MANCHESTER CITY COUNCIL

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

Partial approval of details reserved by condition

Applicant	Agent (if used)
Tahir Land Investments Manchester Ltd Fenton House Manchester M12 6BZ	Mr Saghir Hussain Create It Studio Architects 3 Stevenson Square Manchester M1 1DN

Part 1 – Particulars of the application/development

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

Location: Former Fenton House, 2 Higher Ardwick, Manchester, M12 6BZ

Date of application: 13 December 2024

Application number: CDN/24/1109

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. 3 (Materials)
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. 15 (Boundary Treatment)

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)
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.

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. 7 (Acoustic Insulation)
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.

Date: 4 March 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.