

DELEGATED REPORT

Report by Mark Kilby	Date of report: 25/03/2022	Ref: 68005/FUL
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:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: MIOT

Proposal: 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.

A separate application for listed building consent, 69004 has been submitted.

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INTO LOUNGE/BAR/RESTAURANT; FORMATION OF NEW DOORWAY INTO FOYER; INSTALLATION OF NEW KIOSK AND INTERNAL ALTERATIONS - Withdrawn - Invalid 10/08/2009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

68004 - Listed building consent for installation of photovoltaic solar panels to the rear roof of the building -

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 - None.

Pre-start Conditions - None.

Unitary Development Plan and Policies

EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
EN1/1	Visual Amenity
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.

Character and Appearance of the Conservation Area -

Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to give special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

The proposal has been assessed not to be visible in the street scene from both short and longer distances within the conservation area. A submitted section showing the a line of sight from pedestrian ground level shows the proposal would not be visible in the street scene. There may be potential for views of the proposal from upper floors of nearby buildings but these would not represent the predominant views in how the character and appearance of the conservation area is experienced. As such the proposal would preserve the character and appearance of the conservation area and would therefore comply with adopted UDP policies EN2/1-Character of Conservation Areas, EN2/2-Conservation Area Control, EN1/1-Visual Amenity and paragraph 199 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 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 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, Eurener-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	25/3/22		