

DELEGATED REPORT

Report by Mark Kilby	Date of report: 25/03/2022	Ref: 68004/LBC
Registration: 01/02/2022	LDFC: 10/03/2022	Expiry Date: 29/03/2022
Site Visit: 16/02/2022	Site Notice: 16/02/2022	Press Date: 10/02/2022
Objections: 0	Con Area: BURY	Adv Type: LBCA
Reason for Delay: N/A		EIA: NA Dec Level: DEL Stat Class: LBAL

Proposal: Listed building consent for installation of photovoltaic solar panels to the rear roof of the building

Location: Derby Hall, Market Street, Bury, BL9 0BW

Description

Derby Hall is Grade II Victorian neo-classical building located in the Bury town centre and within Bury town centre conservation area. It dates from the late 1840s and was designed by Sydney Smirke. Built as part of a group of civic buildings with Corinthian columns surmounted by simple but grand classical pediment and originally flanked by a now demolished Derby Hotel and Athenaeum. It was former Bury town hall.

The application is for the installation of one array of solar photovoltaic panels on one south facing roof slope. The area of the proposal is approximately 50 square metres. The panels would not be higher than the ridge of the roof. The roof covering is of natural blue slate.

The panels would be affixed to a bracket which in turn is affixed to the main timber roof structure through the slate roof covering by drilling through the slate and screwing the fixing into the timber and then bonded to the slate with a water proof adhesive. The panels' electrical connection would be by cable to the existing plant room at located at the second floor of the building. It is estimated there would be approximately 14 fixings required.

Relevant Planning History

51148 - LISTED BUILDING CONSENT FOR WORKS IN CONNECTION WITH CHANGE OF USE OF FORMER TOURIST INFORMATION OFFICE INTO LOUNGE/BAR/RESTAURANT; FORMATION OF NEW DOORWAY INTO FOYER; INSTALLATION OF NEW KIOSK AND INTERNAL ALTERATIONS - Withdrawn - Invalid 10/08/2009

53657 - Listed building consent for 2 no. illuminated signs and 2 no. illuminated notice boards; Re-painting front door, projecting screen above front door; Internal works to foyer ceiling - Approve with Conditions 12/04/2011

53658 - 2 No. illuminated projecting signs and 2 no. illuminated notice boards; Projecting screen above the front door - Approve with Conditions 19/04/2011

64230 - - ZZZ Special deleted application

68005 - Installation of photovoltaic solar panels to the rear roof of the building - Approve with Conditions.

Publicity

Letter dated 3/2/22 to adjoining and nearby addresses. No objections received.

Press notice - 10/2/22. No objections received.

Site notice - 16/2/22. No objections received.

Statutory/Non-Statutory Consultations - Theatres Trust - No objection.

Pre-start Conditions - None.

Unitary Development Plan and Policies

EN2/3 Listed Buildings

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) 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.

Listed Building -

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require decision makers to have special regard to the desirability of preserving a listed building or its setting or any feature of architectural or historic interest it possesses. The decision maker must also give considerable importance and weight to the desirability of preserving the setting of the listed building.

Paragraph 199 of the National Planning Policy Framework (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 200 of the NPPF state 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 201 states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

Paragraph 202 of the NPPF states that 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 significance of the listed building is derived in the main from its history and architectural aesthetic both internally and externally. This can be further distilled down to evidential value from its history and a strong communal value from its current use. The roof of the building is of a standard design and construction for the period and as such, its contribution to the significance of the building as a whole is very low. The proposal would be considered to be reversible. It is possible that slates could be damaged when the panel fixings are removed but this would be considered to have minimal impact on significance as appropriate natural slate can still be sourced and artificial slate would also be appropriate. The proposal would not be visible in the street scene and so would not harm the architectural aesthetic of the building.

A structural assessment from WML Consulting has concluded that:

The proposal would be reversible. It is assumed that the existing roof was designed for an imposed load allowance of at least 0.75kN/m², given the age of the building in accordance with CP3 Chapter V.

The proposed PV panels will be mounted on the existing roof on proprietary support brackets.

No access is possible in areas where the new PV panels are being installed and therefore no imposed load allowance is required at those locations. However, snow loading has been considered and snow drift within the roof valley will be significant.

The load from the PV panels plus the basic snow load ($0.50 + 0.127 = 0.627\text{kN/m}^2$) is below the 0.75kN/m² assumed imposed load allowance, as a result, this is considered adequate. Therefore the Solar Panels can be installed in areas where basic snow loading occurs without further consideration.

To areas where there may be drifted snow heaping the addition of the PV panels could not be justified in the same way and as such a detailed survey of the timber sizes was carried out to allow checks on the timber section sizes for the increased load. Checks have shown that the existing timber roof structure is capable of supporting the additional load from the PV panels.

There will be no change to the wind loading on the roof due to the addition of the PV panels.

On the basis of the assessment carried out, the existing roof structure is capable of supporting the proposed PV Panel installation.

In conclusion the proposal would represent less than substantial harm and it is considered it would be at the very lowest end of that spectrum. The proposal would bring a public benefit in reducing the carbon footprint of the building and enhancing its continued viability by reducing the energy costs of running the building. These benefits are considered to outweigh the limited and minimal harm the proposal would represent to the significance of the building. As the special architectural and historic interest of the listed building would be preserved. The proposal would comply with adopted UDP policy EN2/3-Listed Buildings and paragraphs 199, 200, 201 and 202 of the National Planning Policy Framework.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. 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 the expiration of three years beginning with the date of this permission.
Reason - Required to be imposed pursuant to Section 18 of the Planning (Listed

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Buildings and Conservation Areas) Act 1990.

- 2 This decision relates to drawings and specifications numbered Proposed Roof Plan 00003 Revision P4, Proposed Elevations 20201 Revision P3, General Arrangement Section AA 0004 Revision P1, General Arrangement Section 0005 Revision P2, Eurenner-MEPV 120 Half-Cut - Black, Electrical Services PV Roof Layouts 3376-KIN-10-RF-DR-E-6900 Revision B, Solar Limpets Instruction & Fixing Guide, WML Consulting - Roof Loading Assessment 1024R WML-TM-ZZ-RP-S-101 February 2022 Revision 2 and the development shall not be carried out except in accordance with the drawings and specifications 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Mark Kilby	25/3/2022		