

DELEGATED REPORT

Report by Claire Booth	Date of report: 08/09/2025	Ref: 71746/FUL
Registration: 21/03/2025	LDfC: 26/06/2025	Expiry Date: 16/05/2025
Site Visit:	Site Notice: 28/05/2025	Press Date: 05/06/2025
Objections: 0	Con Area: N/A	Adv Type: ASB
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: MIOT

Proposal: Installation of roof mounted 43.23kW solar PV system comprising of 95 x Canadian Solar 455w modules

Location: Miller & Carter, Brandlesholme Road, Tottington, Bury, BL8 4DS

Description

This application relates to the Miller and Carter Steakhouse (Pub/Restaurant, which is located at the junction of Holcombe Road and Brandlesholme Road in Greenmount. The building has been extended over time and there are number of different roof planes. There is a large car park to the south and west of the building and this is accessed from Brandlesholme Road. There are mature trees on the perimeter of the site.

There are retail and commercial units to the east and north with residential dwellings beyond. Greenmount URC church is located to the north west and is a grade II listed building. The Kirklees Trail forms the boundary to the west and there are residential properties to the south.

The proposed development involves the installation of roof mounted array of solar panels (30.94KW) on the roofslopes of the restaurant building. The number of panels has been reduced to 65 during the course of the application. The proposed solar panel would be a black panel, which would include the frame.

Relevant Planning History

47330 - Alterations to porch; external freezer store to rear; new boundary fence at Bulls Head, Brandlesholme Road, Greenmount. Approved with conditions - 24 January 2007.

61497 - Erection of a stand alone canopy (jumbrella), bull statue and post rope fence with lights at Bulls Head, Brandlesholme Road, Greenmount. Approved with conditions - 19 June 2017.

Publicity

The neighbouring properties were notified by means of a letter on 1 April 2025 and a press notice was published in the Bury Times on 5 June 2025. Site notices were posted on 28 May 2025.

There has been no response.

Statutory/Non-Statutory Consultations

Conservation Officer - No objections.

Pre-start Conditions - Not relevant

Development Plan and Policies

EN1/2 Townscape and Built Design

EN2/3 Listed Buildings

JP-S2	Carbon and Energy
JP-P1	Sustainable Places
JP-P2	Heritage
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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PfE Policies 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.

Heritage - The application is located within the setting of the Congregational Church, which is a Grade II listed building.

Policy EN2/3 states that the Council will actively safeguard the character and setting of Listed Buildings by not permitting works, alterations or changes of use which would have a detrimental effect on their historical or architectural character and features.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities in the exercise of their planning functions to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

Section 66(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State 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.

Paragraph 208 of the National Planning Policy Framework (NPPF) states local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraph 210 of the NPPF states in determining applications, local planning authorities should take account of:

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

Paragraph 212 of the NPPF states 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 213 of the NPPF states any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Paragraph 215 of the NPPF states 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, where appropriate, securing its optimum viable use.

The proposed development would be located on the Miller and Carter building, which is partly located in the setting of the listed church.

Initially, a larger (56.425kW) solar PV system (124) panels was considered which would have been installed across all roof pitches of the property. However, the layout and size of the system has been reduced to a 43.23 kW system, which would include 68 panels.

The proposed panels would not be sited on the northern roof slopes, which would ensure that the proposed solar panels would not be visible in the setting of the listed church. In addition, there is substantial screening from shrubs, trees and other properties, between the proposed development and the surrounding properties. As such, the proposed installation would preserve the setting and character of the listed church and would not be a prominent feature in the streetscene. Therefore, the proposed development would be in accordance with Policy EN2/3 of the Bury Unitary Development Plan and the NPPF.

Design and layout - As described above, the proposed scheme has been reduced from 124 panels to 68 and the proposed panels would be located on the northern roof slope to reduce their visibility in the streetscene. The proposed panel has been changed to an all black panel, which would reduce its prominence. The proposed inverters would be located inside the property and would not have an impact upon the external appearance of the building. As such, the proposed development would not be a prominent feature in the streetscene and would be in accordance with Policy EN1/2 of the Bury Unitary Development Plan and Policy JP-S3 of the Places for Everyone Joint Development Plan.

Impact upon residential amenity - The proposed panels would be located on the roof slopes of the proposed building and there are several valleys. The proposed panels would have anti-reflective properties and this combined with the black colouring of the panel would reduce the glare. As such, the proposed panels would not have a significant adverse impact upon the amenity of the neighbouring properties and would be in accordance with Policy EN1/2 of the Bury Unitary Development Plan.

Carbon and energy - Policy JP-S2 states that the aim of delivering a carbon neutral Greater Manchester no later than 2038, with a dramatic reduction in greenhouse gas emissions, will be supported through a range of measures including taking a positive approach to renewable and low carbon energy schemes particularly schemes that are led by, or meet the needs of local communities.

The proposed development would involve the installation of solar panels on the roof of an existing restaurant building, which would generate renewable energy. The proposal to install solar panels on various roofslopes would make the building more energy efficient by generating its own electricity and are transferring the business into utilising renewable technology to lower their carbon footprint. As such, the proposed development would be acceptable in principle and would be in accordance with Policy JP-S2 of the Places for Everyone Joint Development Plan.

Highways issues - The installation of the proposed panels would take place over 5 days and a transit sized van would be used. The proposed solar panels would need minimal maintenance and any maintenance would again involve a transit sized van. This can be easily accommodated within the existing pub car park, which is accessed from Brandlesholme Road. Therefore, the proposed development would not be detrimental to highway safety and would be in accordance with Policy EN1/2 of the Bury Unitary Development Plan.

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 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.

- 2 This decision relates to drawings numbered 4943/Site/1, 4943/Block/1, 4943/Elevation/1, 4943/Elevation/2 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan and Places for Everyone Joint Development Plan listed.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HL - 08/09/2025		DM - 08/09/2025	