

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

Partial approval of details reserved by condition

Applicant

Ms Kath McVicker
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Agent (if used)

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Part 1 – Particulars of the application/development

Proposal: Discharge of conditions 2 (specified plans), 3 (specification), 4 (security measures), 5 (CCTV pole), 6 (Photographic Record) and 7 (archaeological survey) attached to Listed Building Consent referenced 135355/LO/2022

Location: Clayton Old Hall, Ashton New Road, Manchester, M11 4RU

Date of application: 6 February 2025

Application number: CDN/25/0105

Part 2 – Particulars of decision (a)

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

Condition no. 2 (specified plans),

Plans refs: 0224-al(05)040 and 0224-al(05)042 relating to the revised fencing designs to allow for badger access were reviewed and advice provided that these could not be approved through a discharge of condition application and that they would need to form part of a variation of condition application. The content of the email from the planning agent dated 7th May 2025 confirming that the developer will not be proceeding on the basis of plan ref: 0224-al (05)042, and the fence will be as the consented drawing 0224-al (05)023 rev.A, and as such they would not be seeking a variation as part of this application has been noted.

Therefore, as condition no .2 is a compliance condition and on the basis that the development would be implemented in accordance with the originally approved plans, no further action in relation to the condition no.2.

Condition no. 4 (equipment colour)

The contents of the Clayton Hall: Scope of Works P0224-SCH-REP010 rev A , plan

Ref: E0010 rev E, and Clayton Hall Security and repairs Note dated 05.02.2025 (paragraph 3.2) confirming that Bullet cameras to be provided in black finish, dome camera to be provided with a casing and weathershield in black. Mounting brackets, radar and speakers to be spray finished in black have been noted. On the basis that all the security measures, including horn speakers, radar detectors and cameras shown on Elevation CCTV positions Ref: MCC-B01-XX-DR-E-0011 and Proposed security system layout Ref: MCC-ZZ-XX-DR-E-10 are black (RAL 9005) in colouration and are installed in the positions shown on drawing referenced: Elevation CCTV positions Ref: MCC-B01-XX-DR-E-0011 and Proposed security system layout Ref: MCC-ZZ-XX-DR-E-0010 and maintained in situ thereafter, condition no.4 is discharged .

Condition no. 5 (CCTV pole)

The details shown on CCTV Column details plan ref: MCC-XX-XX-DR-E-0020 have been examined. It is noted from the annotation on the plan that column and camera would be black (RAL 9005) in colouration. On the basis that the column as shown on CCTV Column details plan ref: MCC-XX-XX-DR-E-0020 is implemented in the position shown on drawings referenced: Site plan as proposed Ref: 0224-al (05)012, as part of the development, to a timescale agreed by the City Council as local planning authority and maintained in situ at all times thereafter , condition no.5 is discharged.

Condition no.6 (Photographic record)

The photographic record of the site and the building (internally and externally) including the areas where physical changes are proposed has been noted, together with the photographic images in the Floyd Consult Timber Report May 2024 of key areas of the roof affected by the proposed works, including timbers and the roof void. On this basis of the photographic images provided condition no.6 is discharged.

Part 2 – Particulars of decision (b)

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

Condition no. 3 (specification)

The contents of the Morton Partnership Schedule and Specification for Clayton Hall document ref: RGR/BBR/16076-sched&spec-Rev A; Clayton Hall: Scope of Works Security and Fabric Repairs ref: P0224-SCH-REP010 rev A; and Floyd Consult Timber Report May 2024 have been reviewed.

An email setting numerous requirements for the submission related to the scope of roof repairs, samples of materials (including repair finishes, netting and fixings), mortar analysis, confirmation if additional paint removal is to take place and any associated resulting stonework and brickwork repairs, the extent of pointing works, the extent of

timber repairs, etc and the submission of a detailed contractor method statement was sent to the planning agent on 26th March 2025.

On the basis of the Morton Partnership Schedule and Specification for Clayton Hall document ref: RGR/BBR/16076-sched&spec-Rev A; Clayton Hall: Scope of Works Security and Fabric Repairs ref: P0224-SCH-REP010 rev A; and Floyd Consult Timber Report May 2024 it is considered that the pre-commencement element of the condition has been satisfied, which will enable the investigative works to inform the matters set out in the email dated 26th March 2025. to be provided for consideration. However, due to the level of detailed information which is required as set out in the email dated 26th March 2025 to the planning agent condition no.3 cannot be discharged at this time, and no repair works should be undertaken.

Condition no. 7 (archaeological survey)

The content of the Project Design for Archaeological Trial Pitting & Watching Brief report no. 2024-05:MA866 Rev 04 dated September 2024; and Archaeological Trial Pitting Report December 2024 has been examined. The Project Design for Archaeological Trial Pitting & Watching Brief report no. 2024-05:MA866 Rev 04 dated September 2024, allowed for the excavation of three test pits initially, coupled with archaeological monitoring during the groundworks required to deliver the consented scheme, in line with the requirements of Condition 7 (Part i). It is understood that the three trial pits have been excavated, in line with the approved Project Design, and the results present in the Archaeological Trial Pitting Report, together with recommendations to realign the new cable trench slightly to the east to avoid any impact of the medieval / post-medieval wall footing. It is also noted that the report concludes that, on the basis that other belowground elements of the late medieval or early post-medieval manor house may well survive below ground, the excavation of the new service trench should be subject to archaeological monitoring and recording in line with the methodology set out in the agreed Project Design.

From the submitted information it would appear that the new service trench has yet to be excavated and the associated archaeological monitoring yet to be implemented. As the Archaeological works are not yet complete and as the report will need to be updated with the additional finding when they are available condition no.7 cannot be discharged at this time.

Date: 27 May 2025

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.