

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

Refusal of details reserved by condition

Applicant

Chapel Walks LP
C/o Agent

Agent (if used)

Mrs Emily Davies
Avison Young
Norfolk House
Norfolk Street
Manchester
M2 1DW

Part 1 – Particulars of the application/development

Proposal: Discharge of condition 3b (Materials), 4 (Scaffold Details) and 5 (Final Details) of listed building consent reference 126423/LO/2020

Location: Cavendish House , Chapel Walks, Manchester, M2 1HN

Date of application: 9 August 2022

Application number: CDN/22/0559

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 3b (Materials)

The submitted information is insufficient to discharge this condition.

An email was issued on the 13 December 2022 to Emily J Davies requesting the following information and clarifications:

- There don't appear to be any drawings showing the front elevations showing locations of fixings.
- There doesn't seem to be any heritage guidance on the location of fixings and the need to be careful in selecting locations, for instance avoiding decorative elements. There is no narrative to explain if any alternatives to fixings been explored that would reduce the number of physical ties being fixed into fabric.
- The description states that the ties will be into the joints but I can't see if there are details of the actual tie size in diameters and whether it is plugged or self tapping. The

fixings will need to be made good when the scaffolding is taken down. We'll need to see the specification and sample repair to ensure a good match.

- There are proposed brick repairs and replacement in the scheme and we'll need to see samples of these prior to commencement of this item of work.
- The Renaissance drawings specify a cement mortar repair which is not a conservation spec. Can this be reviewed to base the proposed mortar on the original.
- The second floor plan has a note referring to the structural integrity of the cast iron columns, and states that this will need testing. We will need to have details of the proposed testing, for instance is it non-intrusive or intrusive and an explanation of what happens if it fails the test?
- The drawings have notes stating that timber repairs need further detailed survey, I assume that this is the Trace report. The Trace document suggests a number of repair techniques. There needs to be advice from the project teams heritage specialist as to what would be the most suitable repair in each location.

No further information has been received in respect of this matter (requests for updates were sent on the 05 January 2023 and 14 February 2023)

Condition 3b is not formally discharged.

Condition 4 (Scaffold Details)

The submitted information is insufficient to discharge this condition.

An email was issued on the 13 December 2022 to Emily J Davies requesting the following information and clarifications:

- There don't appear to be any drawings showing the front elevations showing locations of fixings.
- There doesn't seem to be any heritage guidance on the location of fixings and the need to be careful in selecting locations, for instance avoiding decorative elements. There is no narrative to explain if any alternatives to fixings been explored that would reduce the number of physical ties being fixed into fabric.
- The description states that the ties will be into the joints but I can't see if there are details of the actual tie size in diameters and whether it is plugged or self tapping. The fixings will need to be made good when the scaffolding is taken down. We'll need to see the specification and sample repair to ensure a good match.
- There are proposed brick repairs and replacement in the scheme and we'll need to see samples of these prior to commencement of this item of work.
- The Renaissance drawings specify a cement mortar repair which is not a conservation spec. Can this be reviewed to base the proposed mortar on the original.
- The second floor plan has a note referring to the structural integrity of the cast iron columns, and states that this will need testing. We will need to have details of the proposed testing, for instance is it non-intrusive or intrusive and an explanation of what happens if it fails the test?

- The drawings have notes stating that timber repairs need further detailed survey, I assume that this is the Trace report. The Trace document suggests a number of repair techniques. There needs to be advice from the project teams heritage specialist as to what would be the most suitable repair in each location.

No further information has been received in respect of this matter (requests for updates were sent on the 05 January 2023 and 14 February 2023)

Condition 4 is not formally discharged.

Condition 5 (Final Details)

The submitted information is insufficient to discharge this condition.

An email was issued on the 13 December 2022 to Emily J Davies requesting the following information and clarifications:

- There don't appear to be any drawings showing the front elevations showing locations of fixings.

- There doesn't seem to be any heritage guidance on the location of fixings and the need to be careful in selecting locations, for instance avoiding decorative elements. There is no narrative to explain if any alternatives to fixings been explored that would reduce the number of physical ties being fixed into fabric.

- The description states that the ties will be into the joints but I can't see if there are details of the actual tie size in diameters and whether it is plugged or self tapping. The fixings will need to made good when the scaffolding is taken down. We'll need to see the specification and sample repair to ensure a good match.

- There are proposed brick repairs and replacement in the scheme and we'll need to see samples of these prior to commencement of this item of work.

- The Renaissance drawings specify a cement mortar repair which is not a conservation spec. Can this be reviewed to base the proposed mortar on the original.

- The second floor plan has a note referring to the structural integrity of the cast iron columns, and states that this will need testing. We will need to have details of the proposed testing, for instance is it non-intrusive or intrusive and an explanation of what happens if it fails the test?

- The drawings have notes stating that timber repairs need further detailed survey, I assume that this is the Trace report. The Trace document suggests a number of repair techniques. There needs to be advice from the project teams heritage specialist as to what would be the most suitable repair in each location.

No further information has been received in respect of this matter (requests for updates were sent on the 05 January 2023 and 14 February 2023)

Condition 5 is not formally discharged.

Date: 23 February 2023

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.