

DELEGATED DECISION REPORT

SMD/2022/0264
Valid 19/05/2022

BRIDGE 37
LEEK OLD ROAD
LONGSDON

LISTED BUILDING CONSENT
FOR REINSTATEMENT OF
BRIDGE 37 AND
RETROSPECTIVE CONSENT
FOR DEMOLITION OF THE
ORIGINAL STRUCTURE
(LISTED BUILDING CONSENT
– ALTERATION)

MAIN ISSUES

- Heritage significance
- Design

DESCRIPTION OF SITE

Site of collapsed Grade II Listed canal bridge. Rural location remote from nearby dwellings. The original bridge was part of a grouped concentration of Listed canal features and is within the Caldon Canal Conservation Area.

Historic England have commented that “The canal opened in 1779 and runs for 18 miles with 17 locks and a variety of waterway buildings and structures. Bridge 37 is an important part of that early canal network, and prior to unfortunate events of March 2020, was very well preserved with limited alterations and retaining all of its stone copiers.”

PROPOSAL

Construction of a new bridge closely emulating the original design form of the original bridge but differing significantly in some of its structural materials and construction method. In particular, pre-cast concrete arches are to be used and the exposed visible surface to the underside of the bridge would be concrete where it had been brick. In the outward facing sides of the bridge however, brick would be used along with limited areas to be faced in brick slips. The proposal is submitted as an Application for Listed Building Consent for alterations, extension or demolition of a listed building Planning (Listed Buildings and Conservation Areas Act) 1990 (as amended).

The scheme is to use salvaged stone from the collapsed structure but where brick is being used this will be new as the original brick was found not to be salvageable / re-usable. The new bricks are to be a commissioned bespoke match from a specialist supplier.

The application is accompanied by a Design and Access Statement; Heritage Impact Assessment; Options Brochure; Record of reasoning and a Structural Assessment.

This latter document quotes a Historic England Senior Structural Engineer in an e-mail dated 6th March 2020 as follows:

It is pretty evident that there has been a partial foundation failure to at least the eastern section of the southern abutment. This has allowed this eastern half of the abutment to settle/ move downwards removing support to the masonry arch above. This has subsequently led to the formation of the hinge in the parapet wall at the apex of the arch, although from the photo's it can't be determined whether this is a recent defect? The cause of the movement of the abutment is possibly due to be a long-term washout/ erosion of the supporting soils with this recent catastrophic movement possibly having been triggered by the recent dredging works. The close-up photos of the south abutment do seem to indicate that there has been a long-term settlement of the abutment with the brick coursing appearing to be not horizontal when compared to the water level. This all needs to be investigated and confirmed.

At the suggestion of the LPA the applicant agreed to the description of development being amended from that shown in the application form. This was done to add clarity and in order at the same time to deal retrospectively with the element of demolition involved.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Local Plan (adopted 9th September 2020)

SS1 Development Principles
SS2 Settlement Hierarchy
SS10 Other Rural Areas Area Strategy
DC1 Design Considerations
DC2 The Historic Environment
DC3 Landscape and Settlement Setting
NE1 Biodiversity and Geological Resources
NE2 Trees, Woodland and Hedgerows
T1 Development and Sustainable Transport

National Planning Policy Framework February 2019

Paragraph(s) 1 – 14;

Section(s) 4 – Decision making; 6 – Building a strong and competitive economy; 8 Promoting healthy and safe communities; 11 – Making effective use of land; 12 – Achieving well designed places; 13 – Protecting Green Belt Land; 15 – Conserving and enhancing the natural environment; 16 – Conserving and enhancing the historic environment.

Adopted Supplementary Planning Documents/Guidance (SPD/G):

- Space About Dwellings SPG
- Design Principles SPG
- Design Guide SPD adopted 21st February 2018

Local Plan Supporting Evidence Documents:

- Landscape and Settlement Character Assessment (2008)

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

The current application in effect supersedes an earlier application which was not progressed ref SMD/2020/0369 dated 12th July 2020: Bridge 37 was severely destabilised and the removal of unstable elements was required urgently due to danger of collapse. This appears in effect to have been intended as a retrospective application for the forced take down of the collapsing structure which had already taken place in consultation with Historic England and SMDC. Whilst at that stage some base sections of the bridge remained, by the time of the current application there is a much reduced remnant to each side of the canal bank.

CONSULTATIONS**Publicity**

Site Notice expiry date: 21.07.2022

Neighbour consultation period ends: N/A

Press Advert: 06.07.2022

Public Comments

None

Town / Parish Comments

Cheddleton Parish Council – do not object

Historic England

15th June 2022 – given not only the intrinsic importance of Bridge 37, but also its contribution to the conservation area and the wider canals-cape – whilst also noting the considerable loss that had occurred through its collapse and subsequent demolition - the most appropriate way forward would be to reinstate in this location a structure of the same form, scale and character. Such a structure would serve the same function and be in the 'spirit' of the former bridge, using what original materials it had been possible to salvage.

Given the highly specific constraints represented by this particular situation Historic England has no objection in heritage terms to the proposed way forward. Your authority should take these representations into account in determining the application. If there are any material changes to the proposals, or you would like further advice, please contact us. Please advise us of the decision in due course.

22nd August 2022 – A fundamental consideration [in] our deliberations was the surprisingly low number of original bricks that could be salvaged for reuse. Initially we had hoped for a much higher level of reinstatement of historic fabric, but on

detailed inspection the condition of the masonry was such that this was not possible – which was obviously very disappointing. Fortunately the stone copings had fared better and could be reinstated.

With specific regard to the appearance of the underside of the bridge we had a lengthy discussion with the Trust. Initially [we] had reservations regarding the appearance of a concrete finish to the barrel arch. However, the Canal and River Trust pointed out (and we were subsequently able to corroborate from our own observations) that where the brick faces have deteriorated it is not uncommon for the underside of historic bridges to be rendered over. As such, whilst this had not been the case on the original Bridge 37, it was not particularly uncharacteristic of canal bridges. Given our reservations I also showed the presentation to my fellow Building Inspectors and requested their thoughts. After much discussion it was agreed that HE would not raise an objection to such an approach.

Clearly our primary focus was the heritage significance of the bridge and its wider contribution to the surrounding heritage assets. However, whilst obviously listed in its own right, Bridge 37 is also part of a functioning canal network. As part of our discussions [we] were therefore also conscious of the considerable financial costs associated with the rebuilding of the bridge and the not insignificant construction duration (as itemised on the last page of the presentation Mark sent to you) - and what this would mean in connection with the use of this part of the canal.

The current proposals therefore represent a very carefully considered compromise - from all parties – that will result in the reinstatement of a new bridge with the 'essence' of the original Bridge 37, which sits quietly within this historic canal-scape, and contributes positively to the settings and significance of surrounding heritage assets.

SMDC Conservation Officer (August 2022)

On the face it option 1 preferable but notes consensus that appears to have been reached between former Conservation Officer and HE and given the HE support for the current scheme and in light of HE's further comments of 22nd August would support a recommendation to grant consent.

Staffordshire County Council Flood Risk

Not statutory consultees for mains rivers or listed buildings but if there is anything specific you would like us to comment on please let us know.

Severn Trent Water

Minimal impact on the public sewer system therefore no objections and no requirement for a drainage condition.

OFFICER COMMENTS

Principle of Development

As a closely similar replacement for an existing structure the principle of the development is already established.

The primary consideration for the LPA is the requirement of the Planning (Listed Buildings and Conservation Areas) Act 1990, regarding the need to pay special attention to the preservation of listed buildings and their settings, and the desirability of preserving or enhancing the character or appearance of the conservation area. Also, that section 16 of the NPPF emphasises that heritage assets are an irreplaceable resource, and highlights the need to conserve and enhance the historic environment.

An LPA can only discharge its duties if it has carried out a proper assessment of the impact on a Conservation Area and/or a Listed Building, is conscious of the duty and has demonstrably applied it in assessing the proposal. This assessment extends to setting, the surroundings in which a heritage asset is experienced.

Historic Environment Policy DC2 of the Local Plan is to give protection to designated heritage assets and their settings and non-designated heritage assets as set out in the NPPF.

NPPF paragraph 199 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 200 goes on to say that: “any harm or loss [to a heritage asset] should require clear and convincing justification.”

NPPF paragraph 202 states that: “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 securing its optimum viable use.”

The application is not conventional in that it is dealing with an un-planned event that has led to the loss of the Listed structure.

NPPF 196 states that:

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.

Whilst the background cause of the loss is not fully known and although it is speculated by the parties involved at the time that it may have been triggered by nearby maintenance works to the canal, this has not been a case of ‘deliberate’ neglect.

NPPF 201 states that:

Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities 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 all of the following apply: [including at (d)] that the harm or loss is outweighed by the benefit of bringing the site back into use.

Whether this scheme involves substantial harm or 'less than substantial harm' within the meaning of the NPPF appears not to have been expressly considered or addressed in the consultation responses. However Historic England do refer to the collapse as a "considerable loss". As the structure has been wholly lost and will not be replaced in identical form and will in fact involve very substantial differences of form, it may reasonably be concluded that the loss amounts to substantial harm in terms of the Listing. In terms of the Conservation Area the effect can more reasonably be considered 'less than substantial harm'. Indeed, in some respects it could reasonably be concluded that in terms of the character and appearance of the Conservation Area, the adoption of a design which is, in most outward respects, essentially similar to the original structure, the character and appearance of the Conservation Area is in fact preserved.

Design

Whilst Option 1 may have been preferable in design appearance, Historic England's support for Option 2 is understood to have been a balanced reasoning that has taken into account the higher costs of option 1 and the desirability in terms of public benefit of an expeditious resolution. HE also says that their decision was preceded by discussions with the LPA's previous Conservation Officer. Given the background and all the circumstances and that the chief compromise relates to the underside of the bridge, where concrete is to be used but would not be so prominent in the wider area, the design can be supported.

Heritage

Although the application describes the scheme as a 'faithful re-instatement' there are some fundamental differences. In particular the inherent structural engineering support of the bridge would be established by way of the pre-cast concrete arch supports. The historic method of construction would not be replicated. In the design proposed this leads in turn to a visible concrete finish to the underside of the bridge, obviously modern in appearance, as opposed to the original appearance in coursed brick work.

Given however, as discussed above, Historic England's willingness to accept and support this scheme – in that they raise "no objection" – the LPA has a strong basis to reach the same conclusion. Even so, it is the LPA that is legally the decision maker and must therefore reach its own conclusion. It should be noted that the applicant has willingly discussed and negotiated the range of options and has accepted a steer towards re-instatement of a comparable form structure re-using salvaged stone and appropriately chosen brick as opposed to a wholly modern form of bridge. Such a solution would not have preserved the character and appearance of the Conservation Area and would have left no trace of the Listed structure.

Other Matters

It can reasonably be judged that there are no special considerations required for protected species. The application says that tow path users will be provided with a temporary diversion. The path however is not a definitive public route at this location and no additional consideration is required from the LPA.

CONCLUSION / PLANNING BALANCE

The application has been compiled in considerable detail with obvious care and consideration of the issues with appropriate close attention in particular to heritage.

By its similarity to the original structure the proposal can be found to preserve the character and appearance of the Caldon Canal Conservation Area.

In terms of the Listing, given that the structure has been lost as a result of the collapse, the proposal to re-build it is to be welcomed. The proposed use of concrete arching to form the barrel of the bridge must be regarded as a compromise over a more completely original form but on balance it can be recommended that Listed Building consent be granted particularly as it is noted that Historic England do not object.

The re-construction of in effect a replica of the original bridge ensures that the historic group of structures at this location can continue to be understood and enjoyed in their historic arrangement.

OFFICER RECOMMENDATION : **approve**

Case Officer: Arne Swithenbank

Recommendation Date: 8th September 2022

X 

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council