

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

Partial approval of details reserved by condition

Applicant

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Agent (if used)

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Part 1 – Particulars of the application/development

Proposal: Discharge of conditions 3 (programme of works timeframe), 4 (materials), 5 (location of works plan), 6 (sound and fire separation), 7 (cornices), 8 (rooflight), 9 (new window), 10 (removal of section of original wall), 11 (ceilings), 12 (floorboards and joists), 13 (rainwater goods), 14 (chimneys), 15 (removal of paint and render), 16 (boundary treatment), 17 (metal work), 18 (roof insulation), 19 (staircase repairs), 20 (internal / external joinery repairs), 21 (fire damaged areas), 22 (damp/rot works attached to listed building consent referenced 126095/LO/2020

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

Date of application: 14 February 2023

Application number: CDN/23/0065

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 (programme of works)

The Timetable for Programme of repairs and Samples Specifications (including Details of Quality Control Management Input) (Document 4) has been considered solely in regard to the timetable of works.

The programming of the works is considered to be acceptable. Condition no.3 is discharged on the basis that the development is carried out in accordance with the approved details, prior to the occupation of the development.

Condition no. 5 (location of works plan)

The location of the works shown within the documents and plans reference below is accepted .

- External elevation remedial works - south and west elevations Plan ref: FH/CC/Dwg 6A:
- External elevation remedial works - north and east elevations Plan ref: FH/CC/Dwg 6B
- Document 1 - Background room by room schedule with assessment of significance and justification for the proposed works
- Document 5 - Details of general clauses , specifications and method statements
- Document 6c - Schedule of works , method statement to accompany external elevation drawing 6A
- Document 7 - Room by room schedule of works document specification and method statement
- Chimney Stacks condition and remedial works plan ref: FH/CC/Dwg-8
- Proposed door cornice and skirting details plan rf: FH/CC/Dwg 12A
- Internal door type and coving details plan ref: FH/cc/Drg -12B
- Proposed window type details plan rf: FH/CC/Dwg 13

On the basis of the location of the proposed works shown within the documents and plans referenced above and that the works are completed prior to the first occupation of the development, condition no.5 is discharged.

Condition no. 7 (cornices)

The content of Document nos. 5 and 7 , together with details shown on the proposed door cornice and skirting details plan rf: FH/CC/Dwg 12A and Internal door type and coving details plan ref: FH/cc/Drg -12B have been reviewed. On the basis that the development is implemented in accordance with the details within the documents and plans referenced above and are completed prior to the first occupation of the development, condition no.7 is discharged.

Condition no. 8 (rooflight)

The content of Document nos. 5 and 7 , together with details shown on Clement conservation roof light plan refs: D-CRPM - 02 rev.G ; D-CRPM - 03 rev.G; D-CRPM - 04 rev.G; D-CRPM-07, D-CRPM-08 and plan ref: D-CRPM-01 rev.G ; together with the Clement Conservation rooflight installation guide and Conservation roof light plan sheet 1 of 1 rev.A received 30th January 2023 have been reviewed. On the basis that the development is implemented in accordance with the details within the documents and plans referenced above, and that the colouration of the frame matches the colouration of the roofing slates and the works are completed prior to the first occupation of the development, condition no.8 is discharged.

Condition no.10 (removal of wall)

The contents of Document nos. 1, 5, and 7, together with details shown on the Proposed basement plan ref: A1225 (02)AP002 rev,.G; Proposed ground floor plan ref: A1225 (02)AP003 rev.I; Proposed first and loft plan ref: A1225 (02)AP004 rev,.G have been reviewed On the basis that the development is implemented in accordance with the details within the documents and plans referenced above, and the works are completed prior to the first occupation of the development, condition no.10 is discharged.

Condition no. 11 (ceilings)

The contents of Document nos. 1, 5, and 7 which specify a method for the reinstatement of decorative ceiling plaster (Documents 5 and 7) in the locations in Document 1 have been examined, and it is noted that the evidence from an inspection of the property is that there is no historic ceiling lime plaster applied to lathes in the basement and attic levels, but that the principal upper ground and first floor rooms do

retain some lath and plaster ceilings. The proposed approach is considered to be satisfactory.

This approach is accepted. On the basis that the development is implemented in accordance with the details within the documents referenced above and the works are completed prior to the first occupation of the development, condition no.11 is discharged.

Condition no. 12 (floorboards / joist)

The contents of Document nos. 1, 5, and 7 have been considered in regards to joinery works to floorboards and joists. The removal of any floorboards, and associated repair works, shall be carried out in accordance with the approach as set out in the documents referenced above. On this basis condition no.12 is discharged.

Condition no. 14 (chimneys)

The contents of Document nos. 5, and 6C have been considered in regards to chimneys together with the details on shown on plans :

- Chimney Stacks condition and remedial works plan ref: FH/CC/Dwg-8 , together with contents of the specification and method statement document

- Condition compliance : schedule to accompany drawings 6a and 6b showing works identified to external elevations and chimneys

On the basis that the development is implemented in accordance with the details within the documents and plans referenced above, and the works are completed prior to the first occupation of the development, condition no.14 is discharged.

Condition no. 15 (removal of render)

The contents of Document nos. 5, and 6C have been considered in regards to external works related to the removal of paint and render and the approach is accepted. Whilst the colouration of the proposed render seems acceptable, a render samples will need to be provided on site for inspection , and considered as a part of condition no.4.

On the basis that the development is implemented in accordance with the details within the documents and plans referenced above, and the works are completed prior to the first occupation of the development, condition no.15 is discharged.

Condition no. 20 (joinery repairs)

The contents of Document nos. 5, 7, and 11 together with details shown on the proposed door cornice and skirting details plan rf: FH/CC/Drwg 12A, Internal door type and coving details plan ref: FH/cc/Drg -12B , proposed window type details plan rf: FH/CC/Drwg 13 (solely in respect of repairs) is accepted .

On the basis that the development is implemented in accordance with the details within the documents and plans referenced above, and the works are completed prior to the first occupation of the development, condition no.20 is discharged.

Condition no. 21 (fire damaged areas)

The contents of Document nos. 5, 6C and 7 together with details shown on the External elevation remedial works - south and west elevations Plan ref: FH/CC/Dwg 6A: and

External elevation remedial works - north and east elevations Plan ref: FH/CC/Dwg 6B are accepted.

On the basis that the development is implemented in accordance with the details within the documents and plans referenced above, and the works are completed prior to the first occupation of the development, condition no.21 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.4 (Materials)

The information within the Material schedule ref: A1225-Z100-A-01 rev B dated 20.04.2023 has been considered, together with the content of the Timetable for Programme of repairs and Samples Specifications (including Details of Quality Control Management Input) (Document 4) solely in regard to materials. However, as previously advised there will need to be a number of samples, such as any new bricks, pointing, rendering, cleaning, internal decorative plaster reinstatement, sample repaired window etc submitted for consideration. A sample of the proposed secondary glazing will also be needed, as a number of products have been proposed, unless this can be clarified, and final product details sent through. The samples can be provided on site for examination or if necessary the samples should be sent to the Local Planning Authority for consideration.

The submitted photograph of the rendered finish is not sufficient to agree the rendered finish . Officers will need to see this sample on site and also assess the areas of exposed brickwork and render removal. The final finishes / decoration colours in key areas in particular the windows, render and railings need also need to be formally agreed.

Furthermore, the materials schedule needs to be updated to refer to cast iron rainwater goods.

As the samples referenced above have not yet been provided for consideration condition no.4 is not discharged.

Condition no. 6 (sound and fire)

The detailed designs of measures the sound and fire separation between floors , and M & E measures, and their location set out on the plans set out below is considered to be satisfactory

Proposed emergency lighting, lighting and Fire Alarm Level 1 plan ref: 22541(63)001 rev.P2

Proposed emergency lighting, lighting and Fire Alarm Level 2 plan ref: 22541(63)002 rev.P2

Proposed above ground drainage Level 1 plan ref: 22541(52) 001 rev.P2;

Proposed above ground drainage Level 2 plan ref: 22541(52) 002 rev.P2;

Proposed above ground drainage Level 3 & 4 plan ref: 22541(52) 003 rev.P2;

Proposed above heating services Level 1 plan ref: 22541(56) 001 rev.P2;

Proposed above heating services Level 2 plan ref: 22541(56) 002 rev.P2;

Proposed above heating services Level 3 & 4 plan ref: 22541(56) 003 rev.P2;

Proposed above ventilation layout Level 2 plan ref: 22541(56) 002 rev.P2

Proposed above ventilation layout Level 3 &4 plan ref: 22541(57) 002 rev.P2

Proposed water services Level 1 plan ref: 22541 (53) 001 rev.P2

Proposed water services Level 2 plan ref: 22541 (53) 002 rev.P2

Proposed small power/data/telecoms level 1 plan ref: 22541(62)001 rev.P2

Proposed small power/data/telecoms level 2 plan ref: 22541(62)002 rev.P2

Proposed small power/data/telecoms level 3 &4 plan ref: 22541(62)003 rev.P2

Document 5 - Details of general clauses , specifications and method statements

Document 7 - Room by room schedule of works document specification and method statement

However, no external vents have been shown on the proposed external elevations . Detailed designs of the external face and materials forming the proposed vents, together with their location on the external elevation is required to be provided for consideration before condition no.6 can be discharged.

Condition no. 9 (new windows)

The content of Document nos. 5, 7 and 11, together with details shown on Annotations referencing works to windows and window replacement on Proposed north and east elevations Plan ref: A1225(02) AP006 rev.G and Proposed west and south elevations Plan ref: A1225(02) AP006 rev.G; Window elevation view (internal) and vertical cross section; proposed window type details plan rf: FH/CC/Dwg 13 have been reviewed .

This is considered to be an acceptable approach in dealing with each window and looking at repairs, part reinstatement and new windows. Furthermore, the additional document showing an aluminium secondary glazing product to the existing windows this product and the slimness of the frames is considered to be satisfactory.

However, the Acoustic Assessment report ref: HA192 dated November 2022 has been reviewed, and it is noted that the noise criteria cannot be met without installing mechanical ventilation. This is a concern given the Grade II status of the building. Further consideration will need to be given to alternative solutions to respect the Grade II listed status of the property and the achievement of appropriate noise levels within the proposed self-contained apartments. This will have the potential to require changes to the design of any replacement windows, and measures to retained windows. As such condition no.9 is not discharged at this time.

Condition no. 13 (rainwater goods)

The contents of Document nos. 5, and 7 have been considered in regards to rainwater goods together with the External elevation remedial works - south and west elevations Plan ref: FH/CC/Dwg 6A; and External elevation remedial works - north and east elevations Plan ref: FH/CC/Dwg 6B. It is also noted that all the rainwater goods would be cast iron.

The submitted approach is supported, however, as advised previously the colouration reflecting the original historic paint colouration and finish at the property, which would not be the black colouration proposed, as this was not readily available by the time the original, building was constructed. Until the original colouration of the rainwater goods has been determined, and confirmation is provided that the rainwater goods would be finished in this colouration, condition no.13 cannot be discharged.

Condition no. 16 (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/Drwg 9B and Means of enclosure and landscaping proposals plan ref: FH/CC/Drwg 9A (solely in regard to the proposed boundary treatment) has been considered .

It is also unlikely that the original paint to any metal work would have been black as this was not readily available by the time the original, building was constructed. As such an evidence base for colouration of the railings will be necessary. Furthermore, the railing design as proposed is lacking in finesse and sufficient detail to be able to be supported. It needs to be based in research to develop a detailed railing design that is of a suitable high quality for the listed building.

Furthermore, whilst the boundary wall detail shown on plan ref: Railing and Boundary Wall design plan ref: A1125(02)AP011 rev.A d is considered to be acceptable, a product specification has not been submitted for consideration

Therefore, on the basis of the design shown on plan ref: Railing and Boundary Wall design plan ref: A1125(02)AP011 rev.A , and the proposed black colouration , and no a product specification for the boundary wall, condition no.16 is not discharged.

Condition no. 17 (metal work)

It is have been advised previously that a simple paint scrape should be undertaken to the small areas of original metal work, as it is important to understand the original paint scheme to information the proposed decoration especially if the paint is being completely removed as all evidence of paint (evidential heritage value) would be totally lost. It is also unlikely that the original paint would have been black as this was not readily available by the time the original, building was constructed. As such an evidence base for colouration will be necessary .

Therefore, on this basis condition no.17 is not discharged.

Condition no. 18 (roof insulation)

Insufficient information has been provided in relation to the insulation of the roof. Please provide a detailed method statement, and specification in relation to insulation of the roof (including the location of the insulation material). Condition no.18 cannot be discharged at this time.

Condition no. 19 (existing staircases)

Document 5 which is referenced in connection with discharge of condition no.19, does not include details of the proposed repair works to the existing staircases. Please provide

detailed method statement, and specification in relation to the repairs to the existing staircases (including the location of the work) . On this basis condition no.19 is not discharged at this time

Condition no. 22 (damp/rot work)

The contents of Document nos. 1, 5, 6C and 7 together with details shown on the External elevation remedial works - south and west elevations Plan ref: FH/CC/Drwg 6A:

External elevation remedial works - north and east elevations Plan ref: FH/CC/Drwg 6B have been reviewed.

It is noted that the timber treatment specialist for historic buildings from Peter Cox has been engaged and has inspected Fenton House, and that a preliminary report on the

damage to the listed building caused by damp ingress has been compiled. Furthermore, that in ongoing discussions with the timber treatment specialist for historic buildings, it has been agreed that the improvements to the watertightness of the building, should be allowed to take effect. This is on the basis that the conclusion of the preliminary report is that a substantial amount of historic fabric would be lost if treatment work is undertaken whilst the building is wet and water ingress is continuing. The approach to allow for a 2/3 month period of 'drying out' is accepted to enable a more robust understanding in regard to whether a dry-rot / wet-rot problem is present. However, condition no.22 cannot be discharged until this information is known, and the full extent of works is clear. This information will then need to be submitted for consideration.

Date: 29 February 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.