

Ward: North Manor

Item 09

Applicant: Bury Council

Location: Kay Street Bridge, Summerseat
, Ramsbottom, Bury, BL9 6BU

Proposal: Widening works on the upstream side of Kay Street Bridge, Summerseat, to provide a segregated single carriageway and pedestrian footway (Bridge Extension)

Application Ref: 62867/Full

Target Date: 26/07/2018

Recommendation: Approve with Conditions

The Development Manager requests a site visit for this application

Description

The development site forms part of the highway within the Summerseat/Brooksbottoms Conservation Area and comprises a bridge highway crossing over the River Irwell. The site originally was bound to the east by a historic listed building locally called "The Waterside" and originally was a canteen structure forming part of a wider Hoyles Mill/Brooksbottoms Mill complex, where cloth was manufactured.

The whole industrial site had been vacant and subsequently converted into a mixed use development comprising mill conversion to residential accommodation (The Spinnings) and the Waterside/Canteen was converted into restaurant/pub use in the early 1990's. All buildings associated with the former Mill were listed structures (Grade II).

Following the Boxing Day floods of December 2015, the Waterside building suffered significant collapse where the main underside supporting structure was washed away by significant water levels and flooding of the River Irwell. Subsequently, the entire building was removed under The Building Regulations 1984 using s77 and s78 notice.

As a result of the removal of the building, the front wall of the Waterside that formed the easterly parapet/vehicle restraining wall had gone, thus leaving one side of the bridge open and without restraint or protection to users. The westerly parapet remained unaffected. Consequently, the bridge was closed off, in the interim to all traffic and movement, but with the installation of barriers along the east flank, pedestrian access was permitted. It has remained this way since mid-circa 2016.

The Council has since secured Government funding to reinstate full vehicular access across the bridge and has subsequently designed a scheme to facilitate full access once more.

In devising options, the remaining width of carriage way is such that simply building on the remaining road deck with a new parapet wall would result in a significantly substandard width carriageway across the bridge. Historically, the crossing was narrow and allowed only single vehicle crossing one at a time and pedestrian safety was always compromised were a vehicle wishing to cross whilst a pedestrian was on the bridge. As such, the proposals have been worked up to widen the bridge. The intentions are to widen the carriageway using modular sections that are joined and edges mitred, such that when the sections are raised, they form a predetermined natural arch to mimic the existing arches of the bridge. The bridge has two arches with different geometry and thus the extension modules are

bespoke designed to the two archways.

Works proposed incorporate extension to the footprint over the central pier within the river and the creation of riverbank abutments to receive and hold the archways. The proposals would result in an overall widening to 5.955m, following pre-existing road levels of the carriageway. The vehicular surface would be 3.685m (former width) and a new, dedicated separate footway of 1.855m all retained within a new parapet. Elevational finishes would be random stone faced to match the existing. Road surfacing would be tarmac and the footway would be natural stone sett/flag finish.

Relevant Planning History

None relevant

Publicity

128 letters sent to surrounding neighbouring properties on 4/6/18
site notice erected 7/6/18 and press notice in the Bury Times on 14/6/18. As a result of this publicity, there have been 27 responses.

20 objections received from

2, 3 Crag House; 1, 4, 9 and 10 Hill Street, 38 Higher Summerseat; 4 Cliff Avenue x2; 3 East View; 3 Kay Street; 25 Jesmond Drive x 2; 520 Walmersley Road x2; 15 and 17 Holly Street x2; 20 Beech Street;

Points raised include:

- There's an adequate river crossing just a few hundred yards downstream. Surely the money for this bridge could be better spent elsewhere in the borough.
- Currently the park on Waterside Road is very safe for children with very little traffic passing by. If the bridge is reopened to cars I fear that people will revert to using Waterside Road like a race track as they did before the collapse.
- The direction of traffic as is has the benefit of calming measures with the traffic lights at Twist Bridge.
- Since the bridge has been closed to traffic there's a different perspective to Summerseat. The bridge has become a focal beauty point for and gives a real sense of a village. This could be an opportunity to develop a community facility being adjacent to the twin benefits of River and Railway.
- More importantly the area is much safer in terms of road traffic and my concern is that once reopened the stretch of Waterside Road from Robin Road to Ruby Street returns to being a hotspot for speeding cars. Perhaps changes could be made to calm traffic.
- Bass Lane needs constant remedial work due to high traffic volumes and there's traffic queues on Walmersley Road arising from the through traffic.
- Commuters who use Bass Lane to cut through to Greenmount and other areas need to be discouraged.
- I understand that residents on Rowlands Road will have faced an increase in traffic following the Kay Street bridge closure but this has always been a busy through route.
- Communities regularly has events for children on the 'Island' and at present this is a safe area but if the road is opened to through traffic it would again become hazardous for all. Children travel to and from school along this route and the money would be better spent on making a safe footpath throughout the village for school children where one is not provided.
- There are traffic issues throughout Summerseat and re-opening Kay Street Bridge will not resolve current difficulties.

- Putting a footpath next to the bridge for pedestrians does not ensure safe walking once across as there is no appropriate footpath on Kay Street or Hill Street and the reopening of the bridge will just encourage more traffic to use the Village as a rat run to get access to the A56.
- Peak time is an issue along Rowlands Road, across Twist Bridge and Railway Street and it should be proposed that this area be a priority for funding at this time with a safe footpath put in place for school children, parents and walkers to be able to cross the river and walk under the railway line without fear.
- Make good Bass lane and introduce effective calming measures on Rowlands Road and Railway Street.
- Visitors who come to Summerseat to walk or view the trains can take up position on the bridge and the bridge itself, even in it's damaged state, is a beautiful focal point.
- Prior to the collapse of the Waterside, the road across the bridge was highly dangerous to both vehicles and pedestrians. Using it as a pedestrian was a challenge as it was necessary to continually look both ways for traffic and then flatten oneself to the wall of the Waterside to avoid being knocked down.
- Cars and lorries would speed and once over the bridge take the tricky uphill corner into Hill Street too fast and would continue to speed up Hill Street.
- The current situation affords an opportunity for the council to repair the bridge and preserve it's beauty and value as an asset to the village.
- Must we see traffic lights at this bridge?
- Conservation appraisals have noted with concern the damage to Brooksbottoms caused by traffic and buildings as they were not designed for the weight of traffic and damages the Conservation Area.
- It is an aim of Bury to promote physical activity.
- Introduce a 20mph speed restriction, speed cameras to generate income or speed bumps.
- Make Summerseat a destination not a thoroughfare.
- I would definitely invest in a permanent pathway up past the railway bridge towards Summerseat Primary School. With the savings the council make I believe the council should provide flood support to the most vulnerable residents in the village who were previously flooded.
- Impacts upon residential amenity and that local infrastructure is inappropriate.
- The rationale for widening the bridge is that its old configuration was substandard for modern demands and that it would not be safe to reopen it to traffic in its old format. The reasoning applies with equal – and perhaps greater force – to the surrounding roads. They were perhaps tolerable as a legacy route for through traffic. But it is not appropriate to take active steps specifically designed reopen them to through traffic.
- *HT2/3* recognises that, “in older areas particularly, the street pattern is not designed to meet present day needs and the roads are of inadequate width” and requires the prioritisation of the “the safe and efficient operation ... roads in the Borough,” developments which “contribute to road safety”, “facilitate the improvement or protection of the environment” and “encourage cycling and walking as alternatives to the use of private cars, particularly for local journeys”.
- *HT6/1* commits the council to ensuring “that pedestrians and cyclists are able to move safely and conveniently”, “eliminating points of conflict between pedestrians/cyclists and motor vehicles, ”extending pedestrian areas...where appropriate and “ensuring that all proposals for development recognise the needs of pedestrians and cyclists”. It is important to note that the pedestrian and cyclist needs relevant to this application go far beyond the narrow needs of pedestrians actually crossing the bridge alongside traffic.
- *HT6/2* supports the creation of “safer and more pleasant environment for pedestrians” and acknowledges that a “range” of interventions can secure this, “from

complete pedestrianisation to partial segregation". The complete pedestrianisation of Kay Bridge (itself a comparatively modest measure) has much wider consequences for the local environment which should be maintained. The best way to honour the demands of these all policies is to reject this application.

- Other council policies (which are not specifically recognised as constraints on the application on the planning portal) also mitigate in favour of rejection of this application. *RT3/1* forbids development which "would ... prejudice the use of, areas predominantly used for recreation outside the urban area.". This application would prejudice the use of Summerseat Park (which is recognised as an important recreational area and highlighted for improvements in *RT 1/2*), Brooksbottom Gorge and Summerseat Island. Summerseat Island is also singled out for protection in *RT 3/2/2*, which is hostile to developments which would detriment the local environment, unacceptably increase road traffic or adversely affect the amenity of local residents of users of the space.
- This application would damage the character of the conservation area contrary to *EN2/1* and *EN2/2* nor the management plan for the area, which cites traffic as being a negative factor on the Conservation area. Disagrees that the proposals represent a neutral impact and no assessment has been made to the substantial increase in traffic through the area.
- Supporting information is too focussed on architectural and structural concerns.
- Disagrees about the levels of consultation and does not consider that the engagement prior to submitting the application was consultation.

7 Letters of support

4 Manley Close; 29 Miller Street; 76 Pollards Lane; 90 Newcome Road; 4 Crag Avenue; 14 Crosfield Avenue x 2;

- Living 20 yards from the Cliff Avenue bus stop that hasn't seen a bus in two and a half years and counting. Being 74 it is not easy walking up the steep hills in Summerseat. All we ask is for the status quo prior to Boxing Day 2015, which was promised by Bury's Chief Executive at a Public Meeting in November 2016. No ifs or buts and saving money. Please rebuild the Kay Street bridge NOW
- I support for many reasons. For one the Health and Safety of all but mostly the children and families that risk life and limb most days. The reduction of services. The traffic jams when a bus, bin wagon or tractor cannot get passed and the dreadful road conditions when ice and snow prevented the flow of traffic.
- Just been reading some of the comments which I strongly agree with but we need the bridge back open to ease the traffic off the rest of the village. I live on Pollards Lane since the bridge closure cars speeding up and down as you know you can only go up so far so i say get the bridge open make it fair for all of us in the village and the traffic needs sorting all the way through the village Bass lane a nightmare at any time of the day the bus always get stuck on Rolands so the council needs to calm the traffic all the way through the village.
- Yes, for those living on Hill St and Cliff Avenue side it is safe and quiet with the Waterside falling down, what about those on Railway St and Rowlands Rd where the traffic is much worse ,the cars using it as a rat run to get to the motorway etc. For many years the buses were able to get round the village with no problem, now you don't know if a bus is going to turn up especially for the elderly round that area and those who do not drive (the bus drivers don't like it now keep getting stuck going up or down the hill, I personally think the traffic lights on the engine shed side are in the wrong place and should be further up. There should be some kind of traffic calming introduced.
- I support the building of the new bridge and footpath, leading to the opening of the road to vehicle access. This would alleviate the volume of traffic which is currently being pushed through one side of the village, also a conservation area. The traffic flow and the

volume through Summerseat, mainly used at rush hour times by commuters to access the motorway, is a wider issue which the Council should address. However pushing all the weight of traffic along one narrow road where there is inadequate pavements, if at all, and where our school and church is, is not in the interest of safety for all, especially children, and especially during the winter months when visibility is lower. We have seen the impact when the only road is blocked or closed. This causes the obvious problems but my concern is having a free flowing access route around the village and having it done sympathetically to the area.

- This is a public highway for the good of everyone in the village. The alternative route along Railway Street is totally inadequate and is dangerous for pedestrians. The loss of the bridge at Kay Street has been a major inconvenience to residents.
- This has always been a through road and the loss of this road to vehicular traffic has been a major inconvenience. Failure to reopen this route to motor traffic imposes a totally unfair burden on the residents of Railway Street which is totally inadequate to cope with the volume of traffic.

Consultations

Traffic Section - No objections. Condition about a construction management plan is required.

Drainage Section - No objections subject a condition that the drainage proposals are carried out in accordance with the approved plans.

Environmental Health - Contaminated Land- No objections. Add conditions relating to unforeseen contamination.

Public Rights of Way Officer - No response received.

Environment Agency - No objections. Add condition concerning invasive species and a method to treat them.

Greater Manchester Police - designforsecurity - No response received.

Cadent Gas Ltd (formerly National Grid) - No objections. Informatives about services to be passed to the applicant.

Fire Protection Dept Bury Fire Station (Part B) - No response received.

Transport for Greater Manchester - No response received.

Heritage England - No requirement to consult Heritage England and no objections provided.

Greater Manchester Ecology Unit - No objections received. Conditions proposed in relation to Construction Management Plan and close inspections in relation to bats when scaffolding is in place.

Unitary Development Plan and Policies

EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
EN6/4	Wildlife Links and Corridors
EN9/1	Special Landscape Areas
OL1	Green Belt
OL5/2	Development in River Valleys
EN2/3	Listed Buildings
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN2/3	Listed Buildings
EN5/1	New Development and Flood Risk
EN6/3	Features of Ecological Value
EN7/1	Atmospheric Pollution
EN7/2	Noise Pollution
EN7/4	Groundwater Protection
EN9/1	Special Landscape Areas
EN10/2	Riverside and Canalside Improvement in Urban Areas

HT2/1	The Strategic Route Network
HT2/3	Improvements to Other Roads
HT4	New Development
HT5/1	Access For Those with Special Needs
HT6/1	Pedestrian and Cyclist Movement
HT6/2	Pedestrian/Vehicular Conflict
EN7/3	Water Pollution
NPPG	National Planning Policy Guide
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) 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.

Principle - The site comprises an existing vehicular highway, which due to structural failings of the former Waterside, has left exposed the easterly side of the highway open and without restraint over a river crossing. The main intention of this application is to permit the highway to function as it has historically done, but to extend the highway to provide dedicated pedestrian access across the bridge with a new parapet wall.

National Planning Policy Framework Chapter 9 – Promoting sustainable transport. Paragraphs 102 and 103 sets out the important role transport policies play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. The direction of the paragraph is that there should be a balance in favour of sustainable transport and the provision of choice in how people travel.

Para 103 encourages solutions which support reductions in emissions arising from congestion and gas emissions. Para 108 states that in assessing specific applications for development, it should be ensured that:

- appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;
- safe and suitable access to the site can be achieved for all users; and
- Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

The remainder of this chapter considers how people move from one place to another, the relevance of travel plans; the need for planning policies to minimise need for additional travel and maximise use of sustainable modes of transport.

UDP Policy HT 2/3 – Improvements to Other Roads states that the Council will undertake minor highway improvements and implement local traffic management schemes where necessary to ensure safe and efficient operation of all other roads in the Borough and will give specific priority to contribute to road safety by:

- Improving traffic flows without necessarily encouraging increased traffic speed;
- Facilitating the improvement or protection of the environment;
- Enabling bus services to operate more efficiently and over a wider area;
- Encouraging cycling and walking as alternatives to the private car particularly for

local journeys.

HT5 – Accessibility for those with Special Needs and HT5/1 – Access for those with Special Needs states that the Council would seek to improve accessibility and the means of movement for the mobility impaired and those with special needs. In assessing proposals, special demarcation, ramped access in preference to steps in public and private areas, greater coverage of specialist bus services and better design of buildings incorporating details for mobility impaired would be sought.

HT6/1 – Pedestrian and Cyclist Movement seeks to ensure that pedestrians and cyclists are able to move safely and conveniently, which would be achieved by;

- Eliminating points of conflict between pedestrians/cyclists and motor vehicles;
- Providing direct and convenient routes;
- Ensuring that routes are well lit and clearly signed;
- Extending pedestrian areas especially in Bury Town Centre and other district local centres where appropriate;
- Ensuring that all proposals for development recognise the needs of pedestrians and cyclists;
- Make exemptions for cyclists in Traffic Regulation Orders and pedestrian schemes where appropriate; and
- Providing secure cycle provisions, parking lanes where appropriate.

HT6/2 – Pedestrian/Vehicular Conflict states that the Council will take action as appropriate, to reduce pedestrian / vehicular conflict through measures which include:

- Pavement widening/realignment
- Pedestrianisation schemes
- Improved pedestrian crossing facilities
- Proposals designed to reduce traffic speed
- Provision of clearly signed pedestrian routes.

The pre-existing carriageway was only passable by single file traffic. Pedestrians had to share this surface with traffic as there was no dedicated or separate pedestrian walkway.

The single file nature of the carriageway itself, provides a means of traffic regulation controlling speeds and flows. However, there was always potential for conflict with more vulnerable road users including pedestrians and cyclists as there was an absence of a dedicated footway. The proposals seek to retain the single file nature of the vehicular carriageway but to provide an extension on the easterly side of the bridge to create a separate 1.8m wide pedestrian route, which would be able to it to connect in to the existing footway layout to the north of the bridge. The proposals are considered to be appropriate and policy compliant.

The proposals are considered to be sustainable from a transport policy consideration and would encourage safer use of a pre-existing highway, whilst maintaining and delivering a safe and convenient means of crossing the highway at this particular bridging point. As such, the proposals are considered to not only comply with national policy, but also local planning policy in principle. Matters in relation to Green Belt, heritage, ecology, flood risk and amenity are considered below.

Listed Buildings and Conservation - The site lies within the Summerseat/Brooksbottoms Conservation Area, is within the Green Belt, River Valley and Wildlife Corridor and is in close proximity of a collection of listed buildings (Grade II) to the north east. In addition to this, of the proposals need to sit within and span across the River Irwell.

Sections 66 and 72 of the Town & Country Planning (Listed Buildings & Conservation Areas Act) 1990 imposes a statutory duty upon the Local Planning Authority (LPA) to recognise, positively manage and ensure the preservation or enhancement of Listed Buildings and Conservation Areas.

Chapter 16 of the National Planning Policy Framework (NPPF) sets out the Government's planning policy position in relation to development involving heritage matters. Paras 189 to 202 set out how the significance of listed buildings and Conservation Areas must be considered in relation to development proposals including, but limited to, the judgement of harm, significance, loss to heritage assets (Designated ones and non-designated ones).

UDP Policies EN2/1 and EN2/2 seek to protect the character of listed buildings and conservation areas and to ensure that proposals preserve or enhance the character of such sensitive buildings and areas. In applying the tests of the policy to proposals, nature of the development, materials, relationships between visual qualities and the surrounding areas *et al* all form part of the assessment process to ensure a high, conservation approach is adopted that is designed to preserve or enhance.

The former Waterside has since been removed from the national listing description to Brooksbottoms Mill by Heritage England.

The proposals have been developed through pre-application discussions with the LPA in understanding the complex locational issues in relation to heritage. The scheme design adopts the use of matching materials that are found within the existing structure and also within the general locality. Natural stone is a prevalent material locally.

The new parapet proposed and wall ends would have the same design approach to the existing one having a rounded finished top and would be constructed in random stone form, adopting pre-existing circumstances.

The piers and abutments would be constructed in an underlying concrete but would be faced in coursed random stone but would sit on extant pier support in the middle of the river. The archway would be formed using concrete sections that interlock using mitred sides to adopt the pre-existing geometry form of the arches. These would be faced in coursed random stone facings.

The development would be viewed within the setting of the remaining and occupied structures of Brooksbottoms Mill (single story building and larger four storey Italianate design mill behind). As such the development would be viewed as part of the setting of this part of the Conservation Area and a close relationship to the Listed Building complex.

In consideration of local plan Policy and para 189 of the NPPF, the proposals are accompanied with a heritage statement that seeks to understand the significance of local heritage assets and the mill complex. Plans and sections are equally detailed. The bridge is not itself but was attached to a former listed building. It is likely to be of a similar age to the former mill complex and is a main crossing point that the mill would have utilised historically in relation to mill operations. As such the bridge is considered to be a heritage asset of significance (para 197 *ibid*) and importantly surrounded by heritage assets comprising two listed buildings and therefore their setting is very important; particularly as the view of these buildings is from not only from surrounding properties but also from public areas. This creates a distinctive architectural and historic character (reflecting required consideration *ibid*. para 190 and 193). The design and appearance of it is such that its materials should feature heavily in any proposals. Furthermore, the northerly bank containing the designated assets would not be impacted directly as the development would not adjoin the structures.

There would be some level of intrusion by the formation of parapet walls. However, the 1100mm height and positioning of these walls are such that they would read sympathetically with these structures and not least, as the former Waterside has since gone, this whole area now enjoys greater views from the public areas and the formation of parapet walls are commonplace, expected over a bridge as an enclosure and suitably designed to preserve the character of the Conservation Area.

The widening works by 1800mm would partly re-instate built area but is considered to be a relatively minor extension and would not give the impression of an oversized addition.

The retaining piers below would continue the pre-existing structure at a lower level to the bridge and with the use of matching facing and coursing, the piers would not appear out of keeping. As such it is considered that the setting of the listed buildings and conservation area would be preserved and as such, the proposals would be consistent with NPPF paras. 192, 193 and 200.

In relation to the bridge itself, which is considered to be a significant heritage asset, the proposals are considered not to be so extensive that the overall appearance of the bridge would be harmed and the works would not only preserve what is there, but would enhance the asset, by repair and improving through a minor scale of development to the functionality of the bridge. As such, the nature of the proposals would be consistent with NPPF para 197.

The proposals would maintain a low profile within the context of a largely complete pre-existing structure and the scale of widening and design concepts adopted would not have any restrictive element of any significance to impact upon the setting of the listed buildings or cause harm to the Conservation Area and are considered to preserve the character in line with the requirements of the primary Acts, National and local planning policy.

Green Belt and River Valley - NPPF Chapter 13 – Protecting Green Belt Land and OL policies of the UDP set out the national and local considerations of development within the Green Belt. UDP Policies are largely consistent with the NPPF and therefore hold significant weight. The policies of the NPPF hold substantial weight in terms of the consideration of development within the Green Belt, not least as these policies are more up to date than the UDP.

Para 143 considers that inappropriate development in the Green Belt is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Para 146 states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- a. mineral extraction;
- b. engineering operations
- c. local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- d. the re-use of buildings provided that the buildings are of permanent and substantial construction;
- e. material changes to the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- f. Development brought forward under a Community Right to Build Order or Neighbourhood Development Order.

Exceptions c) and d) replicate bullet points 2 and 3 of the superseded NPPF. These are the most relevant in that the proposals do represent engineering operations and local transport

infrastructure which can demonstrate a requirement for a Green Belt location.

In considering the first of these points, the proposals are heavily engineering driven by necessity, design and use in that they are seeking to extend a pre-existing structure that currently provides access across a main River. The second point relates to local transport infrastructure which in this instance is pre-existing, substantially complete but needs engineering works to return it back to practical and historical use for vehicular traffic in as minimal a scale as possible.

The scale of widening and formulation of a footway facilitated by arch extensions would be less than 1.8m in width and enclosed on the upstream side by an 1100mm high parapet. The siting and position of the widening would be on the same horizontal plane of the carriageway and the insertion of a parapet along the length of the easterly bridge structure would be low in height and not considered to be either intrusive nor harmful to the openness of the Green Belt. The purpose of the development pre-exists i.e. the majority of the carriageway and the enclosure by the parapets encloses minor airspace, with abutments set against the embankments of the river. As such, the nature of these operations are such that it is considered to not harm openness nor conflict with the purposes of including land within the Green Belt (NPPF para 134).

Local policy seeks to provide the same protection as the NPPF but recognising certain forms of development such as infilling or operations should seek to preserve the openness of Green Belt. Similarly, as considered above, the nature and scale of the proposals together with their design, appearance and nature would not conflict with local planning policy.

Ecology - The application site is located within a wildlife corridor as identified within UDP part one proposals map and under part two policy EN6/4. In relation to the NPPF and ecology, Chapter 15 is of particular relevance "Conserving the Natural Environment". As well as the development having a general location of a close relationship to ecological corridors, the nature of the development is such that the development also straddles the River Irwell and would utilise and part redevelop supporting structural features within the river corridor itself.

The planning system as described within the NPPF is that it should, amongst other factors, contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; as well as recognising wider benefits from natural capital and ecosystem services and minimising impacts upon biodiversity and providing net gains where possible (para 170).

Wider ecological networks should be positively planned for with local policies protecting, enhancing and encouraging management (paras 170, 171, 174, 175, 177) and accordingly within decision making be given appropriate significant weighting where relevant. There are no national designations (para 175) nor local designations within the UDP of specific ecological value, but of course the development would have a relationship to the river.

UDP Policy EN6/3 - Features of Ecological Value requires the decision maker to consider proposals and the effect of land use changes on existing features of ecological or wildlife value arising from development and proposals should seek to retain such features and incorporate them into the development.

EN6/4 – Wildlife Links and Corridors states that the Council will seek to consolidate, and where appropriate strengthen wildlife links and corridors and will not permit development which would adversely affect identified areas. In particular, the Council will seek to ensure that new development within or adjacent to identified links or corridors contributes to their

effectiveness through the design, landscaping and siting of development proposals and mitigation works where necessary.

UDP Policy EN10/2 – Riverside and Canalside Improvement in Urban Areas states that when considering proposals for development adjoining and adjacent to rivers and canals in the urban area, the Council will, where appropriate require schemes to include improvements to waterside areas, including tree planting, provision of waterside walks and the refurbishment or clearance or redundant buildings and other structures.

The application proposals are accompanied with an ecological assessment carried out by ADAS dated July 2017 and further ecological updates are also set out in the 'Planning, Design and Access Statement' which sets out that the Greater Manchester Ecology Unit (GMEU) had undertaken bat emergence survey on 10 May 2018 and an Otter survey (29 June 2018).

In terms of bats, GMEU confirmed that they did not spot any bats emerging during their survey. They consider that further emergence surveys are not necessary and whilst occasional use by individual bats cannot be ruled out, the bridge is not being utilised as a major roost. They recommend a precautionary approach comprising close visual inspection at the various cracks and holes once scaffolding is in place using endoscopes to ensure that bat roosts/individuals are appropriately considered and include a tool box discussion with contractors in case a bat(s) are found.

Birds were seen around the bridge but GMEU were of the opinion that the bridge was not used for nesting. GMEU would be the normal consultation body to the LPA in the consideration of specialist concerning ecological matters.

Desk studies and field studies were carried out and understanding the constraints, designations, habitats and species and groups, the report also looked at the respective local and national policy framework including making recommendations. There are no local or national designations in relation to habitats within or immediately adjoining the application site.

Otters - Following the survey of the site, the repair works and upstream extension are primarily restricted to decking and central abutment with minor repair works up and down stream. The report considers that there is no potential for otter holts within the development site and no soft banking or trees present, just natural stone retaining walls and concrete abutments. There is a risk of otter moving through the site during construction and reasonable avoidance measures should be adopted during construction. A condition is recommended in relation to the construction management plan. There is no reason to disagree with this recommendation.

The ecological report considers many species that may be located within the vicinity having consulted local biodiversity records. The prevalent species of fauna within the immediacy of the bridge comprise bats, birds and otter. Notable flora comprises Japanese knotweed and Himalayan balsam. A scheme of remediation can be conditioned accordingly to secure removal of invasives.

The ADAS report's recommendations identify additional actions and surveys together with the most appropriate times of year when the respective species would be most active / present. GMEU have no objection to the survey and in consideration of local and national planning policy, the proposals could be carried out subject to careful methodology before and during construction.

In consideration of Habitats Directive, development should either consider alternative sites,

ensure no derogation of species and overriding public interest (Natural England WML-G24(01/11)). This document details, at a high level, the approach Natural England's wildlife licensing team takes when assessing a EPS mitigation license applications against the three 'tests', as set out in the Conservation of Habitats and Species Regulations 2010 (Habitats Regulations).

There is no other alternative to the scheme as the bridge is in situ, already functions and there is an imperative in relation to public safety as there are only temporary measures in place to ensure that the public do not come to harm without restraint on the upstream side of the bridge.

In terms of the derogation test, the surveys that have been carried out whilst making recommendations, do not class the works nor the bridge to be of such high ecological regard and thus with reasonable avoidance measures, finalising inspections and careful implementation, works would not have significant impact upon ecology. There is no other evidence to reasonable draw any other conclusion other than the proposals would not have undue impact or adverse impact upon ecology and therefore would be compliant with local and national policy in relation to ecology.

Flood Risk - Chapter 14 - Meeting the challenge of climate change, flooding and coastal change of the NPPF sets out the Government's planning position in relation to new development and flood risk amongst other issues. It understands that planning has a key role to play in place shaping and that LPAs should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk (NPPF paras 149 and 150).

Para 155 of the NPPF, states that inappropriate development in areas at risk should be avoided by directing development away from areas at highest risk (whether existing or future), but where it is necessary, making it safe without increasing flood risk elsewhere.

UDP policy EN5/1 – New Development and Flood Risk is the saved local plan policy where it sets out that the Council will not permit new development...where such development would be at risk from flooding, would be likely to increase the risk of flood risk elsewhere, or would adversely affect flood defences.

The policy sets out criteria that would apply in assessing proposals and includes the impact upon floodplain; the increase in surface water run-off; the impact upon fluvial flood defences and the incorporation of mitigation works. The justification of the policy refers to outdated planning policy. As such there is inconsistency with the NPPF. The objectives of the justification remain appropriate and true to the consideration of development. However, the technical means of consideration of proposals has been updated by the NPPF and accompanying technical flood risk guidance.

The Sequential Test and Exceptions Test - Paras 158 to 161 of the NPPF, set out the approach to be adopted in the sequential and exceptions test. Para 158 states that "the aim of the Sequential Test is to steer new development to areas with the lowest risk of flooding. The Planning Practice Guidance expands on this further and identifies that the flood zones as refined in the Strategic Flood Risk Assessment for the area provide the basis for applying the Test. Where there are no reasonably available sites in Flood Zone 1, local planning authorities in their decision making should take into account the flood risk vulnerability of land uses and consider reasonably available sites in Flood Zone 2 (areas with a medium probability of river or sea flooding), applying the Exception Test if required. Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 (areas with a high probability of river or sea flooding) be considered, taking into account the flood risk vulnerability of land uses and applying the Exception Test if required."

If the sequential test is passed, then the exception test can be applied and there are two criteria set out in NPPF para 160 which need to be met. These are:

- The development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

The development by reason of its area is a minor development in consideration of the PPG (Paragraph: 046 Reference ID: 7-046-20140306, Revision date: 06 03 2014, minor non-residential extensions: industrial/commercial/leisure etc. extensions with a footprint less than 250 square metres). However, there needs to be a consideration as to whether the technically minor development is likely to raise flood risk issues (Paragraph: 047 Reference ID: 7-047-20150415 Revision date: 15 04 2015) including:

- they would have an adverse effect on a watercourse, floodplain or its flood defences;
- they would impede access to flood defence and management facilities, or;
- Where the cumulative impact of such developments would have a significant effect on local flood storage capacity or flood flows.

NPPF Para 164, confirms that minor development and changes of use should not be subject to the sequential or exception tests but should still meet the requirements of site specific flood risk assessments. Footnote 51 sets out further clarification in relation to minor development and caravan related proposals.

In consideration of the proposals, the site is located within flood zone 3 and as such is within the highest risk of flooding however the bridge is where the bridge is and as such, it is substantially intact in relation to the downstream elevations, spans and abutments on either banks and centrally within the river by an existing pier exist. The nature of the proposals is to reinstate the upstream elevation with a pedestrian walkway and parapet, requiring extension to the bridge on the easterly elevation. In this event, the case in consideration of sequential testing means that the proposals must be located in this position and cannot be placed elsewhere. The development would not reduce flow capacity nor require changes to land to cause flows to operate differently. Flood risk elsewhere is not likely to be increased as a result of the proposals. As such, although not required, it is considered that the sequential test is passed.

The nature of the proposals are such that there is existing remnants of structure that would be utilised to form the extension to the bridge. Given this, the proposals would neither impact nor have an adverse effect on the watercourse, floodplain or flood defences; would not impede access to flood defence and management facilities nor contribute cumulatively to have a significant effect on local flood storage or flood flows. As such, although not required, it is considered that the proposals satisfy the exceptions test.

The Environment Agency has been consulted on the application proposals. Their response dated 15 June 2018 was that they had no objections to the proposals based upon there being no restriction to cross sectional areas beneath the arches for flood flows. Temporary scour protection had also been installed just downstream of the bridge, which the Environment Agency removal under their permitting regime.

Residential Amenity - NPPF Chapter 12 – Requiring good Design

NPPF para 124 considers that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Para 126 states that LPAs should use tools such as design guides and codes to provide a framework for creating distinctive places, with a consistent and high quality standard of design. Para 131 states that in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability.

Chapter 8 of the NPPF considers that the planning system can play an important role in facilitating healthy, inclusive and safe places, which

- promote social interaction;
- are safe and accessible; and
- Enable and support healthy lifestyles.(NPPF para 91).

To deliver social, recreational and cultural facilities et al, LPAs are required to plan positively; guard against the unnecessary loss of valued facilities and ensure an integrated approach to considering the location of Community facilities and services (NPPF para 92).

UDP Policy EN1/2 – Townscape and Built Design is a saved policy that provides a means of assessing local circumstances in relation to development and seeks to ensure that proposals do not have an adverse effect upon the character or particular townscape ensuring that factors such as good levels of assimilation occur visually and locationally and provide wider benefits to the community through good levels of access. The relationship to the surrounding area is one of the factors to consider.

The proposals seek to extend existing infrastructure to provide segregated pedestrian access and enclosure to the easterly elevation by a new parapet wall. The land use would not change and prior to the application, members of the public still used the crossing point regardless of there being no dedicated footway. The provision of a footway on the easterly side of the bridge would not have any direct relationship to any nearby residential property and would be separate from the nearest dwelling (to the south west) by the existing highway.

The proposals have been widely discussed with the community and there is an accompanying statement of community involvement within the planning application supporting documentation. This shows that there have been numerous meetings and proposals have been circulated prior to their submission to the LPA. Given the above the proposals would conform to local and National policy.

Response to objections

The proposals have been adapted to ensure that the proposals deliver sustainable development to provide equal access for all. It is accepted that there is an alternate crossing to the river, which is some 500 metres further south. However, this crossing from a highway safety point of view involves using the locally named “Twist Bridge” and a set of temporary traffic lights. There is a steep blind bend at the bridge and whilst there has been a set of temporary traffic lights introduced to regulate the single access under the railway bridge, there is and remains an unregulated access (Wood Road) that joins ‘the junction’. The levels of traffic needed to be controlled as there was a natural increase in demand upon the single point of river crossing following the closure to vehicular traffic over the Kay Street Bridge. This traffic increase, in consideration of the Transport and Highways considerations set out above within the NPPF, creates a level of traffic artificially concentrated in an already confined area, again with no pedestrian segregation and therefore is considered not to be a sustainable means of access on its own. The opening of the Kay Street Bridge, would spread traffic within the village and through the introduction of a segregated pedestrian

access, would improve access opportunities and improve safety.

Where the finance is directed is not a planning consideration. Traffic passes the park regardless of the bridge being open or not as residents living in The Spinnings still need to use Waterside Road. Furthermore, there is a pedestrian footpath on either side of Waterside Road (unlike the Twist Bridge) and therefore the reasonable use of the highway by drivers would be expected. The highways have always functioned as a throughroute and repairing the parapet would ensure that this remains the case. Traffic can disperse more with the route open rather than concentrate it on a very suboptimal single crossing point.

The perspective of how the village has changed since the closure of the bridge, to vehicular traffic, is a matter of personal opinion. However, as a vehicular highway, should the application have come forward simply to make the bridge safe to vehicles by the creation of a parapet only, then this would not have changed the character of the village as to how it formally was. Given the nature of the proposals are to create a separate footway for pedestrians the development would not change the historic right for users of the highway to re-use the highway as an east/west throughroute.

Highway Authority Comments to objections

The aim of re-opening the bridge is not to resolve all traffic problems in Summerseat, but to reinstate the configuration that has been in existence for the last 200 years or so until the events of Boxing Day 2015. This will provide an alternative route through the village and relieve the added traffic pressures which have existed on Railway Street and Rowlands Road since the closure. The proposals seek to introduce a footway which would connect into pre-existing footway network and will facilitate an important bus route for those who rely upon public transport.

Rowlands Road and Railway Street is having to accommodate increased two way traffic, which on narrow highways, geometry and gradients is difficult. Parked vehicles and proximity of schools adds further constraint to a route that is not designed to accommodate the existing (and diverted) levels of traffic and impacting upon highway safety.

The Local Highway Authority has committed to undertake a holistic view of traffic in the village following the completion of the scheme to determine whether potential safety improvements can be delivered. These may include traffic calming measures, addition regulation, routing and other physical works.

Funds allocated were directly aimed at the bridge repair and cannot be spent elsewhere.

The highway network is a feature of the area and it would be unreasonable to concentrate traffic solely in one area when repairs can ensure greater equity and access.

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 Paragraphs 38 of the National Planning Policy Framework.

Recommendation: Approve with Conditions

Conditions/ 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 and reports referenced
B147-18-P1 SITE/LOCATION PLAN
660-017-001 EXISTING GENERAL ARRANGEMENT
660-017-002 EXISTING SERVICES
660-017-003 DEMOLITION AND SITE CLEARANCE
660-017-010 PROPOSED GENERAL ARRANGEMENT
660-017-011 LONGITUDINAL SECTION & DETAILS
660-017-012 ABUTMENTS AND PIER PROPOSALS
660-017-030 PARAPET AND WALL DETAILS (Sheet 1)
660-017-030 PARAPET AND WALL DETAILS (Sheet 2)
Site investigation and feasibility study
Preliminary Ecological Appraisal
Heritage Statement
Design and Access Statement
Otter Survey 29/6/18

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 above.

3. No development shall commence unless and until a 'Construction Traffic Management Plan' (CTMP), has been submitted to and approved by the Local Planning Authority and shall confirm/provide the following:

- Hours of operation in relation to the number of vehicle movements;
- Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site;
- Parking on site of operatives' and demolition/construction vehicles together with storage on site of demolition/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 shall be adhered to throughout the demolition/construction period and the measures shall be retained and facilities used for the intended purpose for the duration of the demolition and construction periods. The areas identified shall not be used for any other purposes other than the turning/parking of vehicles and storage of demolition/construction materials.

Reason - Information not submitted at application stage. To mitigate the impact of the construction traffic generated by the proposed development on the adjacent residential streets, 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 - Townscape and Built Design and HT6/2 - Pedestrian/Vehicular Conflict.

4. 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.

5. No development shall commence until full details of a scheme for the eradication and/or control of Japanese Knotweed (*Fallonia Japonica*, *Rouse Decraene*, *Polygonum Cuspidatum*) and Himalayan Balsam (*Impatiens Glandulifera*) is submitted to and approved in writing by the Local Planning Authority. The approved management plan shall include a timetable for implementation. Should a delay of more than one year occur between the date of approval of the management scheme and either the date of implementation of the management scheme or the date of development commencing, a further site survey must be undertaken and submitted to the Local Planning Authority.

Reason - The scheme does not provide full details of the actual extent of Japanese Knotweed and Himalayan Balsam in the interest of UDP Policy EN9 - Landscape and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

6. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.
 - i) Measures to prevent pollution to the river and harm to bony fish, as outlined in sections 6.2 and 6.3.4 of the Appraisal as well as disturbance to nesting birds (section 6.3.3) ADAS report.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason - No details have been submitted at application stage to ensure appropriate biodiversity protection is maintained pursuant to NPPF Chapter 15 - Conserving and enhancing the natural environment (para 9, 170, 1171 174, 175, 177), UDP Policy EN6/3 - Features of Ecological Value, EN6/4 – Wildlife Links and Corridors and UDP Policy EN10/2 – Riverside and Canalside Improvement in Urban Areas.

7. Should development not commence before March 31 2019, the bridge shall be

resurveyed for nesting birds and the report submitted together with any intended mitigation measures. The development shall only commence in line with the approved timing details contained therein and approved by the Local Planning Authority.

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.

For further information on the application please contact **Dave Marno** on **0161 253 5291**

