

Planning

Growth & Development

Delegated officer report for planning application

Application no. 140850/LO/2024
Date registered valid: 23 August 2024
Proposal: Listed Building Consent for installation of lighting fixtures.
Address: Ashton Canal Bridge No 4 , Caruthers Street , Manchester
Ward(s): Ancoats & Beswick Ward

Applicant: Eastlands Arena Limited
Agent (if any): Ms Eithne FitzGerald Deloitte LLP
Case officer: Danielle Cooper
Tel: 0161 234 1658
Email: danielle.cooper@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 15/10/2024

Application details

Type of application: Listed Building Consent

Development type: Listed building alteration

Date of site visit: 13th September 2024

Standard consultations:

Printed: 3 September 2024

Expired: 24 September 2024

Neighbour notifications

Printed: 3 September 2024

Expired: 24 September 2024

Site notice

Posted: 13 September 2024

Expired: 4 October 2024

Press advert

Published: 10 September 2024

Expired: 1 October 2024

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Grade II

Conservation area: N/A

Tree Preservation Order: N/A

Description of area

The site relates to the public road bridge over Ashton Canal, built in circa c.1800, and is located on Carruthers Street. The bridge is Grade II listed.

The bridge is listed as part of Ashton's Canal's overall infrastructure and is significant in its own right as an early example of canal infrastructure. The bridge is considered to simple in form, constructed from red brick, sandstone and cast iron.

The site is located adjacent residential developments which have replaced warehouses and now overlook the canal.

Description of development

The applicant seeks listed building consent for the installation of lighting fixtures underneath the towpath of the canal.

The proposal forms part of wider improvement works to the Ashton Canal towpath to improve the quality of walking and cycle routes between the Co-op Live area and the city centre.

The works comprise the installation of 4 No. new surface mounted light fittings to be fixed directly to the internal bridge wall. These will be 1250mm surface linear style LED luminaries with a black finish (RAL 9005).

New electrical cabling will be routed from the existing lighting column to a new feeder pillar. A new junction box will be installed at low level and will be black in colour. A powder-coated black galvanised steel conduit will rise up from the junction box to the new fittings.

Any exposed cabling will be protected by a cable guard.

Galvanised steel conduit will also be installed between each luminaire and will be powder coated in a black colour.

Fixings will be made into the brick mortar bridge where possible.

Consultations & Notification Responses

Canal and River Trust – no objection.

Manchester ecology – no objection subject to conditions.

Cadent Gas – no objection.

The application was advertised by site notice, the press, and neighbour letters. No representations have been received.

Policy

The Local planning authority shall exercise its powers under these Regulations in the interests of amenity and public safety, taking into account—

(a) the provisions of the development plan, so far as they are material; and

(b) any other relevant factors.

(2) Without prejudice to the generality of paragraph (1)(b)—

(a) factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest;

(b)factors relevant to public safety include—

- (i)the safety of persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
- (ii)whether the display of the advertisement in question is likely to obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air;
- (iii)whether the display of the advertisement in question is likely to hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

(3) In taking account of factors relevant to amenity, the local planning authority may, if it thinks fit, disregard any advertisement that is being displayed.

(4) Unless it appears to the local planning authority to be required in the interests of amenity or public safety, an express consent for the display of advertisements shall not contain any limitation or restriction relating to the subject matter, content or design of what is to be displayed.

The Manchester Core Strategy – Development Plan Document 2012 – 2027 (“the Core Strategy”) was adopted by the City Council on the 11th of July 2012:

- Policy SP1 – Spatial Principles
- Policy CC9 – Design and Heritage
- Policy EN1 – Design Principles and Strategic Character Areas
- Policy EN3 – Heritage
- Policy DM1 – Development Management

The Unitary Development Plan for Manchester – For the reasons outlined below the following saved UDP Policies are of relevance to this application:

- Policy DC18 – Conservation Areas
- Policy DC19 – Listed Buildings

Other Material Considerations

National Planning Policy Framework (NPPF)

- Chapter 12 – Achieving well-designed places
- Chapter 16 – Conserving and Enhancing the Historic Environment

Planning (Listed Buildings and Conservation Areas) Act 1990

National Planning Practice Guidance (NPPG)

Places for Everyone

The Places for Everyone Plan is a Joint Development Plan Document, providing a strategic plan and policies, for nine of the 10 boroughs which make up Greater Manchester.

The following policies are considered relevant to this application.

Policy JP-P1 (Sustainable Places) aims to become one of the most liveable city regions in the world, consisting of a series of beautiful, healthy and varied places, each having the following key attributes that all development, wherever appropriate, should be distinctive, with a clear identity, visually stimulating, socially inclusive, resilient, adaptable, durable, resource efficient, safe, supported by critical infrastructure, functional and convenient, incorporating accessibility, legible easy to move around, well connected, comfortable and inviting, incorporating high quality and well managed green infrastructure and public realm, well served by local shops, services and amenities.

Policy JP-S1 (Sustainable Development) aims to help tackle climate change, development should aim to maximise its economic, social and environmental benefits simultaneously, minimise its adverse impacts, utilise sustainable construction techniques and actively seek opportunities to secure net gains across each of the different objectives. Preference will be given to using previously-developed (brownfield) land and vacant buildings to meet development needs. In bringing forward previously developed sites for development, particular attention will be paid to tackling land contamination and stability issues, ensuring that appropriate mitigation and remediation is implemented to enable sites to be brought back into use effectively.

Policy JP-P2 (Heritage) aims to proactively manage and work with partners to positively conserve, sustain and enhance its historic environment and heritage assets and their settings. Opportunities will be pursued to aid the promotion, enjoyment, understanding and interpretation of heritage assets, as a means of maximising wider public benefits and reinforcing Greater Manchester's distinct identity and sense of place. The policy requires development proposals affecting a designated heritage asset (or an archaeological site of national importance) and a conservation area to conserve those elements which contribute to its significance including those identified in any conservation area appraisal as making a positive contribution to the area. Harm to such elements will only be permitted where this is clearly justified and outweighed by the public benefits of the proposal.

Issues

Principle of development

The LPA consider the proposed lighting fixtures to be acceptable in principle as they will improve lighting and pedestrian safety along the canal, when walking between the Co-op Live area and the city centre.

Impact on heritage asset

Carruthers Street bridge is quite modest in its detailing, being of functional construction rather than decorative. The canal and towpath contribute significantly to its setting and significance although this setting has changed in parts with some newer residential development. There would be 4no. proposed light luminaires to be fixed to the brickwork just below the stonework on the bridge with metal conduits for the cabling. The siting of the luminaires just below the projecting stone structure on the underside is acceptable and would in part disguise some of the conduits. The method of fixing through the mortar is also supported. The luminaires would be 1250mm long.

The LPA notes that the proposed lighting fixtures will cause a degree of harm to the significance of the heritage asset due to their prominent appearance. However, as the proposal will improve pedestrian safety of a key walking route along the canal, the LPA consider the proposed development to be acceptable on balance as the public benefit offsets the harm.

Conclusion

In view of the above, this application is considered acceptable, as the works are considered to cause a low amount of less than substantial harm to the listed bridge. Any less than substantial harm is considered to be outweighed by the public benefit gained as the proposal will bring improve pedestrian safety of walking routes along the Ashton Canal. As such, the proposal meets the requirements set out in paragraphs 195, 201, 203, 205 and 207 of the NPPF, and planning policies SP1, DM1, EN3 and CC9 of the Core Strategy, saved UDP policies DC19 and Places for Everyone policies JP-P1 and JP-P2.

Other Legislative Requirements Equality Act 2010

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

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 policies 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/agent in a positive and proactive manner in determining this application by assessing the proposal against relevant planning policies and all material considerations, identifying matters of concern with the proposal and discussing those with the applicant/agent. In this instance negotiation has been able to successfully resolve the identified concerns and issues.

Condition(s) to be attached to decision for approval

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.

2) The development hereby approved shall be carried out in accordance with the following drawings and documents:

Planning Boundary - Caruthers Street Bridge, Ref: 834-012-001-02 REV P01 (Received 23/08/2024)

Proposed Carruthers Street Layout, Ref: 5125-VIT-DRG-EPT-000002 REV B02 (Received 23/08/2024)

Covering Letter (Received 23/08/2024)

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy and the National Planning Policy Framework

3) The lighting fittings and junction box hereby approved shall be painted black.

Reason – In the interest of visual amenity pursuant to policies EN3 and DM1 of the Manchester Core Strategy (2012).

Informatives

1) Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. Prior to carrying out works, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

2) The applicant should be made aware that they must seek ecological advice should they find or suspect that the proposal will impact on protected species.

Appendix 1 – List of consultees & neighbours notified

Heritage & Urban Design
Canal & River Trust
Greater Manchester Ecology Unit

1 Guest Street, Manchester, M4 7EJ
41 Piercy Street, Manchester, M4 7HY
39 Piercy Street, Manchester, M4 7HY
37 Piercy Street, Manchester, M4 7HY
2 Guest Street, Manchester, M4 7EJ
109 - 111 Pollard Street, Manchester, M4 7JB

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Site of Biological Interest - Name: Ashton Canal (West)
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: CENTRAL