

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 20/02/2026	Ref: 72243/FUL
Registration: 28/08/2025	LDFC: 26/09/2025	Expiry Date: 23/10/2025
Site Visit: 04/09/2025	Site Notice: 04/09/2025	Press Date: 04/09/2025
Objections: 2	Con Area: BURY	Adv Type: CA
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: COUS

Proposal: Change of use from a sports bar (Sui Generis) to a convenience store (Class E) and restore front elevation.

Location: 12 Bolton Street, Bury, BL9 0LQ

Description

The application relates to a two storey mid terraced property located on a shopping street in Bury Town Centre which is within the Conservation Area.

This side of the shopping street comprises a restaurant, bars/pubs and a mix of Class E uses.

At the rear of the site is a paved area used as a servicing area where most of the premises on this row of store bins.

The premises originally operated as a retail sport shop at ground floor with associated storage rooms above.

Following its closure, the premises remained vacant for a period of time and was granted consent for a change of use of the ground floor to a sports bar (sui generis) with storage above (May 2024) and following that, the change of use of the whole building to a sports bar (17/1/25).

The permission for the sports bar was implemented but the bar only operated for a short period of time before closing.

Although neither of the applications proposed changes to the shop front, apart from an application to replace the signage which was refused consent, the entire shop front and most of the fascia have since been removed and replaced by a completely new shop front which comprised a fully glazed flat aluminium framed frontage which is entirely different to the historic and unique shop front which had originally characterised the building. (The original shop front was art deco in style and comprised recessed entrances, bay and side quarter glazed shop frontages with a timber frame.

This application seeks the change of use of the ground floor from a sports bar to a convenience store (class E) and restoration of the front elevation to emulate the original shop front.

Opening hours for the shop are proposed as -
Monday to Friday - 6am to 11pm
Saturday 8am to 11pm
Sunday 10am to 11pm.

The development would provide bin and secured cycle store facilities for 3 bikes which would be located internally at the rear of the building. .

Externally, proposed works comprise the following -

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- restoration of the shop front to provide a curved 3 glazed panel to each of the three individual shop fronts with a hardwood frame.
- retention of the stall riser
- recessed gates to entrance doors.
- reduction in the depth of the fascia.

Relevant Planning History

69796 - Prior approval for proposed change of use from commercial, business and service (Class E) to mixed use including 2 No. Flats (Class C3) - Prior Approval Required and Granted 08/02/2024

70545 - Change of use of ground floor shop (Class E) to sports bar with first floor offices (Sui Generis) - Approve with Conditions 08/05/2024

70841 - Installation of extraction flue and 2 no air conditioning units - Approve with Conditions 08/08/2024

71158 - Internally illuminated fascia sign - Refused 14/11/2024

71159 - Change of use of the building from a mixed use to a sports bar - Approve with Conditions 17/01/2025

25/0252 - Change of use of business to convenience store and installation of new shop front - enforcement case

Publicity

Letters sent to 40 properties on 1/9/25.

Site notice posted 4/9/25.

Press advert 4/9/25.

Two objections received with the following comments -

- To see the shop front taken down and glass front installed before the application or permission had been granted is very disrespectful.
- The traditional front was removed without permission and should be reinstated to restore the original look of the street.
- The adjacent property had to apply for new windows. The fact that this has just been ripped down and changed with no regard is worrying.
- Do not believe Bolton Street is in need of another mini market - there are 6 stores within 50m
- This kind of business is not helping Bury - the amount of litter that had accumulated in the past 2 years thanks to the take aways and convenience store's opened with no regard for waste
- Will cause anti-social behaviour
- Lack of bins on the street.
- A few of these businesses have been police raided multiple times.

Statutory/Non-Statutory Consultations

Conservation Officer - No objection subject to condition

Traffic Section - No objection subject to a condition for the provision of bin storage

Environmental Health - Pollution Control - No comments to make

Waste Management - No response received

Pre-start Conditions - Not relevant

Development Plan and Policies

NPPF National Planning Policy Framework

EC4/1 Small Businesses

EN1/2 Townscape and Built Design

EN2/1 Character of Conservation Areas

EN2/2 Conservation Area Control

EN2/3	Listed Buildings
S1/1	Shopping in Bury Town Centre
S2/3	Secondary Shopping Areas and Frontages
EN7/2	Noise Pollution
JP-S2	Carbon and Energy
JP-S3	Heat and Energy Networks
JP-C2	Digital Connectivity
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 - Use

The application site is located within Bury Town Centre and as such Bury's Unitary Development Plan (UDP) policies S1/1 (Main Shopping Area in Bury Town Centre), S2/3 (Secondary shopping area and frontages) and Area BY 3 Bolton Street/Market Place are relevant.

Policy S1/1 states that the Council will protect, maintain and enhance the role of Bury Town Centre as a sub-regional shopping centre and promote the centre as a focal point for further development.

Under Policy S2/3 the Council seeks to maintain class A1 retailing (now Use Class E(a)) as the predominant land use at ground floor level within secondary shopping frontages. Where a proposal would lead to more than 40% of any identified secondary shopping frontage being in non-retail use, the Council will also consider several factors.

The NPPF advocates a mix of uses within town centres to offer a range of services and facilities.

The application seeks to change the use of the ground floor to a convenience retail store which would support shopping policies to strengthen the vitality and viability of the town centre.

The proposed development would therefore be acceptable in principle.

It is considered that given the town centre location and other uses nearby, a condition to restrict the hours of operation is considered to be unnecessary.

Layout

The shop would be accessed by two new openings recessed at the front and in the same as previously. The rear part of the property would be storage and a bin store and cycle store for 3 bikes which would be accessed via a door at the side.

A the first floor would be a staff room and associated facilities via an internal staircase.

It is therefore considered the proposed development would be acceptable and comply with policies EN1/2 and S2/1.

Heritage consideration - design and appearance

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

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 210 of the 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 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.

Paragraph 220 of the NPPF states that not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 214 or less than substantial harm under paragraph 215, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.

Change of use - No objection to the change of use from a conservation area point of view.

Restoration of shop front - The previously existing shop front, which dated from the Art Deco period of the 20th century, was removed and replaced with a contemporary, fully glazed and flat fronted shop front, without planning permission.

Through the use of some later found remnants of the original shop front and photographic imagery, the applicant has carried out an approximate sample restoration on a section of the shop front.

The new shop front has been configured in a similar way to the original with a central bay on a curved cast concrete plinth/stall riser with recessed entrances either side of it, with the left and right hand side sections also on a curved plinth/stall riser. The centre bay has five glazed panels following the curve of the plinth/stall riser with the sides having three glazed panels.

The sample section of the shop front has been constructed in timber with a cast concrete plinth/stall riser and a configuration of three glazed panels following the curve of the plinth/stall riser.

This design is similar to the original shop front and is in the Art Deco style. It represents a quantum improvement on the contemporary plain shop front constructed without planning permission. This new proposed shop front would now, at least, be neutral in its impact preserving the character and appearance of the conservation area. The plinth/stall riser is proposed to clad in a material yet to be agreed with the LPA. This would be a condition.

Policy JP-S2: Carbon and Energy

The applicant states that the proposed change of use will comply with JP-S2, 1,2 and 3 and with Part L of Building Regulations by improving energy efficiency and generate renewable and low carbon energy, heating and cooling.

The proposal would therefore accord with policy JP-S2.

Policy JP-C2: Digital Connectivity

To comply with Policy JP-C2, the premises will have an internet provider.

This will be full fibre optic connectivity. The premises' wifi will only be for the establishment and its customers.

The proposal would comply with policy JP-C2.

Response to objections

- The proposed use is considered acceptable in the Town Centre and compliant with planing policy.
- There would be no reason to suggest the proposed development would cause anti-social behaviour or create litter.
- The application proposes removal of the unauthorised shop front and restoration works to emulate the original frontage and therefore seeks to remedy the planning breach.

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

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. 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 This decision relates to drawings -

Red edge location plan

Revised proposed floor plans and elevation SHT 3 of 3 rev D (16/2/26)

and the development shall not be carried out except in accordance with the drawings 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 and Places for Everyone Joint Development Plan listed.

- 2 Prior to the first use of the development hereby approved, details of the design and materials of the plinth/stall riser shall be submitted to and approved by the LPA. The approved details only shall thereafter be implemented prior to the first

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use/occupation of the development hereby approved.

Reason. In the interests of visual amenity and to preserve the historic character of the Bury Town Centre Conservation Area pursuant to policies EN1/2, EN2/1, EN2/2 and the principles of the NPPF.

- 3 Prior to first occupation, the internal ground floor bin storage arrangements indicated on the approved plans shall be implemented and thereafter maintained at all times.

Reason. To ensure adequate provision for the storage and disposal of refuse within the curtilage of the site, clear of the adopted highway pursuant to policies EN1/2 and JP-C8.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	20/2/26	DM	20.02.2026