

DELEGATED REPORT

Report by Helen Leach	Date of report: 16/04/2025	Ref: 71816/NON
Registration: 26/03/2025	LDFC:	Expiry Date: 23/04/2025
Site Visit: 10/04/2025	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Non-material amendment following grant of planning permission 67946 to change from a two span structure to a single span

Location: Land on the south east side of Milltown Street, Radcliffe, Manchester, M26

Description

The application site is located at the end of Rectory Lane and is the site of a former footbridge, which was damaged during the floods in December 2015. The site is open and use of the bridge is restricted to pedestrians.

Planning permission was granted in July 2022 for the erection of a replacement bridge over the River Irwell between Rectory Lane and Milltown Street. The proposed bridge would provide pedestrian and cycle access and the works would include abutments, pier works and temporary and permanent access to the bridge. The proposed bridge would be located 20 metres to the north of the previous bridge on the same axis and would be realigned access points to Rectory Lane and new ramps from Milltown Street.

The public right of way that passed over Milltown Street Footbridge would be diverted over the new structure. The bridge would be set higher than the previous with a minimum level of 64.55m AOD for flood resilience. The approach ramp would be a maximum of 1 in 12 gradient.

The applicant seeks a non material amendment to change the proposed bridge from a two span structure to a single span structure, which involves the removal of the pier in the River Irwell.

Relevant Planning History

67946 - Replacement of Milltown Street Footbridge with new foot/cycle bridge at land on the south east side of Milltown Street, Radcliffe. Approved with conditions - 27 July 2022.

Publicity

None required.

Statutory/Non-Statutory Consultations

Principal Engineer - Structures - No objections.

Drainage Section - No objections

Pre-start Conditions - Not relevant.

Development Plan and Policies

EN1/1	Visual Amenity
EN1/7	Throughroutes and Gateways
EN5/1	New Development and Flood Risk
EN6/4	Wildlife Links and Corridors

EN7	Pollution Control
EN7/3	Water Pollution
OL5/2	Development in River Valleys
RT3/3	Access to the Countryside
RT3/4	Recreational Routes
HT6/1	Pedestrian and Cyclist Movement
HT6/2	Pedestrian/Vehicular Conflict
HT6/3	Cycle Routes
EC2/1	Employment Generating Areas
H5/1	Area Improvement
EN1/2	Townscape and Built Design

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

DELEGATED REPORT

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 appearance - The proposed deletion of the pier would not materially affect the design and appearance of the bridge structure, which would appear more symmetrical and balanced. The Principal Engineer - Structures has no objections to the proposal. As such, the proposed change would not be material and would be in accordance with Policy EN1/2 of the Bury Unitary Development Plan.

Flood risk - The proposed development would have various benefits. The removal of the pier would reduce the amount of debris, which would collect in the river and the associated bank during a flood event. In addition, there would be no need to personnel to go into the river to retrieve the debris. The proposed development would not involve any incursions into the river, which would enable the clear flow of water. The Drainage Section has no objections to the proposed development. Therefore, the proposed development would be in accordance with Policy EN5/1 of the Bury Unitary Development Plan.

Access - The pedestrian access to the proposed bridge would not be impacted by the amendments proposed.

Recommendation: Approve with Conditions

Conditions and Reasons:

The proposed amendments would not impact adversely upon the appearance of the bridge 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 ecology or highway safety and would still be in accordance with the overall principles in terms of the approved application 67946 and the Policies against which this was approved. As such, the application is a non-material amendment.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HL - 16/04/2025			