

Staffordshire Moorlands District Council
Moorlands House
Stockwell Street
Leek
Staffordshire
ST13 6HQ

Your Ref SMD/2021/0472

Our Ref CRTR-PLAN-2021-33710

Monday 20 September 2021

Dear Mr Swithenbank

Proposal: Alterations to outbuilding including removal of roof, lowering of walls and creation of new outdoor seating terrace

Location: 170 Boat Inn, Basford Bridge Lane, Cheddleton

Waterway: Caldon Canal

Thank you for your consultation.

We are the charity who look after and bring to life 2000 miles of canals & rivers. Our waterways contribute to the health and wellbeing of local communities and economies, creating attractive and connected places to live, work, volunteer and spend leisure time. These historic, natural and cultural assets form part of the strategic and local green-blue infrastructure network, linking urban and rural communities as well as habitats. By caring for our waterways and promoting their use we believe we can improve the wellbeing of our nation. The Trust is a statutory consultee in the Development Management process.

The main issues relevant to the Trust as statutory consultee on this application are:

- a) The impact on the Caldon Canal Conservation Area
- b) The impact on the Structural Integrity of the adjacent Caldon Canal

Based on the information available our substantive response (as required by the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended)) is to advise that suitably worded **conditions are necessary** to address these matters. Our advice and comments follow:

Impact on the Caldon Canal Conservation Area

The application site is located adjacent to the offside bank of the Caldon Canal and falls within the Caldon Canal conservation area. The outbuilding is a historic structure and very possibly contemporaneous with the Boat Inn, which dates from the first half of the nineteenth century. The building is clearly visible from the canal and along with the pub, it makes a notable feature within the conservation area. We therefore consider that its partial removal as proposed here will adversely affect the character and appearance of the conservation area, whilst acknowledging that this would constitute less than substantial harm, which as indicated in the NPPF (para. 202) should be weighed against any public benefits of the proposal. The public benefits of the proposal are stated in the Heritage Assessment to be to minimise the risk to canal users should the building collapse.

We appreciate the fact that the building is in poor condition and there is a clear need to address this for safety reasons, although we consider it is regrettable that the Applicant does not appear to have explored the feasibility of repairing/rebuilding the structure to retain its original form, or to put forward any significant argument to **Canal & River Trust**

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demonstrate why this may not be a practicable option. We do acknowledge that only partial removal is proposed, and the structure will at least be retained to some extent, which does lessen the extent of the impact on the appearance of the conservation area. Nonetheless, the local planning authority should carefully consider the impact of the proposed works on the canal conservation area and the effect they will have on its significance, as required by paragraph 195 of the NPPF and consider the public benefits of the proposal including securing the optimum viable use of the outbuilding, as required by paragraph 202 in determining the acceptability of the proposal.

Impact on the Structural Integrity of the adjacent Caldon Canal

In terms of assessing the impact of the proposed works on the canal structure, the existing building is built on a cutting slope, and is single storey on the west side facing the pub but is two-storey facing the canal on the eastern elevation. As noted in the application, there is a mature tree growing on the cutting slope immediately next to the eastern elevation of the building and is evidently destabilising the building structure and significantly contributing to the need to undertake works to prevent collapse.

The works to remove the roof and lower the walls would reduce the dead loads on the slope of the cutting and therefore the permanent works should present a low risk to the stability of the slope once completed. In order to fully understand the likely effect of the work on the cutting slope however, we would need to know whether courses at ground level are to be reconstructed, and if foundations are to be exposed and remodelled, and we would need to see sections showing the existing and proposed levels in relation to the cutting slope crest and canal level and showing how the operations to excavate and reinstate the walls would not destabilise the slope. We will need to review a detailed methodology for all demolition and construction works, including works to remove the existing tree, in order to be satisfied that risks to the canal and canal users are adequately addressed and that the risk of creating land instability likely to damage the canal infrastructure is minimised.

The temporary operations required to undertake the works are also of some importance as they will require significant works in and around the canal, including a requirement to erect scaffolding in the canal (if the structural report is followed) and there is the possibility of some stonework being lost to the canal if not carefully carried out. Any works such as these that are on or over Trust property will require our prior consent and will have to comply with our current Code of Practice for Works Affecting the Canal & River Trust and be subject to regular inspection by our Infrastructure Services Team engineers; we can advise that initial discussion between the contractors for the scheme and the Trust's engineers have already taken place.

Should the removal of stonework liberate further stone courses that were not intended to be removed, requiring more excavation than intended, then the developer should submit further methodologies for the excavation works on the slope- as noted above this should also be issued alongside a section showing how deep they intend to dig in relation to the slope crest and canal level.

As you will be aware, land stability is a material planning consideration and is referred to in paragraphs 174 and 183 of the NPPF and is the subject of more detailed discussion in the NPPG (see <https://www.gov.uk/guidance/land-stability>). We consider that this advice and guidance is clear in identifying that the planning system has a role to play in minimising the risk and effects of land stability on property, infrastructure and the public.

We appreciate that the issue of land stability can be complex and often also involves other regimes such as Building Regulations and legislation such as the Party Wall Act 1996. However, the NPPF is clear that planning decisions should ensure that new development is appropriate for its location in the context of avoiding unacceptable risks from land instability and being satisfied that a site is suitable for its new use, taking account of ground conditions and land instability.

In particular, paragraph 184 of the NPPF is clear that where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. We therefore consider that it would be appropriate and justified to secure submission of a detailed demolition and construction methodology for the development to ensure that the development is carried out in an appropriate manner which does not risk the creation of land instability which might adversely affect the adjacent canal.

As there is no evidence to suggest that a technical solution cannot be found which will enable the works to be undertaken without creating of land instability, we consider that this matter could be controlled via a suitably worded planning condition. We recommend that the applicant/developer continues to liaise with our engineers to

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identify the most appropriate approach before seeking to discharge such a condition. The Trust is happy to provide the Local Planning Authority with technical support and advice in discharging such a condition in due course and in any event, we ask that we are consulted on any information subsequently submitted to discharge such a condition.

Condition

No development shall take place until a Method Statement detailing the methodology for all demolition works, repairs, rebuilding and making good required to make the structure safe and to construct the outdoor seating area hereby permitted, together with any other associated earthmoving or excavation works and tree removal works, has first been submitted to and agreed in writing by the Local Planning Authority. The Method Statement shall include cross section drawings showing the existing and proposed ground/floor levels in relation to the canal cutting slope crest and canal level and showing how the operations to excavate and reinstate the walls would not destabilise the slope, and shall identify and incorporate any other measures required to avoid the risk of adversely affecting the structural integrity of the adjacent Caldon Canal during both demolition and construction operations. The development shall thereafter only be carried out in accordance with the agreed Method Statement.

Reason

In the interests of avoiding the risk of creating land instability arising from any adverse impacts from demolition works, repairs, rebuilding, construction works, earthmoving, or other operations which could adversely affect the structural integrity of the adjacent Caldon Canal in accordance with the advice and guidance on land stability contained in paragraphs 174 and 183 of the National Planning Policy Framework and in the National Planning Practice Guidance. It is necessary to agree the Method Statement before development commences as it is required to secure an appropriate methodology for demolition and construction operations from the outset.

Should planning permission be granted we request that the following **informative** is appended to the decision notice:

The applicant is advised that any works on or oversailing the Caldon Canal or any other Canal & River Trust property will require the prior consent of the Canal & River Trust. All such works must comply with the Trust's current Code of Practice for Works Affecting the Canal & River Trust. Please contact the Trust's Infrastructure Services Team for further advice and to ensure that all necessary consents are obtained. Please contact Sue Highton, Works Engineer, at susan.highton@canalrivertrust.org.uk or on 07484 901304 in the first instance.

For us to monitor effectively our role as a statutory consultee, please send me a copy of the decision notice and the requirements of any planning obligation.

Please do not hesitate to contact me with any queries you may have.

Yours sincerely,

Ian Dickinson MRTPI

Area Planner

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<https://canalrivertrust.org.uk/specialist-teams/planning-and-design>

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