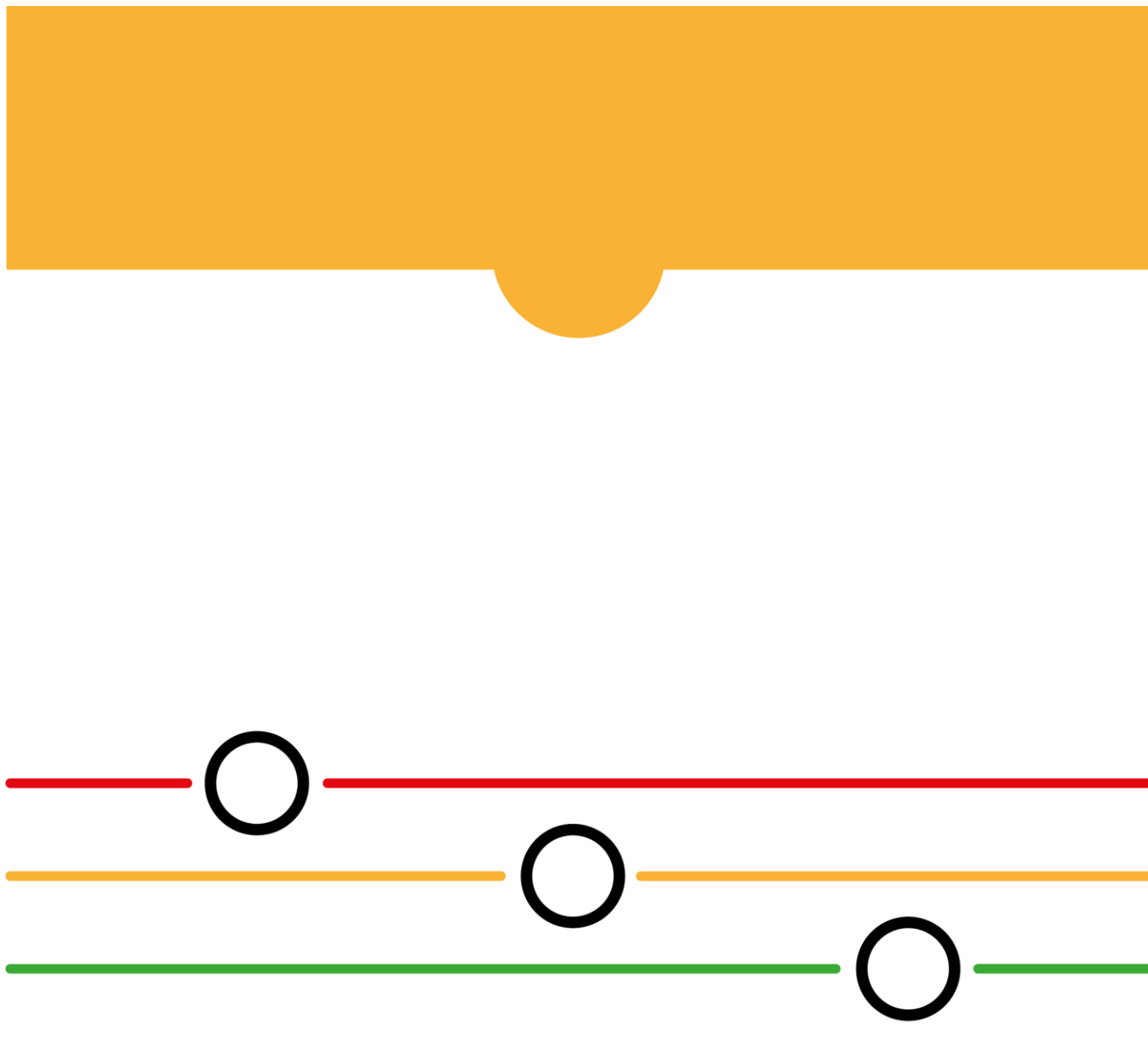




Pearl Forecourts Ltd

Proposed Variation of Condition Application,
B6222 Bell Lane, Bury

Variation of Condition

3705125



MAY 2025

Note Details

Report Number:	3705125-TN
Report Title:	Response to Highways Reason for Refusal Proposed Variation of Condition Application, B6222 Bell Lane, Bury
Client:	Pearl Forecourts Ltd
Date:	23 May 2025
Status:	-

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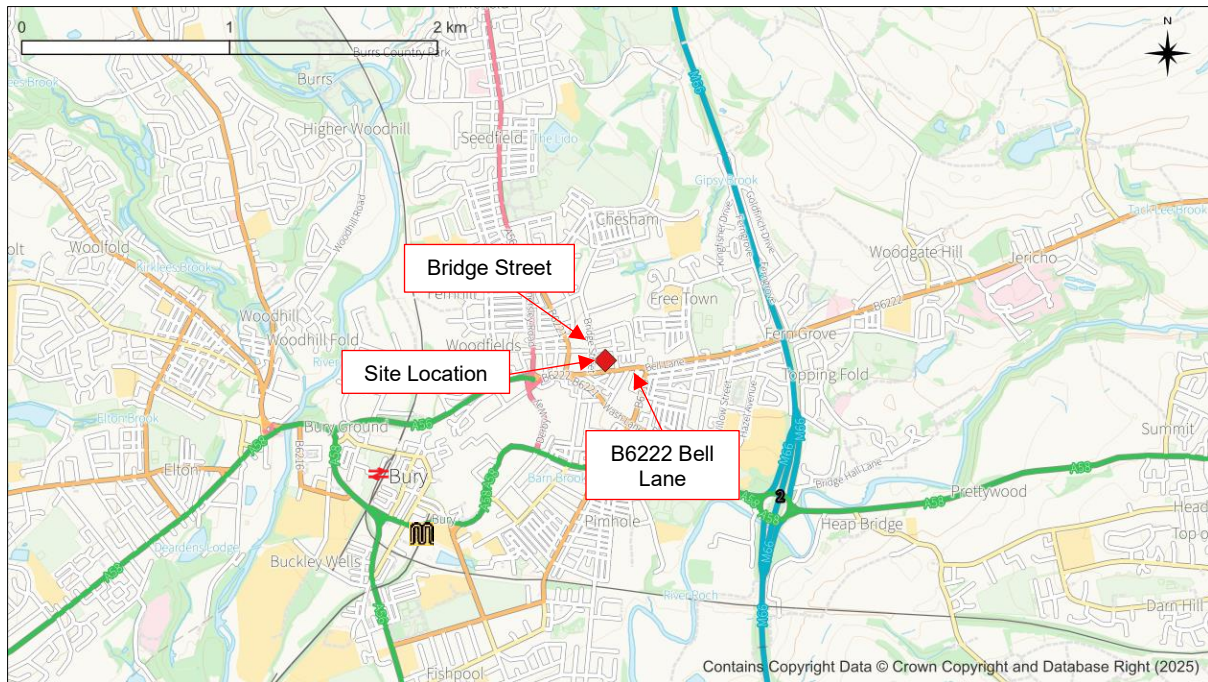
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1 Introduction

- 1.1 Dynamic Transport Planning Ltd is instructed by Pearl Forecourts Ltd to advise on the proposed variation of a planning condition associated with the planning approval for a mixed-use roadside development, on land off the B6222 Bell Lane, Bury.
- 1.2 The site is located approximately 900m north-east of Bury Town Centre and 1km north-west of M66 J2. The location of the proposed development site is illustrated at **Figure 1.1:**

Figure 1.1 – Site Location Plan



- 1.3 The application site benefits from planning consent granted on Friday 15th March 2024, (Application Reference: 70253) for the demolition of an existing car sales building and the redevelopment of the site for a new Petrol Filling Station (PFS) with associated facilities, alongside a drive-thru unit and detached block of two food-to-go convenience pods.
- 1.4 The Decision Notice issued by Bury Metropolitan Borough Council (BMBC) included three Conditions relating to highways matters, where Condition 8 (below) is addressed by this TN:

“Notwithstanding the details on approved plan reference 2489.F.104 Revision C, no development shall commence unless and 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:

- *Review of the HGV swept path analysis undertaken to ensure that conflicts both on the adopted highway and at the junction with Bridge Street are minimised and opposing carriageways are not used to undertake manoeuvres by service vehicles from/to all directions;*
- *Following the results of the above review, formation of site access alterations onto Bridge Street to a scope and specification to be agreed, incorporating the resurfacing of the site access within the limits of the adopted highway, provision of adequate arrangements at the interface with the adopted highway with radii/footways tying into existing kerb lines/footways on Bridge Street, provision of visibility splays at the junction of the amended site access with Bridge Street for an design speed of 30mph, relocation/replacement of any affected highway drainage, demarcation of the limits of the adopted highway, tactile paved crossing points in positions to be agreed within the limits of the adopted highway, provision of give-way markings and alterations to any affected the existing road markings and all associated highway and highway drainage remedial works;*
- *Formation of the proposed pedestrian access onto Bell Lane and all associated highway remedial works;*
- *Measures to prevent the discharge of surface water from the proposed petrol filling station hardstanding areas and site access onto the adjacent adopted highway;*
- *Provision of a street lighting assessment to a scope to be agreed for the junction of the site access with Bridge Street and, where necessary, a scheme of improvements to the existing street lighting equipment to a specification to be agreed; and*
- *Confirmation of all retained/proposed boundary treatment around the perimeter of the site incorporating, where required, foundations that do not encroach under the adjacent adopted highway”.*

- 1.5 Upon receipt of the draft planning conditions, the applicant team pushed back on the inclusion of the above condition, given the nature of the use of the existing site, the nature of the proposals and the significant works that would be required to accommodate this.
- 1.6 The LHA confirmed that the application would not be approved without this condition in place and was included on the decision notice received in March 2024.
- 1.7 Subsequent to the planning approval, DTP undertook the vehicle tracking as requested, which showed that significant additional works would be required at the access in order to accommodate the LHA’s requests.

- 1.8 This information was shared with the LHA, who noted that the condition would need to be varied through the LPA. As such, following discussions with the LHA, the applicant is now submitting an application vary Condition 8 as advised.
- 1.9 This document addresses part of Condition 8 of the above planning approval, in order to confirm the variation of the associated condition.

2 Application Details

Application Submission

- 2.1 The application for the demolition of an existing car sales building and the redevelopment of the site for a new Petrol Filling Station (PFS) with associated facilities, alongside a drive-thru unit and detached block of two food-to-go convenience pods (Application Reference: 70253) was submitted in November 2023 to BMBC.
- 2.2 The application was supported by a Transport Statement (TS) and a Travel Plan (TP) produced by DTP, submitted in November 2023. The TS included swept path analysis of the largest anticipated servicing vehicle for access and egress of the site, as well as for the internal arrangements. This swept path analysis included vehicle tracking for an oil tanker and a 10m rigid vehicle.
- 2.3 In response to the submission, consultation comments were received from TfGM dated 13th December 2023. DTP provided a Technical Note (TN) in response to TfGM highways consultation comments, following which the Local Highway Authority recommended to application was approved. At no point during the application did TfGM or the LHA query the appropriateness of the submitted swept path analysis.

Planning Conditions

- 2.4 Upon receipt of the draft planning conditions, it was noted by the applicant team that Condition 8 required a review of the HGV swept path analysis to determine if this could be contained wholly on one side of the carriageway.
- 2.5 The applicant team responded to the LPA to propose that Condition 8 was not appropriate, given the nature of the existing site, use of the existing access and nature of the proposals and that in order to satisfy the condition significant changes to the proposed site access arrangements and, therefore, the internal layout of the site would be required.
- 2.6 As such, the applicant team responded to the draft conditions to note that there are a vast number of existing roadside sites where delivery/servicing vehicles are required to temporarily overrun into the adjacent carriageway, where drivers wait for a gap in the oncoming traffic before undertaking the manoeuvre. It was also raised by the applicant team that given the nature and scale of the approved development and the associated frequency of HGV movements at the site, it is considered was considered the access works required by Condition 8, as existing, would result in a significantly over engineered arrangement.
- 2.7 In response to the above, the LHA confirmed that the planning approval would not be granted without this condition in place, and this was included within the planning approval on the decision notice of 15th March 2024.

- 2.8 Subsequent to the approval, the applicant has proceeded with the discharging of the associated planning conditions. With regard to Condition 8, DTP undertook preliminary swept path analysis to indicate that, as suspected, significant additional works would be required at the access in order to accommodate the tracking on one side of the carriageway. DTP shared the outcome of the vehicle tracking exercise with the LHA and requested that the condition be revised. The LHA stated that this should be picked up with the planning officer and that the condition would need to be varied.
- 2.9 The LHA officer stated that the condition was not challenged at the time the application was determined, which is not correct. Though the LHA officer did acknowledge that DTP's submitted arguments may well form part of justification for the bullet point within Condition 8 to be varied and/or compromise arrangements proposed at the site access to balance the two issues.
- 2.10 Therefore, the applicant is now submitting an application to vary Condition 8 on this basis, with the justification for this further detailed in Chapter 3 of this TN.

3 Justification for Variation of Condition

Conflict of Approved Layout

- 3.1 It is noted that the proposed planning Condition 8 is contrary to the approved site layout plan, given that it is not possible to achieve this without material changes to the access design. The form of access is determined as part of the planning application and it was clear from the plans what the form of access was to be.
- 3.2 In order to accommodate the HGV swept path on one side of the carriageway, significant changes to the access would be required, which would result in an increase in the crossing distances for pedestrians, to an unsafe distance which would be to the detriment of pedestrian safety. It is considered that the Condition could not be applied without the provision of a pedestrian refuge island, which would alter the form of access, which has already been agreed at the planning stage.

Lawful Use of Existing Site

- 3.3 Notwithstanding this, the existing lawful use of the site is for a used car dealership, which operated with the existing junction in place. Therefore, the existing access junction is already approved to accommodate large vehicle movements, such as car transporters.
- 3.4 It is noted that prior to the submission of this application, the applicant could have opened a car sales facility on the site with no planning permissions required and utilised the existing access arrangements for HGV movements.

Vehicle and Pedestrian Safety

- 3.5 As part of the proposals at the site, minor upgrades were proposed, including some slight widening in order to accommodate the servicing vehicles associated with the proposed development. As such, the proposals represent a betterment to the existing approved access arrangements for large vehicle access.
- 3.6 These proposed amendments were considered the most suitable balance between accommodating the occasional movements of servicing vehicles (no more than two per day) without being detrimental to pedestrian safety.
- 3.7 It is noted that there are a number of examples of similarly located roadside facilities of a similar scale, where infrequent HGV movements are undertaken with vehicles requiring to temporarily enter the opposing carriageway. In such instances, drivers of infrequent larger vehicles wait for a gap in the oncoming traffic before manoeuvring.

- 3.8 As is commonplace on all types of development, schemes are not designed for the worst-case scenario. As such, it would be overengineering to design this access for frequent HGV use, when it would be no more than two instances per day. The PFS does not have HGV pumps and would not have any HGV traffic on the forecourt. The only HGV trips would be the service vehicles, which would be very infrequent and planned to be outside of peak times of operation of the site.
- 3.9 Vehicle tracking was submitted as part of the TS which supported the planning application, and at no stage were any issues raised to suggest that there was a problem with the swept path of the HGVs. Nor were any comments received to suggest that there was a problem with the proposed access design.

Variation of Condition

- 3.10 As such, it is requested that the LPA revise the wording of Condition 8, to remove the first bullet point (the requirement for the vehicle tracking to be contained within one side of the carriageway), and to allow the applicant to move forward with the previously submitted access design. Thereafter, the wording for bullet point two should also be revised to state that the access design should be agreed prior to commencement and the detailed design works would be required to be undertaken prior to occupation of the development.

4 Summary and Conclusions

- 4.1 Dynamic Transport Planning is instructed by Pearl Forecourts to advise on the proposed variation of a condition associated with the planning consent for the demolition of an existing car sales building and the redevelopment of the site for a new Petrol Filling Station (PFS) with associated facilities, alongside a drive-thru unit and detached block of two food-to-go convenience pods.
- 4.2 The original planning application was supported by a Transport Statement (TS) and a Travel Plan (TP) produced by DTP, further supported by a Technical Note (TN) produced in response to TfGM highways consultation comments, following which the application was approved.
- 4.3 Part of Condition 8 of the above approval requires a *“Review of the HGV swept path analysis undertaken to ensure that conflicts both on the adopted highway and at the junction with Bridge Street are minimised and opposing carriageways are not used to undertake manoeuvres by service vehicles from/to all directions”*.
- 4.4 To satisfy the above condition significant amendments would be required to the existing access junction, at the detriment to pedestrian safety.
- 4.5 It is noted that the existing access already lawfully catered for large vehicle movements as part of the use on the site for a car dealership. The proposals was some minor widening proposed at the access, ensuring a betterment to the existing arrangement.
- 4.6 Swept path analysis submitted as part of the original application showed that infrequent HGV movements (no more than two per day) would be accommodated by the access, with some overrunning of the opposite side of the carriageway, which is a common occurrence taking place at a plethora of similar sites nationwide.
- 4.7 It is concluded that the associated amendments to the site access arrangements proposed constitute an improvement to the existing situation and that to accommodate the LHA’s requests would be to the detriment of pedestrian safety.
- 4.8 As such, the applicant seeks a variation to the condition to remove the requirement for HGV swept path to be contained within one side of the carriageway according to the information detailed herein.