

DELEGATED REPORT

Report by Helen Leach	Date of report: 13/02/2026	Ref: 72662/NON
Registration: 16/01/2026	LDFC: 03/02/2026	Expiry Date: 13/02/2026
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections:	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Non-material amendment following grant of planning permission 71622 (Installation of flood gates):

The moveable flood gates across the northern and southern elevations of HGB – which were approved via the full planning application– should withstand a flood level of up to around the same level as the HGB parapet. Therefore the HGB requires a series of cut-outs in the upstream and downstream sides which will enable floodwater to flow across the road surface and be held behind the flood gates in an extreme flood scenario. The installation of a series of railed cut-outs in the upstream and downstream parapets will enable the flood gates to operate as intended.

Location: Hardys Gate Bridge, Dumers Lane, Bury, BL9 9UR

Description

The application site relates to Hardy's Gate bridge, which is located on Dumers Lane in Radcliffe and crosses the River Irwell. The bridge carries three lanes of traffic, traffic lights and two pavements, which are 1.8 metres wide. The bridge is constructed from stone with two piers in the river. The parapet adjacent to the pavements is 1.2 metres in height.

There is an industrial estate to the north, east and south east of the site. There are residential properties to the south and south west of the site.

The development forms part of a flood defence scheme for Radcliffe and Redvales. Phase 1 of the scheme, which involved the erection of bunds and walls at Close Park and Morris Street was approved in March 2019 and works are substantially complete. Phase 2 was split into three applications (64788, 64789, 65171) and these applications have been approved in December 2019 and July 2020.

This scheme forms part of phase 3 and the works have been split into two applications, including this one. The other application cover works at land to the south of Bury Grammar School (65745). Planning permission was granted in May 2025 for the installation of flood gates at Hardy's Gate Bridge at the northern and southern ends.

At the southern end, a sliding flood gate would be erected. The proposed flood gate would be 18.8 metres wide and would be 1.3 metres in height. The proposed gate would retract behind the existing defence wall when in store and during a flood event would be moved into place with a mechanical or manual winch. Other works at southern end of the site involve:

- Installation of steel guiderail and concrete beam in road along the line of the gate.
- Carriageway raised to footway level of 68.550m AOD
- New pillar for end fixing post located at end of the wall on southern side.
- Removal of part of stone wall on southern end of bridge

The applicant seeks a non material amendment for the addition of railed 'cut-outs' in the

parapets of the bridge and a handrail on the upstream and downstream walls of Hardy's Gate Bridge.

In the event of a flood, the proposed flood gates would be placed at the northern and southern ends of Hardy's Gate Bridge. These are designed to withstand a flood level of up to the same level as the parapet on the bridge. Therefore, the bridge requires a series of cut-outs to allow the floodwater to flow across the road surface and be held behind the flood gates.

Relevant Planning History

64790 - Proposal A - A series of sheet piled walls and concrete walls across 4 sites

Proposal B - Erection of an embankment and retaining wall at land to west of Metrolink line at Warth Road at land to west of Metrolink line at Warth Road; land to west of Whitefield Road; land to west of Hardy's Gate Bridge and land to north of York Street, Bury. Split decision - 22 January 2020.

65171 - Various flood defence proposals including sheet piled walls, concrete L-walls and earth embankments, finished in a manner consistent with the local aesthetic at land to west of Metrolink line at Warth Road at land to west of Metrolink line at Warth Road; land to west of Whitefield Road; land to west of Hardy's Gate Bridge and land to north of York Street, Bury. Approved with conditions - 28 July 2020.

65746 - Raising the upstream parapet level along the full extent of Hardy's Gate Bridge by 0.25 metres to provide additional flood protection; Strengthening of the parapet by reinforcing dowel bars; Installation of twin stainless steel debris cables spanning the river immediately upstream of the bridge at Hardy's Gate Bridge, Dumers Lane, Radcliffe. Approved with conditions - 14 September 2020.

66231 - Variation of condition 2 (approved plans) for the realignment of the flood defence adjacent to Hardy's Gate Bridge at Hardy's Gate Bridge, Dumers Lane, Radcliffe. Approved with conditions - 21 January 2021.

67775 - Lawful development certificate for proposed modifications to the existing bridge parapets (both sides), including localised, partial removal of existing masonry and reinstatement of the current edge protection with metal safety railings. Localised strengthening of the upper bridge spandrel walls directly below the bridge parapets (internal vertical steel dowels). Modifications to the footway surfacing in the south west corner to accommodate fixings for a 3m length of demountable flood defence at Hardy's Gate Bridge, Dumers Lane, Radcliffe. Lawful development - 17 December 2021.

69802 - Installation of flood gates at Hardy's Gate Bridge, Dumers Lane, Radcliffe. Approved with conditions - 1 September 2023.

71622 - Installation of flood gates at Hardy's Gate Bridge, Dumers Lane, Radcliffe. Approved with conditions - 2 May 2025.

Publicity

None required.

Statutory/Non-Statutory Consultations

Drainage Section - AIP signed to accommodate the proposals therefore no objections

Pre-start Conditions - Not relevant.

Development Plan and Policies

EN1/2 Townscape and Built Design

EN1/3 Landscaping Provision

EN1/4 Street Furniture

EN1/11	Public Utility Infrastructure
EN5/1	New Development and Flood Risk
EN7	Pollution Control
HT4	New Development
HT6/2	Pedestrian/Vehicular Conflict
NPPF	National Planning Policy Framework

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.

Design and impact - The proposed development would involve the installation of cut-outs along the parapet of the bridge on the upstream and downstream sides. The proposed cut-outs would allow for water to pass over the bridge during a flood event and would be contained by the proposed flood gates. The proposed cut-outs gates would measure 0.8 metres by 1.2 metres. The proposed handrail would be located on top of the parapet and would be fixed to the masonry. The proposed rail would be painted black, which would be acceptable.

Therefore, the proposed development would not be a prominent feature in the streetscene and would be in accordance with Policy EN1/2 of the Bury Unitary Development Plan.

Impact upon amenity - The properties on the upstream side of the River Irwell are all commercial. The nearest building would be over 17 metres away. As such, the proposed development of the cut-outs and handrails would not have a significant adverse impact upon the amenity of the occupiers of these buildings

Flood risk - A Flood Risk Assessment (FRA) was submitted with the previous application for the proposed flood gates. The FRA responds to the wider flood defence scheme as well as the respective phases. The FRA indicates that the full scheme would provide significant benefits to 873 properties within the Radcliffe area. In addition, the raised defences to both sides of the river, particularly along side the existing business parks, would significantly reduce the risk of debris entering the watercourse during flood events and substantially reduce the risk of blockages at the bridge structures.

The proposed cut-outs are designed to allow water to flow over the bridge and channel the water in the direction of flow of the river. In other words, the proposed cut-outs and the proposed gates will prevent water flowing away from the bridge onto the surrounding roads and towards buildings. The proposed development would not reduce the harm connected with an extreme flood (incident similar to that of 2015) as well as ensure that the flood hazard level remains unaffected elsewhere as a result of the proposal. Therefore, the proposed development would not increase flood risk and would offer significant benefits to over 800 properties in Radcliffe. The proposed development would be in accordance with Policy EN5/1 of the Bury Unitary Development Plan and the NPPF.

Highways issues - The proposed cut-outs would not impact upon vehicular or pedestrian traffic using the bridge.

During a flood event, the bridge would be closed to traffic, but this would be temporary and it is unlikely that vehicles would be able to use the bridge at this time.

Therefore, the proposed development would not be detrimental to highway safety and would be in accordance with Policy EN1/2 of the Bury Unitary Development Plan.

Recommendation: Approve

Conditions and Reasons:

The proposed amendments would not impact adversely upon the appearance of the site or the residential amenity of the nearby properties. As such, the proposed development would not be unduly prominent in the locality. The proposed amendments would not have a detrimental impact upon highway safety and would still be in accordance with the overall principles in terms of the approved application 71662 and the Policies against which this was approved. As such, the application is a non-material amendment.

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<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HL 13/2/26		DM 13/2/26	