

BURY COUNCIL
DEPARTMENT OF OPERATIONS

REF NO: 23/121

FROM: Head of Engineering

TO: Head of Development Management

Planning Application No: 69580

Location: Land & buildings at Murray Road/2-10 Princess Parade/47-51 Market Street & Bury Market, Bury, BL9 0B

Development: 1. Demolition of buildings and erection of flexible events hall with associated servicing, parking and landscaping;
2. New canopy structure to cover existing outdoor market;
3. Temporary permission sought for area of Bury Market car park to be utilised for site cabins for the duration of the build.

RECOMMENDATION

I recommend that any planning permission given shall include the following conditions:

1. No development shall commence unless and until a dilapidation survey of the footways and carriageways leading to and abutting the sites in the event that subsequent remedial works are required following demolition and construction of, and statutory undertakers connection to, the development has been submitted to and agreed in writing with the Local Planning Authority. All highway remedial works identified as a result of the dilapidation survey shall be implemented to the written satisfaction of the Local Planning Authority prior to the development hereby approved being brought into use.
2. No development, other than site clearance, demolition, remediation or ground works, shall commence unless or until full details of the following have been submitted on a topographical based survey of the site and adjacent adopted highways to the Local Planning Authority:
 - All external alterations to the adopted highway around the perimeter of the site and implementation of an adopted hard and soft landscaping scheme to a scope and specification to be agreed, incorporating the demarcation of the limits the adopted highway, agreed demarcation of all rain gardens/planting areas for the blind and partially sighted pedestrians, relocation/replacement of all affected street lighting columns, street furniture and advertising unit in positions to be agreed, scheme of bollards and gating arrangements from Murray Road to enable maintenance access/restrict unauthorised vehicular access to the pedestrianised areas and all associated highway and highway drainage remedial works;
 - Confirmation of retained emergency access arrangements and route on Princess Parade clear of the proposed hard/soft landscaping works, taking into consideration fire appliance access requirements and existing building canopies;

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- Foundation/private hardstanding details for the proposed building, canopy structures and sub-station compound to ensure compliance with the Highways Act 1980 and that no foundation encroachment under the adjacent adopted highway will occur;
- Any proposed surface water attenuation measures located under the adopted highway, in a position and to a scope and specification to be agreed;
- Review of affected traffic regulation orders required as a direct result of the proposed development, including details of the revocations required and new measures/orders proposed, all necessary modifications to road markings and signage and a timetable for implementation;
- Submission of staged road safety audits in accordance with national guidance.

The details subsequently approved shall be implemented to an agreed programme and to the satisfaction of the Local Planning Authority.

3. Notwithstanding the details indicated in the submitted 'Planning Statement – Temporary Permission for Site Cabins on Market Car Park' and on plan reference 'Proposed Site Office & Welfare Compound Revision C', no development, other than site clearance, demolition, remediation or ground works, 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:

- Access route for all demolition/construction vehicles to the site from the Key Route Network;
- Access point/arrangements for demolition/construction traffic, taking into consideration the need to maintain safe pedestrian/vehicular access to Bury Market and 'Market' car park, and all temporary works required to facilitate access for demolition/construction vehicles;
- If proposed, details of site hoarding/gate positions, taking into consideration the need to maintain vehicular access to the adjacent Bury Market and 'Market' car park;
- The provision, where necessary, of temporary pedestrian facilities/protection measures on the highway;
- A scheme of appropriate warning/construction traffic speed signage in the vicinity of the site and its accesses;
- Confirmation of hours of operation 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 demolition/construction vehicles, together with storage on site or on land within the applicant's control of demolition/construction materials;

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- Measures to ensure that all mud and other loose materials are not spread onto the adjacent adopted 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.

4. The siting of the canopy and supporting columns shall be agreed in writing prior to construction to ensure there is no adverse impact on existing structures in close proximity. A suitable, agreed maintenance easement shall be approved to allow for future maintenance of the same existing structures.
5. No development, other than site clearance, demolition, remediation or ground works, shall commence unless and until the required stopping-up order has been secured.
6. The development hereby approved shall not be brought into use unless and until the off-highway bin storage arrangements indicated on the approved plans have been implemented to the satisfaction of the Local Planning Authority.

Reasons

1. To maintain the integrity of the adopted highway, in the interests of highway safety.
- 2 - 4. To secure the satisfactory development of the site in terms of highway safety, ensure good highway design and maintain the integrity of the adopted highway, all in the interests of highway safety.
5. To mitigate the impact of the construction traffic generated by the proposed development on the adjacent highways, ensure adequate construction traffic access and materials storage arrangements for the duration of the demolition and construction periods and that the adopted highways are kept free of deposited material from the ground works operations.
6. To ensure that adequate bin storage arrangements are provided within the curtilage of each dwelling.

Comments and Observations

1. This development affects adopted highway. This planning decision does not authorise the closure of the adopted highway affected by the development. The applicant's attention is therefore drawn to the statutory procedures for obtaining a stopping-up/diversion order under Section 247 of the Town and Country Planning Act 1990 in order to authorise the removal ('stopping-up') of the affected highway and enable the development to be carried out in accordance with a valid and relevant planning permission.

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The Order will also provide for the provision of improved highways as long as these also form part of the planning permission (the replacement footway). Development affecting the highway should not be commenced until the statutory requirements have been complied with and the stopping-up order made. Enquiries regarding the necessary procedures should be made to the Department for Operations, 3 Knowsley Place, Duke Street, Bury BL9 0EJ. Telephone 0161 253 5788. (N002)

2. The applicant's attention is drawn to the need to consult the Department of Operations regarding the specification for and implementation of the required highway works. The cost of the works will be the responsibility of the developer. (N004 Amended)
3. The applicant's attention is drawn to the need to complete a Section 278 (or similar substitute) Agreement under the Highways Act 1980 regarding the works affecting the existing adopted highway. (N008 Amended)
4. The applicant's attention is drawn to the requirements of Section 153 of the Highways Act 1980 which prohibits the opening of doors, gates or bars outwards onto the adopted highway. (N001)
5. The applicant's attention is drawn to the requirements of Section 179 of the Highways Act 1980 which prohibits the construction of any foundations required for the boundary fencing under the adjacent adopted highway
6. The Council currently operates a curtilage system of refuse collection. The applicant is advised to liaise with Environment & Development Services, Waste Management & Transport - Bradley Fold, on 0161 253 7010/6635, regarding the operation of this system. (N024 Amended)

Date: 25 August 2023

Signed: **A Southgate**
(pp) Head of Engineering

HIGHWAYS ASPECTS ONLY