

70390 – 12 Bolton Street, Bury.

Change of use of ground floor from shop (Class E) to sports bar and restaurant with first floor offices (Class E/Sui Generis); Replacement shop front.

The application site is within Bury Town Centre Conservation Area, a designated heritage asset, which is currently included on Historic Englands' Heritage at Risk Register.

For clarity the building is part of an historic terrace of properties, but it is not considered to be a Non-Designated Heritage Asset by virtue of the external alterations that have been carried out to the front elevation of the building. However its intact and largely unaltered period shop front from the 1920s/1930s makes the building a strong contributor to the character and appearance of the conservation area.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities in the exercise of their planning functions to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

Paragraph 200 of the National Planning Policy Framework (NPPF) states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation

Paragraph 205 of the NPPF requires that 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 208 of the NPPF states 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 application site is one in a terrace of commercial properties dating from the early/mid 19th century. Its original shop front, as evidenced by the 1895 photo contained within the submitted design, access and heritage statement has been replaced and the first floor front elevation fronting Bolton Street altered with changes to the fenestration and brickwork and the replacement of the eaves

with a parapet. These changes are considered to date from the late 1920s/ early 1930s as evidenced from the art deco design and materials of the shop front and the brickwork layout of the fenestration surround and the first floor front elevation.

There is no evidence to suggest the activities associated with the operation of the proposed change of use would cause any permanent, significant loss of heritage and therefore not to at least preserve the character and appearance of the conservation area.

The proposed shop front would result in the loss of a period feature indicative of the evolution of that part of the conservation area and which makes a strong contribution to its character and appearance . The proposed shop front would, by virtue of its proposed aluminium construction, loss of the recessed entrances, bay and side quarter glazed shop front represent an incongruous and contemporising feature which would not preserve or enhance the character or appearance of the conservation area. As such it would represent less than substantial harm to the character and appearance of that part of the conservation area and no evidence has been put forward to show that the replacement of the shop front is key to bringing the building back into an optimum viable use. Therefore there is not considered to be any perceived, or otherwise, public benefit that would outweigh the harm identified that would be caused to the character and appearance of the conservation area.

The proposal cannot be supported in heritage conservation terms as it would not comply with or be contrary to adopted UDP policies:

EN2/1 – Character of Conservation Areas

EN2/2 – Conservation Area Control

EN1/1 – Visual Amenity

EN2/2 – Townscape and Built Design

and paragraphs 200, 205, 206, 208, 135 of the NPPF.

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Conservation Officer

20/2/24