MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	CDN/24/1109
Date registered valid:	13 December 2024
Proposal:	Application to discharge Conditions 3 (Materials), 7 (Acoustic Insulation), 15 (Boundary Treatment) and 16 (Yard Wall Design) attached to planning permission 126094/FO/2020.
Address:	Former Fenton House, 2 Higher Ardwick, Manchester, M12 6BZ
Ward(s):	Ardwick Ward
Applicant:	Tahir Land Investments Manchester Ltd
Agent (if any):	Mr Saghir Hussain Create It Studio Architects
Case officer:	Sue Wills Tel: 0161 234 4524 Email: sue.wills@manchester.gov.uk
Recommendation:	Split decision
Date of recommendation:	**3 March 2025**

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:
Printed: 16 December 2024 Expired: 9 January 2025

Neighbour notifications
No neighbour notifications have been printed and sent.

Site notice
Posted: 24 December 2024 Expired: 17 January 2025

Press advert
Published: 24 December 2024 Expired: 14 January 2025

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Grade II

Conservation area:

Tree Preservation Order:

Description of area

Description of development

Consultations & Notification Responses

UDC **- CDN/24/1164**

Discharge of conditions 3 (programme of works timeframe), 4 (materials), 5 (location of works plan), 6 (sound and separation), 7 (cornices), 8 (rooflight), 9 (new window), 10 (removal of section of wall), 13 (rainwater goods), 16 (boundary treatment), 17 (metal work), 18 (roof insulation), 20 (internal and external joinery repairs) and 22 (damp/rot works) attached to listed building consent 126095/LO/2020.

CDN/24/1109

Application to discharge Conditions 3 (Materials), 7 (Acoustic Insulation), 15 (Boundary Treatment) and 16 (Yard Wall Design) attached to planning permission 126094/FO/2020.

There seems to be an introduction of vents to both gable ends and the rear elevation. The submission states that these will be in cast iron to a traditional pattern and painted the same colour as the render, which could be accepted provided they are not too large and visually intrusive. The dimensions of these has not been specified and they should be the minimum size possible. Can we see and agree the sizes.

The proposed railing design now seems acceptable and is of a more appropriate quality and reflective of the style and design seen for this period of property. The colour has now been analysed which is helpful and identifies a number of paint layers over the years. The chosen colour of a deep dark blue RAL 5011 Steel Blue reflects an identified historic colour scheme as is therefore acceptable. The rainwater goods are also proposed in this colour which is also acceptable. There is however one reference to a lighter blue colour RAL 5002 which I think has been added in error.

The proposed cast iron rainwater goods are acceptable and as with many of the other materials, there is a note referring to the submission or presentation of samples, which I'm happy to view on site.

Sample brick type seems ok in principle, but we'll need to see a sample as with the pointing and render repairs.

Window repairs and the proposed secondary glazing seems acceptable and we'll need to see a sample on site.

Timber and damp treatment. The latest report advises that there was no longer any evidence of rot and that the repairs had been successful.

According to the submission, roofworks and new conservation rooflights have been installed and it would be good to inspect on site when reviewing the samples.

The proposed light fittings seem of a period design and whilst they appear a somewhat standard product, they are on balance acceptable.

21.01.2025 -The design of the vents is ok, but the size needs to be confirmed as there are many on the elevations and cumulatively, they could have an impact. The agent advises that he wants them as small as possible, but confirmation of the actual size is needed.

Samples of the brick, together with pointing - it was difficult to see this on site as the gates were locked shut, but from a glimpsed view the rear wall was built and seemed to look ok. It may be helpful to get the applicant or agent to send a few good photos of the brickwork and repointing.

The render repairs also seemed ok.

The new window frames were presented below and look good with very slim frames and glazing bars. There weren't any detailed window repairs to look at and the applicant said that they were not wanting to install the proposed secondary glazing and said that tenants preferred thick curtains. From a heritage aspect this is a less harmful solution and is acceptable.

The installed roof works and new conservation rooflights seemed acceptable.
The new moulded panelled door in the agreed colour also looks good.

Environmental Health – advise that they have previously said no to discharging the above condition as the proposed mechanical ventilation cannot be installed due to Grade II

status. The new information submitted suggests that secondary glazing may be installed as an alternative and so if that is the case then they would need a new acoustic report which provides information on the attenuation levels this secondary glazing will achieve.

Issues

Other Legislative Requirements
Equality Act 2010
Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

Human Rights Act 1998 considerations
This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have a right to a fair hearing and to this end the local planning authority must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved polices of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the recommendation given is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation: Split decision

Article 35 Declaration

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

Condition no. 3 (Materials)
3) The information within the Material schedule ref: A1225-Z100-A-01 rev B dated 18.04.2023 (notwithstanding any reference to aluminium rainwater goods) was considered, as part of application ref: CDN/23/0064. These details and been considered in conjunction with the updated information submitted on 13th December 2024, including Document 1 Product Details for the Proposed Courtyard Bricks, Cast Iron Rainwater Goods, External Lighting and Railings; Introduction and Schedule of Information for Condition Compliance Prepared November 2024 – Version 3; Agent email 20th January 2025 clarifying colour to be used as RAL 5011 Steel Blue and not RAL 5002; and Agent email 3rd March 2025 confirming vent/grill size and colouration, and are considered to be acceptable. On the basis that the development is implemented in

accordance with the materials referenced in the documentation and the content of the email specified above, condition no.3 is discharged.

Condition no. 7 (Acoustic Insulation)

7) The information submitted on 13th December 2024, including Introduction and Schedule of Information for Condition Compliance Prepared November 2024 – Version 3 is not sufficient to enable the discharge of condition no.7. The information submitted suggests that secondary glazing may be installed as an alternative to mechanical ventilation (due to Grade II status of the property). If this is the case an updated acoustic report which provides information on the attenuation levels the secondary glazing would achieve is required.

On this basis condition no. 7 is not discharged.

Condition no. 15 (Boundary Treatment)
15) The railing design to the Higher Ardwick / Harkness Street frontage and the boundary wall detail to Dolphin Place shown on plan ref: Railing and Boundary Wall design plan ref: A1125(02)AP011 rev. A and external door wall and gate proposal details plan ref: FH/CC/Dwg 9B and means of enclosure and landscaping proposals plan ref: FH/CC/Dwg 9A (solely in regard to the proposed boundary treatment) were considered previously (as part of application ref: CDN/23/0064) . These details have now been considered in conjunction with the detailed information submitted on 13th December 2024, including Introduction and Schedule of Information for Condition Compliance Prepared November 2024 – Version 3; Proposed railings to boundary plan; and Document 1 Product Details for the Proposed Courtyard Bricks, Cast Iron Rainwater Goods, External Lighting and Railings, and Agent email 20th January 2025 clarifying colour to be used as RAL 5011 Steel Blue and not RAL 5002.
On the basis that the development is implemented in accordance with the detailed measures referenced in the documentation above submitted on 13th December 2024, condition no.15 is discharged.

Condition no. 16 (Yard Wall Design to Dolphin Place)
16) The details on plan ref: Railing and Boundary Wall design plan ref: A1125(02) AP011 rev. A; external door wall and gate proposal details plan ref: FH/CC/Dwg 9B, and boundary wall design shown on the Proposed bin store plan ref: A1225(02)AP008 rev.D were considered previously (as part of application ref: CDN/23/0064) . These details have been considered in conjunction with the information submitted on 13th December 2024, including Introduction and Schedule of Information for Condition Compliance Prepared November 2024 – Version 3;

On the basis that the development is carried out in accordance with the measures referenced in the documentation above, prior to the occupation of the building and is retained thereafter, condition no.16 is discharged.

Appendix 1 – List of consultees & neighbours notified

Environmental Health
Heritage & Urban Design

Appendix 2 – Planning constraints

Article 4 Direction - North Manchester PD Restriction - Class B1(c) To C3
Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: NORTH AREA