

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 11/05/2023	Ref: 69472/FUL
Registration: 29/03/2023	LDFC: 23/04/2023	Expiry Date: 24/05/2023
Site Visit: 26/04/2023	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Installation of 2 no. replacement boiler flues

Location: Castle Leisure Centre, Bolton Street, Bury, BL9 0EZ

Description

The site relates to the leisure centre which is located in Bury Town Centre. The building is 2 storey with the central section single storey in height.

There are currently two existing boiler flues which are located on the single storey part of the building towards the main west elevation and project approx 1.4m above the parapet.

The existing flues have been in situ for approx 25 years and are in need of replacing due to the installation of a new boiler.

The application proposes the replacement of the flues with a new system which would be fitted in the same position on the building's roof but would extend 1m higher than the roof of the 2 storey part of the building. The height of the flues has been determined by the efficiency and regulations for dispelling of fumes into atmosphere.

The flue would be powder coated brown to match the brickwork of the building.

Relevant Planning History

N/a

Publicity

Letters sent to 9 properties.
No responses received.

Statutory/Non-Statutory Consultations

Environmental Health - Pollution Control - No comments to make

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
EN1/2	Townscape and Built Design
EN7	Pollution Control
EN7/1	Atmospheric Pollution
EN7/2	Noise Pollution
Area	Bolton Street/Market Place
BY3	

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.

Visual amenity - The replacement flues would be located in the same position as the existing, close to the western side of the building and whilst higher and projecting 1m above the main ridge, the flues would largely be seen against the backdrop of the building and would also screened by the building from the south .

The nearest properties to the west are approx 24m away and with intervening trees and a car park, views would be limited.

The flue would be powder coated in brown to match the existing brickwork to appear less visible.

EH Pollution Control - The flues would project 1m higher than the building to comply with

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regulations for the dispersal of fumes into the atmosphere.

The EH Pollution Control Section have been consulted and have no comments to make.

As such the proposed development is considered acceptable and comply with UDP Policies and the principles of the NPPF.

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 Site location plan 220972-PEV-XX-XX-DR-B-0001; Existing and proposed west elevation 220972-PEV-XX-XX-DR-B-0002 A; Existing and proposed south elevation 220972-PEV-XX-XX-DR-B-0003 A 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 listed.
- 3 The flues hereby approved shall be finished in a polyester powder coated matt finish in the colour of brown brown reference syntha pulvin M4K 0029 and thereafter maintained.
Reason. In the interests of visual amenity pursuant to Bury Unitary Development Plan Policy EN1/2 - townscape and Built Design.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	11/5/23	DM	11/05/23