

Report to: **EXECUTIVE MEMBER ENVIRONMENTAL SERVICES**

Item:

Date: **15th March 2006**

Report of: **DIRECTOR OF ENVIRONMENTAL SERVICES**

Contact Officer: **Anthony James Watts**

Report No.:

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EMES/32/06

TITLE OF REPORT:

**CENTRAL STREET DEVELOPMENT, BOLTON
HIGHWAY ALTERATIONS NECESSITATED BY PRIVATE DEVELOPMENT**

NON-CONFIDENTIAL

This report does **not** contain information which warrants its consideration in the absence of the Press or Members of the public

RECOMMENDATIONS:

The Executive Member Environmental Services is recommended to approve the proposal to allow Waterman, Burrow Crocker to carry out the highway design work for the Central Street Development on behalf of Wilson Bowden Limited in accordance with the provisions of Section 278 of the Highways Act 1980 and upon approval of the design, be permitted to arrange for the works to be constructed at the expense of Wilson Bowden Ltd, subject to:

- a. The Assistant Director Highways and Engineering approving the design and the contractor(s) selected to undertake the works and the Section 278 Agreement being completed before any works commence.
- b. Wilson Bowden agreeing to meet all of the Council's expenses in design checks and supervising the construction of the works via the Section 278 Agreement.

DECISION:

Signed:

Leader/Executive Member

Monitoring Officer

Date:

An Equality Impact Assessment has been carried out in relation to this proposal and

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it has been concluded that there is no adverse differential impact on any particular social group.

SUMMARY OF REPORT

Planning permission for the proposed Central Street Development was granted on 5th October 2005 (Application no 71649/05).

Conditions attached to the approval require the developer's to improve the junctions At Topp Way/Marsden Road, White Lion Brow /Spa Road, White Lion Brow/St Helena Road, Deansgate/Central Street, Bark Street/Pool Street and to carry out highway works in Duke Street.

The report seeks authority to allow the developer's consultant to carry out the necessary design work under section 278 of the Highways Act 1980 and upon approval of the design by the Council to arrange for the works to be constructed in accordance with the approved design.

BACKGROUND INFORMATION

Council policy for agreements under S278 of the Highways Act 1980 (Report EME/43/01)

BACKGROUND

1 Planning permission for the proposed Central Street Development was agreed on 5th October 2005 (Application no 71649/05). Attached to the approval were conditions requiring improvement works to be carried out by the Developers to improve the junctions at

- Topp Way/Marsden Road;
 - White Lion Brow /Spa Road;
 - White Lion Brow/St Helena Road;
 - Deansgate/Central Street;
 - Bark Street/Pool Street; and
 - to carry out highway works in Duke Street.
- (see the developer's drawing number WBC/CS/06/016/A09)

2 A further condition attached to the Planning Permission was that no part of the development could be occupied until the necessary highway works have been completed and approved by the Highway Authority.

CURRENT SITUATION

3 The successful completion of the development is dependant upon attracting a major retailer to operate the supermarket. Negotiations are now well advanced but it may be some time before the legal agreements are finalised.

4 The existing road network will need to be improved before construction starts on site at the following locations/junctions to allow construction traffic to gain access to the site.

- Topp Way/Marsden Road;
- White Lion Brow /Spa Road;
- White Lion Brow/St Helena Road;
- Duke Street improvement.

5 It is necessary therefore to carry out early detailed design work to:

- ascertain the true cost of the work to facilitate more detailed cost projections for the whole project; and
- To prepare for construction to start on site as soon as possible to avoid delays in implementation of the project.

6 The design work will, therefore, have to be carried out now before the supermarket operator has signed the necessary agreements. Because the success of the development depends on this agreement and because the design work would require considerable risk the Council would be advised to allow the developer to carry out the Highway design. The developer of the site Wilson Bowden Limited have retained consultants, Waterman Burrow Crocker, who have carried out the initial design work necessary for the Traffic Assessment Report as part of the planning application. The developer has said that their consultant is prepared to carry out the design work and prepare the tenders for the Highway work even though there is currently a small risk attached to the project. Nevertheless the work

would still be subject to supervision by the Council's own Highway Engineers.

FINANCIAL IMPLICATIONS

- 7 Approved Council policy states that works, such as these being proposed, and carried out under Section 278 of the Highways Act are to be designed and implemented by the Council's Highways and Engineering Division. In view of the need to get an early start on the project it is proposed to allow the developer's consultants to complete the design work for the project and thereafter arrange for the works to be constructed in accordance with the approved design. Wilson Bowden Limited will meet all the Council's costs with regard to design checking and supervision during the implementation of the works. There are no financial implications for the Council.

IMPLEMENTATION

- 8 Conditions attached to the planning approval preclude the development being brought into use until the highway improvements have been implemented. The developer is eager to finalise the estimates of costs and to carry out the junction improvement works to allow construction work to be planned and a traffic management plan to be developed for the period of construction.

RECOMMENDATION

- 9 The Executive Member Environmental Services is recommended to approve the proposal to allow Waterman, Burrow Crocker to carry out the highway design work for the Central Street Development on behalf of Wilson Bowden Limited in accordance with the provisions of Section 278 of the Highways Act 1980 and upon approval of the design, be permitted to arrange for the works to be constructed at the expense of Wilson Bowden Ltd, subject to:
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HM/HP/AJW

