

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 24/04/2024	Ref: 70350/FUL
Registration: 07/02/2024	LDFC: 29/02/2024	Expiry Date: 03/04/2024
Site Visit: 23/02/2024	Site Notice: 23/02/2024	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: Full planning permission for site access (as approved under p/p 66064 & 67864 in association with the redevelopment of the site for a future residential development of up to 132 no. dwellings)

Location: Former Tarmac Building Materials, Stopes Road, Bolton, BL3 1NR

Description

The application relates to the access to a development site which formally operated as a tarmac business. The development site is located in the jurisdiction of Bolton Council but is accessed directly off the unclassified part of Stopes Road which is within the Bury Borough.

An application was submitted in tandem with Bolton Planning Authority for the redevelopment of the site for a residential development of circa 140 dwellings. The application sought a full permission from Bury for the access to the development site (ref 66064) whilst Bolton dealt with an outline application for the residential development.

Both LPA's granted planning permission.

Subsequently, an application was submitted to Bury to vary conditions (ref 67864) to allow the developer to progress the demolition, enabling and remediation works on site. The application was approved and the works to demolish and remediate the site are nearing completion.

Once the remediation works are complete, the applicant does not propose to progress the residential development any further and intends on disposing the site to a developer.

The planning permission granted by Bury LPA for the site access expired on 21/4/24. This application therefore seeks a new (full) planning consent for the site access which would replicate the previous permissions granted for the site access.

To summarise the works, the proposed access would be from the existing entrance to the site with improvement works to form dropped kerbs and tactile paving either side of the site entrance at the unclassified Stopes Road/A6053 Stopes Road junction.

In terms of an emergency access to the site, it is proposed to provide a secondary access off Stopes Road to the south of the main site entrance. In addition, it is also proposed to provide an emergency access via the eastern end of the unclassified Stopes Road which would be re-opened. The access would be controlled by a collapsible or retractable bollard. This route would only be used if the main entrance to the site was blocked or inaccessible in the event of an emergency.

Relevant Planning History

66064 - Reserved Matters for means of access to the site (Bury Council) and outline planning application for the demolition of the existing structures on the site, and

redevelopment of the site for a future residential development of up to 132 no. dwellings and associated public open space, with all matters reserved except for access (Bolton Council) - 21/4/21

67864 - Removal of condition no. 2 (to remove the requirement for the submission of a reserved matters application prior to commencement of works); and variation to condition 5 (coal), condition 6 (drainage), condition 7 (highways), condition 8 (construction traffic management plan) of p/p 66064 (Reserved Matters for means of access to the site (Bury Council) and outline planning application for the demolition of the existing structures on the site, and redevelopment of the site for a future residential development of up to 132 no. dwellings and associated public open space, with all matters reserved except for access (Bolton Council)) - 16/6/22

Publicity

Letters sent to 95 properties on 7/2/24.

Site notice posted 23/2/24

No responses received.

Statutory/Non-Statutory Consultations

Traffic Section - No objection

Borough Engineer - Drainage Section - No response received.

Environmental Health - Contaminated Land - No objection.

The Coal Authority - No objection subject to condition.

Transport for Greater Manchester - No objection

Electricity North West Ltd - No response received.

United Utilities (Water and waste) - No objection

Bolton MBC - No response received

Cadent Gas Ltd (formerly National Grid) - No objection, recommend an informative

Fire Protection Dept Bury Fire Station (Part B) - No response received

Environment Agency - No response received.

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

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
EN1/2	Townscape and Built Design
JP-S4	Flood Risk and the Water Environment
EN6/3	Features of Ecological Value
HT2/1	The Strategic Route Network
HT2/3	Improvements to Other Roads
HT2/4	Car Parking and New Development
HT6/2	Pedestrian/Vehicular Conflict
HT4	New Development
OL1	Green Belt
JP-C8	Transport Requirements of New Development
JP-S5	Clean Air

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 of the proposed development site - The principle of the residential development is within the jurisdiction of Bolton Planning Authority for determination.

For the purposes of this application, the site access only is under consideration by Bury LPA.

Highways issues

JP-C8 - Transport Requirements of New Development and requires new development to be located and designed to enable and encourage walking, cycling and public transport use, to reduce the negative effects of car dependency, and help deliver high quality, attractive, livable and sustainable environments.

Criteria 2 of this policy requires consideration 'to ensure appropriate connectivity to the existing highway network'.

Access - The existing site entrance would be utilised and enabling and improvement works would be carried out to provide an access and egress arrangement, with dropped kerbs and tactile paving provided either side to form a pedestrian footpath.

The Highway Section have assessed the extent of the access works proposed and are satisfied that the access arrangements and associated works would be acceptable for the scale of the residential development, subject to the agreement of detailed matters which can either be covered by conditions and/or within works which would form part of the s278 agreement with the Highway Authority.

Emergency access - It is proposed to provide an emergency access to the site, which would be located just south of the main access to the site off Stopes Road. A dropped kerb would be formed and remedial works carried out to the footway to facilitate access for an emergency vehicle.

In addition, it is also proposed to provide an emergency access to the site at the eastern end of the unclassified Stopes Road which is currently stopped up. This route would only be used if the route from the south and the main site access were unavailable or inaccessible at the time of an emergency. Part of this former access would be re-opened and a drop kerb and footpath widening works would provide a route.

Access would be controlled by some form of retractable or collapsible bollard if considered necessary. Again, this would be controlled by a suitably worded condition or works to form part of the s278 agreement.

The general arrangements demonstrate that a suitable access can be provided without impacting negatively on the operation of the adjacent businesses and access rights.

The Highway Authority are satisfied with the level of detail provided and have raised no objections in principle subject to conditions.

Traffic generation - The scale of the proposed development would generate traffic to the area and particularly Stopes Road and the nearby junctions.

A Transport Assessment has been submitted with the application (the same Transport Assessment submitted with the original application ref 66064) which has calculated that approximately 30 additional trips in the weekday morning peak hour and 40 additional trips in the evening peak hour comparative to the permitted use of the site. This would equate to less than one additional movement per minute.

TfGM HFAS (Highways Forecasting Analytical Services) and TfGM UTC (Urban Traffic Control) have reviewed the Transport Assessment (TA) issued in support of the proposed development and have provided comments in respect of the relevant sections.

Highways overview

I. Road Safety

Accident data should be updated to 2022/2023.

II. Trip Generation

If the existing site is still operating the trip rates for this should have been determined by carrying out a survey at the access.

III Junction Impact Assessment

The site access should have been assessed as this will have trips in excess of 30 vehicles per hours due to the development.

V. Other

A robust Construction Traffic Management Plan should be employed as part of the development.

Site Accessibility

I. Public Transport

The closest bus stops to the site are located on the A6053 Stopes Road. The eastbound bus stop is located 150m west of the priority junction with Stopes Road, and the westbound bus stop is 200m west of the priority junction with Stopes Road. Both bus stops have bus box markings, bus shelters and flag posts. Bus frequencies are relatively low.

II. Active Travel

In order to maximise the benefits of the site's location, it should be ensured that the pedestrian and cycling environment, within and around the site, is designed to be as safe, attractive and convenient as possible, including natural surveillance where possible. This should provide sufficient links to the surrounding pedestrian and cycle networks.

To promote active travel and link in with the surrounding environment, the applicant should ensure provision of the following:

- The condition of the footways surrounding the site should be improved as part of development, which would help to improve pedestrian accessibility.
- Any redundant vehicle access points which served the former site should be reinstated as continuous footway to adoptable standards.
- Tactile paving and dropped crossings should be installed across either side of the site access point(s).
- Provision of continuous 2-metre-wide footways throughout and surrounding the development.
- The TA states that the pedestrian access into the site from Stopes Road will be enhanced with designated 2m wide footways provided.

In terms of cycling parking, the TA states that It is proposed that the development fully meets the council cycle parking standards. However, there is no indication on the number of cycle parking spaces that will be provided. This should be clarified.

III. Travel Plan

To encourage sustainable travel choices, it is important that the development is accompanied by a full Travel Plan with effective measures for bringing about modal shift, i.e. the use of incentives, provision of on site and off site infrastructure, along with a clear monitoring regime with agreed targets.

A Travel Plan should include:

- A Travel Plan budget and resources for the implementation and day to day management of travel plan measures;
- Appropriate management structures;
- Detailed time frames for the delivery;
- Handover arrangements for the travel plan or its components, when the developer's responsibility ceases;
- Targets and monitoring arrangements.

Ideally a Full Travel Plan should include tailored measures to overcome specific barriers or take advantage of opportunities presented by the site in order to encourage future residents to use sustainable modes of travel for appropriate journeys.

In order to encourage sustainable journeys to mitigate the traffic impact of the development, through the Travel Plan, incentives should be offered to residents such as concessionary bus fares, discounted cycles, journey planning etc.

The applicant has responded to the points raised by TfGM and having reviewed the response and that the methodology and approach in respect of the assessment work has been agreed with the LHA, TfGM have no further comments to make.

In respect of the Travel Plan, this would relate to the residential development which is under the control of Bolton Planning Authority.

As such, the proposed development to provide the access to the site would be acceptable and would comply with UDP Policies H1/2, H2/1, EN1/2, HT2/1, JP-C5, JP-C6 and JP-C8 and the principles of the NPPF.

Fire service

The Fire Service have not commented on this new application. However, on the previous application they confirmed that the proposed emergency vehicle access and strategy would be deemed acceptable. As the development proposes the same emergency arrangements, it is considered that with appropriate conditions to agree the scope of works, the proposed development would be acceptable.

Environmental Health - Air quality

In the original application, the EH Section accepted the Air Quality Assessment with a condition that dust control measures especially during construction would be required and this was conditioned.

The condition (condition 4 on ref 66064) has been part discharged subject to implementation of the approved measures. For this application, a condition would therefore be included that the development be carried out in accordance with the proposed measures and controls which have previously been approved.

Environmental Health - Contaminated land - The Section was previously satisfied that as the development proposed in Bury would only relate to the access there would be no requirement for intrusive ground works and therefore no conditions in this respect.

Drainage

United Utilities have been consulted on the application have raised no objection. They have recommended that the applicant consider their drainage plan in accordance with the drainage hierarchy outlined in the NPPG and NPPF. United Utilities have not recommended a condition and given the wider development site would have to provide appropriate drainage systems with approval from UU, it is considered an informative to the applicant would be acceptable in this case.

UU have identified that a water main crosses the site. This would be a matter for the applicant to address in consultation with UU.

Electricity North West - ENW have been consulted but not responded. On the previously approved scheme, they commented that the development is shown to be adjacent to or affect Electricity North West's operational land or electricity distribution assets. Where the development is adjacent to operational land the applicant must ensure that the development does not encroach over either the land or any ancillary rights of access or cable easements. If planning permission is granted the applicant should verify such details by contacting Electricity North West.

An advisory to the applicant would therefore be included as an informative.

Cadent

Cadent have identified that the site is in close proximity to their medium and low pressure assets. There is no objection to this proposal from a planning perspective, however Cadent recommend an informative the applicant be included on a Decision Notice -

Cadent Gas Ltd own and operate the gas infrastructure within the area of the development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions. Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

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
SCP-231141-S278-0000-001 B - General site arrangement
SCP-230708-S278-0000-002 B - Sweot path analysis sheet 1 of 3
SCP-230708-S278-0000-003 B - Swept path analysis sheet 2 of 3
SCP-230708-S278-0000-004 A - Sweot path analysis sheet 3 of 3
SCP-231141-S278-0000-005 B - General arrangement (with GDPR Survey)
SCP-231141-S278-0000-006 A - Site boundary extent

Supplementary Planning Note by SATPLAN (PfE Policy JP-C8)
Dust control measures agreed in letter CL974.211221.1 (ref 66064)
Transport Assessment VN201653 by Haworth Group
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 listed.
- 3 No development other than demolition, site investigations, groundworks and remediation, shall take place unless and until full details of the following highway aspects have been submitted on a topographical survey of the site and adjacent adopted highways to the Local Planning Authority:
 1. Identification of all areas of existing adopted highway within the Bury Borough boundary affected by the proposed access to the development site;
 2. Formation of the proposed site access onto Stopes Road in a revised position relative to the westerly/northerly kerbline to be formed on the bend in Stopes

- Road following the undertaking of a full swept path analysis of the bend;
3. Provision of a level/1 in 40 plateau at the junction onto the existing adopted highway;
 4. Scheme of works to a scope to be agreed to reinstate the areas of redundant access/block paved hardstanding to adjacent footway levels, incorporating all reconstruction/accommodation works on both approaches to the site access and the proposed secondary emergency access to the residential site onto Stopes Road;
 5. Scheme of measures/bollards to prevent vehicular access onto/use of the footway areas to be created;
 6. Alteration of/improvements to the existing pedestrian refuge at the junction of A6053 Stopes Road/Stopes Road junction;
 7. Scheme of works to a scope, specification and in a position to be agreed to provide the proposed remote secondary emergency access at the easterly end of the unclassified section of Stopes Road incorporating fixed and removable bollards and all associated highway remedial works, as shown indicatively on the submitted plans;
 8. Scheme of works to a scope, specification and in a position to be agreed to provide the proposed remote secondary emergency access at the easterly end of the unclassified section of Stopes Road incorporating fixed and removable bollards and all associated highway remedial works, as shown indicatively on the submitted plans;
 9. Proposals for the introduction of waiting restrictions to scope to be agreed at and in the vicinity of the junction of the proposed site access to be formed with Stopes Road, following a review of on-street parking at, and on the approaches to, the bend;
 10. Demarcation of the limits of the existing/future adopted highway and all associated highway and highway drainage remedial works required as a result of the construction of the proposed development, boundary treatment removal and statutory undertakers connections;
 11. White lining scheme for the proposed junction onto Stopes Road, the proposed estate roads and on the bend, to a scope to be agreed, incorporating all necessary alterations to existing road marking/lining required as a result of the proposed development.

The highway works subsequently approved shall be implemented to an agreed specification and programme.

Reason. 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 pursuant to Policies EN1/2, JP-C5 and JP-C6

4. 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:
 1. Dilapidation survey of the footways and carriageways leading to and abutting the site in the event that subsequent remedial works are required following the demolition works and construction of the development;
 2. Access route for vehicles from the highway network;
 3. Access point(s) to the site including any temporary works required to facilitate vehicular access;
 4. Hours of operation and number of vehicle movements;
 5. Proposed site hoarding/gate positions clear of appropriate visibility splays onto Stopes Road;
 6. A scheme of appropriate warning/speed limit signage in the vicinity of the demolition/construction site access;
 7. Arrangements for the turning and manoeuvring of vehicles within the

curtilage of the site;

8. Parking on site of demolition, operatives' and construction vehicles together with storage on site of demolition and construction materials;

9. Measures to ensure that all mud and other loose materials are not 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 demolition and construction periods and the measures shall be retained and facilities used for the intended purpose for the duration of both periods. The areas identified shall not be used for any other purposes other than the turning/parking of vehicles and storage of construction materials.

Reason. To mitigate the impact of the construction traffic generated by the proposed development on the adjacent highways, 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 pursuant to Policies EN1/2 - Townscape and Built Design and JP-C5 and JP-C6

- 5 No development shall commence until;
a) any remediation works and/or mitigation measures to address the shallow mine workings, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason. The undertaking of remedial measures, prior to the commencement of development, is considered to be necessary. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 189 and 190 of the National Planning Policy Framework.

- 6 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 shall 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 the recorded mine entry.

Reason. The undertaking of remedial measures, prior to the commencement of development, is considered to be necessary. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 189 and 190 of the National Planning Policy Framework.

- 7 The development hereby approved shall be implemented in accordance with the approved dust control scheme, as agreed in letter CL974.211221.1 dated 21 December 2021 (approved by condition 4 of planning reference 66064). The approved dust control measures shall be retained and maintained in a fully functional condition for the duration of the development hereby approved.

Reason. To reduce the impacts of dust disturbance from the site on the local air quality and the environment in accordance with paragraph 180e of the National Planning Policy Framework (December 2023) and Places for Everyone Policy JP-S5 (Clean Air).

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	24/4/24	DM	24/04/2024

