

Planning

Growth & Development

Delegated officer report for planning application

Application no. 137621/JO/2023

Date registered valid: 20 July 2023

Proposal: Variation of condition 3 (Approved Drawings and Documents) of application referenced 131346/LO/2021 to allow amendments to alter the end of the handrail of the approved bridge

Address: Lock Number 3 Along The Ashton Canal Towpath, Manchester, M4 6DH,

Ward(s): Ancoats & Beswick Ward

Applicant: Manchester City Council

Agent (if any): Mr Michael Percival Deloitte LLP

Case officer: Jack Naven
Tel: 0161 219 2095
Email: jack.naven@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 8 September 2023

Application Details

Type of application: Variation or Removal of Condition

Development type: Listed building alteration

Date of site visit: 3 August 2023

Standard consultations:

Printed: 1 August 2023 Expired: 22 August 2023

Neighbour notifications

No neighbour notifications have been printed and sent.

Site notice

Posted: 3 August 2023 Expired: 24 August 2023

Press advert

Published: 8 August 2023 Expired: 22 August 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of Site/Area

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

The application site is located on Ashton Canal in New Islington which is a neighbourhood of Manchester City Centre. The site location is 200m to the north east of Great Ancoats Street, 75m west of Pollard Street and close to the New Islington Tram Stop. The new bridge proposes to sit alongside the existing Grade II Listed canal lock (Lock No. 3), where existing pedestrian access is currently provided.

The site is also located in the Regional Centre where the strategy is to improve connectivity around the area and links to the city centre.

The area is dominated by high density mixed-use residential neighbourhoods extend east along the canal corridors within the Alan Turing Way intermediate ring road, acting as a natural extension of the city centre and supporting a greater range of households and neighbourhood uses.

The General Projects 'Pollard Street' Development, approved at Planning Committee on 17 December 2020, will occupy what is currently an open space immediately adjacent to the canal, known as new Islington Green. This will be an office-led mixed-use scheme, and work on this is expected to start in early 2022.

Description of Development

The proposal seeks the Variation of condition 3 (Approved Drawings and Documents) of application referenced 131346/LO/2021 to allow amendments to alter the end of the handrail of the approved bridge under section 19 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Related Applications

131346/LO/2021 – Listed Building Consent for interface and abutment works to the Ashton Canal Lock (No. 3) to facilitate the construction of a new walking and cycling bridge. **Approved November 2021.**

131345/VO/2021 – City Council Development for the construction of a new walking and cycling bridge crossing the Ashton Canal and delivery of new ramped access on the Ashton Canal towpath, including earthworks, landscaping and other associated works. **Approved November 2021.**

137637/NMC/2023 - Non material amendment to planning permission 131345/VO/2021 to amend Condition 2 to alter the end of the handrail of the bridge. **Approved July 2023.**

Consultations & Notification Responses

Heritage & Urban Design - Are supportive of it

Historic England (North West) - No comment.

Greater Manchester Archaeological Advisory Service - No archaeological implications so they have no comment.

Canal and Rivers Trust - No comment.

Policy

Manchester Core Strategy (2012) - relevant policies include **SP1, CC5, CC8, CC9, CC10, EC1, EC3, EC5, T1, T2, EN1, EN3, EN8, EN9, EN14, EN15, EN16, EN17, EN18, EN19 and DM1**

Unitary Development Plan for the City of Manchester (1995) - saved policy **DC26**

Ancoats and New Islington NDF

Eastlands Update

Other legislative requirements

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 case law has considerable importance and weight should be given to

any impact upon a designated heritage asset but in particular upon the desirability of preserving the setting with a strong presumption to preserve the asset.

Heritage Significance

The Ashton Canal Lock 3 is a Grade II listed structure and dates from 1792-1799 forming part of the Ashton Canal network. The lock consists of large blocks of millstone grit and has a narrower chamber with covered flow channel on the south side. Stone staircases flank the lower entry at the west end. There are 13 locks in the same grouping as lock 3. The significance of the lock is derived from its contribution as part of the wider canal infrastructure. It is significant in its own right due to the canal infrastructure features.

Issues

Impact on the Grade II Lock Number 3

The applicant has provided a heritage statement, a detailed design and access statement and structural report which examines current condition and impact of the proposal on the significance of the listed structure and its setting. Detailed consideration of the works and the impact on the wider historic environment is considered within planning application 131345 (and amended by non-material amendment 137637/NMC/2023) which should be read in conjunction with this report.

The installation of the bridge would partially obscure the upper sections of lock number 3. In addition, it would also affect the upper walled section, steps and wooden lock gates. The relationship with these aspects of the listed lock have yet to be fully resolved. This is also reflected in the comments of the Canal and River Trust who managed and maintained the waterway.

As such, a series of conditions are recommended which ensure that the details are satisfactory. As outlined in the report for planning application 131345, it is considered that the works to the listed structure amount to a low level of less than substantial harm and therefore the test set out in paragraph 202 of the NPPF apply. This is considered in detail in the report of 131345 including the public benefits which exist.

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 in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. The proposal is considered to be acceptable and therefore determined within a timely manner

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 5 November 2024.

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

2) The alterations to Lock Number 3 Ashton Canal shall not be undertaken before a contract for the carrying out of the building works have been made, and planning permission has been granted for the redevelopment for which the contract provides, and evidence of that contract has been supplied to the City Council as Local Planning Authority.

Reason - In the interests of visual amenity and for the avoidance of doubt, and to ensure that redevelopment of the site takes place following external alterations to the existing building pursuant to policy EN3 of the Manchester Core Strategy and saved DC19 of the Unitary Development Plan for the City of Manchester, and the National Planning Policy Framework.

3) The development hereby approved shall be carried out in accordance with the following drawings and documents, stamped as received by the City Council, as Local Planning Authority, on the 20 July 2023

Site Location Plan ICB-HBA-ZZ-XX-DR-A-PL20-0001

General Arrangement Plan -Sections ICB-HBA-00-00-DR-A-24-0400 REV P3

Step Wall Section - Existing Northern Step Wall ICB-HBA-00-00-DR-A-24-0401 REV P3

Step Wall Section - Existing Southern Step Wall ICB-HBA-00-00-DR-A-24-0402 REV P3

Ramp Section - Northeast Ramp ICB-HBA-00-00-DR-A-24-0403 REV P3

Bridge Section - Section ICB-HBA-00-00-DR-A-24-0404 REV P3 Balustrade types allocation plan ICB-HBA-00-00-DR-A-34-0100 REV P5

Handrail Detail 01 featuring balustrade typical Handrail Section and Lighting ICB-HBA-00-00-DR-A-34-0400 REV P2

Handrail Detail 02 - Fixing to Concrete Ramp wall ICB-HBA-00-00-DR-A-34-0401 REV P3

Handrail Detail - Feature Balustrade junction with guardrail to docking area steps ICB-HBA-00-00-DR-A-34-0402 REV P3

Handrail Detail - Feature Balustrade handrail ends on NW ramp ICB-HBA-00-00-DR-A-34-0403 REV P4

Handrail Detail - Feature Balustrade handrail ends on SE ICB-HBA-00-00-DR-A-34-0404 REV P2

Handrail Detail - Feature Balustrade to existing lock wall ICB-HBA-00-00-DR-A-34-0405 REV P3

Railing Detail - Rimini Fences to South Abutment ICB-HBA-00-00-DR-A-34-0406 REV P1

Railing Detail - Rimini Fences to Existing Bridge ICB-HBA-00-00-DR-A-34-0407 REV P1

Balustrade Detail 01a - Cross section of proposed feature balustrade design to lock wall ICB-HBA-00-00-DR-A-34-0409 REV P1

Balustrade Detail 01a - Cross section of proposed feature balustrade design to typical ramp ICB-HBA-00-00-DR-A-34-0410 REV P3

Balustrade Detail 01b - Cross section of proposed Feature balustrade design to bridge ICB-HBA-00-00-DR-A-34-0411 REV P4

Cross section of proposed docking landing guarding ICB-HBA-00-00-DR-A-34-0412 REV P4

Balustrade Detail 02b - Cross section of proposed docking stair ICB-HBA-00-00-DR-A-34-0413 REV P3

Feature Balustrade BAL 01 to Ramped areas Typical details ICB-HBA-00-00-DR-A-34-0414 REV P3

Feature balustrade BAL 01B to Bridge areas Typical details ICB-HBA-00-00-DR-A-34-0415 REV P5

Balustrade BAL 02 Mooring Area Steps Typical details ICB-HBA-00-00-DR-A-34-0416 REV P3

Balustrade BAL 02 to stair landing areas Typical details ICB-HBA-00-00-DR-A-34-0417 REV P2

General Arrangement - Stair to mooring area ICB-HBA-00-00-DR-A-34-0418 REV P4

Plan Detail of typical wired balustrade arrangement through baseplate ICB-HBA-00-00-DR-A-34-0419 REV P1

Bridge & ramp concrete relief - extent & scope ICB-HBA-00-00-DR-A-42-0100 REV P5

Bridge and Ramp concrete relief detail ICB-HBA-00-00-DR-A-42-0400 REV P2

North abutment closure flashings ICB-HBA-00-00-DR-A-42-0401 REV P2

South abutment closure flashing ICB-HBA-00-00-DR-A-42-0402 REV P2

Landscape GA - Finishes at Bridge & ramp ICB-HBA-00-00-DR-A-43-0100 REV P5

Landscape GA - Finishes at Canal Towpath Level ICB-HBA-00-00-DR-A-43-0101 REV P6

Landscape GA - proposed Northeast Planter detail ICB-HBA-00-00-DR-A-43-0102 REV P3

Landscape GA - Proposed Southeast Planter detail ICB-HBA-00-00-DR-A-43-0103 REV P3

Typical Landscape Finishes Type ICB-HBA-00-00-DR-A-43-0104 REV P1

Deck Detail 01 - Proposed surface finish to RC ramp inc. interface with balustrade and drain ICB-HBA-00-00-DR-A-43-0400 REV P2

Deck Detail 02 Proposed surface finish to steel bridge inc. interface with balustrade and drain ICB-HBA-00-00-DR-A-43-0401 REV P4

ICB-HBA-Material Sample Tracker

Ramp Section - Chips building elevation ICB-HBA-XX-XX-DR-A-24-0405 Rev P2

Stamped as received by the City Council, as Local Planning Authority, on the 02 August 2023

Design and Access Statement

Heritage Statement and Planning Statement

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.

4) The development shall comply with the following documents received by the City Council, as Local Planning Authority, on the 22 May 2023 and discharged under CDN/22/0917:

- ICB-HBA-00-00-DR-A-24-0401 Rev P3, ICB-HBA-00-00-DR-A-24-0402 Rev P3, ICB-HBA-00-00-DR-A-24-0404 Rev P3, ICB-HBA-00-00-DR-A-34-0411 Rev P4, ICB-HBA-00-00-DR-A-34-0415 Rev P5, ICB-HBA-00-00-DR-A-42-0401 Rev P2 and ICB-HBA-00-00-DR-A-43-0401 Rev P4

The approved details shall be implemented and be in place prior to the first use of the development hereby approved.

Reason - To ensure that satisfactory interventions into the Listed structure are pursuant to policy EN3 of the Manchester Core Strategy (2012) and extant policy DC19 of the Unitary Development Plan for the City of Manchester (1995) and the NPPF/NPPG.

5) The development shall be carried out in accordance with the following documents received by the City Council, as Local Planning Authority, on the 16 December 2022 and discharged under CDN/22/0917:

ICB-HBA-00-00-DR-A-34-0100 Rev P4, ICB-HBA-00-00-DR-A-34-0401 Rev P3, ICB-HBA-00-00-DR-A-34-0402 Rev P3, ICB-HBA-00-00-DR-A-34-0403 Rev P3, ICB-HBA-00-00-DR-A-34-0404 Rev P2, ICB-HBA-00-00-DR-A-34-0405 Rev P3, ICBHBA-00-00-DR-A-34-0409 Rev P1, ICB-HBA-00-00-DR-A-34-0410 Rev P3, ICBHBA-00-00-DR-A-34-0411 Rev P3, ICB-HBA-00-00-DR-A-34-0412 Rev P4, ICB-HBA-00-00-DR-A-34-0413 Rev P3, ICB-HBA-00-00-DR-A-34-0100 P4, ICB-HBA-00-00-DR-A-34-0414 Rev P3, ICB-HBA-00-00-DR-A-34-0415 Rev P4, ICB-HBA-00-00-DR-A-34-0416 Rev P3, ICB-HBA-00-00-DR-A-34-0417 Rev P2, ICB-HBA-00-00-DR-A-34-0418 P3, ICB-HBA-00-00-DR-A-24-0400 P2, ICB-HBA-00-00-DR-A-24-0401 Rev P2, ICB-HBA-00-00-DR-A-24-0402 Rev P2, ICB-HBA-00-00-DR-A-24-0403 Rev P2, ICB-HBA-00-00-DR-A-24-0404 Rev P2

Reason - To ensure that satisfactory interventions into the Listed structure are pursuant to policy EN3 of the Manchester Core Strategy (2012) and extant policy DC19 of the Unitary Development Plan for the City of Manchester (1995) and the NPPF/NPPG.

6) The development shall be carried out in accordance with the following documents received by the City Council, as Local Planning Authority, on the 22 May 2023 and partially discharged under CDN/22/0917:

ICB-HBA-00-00-DR-A-24-0401 Rev P3, ICB-HBA-00-00-DR-A-24-0402 Rev P3, ICB-HBA-00-00-DR-A-24-0404 Rev P3, ICB-HBA-00-00-DR-A-34-0411 Rev P4, ICB-HBA-00-00-DR-A-34-0415 Rev P5, ICB-HBA-00-00-DR-A-42-0401 Rev P2 and ICB-HBA-00-00-DR-A-43-0401 Rev P4

And the following documents received by the City Council, as Local Planning Authority, on the 12 May 2023 and partially discharged under CDN/22/0917:

- ICB-HBA-00-00-DR-A-42-0100 Rev P4 and ICB-HBA-XX-XX-DR-A-24-0405 Rev P1

And the Materials tracker received by the City Council, as Local Planning Authority, on the 22 May 2023

The above information and materials have been considered and are acceptable in principle. In order to fully discharge this condition, prior to the commencement of works, final samples and specification of the polished concrete finish to the bridge walls shall be submitted for consideration and approval by the City Council, as Local Planning Authority.

Condition 6 is therefore only partially discharged pending final approval of the polished concrete.

Reason - To ensure that a satisfactory interventions into the Listed structure pursuant to policy EN3 of the Manchester Core Strategy (2012) and extant policy DC19 of the Unitary Development Plan for the City of Manchester (1995) and the NPPF/NPPG.

7) The development shall be carried out in accordance with the following documents received by the City Council, as Local Planning Authority, on the 16 December 2023 and discharged under CDN/22/0917:

ICB-HBA-00-00-DR-A-34-0100 Rev P4, ICB-HBA-00-00-DR-A-34-0401 Rev P3, ICB-HBA-00-00-DR-A-34-0402 Rev P3, ICB-HBA-00-00-DR-A-34-0403 Rev P3, ICB-HBA-00-00-DR-A-34-0404 Rev P2, ICB-HBA-00-00-DR-A-34-0405 Rev P3, ICBHBA-00-00-DR-A-34-0409 Rev P1, ICB-HBA-00-00-DR-A-34-0410 Rev P3, ICBHBA-00-00-DR-A-34-0411 Rev P3, ICB-HBA-00-00-DR-A-34-0412 Rev P4, ICB-HBA-00-00-DR-A-34-0413 Rev P3, ICB-HBA-00-00-DR-A-34-0100 P4, ICB-HBA-00-00-DR-A-34-0414 Rev P3, ICB-HBA-00-00-DR-A-34-0415 Rev P4, ICB-HBA-00-00-DR-A-34-0416 Rev P3, ICB-HBA-00-00-DR-A-34-0417 Rev P2, ICB-HBA-00-00-DR-A-34-0418 P3, ICB-HBA-00-00-DR-A-24-0400 P2, ICB-HBA-00-00-DR-A-24-0401 Rev P2, ICB-HBA-00-00-DR-A-24-0402 Rev P2, ICB-HBA-00-00-DR-A-24-0403 Rev P2, ICB-HBA-00-00-DR-A-24-0404 Rev P2

The development shall be carried out in accordance with the above information.

Reason - To ensure that satisfactory interventions into the Listed structure are pursuant to policy EN3 of the Manchester Core Strategy (2012) and extant policy DC19 of the Unitary Development Plan for the City of Manchester (1995) and the NPPF/NPPG.

8) The development shall be carried out in accordance with the following documents received by the City Council, as Local Planning Authority, on the 16 December 2022 and discharged under CDN/22/0917:

- ICB-HBA-00-00-DR-A-24-0400 P2 and ICB-HBA-00-00-DR-A-24-0403 Rev P2

And in accordance with the following documents received by the City Council, as Local Planning Authority, on the 22 May 2023 and discharged under CDN/22/0917:

- ICB-HBA-00-00-DR-A-24-0404 Rev P3

The development shall be carried out in accordance with the above information.

Reason - To ensure that satisfactory interventions into the Listed structure are pursuant to policy EN3 of the Manchester Core Strategy (2012) and extant policy DC19 of the Unitary Development Plan for the City of Manchester (1995) and the NPPF/NPPG.

9) The development shall be carried out in accordance with the following documents received by the City Council, as Local Planning Authority, on the 16 December 2022 and discharged under CDN/22/0917:

ICB-HBA-00-00-DR-A-34-0418 P3, ICB-HBA-00-00-DR-A-24-0400 P2, ICB-HBA-00-00-DR-A-34-0416 Rev P3, ICB-HBA-00-00-DR-A-34-0417 Rev P2, ICB-HBA-00-00-DR-A-34-0412 Rev P4 and ICB-HBA-00-00-DR-A-43-0101 Rev P5

The development shall be carried out in accordance with the above information.

Reason - To ensure that satisfactory interventions into the Listed structure are pursuant to policy EN3 of the Manchester Core Strategy (2012) and extant policy DC19 of the Unitary Development Plan for the City of Manchester (1995) and the NPPF/NPPG.

10) The development shall be carried out in accordance with the following documents received by the City Council, as Local Planning Authority, on the 16 December 2022 and discharged under CDN/22/0917:

ICB-HBA-00-00-DR-A-34-0406 P1 and ICB-HBA-00-00-DR-A-34-0407 P1

The development shall be carried out in accordance with the above information.

Reason - To ensure that satisfactory interventions into the Listed structure are pursuant to policy EN3 of the Manchester Core Strategy (2012) and extant policy DC19 of the Unitary Development Plan for the City of Manchester (1995) and the NPPF/NPPG.

Appendix 1 – List of consultees & neighbours notified

Heritage & Urban Design
Historic England (North West)
Greater Manchester Archaeological Advisory Service
National Amenity Societies
Canal & River Trust
Heritage & Urban Design
Greater Manchester Archaeological Advisory Service
Historic England (North West)
National Amenity Societies
Canal & River Trust

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 Zone - All Exceeding 90M
Site of Biological Interest - Name: Ashton Canal (West)
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: CENTRAL