

72759 – 4-6 Silver Street, Bury.

Change of use of ground floor from Class E to a hot food takeaway (Sui Generis); extractor flue at rear.

Also included on the submitted plans are proposed alterations or a new shop front to the front elevation of the proposed change of use and a new proposed flue to the rear. This part of the proposal has not been included in the description of the proposal on the application form.

A change of use to a hot food takeaway with an extractor flue at the rear within Bury town centre conservation area. The conservation area is on Historic England's (HE) heritage at risk register.

The HE register of assets at risk describes the conservation area as being in a poor condition, with medium vulnerability and exhibiting a deteriorating trend.

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

In the exercise, with respect to any buildings or other land in a conservation area, of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Paragraph 202 of the National Planning Policy Framework (NPPF) states that heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

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 215 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.

Paragraph 219 of the NPPF states that local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting

that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

Conservation Area –

This part of the conservation area comprises the greater part of the historic part and cultural quarter of the town centre conservation area and as such being adjacent to areas of Bolton Street and Market Street which do not contribute to the same level to the character and appearance of the conservation area, make Silver Street very sensitive to change that would erode the character and appearance of the conservation area, putting it further at risk.

There is a proliferation of hot food takeaway establishments in the conservation area. The increase in the use of hot food takeaways, by the very nature of their use and attracted footfall has a cumulative impact slowly eroding the special distinctiveness of the conservation area which is characterised by a mix of uses predominantly retail, hospitality and professional services. The proliferation of hot food takeaways does not preserve the character or appearance of the conservation area. There is a danger of this part of the conservation area being gradually dominated by this type of use to the exclusion of other visitors and creating a different contemporary character of use that would potentially increase footfall at peak times of use, increased litter even if additional bins are provided that does not preserve the special character and distinctiveness of the conservation area.

As such it is considered from the heritage conservation point of view the change of use would represent less than substantial harm with no public benefit identified that would outweigh the harm identified.

Conservation Officer

20/3/26