

## **Planning and Highways Committee**

### **Minutes of the meeting held on Thursday, 15 April 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, J Lovecy, Lyons, Madeleine Monaghan, Riasat, and White

**Apologies:** Councillor Nasrin Ali and Watson

**Also present:** Councillor Ahmed Ali

#### **PH/20/20. Supplementary Information on Applications Being Considered**

A copy of the late representations that were received in respect of application 126927/FH/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/20/21. Minutes**

#### **Decision**

To approve the minutes of the meeting held on 18 March 2021 as a correct record.

#### **PH/20/22. 126927/FH/2020 - 9 Norman Road, Manchester, M14 5LF - Rusholme Ward**

This application relates to the erection of two storey side and part two, part single storey rear extension to provide additional living accommodation. The application had been previously submitted to the meeting held on 18 March 2021 where the Committee decided to undertake a site visit. The site visit was held prior to the meeting. The application site is 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.

The Planning officer referred to an additional late submission received from Manchester Civic Society, that raised a number of issues as part of an objection to the application.

The Committee heard the objection from a resident representative for local residents and the Rusholme and Fallowfield Civic Society. Concerns were raised on the two extension to the rear of the property within permitted development policy. It was considered that the proposed width does not fall within planning policy. The Committee was asked to consider an additional condition to require the reinstatement of the front garden area.

The applicant addressed the Committee on the application. The applicant made reference to the declaration of a personal interest by a member of the committee regarding the neighbour living in the adjoining property to the application property.

The member concerned had declared a personal interest at the start of the meeting and had been removed from the meeting for the application.

Councillor Ahmed Ali (Ward Councillor) addressed the Committee and referred to the property in relation to the conservation area. The extension and right to light, in particular the 45 degree and 25 degree rules. Reference was made to the front of the property and the applicant was requested to undertake planting scheme to the front of the garden area. Councillor Ahmed stated that his interest is objective.

The planning officer responded to the points raised and reported that the application for full planning permission had been submitted and would be considered on its merit. The Committee was advised permitted development planning policy applied only to a single storey extension aspect of the application. The points raised on the planting and the inclusion of additional condition were not considered to be reasonable for the reason that the application relates to development to the rear of the property only. The Committee was advised that loss of light and in particular the 45 degree rule had been considered but was not a substantial concern taking into account the surrounding properties distance and position. The application had therefore been recommended for approval based on its merits.

A member of the Committee referred to the point raised by the applicant regarding the declaration of a personal interest by a member of the Committee. The committee was reminded of the inclusion of a photo containing a political poster that had been raised during the previous consideration of the application and how it had been disregarded by the Committee. The member asked for an explanation of the speaking rights of ward members on an application within their ward.

The Council's legal services representative provided an explanation on the procedure relating to the declaration of interests by members of the Committee and the

opportunity to address the Committee when an application is within their ward, as detailed within the Council Constitution. It was explained that Councillor Lovecy had indicated that she had a personal interest in the application and this had arisen since the previous consideration of the application and she had indicated she would withdraw from the meeting and would not take part in the consideration of the application.

The Chair invited members of the Committee to ask questions on the application.

A member referred to the length of the extension at the rear of the property and that it did not extend further than the neighbouring property.

The Planning officer reported that the extension length is 6 metres and would be 4.5 metres longer to the extension in neighbouring property.

The Chair invited Councillor Lovecy to respond to the statement made by the applicant as ward Councillor.

Councillor Lovecy addressed the Committee in response to the comments made and did not comment on the application being considered. The Committee was informed that since the last consideration of the application the circumstances had changed and this had been brought to the attention of the Chair and the Committee's legal services representative in advance of the meeting. For that the reason Councillor Lovecy had declared a personal interest and would take no part in the consideration of the application.

A member referred to the size of the garage on the property and asked if there was sufficient room for the property owner to store a vehicle and cycles.

The Planning Officer reported that the garage would store refuse bins, cycles and a vehicle. The front of the property could also be used to park vehicles.

Members referred to the inclusion of the condition to prevent the property from becoming an HMO (condition 5) to prevent use as C3 property. Also, the point was made that the retention of the front walls and gate posts would benefit the visual aspect property and surrounding area.

A member referred to the front garden to the property and the suggestion of the property sitting within a conservation area and requested a condition be included to retain the front walls and gate posts.

The planning Officer reported that the property is not listed and did not sit within a conservation area. The Committee was advised that adding a condition was not a reasonable inclusion and therefore, would be difficult to legally defend.

The Director of Planning reported that there would be no legal enforceability to the condition suggested for the retention of the front boundary wall and gate and front garden of the property. The property is not within a conservation and is not listed. The Committee was advised that discussion could be held with the applicant prior to

the issue of the decision notice to reach a compromise on the retention of the wall and gate posts and garden.

Councillor Shaukat Ali moved a proposal for the Committee to undertake a site visit. Councillor Riasat seconded the proposal.

In agreeing to the application the Committee noted and welcomed the inclusion of Condition 5 (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), to prevent the property from being used as a House in Multiple Occupation.

The Committee also noted the undertaking by the Director of Planning to discuss with the applicant, the retention of the front boundary wall and gate posts

### **Decision**

The Committee agreed the application as detailed in the report submitted and subject to the conditions included.

(Councillor Lovecy declared a personal interest in the application for the reason that she knows the neighbour adjoining to the property the application is for and took no part in the discussion or vote on the application.)

### **PH/20/23. 128936/FH/2020 - 25 Hampton Road, Manchester, M21 9LA - Chorlton Ward**

The application related the erection of a single storey rear extension and first floor front extension to form additional living accommodation. The application site is located at the end of a residential cul-de-sac, comprising of 4 rows of terraces and two pairs of semi-detached properties. Hampton Road is located off Hewlett Road within the Chorlton ward and benefits from its proximity to both Turn Moss Playing Fields and Longford Park, the District Centre, Chorlton metrolink station and the bus routes along Wilbraham Road/Edge Lane and Manchester Road/Barlow Moor Road.

The applicant did not attend the meeting and there were no objectors present.

The Committee was advised that the application was submitted for consideration, for the reason that the applicant is an employee of the City Council and an objection had been received from the consultation process.

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

### **Decision**

The Committee agreed the application as detailed in the report submitted and subject to the conditions included.

**PH/20/24. Confirmation of Manchester City Council (109 Parsonage Road, Manchester) Tree Preservation Order 2020 - Withington Ward**

The Committee considered a report of the Director of Planning, Building Regulations and Licensing relating to the background and issues involved in the making of a Tree Preservation Order (TPO). The application was placed before the Planning and Highways Committee on the 18th February 2021 and at that meeting the Committee deferred deliberation in order to allow the home owners where the trees are located, to produce any additional evidence or information that they might be able to provide in order to show if any of the individual trees are potentially causing any damage to the house. The Committee also requested that a structural survey submitted by the homeowners to be circulated to Committee Members for information.

The homeowner provided two further structural surveys from two different structural engineers to demonstrate the impact of the trees on the dwelling house.

The Planning Officer reported that there had been a further objection received to object to the confirmation of the TPO. The Committee was advised that the structural surveys provided had shown the damage to the house and on this basis the recommendation was to not confirm the TPO.

The homeowner of the property the trees are located on addressed the Committee to object to the confirmation of the TPO.

The Chair invited members of the Committee to speak on the application.

A member noted and welcomed the additional information provided by the structural survey that had identified the extent of damage that the trees roots have had on the structure of the property through subsidence and ground clay shrinkage. It was also noted and welcomed that the homeowner had undertaken to provide additional trees to replace those on the property.

Councillor Andrews moved the recommendation not to approve the application.  
Councillor Shaukat Ali seconded the proposal.

**Decision**

The Committee agreed not to confirm the Tree Preservation Order at 109 Parsonage Road, Manchester M20 4WZ.

**PH/20/25. Thanks to Retiring Committee Members**

The Chair reported that Councillor Madeleine Monaghan and Councillor Mary Watson would not be seeking re-election in May and on behalf of the Committee thanked them both for their service to the Council and the Planning and Highways Committee and wished them well for the future.