

Halls Mill Retail Park Planning and Retail Statement

IRP Holdings Limited

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1.0 Introduction

- 1.1 This Planning and Retail Statement has been prepared by Lichfields on behalf of IRP Holdings Limited (“LondonMetric”). It provides a planning and retail assessment of the proposals to assist Bury Council (“the Council”) in its consideration of an application for part demolition, reconfiguration and extension of Unit A to create two new Class E(a) units (including food sales in Unit A1) and associated works at Halls Mill Retail Park. The site comprises the existing Unit A and surface car parking/hardstanding located adjacent (“the Site”).
- 1.2 The Site is within an edge-of-centre location in retail terms. This report provides an assessment of the issues raised by the proposed development, concentrating on retail planning policy, and in particular the sequential test.

Scope of Application

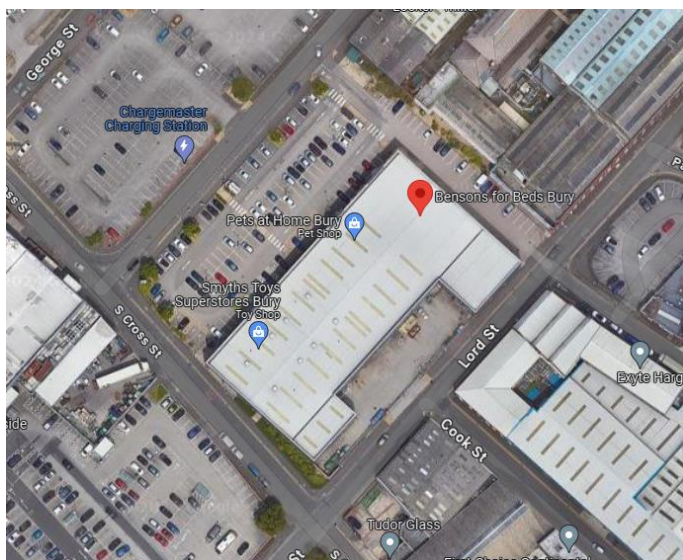
- 1.3 This statement provides an assessment of the planning issues raised by this application. The issues considered include relevant planning policy and in particular the tests outlined in the National Planning Policy Framework (“NPPF”) for main town centre uses including the sequential test.
- 1.4 This statement should be read in conjunction with other documents submitted with the application including:
- Plans and Drawings prepared by The Harris Partnership:
 - a Location Plan;
 - b Existing Site Plan;
 - c Existing GA Plan;
 - d Existing Elevations;
 - e Existing Roof Plan;
 - f Proposed Site Plan;
 - g Proposed GA Plan;
 - h Proposed Elevations;
 - i Proposed Roof Plan;
 - j Proposed External Works Plan;
 - Design and Access Statement prepared by The Harris Partnership; and
 - Transport Statement, prepared by Exigo Project Solutions.

2.0 Background

The Site and Surrounding Area

- 2.1 Halls Mill Retail Park is located approximately 200m south-east of Bury Town Centre and approximately 100m south-east of the Angouleme Way Retail Park. The Halls Mill Retail Park comprises three retail units occupied by Bensons for Beds (Unit A), Pets at Home (Unit B) and Smyths Toys (Unit C).

Halls Mill Retail Park



Source: Google Earth dated February 2024

- 2.2 The Site extends to 0.2 hectares and comprises the existing Unit A and surface car parking/hardstanding located adjacent. Unit A comprises 933 sq.m GIA.
- 2.3 A car park serving Halls Mill Retail Park is located adjacent to the north-west of the block. Access into this carpark is via Foundry Street which connects with Rochdale Road (A58). Additional public car parks are located within close proximity including the pay and display surface car park opposite on George Street (c.45m west), Angouleme Way Retail Park (c.100m west), The Rock Shopping Centre multi storey car park (c.180m north) and Bury Market car park (c. 250m west).
- 2.4 Bus stops are located to the north and north west of the Site on Rochdale Road. Bus routes include 163, 433, 471 and 475. The Bury Interchange including central bus station and Metrolink tram station is located approximately 480m west of the Site. A number of pedestrian crossings exist over or under Rochdale Road, linking pedestrians walking from the Site with the town centre, including the pedestrian subway at the Bury Market and a pelican crossing at the junction with Rochdale Road and Derby Way.
- 2.5 The Site is located in Flood Zone 1, meaning land has a low probability of flooding from rivers and the sea. The Site is located in an area at less than a 'low risk' of surface water flooding according to the Environment Agency. The Site is not located within a Conservation Area and there are no heritage assets on, or within close proximity to the Site.

Planning History

- 2.6 The following applications have been identified and are considered relevant to the proposals on the Council's online planning register.
- 2.7 Planning permission (ref. 49672) was granted on 4 June 2008 for:
- "Erection of 66,510 square foot / 6179 square meters non-food retail units with car parking and servicing."*
- 2.8 Condition 13 attached to this permission stated that:
- "Goods in the following categories may not be sold from the retail units hereby approved unless otherwise agreed in writing with the Local Planning Authority:*
- *Food and drink*
 - *Clothing (unless protective or other specialist wear directly related to the range of goods sold within the retail unit)*
 - *Footwear (unless protective or other specialist wear directly related to the range of goods sold within the retail unit)*
 - *Leather and travel goods*
 - *Jewellery*
 - *Toys*
 - *Sports goods and equipment*
 - *Books (unless reference or instruction manuals directly related to the range of goods sold within the retail unit)*
 - *Cosmetics*
 - *Health care*
 - *Beauty products*
 - *Music/records/cd's/dvd's or any other entertainment media (unless they are for reference or instruction directly related to the range of goods sold within the retail unit)."*
- 2.9 Condition 14 set a cap on the maximum retail floorspace to be provided of 6,179 sq.m for non-food retail purposes, and Condition 15 stated that the development shall be for 5 non-food retail units and none of the units shall be otherwise subdivided or amalgamated.
- 2.10 A non-material amendment to this permission was granted on 5 July 2010 for the following (ref. 52590):
- "Application for non-material amendment following grant of planning permission 49672:*
- 1. Variance of condition 15 changing the scheme from 5 non-food units to 3 non-food units*
 - 2. Omission of glazing to proposed north east elevation; Deletion of 2 entrances; Relocation of 1 entrance; Re-configuration of doorways to the rear*
 - 3. Allowance of Toys to be sold from the site."*

2.11 A second non-material amendment was granted on 26 April 2011 (ref. 53774) for the following amendments:

“Non-material amendment following grant of planning permission 49672: 1. Additional pedestrian link into the site from Foundry Street 2. Changes to soft landscaping scheme to suit new layout.”

3.0 Proposed Development

- 3.1 The application seeks planning permission to extend and reconfigure Unit A, to create two new retail units – a reduced size Unit A (492 sq.m GIA at ground floor plus a new mezzanine of 250 sq.m GIA), to be occupied by Bensons for Beds, and a new Unit A1 (929 sq.m GIA), to be occupied by a food store operator, an overall increase of 738 sq.m GIA / 802 sq.m GEA.
- 3.2 Please refer to the accompanying Proposed GA Plan, Proposed Site Plan, Proposed Elevations, Proposed External Works Plan and Proposed Roof Plan for details.
- 3.3 The height of the shell of the existing Unit A will remain as existing. Pedestrian access to Unit A and Unit A1 is from the north-western elevation.
- 3.4 There will be an overall reduction in car parking spaces from 137 spaces to 120 spaces. A new trolley bay is to be provided to serve the food store. All existing landscaping will be retained on site.
- 3.5 Servicing for the two new units will be via the existing service yard to the rear of the units. A small enclosure has been introduced to house plant equipment, and the existing refuse area has been expanded to accommodate the increased demand from the new development.
- 3.6 The application also proposes to resurface seven parking spaces in block paving or tarmac to match the existing surface. Bollards are proposed to be erected in front of the proposed Unit A1 for safety. The pedestrian footpath adjacent to the front of the proposed Unit A1 will comprise paving slabs to match the existing.
- 3.7 The pedestrian footpath connecting the Site with Lord Street to the rear of the Site will be resurfaced and maintained.

4.0 Relevant Planning Policy

- 4.1 This section identifies the key planning policy and guidance at a national and local development plan level of relevance to the assessment of the proposed development.

National Planning Policy

- 4.2 The latest version of the National Planning Policy Framework (“NPPF”) was published in December 2024. The document sets out the Government’s economic, environmental and social planning policies for England.
- 4.3 At the heart of the NPPF is a presumption in favour of sustainable development. As stated in paragraph 8 of the NPPF, the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. The NPPF also confirms that significant weight should be placed on the need to support economic growth and productivity, taking into account both local needs and wider opportunities for development (paragraph 85).
- 4.4 Paragraph 90 of the NPPF states that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.
- 4.5 Paragraph 91 states that planning applications for main town centre uses which are not in a defined centre and do not accord with an up-to-date development plan should be subject to a sequential test. Such uses should be located in town centres, followed by 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.
- 4.6 When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored (paragraph 92).
- 4.7 In terms of impact, paragraph 94 states that:
- “When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m² of gross floorspace). This should include assessment of:*
- a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and*
- b) the impact of the proposal on 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).”*

- 4.8 The NPPF confirms that where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 94, it should be refused.
- 4.9 Paragraph 116 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Planning Practice Guidance

- 4.10 The Planning Practice Guidance (“PPG”) supports the NPPF and advocates taking a positive approach to meeting needs, making clear that local planning authorities should assess and plan to meet the need for main town centre uses in full.
- 4.11 In relation to the sequential test, the PPG requires local authorities to consider whether the identified need for main town centre uses can be accommodated on town centre sites. This should consider the suitability, availability and viability of sites, with particular regard to the nature of the need that is to be addressed.
- 4.12 The PPG states that, when applying the sequential test, it is important to recognise that certain main town centre uses have particular market and locational requirements, which mean that they may only be accommodated in specific locations. It also recognises that, as promoting new development in town centre locations can be more expensive and complicated than elsewhere, local planning authorities need to be realistic and flexible in terms of their expectations.
- 4.13 The PPG advises that the impact test will need to be undertaken in a proportionate and locally appropriate way, drawing on existing information where possible.

Statutory Development Plan

- 4.14 Section 38(6) of the Planning and Compulsory Purchase Act 2004, states that where an adopted development plan contains relevant policies, an application for planning permission shall be determined in accordance with the plan, unless material considerations indicate otherwise.
- 4.15 The Site is located within the administrative boundary of Bury Council. The statutory development plan comprises the saved policies of the Bury Unitary Development Plan (1997) (“UDP”), the Places for Everyone Joint Development Plan (2024) (“Pfe”), the Greater Manchester (“GM”) Joint Waste Plan (2012) and the GM Joint Minerals Plan (2013).

Unitary Development Plan

- 4.16 The Site is not allocated for any specific uses in the UDP. The Site is approximately 260m east of the Primary Shopping Area (“PSA”) and is therefore considered ‘edge of centre’ in retail planning terms.
- 4.17 Chapter 9 relates to ‘Shopping’. The relevant policies are outlined below:
- Policy S2 (Control of New Retail and Non-Retail Development) states that the Council will seek to protect and enhance the vitality and viability of the Borough's shopping

centres by encouraging and controlling the type and location of retail and non-retail development to benefit the retailing activities of the centres.

- Policy S2/1 (All New Retail Proposals: Assessment Criteria) states that the Council will support new retail development proposals which accord satisfactorily with the following factors:
 - a Are within or immediately adjoining the main shopping area of existing centres;
 - b Sustain or enhance the vitality and viability of a centre;
 - c Are accessible by and would encourage greater use of public transport;
 - d Are in conformity with other policies and proposals of the Plan.
- Policy S3 (New Retail Development and Environmental Improvements) states that the Council will encourage and permit appropriately located retail development and environmental improvements within or immediately adjoining the main shopping area of the Borough's main shopping centres.
- On the other side of Foundry Street, site S3/1/15 'George Street/Foundry Street' was identified as a new retail development opportunity within or immediately adjoining the main shopping area of Bury, where new retail development will be permitted. The UDP noted that this site may provide an opportunity for additional retail warehousing or other complementary comparison shopping facilities adjoining the town centre. Satisfactory new and replacement car parking will be expected as part of any redevelopment proposal and overall parking provision within the centre as a whole must not be prejudiced. This site now contains Matalan and associated car parking.

Places for Everyone

- 4.18 The Places for Everyone Joint Development Plan (2024) ("PfE") is a long term plan of nine Greater Manchester districts (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan) for jobs, new homes and sustainable growth.
- 4.19 The Site is not allocated for any particular purpose in PfE. The following PfE policies are considered relevant to the determination of this application:
- PfE Policy JP-P1 (Sustainable Places) seeks development proposals to be well connected to other places, among other criteria.
 - PfE Policy JP-S1 (Sustainable Development) development should aim to maximise its economic, social and environmental benefits simultaneously, among other criteria.
 - PfE Policy JP-S4 (Flood Risk and the Water Environment) requires proposals to be located and designed to minimise the impacts of current and future flood risk, among other criteria.
 - PfE Policy JP-P4 (New Retail and Leisure Uses in Town Centres) states that retail and leisure facilities should be directed towards designated centres wherever possible. The policy states this will help to maintain the vitality and viability of those centres. The boundaries of the centres are defined in the district local plans.

Emerging Policy

Bury Local Plan

- 4.20 Following the adoption of PfE in March 2024, the Council undertook an early stage of engagement via a scoping exercise with regards to an Integrated Appraisal and the Council issued a Call for Sites. This exercise was open for comments over a six week period until May 2024.
- 4.21 The Council has not updated its Local Development Scheme since February 2022. The timetable for the new local plan is therefore unclear at the time of writing.

Summary

- 4.22 The main policy considerations for the determination of planning applications for retail uses are often compliance with a sequential test and retail impact. However, local planning policy documents do not set a local threshold for retail impact assessment, and the default threshold within the NPPF of 2,500 sq.m applies. As the proposed development will create a food store unit of just 929 sq.m (GIA) plus a non-food unit of 742 sq.m (GIA), the combined total floorspace of 1,671 sq.m GIA falls significantly below the threshold and an impact assessment is not required.
- 4.23 The sequential test applies to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan, and an assessment of the proposals against this test is set out in the next section.

5.0 Retail Location and Sequential Test

- 5.1 The NPPF adopts a ‘town centre first’ approach to ensure the vitality and viability of town centres is maintained and enhanced. Paragraph 91 of the NPPF requires a sequential test for planning applications for main town centre uses which are neither in an existing centre, nor in accordance with an up-to-date plan. The PPG notes that the application of the test will need to be proportionate and appropriate for the proposal.
- 5.2 When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and LPAs should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored (NPPF paragraph 92).
- 5.3 As identified above, the Site is located approximately 260m east of the primary shopping area in Bury and is within an established retail location. Bury has no clearly defined town centre boundary within its out-of-date Local Plan. Halls Mill Retail Park is located immediately adjacent to the designated secondary shopping area (UDP Policy S2/3). This site is therefore considered to be edge of centre in retail policy terms and a sequential assessment has been undertaken in accordance with the requirements of the NPPF.

Methodology

- 5.4 Annex 2 of the NPPF indicates that, for retail purposes, the term ‘edge-of-centre’ applies to a location that is both well connected to, and within 300m of, the PSA.
- 5.5 On this basis, it is necessary to consider the suitability and availability of potential alternative sites located within Bury Town Centre as it is the nearest main centre to the Site.
- 5.6 Other edge-of-centre sites do not need to be considered. As noted above, the Site is located at an existing retail destination that is close to and well related to the town centre, and there is a high propensity for linked trips between the town centre and the application site. Therefore, other edge-of-centre locations are not sequentially preferable.
- 5.7 Paragraph 92 of the NPPF states that “*when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre*”, this does not require an assessment of whether other sites may be “*better*” connected, only to demonstrate that the application site is “*well*” connected.
- 5.8 There are three levels in the hierarchy of sites in considering the sequential approach – 1. in town centres, 2. edge of centre sites; 3. out of centre sites. Sites that fall within the same category are afforded the same status in planning policy terms. This was clarified in the Secretary of State’s decision at Tollgate (ref. APP/A1530/W/16/3147039) where it was concluded that in having equal status, an alternative edge of centre site was not sequentially preferable in policy terms:

IR para. 12.3.27: “St Botolph’s is an edge of centre site and so in policy terms is not sequentially preferable and does not need to be considered.”

SOS para. 14 “For the reasons given at IR12.3.27, the Secretary of State agrees with the Inspector that the St Botolph’s is not sequentially preferable and does not need to be considered.”

- 5.9 The Tollgate decision is clear that all edge of centre sites have equal status, and an assessment does not need to consider alternatives with the same status.
- 5.10 Applicants are therefore not required to consider all edge of centre sites that may be better connected to the town centre than their proposal site. Applicants are only required to demonstrate their site is accessible and well connected to the town centre ie. not necessarily the most accessible and best-connected site.
- 5.11 Planning Practice Guidance makes clear that such assessments should consider the suitability, availability and viability of the Site to meet the need that is to be addressed by the application proposals.

Site Considerations

- 5.12 Disaggregation of a scheme/proposal does not form part of retail planning policy, ie. there is no requirement to split up the proposed development into smaller parts. The sequential test looks to see if there are suitable sites which can accommodate the broad type of development that is proposed in respect of the approximate (rather than precise) size, type and range of goods that are proposed. A development that is split into several disparate parts does not amount to approximately the same size or type of development. The requirement to assess sequentially preferable sites (plural) means in order to see whether any one (singular) of them can accommodate what is proposed, not to see whether a number of sites (plural) can accommodate parts or elements of what is proposed.
- 5.13 Previous policy and guidance made express reference to disaggregation, but those references have not been carried forward into current guidance. Neither the NPPF nor the PPG (which is where one would expect to see such clarification if it was considered necessary) make any reference whatsoever to disaggregation or sub-division. This was plainly a deliberate choice when formulating current policy.
- 5.14 A significant Judgement in respect of the sequential test is the Supreme Court Judgement in *Tesco v Dundee City Council* (21 March 2012). This Judgement is important as it is the first in a series of consistent interpretations of how disaggregation should be dealt with when considering retail development proposals. This Judgement is capable of application in England and Wales in addition to Scotland, albeit it interprets the sequential approach test in the context of Scottish planning guidance note NPPG 8 (1998) 'Town Centres and Retailing'.
- 5.15 Para. 29 of the Judgement conveys the interpretation that Lord Reed gives to the concept of flexibility, and provided the applicant has demonstrated flexibility with regards to format and scale, the question is:
- “whether an alternative site is suitable for the proposed development not whether the proposed development can be altered or reduced so it can be made to fit an alternative site”.*
- 5.16 The Judgement also conveys the interpretation that Lord Hope, who agrees with the conclusions of Lord Reed regarding the need for flexibility and realism, gives to the suitability of a potential alternative site (para. 37):

“It is the proposal for which the developer seeks permission that has to be considered when the question is asked whether no suitable site is available within or on the edge of the town centre”.

- 5.17 The Judgement is clear that an applicant must assess the scope for an alternative site to accommodate the proposed development, and in doing so there is a requirement to exercise a degree of flexibility. It is also clear that provided better located sites are not suitable for the proposed development, that is the extent of the sequential test, as far as a legal reading of policy is concerned.
- 5.18 The sequential approach test is therefore interpreted as whether, given a reasonable degree of flexibility, a potential alternative site can accommodate the development proposed and not some alternative scheme that is materially different in purpose or is in a disaggregated form.
- 5.19 Rushden Lakes is an important Secretary of State decision (APP/G2815/V/12/2190175) in 2014, in relation to an inquiry which took place shortly after the issue of (2012) NPPF, and therefore provided an early indication as to the proper approach to policy by the Secretary of State. The decision confirms that disaggregation is not a component of flexibility and that there is no requirement for an applicant/appellant to consider the disaggregation of a proposed development (para. 8.47 and 8.50). Para 8.49 of the Rushden Inspector’s Report (IR) confirms that the NPPF provides no indication over the degree of flexibility required.
- 5.20 The conclusions of the Inspector were endorsed by the Secretary of State (para. 15) where he agrees that the sequential test relates entirely to the application proposal and whether it can be accommodated on an actual alternative site. The Secretary of State agrees (para. 16) that there is no requirement to disaggregate.
- 5.21 This issue was also dealt with in a Secretary of State decision (refs: APP/V2723/V/15/3132873 & APP/V2723/V/16/3143678) relating to out of centre retail and leisure development at Scotch Corner. The Inspector’s recommendation (which was accepted by the SOS) concludes that disaggregation is not required in order to demonstrate flexibility. Para. 11.7 sets out that:
- “In carrying out the sequential test it is acknowledged that whilst Framework paragraph 24 indicates that applicants should demonstrate flexibility on issues such as format and scale, **it does not require the applicant to disaggregate the scheme.** The sequential test seeks to see if the application, i.e. what is proposed, can be accommodated on a town centre site or on sequentially preferable sites.”* (emphasis added)
- 5.22 A further key decision relates to an Inspector’s decision in relation to out of centre retail and leisure development at Tollgate in Colchester (Ref: APP/A1530/W/16/3147039). At para. 12.3.4 of the Inspector’s recommendation, it states:
- “The sequential test within the NPPF should be interpreted without reference to old policy and guidance which mentioned disaggregation. Those references were not carried forward and neither the NPPF nor the PPG make any reference to disaggregation, or sub-division.”*

- 5.23 The Secretary of State's decision letter confirms this interpretation of the sequential test. At para. 13, it states that the alternative sequential site put forward by the Council and Rule 6 parties "would not be closely similar to the appeal scheme" and hence it was not suitable.
- 5.24 In the Aldergate Properties High Court case (2016), the Judge referred to suitability and availability and confirmed that "'suitable' and 'available' generally means 'suitable' and 'available' for the broad type of development which is proposed in the application by approximate size, type, and range of goods" (para. 35).
- 5.25 An Inspector and Secretary of State call-in decision at Cribbs Causeway also dealt with disaggregation in some detail. The Inspector (at paras. 567 to 568) confirmed that, whilst disaggregation was adopted in past policy, this was not embodied in either the Framework or the Planning Practice Guidance. Although the Inspector also referred to other appeal decisions in Hull and at Tollgate Village that adopted disaggregation, she concluded that the findings there were case specific and not specifically endorsed by the Secretary of State. The Inspector went on to conclude at Cribbs Causeway that:
- "...as a general principle, an approach that involves disaggregation does not seem to fit well with the Aldergate Properties or Warners Retail judgments."*
- 5.26 The above are important judgements when considering the interpretation of the sequential test.
- 5.27 The NPPF states that applicants and local authorities should demonstrate flexibility on issues such as format and scale. In this context, where alternative sites are to be considered, their suitability should be assessed in terms of their physical capability to accommodate the form of development proposed in the application, having demonstrated flexibility. This approach is consistent with recent High Court decisions.
- 5.28 For alternative sites to be suitable for retail use, they should:
- provide large, flexible floorplates with good ceiling heights;
 - be located in prominent locations with good visibility; and
 - provide good access to car parking to enable the store to serve customers.
- 5.29 In the context of the above, in applying the sequential test, it is necessary to consider whether there are any suitable and available sites which can accommodate a development which is broadly similar to the development proposals - and not whether it could be disaggregated such that it could be accommodated on several different sites. The assessment below is undertaken on this basis.
- 5.30 Whilst some limited flexibility is possible in terms of format and scale, the case law and appeal decisions referred to above have confirmed that a realistic approach should be taken, and that considerable weight should be afforded to the requirements of the applicant when considering the suitability of sequentially preferable sites.
- 5.31 It is therefore correct to assess the whole of the application proposals.
- 5.32 For the purposes of the sequential assessment, and in order to demonstrate flexibility, to accommodate the proposed development (1,671 sq.m GIA) we have looked at vacant units with a minimum size of around 1,500 sq.m GIA and sites that are available and suitable.

For a site to accommodate around 1,500 sq.m GIA plus servicing and some car parking, it would need to be around 0.4 ha. However, even smaller sites and vacant units/buildings have been considered to ensure a robust analysis.

5.33 An alternative site would need to be available within a reasonable period. The PPG advises that when considering what a reasonable period is for this purpose, the scale and complexity of the proposed scheme and of potentially suitable town centre sites should be taken into account. Assuming permission is granted for this application in 2025, a food store operator could occupy the unit in 2026, therefore any alternative site would need to be available by the end of 2025 to be sequentially preferable. Notwithstanding this, sites that could become available from 2026 have also been considered to provide a robust assessment.

5.34 The methodology adopted in identifying site availability is as follows:

- a **Development Plan:** to identify sites allocated for retail development within the town centre;
- b **Existing permissions and proposals:** to establish the existence of extant permissions and applications for retail development;
- c **On the ground site survey:** to establish from a detailed site survey, sites or buildings with potential for development occupancy, such as cleared sites, undeveloped sites or redundant buildings.

5.35 Adopting the above approach enables the identification of all potential development sites. Should sites emerge, a thorough assessment is then made to establish their suitability and potential to accommodate a retail development.

Assessment of identified sites

5.36 We have undertaken a thorough assessment of all sequentially preferable sites within Bury town centre which could potentially accommodate the proposed development.

5.37 The sites that have been identified as potentially available are assessed in full in Appendix 1. Through this analysis, the conclusions of the sequential assessment are that there are no sequentially preferable sites within Bury town centre that are suitable or available to accommodate the proposed development.

6.0 **Planning Considerations**

6.1 This section provides a summary of the other relevant planning matters.

Principle of Development

6.2 UDP Policy S2/1 (all new retail proposals: assessment criteria) states that the Council supports new retail development proposals which are within or immediately adjoining the main shopping area of existing centres, sustain or enhance the vitality and viability of the centre, and are accessible, among other criteria.

6.3 Halls Mill Retail Park is located immediately adjacent to the designated secondary shopping area (UDP Policy S2/3). The proposal will add an additional retail unit which will increase the retail offering at Halls Mill Retail Park and will therefore enhance its vitality and viability. The site's close linkages with the town centre will encourage linked trips. As discussed above the Site is located within a 5 to 10 minute walk of a number of bus stops and the Metrolink station at the Bury Interchange.

6.4 Moreover, the principle of retail development is clearly established by the existing lawful use of the Site. The principle is therefore considered to be in accordance with the UDP Policy S2/1.

Design and Layout

6.5 UDP Policy S2/1 (all new retail proposals: assessment criteria) requires new retail proposals to have regard to their surroundings in terms of design, scale, height, bulk, use and colour of materials, among other criteria.

6.6 The design of the proposed extension to the building will be complementary to the design, scale, appearance, height, bulk, use, materiality and colour scheme of the existing building. This ensures that the new proposal is in keeping with the overall aesthetic of the existing retail park. The building will be fully accessible to persons with accessible needs and wheelchair users.

6.7 The proposed extension will feature modern, contemporary materials with contrasting blue and red brickwork and silver cladding panels. The extensive front glazing identifies the entrance to the two units, creates clear active frontages and visual interest for customers and visitors to the park.

6.8 Signage integrating with the building design complements the adjoining units. Given the end user has not been determined at this time, the exact signage details are not available.

6.9 In terms of layout the proposed extension retains the pedestrian footpath located to the north-east of the building, which connects the Site with Lord Street and Hacking Street to the rear.

6.10 The plant on site has been located at the rear of the units, away from public view.

6.11 On this basis the proposals are considered to be in accordance with the aforementioned policy in terms of design and layout.

Sustainability

- 6.12 PfE Policy JP-S1 (Sustainable Development) states development should aim to maximise its economic, social and environmental benefits simultaneously.
- 6.13 The scheme uses an existing brownfield site and does not require any large scale demolition thereby reducing landfill. Environmental impact of specified materials has been carefully considered and minimised. Furthermore, the use is complementary to the existing retail park and so will encourage linked trips to the site and to the town centre.
- 6.14 The accompanying Design and Access Statement sets out the sustainability themes, including:
- Minimising energy use;
 - Utilising sustainable building materials;
 - Sustainable construction;
 - Sustainable transport and accessibility; and,
 - Reduce waste generation.
- 6.15 On this basis, the proposed development is considered to maximise the economic, social and environmental benefits simultaneously, in accordance with PfE Policy JP-S1.

Flood Risk

- 6.16 PfE Policy JP-S4 (flood risk and the water environment) requires proposals to be located and designed to minimise the impacts of current and future flood risk, among other criteria.
- 6.17 The Site is located in Flood Zone 1 and is located in an area at less than a 'low risk' of surface water flooding. The proposal is not considered to result in increasing the risk of flooding elsewhere. As such, the proposals are considered to be acceptable in terms of flood risk and in accordance with the aforementioned policy.

Transport

- 6.18 UDP Policy S2/1 (all new retail proposals: assessment criteria) requires new retail proposals to be accessible by and would encourage greater use of public transport. PfE Policy JP-P1 (Sustainable Places) seeks development proposals to be well connected to other places, among other criteria.
- 6.19 The closest bus stop is located north-east of the Site on Rochdale Road. In addition, the central bus station and Metrolink tram station located at the Bury interchange are within 500m of the Site which equates to less than a 10 minute walk for the average person. Whilst the proposal would result in the loss of 17 parking spaces, the Site is considered to be sustainably located and the small reduction in parking spaces will encourage greater use of existing public transport infrastructure. As confirmed in the submitted Transport Statement, the proposals are considered to be acceptable in terms of transport and access and in accordance with UDP Policy S2/1 and PfE Policy JP-P1.

Biodiversity Net Gain

- 6.20 From 2 April 2024, minor planning applications are subject to the biodiversity net gain condition which requires developers deliver a 10% net gain in biodiversity except under limited circumstances. The Biodiversity Gain Requirements (Exemptions) Regulations 2024 (“the Regulations”) define the exclusions.
- 6.21 Regulation 4 ‘de minimis exemption’ of the Regulations states that the biodiversity gain planning condition does not apply in relation to planning permission for development when the following two conditions are met:
- “(2) The first condition is that the development does not impact an onsite priority habitat.*
- (3) The second condition is that the development impacts—*
- (a) less than 25 square metres of onsite habitat that has biodiversity value greater than zero; and*
- (b) less than 5 metres in length of onsite linear habitat.”*
- 6.22 The site of the proposed Unit A1 is located on an existing surface car park. There are no onsite priority habitats, and the proposed development will affect no onsite habitat with a biodiversity value greater than zero and less than 5m in length of onsite linear habitat. On this basis, we consider the proposed development to accord with the two conditions contained within Regulation 4, above.

Employment

- 6.23 The NPPF emphasises the importance that should be attached to achieving sustainable development, including an economic objective – to help build a strong, responsive and competitive economy and to support growth (paragraph 8). The creation of additional jobs in this location will help to support this objective.
- 6.24 A new food store of this size is likely to create between around 46 and 64 new jobs (depending on the final operator), or between 30 and 42 FTE jobs across a range of roles, plus the new smaller non-food store is likely to generate around 5 to 10 FTE jobs. It is anticipated that the majority of these roles will be filled by local residents. This is an increase from the employment generation of the existing non-food floorspace.
- 6.25 This represents a significant benefit to the economy of the local area and is a material consideration in the determination of this application.

Summary

- 6.26 As set out above, the proposed development will have a positive impact on employment and economic regeneration and is acceptable in terms of design and layout, transport, flood risk, sustainability and biodiversity terms. The proposal will add an additional retail unit which will improve the retail offering at Halls Mill Retail Park and will enhance its vitality and viability. The site’s close linkages with the town centre will encourage linked trips.
- 6.27 In conclusion, the proposal accords with policies within the NPPF, and the policies contained within the statutory development plan.

7.0 Conclusions

- 7.1 This Planning and Retail Statement has been prepared by Lichfields on behalf of IRP Holdings Limited to accompany a full planning application for the part demolition, reconfiguration and extension of the existing Unit A to create two new Class E(a) units (including food sales in Unit A1) and associated works.
- 7.2 The Planning and Retail Statement assesses the proposed development against relevant policies in the statutory development plan, having regard to other relevant material considerations, including the NPPF.
- 7.3 The sequential assessment demonstrates that there are no sequentially preferable sites that could accommodate the proposed development in Bury Town Centre.
- 7.4 The proposed development has been carefully designed to complement the existing retail units at Halls Mill Retail Park and help reinforce the Park as an established retail destination serving Bury town centre and beyond. The extension responds well to the local context and enhances the local setting, thus contributing positively to its environment. The proposal is accessible by all modes of sustainable transport and will not result in any highways concerns.
- 7.5 The proposed development will also bring forward a number of benefits including the creation of jobs for the local community and improved customer choice. Use of an existing brownfield site which does not require the loss of any existing retail floorspace brings sustainability benefits including reducing land take for new development and creates new jobs for the local area.
- 7.6 Furthermore, the use is complementary to the existing retail park and its location will encourage linked trips between the Site and the town centre.
- 7.7 We therefore consider that the proposed development fully complies with the provisions of the NPPF and Local Plan policies. On this basis, we trust that planning permission will be granted for the proposal.

Appendix 1 Sequential Assessment

Sequential Assessment

- 1.1 We have looked at whether there are sites or vacant units that could accommodate the proposed development (1,671 sq.m GIA or slightly less) that are available and suitable. For a site to accommodate approximately 1,500 sq.m GIA plus servicing and car parking, it would need to be around 0.4 ha or more. However, even smaller sites and vacant units/ buildings have been considered to ensure a robust analysis.
- 1.2 This sequential assessment has focused on Bury Town Centre for the reasons set out in Section 5 of this Statement, and has looked at potential sites within the town centre. Given the proposals relate to retail use, in-centre is within the PSA and Secondary Shopping Area.
- 1.3 As established in the body of this Statement, for a site or vacant unit to be suitable, it will need to:
- provide large, flexible floorplates with good ceiling heights;
 - be located in prominent locations with good visibility; and
 - provide good access to car parking to enable the store to serve customers.
- 1.4 The assessment of sites below is based on these requirements.

Vacant Site: Unit 2, Woodfields Retail Park (Former Next Unit)

Figure A1.1: Extract from GOAD showing vacant unit at Woodfields Retail Park

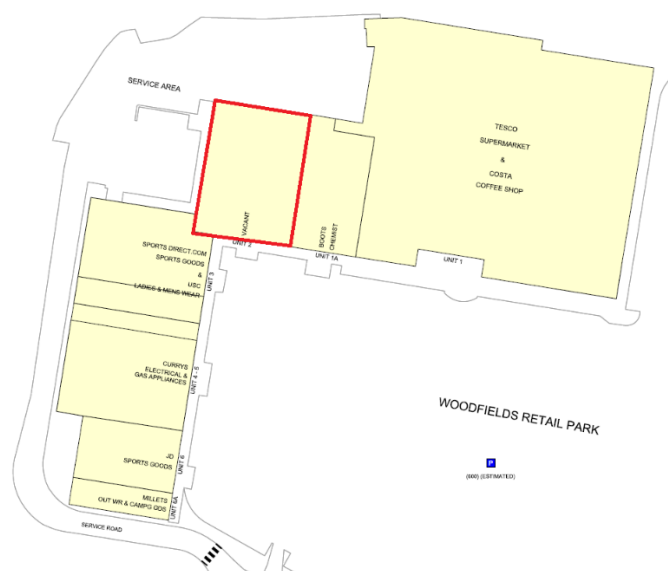


Figure A1.2: Unit 2 Woodfields Retail Park



Source: Site Visit

- 1.5 This site lies to the north of Bury Town Centre, beyond the A56 (Peel Way). This site falls within the 'Shopping Development' designation on the UDP Policies Map. Policy S3/1/7 (Woodfields) states that Woodfields provides a unique opportunity to establish complementary food and non-food retailing and leisure facilities adjacent to Bury Town Centre. The site is considered to be edge of centre in retail planning terms, and is therefore not sequentially preferable to the application site.

Vacant Site: 111 The Rock (Former Wilko Store)

Figure A1.3: Extract from GOAD showing Wilko unit

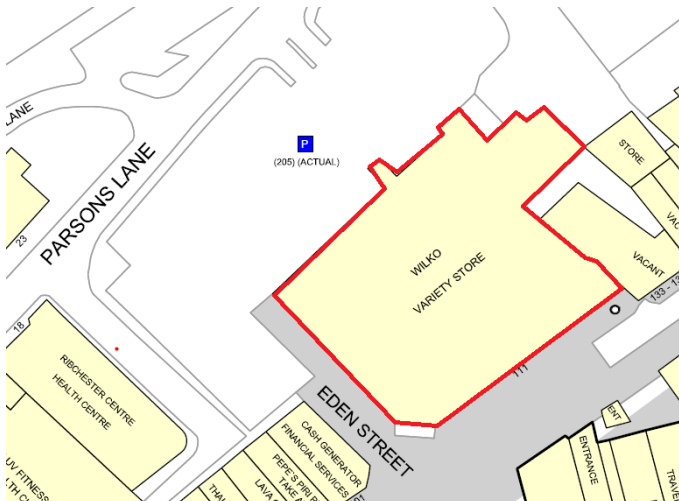


Figure A1.4: 111 The Rock



Source: Site Visit

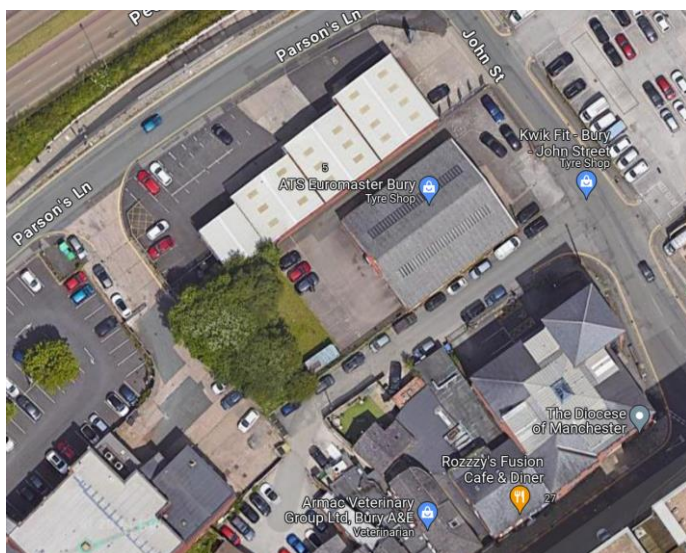
- 1.6 The vacant, former Wilko Store is identified on Bury's UDP Policies Map as within the 'Main Shopping Area of Bury Town Centre' and within the secondary shopping area. This site has no relevant planning history.
- 1.7 There is a public car park located to the rear of the unit. The unit is currently being marketed online which suggests it is available. However, the unit's marketing particulars indicate that the unit has 3,433 sq.m of floor space, around twice the floorspace of the proposed development, with a ground floor area of 2,409 sq.m.
- 1.8 The former Wilkos unit is located in a peripheral position within the town centre away from other retail units. Further east along The Rock, there are a number of vacant retail units and on the south side of the same street are new build residential apartments. The unit lacks prominence and given the new non retail development in the surrounding area it has become a rather isolated location, away from the principal shopping areas around the Millgate Shopping Centre and The Rock Shopping Centre. This isolation means that it would not be attractive to modern retailers, as evidenced by the fact that the unit has been marketed for over a year, since Wilkos left and still remains vacant. In this context, we understand that the unit was previously under offer to an alternative discount comparison goods operator, however this seems to have not progressed and we understand that the deal may no longer be proceeding, which is a further indication of the lack of attraction of the unit.
- 1.9 The existing unit, as currently configured, would therefore not be suitable to accommodate the proposed development.
- 1.10 Given the above, the site is not suitable for the development as proposed and is not considered a sequentially preferable site.

Vacant Site: Land to the Rear of Number 3 John Street (Kwik Fit)

Figure A1.5 Extract from GOAD Land to the rear of Kwik Fit



Figure A1.6 Land to the rear of Number 3 John Street



Source: Google Maps

- 1.11 The site is enclosed by Kwik Fit to the east and ATS Euromaster Bury to the north. There is currently no clear access into the site, and the site is not visible from the public highway. There is no associated car parking to serve the site. The site extends to approximately 0.1ha. There is no relevant planning history for the site, and it is not being marketed for development.
- 1.12 With regards to suitability, the site is too small to accommodate the proposal. In terms of availability, the site is not being actively marketed for development. In conclusion, the site is not available or suitable for the development proposed; therefore, it is not sequentially preferable.

Vacant Land: Number 183 The Rock

Figure A1.7: Extract from GOAD Land at Peel Way



Figure A1.8: Vacant land at number 183 The Rock



Source: Site Visit

- 1.13 This former office site is located adjacent to the 'Main Shopping Area of Bury Town Centre' boundary, but is unallocated. Access into the site is from The Rock. This site extends to approximately 0.5ha. The site is not being actively marketed online and we are not aware of any planning applications relating to the site.
- 1.14 The site is edge of centre in retail planning terms, and is therefore not sequentially preferable to the application site.

Units 133-139 The Rock

Figure A1.9: Extract from GOAD Unit 133-137 The Rock



Figure A1.10: Unit 133-137 The Rock



Source: Site Visit

- 1.15 This site is located within the 'Main Shopping Area of Bury Town Centre' and is designated as a 'Secondary Shopping Area' on the adopted UDP Policies Map. This site has recently secured planning permission for part demolition, conversion, and extension of the existing building into 10 no. supported living units.
- 1.16 This site extends to approximately 0.03ha and there is no car parking available to serve the site. Therefore, this site is not considered suitable for the proposed development. Given that building work has commenced, this site is not available. In conclusion, the site is not

available or suitable for the development proposed; therefore, it is not sequentially preferable.

26 Silver Street

Figure A1.11: Extract from GOAD 26 Silver Street

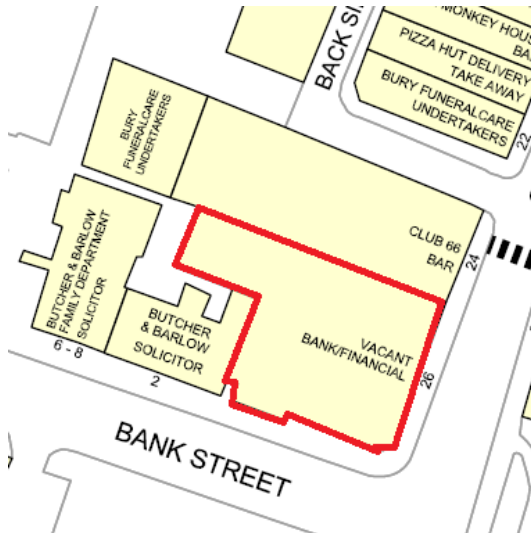


Figure A1.12: 26 Silver Street



Source: Site Visit

- 1.17 This site is not designated for any specific use on the adopted UDP Policies Map. This site falls within the Bury Town Centre Conservation Area. There is no relevant planning history available for this site on Bury Council's online register.
- 1.18 This unit has an area of approximately 0.06ha and there is no car parking available to serve the site, and is not considered suitable for the proposed development.
- 1.19 The site is edge of centre in retail planning terms, and is therefore not sequentially preferable to the Site.

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