

DELEGATED REPORT

Report by Dean Clapworthy	Date of report: 27/07/2022	Ref: 67946/FUL
Registration: 03/02/2022	LDFC: 03/03/2022	Expiry Date: 31/03/2022
Site Visit: 17/02/2022	Site Notice: 17/02/2022	Press Date: 17/02/2022
Objections: 0	Con Area: N/A	Adv Type: ARW
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Replacement of Milltown Street Footbridge with new foot/cycle bridge

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

Description

The proposal is for a replacement bridge, site and river abutment/pier works and temporary and permanent access to the bridge site to be constructed over the River Irwell between Rectory Lane and Milltown Street, Radcliffe to provide for pedestrian and cycle access following the closure of the former bridge post the 2015 floods (which was a pedestrian only bridge and public right of way). It would be positioned 20m north of the previous bridge on the same axis and with realigned access points to Rectory Lane and new ramps from the Milltown Street side. The site would be

The proposal would comprise:

- A two span steel truss bridge totalling 55m length with an internal width of 3.5m (minimum) with a non-slip resin surface and painted moss green with blue infill rails;
- Piled concrete abutments at each bank and concrete pier (clad in blue engineering brick with stone capping blocks at the base/top) on the south bank;
- Steel approach ramp on south embankment and approach path on south embankment from surfaced with asphalt;
- New ramps onto the bridge at both ends (extended from existing routes);
- Temporary site compound and working area.

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.

A small existing building would be demolished to facilitate the proposed development.

Relevant Planning History

No relevant history

Publicity

The proposal has been advertised by site notice and direct neighbour notification. One representation has been received stating that the provision of a new bridge suitable for walking and cycling is very welcome, but there are two issues that need to be considered:

- The first is the ramp on the south bank. The number of very tight turns in the proposed design will be difficult to cycle up or down and will force many to dismount. It will be considerably more difficult for anyone on a trike, cargo cycle, or towing a trailer. This design also risks excluding cargo cycle services. And the very tight turns I suggest might be next to impossible for a disabled user on something like a hand cycle. Has an Equality Impact Assessment been performed, as is legally required? A longer, straight

- ramp must be considered.
- The second is the sharp corners on the bridge parapets. Cyclists heading toward the bridge could lose control, potentially striking these with considerable force. Therefore they should have a rounded, rather than square, corner profile.

Statutory/Non-Statutory Consultations

Public Rights of Way Officer: No comments received

Canal & River Trust: No comment.

Greater Manchester Ecology Unit: No objection

Environment Agency: No objection, subject to conditions relating to a construction environmental management plan and invasive species

Traffic Section: No objection, subject to a condition requiring a construction traffic management plan

Environmental Projects (Chris Wilkinson): No objection

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

Unitary 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) and 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 Policy 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.

ASSESSMENT

Principle of the development

The proposal is for a replacement bridge spanning the River Irwell to provide an alternative access to (re)link the opposing banks between Rectory Lane and Milltown Street. Bury UDP policy HT6/1 seeks to provide direct, convenient and safe routes for pedestrians and cyclists. Given that there was a link (footpath) that became severed due to a flooding event, a replacement link that would reconnect the public right of way is acceptable in principle. Thereafter, the assessment relates to the following matters.

Visual amenity

Policy EN1/1 states that development will not be permitted where proposals have a detrimental effect on the visual amenity both within, or viewed from the river valleys. Policy EN1/7 reinforces, requiring a high standard of design in relation to waterways, and specifically in relation to the River Irwell.

The proposed bridge structure would be of a robust double span steel truss finished in natural recessive colours and the proposed pier would be in complementary engineering brick and stone. The site compound (for the construction materials/plant and welfare facilities) would be a temporary feature, are necessary in relation to all construction projects and the site would be remediated after the completion of the proposed development.

The proposed bridge would be of a type found at other locations and is considered to be of an appropriate high quality design and quality in the context and would be enhanced by soft landscaping. Given the above, it is considered that the proposed development would not harm the visual amenity or the character and appearance of the river valley.

Access and highway safety

The single third party comment relates to cycle access for all users and the disabled.

The agent has confirmed that the bridge and approaches would be compliant with relevant legislation and they have been designed in accordance with CD 353 (Design Criteria for

footbridges - which forms part of the Design Manual for Roads and Bridges approved by Highways England). Whilst the approach ramp would have sharp bends, the ramps and landings are shown to be of dimensions that would allow passage of a cycle design vehicle (which represents a composite of a cycle of maximum dimensions of 2.8m long x 1.2m wide). Further, the edges of the square sections would be rounded and adjustments could be made to the 90 degree corner. Bollards would prevent vehicular access from the north.

The ramped access is constrained due to the land available, being immediately surrounded by other third party land.

The Highway Officer nor the Public Rights of Way Officer object to the proposal.

Given the history of the river crossing and the satisfaction of the Highway Officer, it is not considered that the matters raised in the third party comments would warrant an objection to the proposal. The proposed development would re-introduce an acknowledged important recreational link for pedestrians and would additionally facilitate the passage of cycles.

Amenity

Due to the position of the site relative to nearest sensitive receptors, it is not considered that there would be any unacceptable impacts on amenity.

Ecology/Biodiversity

The Greater Manchester Ecology Unit and the Environment Agency do not object to the proposal, subject to precautionary conditions to protect wildlife, prevent the spread of invasive species and protection of the riparian corridor.

Ground conditions

Due to the industrial history of the site and surrounding land it would be appropriate to attach conditions relating to imported soil or soil forming materials and the treatment of unforeseen contamination as was the case in relation to a similar proposal on the River Roch (65937), as verbally advised by the EHO - Pollution.

CONCLUSION

The proposed development would reconnect an important recreational route that has been severed for a number of years. It would provide an improved crossing for recreational users in a safe manner. The development has been assessed as not having any unacceptable impacts upon visual or the general amenity and recreational users, highway safety and ecology. Nor would it be at risk of flooding or increase the risk of flooding elsewhere.

Given the above, the proposal would be compliant with the above stated UDP policies and the NPPF. Therefore, in accordance with the Section 38(6) of the Planning and Compulsory Purchase Act, the proposal merits approval.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. 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 Location Plan (Dwg no. B142/02-P), Block Plan (Dwg no. B142/01-P), Proposed General Arrangement (Dwg no. 660-023-001 P02), Proposed Site Layout and Site Compound (Dwg no. 660-023-002 P03), Proposed Approach Ramp Plan and Elevations (Dwg no. 660-023-003 P02, Earthworks - Sections (Dwg no. 660-023-030 T1), Earthworks - Plan (Dwg no. 660-023-030 T1) 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 The external finishing materials for the proposal hereby approved shall be as detailed within the approved application particulars.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/1 and OL5/2 of the Bury Unitary Development Plan.
- 4 No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP) for the construction of new bridge crossing and removal of existing remnants of old bridge structure has been submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority.
The CEMP will need to include details demonstrating how the River Irwell and wider wildlife corridor will be protected, positively reinstated, and potentially enhanced during development based on the following:
 1. Timing of the works that preferably avoid more ecologically sensitive fish spawning season (October - Mid March) for any in-channel working.
 2. Construction design and methods for new crossing of waterbody and removal of remnants of old bridge structure and associated in-channel pier structure.
 3. Riverbank reinstatement including soft landscaping scheme predominantly based on native species, once any existing resident invasive non-native species have been appropriately managed.
 4. Pollution protection measures adopted as part of new bridge construction and removal of redundant bridge structure.The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.
Reason. To ensure key ecological receptor; River Medlock; and WFD waterbody (Irwell (Roch to Croal) (GB112069060840)); is protected and/or enhanced, as part of bridge replacement proposals, pursuant to Chapter 15 - Conserving and enhancing the natural environment of the National Planning Policy Framework.
- 5 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 information:
 - Access route for construction traffic from the highway network and any temporary traffic management measures that may be required to facilitate access to the site;
 - Hours of operation and number of vehicle movements;
 - Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site (or on land within the applicant's control);

- Parking on site (or on land within the applicant's control) of operatives' and construction vehicles together with storage on site of construction materials;
- 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 and the agreed measures and facilities shall be adhered to for the duration of the construction period. The areas identified shall not be used for any purpose other than the parking of vehicles and storage of construction materials. All highway remedial works identified as a result of the dilapidation survey shall be implemented prior to the development hereby approved being brought into use.

Reason. The information was not submitted with the application. So as to ensure that the impact of the construction traffic generated by the proposed development on the adjacent residential streets is mitigated and 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, in the interests of highway safety, pursuant to Bury Unitary Development Plan Policies EN1/2 and HT6/2.

- 6 No development shall commence until a detailed method statement for removing or the long-term management / control of Japanese knotweed, Giant hogweed & Himalayan Balsam identified on the site shall be submitted to and approved in writing by the local planning authority. The method statement shall include proposed measures that will be used to prevent the spread of Japanese knotweed, Giant hogweed & Himalayan Balsam during any operations e.g., strimming, bank regrading or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant covered under the Wildlife and Countryside Act 1981, as amended. Development shall proceed in accordance with the approved method statement.
Reason. To avoid damage to and to enhance the nature conservation value of the site pursuant to chapter 15 - Conserving and enhancing the natural environment of the National Planning Policy Framework.
- 7 No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance.
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 National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
- 8 Any soil or soil forming materials brought to site for use in soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought onto site, and;
The approved contamination testing shall then be carried out and validity evidence (soil descriptions, laboratory certificates, photographs etc) submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.
Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

- 9 Where during any works on site, unforeseen contamination is suspected or found, or contamination is caused, works on the site shall cease and the Local Planning Authority shall be notified immediately. The developer shall then produce a risk assessment and submit remediation proposals, if required, for approval to the Local Planning Authority. On approval of the remediation strategy, the development shall then be carried out in accordance with the approved details and process including any required timescales.
Reason. To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
- 10 The bridge hereby approved shall have a minimum soffit height of 64.545 metres above ordnance datum.
Reason. To ensure that the development is not at risk of flooding or increase the risk of flooding elsewhere, pursuant to Section 14 - Meeting the challenge of climate change, flooding and coastal change of the National Planning Policy Framework.
- 11 A landscaping scheme shall be submitted to, and approved by the Local Planning Authority prior to the installation of the main bridge structure. The contents of the plan should include native tree and shrub planting and the provision of bird boxes. The approved scheme shall thereafter be implemented not later than 12 months from the date the building(s) is first occupied or within the first available tree planting season; and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted.
Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to policy EN1/2 of the Bury Unitary Development Plan and chapter 15 - Conserving and enhancing the natural environment of the NPPF.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>