

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 01/12/2025	Ref: 72335/FUL
Registration: 30/09/2025	LDfC: 29/10/2025	Expiry Date: 25/11/2025
Site Visit: 17/10/2025	Site Notice: 17/10/2025	Press Date: N/A
Objections: 2	Con Area:	Adv Type: PI
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIMW

Proposal: Erection of industrial unit (Use Class B2/B8) with associated parking

Location: Globe Industrial Estate, Darbyshire Street, Radcliffe, Manchester, M26 9TA

Description

The application relates to an industrial estate which is located in Radcliffe. The surrounding area is a mix of commercial and industrial uses with residential dwellings to the west and south and the metrolink to the east. Spring Lane bounds part of the site to the south and Darbyshire Street forms the western boundary and access to the industrial estate.

The industrial estate comprises a number of commercial and business units and there is a telecoms mast (still in situ at the time of the site visit) which is located at the front of the site on the corner of Spring Lane and Darbyshire Street set behind an existing boundary wall.

The application seeks the erection of a new industrial unit (Use Class B2/B8) with associated parking.

It is proposed to remove the existing mast and locate the new building on part of its footprint to the front (northern) area of the site between two other large commercial units and behind the existing wall which bounds this part of the industrial estate.

The proposed building would have a floor area of 94 sqm and be 4m high to the eaves and 5.6m to the ridge with grey composite cladding to the walls and roof. The front elevation would have a roller shutter door and roof lights would be inserted.

The existing access from Darbyshire Street would be utilised and lead to the servicing yard and parking for 2 cars which would be located in front of the building along with 2 cycle spaces.

The applicant has confirmed they own the land within the red edge application site and access to it from Darbyshire Street.

Relevant Planning History

51197 - Change of use of first and second floors to offices (use class B1); change of use of part of ground floor to provide access to offices at first floor; external fire escape at side - Approve with Conditions 22/05/2009

52940 - Steel balcony over entrance (Retrospective) - Approve with Conditions 28/09/2010

64732 - Replacement of existing 15m monopole with new 25m monopole including 6 no. antennas, 4 no. dishes and ancillary development thereto - Approve with Conditions 22/11/2019

10/0016 - Change of use to residential (Class C3) - 26/01/2010

10/0250 - Change of Use of premises; Balcony - 16/08/2010

16/0031 - Change of use from offices to residential accommodation - 29/02/2016

Publicity

Letters sent on 7/10/2025 to 31 properties.
Site notice posted 17/10/25

Two objections received with the following issues -

- Believe everybody on this estate has equal rights to this shared land
- The Land Registry titles and the 1984 Transfer shows that the site forms part of the shared estate-road network subject to permanent rights of way in favour of all units.
- The area also provides the open space and access route for the fire-exit serving Unit 7.
- Any building in this location would therefore:
 - Contravene the easements established by the 1984 Transfer;
 - Alter the approved estate layout;
 - Block a functioning fire-exit, breaching the Regulatory Reform (Fire Safety) Order 2005; and
 - Constitute an unlawful interference with the dominant right of way, as the applicant's title (the servient land) does not include any right to build upon or obstruct the surface of the easement.
- If required, we can provide title plans proving that while the applicant may own the sub-soil, the surface remains subject to the dominant right of way held by other owners
- Will seek injunctive relief through the courts to compel removal and recover costs.
- The applicant's site plan (drawing S(00)03 by Meads Architecture) shows construction extending beyond the footprint of the existing telecoms mast compound, onto land historically used for vehicular access and turning within the shared estate road.
- For these reasons, the proposal is inconsistent with the lawful use of the estate roads

Statutory/Non-Statutory Consultations

Traffic Section - No objection subject to conditions

Waste Management - No response received

Borough Engineer - Drainage Section - No response received.

Environmental Health - Contaminated Land - No objection subject to conditions

Environmental Health - Pollution Control - no comments

Greater Manchester Ecology Unit - No objection

United Utilities (Water and waste) - No objection subject to condition

The Coal Authority - No objection subject to conditions

Pre-start Conditions - Applicant/Agent has agreed with pre-start conditions

Development Plan and Policies

NPPF	National Planning Policy Framework
H5/1	Area Improvement
EC6/1	New Business, Industrial and Commercial
HT2/4	Car Parking and New Development
EN1/2	Townscape and Built Design
EN7/2	Noise Pollution
JP-S2	Carbon and Energy
JP-S4	Flood Risk and the Water Environment
JP-J1	Supporting Long-Term Economic Growth
JP-J4	Industry and Warehousing Development
JP-C2	Digital Connectivity
JP-C5	Streets For All

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 proposed development for an industrial B2/B8 unit with an established industrial estate would be acceptable in principle to deliver employment growth within a sustainable area.

The proposed development would therefore accord with policies EC6/1, EC2/2 and JP-J4

Layout

The proposed unit would be positioned between two larger commercial units and would replace an existing telecoms mast which would be removed from the site.

Two parking and cycle spaces would be located next to the building and would be serviced via a roller shutter door on the front elevation.

There is an existing yard area which serves the rest of the industrial estate and the plans demonstrate a delivery vehicle could access the building without impacting on the adjacent operations.

The existing access from Darbyshire Street would be utilised and this would be adequate to serve the scale of development proposed.

It is therefore considered the proposed development would be acceptable and comply with policies EC6/1, EN1/2 and HT2/4.

Design and appearance

The proposed building would be relatively small in scale comparative to most of the existing units on the industrial estate. It would have a footprint of circa 94 sqm in a rectangular form and a ridge height of circa 5.6m which would be more or less half the height of the two adjacent units. Whilst located at the front of the site, it would also be positioned behind the existing boundary wall and therefore mostly screened from views from both Darbyshire Street and Spring Lane.

The proposed unit would have grey cladded elevations and roof and similar in design and appearance to many other industrial units and commercial buildings.

The proposed development is therefore considered acceptable and would comply with policies EC6/1 and EN1/2.

Highway issues

Access -

The access to the industrial estate is off Darbyshire Street and this would also serve the new development. The internal area of the site provides the servicing and parking for the existing units. The proposed plans demonstrate that a large vehicle could access the site to manoeuvre and exit in a forward gear without affecting the operations, access or parking of the other occupiers.

Parking -

The site lies in zone 2 for parking requirements in SPD11 where 1 parking space per 100sqm and 1 cycle space per 300sqm is required. The development would provide 2 parking spaces and 2 cycle spaces for a 94sqm building and as such the proposal would comply with SPD11.

It is therefore considered the proposed development would be acceptable and comply with policies EC6/1, JP-C5, JP-C8 and SPD11.

Ecology

The site comprises hardstanding, with some colonising vegetation of low value. Less than 25 sqm of habitat with a biodiversity value more than zero is likely to be impacted by the proposed works and therefore the de minimis exemption from BNG will apply.

Nevertheless, GMEU would make the following general recommendations:

- Protected species can turn up in unexpected places and the granting of planning permission does not negate the need to abide by the laws which are in place to safeguard biodiversity. An informative should be used so that the applicant is aware that they must seek ecological advice should they find or suspect that the proposal will

- impact on protected species.
- Any works that could impact on nesting birds should not be undertaken in the main bird nesting season (March - August) unless suitable checks for active bird nests have been undertaken.
- Planning policy encourages enhancements and net gains for biodiversity to be delivered through the planning system. Wherever possible measures to enhance the site for biodiversity should be secured as part of this planning application; these could include integration of bat or bird boxes into the proposed building on site

It is therefore considered that with suitable conditions and informatives, the proposed development would be acceptable and comply with policies EC6/3 and JP-G8.

JP-S2 - Carbon and energy

The applicant states that the building fabric and services will be specified to reduce operational energy demand, with LED lighting and controls, and roof-mounted PV-ready structure/service routes explored at detailed design. The development would also provide one EV chargepoint. The development will comply with 2022 Part L Building Regulations as a minimum where applicable.

The proposed development would therefore be acceptable and comply with JP-S2.

JP-C2 - Digital connectivity

The applicant states that the unit will be constructed with full fibre-ready ducting and termination points to enable direct fibre-to-premises connectivity. All ducting will comply with Openreach/telecoms industry standards and allow for connection by multiple providers, ensuring occupiers have choice and competitive access. The unit will be handed over with operational broadband connection infrastructure in place, enabling immediate access to digital services upon occupation.

The proposed development would therefore accord with policy JP-C2.

Contaminated land

The site currently comprises a telecommunications mast and associated infrastructure. The application is supported by a Desk Study and Preliminary Risk Assessment which includes a Coal Mining Report. Recommendations are made for further assessment in conjunction with a geotechnical investigation. The applicant should also be mindful of the recommendations in the Coal Mining Report.

The EH Section have no objection subject to conditions.

Air quality

The site is 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 100 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. The recommendation within the Design and Access Statement for at least one active EV charging point and passive ducting for future bays is welcomed.

Bury Council has been identified by DEFRA as an area requiring to significantly improve air quality. To support the principles of the Greater Manchester Clean Air Plan in reducing levels of nitrogen dioxide and in order to manage current and future levels of air pollution Bury Council is encouraging the use of cleaner vehicles. It is noted that the development is too small to meet the requirements of the Building Regulations (The Building Regulations 2010, Approved Document S, Infrastructure for the charging of electric vehicles), for electric vehicle charging and as such a condition cannot be recommended.

However, the applicant has stated that an Ev chargepoint would be provided which is welcomed.

Coal Authority

The application site falls within the defined Development High Risk Area; therefore within

the site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. More specifically, information indicates that the site lies in an area where historic unrecorded underground coal mining activity is likely to have taken place at shallow depth. Voids and broken ground associate with such workings can pose a risk to ground stability and public safety.

The application is accompanied by a Phase I Preliminary Risk Assessment (September 2025, prepared by GeoCon Site Investigations Ltd). Based on a review of the contents of a Coal Authority Consultants Coal Mining Report, the report briefly acknowledges that unrecorded shallow mine workings may be present beneath the site.

The report author did not consider other relevant geological information and coal mining information (mapping, memoirs, Mine Abandonment Plans etc) to ascertain which shallow coal seams are likely to have been worked beneath the site, at what depths and to what thicknesses. Consideration of such information can, in certain instances, negate the need for potentially costly ground investigation works. Nevertheless, the Coal Authority acknowledge that the recommended investigations will provide a definitive picture of shallow ground conditions at the site.

The applicant should note that permission is required from the Permitting Team before undertaking any activity, such as initial ground investigation works and subsequent remedial works, which may disturb our property.

The Coal Authority's Planning & Development Team notes the conclusions of the Phase I Preliminary Risk Assessment; that investigations are required in order to further assess the risk posed by coal mining legacy and to inform possible remedial and mitigatory measures, in order to ensure the safety and stability of the proposed development.

As such, should planning permission be granted for the proposed development, The Coal Authority would recommend conditions are included for a scheme of intrusive investigations to be carried out and any identified remediation be implemented in full and that prior to the occupation of the development, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development should be submitted.

Response to objectors

- Rights of access is not a material planning consideration and is private matter. The applicant has provided Title Deeds to demonstrate their ownership of the application site and access to it.
- The development would require Building Regulations which would consider fire safety and fire access.

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 -

Revised proposed location plan S(00) 01 rev A
Revised proposed existing site plan S(00) 02 rev B
Revised proposed site plan S(00) 03 rev B
Revised proposed unit plans L(00) 01 rev A
Proposed elevations L(00) 02
Proposed vehicular tracking S(00) 04
Existing and proposed Spring Lane elevations L(00) 03
Existing and proposed Darbyshire Street elevations L(00) 04

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 No development hereby permitted (except demolition and site clearance) within any approved phase shall take place until the works relating to land contamination detailed below are fully completed:
With consideration to human health, controlled waters and the wider environment, the following documents shall be completed to characterise potential risk to sensitive receptors and submitted to the Local Planning Authority for approval:

I. Preliminary Risk Assessment (PRA). Submission of this document is the minimum requirement.
II. Generic Quantitative Risk Assessment (GQRA). Submission of this document only if PRA requires it.
III. Detailed Quantitative Risk Assessment (DQRA). Submission of this document if GQRA requires it.
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).
- 4 No development hereby permitted (except demolition and site clearance) within any approved phase shall take place until the works relating to land contamination detailed below are fully completed:
In accordance with the findings of site characterisation and risk assessment as previously approved, documents from the following shall be submitted to the Local Planning Authority for approval:

I. Remedial Options Appraisal.
II. Remediation Strategy.
III. Verification Plan.

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 development hereby permitted within any approved phase shall not be occupied/brought into use until the works relating to land contamination detailed below are fully completed:

Where remediation is required, it shall be carried out in full accordance with the approved Remediation Strategy.

A Verification Report must be submitted to the Local Planning Authority for approval upon completion of remediation works. 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).

- 6 The development hereby approved within any approved phase 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).

- 7 Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

- (i) An investigation of the hierarchy of drainage options in the National Standards for Sustainable Drainage Systems (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- (v) Foul and surface water shall drain on separate systems.

The approved schemes shall be in accordance with the National Standards for Sustainable Drainage Systems (2025) or any subsequent replacement national standards.

Details of proposed maintenance arrangements should also be provided

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason. The current application contains insufficient information regarding the proposed drainage scheme to fully assess the impact. To promote sustainable

development and reduce flood risk pursuant to Unitary Development Plan Policies EN7/3, EN7/5, JP-S4 and chapter 14 - Meeting the challenge of climate change, flooding and coastal change of the NPPF.

- 8 No above ground development shall commence (excluding the demolition of existing structures) until;
a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and
b) any remediation works and/or mitigation measures to address land instability arising from past coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.
The intrusive site investigations, remedial works and mitigatory measures shall be carried out in accordance with authoritative UK guidance.
Reason. Information not submitted at application stage. The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 187, 196 and 197 of the National Planning Policy Framework.
- 9 Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document should confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.
Reason. In order to ensure and verify the safety and stability of the development, in accordance with paragraphs 187, 196 and 197 of the National Planning Policy Framework.
- 10 No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance.
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6/3 - Features of Ecological Value, JP-G8 - A Net Enhancement of Biodiversity and Geodiversity and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
- 11 The development hereby approved shall incorporate bat or bird boxes into the building which shall thereafter be maintained.
Reason. To enhance the ecological value of the site pursuant to policies EN6/3 - Features of Ecological Value, JP-G8 - A Net Enhancement of Biodiversity and Geodiversity and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
- 12 The external finishing materials for the proposal hereby approved shall be grey composite cladding.
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.
- 13 No development shall commence unless and until a 'Construction Traffic Management Plan' (CTMP), has been submitted to and agreed in writing with the Local Planning Authority and shall confirm/provide the following:

- Photographic dilapidation survey of the footways and carriageways leading to and abutting the site in the event that subsequent remedial works are required following construction of the development;
- Access route for all construction vehicles to the site from the Key Route Network access point/arrangements for construction traffic;
- If proposed, details of site hoarding/gate positions, incorporating the provision, where necessary, of temporary pedestrian facilities/protection measures;
- A scheme of appropriate warning/construction traffic speed signage in the vicinity of the site and its access onto Darbyshire Street;
- Confirmation of hours of operation, delivery & construction vehicle sizes that can be accommodated on/enter and leave the site in a forward gear and number of vehicle movements;
- Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site and/or measures to control/manage delivery vehicle manoeuvres;
- Parking on site or on land within the applicant's control of operatives' and construction vehicles, together with storage on site of construction materials;
- Measures to ensure that all mud and other loose materials are not spread onto the adjacent highways as a result of the groundworks operations or carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance caused by the operations.

The approved plan shall be adhered to throughout the construction period and the measures shall be retained and facilities used for the intended purpose for the duration of the construction period.

Reason. Information not submitted at application stage. To mitigate the impact of the construction traffic generated by the proposed development on the adjacent residential streets, and ensure adequate off street car parking provision and materials storage arrangements for the duration of the construction period and that the adopted highways are kept free of deposited material from the ground works operations, in the interests of highway safety pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design and JP-C8 - Transport Requirements of New Development

- 14 The car parking and turning facilities indicated on the approved plans shall be surfaced, demarcated and made available for use to the written satisfaction of the Local Planning Authority 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.

- 15 Adequate bin storage arrangements shall be 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-highway bin storage facilities are provided within the curtilage of the site in the interests of road safety pursuant to policies EN1/2 and JP-C8.

<u>Case Officer</u> JT 1/12/25	<u>Date</u>	<u>Sign off Officer</u> DM - 03/12/2023	<u>Date</u>
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