

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 22/07/2025	Ref: 71821/FUL
Registration: 02/06/2025	LDfC: 11/07/2025	Expiry Date: 28/07/2025
Site Visit: 05/06/2025	Site Notice: 05/06/2025	Press Date: 19/06/2025
Objections: 1	Con Area: BURY	Adv Type: CA
Reason for Delay: N/A		EIA: NA Dec Level: DEL Stat Class: MIRD

Proposal: Erection of two storey retail unit

Location: Land between 7 and 11 Bolton Street, Bury, BL9 0EY

Description

The application relates to a vacant plot which is located in a main shopping area in Bury Town Centre and within Bury Conservation Area.

The plot is a linear and narrow shape, 3.4m wide and 24.5m in length, increasing to 6m wide at the rear. The plot is located between 2 rows of commercial properties and shops. The row of shops to the east (left hand side when viewed from Bolton Street) comprise Nos 5-7, a 3 storey red brick pitched roof build. To the other side are Nos 11- 19, a 2 storey monopitch roofed brown/red brick building set back from Bolton Street by 3.8m with a flat roof canopy projecting towards the adopted highway and public forecourt beneath.

To the rear of the site is Parks Yard which provides access to the rear of these shops from Silver Street. The yard is part cobbled part concrete, unmade and uneven in places. It is adopted from the point at Silver Street up to the rear of the application site and along the length of Back Silver Street. Parks Yard provides parking for the businesses, some of which are formally demarcated.

The application seeks the erection of a two storey retail unit within the vacant plot with 2 parking spaces.

The new unit would follow the front building line of Nos 5-7, projecting forward of the other block by 3.8m and would attach to the adjacent buildings. The unit would be 15m in length with the remainder of the plot at the rear used for bin storage and 2 nose-in parking spaces contained within a boundary fence either side.

The proposed unit would be 2 storey in height with a sloping rubber felted roof to tie into the adjacent row (Nos 11-19). The front elevation would have a glazed shop front at the ground floor and centrally positioned window at the first floor which would accommodate an office.

The exposed side elevation, or 'flank' elevation facing Nos 11-19 would have a large window at ground floor with a longer and narrower window at the first floor with elevations comprising a red/brown brick and dark grey windows.

At the rear of the unit would be an access door and window at the upper level with elevations rendered.

Relevant Planning History

N/a

Publicity

Letters sent to 43 properties on 4/6/25.
Site notice posted 5/6/25
Press advert 19/6/25.

One objection received with the following comments -

- The parking is a huge problem in the area for the local businesses as it is, the back street can not cope with extra cars. It will have a huge detrimental affect on the gym at the back of the proposed area, which has been here 36 years and supports the local community.

Statutory/Non-Statutory Consultations

Traffic Section - Recommends refusal

Waste Management - No response received.

Conservation Officer - Object on heritage grounds

Borough Engineer - Drainage Section - No objection subject to condition

United Utilities (Water and waste) - No response received.

Greater Manchester Ecology Unit - No objection - Advise informative

Environmental Health - Contaminated Land - No comments

Pre-start Conditions - Not relevant

Development Plan and Policies

NPPF	National Planning Policy Framework
S1/1	Shopping in Bury Town Centre
S2/3	Secondary Shopping Areas and Frontages
EN1/2	Townscape and Built Design
EN1/8	Shop Fronts
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
HT2/4	Car Parking and New Development
JP-C2	Digital Connectivity
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-C8	Transport Requirements of New Development
JP-P1	Sustainable Places
JP-P2	Heritage
JP-S1	Sustainable Development
JP-S2	Carbon and Energy
JP-S5	Clean Air
SPD11	Parking Standards in Bury

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.

Principle (Retail)

UDP Policy S1/1 - Shopping in Bury Town Centre confirms that the Council will protect, maintain and enhance the role of Bury Town Centre as a sub-regional shopping centre. This is further reinforced by UDP Policy S2/3 - Secondary Shopping Areas and Frontages that confirms that the council will seek to maintain retailing (formerly A1) as the predominant land use at ground floor levels.

Policy S2/1 - All New Retail Proposals: Assessment Criteria supports new retail proposals which accord with factors including being located within or adjoining main shopping areas, would sustain or enhance viability and vitality of an area, are accessible and conform with other plan policies.

In principle, a shop within an established shopping area would be appropriate within the character of the area and contribute to the vitality and viability of the centre. However, considerations of the layout, design and appearance and highway issues need to be addressed.

Layout and design

The proposed shop unit would infill the gap which exists between the two parade of shops on this side of Bolton Street. The 3.5m wide build would attach to the gable ends of the adjacent units and the front building line would align with the frontage of No 7 to the east. The build would however, be the same height as Nos 11-19 with a monopitch roof.

At the rear, the unit would extend 15m to the end of No 11 on the other side. Parking for 2 cars is proposed behind the unit together with bin storage.

The adjacent parade of shops, Nos 11-19, are in a poor state visually and structurally and offer little if any quality or value to the streetscene. Attempting to replicate this building in terms of scale, form and design is considered to exacerbate what is aesthetically a poor facade and dated appearance within the streetscene. The building and frontage would also appear confused within the street scene, by replicating the height of nos 11-19 but replicating the building line and window positions of no 7.

The street has a certain rhythm and uniformity in the positioning of shop windows and it is considered that the flank face (side elevation) and large windows within the flank would be a startling and obtrusive feature which would be at odds within the character of the street. As such there would be little or no cohesion and integration with the adjacent shops.

It is therefore considered the proposed layout and design would be unacceptable additions within the streetscape and contrary to policy EN1/2.

Heritage

The application site is within Bury town centre conservation area which is on the Heritage at Risk register (HAR).

The proposed unit would be an infill development linking a three storey Non-Designated Heritage Asset (NDHA), part of a group of NDHAs at 5-7 Bolton Street and the Clarence public house at 2 Silver Street, with a parade of late 1960s early 1970s shops rising to two storeys with a mono pitched roof. Virtually opposite is the Grade II listed Old White Lion with other NDHAs nearby.

The parade and upper storey are in a dilapidated state visually with no architectural or aesthetic merit causing significant harm to the character and appearance of the conservation area and the setting of the other designated and non-designated buildings identified. The building relates poorly in terms of height hierarchy in the street scene and as such creates an uneven mass and scale in that part of the conservation area.

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.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states: 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 210 of the National Planning Policy Framework (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 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 216 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The proposal would be the same height as the adjacent parade of shops with the same roof structure and present a flank shop front with upper windows that would be incongruous in the street scene.

The proposal would exacerbate and proliferate the existing poor relationship of the parade of shops in that part of the conservation area.

As such the proposal would neither preserve or enhance the character or appearance of the conservation area, causing less than substantial harm without any identified public benefit, and would harm the setting of the NDHAs and listed building.

In heritage conservation terms the proposal cannot be supported and would be contrary to policies EN2/1, EN2/2, JP- P2 and the principles of the NPPF.

Highways

In terms of parking and the current situation, Parks Yard to the rear of the site is used by the adjacent properties and shops to park.

The application proposes to provide two parking spaces behind the proposed new shop unit.

Parks Yard is part adopted behind the site but is unmade and haphazard in its surfacing which comprises concrete, cobbles and tarmac.

The applicant has not provided sufficient detail as to whether cars accessing the proposed spaces could be provided within the limits of the site, or achieve visibility within the site area on exiting. There is also limited detail to understand if the bins which are to be stored to the rear of the site are within the applicant's land ownership and control.

The Highway Authority have been consulted on the application and have recommended refusal for the following reasons -

The application and submitted plans contain insufficient information in order to properly assess the following highway aspects of the proposed development:

- Physical impact of the proposed development and its foundations and surface water drainage arrangements on the adjacent adopted highway;
- Confirmation that vehicular access to the site can be achieved on land within the

applicant's control and that the proposed parking can be accommodated within the curtilage of the site, clear of the adopted highway;

- Confirmation that adequate levels of visibility at the back edge of the footway can be achieved on land within the applicant's control;
- Confirmation that adequate bin storage facilities and access to those facilities can be accommodated within the curtilage of the site, clear of the adopted highway.

As such, the proposed development would be contrary to Policies HT2/4, JP-C5 and JP-C8.

Ecology

The site appears to comprise entirely hardstanding and is therefore unlikely to provide significant ecological value and the de minimis BNG exemption applies. Nevertheless, protected species can turn up in unexpected places and the granting of planning permission does not negate the need to abide by the laws which are in place to safeguard biodiversity.

An informative should be used so that the applicant is aware that they must seek ecological advice should they find or suspect that the proposals will impact on protected species. Additionally, planning policy encourages enhancements and net gains for biodiversity to be delivered through the planning system. Wherever possible measures to enhance the site for biodiversity should be secured as part of this planning application, and could include integration of bat or bird boxes into the proposed building.

Policy JP-S2 - Carbon and energy

The applicant states that the construction of the building would meet or exceed the requirements of part L of the Building Regulations. An electric vehicle charging point would be installed.

It is considered the proposed development would comply with this policy.

Policy JP-C2 - Digital connectivity

A full fibre wfi connection would be installed to allow any future occupier instant access. There would be level access to the unit with doors wide enough for wheelchair users.

It is considered the proposed development would comply with this policy.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposed development, by virtue of its scale, massing and design would result in the introduction of an incongruous and discordant addition into the Bury Town Centre Conservation Area and setting of the designated and Non-designated Heritage Assets where it is the intention of the Local Planning Authority to secure a high standard of development and design in relation to new building by requiring the use of sympathetic building forms and design. The proposal would neither enhance or preserve the character and appearance of the Bury Town Centre Conservation Area and would have an adverse impact on the special architectural merit of the Heritage Assets and non-Designated Heritage Assets. The proposal therefore conflict with the following policies of the Unitary Development Plan: EN2/1 Character of Conservation Areas, EN2/2 Conservation Area Control and principles of the NPPF.
- 2 The proposed development would, by reason of its height and position within the streetscene and design, would be an intrusive and incongruous feature in the street scene and would therefore, be seriously detrimental to the visual amenities of the area. The proposed development therefore conflicts with the following policy : EN1/2 - Townscape and Built Design and the principles of the NPPF.

3 The application and submitted plans contain insufficient information in order to properly assess the following highway aspects of the proposed development:

- Physical impact of the proposed development and its foundations and surface water drainage arrangements on the adjacent adopted highway;
- Confirmation that vehicular access to the site can be achieved on land within the applicant's control and that the proposed parking can be accommodated within the curtilage of the site, clear of the adopted highway;
- Confirmation that adequate levels of visibility at the back edge of the footway can be achieved on land within the applicant's control;
- Confirmation that adequate bin storage facilities and access to those facilities can be accommodated within the curtilage of the site, clear of the adopted highway.

The proposed development would therefore be contrary to Policies JP-S4, JP-C5, JP-C8, HT2/4 and the principles of the NPPF.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	22/7/25	DM	23/07/2025