MANCHESTER CITY COUNCIL

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

Refusal of details reserved by condition

Applicant

Miss Hayley-Fern Fraser
15 Smedley Lane
Manchester
M8 8UJ

Agent (if used)

Part 1 – Particulars of the application/development

Proposal: Discharge of condition 3 (Schedule of Works) attached to listed building consent referenced 117528/LO/2017

Location: 15 Smedley Lane, Manchester, M8 8UJ

Date of application: 20 March 2018

Application number: CDN/18/0195

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 3 - Schedule of Works
The following information has been submitted for consideration:

o Structural Engineers calculations
o Condition 3 - Door Opening Document

The submitted information has been assessed and the following comments can be made:

The submitted information does not include enough specific details about the exact nature of the works to be completed. The information required is a fully detailed architectural method statement including a written specification for all works to the historic fabric of the building. It is recommended that this is completed by a professional with experience of construction works to a listed building rather than a general structural engineer. It is also recommended that the works are carried out by a contractor with experience of completing works to a listed building.

The required schedule of works should include the following details:

1) The machinery to be used to create the opening and cut through the existing listed building architectural features or if this will be completed using hand tools;
2) The making good of the wall in relation to additional brick/blockwork, re-plastering and the type of plaster used to match the existing plaster;
3) Method for how the new timber work will be attached to the historic fabric;
4) Method for how any historic architectural features will be re-fixed to the walls.

Therefore, it is not possible to formally discharge Condition 3 of application 117528/LO/2017 until the issues above have been satisfactorily addressed.

Date: 16 May 2018

Signed: 

Julie Roscoe
Head 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.