

Town & Country Planning Act 1990 (as amended)
Planning (Listed Building & Conservation Area) Act 1990 (as amended)

Refusal of details reserved by condition

Applicant

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Part 1 – Particulars of the application/development

Proposal: Discharge of Conditions 5 (Rainwater Goods), 6 (Windows), 7 (Masonry), 8 (Vegetation Removal), 9 (Brickwork Method), 10 (Stone Cleaning) attached to planning permission 124312/LO/2019

Location: Westwood Cottages, Raby Street, Manchester, M14 4SU

Date of application: 17 September 2020

Application number: CDN/20/0590

Part 2 – Particulars of decision

Manchester City Council gives notice that the detail(s) referred to in Part 1 are **Refused** in accordance with the information set out below.

Condition 5 - RWG

Condition 5 states : "No rainwater goods nor pipes shall be installed nor affixed other than rainwater goods and pipes constructed of cast iron and coloured black and be retained as such thereafter".

The proposed use of uPVC is not in accordance with the requirements of condition 5 and therefore this condition cannot be discharged.

Condition 6 -Windows

Condition 6 - It is noted that the proposed materials for the rear glazed extension is to be aluminium, however this differs from the proposed timber that was indicated within the approved Design and Access Statement that accompanied application 124312/LO/2019. No explanation is provided about the proposed change in materials. It is also noted that the proposed colour of the extension is provided which is also required in order to discharge condition 6. There is also some concern over the choice

of roof glazing which is annotated as a 'multi wall polycarbonate' clear sheet. Further clarification on these matters is required before accepting this element.

In terms of the replacement timber windows no details of cross sections, proposed colour of windows or which window type and where it is to be fitted in the building has been provided. Further details are required.

Condition 6 is not discharged.

Condition 7 - Masonry

Condition 7 - The submitted information is insufficient to discharge this condition. The following information as set out below is required.

The submitted 'Masonry Works Method Statement' touches on a range of matters that would be necessary to consider as a part of the building work such as, for example, adequate propping. However, the condition seeks an understanding of the works not provided by the submitted information and would, for example, need to cover the following points:

- (a) A methodology for the cleaning-off residual mortar
- (b) The taking down would be undertaken carefully, by hand using only handheld non-mechanical tools to minimise the damage to the existing bricks and maximise the number capable of re-use.
- (c) The bricks would be carefully cleaned off by, for example, removing mortar.
- (d) Bricks would be sorted by condition and type and securely stored in an environment that would prevent their deterioration before their re-use as a part of this scheme.

The information contained in the submitted 'Masonry Works Method Statement' is not sufficient as it does not provide this type and level of detail.

Condition 8

Condition 8 - The submitted information is not sufficient to discharge this condition. The following information as set out below is required.

It would seem from the submitted information that the intention is not to use chemicals in the proposed removal. This is welcomed insofar as the use of chemicals would need to be undertaken with great care to avoid damage to the built fabric through, for example, staining. However, chemicals can prove an effective means of dealing with certain types of vegetation where it has become well established and where root systems have invaded deep into the masonry and need to be killed to make removal easier with less disturbance of the built fabric than may otherwise be necessary and also to avoid the vegetation merely growing back. The use of chemicals may need to be reconsidered depending upon the type and nature of the vegetation.

Otherwise the removal of vegetation by hand as proposed is acceptable provided the tools are used with care to avoid damaging the masonry elements adjacent to the mortar joints being cleared. With regard to the repointing of affected joints, the details required by this condition should include a detailed specification/ methodology for the use of mortar which should ensure any new mortar matches the existing original mortar

in terms of composition (by chemical analysis), colour, texture and the finished appearance of application and working. Past repointing may have resulted in the loss of much of the original mortar but this may still be present away from the building on less repaired ancillary structures. If it is confirmed that no original mortar can be found then an alternative, researched based proposal would be required.

Usually the rule of thumb for repointing of brickwork is that the joints should be raked out to a depth that is twice their width. There is, however, a need to ensure all loose mortar is removed which can sometimes involve a greater depth of mortar and it is likely that the depth of repointing following vegetation removal may also be deeper. The detailed specification/methodology for the use of mortar should allow for this.

Occasionally vegetation growth reaches a point where it displaces masonry rather than just damaging mortar joints. It is accepted that in such instances the removal of the vegetation and appropriate repair of the building may need a limited amount of loose brickwork to be carefully taken down and then reinstated. The submitted information does not suggest this is proposed but it may be that the revised information that now needs to be submitted may want to reconsider if this is a possibility needing to be addressed. If so, any detailed specification/methodology should confirm:

- (a) The accurate recording of the brickwork prior to dismantling.
- (b) As bricks are carefully removed they would be appropriately cleaned-off, labelled (to ensure they would be returned to their orientation in their original location) and stored.
- (c) Once the vegetation has been removed the brickwork would be reinstated on an exact like-for-like basis with individual bricks returned to their original location in their original orientation with mortar used in accordance with a detailed specification/methodology as referred to above.

The submitted information is not sufficient to discharge this condition at this time.

Condition 9 - Masonry works

Condition 9 - The submitted 'Masonry Works Method Statement' is insufficient to discharge this condition. The following information as set out below is required.

The building exhibits a range of types and extents of damage to the existing external brickwork (some of which is identified in the submitted 'Structural Appraisal') and there is likely to be some damage to the internal brickwork also needing repair (including before replastering). Identified damage includes, for example:

- (a) Missing and badly damaged bricks including through spalling. Inappropriately specified repointing using cement-based mortar has previously been undertaken on the building which is likely to be responsible for much of the spalled brickwork now seen.
- (b) Unsympathetic past repairs using non-matching brick/brickwork.
- (c) Water staining
- (d) Drill holes from fixtures and fittings that have previously been - or are now proposed to be - removed such as alarm boxes, lights, aerials, temporary security doors/shutters, and so on.
- (e) Cracking of individual bricks but also larger cracks across several bricks.

(f) Minor damage to individual bricks such as chipping which does not impact on their integrity or overly on their appearance.

The approach to repairs should ensure that the Council understand when and how repairs would take place but, critically, to ensure a contractor on site is aware of the damage to be repaired and in any given instance the method to be used.

The past inappropriate use of a cement-based mortar to repoint (parts of) the building continues to cause damage to the adjacent bricks (such as cracking and spalling) as the mortar is too hard and inflexible compared with the bricks themselves. The previously proposed removal of this cement-based mortar is highly welcomed in principle but a discreet trial area should firstly be used to establish how successfully this can be achieved and to determine the best course of action to discharge this condition. The removal of the mortar would need to be undertaken in a careful and controlled manner to ensure minimum harm is caused to the brickwork and the trial may require a reconsideration of the extent of the currently evident damage to brickwork and of the extent of repair that will be required.

The extent and nature of the damage needs to be understood. The building is modest in scale and so it would not be unreasonable to expect a detailed survey to take place to identify the types, extents and locations of damage. The information already contained in the submitted 'Structural Appraisal' would suggest that much of this survey work has already been undertaken but would need to be augmented by the results of the trial areas for the removal of cement-based repointing. This survey should form a part of a revised method for approaching brickwork repairs and would in any event partly be required to ensure that matching replacement bricks can be sourced in good time especially where they are shaped and may require bespoke manufacture.

Following on from a survey a revised method statement for repair would be required. At the outset this should identify the intent behind the repairs.

The method statement should then establish a criteria based approach that enables the different types/extents/areas of damage to be correlated with the appropriate conservation-led repair method that would be used or, indeed, where repair would not be proposed. Photographs of different elements of damage can be usefully used in this process to illustrate types/extents/areas of damage. The aim of all repairs should be to give an 'invisible' like-for-like repair. The following points are noted:

(a) Historic brick buildings regularly have a limited number of spalled bricks scattered across elevations where the depth of loss of brick is limited and does not impact on the structural integrity of the individual bricks and wider brickwork and where such bricks can be left unrepaired in certain locations without undue impact on the appearance of the building. At Westwood Cottages there are locations where a number of bricks have spalled giving a far more apparent cumulative and harmful impact on the appearance of the building. It is noted that occasionally it is possible to turn damaged bricks to reveal an undamaged side although this may not be appropriate if the previously concealed face has a completely different appearance through a lack of weathering or damage through construction methods. Otherwise the repair method would be to replace the bricks with new bricks that match in all respects such as dimensions, colour and texture including the changing range of colours across a localised area of repair. Patching spalled bricks with a filler or mortar would not be unacceptable.

(b) Cracks in bricks that could lead to water ingress and frost damage could be filled by an appropriate lime-based mortar of a colour and texture to match the brick.

(c) Drill holes in bricks from previous fixtures and fittings could be filled using the same mortar fill as for dealing with cracks. Any alternative filler would need to provide the same 'invisible' repair and should be confirmed as not being subject to discolouring or shrinking over time.

(d) Water staining could be resolved by identifying and addressing the source of the water to prevent on-going damage and allowing the brickwork to dry naturally over time. If building-wide cleaning is not proposed an appropriate localised cleaning method could be used to reduce (if not remove) any particularly noticeable staining but:

(i) Should not result in the cleaned brickwork being discernible from the adjacent uncleaned brickwork.

(ii) Should be avoided until the brickwork has sufficiently dried and even then only if it would not exacerbate the water damage to the brickwork.

The specification/methodology for the use of lime-based mortar in these works, including repointing, needs to be confirmed.

Condition 10 - stone work

No information has been provided with regards to this condition against this application.

Date: 13 November 2020

Signed: 

Julie Roscoe
Director of Planning, Building Control & Licensing

Manchester City Council, P O Box 532, Town Hall, Manchester M60 2LA

Notes

1. This decision relates only to that required under the Town and Country Planning Act 1990 (as amended) or Planning (Listed Building & Conservation Area) Act 1990 (as amended) does not include any consent or approval under any other enactment, byelaw, order or regulation.

2. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, they may appeal to the Secretary of State in accordance with Section 78(1) of the Town and Country Planning Act 1990 or sections 20 and 21 of the Planning (Listed Building & Conservation Area) Act 1990 within six months of the date of the notice of the decision. However, if an enforcement notice has been served for the same or very similar development within the previous 2 years, the time limit is:

- 28 days from the date of the LPA decision if the enforcement notice was served before the decision was made yet not longer than 2 years before the application was made.
- 28 days from the date the enforcement notice was served if served on or after the date the decision was made (unless this extends the appeal period beyond 6 months).

The Planning Inspectorate have introduced an online appeals service that can be used to make appeals online. This service is available through the gov.uk website – www.gov.uk/appeal-planning-inspectorate. The Inspectorate will publish details of your appeal on the internet.

Alternatively, appeals can be made on a form which is obtainable from Planning Inspectorate, Customer Support Unit, Room 3/15, Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 or by telephone 0117 372 6372.

The Secretary of State has power to allow a longer period for the giving of a notice of appeal but they will not normally be prepared to exercise this power unless there are special circumstances that excuse the delay in giving notice of appeal.

3. The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely Sections 70(1) and 72(1) of the Act.

4. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990

5. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to them. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.