

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 10/09/2026	Ref: 73487/FUL
Registration: 29/07/2026	LDfC: 26/08/2026	Expiry Date: 23/09/2026
Site Visit: 12/08/2026	Site Notice: 12/08/2026	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: PI
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: COUS

Proposal: Change of Use from Car Showroom (Class Sui Generis) to Indoor Sport, Recreation or Fitness to use as Indoor Play Centre (Class E(d))

Location: The Car Depot, Derby Way, Bury, BL9 0NJ

Description

The application relates to part of a site located in Bury Town Centre which formally operated as a car showroom. The site as a whole comprises a commercial building, car sales area and parking with an access from Rochdale Road to the south and an access from Derby Way to the west.

The application relates to 5438sqm of floorspace of the former showroom unit in the northern part of the site and includes an area of the former forecourt and parking area directly to the north and west of the unit.

The application seeks the change of use of part of the car showroom (Sui Generis) to indoor sport, recreation or fitness as an indoor play centre (Class E(d)).

The unit would utilise the existing access to the west off Derby Way and lead to 43 parking spaces including 3 staff, 3 EV chargepoints and 3 accessible spaces to the west of the building and a further 24 overflow parking spaces to the north of the unit. (total of 67 spaces). There would also be a bin store and cycle store provided.

The main entrance to the unit would be located on the western elevation and internally the proposed floor layout shows the unit would be open plan .

Opening hours are stated as -
Monday to Friday - 10am to 8pm
Saturday - 9am to 8pm
Sunday/Bank Holidays - 9am -8pm.

There would be 5 full time and 12 part time employees.

In terms of the operations of the business, the applicant states the facility would operate on a pre-booked basis with customers booking 2 hour sessions with new sessions commencing every 30 mins and could facilitate 50-100 families using the facility at any one time.

Relevant Planning History

63872 - Change of use of former bus depot to car sales, ancillary vehicle servicing; new vehicular access from Derby Way; external alterations to the building, Security lodge and erection of flood lighting and CCTV cameras - Approved 16/10/2020
56253 - Outline - Demolition of existing bus depot and erection of foodstore of 10499 m2, 500 parking spaces(Class A1), petrol filling station, associated car parking and servicing

facilities - Refused 18/09/2013

Publicity

Letters sent to 40 properties on 5/8/26.

Site notice posted 12/8/26

No responses received as a result of the publicity.

Statutory/Non-Statutory Consultations

Traffic Section - Object

Environmental Health - Pollution Control - No response received

Pre-start Conditions - Not relevant

Development Plan and Policies

NPPF	National Planning Policy Framework
EN1/2	Townscape and Built Design
EN1/7	Throughroutes and Gateways
EN7/2	Noise Pollution
EC6/1	New Business, Industrial and Commercial
S4/4	Car Showrooms, Car Sales Areas and Petrol Filling Stns
HT2/4	Car Parking and New Development
JP-C1	Our Integrated Network
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-P4	New Retail and Leisure Uses in Town Centres
JP-P7	Sport and Recreation
JP-S1	Sustainable Development
JP-S2	Carbon and Energy
TC1	Town Centres
SPD11	Parking Standards in Bury
EC4/1	Small Businesses

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

The site as a whole formally operated as a car showroom and sales business (Sui Generis).

The proposal would utilise part of the site for an indoor sport and recreation facility which falls within a Class E(d) use.

An indoor sport and recreation facility is considered to be a main town centre use as defined within the glossary of the NPPF and therefore such developments should be sited within the Borough's Town and District centres as allocated within the adopted Development Plan.

Main town centre uses include leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls).

The site is not located in the Town Centre but is located Edge of Centre.

Chapter 8, Policy TC3 - Main town centre uses outside town centres states that a sequential test should be applied to proposals for main town centre uses for which planning permission is required, where these are neither in an existing centre nor in accordance with an allocation for that purpose in an up-to-date development plan.

The sequential test means that main town centre uses involving new development should be located within town centres identified in the development plan; then, if this is not feasible, in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered. When considering edge of centre and out of centre locations, preference should be given to accessible sites which are well connected to the town centre by sustainable transport

modes.

Policy TC4 - Assessing the impact of development on town centres states that Development proposals for retail and leisure uses located outside town centres should be accompanied by an impact assessment if the proposal exceeds a floorspace threshold set out in an up-to-date development plan, and is not on a site which is allocated for the proposed use in the plan. If no threshold for impact assessments has been set in the development plan, a default threshold of 2,500m² gross floorspace should be applied.

In circumstances where an impact assessment is required, it should be demonstrated that the development would be unlikely to have a significant adverse impact on:

- a. Existing, committed and planned public and private investment in a town centre or centres in the catchment area of the proposal; and
- b. Town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).

Emerging Local Plan Policy LP-TC2 - Managing the location and scale of main town centre uses seeks to maintain and enhance the vitality of the Borough's hierarchy of centres by ensuring that proposals for main town centre uses are in an appropriate location and that proposals for retail, leisure and office development are of a scale that would not have significant adverse impacts.

In managing the location of main town centre uses, the Council will require a sequential assessment in conjunction with planning applications involving sites that are not in an existing centre and are not in accordance with the Local Plan. Main town centre uses will be located within existing centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) will out of centre sites be considered. When considering edge of centre and out of centre proposals, preference will be given to accessible sites which are well connected to the town centre.

To ensure that full consideration is given to the scale of development and whether this would have any significant adverse impacts, an impact assessment will be necessary to accompany proposals for retail and leisure uses (including those relating to mezzanine floorspace and the variation of restrictive conditions) which are not located within a defined centre where the proposal provides a gross floorspace in excess of 500 sq.m. gross.

A sequential assessment has not been submitted and as such the proposed development would fail to address the principles of the NPPF or emerging Local Plan Policies and as such should be recommended for refusal.

Layout and highway issues

The development proposes to utilise part of the existing unit located in the northern part of the site including an area of the existing car park/outdoor car display area.

The main entrance to the unit would be located on the western elevation facing the car park and access into the site. A pedestrian route is shown to link from the southerly footway on Derby Way to the site entrance.

A total of 43 parking spaces would be located in the western area of the site including 3 accessible spaces and 4 EV spaces and a cycle store along the front elevation of the unit. A further 24 overflow parking spaces are shown to the north of the unit.

It is stated that there would be between 50-100 families visiting the site at one time.

Previous use

When permission was granted for the previous use as a car sales and showroom business, highway works were required to make the development acceptable from a highway safety perspective. These works included alterations to the access and footway on Derby Way,

relocation of pedestrian crossings, pedestrian refuge provision footway works and segregated pedestrian routes within the site. Condition 4 of planning approval ref 63872 detailed the required works. However the condition was never discharged and the works have not been carried out.

Whilst this application should not have to 'right' a previous 'wrong' the proposed development must be acceptable on its own merits and in terms of highway safety to provide safe vehicle and pedestrian access and facilities.

This is assessed below.

Proposed use

Comparative to the previous use for the car sales/showroom business where trips by customers would have been staggered and likely less frequent and the delivery of sales cars, whilst by transporter would have been managed and controlled from the access off Rochdale Road (a condition of the scheme), the proposal would be a more intensive use of just a part of the site where up to 100 families could visit at one time and the site and access to it would be busy even if sessions were staggered.

This application however provides no details other than the layout of the parking spaces for this use and a pedestrian walkway from Derby Way to the building. The position of the proposed walkway would require pedestrians to cross the site at the point where there would be vehicle movements to and from the other areas of the site using the Derby Way access.

Given the lack of information, the proposal raises significant concerns in relation to highway safety and site accessibility. The submitted information and the lack of information fails to demonstrate that -

- a suitable and safe access can be achieved for all users;
- the access from Derby Way provides adequate levels of visibility;
- the local highway network can safely accommodate the additional vehicle movements generated by the development;
- service, delivery, emergency and refuse vehicles can safely enter, manoeuvre within, and exit the site;
- adequate parking and turning facilities are available;
- adequate cycle parking would be available;
- the development would not have an unacceptable impact upon highway safety.
- the parking within the whole site to ensure that the change of use proposed will not lead to the loss of any parking (as well as servicing) for the affected part of the car showroom or any overspill parking on the adjacent adopted highways. An in-depth assessment will be required.

Traffic flows and movement to and from the site would also need to be assessed particularly given that Derby Way can be heavily trafficked as it is a route to the main shopping centre, provides an access to the car park opposite the site and is a route through the town centre.

The site as a whole requires a coherent and comprehensive approach in relation to parking, access and servicing arrangements, rather than a piecemeal and disjointed development which is currently proposed, to ensure all future uses in the remaining parts of the site operate in a cohesive and safe manner.

This application also contains inaccurate information as -

- the red edge site plan does not meet the adopted highway on Derby Way
- the red edge does not match the red edge for the proposed site plan where the 24 overflow parking spaces are shown.
- the existing site plan is inadequately detailed as it does not show anything other than the unit (and only part thereof).

The Local Highway Authority have been consulted and would not support the application for the reasons above, citing reasons for refusal as follows -

1. The proposal would result in the intensification of use of a site with sub-standard pedestrian and vehicular access arrangements from the adopted highway at Derby Way, which would be detrimental to pedestrian and road safety.
2. The application and submitted plans contain insufficient information in order for the following to be properly assessed:
 - Impact the traffic generated by the proposed change of use could have on the adjacent highway network.
 - Impact the proposed use will have on parking provision for the retained use of the buildings on the site.
 - Impact the proposed use will have on servicing and turning facilities for the retained use of the buildings on the site.
 - Provision of adequate levels of car parking provision and servicing, refuse collection and turning facilities for the proposed use.
 - Adequacy of the pedestrian route shown indicatively on the proposed site plan for the use proposed and impact the facility will have on existing parking provision for the retained use of the buildings on the site.

The proposed development is therefore considered unacceptable and would have an adverse and detrimental impact on highway and pedestrian safety and conflict with policies EC4/1, JP-C5, JP-C6 and JP-C8.

Impact on the surrounding area

In terms of the surrounding area outside the site, apart from the residential properties to the south on Fletcher Street, uses are predominantly commercial and have their own access and parking areas and as such it is considered there would not be a significant impact on these business.

However, and as identified above, the application fails to assess how the remaining site would operate in terms of parking, servicing, access and pedestrian facilities and as such an assessment cannot be carried out as to how the proposed use would impact the site as a whole.

Policy JP-S2 - Carbon and energy

The applicant states that the proposal would adopt a retrofit-first approach by retaining and refurbishing the existing building, preserving embodied carbon and reducing demolition waste. Energy demand will be reduced through LED lighting, occupancy sensors, zoning controls, efficient heating and improved insulation where practicable.

The development also supports sustainable transport through provision for electric vehicle charging infrastructure within the shared car park (or passive provision for future installation where appropriate), together with secure cycle parking and excellent access to public transport and pedestrian routes from Bury town centre.

This is considered an acceptable approach.

Policy JP-C2 - Digital connectivity

Policy JP-C2 states this development to have full fibre to premises connections unless infeasible or unviable, with multiple-ducting. The policy supports the provision of free, secure, high-speed public wi-fi connections.

The applicant states that the area/local properties currently have a fibre broadband and connection to the proposed unit would be similar if granted permission.

This is considered an acceptable approach.

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

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposal would result in the intensification of use of a site with sub-standard pedestrian and vehicular access arrangements from the adopted highway at Derby Way, which would be detrimental to pedestrian and road safety. The proposed development would therefore be contrary to policies EC4/1, JP-C5, JP-C6 and JP-C8.
- 2 The application and submitted plans contain insufficient information in order for the following to be properly assessed:
 - Impact the traffic generated by the proposed change of use could have on the adjacent highway network.
 - Impact the proposed use will have on parking provision for the retained use of the buildings on the site.
 - Impact the proposed use will have on servicing and turning facilities for the retained use of the buildings on the site.
 - Provision of adequate levels of car parking provision and servicing, refuse collection and turning facilities for the proposed use.
 - Adequacy of the pedestrian route shown indicatively on the proposed site plan for the use proposed and impact the facility will have on existing parking provision for the retained use of the buildings on the site.The proposed development would therefore be contrary to policies EC4/1, JP-C5, JP-C6 and JP-C8.
- 3 The application and submitted plans contain inaccurate information to show the extent of the red edge site plan in relation to the adopted highway and extent of the red edge application site to include the proposed overspill parking to enable them to be properly assessed. The proposed development would therefore be contrary to policies EC4/1, JP-C5, JP-C6 and JP-C8.
- 4 The applicant has failed to satisfy the sequential test to demonstrate that there are no sequentially preferable or suitable sites available in the town centre location. The proposed development would therefore be contrary to Policies TC3 and TC4 of Chapter 8 - Ensuring the vitality of town centres and Emerging Policy LP-TC2 of Bury's Publication Local plan (June 2026).

<u>Case Officer</u> JT 10/9/26	<u>Date</u>	<u>Sign off Officer</u> DM 11.09.2026	<u>Date</u>
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