

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 22/05/2025	Ref: 71550/FUL
Registration: 04/02/2025	LDfC: 27/02/2025	Expiry Date: 01/04/2025
Site Visit: 06/02/2025	Site Notice: 06/02/2025	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: MIOT

Proposal: 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

Location: Halls Mill Retail Park, Back Foundry Street, Bury

Description

The application site relates to a retail park (Halls Mills) which is located to the south of Bury Town Centre.

the surrounding area is predominantly commercial in character, comprising the likes of a supermarket, retail outlets and also leisure facilities.

To the south are residential terraced properties.

The site is bounded by Foundry Street to the north from where access is taken, South Cross Street to the south west and Lord Street to the south east from which is access to the servicing yard.

The retail parking itself comprises of 3 units - Bensons for Beds - Unit A (933 sqm), Pets at Home - Unit B (751sqm) and the larger unit, Smyths Toys - Unit C (1,588 sqm).

The front of the site is the car park including 8 accessible bays and 5 parent and child bays, 4 motorbike spaces and 12 cycle hoops and there is an additional row of parking spaces along the north eastern boundary. There are 37 spaces provided in total.

The site has a 2-way access on/off Foundry Street and leads to a circular clockwise route round the car park.

The application seeks to extend and reconfigure Unit A, to create two new retail units – a reduced size Unit A (492 sq.m at ground floor plus a new mezzanine of 250 sq.m), to be occupied by Bensons for Beds, and a new Unit A1 (929 sq.m), to be occupied by a food store operator, an overall increase of 738 sq.m

The extension would be sited on the row of parking spaces which are formed along the north east boundary.

The breakdown of the proposed floor areas would be as follows -

Proposed Unit A1 - 929 sqm (extension and part of the existing Unit A).

Proposed Unit A - 429 sqm at ground floor and 250 sqm of mezzanine.

Units B and C would remain as existing.

There would be a reduction in parking spaces from 137 spaces to 120 spaces over the whole site to include 4 parent/child spaces and 9 accessible spaces which would be located along the front of the units and anew trolley store would be provided to serve the food store.

An application has subsequently been received (not submitted by this applicant and yet to be determined) for EV chargepoints in the car park which would reduce the number of spaces by 3 no bays, resulting in a total of 117 bays being provided at the site.

Servicing for the new units would be via the existing yard at the rear.

In terms of appearance, the new unit would follow the same roof height and continue the same design and fenestration pattern across the frontage which would consist of cladding with a mid grey accent band at a higher level and red brickwork with blue brick detailing at the lower level.

Relevant Planning History

49672 - Erection of 6179 sqm non-food retail units with car parking and servicing - Approved 4/6/2008

52590 - Non-material amendment following grant of planning permission 49672 - Variance of condition 15 changing the scheme from 5 non-food units to 3 non-food units, omission of glazing to proposed north east elevation, deletion of 2 entrances, relocation of 1 entrance, re-configuration of doorways to the rear, allowance of toys to be sold from the site - Approved 5/7/2010

53774 - Non-material amendment following grant of planning permission 49672 for additional pedestrian link into the site from Foundry Street and changes to soft landscaping scheme to suit new layout - Approved 26/4/2011

Publicity

Letters sent to 17 properties on 5/2/25

Site notice posted 6/2/25

No responses received.

Statutory/Non-Statutory Consultations

Traffic Section - No objection subject to conditions

Environmental Health - Contaminated Land - No objection subject to conditions

Waste Management - No response received.

Greater Manchester Ecology Unit - No objection. No further surveys required.

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

Transport for Greater Manchester - No comments to make

Pre-start Conditions - Applicant/Agent agreed with conditions

Development Plan and Policies

NPPF	National Planning Policy Framework
EN1/2	Townscape and Built Design
EC6/1	New Business, Industrial and Commercial
HT2/4	Car Parking and New Development
S1/1	Shopping in Bury Town Centre
S2/3	Secondary Shopping Areas and Frontages
S3/1	New Retail Dev Opportunities Within or Adj Town Centres
Area	George Street
BY9	
JP-C2	Digital Connectivity
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-C8	Transport Requirements of New Development

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 PpE 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

Permission was granted for the Halls Mill Retail Park in 2008 which comprises 66,510sq.ft /6,179 sq.m of non-food retail units with car parking and servicing.

A non-material amendment to this permission was granted in 2010 to vary condition 15 and change the scheme from 5 non-food units to 3 non-food units.

This application seeks 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 (929sq.m GIA), to be occupied by a food store operator. This results in an overall increase in floorspace of 738sq.m.

National Planning Policy Framework

Appendix 2 (Glossary) of the NPPF defines retail as a 'main town centre use' and states that, for retail purposes, an edge-of-centre location is one that is well connected to, and up to 300 metres from, the primary shopping area.

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.

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.

Paragraph 92 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. 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 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 2,500 sq.m. of gross floorspace).

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.

There is no local threshold for retail impact assessment and therefore the default threshold within the NPPF of 2,500sq.m applies. Given that the net increase in retail floorspace is 738 sq.m, an impact assessment is not required for this proposal.

The application site is within Bury Town Centre but is around 40 metres from the Main Shopping Area as defined in the Bury Unitary Development Plan. As such, the proposal sits in an edge-of-centre location and, in line with the NPPF, a sequential test has been applied and submitted with the application.

For a development of this scale, the applicant has considered vacant units with a minimum size of around 1,500 sq.m GIA and sites approximately 0.4ha that are available and suitable. In terms of the scope of the site search, the applicant has focused on potential opportunities within Bury town centre. The size and location of sites considered in the sequential test are appropriate.

The test has included one alternative town centre and five edge of centre sites. The edge of centre sites are not sequentially preferable to the application site and have been discounted.

The town centre site considered in the sequential test is the vacant former Wilko Store on the Rock which is located within the main shopping area.

The sequential test states that the former Wilkos unit is located in a peripheral position within the town centre away from other retail units. It is stated that 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 feedback from the local agents.

Further, the applicant stated that the unit was previously under offer, but that the deal fell away mainly due to the condition of the unit and the repairs required to the roof and the mechanical and electrical services within the unit. Given the lack of interest since in a single operator taking the store, the agents are now looking at options to split the unit. The applicant states that this demonstrates that the unit in its existing configuration is not attractive to retailers, and why it has been vacant for around 18 months. Given the above, the applicant concluded that on the basis that the former Wilkos unit is not suitable for the development as proposed, it is not considered a sequentially preferable site.

The former Wilko's unit is located in the main shopping area, adjacent to the Rock Shopping Centre and therefore in location terms is sequentially preferable to the application site which is located outside the main shopping area. In addition, the applicants view that the former Wilkos unit is a "rather isolated location", is disputed.

However, it is accepted that the building may not be suited to a single occupier retailer in its current format. Halls Mill Retail Park is "an accessible site". It is around 40 metres from the Main Shopping Area as defined in the Bury Unitary Development Plan. The proposed development 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

On balance and in the context of the NPPF, the applicant has demonstrated that there are no suitable sequentially preferable sites and therefore the proposal would pass the sequential test.

Layout

The proposed extension would be located on the north eastern side of the existing development and would follow the front building line of the existing units, extending across to the site boundary and projecting to rearwards to the boundary with Lord Street. It is intended that the extension would facilitate a new unit, Unit A1 which would also incorporate part of the floor area of Unit A where additional floor area for this unit would be in the form of a new mezzanine floor. Total floor area generated would be 738 sqm.

The extension would be located on the area of parking which is currently provided along the north eastern boundary and the proposal would be to re-configure the row of spaces which are located along the front of the units. Although the development would result in the loss of 17 spaces, there would be 8 accessible spaces and 4 parent and child spaces located next to the unit entrances which is considered to be an acceptable level of provision for the proposed scheme.

The new unit would utilise the existing servicing area which is accessed off Lord Street where it is proposed to extend the refuse area and mark out areas for each unit where servicing and deliveries would be carried out and it is considered that the servicing area would be capable of supporting the additional floor area and unit.

Whilst adding a further unit to the retail park, it is considered that the size of the site, the existing parking provision and the re-configured spaces and the servicing yard could facilitate the scale of development proposed.

As such, the proposed development would comply with policies EC6/1, EN1/2 and the principles of the NPPF.

Scale, design and appearance

The proposed extension would connect to the side of the existing Unit A, following the front building line of the and roof level of the adjacent units.

The same palette of materials would be used, featuring silver micro-rib cladding with a mid-grey band at the higher level and red brickwork and blue brick detailing at the lower level which would integrate well with the existing buildings. The store entrance would similarly be emphasised by a projecting dark-grey cladding feature which would sign post customers to the main entry point.

It is considered the proposed extension would successfully integrate within the existing site and units by the provision of a similarly scaled and designed building and as such would comply with the policies EC6/1 and EN1/2.

Highways

The site is currently supported by 137 no parking spaces including 8 accessible spaces. The proposed extension would remove the parking located at the side of the site, reducing the proposed parking provision to 120 spaces with 9 accessible spaces and 4 no parent and child spaces. There is a dedicated servicing yard at the rear of the site. A Transport statement has been submitted with the application.

An application has subsequently been received (not submitted by this applicant and yet to be determined) for EV chargepoints in the car park which would reduce the number of spaces by 3 no bays, resulting in a total of 117 bays being provided at the site.

Access

The site will continue to be accessed via Foundry Street which has a separate in/out lane which serves the retail park. Traffic is directed round the site by a one-way system from which cars are able to access all the spaces. The proposed extension would not interfere with the access or route through the site and each space would be readily accessible.

There are existing footways into the site for pedestrians and crossings within the site which help- navigate the pedestrian shopper directly and safely to the units.

It is considered that the scale of development would not warrant any changes to the access arrangements and as such this would be acceptable.

Trip generation and parking

SPD 11 would require the proposed development overall to provide approx 180 parking spaces.

As a result of the development, the pre-existing parking of 137 spaces over the whole retail would be reduced to provide a total of 120 spaces including 9 accessible spaces and 4 parent and child bays, together with 12 cycle stands and 4 motorbike bays.

However, these are maximum standards and consideration should be given to the location of the site which is close to the town centre, the number of public car parks in the immediate vicinity and location of other retail and shopping units including those at Angouleme Retail park. There is also parking on the adjacent streets which are controlled by Traffic Regulation Orders or otherwise provide additional pay and display facilities for those shopping in the area.

Whilst the proposed development for a food retail store may draw in new customers, it is also likely that trips would be linked with people visiting the other retail units at Hall retail park or the other shops in the vicinity. As such, it is considered there would not be a significant increase in trips to the site or pressures on parking at the site or in the area, particularly when over spill parking is already controlled by the TRO's in the area.

The provision of the accessible and parent and child spaces close to the unit's entrances

would also facilitate a safer, shorter and more direct route to the unit entrances for those using the spaces.

Para 116 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

Given the parking standards in SPD11 are maximum standards, the sustainable location of the development and that trips to the new unit would be linked to visits with other units, shops and retail outlets in the area, it is considered the proposed parking provision would be acceptable.

The recent application submitted for the installation of EV chargepoints and thereby a loss of 3 bays has yet to be determined and at this time, the proposed plans for this development are still relevant. In addition, the proposed EV chargepoints are outside of the red edge application site for this development.

Given the above parking assessment and conclusions reached, it is considered the loss of 3 spaces would not significantly impact on parking for the proposed development.

Servicing

The new unit would be serviced from the rear yard in the same manner as the existing. The unit would have roller shutter doors and a warehouse where good would be delivered. The applicant states that there would be circa 1-2 deliveries a day. It is considered this would not generate a significant number of additional trips and the service yard could adequately accommodate the additional HGV's.

TfGM have been consulted and from a review of the application have no comments to make about the proposed development.

It is therefore considered that the proposed development would be acceptable and would comply with policies EC6/1, JP-C5, JP-C6, JP-C8 and the principles of the NPPF.

Air quality

The site is not located within an Air Quality Management Area. Due to the scale of the development, it is considered very unlikely that the development would create an increase of more than 500 AADT (annual average daily traffic). Therefore, in line with the EPUK Guidance, an air quality assessment will not be required.

The proposed development will have off-street parking, however it is noted that the proposal will reduce the number of parking spaces. As such it is not proportionate to recommend a condition for EV charging points, however if an opportunity arises to include EV charging it would be strongly encouraged.

Ecology

No ecological related documents have been submitted. GMEU have been consulted.

BNG

The site appears to be buildings and hardstanding only so it's likely to be exempt from a Biodiversity Net Gain (BNG) assessment based on the de minimis exemption (less than 25m2 of habitat to be removed).

GMEU agree that the development is exempt from a BNG assessment.

Bats

The large metal warehouse appears to have a flat roof with no loft space and the

temperatures are likely to fluctuate significantly which bats do not favour. Overall, bats are highly unlikely to be present given the condition/construction of the buildings and therefore no ecological surveys are considered to be required to determine the application.

Carbon and energy - JP-S2

The development will aim to incorporate environmental considerations throughout the buildings wherever practical, based on the following sustainability themes:

- Minimise Energy Use: the objective is to minimise energy needs in development by following a hierarchical approach to minimising energy use.
- Sustainable Building Materials: this theme covers a range of sustainability impacts including, minimising the energy required for producing and transporting building materials, using recycled material from local sources as far as possible and by choosing materials with a low embodied energy.
- Sustainable Construction: This theme covers the methods used during the construction phase to reduce disturbance and the impacts on the surrounding environment.
- Sustainable Transport and Accessibility: the objective is to minimise car usage and to encourage walking, cycling and the use of public transport.
- Waste Management: the amount of waste generated in the construction process is to be minimised following the national waste strategy: reduce, reuse and recycle.
- Site Management: the objective is to ensure that the site is managed effectively to ensure that sustainability measures are implemented effectively.

It is therefore considered the proposal would comply with JP-S2

Digital connectivity

Digital Connectivity, will enable connectivity for fibre to both newly created units with ducts to relevant connection points, and will commit to on-site ducting for future gigabit capable network connections. There will be no changes to the existing units, as the existing tenants have their own connections.

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 The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 This decision relates to drawings numbered -

Drawing reference Numbers - 19908-THPM-XX-00-DR-A-

1000 P05 - Location plan
1011 P05 - Proposed site plan
1012 P05 - Proposed GA plan
1013 P05 - Proposed elevations

1014 P01 - Proposed roof plan

1015 P05 - Proposed external works plan

T772_03C rev C - Swept path analysis for the largest vehicle at each unit

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.

- 3 The external finishing materials for the proposal hereby approved shall match those of the existing building.

Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

- 4 The development hereby approved shall not be brought into use until written confirmation is provided to the Local Planning Authority that unexpected or previously unidentified contamination was not encountered during the course of development works.

If, during development, unexpected contamination is found to be present on the site, no further works shall be carried out at the affected location until the following are submitted to the Local Planning Authority for approval:

- I. Risk Assessment (GQRA or DQRA);
- II. Remediation Strategy & Verification Plan;

If remediation is required, it shall be carried out in accordance with the approved Remediation Strategy. Upon completion of remediation works, a Verification Report shall be submitted for approval. The Verification Report must include information validating all remediation works carried out; details of imported materials (source/quantity/suitability); details of exported materials; and details of any unexpected contamination.

Reason. To prevent unacceptable risk to Human Health and Controlled Waters and to prevent pollution of the environment in accordance with the aims and Paragraphs 187(f), 196 and 197 of the National Planning Policy Framework (December 2024).

- 5 The turning facilities indicated on the approved plans, including swept path analysis reference T772_03C Revision C, shall be provided before the development hereby approved is brought into use and the areas used for the manoeuvring of vehicles shall subsequently be maintained free of obstruction at all times.

Reason. To minimise the standing and turning movements of vehicles on the highway in the interests of road safety pursuant to policies EC6/1, JP-C6 and JP-C8.

- 6 The amended car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the development hereby approved being brought into use and thereafter maintained at all times

Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

- 7 The refuse storage and access arrangements to be provided within the curtilage of the site indicated on the approved plans shall be made available for use prior to the development hereby approved being brought into use and thereafter maintained at all times.

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Reason. To ensure that adequate bin storage arrangements are provided within the curtilage of the site, clear of the adopted highway pursuant to policies EC6/1 and JP-C8.

- 8 The development hereby approved shall not be commenced unless and until facilities for the storage of demolition/construction materials have been provided within the curtilage of the site. The facilities shall be retained for the intended purpose and the area identified shall not be used for any other purposes other than the storage of demolition/construction materials for the duration of the construction period.

Reason. To maintain the integrity of the adopted highway and ensure adequate off highway materials storage arrangements are provided for the duration of the construction period, in the interests of highway safety pursuant to policies EN1/2 and JP-C8.

- 9 The development hereby approved shall be for two retail units, including food sales in Unit A1, and none of the units shall be otherwise subdivided or amalgamated.

Reason - In the interests of the vitality and viability of the town centre uses and pursuant to the principles of the NPPF.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	22/5/25	HL	22/05/25