

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

Partial approval of details reserved by condition

Applicant

Tahir Ahmed
Land Investments Manchester Ltd
2 Higher Ardwick
Manchester
M12 6BZ

Agent (if used)

Mr Saghir Hussain
Create It Studio Architects
Universal Square
Devonshire Street North
Manchester
M12 6JH

Part 1 – Particulars of the application/development

Proposal: Discharge of condition 3 (materials), 4 (CMP), 6 (waste management), 7 (acoustic insulation), 12 (bat avoidance method statement), 15 (railing design to Higher Ardwick) and 16 (boundary treatment to rear yard) attached to planning permission referenced 126094/FO/2020

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

Date of application: 14 February 2023

Application number: CDN/23/0064

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.4 (CMP)

The submitted Construction and Environmental Management Plan ref: A1225 dated August 2022 has been reviewed and is considered to be acceptable. On the basis that the development is implemented in accordance with the measures within the Construction and Environmental Management Plan, condition no.4 is discharged.

Condition no.6 (waste management)

The Proposed bin store plan ref: A1225(02)AP008 rev.D received 20.04.2023 (solely in relation to the bin store arrangements) in the location shown on site plan ref; A1225(02)AP001 rev.F, and the details within the Waste management proforma have been examined and are considered to be acceptable. On the basis that the development is implemented in accordance with the measures within the plans and document referenced above and are retained in situ whilst the use or development is in operation, condition no.6 is discharged.

Condition no. 12 (bat avoidance)

The Nocturnal Bat Survey report ref: CW20-473 RPT 001 dated July 2022 has been reviewed . On the basis that the development is implemented in accordance with the measures in the report referenced above condition no.12 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.3 (materials)

The information within the Material schedule ref: A1225-Z100-A-01 rev B dated 20.04.2023 has been considered, however , as previously advised there here 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.

As the samples referenced above have not yet been provided for consideration condition no.3 is not discharged.

Condition no. 7 (acoustic insulation)

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.
On this basis condition no.7 is not discharged.

Condition 15 (railing design)

The railing design to the Higher Ardwick frontage shown on plan ref: Railing and Boundary Wall design plan ref: A1125(02)AP011 rev.A has been considered solely in relation to the design for the proposed railing to the frontage with Higher Ardwick. It has 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 inform 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 . 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.

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 , condition no.15 is not discharged.

Condition no.16 (Boundary treatment)

The boundary wall design shown on the Proposed bin store plan ref: A1225(02)AP008 rev.D received 20.04.2023 has been reviewed. Whilst the design is considered to be acceptable, a product specification has not been submitted for consideration as such condition no.16 cannot be discharged at this time.

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.