

## AGENDA FOR

## PLANNING CONTROL COMMITTEE

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**To: All Members of Planning Control Committee**

**Councillors :** G McGill (Chair), C Boles, N Boroda, J Harris, M Hayes, J Lancaster, J Mason, D Quinn, C Tegolo, K Thomas and D.Vernon

Dear Member/Colleague

### **Planning Control Committee**

You are invited to attend a meeting of the Planning Control Committee which will be held as follows:-

<b>Date:</b>	Tuesday, 22 June 2021
<b>Place:</b>	Council Chamber, Bury Town Hall
<b>Time:</b>	7.00 pm
<b>Briefing Facilities:</b>	If Opposition Members and Co-opted Members require briefing on any particular item on the Agenda, the appropriate Director/Senior Officer originating the related report should be contacted.
<b>Notes:</b>	

## **AGENDA**

### **4 PLANNING APPLICATIONS** (*Pages 3 - 6*)

Reports attached.

**BURY COUNCIL**  
**DEPARTMENT FOR BUSINESS, GROWTH AND INFRASTRUCTURE**  
**PLANNING SERVICES**

**PLANNING CONTROL COMMITTEE**

**22 June 2021**

**SUPPLEMENTARY INFORMATION**

**Item:01 Burrswood Care Home, Newton Street, Bury, BL9 5HB Application No. 66161**

Erection of biomass boiler building to supply Burrswood Care Home with heat and hot water from a renewable energy source

**Description**

For clarity, the proposed development involves the installation of one biomass boiler installed within the building. The wood pellets would be delivered to site once every 6 weeks. In addition, the boiler would be serviced twice a year and cleaned on a quarterly basis.

**Publicity**

5 letters have been received from the occupiers of 4, 6 (Suleman House) 10, 36, 38 Arley Avenue, which have raised the following issues:

- Increasing the height of the chimney will not make a difference as the smoke being emitted could be blown in any direction.
- I constantly sleep with my windows open throughout the year and the noise from this type of system will disturb my sleep.
- There are several other sites where the boiler could be erected without the disturbance of others. The developer is putting cost above the welfare of residents.
- A vast amount of children's learning takes place outside in the garden to minimise the risk of air particles being spread in an enclosed space. Their learning will be disrupted by noise pollution.
- The smoke can be blown in any direction and children who suffer from asthma will be at risk
- Parents will have a negative perception of this being adjacent to the garden to the nursery
- Extending the chimney by 1 metre will not change anything and I still object.
- How can this be considered near to residential properties and a nursery? Where is the concern for residents?
- I am writing on behalf of my mother who is ill and her bedroom faces the building. This will cause her more harm from air pollution.

The objectors have been notified of the Planning Control Committee meeting.

**Issues and analysis**

**Noise** - The operation of the proposed boiler would generate noise levels of between 40dB - 50dB when in operation compared with average noise levels in urbanised areas of circa 65dB. The proposed boiler would be located within a building, where fire doors would be installed, air intake would be restricted to the minimum required and sound insulation within the divides to the rooms would be installed. All of these measures would reduce the noise levels when measured against the ambient noise levels. The Pollution Control Section has no objections to the operation of the boiler. As such, the operation of the proposed boiler would not have a significant adverse impact upon the amenity of the neighbouring properties. Therefore, the proposed development would be in accordance with Policy EN7/2 of the Bury Unitary Development Plan.

**Response to objectors**

- The chimney has been increased in height and would clear the roof of the adjacent building, which would ensure that any odours would disperse into the air.
- The issues relating to noise have been addressed in the main report.

- The agent has considered alternative sites, but these were not suitable for a number of reasons, including the need to deliver the pellets to the building.
- The noise levels specified within the Planning statement are for the boiler, which would be located inside a building with soundproofing. As such, the noise levels would not have a significant adverse impact upon the amenity of the neighbouring properties.
- The applicant has confirmed that a filter would be fitted to the boiler, which would reduce emissions by a further 85%. A statement has been submitted to confirm that there are 5 boilers in operation at care homes, which are closer to the residential properties than the proposed development. None of the boilers have generated any complaints to the Council in relation to fumes, odour or noise.
- Emissions outputs are still subject to Environmental Controls irrespective of planning permission.

**Item:02 11 Brookthorpe Road, Bury, BL8 3AB Application No. 66423**  
Two/single storey rear extensions; Alterations to roof and windows

Nothing further to report

**Item:03 Shaarei Mordechai Synagogue, 76 Bury New Road, Prestwich, M25 0JU Application No. 66854**  
Variation of condition 13 following approval of planning permission 45841- Change opening hours from 07:00 - 23:00 to 06:00 - 00:00

**Further comments on behalf of the applicant.**

I am grateful for your concession relating to early selichos and late maariv.

However, the recommended condition in its present form would so constrain the functioning of the synagogue, that we would have no option but to lodge an appeal. Government guidance in the past has suggested that the local planning authority should agree conditions with an applicant before imposing them. We therefore propose that your draft condition is amended to read as follows:

*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 10th July for late evening prayer (Maariv); and • For all other times, 06:30hrs to 23:30hrs.*

Our clients would be able to accept such a condition in its modified form obviating the need to make any challenge to it. We assure you that such a change will make no noticeable difference to the hours already approved. Needless to say, the synagogue members will be constantly advised to be mindful of the need to respect the amenity of the residential area.

In response to the above, the Local Planning Authority has considered the further time extension suggested but remains of the view that the additional time extension for the highlighted festivals, set out in the condition, is reasonable whilst maintaining an acceptable balance in amenity terms.

### **Further Representation from Resident**

Thank you for the invitation to participate, but unfortunately I have prior commitments on this date. I trust, however, that the committee will not discriminate against the non-Jewish members of the community living in the houses closest to the synagogue and **most** affected by the parking and noise issues during the **current** 16 hours of opening. I also hope that mine and my husband's health will be considered and no change to the current 7 hours a night for rest and sleep (*after adding 30 mins at either end of the day to opening times for congregants arriving and departing*) will not seem unreasonable to expect for pensioners in their 70s.

We have recently been on the receiving end of several Hate Crimes, all registered by the police and all of which were committed by members of the Jewish community who seem to want us to move from the area. If this application to extend the opening hours to 18 hours a day (plus additional arrival and departing times) is granted, it could be interpreted as further prejudice against the non-Jewish residents who have lived here 20+years prior to when the synagogue took over the site from the Methodist Church.

### **Public Sector Equality Duty**

Page 41 of the main report sets out the Council's duties with regards to the Equality Act 2010 and the associated Public Sector Equality Duty.

Religion or belief is a protected characteristic under the 2010 Act and the main report sets out how, in considering this application, regard has been had to how any negative implication in relation to equality is based on an objective justification. The recommendation to approve the application with more restricted opening times than those applied for could be seen as negatively impacting on religion and belief, however, it is considered that this is objectively justified and proportionate because of the harm that would be caused to the residential amenity in terms of noise and disturbance as set out in the main report.

**Item:04 23 Hillsborough Drive, Bury, BL9 8LE Application No. 66928**  
Change of house type to include rear dormer extension

Nothing further to report.