street to be used as two flats (reference 13/0400).

The 2013 Strategic Housing Land Availability Assessment (SHLAA) Update demonstrates a five-year housing supply in accordance with the requirements of the NPPF. The synagogue has no specific allocation in the Blackpool Local Plan 2001-2016 but has not been identified as a site which has potential for housing development in the 2013 SHLAA Update which

supports the Core Strategy Proposed Submission. This assessment demonstrates an adequate housing supply from more suitable sites elsewhere in the town, therefore the additional five flats proposed in this location are not required to help meet Blackpool's housing requirements in the Core Strategy Proposed Submission, nor is there a need to provide more flats in this area although it is acknowledged that the flats would all be two bed rather than one bed.

Paragraphs 14 and 47-49 of the National Planning Policy Framework and its guidance states that planning should deliver a wide choice of quality homes and create sustainable, inclusive and mixed communities (paragraph 50) and should always seek to secure high quality design and a good standard of amenity for occupants of buildings (paragraph 17), refuse development which fails to take opportunities available for improving the character and quality of an area and the way it functions and should enhance and improve the places in which people live their lives. In this regard, the policies of the Local Plan relating to achieving a more balanced and healthy local communities in Defined Inner Area and to ensuring adequate standards of amenity are consistent with the National Planning Policy Framework.

There needs to be a careful balance between the most efficient use of land and problems arising from the town's already intensively built up Defined Inner Area. The continuing contraction of the stock of holiday accommodation has led to a large amount of low standard accommodation in the Defined Inner Area. Despite efforts by the Council in recent years to tackle this issue, the Defined Inner Area continues to decline (deprivation levels have increased by 17 per cent since 2007). It is therefore vital that there is careful control over the amount of new flat accommodation created in the Defined Inner Area and that Local Plan Policies are consistently applied and local over-concentrations of flat accommodation are assessed by looking at the most up to date Census and deprivation data and against the most up to date Policy guidance.

The synagogue was never intended for residential use and it does not lend itself to a straight forward conversion. Notwithstanding the issues arising from the building's grade II listed status, the provision of additional flats in the Defined Inner Area, particularly where extensions are required to facilitate the flat development, is not considered acceptable in principle unless there are overriding considerations or public benefits in allowing such development. Without the necessary assurances regarding the future use, maintenance and restoration of the whole building, the proposal is considered to be contrary to Policies LQ1, LQ2, LQ14, HN4, HN5 and HN6 of the Local Plan and Part 12 of the National Planning Policy Framework.

Furthermore, the synagogue is a community facility which as a result of this development, would be significantly reduced in size and would as a result lose some of the community space and supporting ancillary rooms. It has not been demonstrated that there is no longer a need for the facility or its alternative use to meet other community needs and as such it would be contrary to Policy BH21 of the Local Plan.

The English Heritage 'Enabling Development' document referred to above and paragraph 140 of the NPPF suggest that there may be a case to go against the Defined Inner Area policies if the conversion of the rear of the building and extensions to provide flats proved to be enabling development where the public benefits would outweigh the concerns of providing additional flat accommodation in the Defined Inner Area. The applicant would have to demonstrate that the building would be sensitively repaired/restored in a timely manner, the sub-division of the building would not reduce the significance of the space and

that conversion would allow the building, especially the main worship space to be brought back into its optimum viable use, without the ancillary rooms to the rear. This will be discussed later in the report.

### **Impact on the Grade II Listed Building**

The historic environment provides a tangible link with our past and contributes to our sense of national, local and community identity. It also provides the character and distinctiveness that is so important to a positive sense of place. The synagogue is unique in Blackpool and tells of the story of changing demographics in the town as well as being an attractive building which is part of a wider group including the Grade II Listed Citadel and the former Raikes Parade Methodist Church across the road.

The Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant Listed Building Consent for any works the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Re-using places of worship has always been difficult and contentious and given the limited number of synagogues compared to churches and chapels, emphasises the significance of synagogues and hence appropriate and sympathetic changes are rarer and potentially more challenging.

The Leamington Road synagogue is one of approximately 45 listed synagogues in England and is one of six synagogues on the Synagogues at Risk Register. This has highlighted the application to both Jewish Heritage UK and English Heritage who have both raised concerns about the impact of the proposed development on the future viability of the building for appropriate uses that do not harm its character and significance.

A document named Conservation Options Appraisal, Risk Assessment and Management Plan by John Sommers (September 2013) has been submitted with the applications. This document identifies the Prayer Hall as being an internationally significant space, both the Leamington Road elevation and the side elevation as being of national significance along with all of the stained glass on all elevations. This document also identifies the entire building as having regional significance in terms of its association with the growth of the Jewish community in Blackpool and in terms of the evolution of the Synagogue.

The proposals to create the flats include inserting a floor to create a second storey, erecting an extension on the roof to provide an access staircase to the second floor flat, the demolition of a two-storey side/rear extension and the erection of a two-storey side/rear extension, window insertions at second floor on the west elevation and various window insertions on the east elevation. A balustrade would be erected on the rear flat roof to provide amenity space and a dividing wall would be erected internally across the main worship space to separate the flats from the original 1916 worship space. It is not clear which of the stained glass windows would be replaced but the plans indicate clear glazing throughout. Supporting documents confirm the stained glass should be retained but nowhere in the application does it state that they would be retained or if replaced, what would replace them. The application forms suggest a mixture of timber and uPVC frames. This is a significant level of intrusion on the historic building, its use and its layout.

With regards to the loss of part of the rear of the synagogue, including class rooms, meeting room, upper gallery and ground floor gallery, the John Sommers document confirms that the subdivision of the rear of the building into apartments would result in a loss of connectivity between the main prayer room and classrooms and that this will have a negative impact upon the significance of the building and confirms that the plans regarding the stained glass windows in the rear section are unclear but that the stained glass is a very significant component of the building and its preservation is paramount.

In the basement there is a rare example of a Mikveh (a ritual bath where members of the congregation would have been fully immersed to achieve ritual purity) and the plans show the Mikveh retained.

The greatest threat to this building is redundancy and the proposed separation of the main synagogue could permanently undermine the viability of securing a new and sustainable use for the remainder of the synagogue. The large worship space must retain the physical internal features such as the pews but would have few ancillary/ supporting rooms which may make the building unattractive for alternative assembly uses.

The current proposals do not offer the long term security required for the most significant parts of the building and do not qualify as 'Enabling Development'. It has not been demonstrated that developing the rear of the property would generate sufficient income to allow investment in the condition of the whole building to the levels required to offer long term security and of a quality conversant with the conversion of a listed building.

The building has seen very little in terms of basic maintenance in recent years and the condition of the building is visibly deteriorating. In some areas, timber frames around stained glass windows have been lost and stained glass is slumped against protective plastic coverings.

A list of required repair works to the main building has been supplied, but these works involve basic repair which property owners would be expected to undertake in normal circumstances and in any case, no commitment, costings or timescale for completing the works has been submitted. It is not considered that the proposals do not offer sufficient public benefit that would outweigh the risk of longer term deterioration or incremental erosion of significance or which would over-ride the concern in principle regarding the provision of five additional flats in the Defined Inner Area where there is a demonstrated over-concentration of such accommodation.

Members will be aware that Jewish Heritage could support the proposal in principle subject to a number of caveats but that English Heritage and your Built Heritage Manager remain concerned that the proposals would leave a smaller 'synagogue' with no certainty of securing a viable use for this reduced space. Furthermore, the increasingly dilapidated condition of the building is not facilitating any pursuit of an end-user and long term viable use due to the increasing magnitude of the works required to make the building watertight and usable.

In this respect, the proposal is considered contrary to Policies BH21, LQ1, LQ2 and LQ9 of the Blackpool Local Plan 2001-2016 and Part 12 of the National Planning Policy Framework.

### **The amenity of future occupants**

The flats would comply with the "New Homes from Old Places" Supplementary Planning Document in terms of floorspace standards and the proposal includes provision of shared outdoor amenity space and cycle and refuse storage. However, the lounges would have a poor outlook over side/ back alleys, over the rear garden of an adjoining property or no outlook due to the presence of stained glass windows. It has been suggested that some of the stained glass windows could be removed and used in other synagogues elsewhere although no definite details have been provided. However, the windows have high amenity and heritage value and should be retained in situ or displayed/incorporated into the synagogue in a different location.

The stained glass on the west elevation in what is now the extension to the worship space should be retained due to the similar architectural design of this extension to the original elevation. This would mean future occupiers of one of the ground floor units having no outlook from the main living area and at first floor, one of the lounges would have little natural daylight due to the east facing orientation of the window and the close proximity of the rear elevation of the proposed extended synagogue.

In this respect, the proposal is considered to be contrary to Policies LQ1, LQ14 and BH3 of the Blackpool Local Plan 2001- 2016 and Parts 6 and 7 of the National Planning Policy Framework.

### **Parking and Servicing Arrangements**

The synagogue is within a short walking distance of the Town Centre and Whitegate Drive which reduces the need for on site car parking provision. Two parking spaces would be provided to the rear and there would be ample cycling storage.

There would be no off-street parking spaces for the front part of the synagogue and on-street parking in the area is restricted to resident permit holders only. However, given the close proximity of the property to public transport routes on Whitegate Drive and Church Street, it is considered that there are no accessibility issues which would justify refusing the planning application.

### **CONCLUSION**

The planning application is for flats for which there is no pressing need in the town, which require extension to make them workable and which do not have the best outlook/aspect and which would have an impact on the listed synagogue without sufficient benefits to the Listed Building or to the public. In fact the proposal may harm the long term future and viability of the whole building. It is considered that the applications conflicts with the National Planning Policy Framework and policies in the Local Plan and this view is reinforced by statutory and non statutory consultees responses

For the reasons outlined above, it is considered that the proposals are contrary to Policies LQ1, LQ2, LQ9, LQ14, HN4, HN5, HN6, BH3 and BH21 of the Blackpool Local Plan 2001-2016, parts 6, 7, 8 and 12 of the National Planning Policy Framework.

English Heritage has objected to the proposals and so should the Planning Committee be minded to approve these applications, the applications would need to be referred to the



Secretary of State. The Secretary of State may, within the period of 28 days from the date of notification, direct that the application be referred to him for his own determination (Circular 08/2009 Arrangements for handling heritage applications – Notification to the Secretary Of State (England) Direction 2009).

**13/0736:** Refusal Recommended

- 1 The proposed extensions and alterations would be detrimental to the significance of the Listed Building and would compromise the future optimum viable use of the synagogue as a community asset. The proposal fails to demonstrate that there would be appropriate repair, restoration and maintenance programme for the building which would constitute enabling works which may overcome other Policy issues and hence the proposal is contrary to Policies BH21, LQ1, LQ2, LQ9 and LQ14 of the Blackpool Local Plan 2001-2016.

**13/0734:** Refusal Recommended

- 1 The proposed extensions and alterations would be detrimental to the significance of the Listed Building and would compromise the future optimum viable use of the synagogue as a community asset. The proposal fails to demonstrate that there would be appropriate repair, restoration and maintenance programme for the building which would constitute enabling works which may overcome other Policy issues and hence the proposal is contrary to Policies BH21, LQ1, LQ2, LQ9 and LQ14 of the Blackpool Local Plan 2001-2016.
- 2 The proposals would further intensify the over-concentration of flat accommodation in the Defined Inner Area, which would conflict with wider efforts for the comprehensive improvement of the neighbourhood as a balanced and healthy community. As such, the proposals would be contrary to Policies HN5 and HN6 of the Blackpool Local Plan 2001-2016.
- 3 The proposals would result in an unacceptable standard of residential accommodation by virtue of poor outlook and low levels of sunlight and would therefore be significantly detrimental to the residential amenities of future occupiers of the flat accommodation. As such the proposals would be contrary to Policies LQ14, HN5 and BH3 of the Blackpool Local Plan 2001-2016 (and the Council's approved Supplementary Planning Document - New Homes from Old Places).
- 4 The proposals would result in the significant loss of floorspace of this community facility and the applicant has failed to demonstrate that there is no longer a need for this floorspace or its alternative use to meet other community needs and the proposals would therefore be contrary to Policy BH21 of the Blackpool Local Plan 2001-2016.

**ARTICLE 31 STATEMENT (NATIONAL PLANNING POLICY FRAMEWORK para 187)**

The Local Planning Authority has sought to secure a sustainable development that would improve the economic, social and environmental conditions of Blackpool but in this case there are considered factors which conflict with the National Planning Policy Framework and policies of the Blackpool Local Plan 2001-2016 which justify refusal.

## **LEGAL AGREEMENT AND/OR DEVELOPER FINANCIAL CONTRIBUTION**

It is normal practice with 'enabling development' for a Draft Section 106 Agreement to be submitted detailing what works will be undertaken, how the works will be undertaken and when it will be undertaken in terms of securing the future of the Listed Building. To date no Draft Section 106 Agreement has been submitted

## **HUMAN RIGHTS ACT**

Under Article eight and Article one of the first protocol to the Convention on Human Rights, a person is entitled to the right to respect for private and family life, and the peaceful enjoyment of his/her property. However, these rights are qualified in that they must be set against the general interest and the protection of the rights and freedoms of others.

It is not considered that the application raises any human rights issues.

## **CRIME AND DISORDER ACT 1998**

The contents of this report have been considered in the context of the Council's general duty, in all its functions, to have regard to community safety issues as required by section 17 of the Crime and Disorder Act 1998

**Recommended Decision:** Refuse

## **Conditions and Reasons**

1. The proposed extensions and alterations would be detrimental to the significance of the Listed Building and would compromise the future optimum viable use of the synagogue as a community asset. The proposal fails to demonstrate that there would be appropriate repair, restoration and maintenance programme for the building which would constitute enabling works which may overcome other Policy issues and hence the proposal is contrary to Policies BH21, LQ1, LQ2, LQ9 and LQ14 of the Blackpool Local Plan 2001-2016.

2. **ARTICLE 31 STATEMENT (NATIONAL PLANNING POLICY FRAMEWORK para 187)**

The Local Planning Authority has sought to secure a sustainable development that would improve the economic, social and environmental conditions of Blackpool but in this case there are considered factors which conflict with the National Planning Policy Framework and policies of the Blackpool Local Plan 2001-2016 which justify refusal.

## **Advice Notes to Developer**

Not applicable