



Planning and Highways Committee

Date: Thursday, 18 March 2021
Time: 2.00 pm
Venue: Virtual meeting - livestream -
<https://vimeo.com/514253503>

This is a supplementary agenda containing additional information about the business of the meeting that was not available when the agenda was published

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020

Under the provisions of these regulations the location where a meeting is held can include reference to more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers.

To attend this meeting it can be watched live as a webcast. The recording of the meeting will also be available for viewing after the meeting has closed.

Membership of the Planning and Highways Committee

Councillors

Curley (Chair), Nasrin Ali (Deputy Chair), Shaukat Ali, Andrews, Y Dar, Davies, Flanagan, Hitchen, Kamal, Leech, J Lovecy, Lyons, Madeleine Monaghan, Riasat, Watson and White

Supplementary Agenda

- 1a. Supplementary Information on Applications Being Considered
The report of the Director of Planning, Building Control and
Licencing. 3 - 22

Further Information

For help, advice and information about this meeting please contact the Committee Officer:

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This supplementary agenda was issued on **Wednesday, 17 March 2021** by the Governance and Scrutiny Support Unit, Manchester City Council, Level 3, Town Hall Extension (Mount Street Elevation), Manchester M60 2LA

MANCHESTER CITY COUNCIL

PLANNING AND HIGHWAYS

**APPENDIX TO AGENDA
(LATE REPRESENTATIONS)**

**on planning applications to be considered by
the Planning and Highways Committee**

at its meeting on 18 March 2021

This document contains a summary of any objections or other relevant representations received by the Department since the preparation of the published agenda. Where possible, it will also contain the Director of Planning, Building Control & Licensing's own brief comment. These summaries are prepared on the day before the Committee. Very late responses therefore have to be given orally.

**APPENDIX TO AGENDA
(LATE REPRESENTATIONS)**

Planning and Highways Committee 18 March 2021

Item No. 5

Application Number 126927/FH/2020

Ward Rusholme Ward

Description and Address

Erection of two storey side and part two, part single storey rear extension to provide additional living accommodation

9 Norman Road, Manchester, M14 5LF

1. Public Opinion

One further letter has been received reiterating their objections to both the original scheme as submitted and the revised scheme.

2. Neighbourhood Services Arboriculture

Have viewed the proposed floor plan and photos provided by the applicant and confirms that much of the rear garden (where you would potentially expect to find roots from the offsite trees) is currently covered in a concrete slab and therefore due to the limited permeability of the concrete, it is not likely that a great deal of rooting activity would be found in this location.

An arboricultural method statement which identifies the percentage of Root Protection Area estimated to be in this location and how they proposed to minimise the impact the development will have on it; should be submitted before the development commences. However, it is considered that the proposed development would not have a significant impact on the offsite tree stock.

3. Director of Planning

There is an error in the description of the development in that the ground floor rear extension projects 6 metres and the first floor rear extension projects 3 metres. Whilst these dimensions are larger than referred to in the report these dimensions are in accordance with the submitted drawings and the assessment of the proposed scheme has been carried out in accordance with those submitted drawings and the correct dimensions.

A condition is included within the report requiring the submission and approval of an Arboricultural Method Statement.

The recommendation of the Director of Planning remains one of APPROVE.

**APPENDIX TO AGENDA
(LATE REPRESENTATIONS)**

Planning and Highways Committee 18 March 2021

Item No. 6

Ward Withington Ward

Description and Address

Confirmation of The Manchester City Council (Land at 7 Brunswick Road, Withington) Tree Preservation Order 2020

1. Representation in support of the TPO

A Tree Risk Appraisal report provided by the homeowners arboricultural contractor RLTC stating that the Oak tree appears to be in good health with good structure, good vigour and thriving in its location. While it considers the tree does not need any pruning at present a pruning specification is provided to support increase in light levels while not affecting the health of the tree or its form.

A further representation has been received from the homeowner where the tree is located which can be summarised as follows:

The tree is probably 150 years of age and the house is called Oak Villa, which suggests the tree was there when the house was built in the late 1890s

Continuing the TPO will ensure that the tree, which is slow growing and has a life expectancy of several hundred years, will be protected not just for now but for future generations.

There is overwhelming support locally for the tree (17 out of 21 representations made to the council were in favour of confirming the TPO). The tree is much loved, not just by us at 7 Brunswick Road but many people locally and the TPO is supported by the Withington Civic Society and South East Fallowfield Residents Group. The three local councillors have also sent an email to the committee chair to confirm that that they fully accept the recommendations of the report.

All have emphasised the visual amenity benefit of the tree to residents and visitors and people on the roads and pavements locally – this is demonstrated not only by the photos in the report but also the additional photos provided below

It is appreciated that neighbours from 4 adjacent properties on Burlington Road oppose the TPO, principally it would seem on the basis of shading and the opinion is expressed that that shading is not a valid reason in planning terms to refuse a TPO.

A TPO does not prevent permitted pruning works to a protected tree. The owner states she is happy to apply for sympathetic pruning works (which would not affect the health or beauty of the tree) to be carried out, with the approval of the council –

the tree itself is healthy and does not require such works – this would be purely for the benefit of neighbours. The City arborist has now put forward a specification of works and owner would be happy to agree these.

If branches were cut back to the boundary of the neighbouring properties in Burlington Road, which could occur without the TPO, that could jeopardise the long-term health as well as the visual amenity of the tree. Concerns are compounded by recent activity at one of those properties where a mechanical digger has been used to completely clear the garden, including digging around the roots of the oak, despite its TPO status.

Mature trees are crucial to combat climate change and are ecosystems in themselves providing food and shelter for bats, birds, insects and other plants such as mosses and lichens. I regularly see woodpeckers in the tree – photographic evidence provided - and regularly see all manner of birds – nuthatches, tits of all sorts, wagtails, tree creepers and so on.

Examples of Submitted Photographs -









2. Representations objecting to the TPO

2 further objections have been received from occupiers of neighbouring properties. A document providing the content of these objections is provided as Appendix A.

3. Member Representations

Councillor Moore had expressed concern about the tree overshadowing neighbours' gardens and asked for officers to carry out a site visit. Following the site visit and subsequent report, all the recommendations in the report are accepted and reiterates that all three Withington ward councillors have no objections to the TPO.

4. City Arborist

Further to a site meeting with neighbours a schedule of recommended pruning works to the mature Oak tree have been provided and has been distributed to both parties.

The City Arborist state that this TPO if confirmed will prevent the potential for the tree from being pruned back to the boundary. This, if carried out, would create large pruning wounds that would potentially allow decay and disease into the tree.

City Arborist carried out a site visit and meeting following a complaint that a mini digger was operating within the protected rootzone area and removing topsoil adjacent to the Oak tree. Works were stopped and the City Arborist considers that there had been no demonstrable impact on the overall health of the tree from the works that were carried out.

5. Director of Planning

In response to the points raised above, while it is stated the tree is not largely visible from the named surrounding streets (and where it is visible only in small glimpses) and as such does not contribute significantly to the visual amenity of the surrounding area, it is clear from all the photographic evidence provided that the Oak trees canopy is visible from numerous viewpoints in surrounding streets. While some of these views are between residential buildings others are open and interrupted from the public highway and adjacent residential properties. The City Arborist report states this Oak tree can be seen from the road and many viewpoints.

In relation to the issued raised over the canopy size of the Oak tree, it is acknowledged that this could be approximately 16m at its maximum and that it overhangs neighbouring gardens. When discussing the trees canopy size, the committee report states this an average crown diameter of approximately 10m, which considers the average overall crown cover of the tree.

There are differing opinions on the level of pruning works carried out on this tree since 2008 and also on discussions held between interested parties on appropriate required pruning. The City Arborist has provided a recommended pruning specification which they consider considers the situation and should satisfy both parties.

With regard to the location of the Oak tree it is acknowledged that this tree is approximately 3m from the nearest neighbouring common boundary, the rear garden boundary of properties on Burlington Road. The committee report was seeking to address the issue raised by a concerned neighbour in relation to position of the tree and potential structural issues to their property. Not including the property at no 7 Brunswick Rd, where no structural issues have been reported, the closest residential property is approximately 15m from the tree, which is outside the main rootzone area of the tree and any roots close to the property would be small and fibrous.

The reasons for confirmation of the TPO are clearly set out within the report and having considered the further representations, the recommendation remains to **CONFIRM** the TPO.

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Objection to Tree Preservation Order JK/4/12/2020 – 7 Brunswick Rd, Manchester, M20 4GA

16th March 2021

Submitted on behalf of those objecting to the above TPO

Please note this note is solely a response to the report from the Director of Planning, Building Regulations and Licensing and comment on the original TPO. All four parties that oppose the TPO maintain their objections to the TPO.

The above TPO states that T1 *“forms an important element of the street scene of Brunswick Road and the wider urban landscape character of the area. Due to its size, form and prominent location this tree makes a significant contribution to the visual amenity of the surrounding predominantly residential area, in particular for the occupiers and visitors to the properties on Brunswick Road, Parsonage Road and Burlington Road, and also for both vehicular and pedestrian passers by”*. This is inaccurate.

The report of the Director of Planning, Building Regulations and Licensing stated *“Its large canopy is clearly visible to both occupiers of surrounding residential properties as well as public areas, principally from the public highway of Brunswick Road, Parsonage Road, Burlington Road and Alan Road”*

The Conclusion of the same report wrongly states the objections are principally based on the size of the tree and its impact on light to surrounding neighbours’ gardens. The principal objection is actually that the tree is largely not visible from the named surrounding streets (and where it is visible only in small glimpses) and as such does not contribute significantly to the visual amenity of the surrounding area. Vehicular passers by in particular will struggle to see the tree at all, while pedestrian passer by views are restricted to a single short area in either direction on Brunswick. Only those houses that back onto the tree can clearly see it, and they place far greater weight on its negative impacts than any visual impact.

Appendix 2 demonstrates this.

The report of the Director of Planning, Building Regulations and Licensing contains a number of other factual inaccuracies that risks the misrepresentation of the situation to the Planning Committee, including:

- *‘The mature oak is an important and well looked after tree’* – no known pruning or management of this tree has occurred since at least 2008.

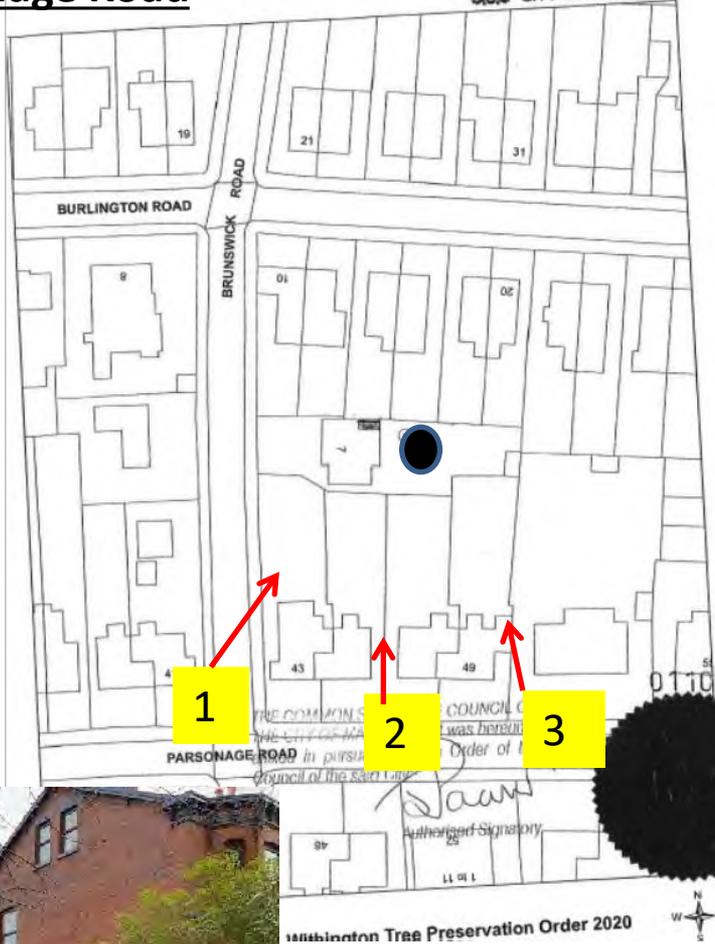
- *'Proposed pruning works by neighbours to cut back to the border would probably compromise the health of the tree and eventually kill it'* – the 4 objecting families do not wish to cut the tree back to the border. They have proactively sought to reach a mutually agreed level of pruning and provided proposed pruning to the landowner of 7 Brunswick by email on 9th & 18th January 2021, with follow up discussions on weekend of 23rd/24th January. 7 Brunswick have rejected the proposals but not provided their own opinion of any level of acceptable pruning. 7 Brunswick have refused to provide any opinion on pruning unless all objections to the TPO are withdrawn beforehand.
- *'A request was made by the owner for the tree to be surveyed and assessed if it was worthy of a TPO. This followed a change in ownership to a neighbouring property and concerns that works could be carried out to the tree without mutual agreement and not in the interests of the form or health of the tree'* – as above, the owner of 7 Brunswick has been approached on multiple occasions to provide reassurance that this is not the case.
- *'Making a TPO application is a relatively simple process and can be submitted by the homeowner or any other interested party. This should facilitate agreement in the future by all interested parties for the appropriate level of works to the tree.'* The neighbours have sought to engage with the landowner at 7 Brunswick since early January to reach agreement on an appropriate level of works to the tree – as highlighted above 7 Brunswick have refused to engage meaningfully on this.
- *'The closest neighbouring properties are approximately 15m from the main stem of this Oak tree, which would be beyond the rootzone area.'* – The closest property is 7 Brunswick where it adjoins neighbouring family gardens, with the house estimated to be 3m from the tree. Given the proximity to the boundary, any structural problems with 7 Brunswick also presents risks to the adjoining family gardens. The other neighbouring properties are 12m away.
- *'This mature Oak is approximately 14m in height with an average crown diameter of approximately 10m'.* – The East-West diameter of the crown is at least 16m.

Appendix 1 – Pruning Requested by Neighbours and proposed to 7 Brunswick on 9th and 18th January and discussed in person on 24th January.



Appendix 2 – see next page

View From Parsonage Road



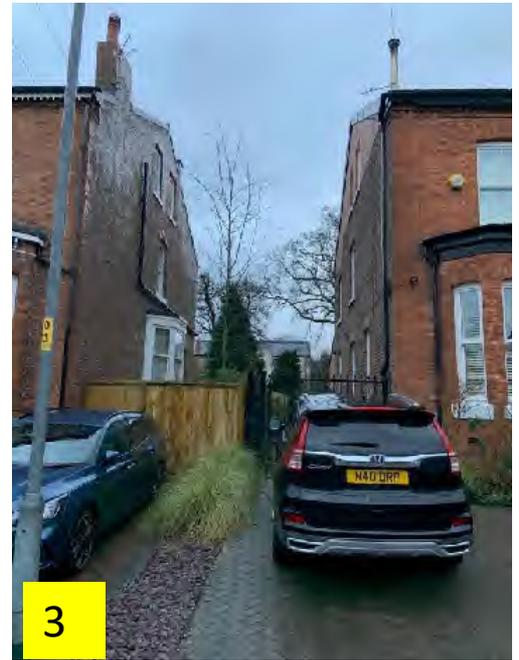
Not visible or discernable from other trees

Burlington Road

1

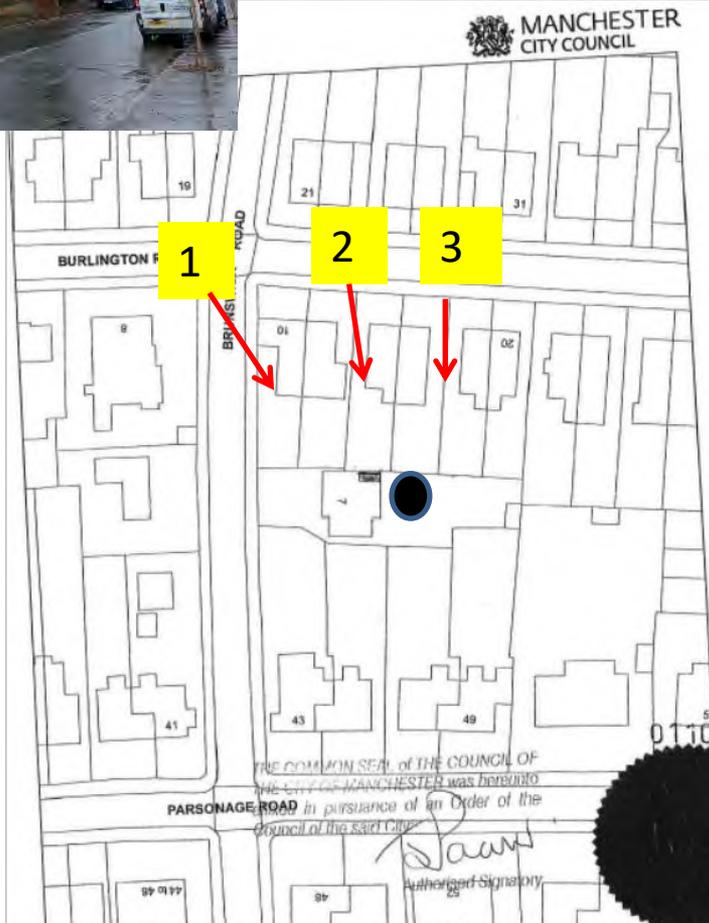


Not visible or fleeting glimpses between buildings



3

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2

Appendix 1 Item 1a

Brunswick Road



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A few steps left – not visible



Photo 1 from Council Report



A few steps right – not visible



A few steps forward – not visible

Houses Affected

Those deemed to be affected are almost entirely opposed to the TPO and place significantly more weighting on the negative impacts of the tree on health & wellbeing than on any visual amenity



Addresses affected (as written to by council)

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- Objected
- 1 x house share
- T1 Oak

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