

BURY COUNCIL
DEPARTMENT OF OPERATIONS

REF NO: 24/003

FROM: Head of Engineering

TO: Head of Development Management

Planning Application No: 70284

Location: Former East Lancs Paper Mill & Tower Farm, Church Street East, Cross Lane, Cock Clod Street & Brook

Development: Application for reserved matters approval (appearance, landscaping, layout and scale) for the erection of 400 dwellings, relocation of cricket pitch, including a pavilion, practice nets and scoreboard and including all details required to discharge the conditions from application 67597

RECOMMENDATION

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

1. In association with Condition 26 (Construction Traffic Management Plan) and 27 (Phasing Plan) of planning permission 67597, no development shall commence unless and until the following have been submitted to and agreed with the Local Planning Authority:
 - Photographic dilapidation survey of the adopted and unadopted highways (footways and carriageways) leading to and abutting the perimeter of the site in the event that subsequent remedial works are required following construction of the development and as a result of statutory undertakers connections to the site.
 - Access route for construction vehicles to the site from the Key Route Network/Cross Lane, including the need to prohibit the use of the residential streets in the Rectory Lane (other than those that may need to be utilised to access Plots 377-400) and Sanford Street areas.
 - Access points/arrangements for construction traffic from Cross Lane, taking into consideration the need to maintain safe pedestrian/vehicular access to the adjacent residential properties and all temporary works required to facilitate access for construction vehicles.
 - Details of site hoarding/gate positions, taking into consideration the need to maintain safe pedestrian/vehicular access to the adjacent residential properties and provide, where necessary, temporary pedestrian facilities/protection measures on the adopted and unadopted highways.

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- A scheme of appropriate warning/construction traffic speed signage in the vicinity of the site and its accesses.

The approved details 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.

2. In association with Condition 39 (Highway Details) of planning permission 67597 and in the event that it is intended for the proposed residential estate roads to be considered for adoption by the Council, notwithstanding the details indicated on approved plan reference PL0-P4 Revision P, 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:
 1. Proposed internal road layout to a specification and materials to be agreed and to current adoption standards (including any necessary land filling operations and method of compaction), incorporating a minimum 6.5m carriageway width on Roads 01 (Church Street East), 07 (Eastern Site Access) and 11 (Western Site Access), 5.5m minimum carriageway widths elsewhere, 2.0m minimum width footways throughout the development and 1.0m minimum service strips at all appropriate locations within the development.
 2. Confirmation of secondary emergency access arrangements to the site from the adjacent highway network to be agreed with Greater Manchester Fire and Rescue Service (GMFRS) to a scope and specification to be agreed, incorporating adequate arrangements for the provision of access for emergency service vehicles, pedestrians and cyclists and proposals for the prohibition of general vehicular access to the site from Rectory Lane/Church Street East and Church Street East/Sandford Street (other than for emergency access purposes).
 3. In connection with the above, in the event that the provision of the secondary emergency access at the junction with Bury Street is not required by GMFRS, revised arrangements to form the easterly pedestrian access into the site incorporating the widening of the Bury Street westerly footway and the provision of pedestrian guard railing to a scope and specification to be agreed.
 4. Notwithstanding the proposed 'Grey to Green' details shown, and on the submitted 'Adoptable Highway and Managed Areas Plan', proposals to either put the significant areas of highway verge proposed forward for adoption (and submission of a commuted sum to be agreed as part of the Section 38 Agreement to be entered into) or an appropriate agreement with the Highway Authority to privately manage of highway verges, the extent of which to be agreed.
 5. A scheme of 20mph traffic calming measures on the proposed estate roads to a scope and specification to be agreed, incorporating the formation of speed tables in adoptable materials at all appropriate junctions, road markings and signage as required.

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6. Proposals for the introduction/revocation of waiting restrictions/prohibition of driving orders to a scope to be agreed at the junctions of the proposed site accesses with the adjacent highway network, including all necessary road markings and signage.
7. Provision of a street lighting assessment to a scope and specification to be agreed for the proposed residential estate roads and for all new junctions onto the adjacent highway network, incorporating a scheme of all required improvements identified as a result of the assessment.
8. In the event that retaining structures are required adjacent to the future adopted highway, an 'Approval In Principle' for the proposed structure(s), incorporating full structural, construction and drainage details, calculations, pedestrian protection measures and a detailed construction method statement;
9. In association with the above, the undertaking of a review of/safety audit for the need to provide vehicle containment measures at all appropriate locations within the development where levels issues/falls from the highway exist and at any abutting open watercourse.
10. Foundation details for all boundary walls/fences abutting the existing/future adopted highway.
11. White lining scheme for the proposed estate road layout and junctions onto the existing adopted highway, to a scope and specification to be agreed.
12. Demarcation of the limits of adoption at all relevant locations.
13. Provision of long sections and cross sections at positions to be agreed through the proposed estate roads and turning heads to ensure that adoptable gradients will not exceed 1 in 14 for the purposes of adoption and incorporating a maximum 1 in 20 plateau at each junction within the development and at the interface with the adopted highway.
14. Demarcation of the limits of adoption at all relevant locations.
15. Facilities for the storage of bins on collection day at the interfaces of all shared private driveways with the proposed adopted highway, clear of the adopted highway.
16. Proposed planting/surfacing details and management/maintenance arrangements for all landscaped/car parking areas abutting the proposed adopted highway.
17. Proposed porous/permeable shared driveway/hardstanding materials and/or measures to prevent the discharge of surface water onto the adopted highway.

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

3. In the event that it is not intended for the proposed residential estate roads to be considered for adoption by the Council, no development shall commence unless and until details of the proposed arrangements for future management and maintenance of the proposed estate road within the development have been submitted to and approved by the local planning authority.

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The estate road shall thereafter be maintained in accordance with the approved management and maintenance details until such time as a private management and maintenance company has been established.

4. The visibility splays/forward visibility envelopes indicated on the approved plans shall be implemented to the written satisfaction of the Local Planning Authority before the development is brought into use and subsequently maintained free of obstruction above the height of 0.6m.
5. The various turning facilities indicated on the approved plans shall be provided before the areas of the development to which they relate are first occupied and the areas used for the manoeuvring of vehicles shall subsequently be maintained free of obstruction at all times.
(HY14 Amended)
6. The car parking indicated on the approved plans shall be surfaced and made available for use to the written satisfaction of the Local Planning Authority prior to the each dwelling/part of the site to which it relates being occupied and thereafter maintained at all times. (CAR1 Amended).
7. Bin storage arrangements shall be provided within the curtilage of each dwelling in accordance with Waste Management's 'Guide to Refuse Collection Requirements & Storage Methods for New Developments'.

Reasons

1. To maintain the integrity of the adopted highway and mitigate the impact of the construction traffic generated by the proposed development on the adjacent highways.
2. To secure the satisfactory development of the site in terms of highway safety, and ensure good highway design and adoption standards are met, in the interests of highway safety.
3. To ensure that the unadopted estate roads serving the development are maintained to an acceptable standard in the interest of residential/highway safety, to ensure a satisfactory appearance to the highways infrastructure serving the development and to safeguard the visual amenities of the locality and users of the highway.
4. To ensure the intervisibility of the users of the site and the adjacent highways in the interests of road safety.
5. To minimise the standing and turning movements of vehicles on the highway in the interests of road safety
6. To ensure adequate off-street car parking provision in the interests of road safety.

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7. To ensure that adequate bin storage arrangements are provided within the curtilage of each dwelling.

Comments and Observations

1. Discharge of Condition 28 (Internal Road Pattern Details) of 67597

Whilst there are some outstanding highway adoption issues with what has been submitted, for the purposes of the discharge of this condition that does not seek the detailed design for adoption purposes, there would be no objections to the discharge of this condition as it only requires the submission of the internal road layout, which has been undertaken.

2. Discharge of Condition 39 (Highway Details) of 67597

Details have been submitted to part-discharge this highway condition which will require the applicant enter into a Section 278 Agreement under the Highways Act 1980 in respect of the works to be carried out on the highway in connection with the proposed development. The limits of the S278 Agreement around the perimeter of the site and at the interfaces with a potential S38 Agreement(s) on both junctions onto Cross Lane are currently correctly indicated and would need to be agreed in due course.

3. Discharge of Condition 40 (Scoot at Water Street) of 67597

Transport for Greater Manchester (TfGM) and Urban Traffic Control (UTC) have confirmed that they are satisfied with the SCOOT/CCTV condition, however, it should be noted that until the funds are received, then the condition should not be discharged.

4. Discharge of Condition 41 (Parking Strategy) of 67597

No comments – the applicant's approach to this condition was agreed previously with the Local Planning Authority.

5. Discharge of Condition 44 (Travel Plan) of 67597

No comments.

6. The proposed estate roads indicated on plan reference PL0-P4 Revision P are not eligible for adoption by the Council.

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7. This development affects several highways. 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 highways and enable the development to be carried out in accordance with a valid and relevant planning permission. The Order will also provide for the provision of improved highways as long as these also form part of the planning permission. 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 Amended)
8. The applicant's attention is drawn to the existence of Public Right of Way No. 9, St. Mary's, Radcliffe, within the site. No development should take place which affects the Right of Way in the absence of an appropriate closure or diversion order. (N010 Amended)
9. The applicant must be made aware of the need to safeguard people using public rights of way and that no public rights of way are damaged, widths altered, gates erected across their width (unless authorised by Bury Council the Highway Authority) or obstructed by any other means either during or as a result of development. The applicant must ensure that no changes to land levels/surface water runoff affects a public right of way. If a temporary obstruction of public rights of way is unavoidable, no development must take place until a temporary closure order has been made by Bury Council and a suitable temporary alternative route(s) made available.
10. 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 and implementation of any required traffic regulation orders. The cost of the works will be the responsibility of the developer. (N004 Amended)
11. Subject to the discharge of the relevant planning condition, the applicant's attention is drawn to the potential need to complete a Section 38 Agreement(s) under the Highways Act 1980, and a Section 104 Agreement(s) under the Water Industry Act 1991, regarding the future adoption of the proposed roads and sewers. (N008 Amended)
12. The applicant's attention is drawn to Section 167 of the Highways Act 1980 which requires Highway Authority approval of all structural details and calculations of retaining structures adjacent to the highway, prior to works commencing. (N019)

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13. It would be advantageous for the land affected by the highway proposals to be in the control of the Highway Authority. An appropriate course of action would be the free dedication of the land to the Highway Authority by the freeholder.
(N021)
14. It is brought to the attention of the applicant that if the proposed estate roads are not eligible for adoption by the Council, the applicant is advised that to discharge the relevant condition regarding future maintenance of the estate roads, the Local Planning Authority will require details of a private management and maintenance company confirming funding, management and maintenance regimes.
15. 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 and the specification for the proposed refuse collection facility at the interface with the adopted highway.
(N024 Amended)

Date: 27 January 2025

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

HIGHWAYS ASPECTS ONLY