

Planning (Listed Buildings & Conservation Areas) Act 1990 (as amended)

Refusal of Listed Building Consent

Applicant

Mr Xie
Moda Invest Ltd
59A Derby Street
Manchester
M8 8HW

Agent (if used)

Mr Wakeman
Architectural Designworks Limited
Studio One
17 Biggin Gardens
Heywood
OL10 2WF

Part 1 – Particulars of the application/development

Proposal: Listed Building Consent for external wall repairs, window replacement, roofing and drainage improvements

Location: Barracks House , 10 Princess Street, Manchester, M15 4HA

Date of application: 14 April 2022

Application number: 133525/LO/2022

Part 2 – Particulars of decision

Manchester City Council gives notice that the development referred to in Part 1 has been **refused** in accordance with the application and plans submitted for the reason(s) listed below.

Article 35 Declaration

Officers have worked with the applicant/agent in a positive and proactive manner in determining this application by assessing the proposal against relevant planning policies and all material considerations, identifying matters of concern with the proposal and discussing those with the applicant/agent. However, the issues identified have not been resolved and it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason for the refusal, approval has not been possible.

Reason(s) for decision

1) The proposed alterations and repairs to the external walls, windows, guttering system and roofing would not preserve or enhance the Grade II designated heritage asset, causing less than substantial harm that cannot and has not been outweighed by public benefit, and is therefore considered to be contrary to Sections 16 (2) and 66 of (Listed Buildings and Conservation Areas) Act 1990; Section 16 (Conserving and

enhancing the Historic Environment) of the National Planning Policy Framework; the Core Strategy for the City of Manchester policy EN3 (Heritage); saved policy DC19.1 (Listed Buildings) of the Unitary Development Plan for the City Of Manchester; and, policy JP2-P2 'Heritage' of the Places for Everyone Joint Development Plan Document.

Date: 9 May 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 refers only to that required under the Planning (Listed Buildings & Conservation Areas) Act 1990 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 consent or approval for the proposed development, or to grant consent or approval subject to conditions, they may appeal to the Secretary of State in accordance with sections 20 and 21 of the Act within six months of the date of the notice of the decision.

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/planning-inspectorate. The Inspectorate will publish details of your appeal on the internet. Alternatively If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

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.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the City Council (planning@manchester.gov.uk) and the Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

3. If consent is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, they may serve on the Council of the district in which the land is situated a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of section 27 of the Act.

4. In certain circumstances, a claim may be made against the local planning authority for compensation, where consent 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 27 of the Act..