



Planning and Highways Committee

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

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

Agenda

- 1. Urgent Business**
To consider any items which the Chair has agreed to have submitted as urgent.
- 1a. Supplementary Information on Applications Being Considered**
The report of the Director of Planning, Building Control and Licencing will follow.
- 2. Appeals**
To consider any appeals from the public against refusal to allow inspection of background documents and/or the inclusion of items in the confidential part of the agenda.
- 3. Interests**
To allow Members an opportunity to [a] declare any personal, prejudicial or disclosable pecuniary interests they might have in any items which appear on this agenda; and [b] record any items from which they are precluded from voting as a result of Council Tax/Council rent arrears; [c] the existence and nature of party whipping arrangements in respect of any item to be considered at this meeting. Members with a personal interest should declare that at the start of the item under consideration. If Members also have a prejudicial or disclosable pecuniary interest they must withdraw from the meeting during the consideration of the item.
- 4. Minutes** 7 - 14
To approve as a correct record the minutes of the meeting held on 18 February 2021.
- 5. 126927/FH/2020 - 9 Norman Road, Manchester, M14 5LF - Rusholme Ward** 15 - 38
The report of the Director of Planning, Building Control and Licensing is enclosed.
- 6. Confirmation of The Manchester City Council (Land at 7 Brunswick Road, Withington) Tree Preservation Order 2020 - Withington Ward** 39 - 48
The report of the Director of Planning, Building Regulations and Licensing is enclosed.

Meeting Procedure

At the beginning of the meeting the Chair will state if there any applications which the Chair is proposing should not be considered. This may be in response to a request by the applicant for the application to be deferred, or from officers wishing to have further discussions, or requests for a site visit. The Committee will decide whether to agree to the deferral. If deferred, an application will not be considered any further.

The Chair will explain to members of the public how the meeting will be conducted, as follows:

1. The Planning Officer will advise the meeting of any late representations that have been received since the report was written.
2. The officer will state at this stage if the recommendation of the Head of Planning in the printed report has changed.
3. ONE objector will be allowed to speak for up to 4 minutes. There is information below on how to seek to register to speak at an online meeting.
4. The Applicant, Agent or their representative will be allowed to speak for up to 4 minutes. There is information below on how to seek to register to speak at an online meeting.
5. Members of the Council not on the Planning and Highways Committee will be able to speak.
6. Members of the Planning and Highways Committee will be able to question the planning officer and respond to issues that have been raised. The representative of the Highways Services or the City Solicitor as appropriate may also respond to comments made.

Only members of the Planning and Highways Committee may ask questions of the officers. All other interested parties make statements only.

The Committee having heard all the contributions will determine the application. The Committee's decision will in most cases be taken under delegated powers and will therefore be a final decision.

If the Committee decides it is minded to refuse an application, they must request the Head of Planning to consider its reasons for refusal and report back to the next meeting as to whether there were relevant planning considerations that could reasonably sustain a decision to be minded to refuse.

External participation in the Committee's online meetings

Nominated representatives can continue to request to speak at the committee (only one person will normally be allowed to speak for and against an application). If you wish to nominate someone (including yourself) to speak, please contact <mailto:gssu@manchester.gov.uk> before 10am two days before the scheduled committee meeting (that will normally be before 10am on the Tuesday). You will need to provide:

- Name and contact details of the registered speaker (an email address will be required, in order that the speaker can be invited to join the meeting)
- Description and planning reference number of the matter on which they wish to speak
- If you want to speak in support or as an objector

Only one person can speak for or against any application. Please note that the applicant or an appointed agent will normally speak on their application, so you are unlikely to be able to speak in support of it. If there is more than one nomination to speak against an application, the person whose nomination was received first by the Council will be given that position.

Information about the Committee

The Council has delegated to the Planning and Highways Committee authority to determine planning applications, however, in exceptional circumstances the Committee may decide not to exercise its delegation in relation to a specific application but to make recommendations to the full Council.

Copies of the agenda are available beforehand from the reception area at the Main Entrance of the Town Hall in Albert Square and may be viewed on the Council's website up to seven days prior to the date of the meeting (see web information below). Some additional copies are available at the meeting from the Committee Officer.

It is the Council's policy to consult people as fully as possible before making decisions which affect them. Members of the public do not have a right to speak at meetings but may do so if invited by the Chair. If you have a special interest in an item on the agenda and want to speak, tell the Committee Officer, who will pass on your request to the Chair. Members of the public are requested to bear in mind the current guidance regarding Coronavirus (COVID-19) and to consider submitting comments via email to the Committee Officer rather than attending the meeting in person. The contact details of the Committee Officer for this meeting are listed below.

Agenda, reports and minutes of all Council meetings can be found on the Council's website www.manchester.gov.uk

Joanne Roney OBE
Chief Executive,
3rd Floor, Town Hall Extension,
Lloyd Street,
Manchester, M60 2LA

Further Information

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

Andrew Woods
Tel: 0161 234 3011
Email: andrew.woods@manchester.gov.uk

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Planning and Highways Committee

Minutes of the meeting held on Thursday, 18 February 2021

This Planning and Highways meeting was a meeting conducted via Zoom, in accordance with the provisions of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

Present: Councillor Curley (Chair)

Councillors: Shaukat Ali, Andrews, Y Dar, Davies, Flanagan, Hitchen, Kamal, Leech, Lovecy, Madeline Monaghan, Riasat, Watson and White

Apologies:

Councillors: Nasrin Ali and Lyons

Also Present:

Councillors: Wilson (ward Councillor) and Wills (ward councillor)

PH/20/08 Supplementary Information on Applications Being Considered

A copy of the late representations that were received in respect of applications (127566/FO/2020, 121252/FO/2018, 128920/FO/2020 and 129010/FO/2020), since the agenda was issued. Additional late representations had been received in respect of the Tree Preservation Order (109 Parsonage Road, Manchester).

Decision

To receive and note the late representations.

PH/21/09 Minutes

Decision

To approve the minutes of the meeting held on 21 January 2021 as a correct record.

PH/21/10 127566/FO/2020 - 369 Parris Wood Road, Manchester, M20 6JE - Didsbury East Ward

This application relates to a change of use from C3 (dwellinghouse) to C3 (dwellinghouse) and Class E (Osteopathy Clinic) together with a part single/part two storey side extension to provide additional living accommodation at ground and first floor and clinic at ground floor.

The Planning Officer introduced the application and informed the Committee that a further representation had been received regarding the classification of representations received as a petition rather than a joint objection from residents.

An objector to the application addressed the Committee on behalf of thirty four residents. The objections referred to the accessibility of vehicles, the proposed change of use of the property and overdevelopment that were considered to be detrimental to the area and would result in disamenity. Reference was made to a previous application for an adjacent property which had been refused and what difference there was with the application being considered. Reference was also made to changes to the street scene, increased on street parking, loss of privacy and the size of the car park on to be included on the property and the conflict with planning policies.

The applicant addressed the Committee on the planning application.

Councillor Wilson (ward councillor) addressed the Committee on behalf of the other ward councillors to raise the joint objection of a large number of local residents and Barlow High School, regarding potential parking issues, traffic volume, accessibility and road safety. Other objections related to an overdevelopment due to the change of use of the property. The Committee was reminded of a previous application (2002) for a neighbouring property that had been refused for a change of use to a commercial property due to the location within a residential area and the potential increase in use and vehicle movement and parking causing a loss to residential amenity as referred to in the UDP.

The Planning Officer reported that in reference to the points raised regarding the impact to the character of the area, a very similar extension design had also been agreed for the adjacent property to the application site. The proposed extension design would be subservient to the main house and would be set back to provide a sense of space. There would be visual improvements to the property with the introduction of soft landscaping and removal of the existing garages. The removal of part of the boundary wall would allow a view into the property, however the proposal was considered to be acceptable. The Committee was advised that the application had been required for consideration due to the number of appointments the proposed business could generate during the day and it must be noted that it is an issue of fact and degree as to whether running a business from home requires planning permission. The application includes conditions to control the operation of the business and involves enforcement action if the conditions are not met. The inclusion of two car parking spaces had been examined by the highways officer and the space was considered to be large enough for cars to safely manoeuvre.

The chair invited members of the Committee to ask questions.

Members referred to the property opposite with a similar design extension and asked officers if a business was run from the property. Officers were also asked if the building line of the proposed extension crossed the building line of properties on Craigweil Avenue and had changing the access to the property from Craigweil to Parrswood Road been considered. Officers were asked if the conditions proposed

are sufficiently strong enough to prevent the intensification of the business and was a further application required if additional staff were to be employed.

The Committee was advised that the property adjacent is a private residence and did not run a business. The extension would be forward of the building line of the properties on Craigweil Avenue and that would mirror the property opposite which has a similar impact. Parking access and manoeuvring on Parrswood Road would be more difficult due to the volume of traffic. The parking spaces at the side of the property have sufficient space for cars to manoeuvre and the front of the property provides access to a parking space for the property owner. The application includes a planning statement and refers to the employment of staff at the business and the number of appointments. The Committee was advised that the planning statement can be amended to reduce those numbers, if necessary.

Councillor Andrews moved the recommendation to approve the application, subject to:

- an amendment to Condition 5 to amend the Planning Statement to specify the number of employees for the business premises and ensure appointment only basis for clients.
- an additional condition for the requirement that the applicant applies for a “H” parking road marking to be installed at the visitor parking entrance of the property.

Councillor Shaukat Ali seconded the proposal.

Decision

The Committee approved the application, subject to the Conditions detailed in the report submitted and subject to:

- an amendment to Condition 5 to amend the Planning Statement to specify the number of employees for the business premises and ensure appointment only basis for clients.
- an additional condition for the requirement of offsite highways marking, that the applicant applies for a “H” parking road marking to be installed at the visitor parking entrance of the property.

(Councillor Flanagan did not take part in the consideration or vote on the application.)

PH/21/11 121252/FO/2018 - Great Marlborough Street Car Park, Great Marlborough Street, Manchester, M1 5NJ - Deansgate Ward

This application is for the partial reconfiguration of existing Multi-Storey Car Park (MSCP), including temporary access off Great Marlborough Street, construction of 5 storey external ramps, closure of vehicular access to top level; and construction of new facade; and partial demolition of the surplus part of existing MSCP and erection of a part 55, part 11 storey, part 4 storey mixed-use building comprising 853 Purpose Built Student Accommodation units (sui generis), ancillary amenity space and

support facilities, and 786sqm (GIA) SME incubator workspace (Use Class B1), including public realm improvements and other associated work.

The Planning Officer reported that the applicant had requested that consideration of the application be deferred to allow a technical issue on the application to be addressed. The Committee was informed that the application would be submitted to a future meeting.

Decision

To agree to defer consideration of the application.

PH/21/12 128920/FO/2020 - Land Off Cringle Road, Manchester, M19 2RR - Levenshulme Ward

This application relates to retrospective application for the retention of 1.8 metre-high fencing to Cringle Road and Nelstrop Road North for a temporary two year period.

The planning officer introduced the application and informed the committee of the additional representatives and images received, that had been circulated to committee members prior to the meeting. The representations had outlined the introduction of the new fence and the images provided views of the area before the fence was erected and following the work. The representations had asked the committee to consider an additional condition requiring a mature hedge to be planted after the two year period had ended, the green corridor to be maintained and the walking/ cycling route to be upgraded. The planning officer stated that it was regrettable that the green vegetation had been removed from Nelstrop Road North, however planning permission was not required for the removal of the vegetation and for the erection of a one metre high fence. The removal of the vegetation had been referred to in the outline planning application and the landscaping of the development would be the subject of a reserved matters application involving the submission of the detailed scheme. Following the loss of the vegetation, five hawthorn hedge plants had been planted in the area concerned.

The objector addressed the committee on the application. Reference was made to the loss of the hedge which had been included within the representation submitted. The Committee was requested to include additional conditions on the application for the replanting of a substantial hedge. Reference was made to the continued maintenance of the green corridor between Manchester and Stockport in line with Council strategies.

The applicant's agent addressed the Committee on the application.

The planning officer reported that once the development was completed a landscaping scheme would be submitted that would allow the submission of comments by the public. Also, if the development was not commenced within the two year deadline there would be mitigation for removal of the fence and additional boundary planting on the site.

The Chair invited members of the Committee to ask questions.

Members referred to the temporary time period for the fencing and sought an assurance that if after two years, the fence would be required to be removed and a boundary hedge reinstated. A member commented that if after two years no work had started it was likely that the developer may reapply for the permission to be extended and it was unfortunate that it was not possible to measure the impact of the loss of vegetation on wildlife habitat.

A member referred to the temporary application and asked Planning Officers for consideration to be given to introduce more permanent planting to the site that would form part of the planting scheme to ensure that it was not removed after the completion of the development. The member suggested that in the event that after two years no building had taken place and if an application is made to extend the permission further, the application should be submitted for consideration by the Planning and Highways Committee.

The Planning officer reported that the suggestions could be explored further with the developer. A note would be made in the application case notes in the event of a further application being made.

Councillor Andrews moved the recommendation to approve the application.
Councillor Shaukat Ali seconded the proposal.

Decision

The Committee agreed to the temporary approval for the retention of 1.8 metre high fencing to Cringle Road and Nelstrop Road North up to 18 February 2023.

PH/21/13 129010/FO/2020 - Public Car Park Accessed via Stockport Road and Albert Road, Manchester, M19 3AB - Levenshulme Ward

This application relates to the temporary use of the southern section of public car park as a market for a period of 4 years: operating on Saturdays 10.00 am to 4.00 pm (52 weeks per year); Fridays between 4.00 pm and 10.00 pm (up to 12 evenings per year) and Sundays 10.00 am and 5.00 pm (up to 12 days per year) with the associated retention of an existing container / generator unit and fenced enclosure to be used for storage of segregated waste/ recycling and installation of 1 x electrical power cabinet

The Planning Officer reported that there was an issue relating to the ownership of part of the application site and requested that the application be deferred.

Decision

To agree to defer consideration of the application.

PH/21/14 Confirmation of the Manchester City Council (109 Parsonage Road, Manchester) Tree Preservation Order 2020 - Withington Ward

Consideration was given to the report of the Director of Planning relating a Tree Preservation Order 2020 that sought approval of the Committee to instruct the City Solicitor to confirm the Tree Preservation at 109 Parsonage Road, Manchester, M20 4WZ, under Section 199 of the Town and Country Planning Act 1990, and that the Order should cover the tree as plotted T1 on the plan included in the report submitted.

The Chair invited the homeowner to address the Committee in objection to the Tree Preservation Order. The homeowner stated that the three trees within the property are causing and continue to cause substantial damage to the foundation and structure of the house and also have caused damage to drains connected to the property. This is supported by a structural survey report and drainage survey. A local search was carried out and the City Council confirmed at the time, there was no TPO on trees at 109 Parsonage Road. This had influenced the current homeowner's decision to purchase the property. The making of the TPO has caused a great deal of distress to the family and they feel misled by the Council. The Council did not make the homeowner aware a TPO was being made on the trees at the property. The homeowner would have not purchased the property if they were aware of this. The trees are dangerous to both the homeowners and their family and to passers-by, from the potential of falling branches and collapsing boundary wall. Flagstone(s) have lifted within the property causing a young child to trip. The homeowner intends to apply for permission to build a side extension in area currently occupied by the trees. An offer had been to the Council to help with cost to plant trees in Ladybarn Park to mitigate the loss of the trees. The local community have expressed its support to remove the trees (133 messages of support and signatures received). The family have never received correspondence on the proposal for a TPO because the letter received was addressed to the wrong person. The side bay does have sufficient footings. The family will consider selling the property if the TPO is confirmed. The trees have been monitored since July 2020 and the situation is worsening.

The applicant for the TPO addressed the Committee in favour of the Order.

Councillor Wills addressed the Committee in support of the homeowner to object against the TPO.

The Planning Officer reported that the planting of trees in Ladybarn Park would have to be carried out as an informal agreement and not as part of any conditions relating to the TPO. The Committee was advised that future maintenance work could be carried out on the trees and a request could be made to remove the trees, if damage was caused.

The Chair invited members of the Committee to ask questions.

Members referred to the benefit provided by trees in gardens but noted the sizes of the trees concerned and the structural survey carried out on the property which members of the Committee had not seen. It was noted that the homeowner would be financially liable for the maintenance of the trees.

The Planning Officer reported that the survey had been assessed by a Council arborist and a surveyor. The Committee was advised that any structural work to the property, such as underpinning would be the responsibility of the homeowner. Members raised the issue of whether it would be reasonable to modify the TPO in order to cover only one or two of the trees. In view of the questions raised regarding the confirming of the TPO, the Committee was advised that there was time available to allow the homeowner to undertake a further survey to better determine which of the trees individually could be potentially causing structural issues to the property.

The planning officer reported that any additional information provided by the homeowner would be assessed by Council officers. It was not possible for the Council to undertake a structural survey on a privately owned property.

Councillor Flanagan proposed that the Tree Preservation Order be deferred to allow time for the homeowner to provide a structural report to identify structural issues in the property that may have been caused by a tree or trees. Councillor Andrews seconded the proposal.

Decisions

1. The Committee deferred the Tree Preservation Order to allow the homeowner to conduct a further survey on the property to determine any structural issues that may have been caused by individual trees within the property and the subject of the TPO.
2. That subject to the agreement of the homeowner, the structural survey submitted to the Council by the homeowner be circulated to members of the Committee for information.

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Application Number	Date of Appln	Committee Date	Ward
126927/FH/2020	18th May 2020	18 th March 2021	Rusholme Ward

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

Location 9 Norman Road, Manchester, M14 5LF

Applicant Mr Muhammad Mahmood , 9 Norman Road, Manchester, M14 5LF

Agent Mr Nasar Ishfaq, JAAN Architects Ltd, 37 Sudbury Drive, Stockport, SK8 3BT

Executive Summary

This application is for the erection of side and rear extension to the outrigger of a large semi-detached property to form a multi-generational home. The property is not listed or in a conservation area, however, it is a distinctive property with ground floor front bay window and projecting arch porch with stepped access. The proposed extensions have been amended since they were originally submitted to reduce their scale and to reduce impacts on the appearance of the main body of the building and the adjoining property.

The main issues arising from the proposals are the intended levels of occupation of the property together with the impacts on residential and visual amenity that arise from the proposed extensions.

10 neighbouring occupiers were notified of the application proposals, due to the amendments to the proposals a further notification period was undertaken. As a result of this process there has been a high level of interest in the application, with 94 objections and 35 comments in support received over the two notification periods. Local ward members have also commented on the scheme.

Description

This application relates to a large two storey semi-detached villa on the north side of Norman Road. The property has an elevated ground floor and is accessed by a flight of steps leading to a substantial decorative entrance porch. There is also a flat roofed bay to the ground floor and basement levels. At the rear there is a three-storey outrigger shared with the adjoining property. On the side of the outrigger is a substantial bay window, glazed on three sides. There is a substantial attached garage, 8 metres deep by 2.3 metres wide, at the side of the main body of the property infilling the space between the building and the site boundary. The property has a hipped roof with decorative brick eaves detailing. The outrigger has a dual pitch roof with a gable to the rear elevation. The building was originally of brick construction, this has, together with the neighbouring property been painted in a combination of off white and grey.



Front elevation of number 9 and 11 Norman Road (no. 9 to the left hand side)

The front garden is 9.6 metres wide by 11.5 metres deep. There is a drive on the west side and a pedestrian gate adjacent to the boundary with the adjoining property. The rear garden is 20 metres long. The rear garden contains a number of shrubs but no trees although there are TPO trees in the neighbouring garden of number 7 Norman Road.



View of the rear of the application property to the right and adjoining semi-detached property

In December 2017 planning permission reference 117702/FH/2017 was granted for the erection of a single storey rear extension on the outrigger projecting 3.5 metres. The planning permission has not been implemented.

The site is located in a predominantly residential area. The other half of the semi is a mirror image although without the side garage and the plot is not quite as wide.

To the east is a large two storey double fronted detached property, again with an elevated ground floor. This property has a 27 metre deep front garden resulting in the front face of the property being level with the rear face of the outrigger of the application property. The ground floor appears to be in use as offices for psychotherapist, psychologists and psychiatrists, with residential use above. There are several trees, two of which are subject to Tree Preservation orders in the front garden adjacent to the boundary with 9 Norman Road.

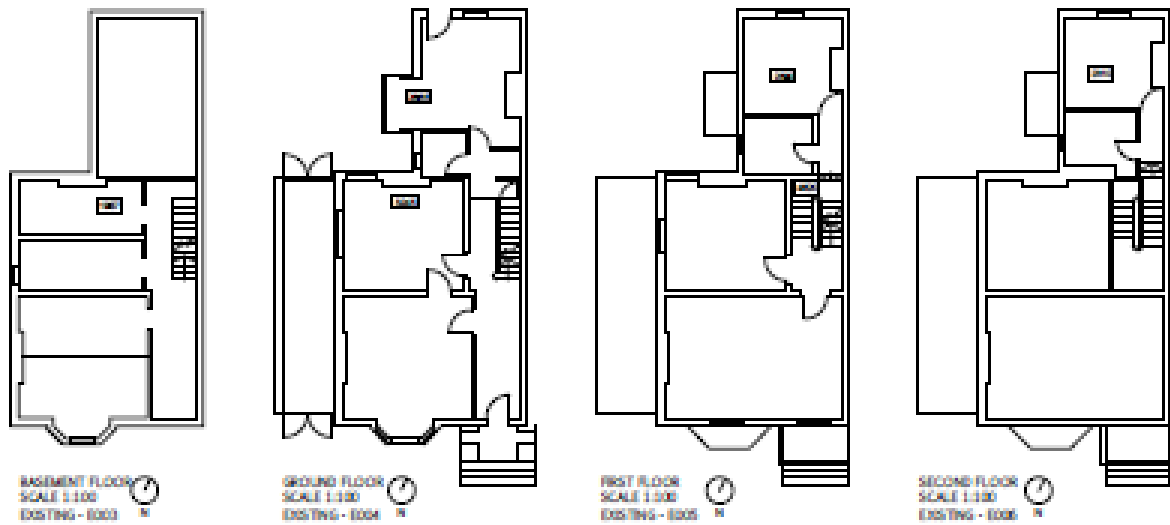
To the north of the site adjoining the rear garden is the rear garden of a residential property at 32 Hall Road. The distance from the rear wall of the application property to the boundary fence with this garden is 20 metres.

This application proposals have been amended since they were originally submitted, and planning permission is now sought for the erection of a two storey side and part two, part single storey rear extension.

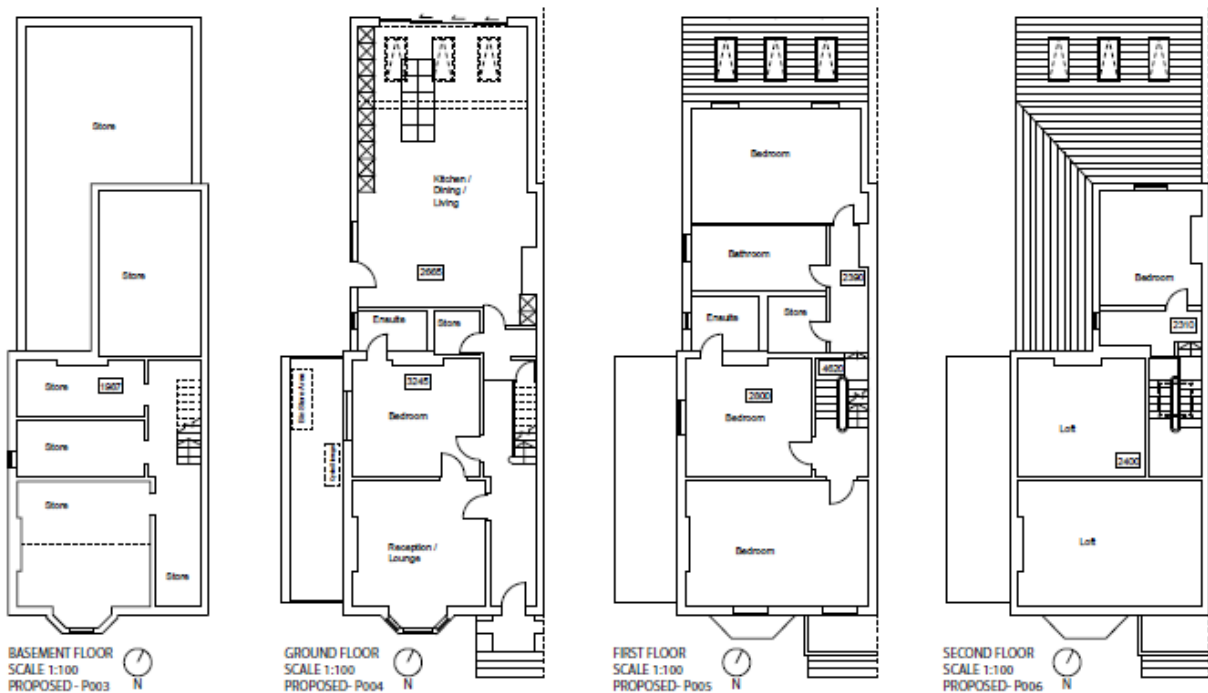
The two-storey side extension would project approximately 2.7 metres from side of outrigger, so that the side elevation is set in approximately half a brick to create a break between the existing building and the proposed. The rear extension would project approximately 5.75 metres at ground floor level and approximately 3 metres at first floor level. The rear extensions would be set in marginally from the shared boundary but otherwise occupy the full width of the outrigger and the proposed side extension. The two-storey part of the extension would have a hipped roof that wraps around the side and rear of the property and the single storey element would have a mono pitch roof.

The side elevation of the extension would contain at ground floor level a door with a glazed side panel to the open plan living area and a window to an en-suite. At first floor level would be two windows; one to an en-suite and the other to a bathroom. In the rear elevation there would be a set of bi folding doors across the width of the extension at ground floor level and two-bedroom windows at first floor level. The mono pitch roof to the ground floor would have three roof lights.

The existing floorplans are shown below.



Following the erection of the proposed development the accommodation would comprise, storage in the basement. On the ground floor a reception room, a large open plan, living space, a bedroom with en-suite and a store. On the first floor would be three bedrooms, one with an en-suite, a bathroom and a store. The second floor would contain a bedroom above the outrigger and loft space above the main body of the house. The proposed floorplans are shown below.



Proposed floor plans that also show refuse and cycle storage within the existing garage.

The applicant has indicated that the extensions are required as the property is to be used as a multi-generational family home.

Consultations

Ward Members

Councillor Ahmed Ali objected to the application as originally submitted. The comments made were:

-The plans as submitted would entirely wreck the pleasingly simple symmetry of the original historic facade, by both extending it significantly to the west (across the whole of the current driveway/sideway) and also creating an entirely anachronistic new dormer feature reshaping the original roof design.

-The plans significantly alter the established balance between buildings and spacious garden settings that are a characteristic feature of the design heritage of this area of Birch-in-Rusholme.

-It is also proposed to remove the front garden's soft landscaping and replace this with hard standing in order to make up for the loss of off-street from the built-over sideway. This and the loss of established soft-landscaped back gardens is not acceptable in a time when our city has to prioritise retaining and extending soft-landscaping to combat climate change.

-The scale and form of the proposed reconstruction of this house is unacceptable. It also brings with it the danger of a subsequent repurposing for HMO usage, which the previous owner had unsuccessfully attempted and which would be wholly undesirable in this area and lose its aesthetic appearance.

Councillor Rabnawaz Akbar has commented in respect of the revised scheme. His comments are:.

He declares an interest in that he knows one of the parents of the applicant, the father, and knows the family at 11 Norman Road extremely well too; , the relationship with both these families goes back prior to being elected as a Councillor for the Rusholme ward in 2010.

Confirms that after a long discussion with the applicant that this will be a family home. The applicant is moving back to Manchester from his present residence in Birmingham. The applicant's parents presently live elsewhere in Rusholme and the applicant has a family comprising of a wife and 3 children. His desire is for his parents and, relative, to move in with him and his family .

States he is strongly in favour of family homes in Rusholme and like many of the objections feels there are too many HMO's/flats which sadly get neglected over time and result in families moving away from the neighbourhood. It is also a fact that with the changing demographics of the city, more families from the Black, Asian and Minority Ethnic background are looking out for large properties which will meet the need of multigenerational living.

With regards to the main concerns from the neighbours which are conversion to HMO, overdevelopment, loss of light and the 45-degree rule and the loss of landscaping. The applicant has stated that this is going to be a family home and not a HMO. He is moving to Manchester from Birmingham with his family.

As for overdevelopment and the fact that there was a previous owner who was unsuccessful, it is I believed the previous owner's intention was to convert into a HMO whereas this applicant is repeatedly stating that this is going to be a family home and he needs the space for a multigenerational household. . Can we place a condition that it cannot be converted into a HMO?

As for the loss of light and the 45-degree rule, I am no planning expert, and I would leave this decision in the hands of the Planning Service.

With regards to the last point about loss of soft landscaping, multigenerational households tend to have more vehicles per household and parking is major issue (even street parking) and people want their vehicles to be safe at night so it is no surprise that the applicant is looking to create space which will keep the vehicles registered at this property safe. The opinion of neighbours that it will spoil the street view of one of the area's most unique and historic buildings cannot be ignored but the applicant is keen to reinforce that this is not the intention and it is more a case of need.

Afzal Khan MP - Forwarded a request he had received for assistance from the applicant.

Local Residents.

Residents were notified on two occasions in respect of the proposed development and the subsequently amended proposals. The initial notification received 57 responses objecting to the proposed development and 1 supporting the application. The issues raised are summarised below.

Comments opposing the proposed development

- The proposal would have a detrimental impact on this historic house.
- The proposal is an overdevelopment of the site.
- There is a risk that such a large building will become a House in Multiple Occupation.
- The development will result in the loss of the front garden.
- The development will harm a much loved historic building.
- There will be a loss of amenity.
- The condition of the building has been allowed to deteriorate by the applicant.
- The proposed dormers are out of character with the building.
- The extensions would detract from the character of the area.
- One of the properties used to justify the proposed development is the subject of enforcement action.
- The extensions would have an overbearing impact on the adjoining properties.
- The development would destroy the symmetry of this pair of semi detached properties.
- The development could result in flooding.
- One of several applications in the area seeking to overdevelop sites.
- An application for a two storey extension was withdrawn when faced with refusal (no record can be found of any such application)

Comments supporting the proposed development

-The development will bring back into use a run down and neglected building.

The re- notification following the redesign of the scheme resulted in 37 responses objecting to the proposal, 34 supporting the application and 1 neutral response.

Comments objecting to the proposal

- The design and access statement has not been updated, for the revised proposal.
 - The development does not comply with the Residential quality guidance as there will be a poor quality of light in the rooms.
 - As a result of the revisions to the proposed development the number of bedrooms has been reduced and it is not inconceivable that the rooms within the building are sub divided to make up the shortfall.
 - The extensions will adversely affect the general character of the property.
 - The extensions will result in overlooking and a loss of daylight to the adjoining properties.
 - The applicant does not live in the property yet and therefore should have looked for a property more suited to his needs rather than excessively extending the property.
 - The bulk of the extensions will impact on the street scene.
 - There are no details of the proposed car parking and it is possible that the front of the property could be converted into a car park.
 - The property has been left vacant and deliberately allowed to deteriorate to help justify the proposed works.
 - The development will encourage more students to come to the area.
 - This is the first stage of turning the property into a House in Multiple Occupation
 - The proposal will result in an increased risk of flooding the as the site is within a flood plain.
 - The proposals will wreck the appearance of this pair of Victorian villas, and thus that of no.11. These houses are among the oldest houses in the area and have significant historic value. It is inconceivable that such major changes should be made to either house.
 - The development would result in the loss of soft landscaping.
- The proposal shows no respect to the community
- The extension is twice the size of a previous unsuccessful application.
 - The proposal does not comply with the 45 degree rule.

Comments in support of the proposal.

- The development would bring into use a vacant building that is detracting from the area
- The proposal looks good.
- It is right to be able to extend your property so that you live close to family and friends.
- The objections are unfair and cannot be justified.

Rusholme and Fallowfield Civic Society

In respect of the application as submitted the Society were concerned about the scale of the extensions, the impact on the fenestration, the use of the property, the impact on the amenity of neighbours and the impact on the building lines.

The Civic Society also submitted comments objecting to the revised proposals. The issues raised are summarised below.

- The design and access statement has not been updated, for the revised proposal.
- The development does not comply with the Residential quality guidance as there will be a poor quality of light in the rooms.
- As a result of the revisions to the proposed development the number of bedrooms has been reduced and it is not inconceivable that the rooms within the building are sub divided to make up the shortfall.
- The extensions will adversely affect the general character of the property.
- The extensions will result in overlooking and a loss of daylight to the adjoining properties.
- The applicant does not live in the property yet and therefore should have looked for a property more suited to his needs rather than excessively extending the property.
- The bulk of the extensions will impact on the street scene.
- There are no details of the proposed car parking and it is possible that the front of the property could be converted into a car park.
- The proposed development will maximise the homes potential.

Policies

Core Strategy

The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long term strategic planning policies for Manchester's future development. A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.

Relevant policies in the Core Strategy are detailed below:

Policy SP1, Spatial Principles – Development in all parts of the City should make a positive contribution to neighbourhoods of choice including creating well designed places that enhance or create character and protect and enhance the built and natural environment.

Policy DM1, Development Management – This policy states that all development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document:-

- Appropriate siting, layout, scale, form, massing, materials and detail.
- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.
- Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.

- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- Community safety and crime prevention.
- Design for health.
- Adequacy of internal accommodation and external amenity space.
- Refuse storage and collection.
- Vehicular access and car parking.
- Effects relating to biodiversity, landscape, archaeological or built heritage.
- Green Infrastructure including open space, both public and private.
- The use of alternatives to peat-based products in landscaping/gardens within development schemes.
- Flood risk and drainage.
- Existing or proposed hazardous installations.
- Subject to scheme viability, developers will be required to demonstrate that new development incorporates sustainable construction techniques

Unitary Development Plan for the City of Manchester (1995)

The Unitary Development Plan for the City of Manchester was adopted in 1995 and has largely been replaced with the policies contained within the Core Strategy. However, there are a number of policies that are extant and are relevant to consideration to the proposed extension to a residential dwellinghouse.

Policy DC1 of the Unitary Development Plan seeks to accommodate the demand for more living space, while at the same time ensuring that the amenities of neighbours are protected, and that the overall character of the surrounding area is not harmed. It relates specifically to residential extensions and the relevant criteria from this policy include:

DC1.1 The Council will have regard to:

- a. The general character of the property
- b. The effect upon the amenity of neighbouring occupiers
- c. The overall appearance of the proposal in the street scene;
- d. The effect of the loss of any on-site car-parking

Policy DC1.2 states extensions will be allowed subject to:

- a. They are not excessively large or bulky (for example, resulting in structures which are not subservient to original houses or project out too far in front of the original buildings)
- b. They do not create a loss of sunlight/daylight or privacy
- c. They are not out of character with the style of development in the area
- d. They would not result in the loss of off-street parking

Policy DC1.3 states that Notwithstanding the generality of the above policies, the Council will not normally approve:

- a. rearward extensions greater than 3.65m (12 ft) in length;
- b. 2-storey extensions with a flat roof, particularly those which would be visible from the public highway;
- c. 2-storey extensions to terraced properties which occupy the full width of the house;
- d. flat roofed extensions to bungalows;
- e. extensions which conflict with the Council's guidelines on privacy distances (which are published as supplementary guidance).

DC1.4 In considering proposals for 2-storey side extensions, the Council will have regard to the general guidance above and also to supplementary guidance to be issued. In particular, the Council will seek to ensure that:

- a. the development potential of the gap between detached and semi-detached houses is capable of being shared equally by the owners or occupiers of the two properties concerned;
- b. the actual or potential result of building the extension will not be the creation of a terracing effect, where this would be unsympathetic to the character of the street as a whole;
- c. the actual or potential result of building the extension will not be the creation of a very narrow gap between the properties, or any other unsatisfactory visual relationships between elements of the buildings involved.

As a guide, and without prejudice to the generality of this policy, the Council will normally permit 2-storey house extensions which, when built, would leave a minimum of 1.52m (5 ft) between the side wall and the common boundary, and which meet the other requirements of this policy. Proposals which cannot meet these requirements will be judged on their merits, but with weight being given to (a) and (c) above.

DC1.5 The Council will consider on their merits exemptions to the above policies in the case of applications from disabled people who may require adaptations to their homes.

Green Blue Infrastructure

The strategy lays the foundations for the preservation and improvement of green and blue infrastructure within the City. It is considered that gardens form an important part of this infrastructure. The Strategy advised that gardens play an important part in defining the character and attractiveness of an area.

Guide to Development In Manchester

The Guide aims to support and enhance the on-going shaping of the City by providing a set of reasoned principles which will guide developers, designers and residents to the sort of development appropriate to Manchester.

It seeks to retain the essential distinctiveness of its character areas, whilst not precluding new development.

National Planning Policy Framework

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally prepared plans for housing and other development can be produced. Planning law requires that applications for planning permission be determined in accordance with the development plan, i.e. the Core Strategy Development Plan Document and accompanying policies, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development which for decision-taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Issues

Principle

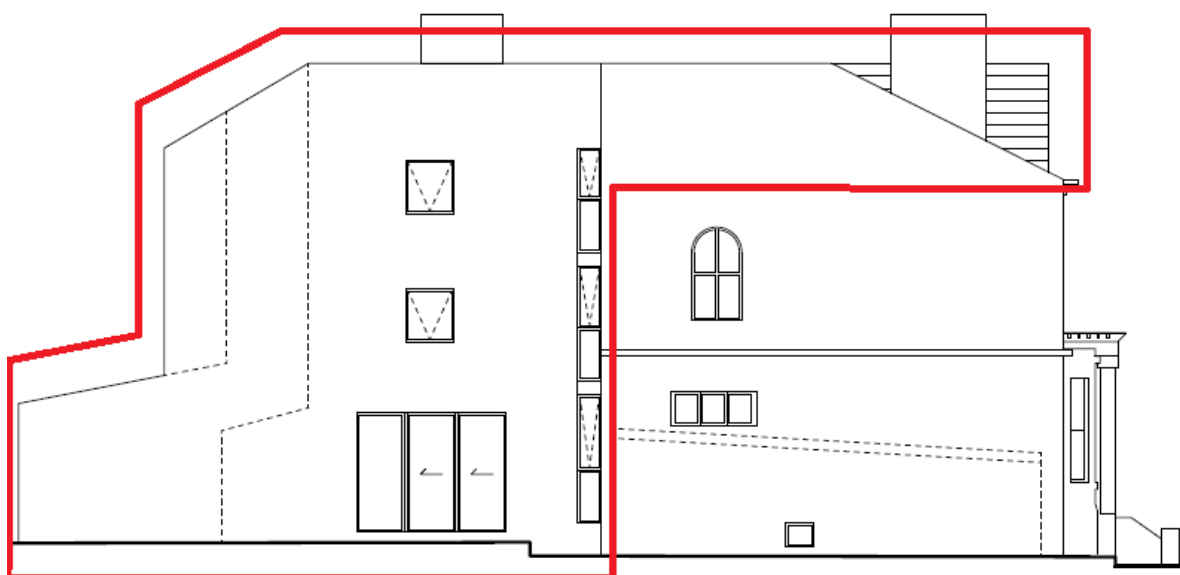
The principle of householders extending their properties to provide additional living accommodation and meet changing needs is generally considered acceptable subject to further consideration of impacts on residential and visual amenity. As set out below the proposed development is considered to accord with the principle of extending a residential property as set out in saved UDP policy DC1.

Scale

The originally submitted proposal sought to envelop the outrigger and add an additional floor to the whole building with a hip to gable conversion and substantial rear dormer. These are demonstrated on the following drawings.



Originally submitted proposals – Front elevation which included insertion of front roof dormer and rear elevation that included a three storey rear extension



Originally submitted proposals – Side elevation indicating height and scale of rear extension together with changes to roof profile and front dormer

Following a request for amendments to the scheme the applicant has revised their proposals and the scheme now proposed has been significantly reduced in scale.

The amended proposed extensions whilst still wrapping around the outrigger are now set lower which will enable the original form of the property to be distinguished. This assists in ensuring that the extensions are not unduly prominent and subservient to the original building.

The rear ground floor extension projects 5.75 metres from the rear wall of the property, and whilst this is longer than that generally considered acceptable of 3.65 metres in saved UDP policy DC1 the application property benefits from a long rear garden which is considered able to accommodate this proposed length of rear extension.

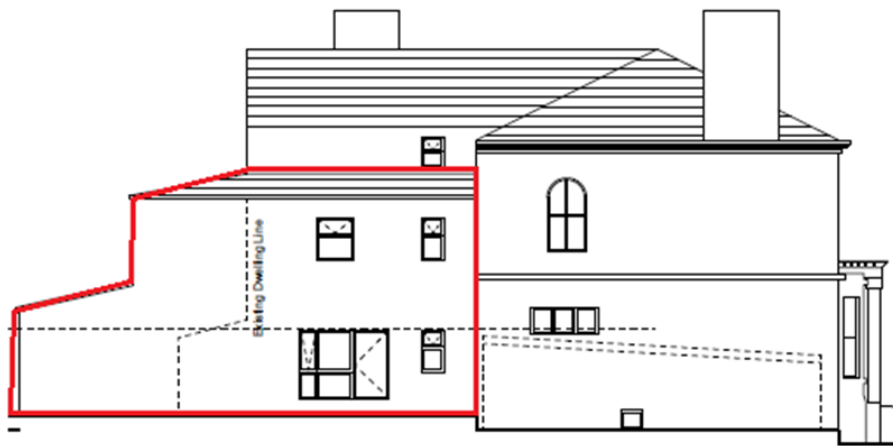
The first-floor element of the rear extension projects 2.7 metres from the rear wall of the existing outrigger and is within the limit of 3.65 metres set down in Unitary Development Plan policy DC1 and is not considered excessive.

On balance it is considered that this is a large property set in a substantial garden and the proposed development as amended would be subservient to the original property as required by saved Unitary Development Plan policy DC1. It is therefore considered that the scale of the extension is acceptable.

Design

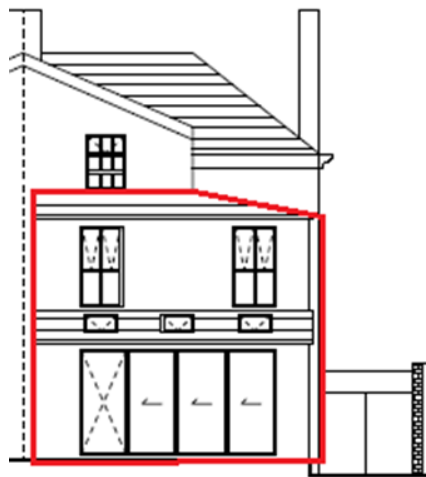
The building the subject of this application is not a Listed Building and is not located within a conservation area, it is however, a distinctive building. As submitted the proposed extension completely enveloped the existing outrigger and created a second floor across the whole of the buildings footprint through a hip to gable

conversion, the installation of a front dormer and a substantial rear second floor extension.



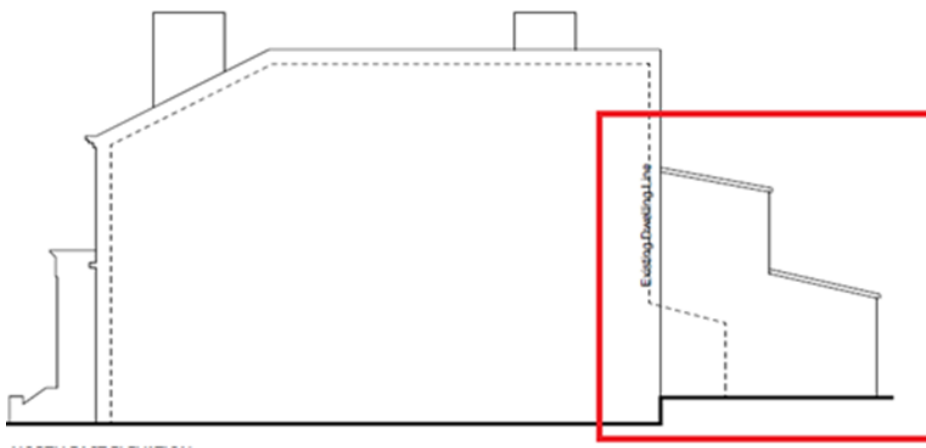
SOUTH WEST ELEVATION

Proposed side elevation with extension highlighted red



NORTH WEST ELEVATION

Proposed rear elevation with extension highlighted red



Proposed side elevation as viewed from 11 Norman Road – The rear extension is highlighted within the red box

The proposed extensions have been significantly reduced in scale and the alterations to the roof removed from the proposals. The proposed extension is now subservient to the host property and windows are of a proportion that reflect the original design of the building. On balance it is considered that the design of the proposed extension is acceptable and given the amendments to its scale together with their location at the rear this would not cause harm to disrupt the overall distinctiveness of the property.

Refuse storage

The proposed development would not impact on the current arrangements for the storage of refuse which is located within the substantial garage.

Parking

The application does not contain any provisions that will change the existing parking arrangements, although the Design and Access Statement states that there is a spacious front garden that could be used for parking. The loss of the front garden is clearly of concern and depending upon the scope and design of any future works proposed in this respect, these may not be permitted development and would require a separate planning application. The proposals subject of this application do not propose changes to the parking arrangements at the property which currently contains a front drive approximately 13 metres in length together with area of hardstanding to the front of the property all of which are available for off street car parking provision. This level of provision is considered acceptable for this dwellinghouse.

Trees

It is not considered that the proposed extensions would impact on the protected trees located within the garden area of number 7 Norman Road. These trees are located close to the boundary wall separating the gardens and the areas proposed for the siting of the extensions are currently covered in concrete hardstanding. However, it is considered prudent that a condition is attached to any approval for the preparation of an Arboricultural Method Statement prior to works started including the removal of the existing hardstanding to ensure works proceed without damaging the adjacent trees and the roots.

Residential Amenity

Any alterations to a property can impact on the amenity of the occupiers of adjoining and adjacent properties. It is the role of the planning system to assess if the impacts are so significant as to warrant the refusal of planning permission.

The proposed side extension would be approximately 2.3 metres from the boundary with 7 Norman Road and it is considered that as the extension is on the side of the outrigger, which is taller, it would not have an overbearing impact. The rear

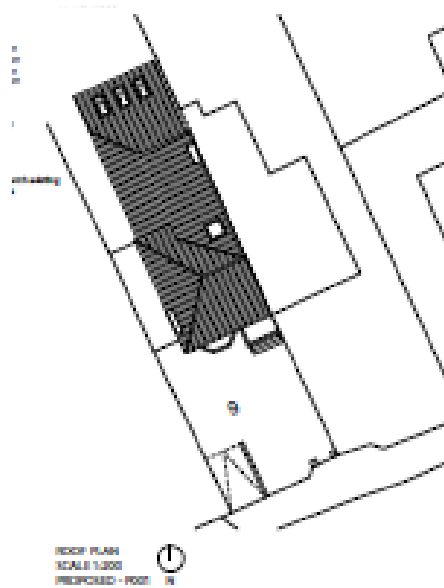
extension which would be level with the side elevation of 7 Norman Road would be 2.3 metres from the boundary with that property and 8.3 metres from the side elevation. As the proposed extension is on the north face of the property any overshadowing would only be likely to occur early in the morning however, due to the space between the properties this impact is not considered to be significant.

The impact of the proposed rear extension on the adjoining property, 11 Norman Road, could potentially be greater, however, there is a small lean to adjacent to the boundary, which projects approximately 1.5 metres, this lean to already serves to screen the opening in the rear elevation of the ground floor of the outrigger of 11 Norman Road from the proposed extension. The ground floor extension projects approximately 5.9 which is just below the maximum that is allowed for single storey rear extensions under the prior approval Larger Homes extensions provisions. At eaves level the extension would be 2.8 metres high increasing to 3.4 metres where it adjoins the second floor of the extension, again these dimensions would be in line with the provisions allowed for under the prior approval route for larger homes extensions.

The eaves of the first floor extension would be 5.8 metres above ground level and the highest part of the roof 6.2 metres. The first floor element of the extension has a modest rearward projection of 3 metres, and would be approximately 1.5 metres from the first floor rear window in the adjoining property. It is considered that any overbearing impact that this element of the extension could have, would be reduced by the distance of the openings from the proposed extension and the orientation of the rear of the property, which is north facing. On balance it is considered that the proposed extensions would not have a significant overbearing impact on the adjacent properties.



Rear view of the two storey outriggers at numbers 9 and 11 Norman Road, the rear windows of number 11 are identified edged red



Propose site setting out drawing showing the relationship of the proposed extensions to number 11 Normand Road

In the proposed extension the principle windows are located in the rear elevation of the property. These windows face down the rear garden towards the rear garden of a house on Hall Road, there would also be oblique views across the rear gardens of the properties to either side. From the first-floor windows of the proposed extension the distance from the windows to the end of the garden would be reduced to approximately 17 metres. Such views down a garden are not an unusual situation and in view of the size of the adjacent gardens and the distances involved it is not considered that there would be any significant overlooking or loss of privacy in respect of the rear windows from the proposed extension. .

In the side elevation of the first floor of the extension it is proposed to install two windows, that would serve a bathroom and en-suite. These windows would be obscure glazed, and a condition is proposed should consent be granted to ensure that this remains the case. There is also a door and secondary window to the open plan living area at ground floor. This is a secondary window and facing the front garden of 7 Norman Road and would be replacing the existing bay window and would be screened from that property by a high boundary wall. As such it is considered that there would be no significant overlooking or loss of privacy from the windows in the side elevation onto the occupiers of number 7 Norman Road.



Existing bay window to the side of rear outrigger and view of boundary wall with no. 7 Norman Road

On balance it is considered that the proposed development would not have such a significant impact on residential amenity that would warrant refusal of the amended proposals.

Character of the Area.

In the revised scheme the principle elevation of the property when viewed from Norman Road would remain unchanged. However, due to the unusual setback of the adjacent property the side elevation of the property is more visible when heading east along Norman Road, although it is noted that the boundary trees within the garden of number 7 Norman Road do provide some screening. Having reduced the scale of the proposed extension on the side elevation, it is considered that any visual impact would be significantly reduced. The presence of trees on the boundary would also serve to further soften the impact of the extension.



View from Norman Road looking across front of 7 Norman Road towards side elevation of 9 Norman Road highlighted in red

There would be some views through to the proposed extension from Hall Road between the gap of existing houses, such views of the extension would be limited due to the existing outrigger of the neighbouring property and would be over a distance of approximately 30 metres.



View from Hall Road towards application site. Outrigger edged red is that of number 11 Norman Road.

Given the siting of the proposed extension to the rear together with the use of materials to match the existing it is not considered that the proposed extension would have a significant impact on the character of the area.

Use as a House in Multiple Occupation

Concern has been expressed by a ward member and local residents that the property would be so large that it would only find use as a House in Multiple Occupation. The applicant has indicated that the extensions are required in order to create a multi-generational home for his family and therefore the application is to be determined on that basis. Should at some point in the future there be a desire to change the use of the property to a House in Multiple Occupation then this would require planning permission, either as a consequence of the Article 4 Direction in place in Manchester which removes permitted development rights to change from a dwellinghouse to a small HMO of between 3 and 6 unrelated occupiers; or if there are more than 6 unrelated occupiers as a sui generis House in Multiple Occupation. As such it would be at that point that consideration of an HMO use would be considered against the adopted planning policies in place regarding such uses.

In this instance given the confirmation from the applicant that the property is to be occupied by a multi-generation family it is proposed to add an appropriate condition restriction the use to a Class C3 dwelling should permission be granted.

Flood Risk.

The application property is not located in Flood Zones 2 or 3 and therefore no further information is required in respect of these matters in this instance. It is noted that the areas where the proposed extensions are to be sited are generally already hardstanding. It is not considered that the proposals would increase the risk of flooding.

45 Degree Rule

This is used by some authorities to determine what is an acceptable rearward projection for an extension. This measure is not embedded into any adopted planning policies within Manchester. As with each application they are considered on their own merits having regards to the particular circumstances of each site. In this instance, as indicated within the previous sections of this report the proposals are not considered to give rise to unacceptable impacts on residential amenity of neighbouring properties.

Conclusion

This application seeks to enlarge a property in order to create a multi-generational home, following amendments to the scheme the best architectural features of this unlisted building, not located within a conservation area have been retained. The amended proposals are considered to have been sited and designed to minimise impacts on residential amenity and the visual amenity and character of the area. On balance it is considered that the extensions are of a scale and design that is acceptable and that the development accords with Council policies.

Human Rights Act 1998 considerations – This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have the right to a fair hearing and to this end the Committee must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the approval of the application is proportionate to the wider benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation APPROVE

Article 35 Declaration

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to issues arising from the consideration of this application. In this instance issues were raised with regards to the design and scope of proposed extensions to the property and amended proposals were provided.

Conditions to be attached to the decision

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2) The development hereby approved shall be carried out in accordance with the following drawings and documents:
9NORPPRR rev 13 received 8 March 2021

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

3) No development, including the breaking of any hard surfacing, shall commence until an Arboricultural Method Statement for construction works for the site has been submitted and approved in writing by the City Council as local planning authority. The submitted statement shall considered the potential for roots of protected roots to be present on the site and appropriate methods for working and construction to avoid

any damage to any roots that may be present. The development shall be subsequently be undertaken in accordance with the agreed statement.

Reason – In order avoid damage to trees subject to Tree Preservation Orders adjacent to the site which are of important amenity value to the area and in order to protect the character of the area, in accordance with policies EN9 and EN15 of the Core Strategy.

4) No development that is hereby approved shall progress beyond damp proof course level unless and until samples and specifications of all materials to be used on all external elevations of the development have been submitted to and approved in writing by the City Council as local planning authority.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policies SP1 and DM1 of the Core Strategy.

5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended by The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no part of the premises shall be used for any other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Order 2010, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) other than the purpose(s) of C3(a). For the avoidance of doubt, this does not preclude two unrelated people sharing a property.

Reason - In the interests of residential amenity, to safeguard the character of the area and to maintain the sustainability of the local community through provision of accommodation that is suitable for people living as families pursuant to policies DM1 and H11 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework.

6) Before first occupation of the extensions hereby approved the windows in the side elevation, excluding the door and adjoining window, shall be obscure glazed to a specification of no less than level 5 of the Pilkington Glass Scale or such other alternative equivalent and shall remain so in perpetuity.

Reason - To protect the amenity and living conditions of adjacent residential property from overlooking or perceived overlooking and in accordance with policies SP1 and DM1 of the Core Strategy.

7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) windows other than those shown on the approval drawings shall be installed in the side elevation of the extension hereby approved.

Reason - To protect the amenity of the occupiers of the adjoining properties pursuant to Core Strategy policy DM1.

Local Government (Access to Information) Act 1985

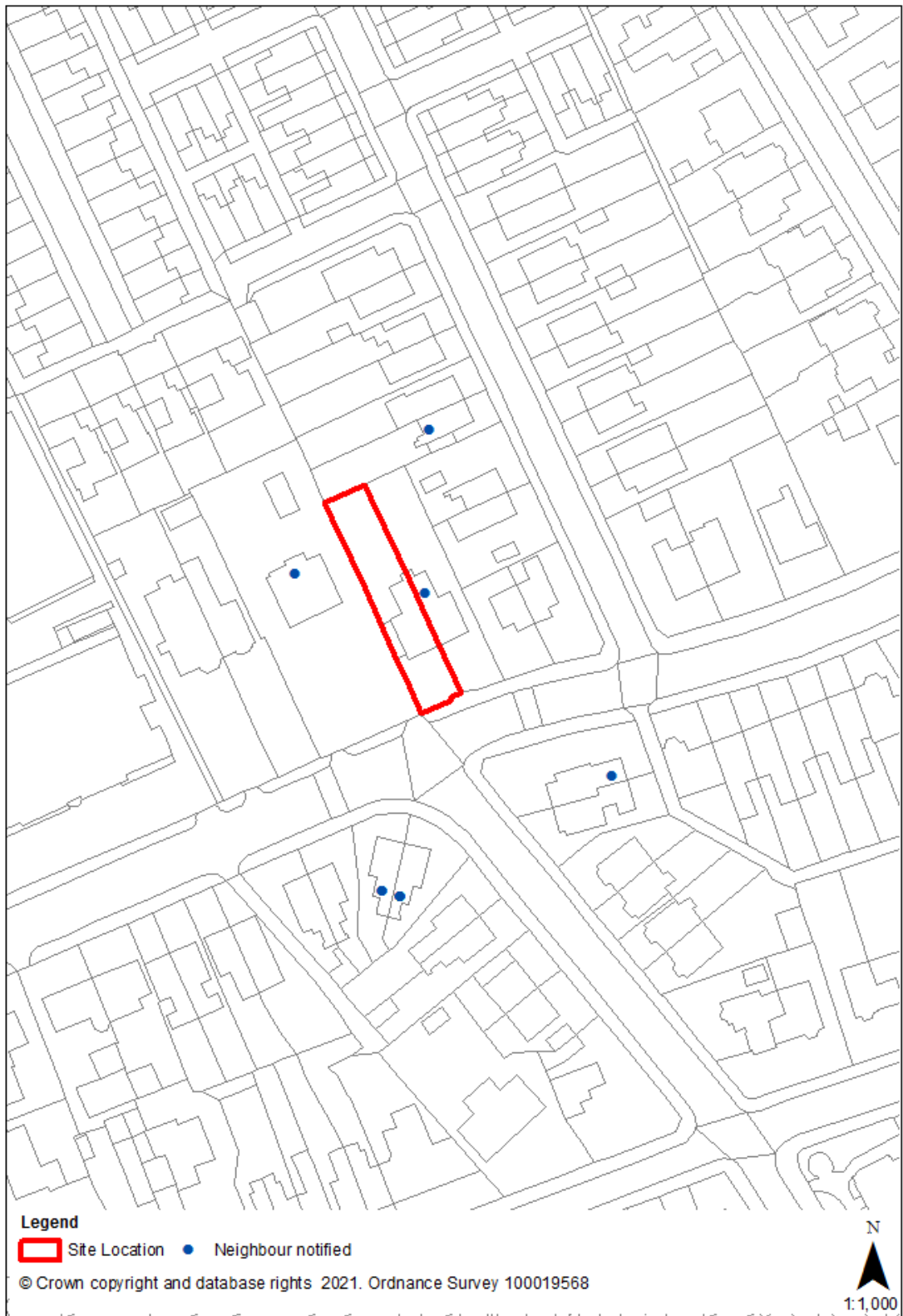
The documents referred to in the course of this report are either contained in the file(s) relating to application ref: 126927/FH/2020 held by planning or are City Council planning policies, the Unitary Development Plan for the City of Manchester, national planning guidance documents, or relevant decisions on other applications or appeals, copies of which are held by the Planning Division.

The following residents, businesses and other third parties in the area were consulted/notified on the application:

A map showing the neighbours notified of the application is attached at the end of the report.

Representations were received from the following third parties:

Relevant Contact Officer :	Dave Morris
Telephone number :	0161 600 7924
Email :	dave.morris@manchester.gov.uk



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**Manchester City Council
Report for Resolution**

Report to Planning and Highways Committee – 18 March 2021

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

Report of: Director of Planning, Building Regulations and Licensing

Summary

To inform the committee about the background and issues involved in the making of a Tree Preservation Order (TPO) on 4th December 2020 and to recommend the confirmation of this Tree Preservation Order.

Recommendation

The Director of Planning recommends that the Planning and Highways Committee instruct the City Solicitor to confirm the Tree Preservation at 7 Brunswick Rd, Manchester M20 4GA, under Section 199 of the Town and Country Planning Act 1990, and that the Order should cover the tree as plotted T1 on the plan attached to this report.

Wards Affected Withington

Financial Consequences – Revenue None

Financial Consequences – Capital None

Contact Officer:

Name: John Kelsey
Position: Senior Planner
Telephone: 0161 234 4597
Email: john.kelsey@manchester.gov.uk

Background Documents

None

Executive Summary

The committee is asked to consider 4 objections made to this order and 14 representations in support of the TPO. This relates to a Tree Preservation Order (TPO) served at the above address on a mature Oak tree (T1) within the rear garden of 7 Brunswick Road, Manchester, M20 4GA.



Mature Oak tree in rear garden of 7 Brunswick Road

Key Issues

Is the tree worthy of a TPO - This mature Oak tree is a long lived species in good condition, positioned within a rear garden. The tree has a large crown which is clearly visible from adjacent public highways and surrounding residential properties. As such, this mature Oak tree is considered to have high visual amenity value and meets the criteria to be protected by a Tree Preservation Order.

Is making a TPO valid in the circumstances - The making of a TPO allows for applications for tree works to be made to the City Council and these can be submitted by the homeowner or any other interested party. This can allow for a period of negotiation and discussion before submission. The City Arborist will carry out a site visit and assess the proposed tree works making recommendations including works to be carried out to British Standards for tree works.

Tree size/Impact of trees on loss of light – The Oak tree canopy is large and will cast some shade across the residential gardens to the north on Burlington Road. Some future pruning works to incorporate a crown reduction would alleviate the shading issues being experienced by the occupiers of affected neighbouring properties.

A full report is attached below for Members consideration

Background

This property is situated on the east side of Brunswick Road and the mature Oak tree positioned within its rear garden. The tree has a large canopy which extends across the rear boundary of neighbouring properties at 14 and 16 Burlington Road. 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.

Following a site survey and assessment, the City Arborist considered this mature Oak tree offered visual amenity to local residents, the tree to be healthy with the crown in full leaf, visible from public areas and recommended a TPO to be made.

This mature Oak is approximately 14m in height with an average crown diameter of approximately 10m. 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 Helliwell System 2008 of visual amenity valuation has been carried out and this assessment found the tree to be of high visual amenity value.



Oak tree canopy over roofline of property at 7 Brunswick Road

Following the making of a provisional TPO, 4 objections and 17 emails supporting the TPO have been received. A site meeting has been held with some of the objectors and the City Arborist to give advice on appropriate level of pruning works that could be supported.

Consultations

Part 2, paragraph 5 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 states that before a provisional TPO is confirmed, any persons interested in land affected by the order should be served with a copy of the order. Local residents in the vicinity were consulted and objections and representations made with respect to the Order have been considered.

The following owner/residents were served with a copy of the order or notified about the TPO,

The Owner(s) and/or any Occupier(s) of 7 Brunswick Rd, Manchester, M20 4GA
47, 49 Parsonage Rd, Manchester, M20 4NG
14 – 20 (evens only) Burlington Road, Manchester, M20 4QA

Summary of objections

The concerns raised by residents can be summarised as follows:

- Not anti-tree but trees in residential locations have to be appropriate species and size for their location and this tree does not satisfy this basic criterion.
- Tree is not of high visual amenity value to the surrounding residential area being in a backland location and can only be fleetingly glimpsed through gaps between properties from the street scene. Any visual amenity value mainly benefits occupiers of surrounding residential properties the majority of whom are opposed to this TPO.
- Tree does not form an important element of the street scene, the wider urban character of the area, nor make any contribution to the visual amenity of vehicular and pedestrian passers by.
- Tree is wrong species in the wrong location.
- Immediate area is well served with mature tree cover and recent project with the City Council provided 24 new street trees.
- Historically this tree has been well maintained to keep its size in check and prevent disamenity to neighbouring properties. A TPO could hinder and prevent the ability to keep this tree within reasonably manageable proportions
- Tree has grown significantly in last 20 years and has been unmanaged since 2008. Concerned that the tree presents safety concerns if it drops limbs.
- TPO is an unduly onerous and unnecessary mechanism to employ in this instance as tree is under no threat. Wish to negotiate and agree works with owner.
- Due to its size and position, tree preventing sun and daylight for a significant proportion of the day, detrimental to enjoyment of garden, health and wellbeing.
- Tree presents a structural risk to some properties and is so overgrown it is interfering with telephone lines.
- Tree severely restricts the growth and sustainability of ground level flora and fauna that can grow and flourish in our garden.
- The proposed TPO adds nothing to the local strategy framework for the neighbourhood and is not in keeping with the exclusively residential and urban

surroundings. It has far outgrown a size which would be amenable and appropriate and needs to be significantly pruned and lopped.

- Tree is not presenting any danger to present owner of No. 7 Brunswick and the neighbours along Burlington Road.
- Request City Arborist carries out site visit to advise on appropriate level of pruning works to manage tree and reduce significant nuisance

Councillor Moore shared concerns of the objectors around the issues of loss of sunlight and requested the City Arborist carried out a site meeting with them and advise on appropriate level of pruning works. Councillor Moore concerned about the process of considering TPOs, as recently in Withington it would appear to be unfairly used on owners who wish to undertake work on their properties or whose properties are being impacted by other trees.

Summary of support

- Tree is of high visual amenity to surrounding area, in danger of losing too many mature trees in the locality with consequent loss of both local wildlife carbon capture
- Permanent TPO on this slow growing oak should ensure any pruning works agreed between the neighbours concerned would be carried out by an experience arborist/tree surgeon in accordance with regulations and to protect the tree and visual impact
- Trees are quickly disappearing and new smaller trees do not have the same wildlife benefits. TPOs are key to protecting wildlife
- The mature oak is an important and well looked after tree
- Proposed pruning works by neighbours to cut back to the border would probably compromise the health of the tree and eventually kill it
- Mature oak is beautifully sited, benefits both residents and visitors to the area and generally enhances the street scene
- Very few mature oak trees and this tree is a fine specimen, makes a substantial contribution and is part of the historic sylvan character of the area
- Neighbouring owners objecting the tree would have been aware of the tree when recently purchasing the property
- There has been very little growth on the tree since 2008 as evidenced in aerial images.
- Request TPO is confirmed and then this will allow negotiations and agreement on sympathetic tree works to alleviate neighbours concerns

South East Fallowfield Group (SEFRG) - There are few trees of this maturity and quality providing much needed haven for wildlife and help in reducing air pollution

Withington Civic Society – The tree is an historic feature and of great environmental importance to our community. Hope that when the TPO is confirmed any necessary sensitive and appropriate pruning of the tree can be carried out by a qualified tree surgeon with the permission of Manchester City Council and the agreement of owner and neighbours

Arboricultural officer comments

The City Arborist report states the tree offers visual amenity value, was visible from the road and many different positions with the public arena and recommended it was worthy of a TPO.

Issues

TPO potential to hinder/prevent agreement on pruning works

The making of a TPO does not prevent works being carried out to a protected tree. It requires an application is made to the City Council (there is no fee attached) with the City Arborist carrying out a site assessment of the proposed tree works. All permitted tree works will include a recommendation that they are carried out to British Standards by a professional arborist.

TPO unnecessary mechanism to protect this tree

This Oak tree has been assessed as being worthy of a TPO but without the protection given by a TPO, works could be carried out to the tree which may have a significant impact on its form and health. 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.

Tree/visual amenity value

This mature Oak tree is a long lived species in good condition, positioned within the rear garden. The tree has a large crown which is clearly visible from Brunswick Road and adjacent highways and to the occupiers of numerous properties. It is visible from short range views along Brunswick Road and longer range views between residential properties on Burlington Rd, Parsonage Road and Alan Road. As such, this mature Oak tree is considered to have high visual amenity value and meets the criteria to be protected by a Tree Preservation Order.

Impact of tree on street scene

This mature Oak tree is situated within the rear garden of the property. There were no street trees present, until the street tree planting carried out in February 2021, which allows for open views within Brunswick Road across residential gardens. The large crown of this Oak tree makes a significant impact and is clearly visible from a number of vantage points on Brunswick Road.

Size of the tree, loss of sunlight to neighbouring gardens

The tree canopy is large and will cast some shade across the residential gardens to the north on Burlington Road. This will change during the day as the sun moves across its path. Some pruning works to incorporate a crown reduction would be acceptable to alleviate the shading issues being experienced by the occupiers of some of the neighbouring properties, allow further sunlight to ground floor flora and fauna and would also clear away from telephone lines. The recent removal of a mature Horse Chestnut on rear boundary of 18/20 Burlington Road should further improve the levels of sunlight within the rear gardens of properties on Burlington Road

Tree has grown significantly in recent years

Oaks are a slow growing species and an assessment of aerial satellite and historical street imagery shows there has only been very minimal growth in the crown since 2008.

Tree is wrong species in the wrong location, not in character with the area

The City Arborist has carried out an assessment and a Helliwell Assessment of the amenity value of this Oak tree has also been carried out. This tree is considered to be an appropriate native deciduous species, well located and an important element in the urban landscape character of the area.

Recent street tree planting/immediate area well served with mature tree cover

A street tree replanting programme carried out in February 2021 has been completed and in time these trees will make a large impact on the local environment. The mature Oak tree is providing many social and environmental benefits acquired with age and size. It would be generations before the new trees achieved the same size and would be able to provide the same multiple benefits to the community and the environment in general.

Potential structural issues from the tree

No evidence has been provided to support this allegation. The closest neighbouring properties are approximately 15m from the main stem of this Oak tree, which would be beyond the rootzone area.

Other issues

Oak trees are native to the British Isles and are considered to make a valuable contribution to the City's urban environment. Mature Oak trees provide a biodiverse rich environment and habitat. Its loss would be considered to have a detrimental impact on local biodiversity. This mature tree also provides valuable screening benefits and supports improvements in local air quality.

Conclusion

It is considered that the mature Oak tree as shown on the attached plan, should be protected by a Tree Preservation Order. The City Arborist considers the tree to be in good condition, healthy with no major defects. It is of high amenity value, prominent and visible to occupiers of neighbouring properties, visitors and both passing traffic and pedestrians on Brunswick Road in particular. This Oak tree is an important element of the local urban landscape character and its biodiversity.

The objections are principally around the size of the tree and its impact on neighbouring residents enjoyment of the gardens of their properties. It is considered that the making of the TPO is overly onerous, will prevent agreement of pruning works to the trees and wish instead to come to an informal agreement with the owner over future tree works.

Works can be carried out on a tree protected by a TPO following an assessment by the City Arborist and granting of permission from the City Council. The City Arborist has provided advice to local residents who are objecting to this TPO on an acceptable level of pruning works which could be supported following submission of an application.

The Order has been properly made in the interests of securing the contribution this tree makes to the public amenity value in the area. The concerns of the objectors have been considered and balanced against the contribution this mature Oak tree makes to the local environment. Whilst it is acknowledged that the reason for objecting to the TPO, in particular the trees size and impact on loss of sunlight to neighbouring gardens, its minimal visibility from public areas and being an inappropriate species in the wrong location, all require due consideration it is not felt that they outweigh the significant contribution this prominent tree of high amenity value makes to the area and the wider urban landscape. It is considered that the visual public benefits of retaining this tree outweigh any harm caused.

Human Rights Act 1998 considerations

This Tree Preservation Order needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the third parties, including local residents, who have made representations, have the right to a fair hearing and to this end the Committee must give full consideration to their comments. Article 8 and Protocol 1 Article 1 confer(s) a right of respect for a person's home and a right to peaceful enjoyment of one's possessions, which could include a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Unitary Development Plan, the Head of Planning has concluded that some rights conferred by these Articles on the residents/objectors and other occupiers and owners of nearby land that might be affected may be interfered with but that interference is in accordance with the law and justified by being in the public interest and on the basis of the restriction on these rights posed by confirmation of the Tree Preservation Order is proportionate to the wider benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

8.0 Recommendation.

The Head of Planning, recommends that the Planning and Highways Committee instruct the City Solicitor to confirm the Tree Preservation Order at 7 Brunswick Rd, Manchester, M20 4GA, under Section 199 of the Town and Country Planning Act 1990, and that the Order should cover the mature Oak tree (T1) as plotted on the plan attached to this report.



Land at 7 Brunswick Road, Withington Tree Preservation Order 2020

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