

Application Number: 133358/LO/2022

Applicant: Canal & Rivers Trust

Agent: None

Location: Lock 85, Rochdale Canal, Manchester

Proposal: Oak fendering to head gates at Lock 85, including remedial work and repairs to the towpath.

Ward: Piccadilly

Description of Site and Surrounding Area

The application relates to Lock 85 of the Rochdale Canal. Lock 85 is located below London Road as part of a tunnel between Piccadilly and Dale Street. Lock 85 is a broad beam lock situated within the under croft, which takes the canal under a multistorey tower block within Manchester City Centre.

Listing Information

The lock is a protected heritage asset and has an entry on Historic England's register as below:

Canal lock. 1804-5, for Rochdale Canal Company; restored. Coursed squared sandstone, wooden gates. Chamber of 14-foot width with pairs of gates at both ends, ladder in centre of south side. Second in series of 9 locks on extension linking former Rochdale Canal basin at Dale Street with Bridgewater Canal basin at Castlefield, all in working order.

Description of Proposal

The application seeks permission to add oak fendering to the top/head lock gate. In addition, some minor remedial/investigative works are proposed to identify and stem any minor leakage from the canal.

The Listed Building Consent Submission

The application is supported by the following information:

- Application Form
- Location Plan
- Heritage Statement

Planning History

- 123245/LO/2019 – Listed Building Consent for the installation of oak fendering to bottom or tail timber lock gates in the interest of safety. Application approved 16 May 2022.

Publicity LBC

Site Notice/s Posted and Dates: Posted 12/05/22, Expired 02/06/22

Press Adverts Published and Dates: Published 10/05/22, Expired 31/05/22

Neighbour Notification: None Required

Representations Received: None

Consultations

No consultation was considered as a requirement for the works proposed under this listed building consent application.

Policy

The Development Plan

The Development Plan consists of: The Manchester Core Strategy (2012); and Saved policies of the Unitary Development Plan for the City of Manchester (1995). The Core Strategy is the key document and sets out the long-term strategic planning policies for Manchester's future development.

A number of UDP policies have been saved. Applications for listed building consent in Manchester must be decided in accordance with the Core Strategy and saved UDP policies as directed by section 38 (6) of the Planning and Compulsory Purchase Act 2004 unless material considerations indicate otherwise.

Manchester Core Strategy Development Plan Document (July 2012)

Heritage (EN3) – New developments must be designed

Manchester Unitary Development Plan Document (Saved Policies)

19 – Listed Buildings: In determining applications for LBC, the LPA will have regard to the desirability of securing the retention, restoration, maintenance and continued use of such buildings and to protecting their general setting. In giving effect to this policy, the LPA will:

- Not grant LBC for the demolition of a listed building other than in the most exceptional circumstances, and in any case, not unless it is satisfied that every possible effort has been made to continue the present use or to find a suitable alternative use
- Not permit a change of use to a listed building, where it would have a detrimental effect on the character or appearance of the building
- 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
- Seek to preserve and enhance the settings of listed buildings by appropriate control over the design of new development in their vicinity, control over the use of adjacent land, and where appropriate, by the preservation of trees and landscape features

- Permit demolition only where there are approved detailed plans for redevelopment and where there is evidence of a firm building contract
- Not permit alterations to a listed building which would prevent the future use of any part of the building, in particular upper floors or basements, or where poor maintenance is likely to result

Other Material Considerations

National Planning Policy Framework (July 2021)

The revised NPPF re-issued in July 2021. The document states that the 'purpose of the planning system is to contribute to the achievement of sustainable development. The document clarifies that the 'objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs' (paragraph 7). In order to achieve sustainable development, the planning system has three overarching objectives – economic, social and environmental (paragraph 8).

Section 16 – Conserving and Enhancing the Historic Environment – Heritage assets range from sites and buildings of local historic value to those of the highest significance. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

Paragraph 194 – In determining applications, LPAs should require an applicant to describe the significance of any heritage asset 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. As a minimum, the historic relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, LPAs should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Paragraph 195 – In turn, LPAs should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including the setting) taking into account 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 any conflict between the heritage assets conservation and any aspect of the proposal.

Paragraph 196 – Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.

Paragraph 197 – In determining applications, LPAs should take account of:

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

Paragraph 199 – 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. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to the significance.

Paragraph 200 – Any harm to, or loss of, the significance of a designated heritage asset (from alteration, destruction or development within its setting) should require clear and convincing justification. Substantial harm or loss of Grade II listings should be exceptional, and anything above should be wholly exceptional.

Paragraph 201 – Where a proposed development will lead to substantial harm or total loss of significance, LPAs should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss or where:

- The nature of the heritage asset prevents all reasonable use of the site
- No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation
- Conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible
- The harm or loss is outweighed by the benefit of bringing the site back into use

Paragraph 202 – Where a development proposal will 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 including, where appropriate, securing its optimum viable use.

Paragraph 204 – LPAs should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred

Paragraph 208 – LPAs should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies

Significance is defined 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.

Setting of a heritage asset is defined as the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the

significance of an asset, may affect the ability to appreciate that significance or may be neutral.

National Planning Practice Guidance (NPPG)

Historic Environment – Any decisions where listed buildings and their settings and conservation areas are a factor must address the statutory considerations of the Planning (Listed Buildings and Conservation Areas) Act 1990, in particular Sections 16, 66 and 72, as well as applying the relevant policies in the development plan and the NPPF.

Conservation is an active process of maintenance and managing change. It requires a flexible and thoughtful approach to get the best out of assets as diverse as listed buildings in every day use and as yet undiscovered, undesignated buried remains of archaeological interest.

In the case of buildings, generally the risks of neglect and decay of heritage assets are best addressed through ensuring that they remain in active use that is consistent with their conservation. Ensuring such heritage assets remain used and valued is likely to require sympathetic changes to be made from time to time.

Part of the public value of heritage assets is the contribution that they can make to understanding and interpreting our past. So, where the complete or partial loss of a heritage asset is justified, the aim then shall be to capture and record the evidence of the asset's significance which is to be lost, interpret its contribution to the understanding of our past, and make that publicly available.

Examples of heritage benefits include sustaining or enhancing the significance of a heritage asset and the contribution of its setting, reducing or removing risks to a heritage asset and securing the optimum viable use of a heritage asset in support of its long-term conservation.

Planning (Listed Buildings and Conservation Areas) Act 1990

Section 66 of the 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.

Section 72 of the Act requires the LPA to, during the assessment for planning permission, exercise due respect to any buildings or other land that falls within a designated conservation area. Special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area.

Equality Act (2010)

S149 (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.

Issues

Impact of Works upon Listed Building

It is necessary to consider the impact, if any the proposal would have on the listed lock.

The applicant outlines that the proposal is required in order to reduce an apparent increased risk of flooding due to changing weather patterns.

The alteration proposed to the lock is well established, with the lower lock gates having already been altered and other locks along the Rochdale Canal subject to the same alterations.

In this case new fendering is proposed for installation on the lock tail gates. The materials to be used is oak and is a traditional material.

The fender is to be installed so it lies flush with the front of the balance beam. Standard L- shaped plates should be produced to fix the additional sections onto the existing gate.

The proposed interventions have been chosen due to being the least visually disruptive, and minimise the overall impact on the lock. The fixing of the horizontal timbers will be visible in part but the overall design principle is preserved and the intervention is honest. This proposal will not result in any loss of fabric, and as the gates are regularly replaced there is no loss of 'original fabric'. Furthermore, the measures will prevent further accidents that could result in damages and loss of original fabric in the lock chamber.

It is considered that the interventions would have a low level of less than substantial harm to the listed structure, with public benefits demonstrable outweighing the less than substantial harm caused. The public benefits include ensure that the lock is preserve as a whole from future flood damage allowing it to ensure it is understood as part of the wider canal infrastructure in the city.

Conclusion

The proposed development overall amounts to a low level of less than substantial harm to the heritage asset, and the harm is considered, given the justification, to be outweighed by the public benefit of improving safety for canal users.

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, 8 and 16.

Recommendation:

That listed building consent be given subject to the following conditions:

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:

The Location Plan 1:1250 and the Site Plan 1: 500, The Plan Showing the Tail Gates and the Design and Access Statement, stamped as received on the 19 April 2022

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.