MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	130128/LO/2021
Date registered valid:	21 April 2021
Proposal:	Listed Building Consent for the replacement of steel balance beams to timber ; replacement of steel fender to oak fender, and the replacement of the existing hydraulic gearing to manual gearing at Lock 13
Address:	Lock 13 Ashton Canal, Crabtree Lane, Manchester,
Ward(s):	Clayton & Openshaw Ward
Applicant:	Ms Judy Jones Canal & River Trust Fearns Wharf , Neptune Street, Leeds, West Yorkshire, LS9 8PB
Agent (if any):	
Case officer:	Sue Wills Tel: 0161 234 4524 Email: sue.wills@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	7 July 2021

Application details

Type of application: Listed Building Consent

Development type: Listed building alteration

Date of site visit:

Standard consultations:
Printed: 8 June 2021 Expired: 29 June 2021

Neighbour notifications
Printed: 8 June 2021 Expired: 29 June 2021

Site notice
Posted: 10 June 2021 Expired: 1 July 2021Posted: 2 May 2021 Expired: 23 May 2021

Press advert
Published: 15 June 2021 Expired: 6 July 2021Published: 4 May 2021 Expired: 25 May 2021

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building
Lock 13 of the Ashton Canal is Grade II listed, and is situated at the junction with Crabtree Lane. The listed canal lock contributes positively to the wider canal and canalside environment. The lock is also seen in conjunction with existing Strawberry Duck pubic house and industrial /depot uses to the north of the Ashton Canal , and the existing industrial and commercial uses to the south of the canal.

There are no other listed buildings in close proximity to this site other than Lock no.12 to the west and Lock no.14 further to the east being the closest listed structures.

It is understood that the steel balance beams were added to many gates on the Ashton Canal , reputedly because of the high level of vandalism and anti social behaviour at the time but due to recent building in the vicinity of the canal such incidents have reduced.
The timber gates are replaced on a like for like basis on a 25 years cycle. However, at Lock 13 the steel beams are a 20th century alteration and not historic.

Listed building: Grade II

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area
The lock forms a part of canalside area in Openshaw/Clayton to the east of Manchester, bounded by the Strawberry Duck public house to the northwest at the junction with Crabtree Lane and industrial /commercial development to the south and north of the canal.

Description of development
The proposed development would lead to the replacement of steel balance beams to the head and tail lock gates to timber and the replacement of the existing hydraulic gearing to manual gearing in the form of a traditional rack and pinion system at Lock 13.
The scheme would also involve the replacement of existing steel fender to an oak fender. Other repair works are proposed to the existing gates, , but these would be on a like for like basis , and permission for these works is therefore not required.

Consultations & Notification Responses

Publicity - a local press advert was published on 4th May 2021 and 15th June 2021 and site notice posted on site on 2nd May 2021 and 10 June 2021

Local residents and local businesses - No comments received.

Historic England (North West) - Have advised that on the basis of the information to date , in their view they do not need to be notified about the proposal under the relevant statutory provision.

Highway Services - The proposal of the replacement of the balance beams and hydraulic gearing is acceptable from a highway perspective subject to the applicant confirming there will be no detriment to public access and safety during delivery and installation.

Flood Risk Management - Recommend approval and the following informative:
Informative:
In the interests of flood risk management and asset safety, the applicant should ensure that the proposal (construction and operational phases) has been granted internal approval by a CRT works engineer.

Issues
Policy Context

The following local and national policies and documents are considered relevant in the determination of the application proposals.

National Planning Policy Framework
National Planning Policy Framework came into effect on 27th March 2012 and was amended and updated in February 2019. It sets out the Government's planning policies for England and how these are expected to be applied. It defines the Government's requirements for the planning system `only to the extent that it is relevant, proportionate and necessary to do so'. It provides a mechanism through `which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities'.

The following specific policies are considered to be particularly relevant to the proposed development:

Chapter 7: Requiring good design

The resultant design of the development has been assessed in relation to the impact to the function and appearance of the balance beam, and hydraulic gearing system as well as the heritage asset, and is considered to be acceptable for the reasons outlined below.

Chapter 16- Conserving and enhancing the historic environment

Paragraph 189 states that in determining applications, local planning authorities should require an applicant to describe the significance of any assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

Paragraph 190 - States that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage assets conservation and any aspect of the proposal.

Paragraph 192- States that, in determining planning applications, local planning authorities should take account of:

a. The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
b. The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality and
c. The desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 193 - States that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Paragraph 194 - States that any harm to , or loss of , the significance of a designated heritage asset (from its alteration or destruction , or from development within its setting) , should require clear and convincing justification.

Paragraph 196 states that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

In addition the April 2008 'Conservation Principles Policies and Guidance', published by English Heritage (now Historic England), states that 'understanding the significance of places is vital' and that 'articulating the values and significance ... is necessary to inform decisions about the future '
The English Heritage/Historic England guidance describes a range of inter-related 'heritage values' that may be attached to historic places, arranged in four groups:
- Evidential value: the potential of a place to yield evidence about past human activity;
- Historical value: the ways in which past people, events and aspects of life can be connected through a place to the present - it tends to be illustrative or associative;

o Aesthetic value: the ways in which people draw sensory and intellectual stimulation from a place; and
o Communal value: the meanings of a place for the people who relate to it, or for whom it figures in their collective experience of memory.

The lock has Historical value, as it forms part of the historic national canal network, and is one of the locks forming part of what is known as the Cheshire Ring.

In this case listed building consent is sought for the for the replacement of steel balance beams to the head and tail gates of Lock 13 with traditional oak beams and the replacement of the steel fender to an oak fender, would effectively reinstate the historic fabric.
The replacement of the existing hydraulic gearing to manual gearing in the form of a traditional rack and pinion system at Lock 13 would also revert the nature of the gearing system to a traditional solution. The proposed changes are considered to be to less than substantial harm to the significance of a designated heritage asset. The proposal would enable improvements which would be in keeping with the historic character of the lock.

National Planning Policy Guidance (NPPG)
The relevant sections of the NPPG relate to conserving and enhancing the historic environment (ID:18). The NPPG states that heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals. The NPPG states that it is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting and even minor works have the potential to cause substantial harm. It therefore advises that a thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.

These largely relate to detailed aspects of a planning submission, which are addressed in the following section of the report; the conclusions of the necessary assessments is that the proposal accords with the general principles of the NPPG.

Manchester's Local Development Framework: Core Strategy - The Core Strategy Development Plan Document 2012 -2027 (`the Core Strategy') was adopted by the City Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long term strategic planning policies for Manchester's future development. A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.'

The main polices that relate to the proposal are Polices SP1 (Spatial Principles), EN3 (Heritage), DM1 (Development Management) and CC9 (Design and Heritage) of the Core Strategy for the City of Manchester and saved policy, DC19.1 (Listed Buildings) of the Unitary Development Plan for the City of Manchester.

Saved UDP Policy DC19.1 (Listed Buildings) advises that in determining applications for listed building consent the Council will have regard to the desirability of securing the retention,

restoration, maintenance and continued use of such buildings and to protecting their general setting. The City Council will:

- Not permit any external or internal alteration or addition to a listed building where in its opinion, there would be an adverse effect on its architectural or historic character;

Section 16 (2) of the Planning (Listed Building and Conservation Areas) Act 1990 (the "Listed Building Act") provides that "in considering whether to grant listed building consent for any works to a listed building, the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses"

Section 66 Listed Building Act requires the local planning authority to have special regard to the desirability of preserving the setting of listed buildings. This requires more than a simple balancing exercise and considerable importance and weight should be given to the desirability of preserving the setting.

Principle

The proposal seeks approval to replace the existing steel balance beams for oak timber beams, the replacement of the steel fender to an oak fender, and the replacement of the existing hydraulic gearing system to manual a gearing system at Lock 13

This is the third application submitted for similar works, with similar works being approved in regard to Lock 14 on the Ashton Canal in November 2019 (ref: 125234/LO/2019), and Lock 15 (ref: 130129/LO/2021) in June 2021. As such the principle of undertaking such works has been established in relation to the type of works being proposed at lock 13.

Heritage statement

The submitted statement identifies the extent of works and quantifies the potential impact and on this basis it is generally considered, the proposed works would not unduly affect the character of the listed structure. The impact of the works is considered to result in less than substantial harm to the listed structure.

Impact of the works on the listed lock

Policies EN3 and DM1 of the Core Strategy states that the Council will encourage development that takes advantage of the City's heritage. New development should preserve or enhance the historic environment and proposal which re-use heritage assets will be encouraged where they are considered consistent with the significance of the heritage asset.

The NPPF defines 'significance' as the value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence but also from its setting.

The NPPG goes on to state that what matters in assessing if proposal causes substantial harm is the impact on the significance of the heritage asset.

The listing describes the Canal lock, as being circa 1792-1799; renovated, and comprising large blocks of millstone grit, with wooden gates. Furthermore, that it is a narrow type (chamber 7 feet wide), with overflow channel on the north side; stone staircases flanking lower entry, double gates at the lower end and single gate at the upper end. Eleventh in a series of 13 similar locks, all in working order. The lock was listed on 6th June 1994.

The submitted documentation accompanying this application suggests that steel beams were added to many gates on the Ashton Canal, due to vandalism and anti-social behaviour at that time. It is understood that the steel beams are a late twentieth century additional and not a historic feature.

It is acknowledged that the proposed works have been designed to involve a minimal level of intervention to the listed structure.

It is considered that the proposed development overall amounts to less than substantial harm to the heritage asset, and the harm is considered, given the justification, to be outweighed by the proposed works to reinstate traditional oak balance beams to the head and tail gate beams , with the replacement of the steel fender to an oak fender , and the use of a traditional rack and pinion system at Lock 13 to replace works undertaken in more recent years to this lock. With regards to the gearing, the lock fabric will not be adversely affected as the hydraulic gearing mechanism sits on the metal beams. The paddles themselves will remain the same.

On this basis it is considered that the works would accord with the requirements of Core Strategy policies SP1, EN1 and DM1, saved UDP policy DC19 and NPPF Chapters 7, and 16.

In respect of the other works referenced in the accompanying Heritage Statement which are not referred to in the planning application the applicant has confirmed that all the works are like for like repairs, and as such would not require Listed Building Consent.

Human Rights Act 1998 considerations

This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have a right to a fair hearing and to this end the local planning authority must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved polices of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the recommendation given is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation: Approve

Article 35 Declaration
Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. In this instance there were major no issues to raise with the agent, and the appropriate conditions have been attached.

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

3) The development hereby approved shall be carried out in accordance with the following drawings and documents:
Plan refs: LKGT 17-24/1 Existing Arrangement T.E.S Gate; LKGT 17-25/1 Existing Arrangement for Bottom Gates;
LKGT 21-5 Crabtree Lock 13 B.E.M AN-007-009-003 ; LKGT 21-6 Crabtree Lock 13 T.E.S AN-007-009-002 ; Site edged red location plan ; and Design and Access Statement dated April 2021 received by the City Council as local planning authority on 21st April 2021.

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies EN3, SP1 and DM1 of the Core Strategy and saved Unitary Development Plan policy DC19.

Informatives

1) In the interests of flood risk management and asset safety, the applicant should ensure that the proposal (construction and operational phases) has been granted internal approval by a Canals and Rivers Trust works engineer.

Appendix 1 – List of consultees & neighbours notified

MCC Flood Risk Management
Highway Services
United Utilities Water PLC
Highway Services
MCC Flood Risk Management
United Utilities Water PLC
Historic England (North West)

Indoors Droylsden Ltd, Crabtree Lane, Manchester, M11 4GU
76 Crabtree Lane, Manchester, M11 4GU
74 Crabtree Lane, Manchester, M11 4GU

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding - Not Affected
Site of Biological Interest - Name: Ashton Canal (West)
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Historic Landfill Site 250m Buffer -
Historic Landfill Site 250m Buffer -
Area Team Boundary - Name: NORTH2