



Mr Peter Jones
Liverpool City Council
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Our ref: P01380371

29th September 2021

Dear Mr Jones,

**T&CP (Development Management Procedure) (England) Order 2015
& Planning (Listed Buildings & Conservation Areas) Regulations 1990**

**PLOT C02, LIVERPOOL WATERS JESSE HARTLEY WAY CENTRAL DOCK
LIVERPOOL L3 0BT**

Application No. 21F/0377

Introduction

Thank you for the opportunity provide further comment on this application following the change in status of the World Heritage Site.

Summary

The historic docks of Liverpool are a finite resource, they are no longer expanding and growing to meet the global demands they once did. The continuing loss of water space means a reduction to the scale of this once ground-breaking dockland, which has already suffered losses that effect the ability to appreciate and understand their once unprecedented scale and global significance. Some recent cases have sought to increase the maritime use of the docks, contributing favourably in weighing the planning balance e.g. Cruise Liner and the Isle of Mann Ferry terminals.

Historic England considers that West Waterloo Dock makes a positive contribution to the significance of adjacent listing buildings and conservation areas. We consider that the proposed partial infilling of the dock would have a harmful impact on the significance of these designated and non-designated heritage assets, contrary to national and local policies.

Historic England continues to have serious concerns regarding the proposals.

Significance

West Waterloo Dock is part of the world-famous Liverpool historic dock system, designed by Jesse Hartley, one of the most significant names in 19th century dock design and construction.



Completed in 1834, Waterloo Dock along with the adjacent Trafalgar and Victoria docks formed a series of inter-connecting docks and was the hub for American Packet ships, becoming instrumental in the shipping of goods and hundreds of thousands of people to America, profoundly shaping modern society. It was from here that a great many Irish migrants departed for the United States in the great Irish diaspora following the great potato famine.

Following the repeal of the Corn Laws and the beginning of free trade in Britain in which Liverpool played a crucial role, Waterloo Dock was reconfigured in 1869 by Hartley's successor G.F. Lyster. It was reoriented north south and subdivided to create a pair of docks, West Waterloo and East Waterloo Dock.

These new Waterloo docks became the world's first purpose-built grain docks, which arrived from America in huge quantities. East Waterloo Dock still retains its vast 1869 Grade II listed warehouse, which was constructed to store the huge volumes of grain being imported. The Grade II listed warehouse was originally one of three on the dock side, including on the quay between the east and west dock.

By the early 1940's maritime trade had evolved with increasingly bigger ships carrying ever increasing levels of cargo. West Waterloo Dock was subsequently adapted to create a container port, which saw the construction of an impressive river lock, which remains.

The many phases of construction and alteration of Waterloo Dock as a functional part of the port infrastructure contributes positively to the significance of the surrounding designated assets, helping to demonstrate the ground breaking and innovative dock technologies and dock construction from the 19th and 20th century which is a critical element of the significance of the assets.

The works were overseen by the most important dock engineers of the period and the alterations represents the development of global trading and cultural connections throughout the British Empire.

The dock is recognised as an undesignated heritage asset due to this interest, acknowledging that although of significance, its altered form has impacted on its overall significance to a level that it doesn't meet the high test for being a listed building. However, it still retains significance and forms an important part of the setting of the Stanley Dock Conservation Area and nearby listed buildings.

Impact

West Waterloo Dock lies adjacent to, and forms an important part of the setting of, Stanley Dock Conservation Area to the south, the setting of the Grade II West Waterloo Dock Warehouse to the east and is considered an undesignated heritage asset.

The current proposals are for a residential development of 3 blocks, ranging from 4-9 storeys providing 330 residential units above ground floor level commercial units. In order to deliver this development West Waterloo Dock would need to be substantially infilled and a floating timber jetty and dockside walkway provided.

The scale and mass of the units proposed has been developed to conform with the Liverpool Waters Central Docks Masterplan but is a standalone application.

Although altered West Waterloo Dock retains its Lyster alignment and broad width, however, the proposed infilling would reduce this significant water body to a width akin to a canal basin, impacting on its legibility and understanding as a dock. In turn, this would negatively impact on the ability to identify the dock as a key component of the interlocked basin system for sea going vessels. The infilling would therefore undermine the ability to appreciate the basin's important role in the mass migration of people and transportation of goods across the world.

Furthermore, proposals would impact on the relationship between West and East Waterloo dock, and the associated remaining grain warehouse. The scale of the two dock basins currently allows them to be read as linked structures. Dramatically altering the proportions of West Waterloo Dock would harm this relationship, its attributes and the contribution it makes to the significance of the conservation area.

It is for the above reasons we are of the opinion that the development would cause a high level of harm to West Waterloo Dock and the setting of the adjacent conservation area. The proposals would change the current open water space from a clearly identifiable dock basin, to a much narrower channel of water impacting its legibility and contribution to the wider docklands complex. The form of the proposed development would also impact on this ability to understand and further reduce the sense of scale of the water space, due to the residential blocks overhanging the water.

Policy

This application is a standalone submission, separate from the Liverpool Waters consent as acknowledged in the supporting Planning Statement. Whilst partial infill was justified as part of the Liverpool Waters application, despite our concerns, that application does not establish the acceptability of infill in all circumstances. The infilling of West Waterloo Dock should be considered as a new proposal working from first principles.

The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out in section 66 that the local planning authority, in considering whether or not to grant planning permission, 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.

The NPPF (2021) sets out in paragraph 206 that local planning authorities should look

for opportunities for new development within Conservation Areas, and within the setting of heritage assets, to enhance or better reveal their significance. The development is not in line with this statement, as partially infilling the dock would not enhance or better reveal the significance of the surrounding assets.

Paragraph 207 states that loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area should be treated either as substantial harm (para. 201) or less than substantial harm (para. 202) as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area as a whole. Historic England considers infilling of the dock would cause less than substantial harm and paragraph 202 therefore applies.

Paragraph 202 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 199 sets out 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, where appropriate, securing its optimum viable use.

Paragraph 203 should be considered in determining the application: when works to non-designated heritage assets (West Waterloo Dock) are being considered, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Position

Liverpool's historic docks are a finite resource, no longer expanding and growing as they once did. Any loss of water space means a reduction to the scale of dockland, which has already suffered negative losses, affecting the ability to appreciate its unprecedented scale, which in turn reflected the influence of the globally significant complex. However, recent proposals, such as the Cruise Liner Terminal and Isle of Mann Ferry Terminal have sought to increase the maritime use of the docks, thus contributing favourably in weighing the planning balance of these applications.

Historic England considers that West Waterloo Dock, itself a non-designated asset, makes a positive contribution to the setting of the adjacent listing buildings and the conservation area as part of the expansive dock system. The partial infill of the dock would have a negative impact on the significance of these designated and non-designated assets, rendering the application contrary to the above national and local policies.



We acknowledge that the scale and mass of the proposals has been reduced from previous applications. However, our fundamental concern with the principle of partial infill of the dock remains. We therefore continue to have serious concerns with this application.

Recommendation

Historic England has concerns regarding the application on heritage grounds.

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 199, 202, 203, 206 and 207 of the NPPF.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Duty is also imposed by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

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.

Yours sincerely

Daniel Jones

Inspector of Historic Buildings and Areas

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