

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

Refusal of details reserved by condition

Applicant

Investream Limited
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 4 b (Materials) attached to application ref no 126422/FO/2020

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

Date of application: 22 August 2022

Application number: CDN/22/0578

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 4b (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:

- The ground floor RCP drawing 1848(35)200 has a note stating that 'The design intent is to treat the existing reception beams in an appropriate manner in order to fit within the interior design scheme, whilst being conscious of their importance from a heritage perspective'. This is too vague and needs further detail.
- On the same drawing there is reference to 'existing lath and plaster repairs to holes in beam encasement and adjacent ceilings. New MF plasterboard underdrawn to these areas'. In all cases of original and exposed lath and plaster the aim should be to repair and retain on view rather than underdraw with plasterboard. Can this be revisited?

- There are concerns that the proposed paint specification is not compatible with traditional lime plaster where it is being used on historic or traditional surfaces and should be reviewed in the context of a suitable conservation paint specification.

- The Finishes Schedule refers to manifestations on the windows WF12 but I can't see any details of these. There are concerns if they are solid manifestations on existing windows.

- The schedule refers to intumescent paint to the columns - are these original columns? If so then there should be some paint sampling to understand the historic colours and for this to inform the final colour scheme.

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 4b is not formally discharged.

Date: 22 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.