

DELEGATED REPORT

Report by Helen Leach	Date of report: 02/05/2025	Ref: 71622/FUL
Registration: 17/02/2025	LDfC: 14/03/2025	Expiry Date: 14/04/2025
Site Visit: 25/02/2025	Site Notice: 25/02/2025	Press Date: N/A
Objections: 0	Con Area:	Adv Type: PI
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Installation of flood gates

Location: Hardy's 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).

The proposed development involves 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

At the northern end of the site, two swing flood gates would be erected. The proposed gates would be attached to a wall, which would be constructed adjacent to the two pilasters on Hardy's gate bridge. During a flood event, the proposed gates would be closed and a central post would connect the gates. The proposed gates would be 13.8 metres wide and would be 1.1 metres in height. Other works at the northern end of the site involve:

- Construction of a wall on the north west side of the river, which will include the steel gate post and back stays, which will connect to the existing flood defence wall and the bridge.
- Construction of a wall on the north east side of the river, which would include the steel

- gate post and back stays and would connect to the bridge
- Two gravel areas on either side of the road and behind the pavement, where the gate would be stored outside a flood event.
- Removable central gate post to be erected during a flood event

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 Hardys 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.

Publicity

The neighbouring properties were notified by means of a letter on 21 February 2025. There has been no response.

Statutory/Non-Statutory Consultations

Traffic Section - No objections.

Drainage Section - No objections.

Environmental Health - Contaminated Land - No objections.

United Utilities - No objections.

GM Ecology Unit - No objections, subject to the inclusion of conditions relating to nesting birds and protection of the River Irwell and informatics relating to otters.

Environment Agency - No objections.

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

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 two gates at either end of the bridge to act as a flood defence during a flood event. The proposed gates would be 1 metre in height and would be constructed from steel, which would be acceptable in a predominantly industrial area.

The gates to the north would be attached to walls, which would be constructed from red brick. This would match the existing wall and as such, would not be a prominent feature in the locality.

The proposed gates would be in the open position for the majority of the time. The proposed sliding gate would be viewed against the backdrop of the existing flood defence wall and as such, would not be a prominent feature in the streetscene. The proposed gates at the northern end of the bridge, would be against the parapets of the bridge in the open position. As such, the proposed gates would not be a prominent feature in the streetscene.

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 2 bridges and associated works would not have a significant adverse impact upon the amenity of the occupiers of these buildings.

Noise - Access to the site for the proposed development would be taken from York Street and Dumers Lane. It is acknowledged that there would be some adverse impact upon the amenity of the neighbouring properties through noise and disturbance during implementation only. However, the potential for noise and disturbance would be mitigated by the restriction of the hours of delivery from 09.00 to 15.00 and hours of work between 08.00 and 18.00 on Monday to Friday. The Pollution Control Section has no objections to the proposal and conditions relating to the hours of operation would be imposed. As such, it is considered that the wider benefits of the flood defence scheme would outweigh the temporary disturbance to the amenity of the neighbouring properties during construction.

Ecology - As with the previous application, 69802, there are no significant ecological issues associated with this development.

Bats - The bat survey found no evidence of bats roosting in the bridge. Whilst the bat survey is becoming dated, the proposed works to the bridge are very unlikely to cause harm to bats. GM Ecology Unit have confirmed that the assessment is still valid and no further information or measures are required.

Otter - Otters are known to be present on this section of the River Irwell. Whilst no works are required within the river as a precaution, GM Ecology Unit has no objections, subject to the inclusion of an informative relating to otters.

Nesting Birds - Evidence of bird nesting under the bridge was recorded, but there are no works proposed under the bridge. There is also a sand martin wall present, which whilst according to anecdotal recorded is not functioning as hoped provides potential bird nesting habitat. GM Ecology Unit has no objections, subject to the inclusion of a condition relating to nesting birds.

Proximity to the River Irwell - As previously, there are risks during construction of dust, pollutants and debris entering the watercourse and negatively impacting on the ecological potential of the river. GM Ecology Unit has no objections, subject to the inclusion of a condition relating to protection of the River Irwell.

Contributing to and Enhancing the Natural Environment & Biodiversity Net Gain (BNG) - Section 180 of the NPPF 2023 states that the planning policies and decisions should

contribute to and enhance the natural and local environment. 10% BNG is mandatory under Schedule 7A of the Town & Country Planning Act 1990 (as inserted by schedule 14 of the Environment Act 2021).

The development is restricted to existing hardstanding. No vegetated habitat will be lost and there are no direct effects likely to wildlife. The proposed development would be exempt from biodiversity net gain under the de minimis rule.

Therefore, the proposed development would not have a significant adverse impact upon ecology and would be in accordance with Policy EN6/3 of the Bury Unitary Development Plan and the NPPF.

Flood risk - A Flood Risk Assessment (FRA) was submitted with the application. 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 gates 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, they 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. The Environment Agency has no objections to the scheme. 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 development would involve the addition of gates at either end of Hardy's Gate bridge, which would act as a flood defence during a flood event. The proposed gates would be open for the majority of the time and would not impact upon traffic flow across the bridge. The pavement at the northern end would be widened to ensure that a 1.6 metre wide footpath is retained for pedestrians.

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. The Traffic Section has no objections to the proposed development.

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.

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 RNV0000389C-BMM-DZ-4ZZ-DR-T-0213472, ENV0000389C-FHT-00-DR-C-1003 B, ENV0000389C-FHT-00-DR-C-2005 D, ENV0000389C-FHT-00-DR-C-2011 D, ENV0000389C-FHT-00-DR-C-2012 E, ENV0000389C-FHT-00-DR-C-2013 E, ENV0000389C-FHT-00-DR-C-2020 C, ENV0000389C-FHT-00-DR-C-2021 B, ENV0000389C-FHT-00-DR-C-2022 C, ENV0000389C-FCI-01-DR-X-0501 P05 Pages 1 - 7, ENV0000389C-FCI-01-DR-X-1302 P05 Pages 1 - 3 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 and Places for Everyone Joint Development Plan listed.
- 3 The development hereby approved shall only be carried out in accordance with the recommendations in the Radcliffe and Redvales FRMS - Hardy's Gate Bridge Flood Gates - Bat Survey Report, dated June 2023.
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 – Conservation of the Natural Environment and EN6/3 – Features of Ecological Value of the Bury Unitary Development Plan and Section 11 of the National Planning Policy Framework.
- 4 No development shall take place or material or machinery brought on site, unless or until a method statement to protect the River Irwell from accidental spillages, dust and debris has been submitted to and approved in writing by the Local Planning Authority. All measures will be implemented and maintained for the duration of the construction period in accordance with the approved details.
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 – Conservation of the Natural Environment and EN6/3 – Features of Ecological Value of the Bury Unitary Development Plan and Section 11 of the National Planning Policy Framework.
- 5 The development shall not commence unless or until details of a bat box and provision for nesting birds has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 – Conservation of the Natural Environment and EN6/3 – Features of Ecological Value of the Bury Unitary Development Plan and Section 11 of the National Planning Policy Framework.
- 6 Prior to construction, written agreement shall be provided from the Highway Authority for the proposed operation and maintenance arrangements for the gates on completion of the works.
Reason. To ensure that the proposed gates are maintained appropriately and are available for use pursuant to Policy EN1/4 - Street Furniture of the Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HL - 02/05/2025		DM 02/05/25	