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

Peelers Estates Ltd
2nd Floor St Georges Court
Upper Church Street
Douglas
IM1 1EE
Isle of Man

Agent (if used)

Mr George Bissett
Enabl
16 Old Market Place
Altrincham
WA14 4DF

Part 1 – Particulars of the application/development

Proposal: Discharge of condition 14 (Method Statement Chimney) attached to application ref no 135825/JO/2022

Location: Site Bound By Bendix Street To The North East, Chadderton Street To The South East, Goulden Street To The South West And Cross Keys Street To The North West, Manchester

Date of application: 30 October 2024

Application number: CDN/24/1011

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 14 Chimney
The following information has been submitted in respect of this condition:

-Method statement recieved by the City Council, as Local Planning Authority, on the 30 October 2024

The above information has been considered. A response was sent to Enabl on the 15 November 2024 as follows:

The scope of the submitted Method Statement includes the repair, restoration and alteration of brick and stone work to the stack. This application therefore seeks to partially discharge condition 14, with details relating to the light box feature, timber fins and fireplace to be provided at a later date.

I can't seem to find any details of the 'alterations' element of the proposed works, only that relating to the repair and restoration. Are these to follow?

The method statement dates from 2021 (which pre-dates all of work carried out to the walls). Has this updated since our many meetings on site and what lessons have been learned and have these been incorporated into the methodology? The quality of the restoration elements has been poor but improved after many trails and samples. As such, we want to minimise the amount of restoration mortar as this ended up being excessive. A reduced amount of restoration mortar and greater move towards indents or full stone blocks should be the approach on the repairs to the chimney, especially as these will be in higher and less accessible locations.

It is unclear how much stone there is, but we recall there is a lot at very high level and any repairs need to be robust so applying a restoration mortar over the faces at this level carries added risk of delamination and failure. A full block or indent repair is a stronger longer term repair and these should be carried out where repairs are needed.

We will need to agree the areas of repair and the type of repair when a full survey has been done. If this has already been carried out in detail then can we please see the report, with good quality photos. We can then discuss on site if needed. In this case we'll need to see elevations / good quality photo surveys marked up with the proposed repairs for each elevation at a scale where this can be clearly understood.

We are happy to attend the site to discuss these areas of repair once it has been fully scoped out. We will also need to fully understand how the repairs tie in with any alterations / structural repairs and if any further structural inspection has identified further more detailed work needed.

We also need to see further samples, due to the issues we had before on the low level elevations.

The method statement has a number of stages and 23. below mentions a clean and then inspection. The survey work is best carried out after the cleaning as described (which we're happy with) as some defects will only become apparent when all of the surface dirt has been removed. At this point a full scope will need to be agreed with the LPA. Point 23 and 43 need the LPA's approval.

23. Once all brick & stonework has been cleaned on the chimney stack a survey will be completed to identify all areas requiring brick indents/replacements. This will then be passed to Mulbury site management for approval

43. Once clean survey to be completed to identify areas of stone to be repaired/replaced. Once survey approved by Mulbury commence with works

As mentioned above we'll need to limit the use of the repair mix set out in 44. Below - and as mentioned, i'm not sure if this needs updating since our site visits.

44. Isolated stone repairs to be completed using Lime Green heritage approved repair mix, colour match sample to be completed prior to completing full scope of repairs.

There is also mention of the use of PVC bonding which doesn't seem very heritage led. This type of bonding is mentioned in other areas and i've already questioned the use of mortar face repairs above.

64. Defrazz the stone surface and and create a bond with a PVC and water mix (6:1)

The method statement refers to other items of work such as the cast iron columns and it would be good to have an update on this.

No response has been provided.

Condition 14 is not formally discharged.

Date: 31 December 2024

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.