

MANCHESTER CITY COUNCIL

PLANNING AND HIGHWAYS

**APPENDIX TO AGENDA
(LATE REPRESENTATIONS)**

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

at its meeting on 1 July 2021

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

APPENDIX TO AGENDA (LATE REPRESENTATIONS)

Planning and Highways Committee 1 July 2021

Item No. 5

Application Number 130166/FH/2021

Ward Didsbury East
Ward

Description and Address

Erection of part single, part two-storey side and part single-storey, part two-storey rear extension, installation of rear dormer, front porch extension and elevational alterations to provide additional living accommodation

11 Mardale Avenue, Manchester M20 4TU

1. Further resident response

Further correspondence has been received in the form of an objection from a local resident in response to the committee report. The comments provided and accompanying photos and diagrams are set out below.

The objector is unable to make the Committee meeting to reinforce their strong objection to the application as they are on holiday and the Committee has not provided a way for them to conference into the meeting. Instead, they have provided a written response to the planning officer's report. This is to be taken in addition to their previous objections and complaint.

They disagree with the recommendation of the planning officer and are shocked that it has been recommended for approval with no conditions. The resubmitted proposals fail to address any of the points in their objection and any considerations appear to be limited solely at reducing impact on 9 Mardale Avenue, it is suggested by the objector that the impacts are greater on the adjoining property. The objector believes that the planning report has selectively edited their points of objection. Important details have been removed and unsubstantiated presumption made to mislead the Committee. They suggest that this is prejudicial, shows apparent bias and is deliberately dismissive towards the genuine impact on the objector's home.

The objectors primary concern is the impact of the overbearing rear extension, particularly the single storey rear extension that sits on the party wall/line. At four metres high, it is stated that it will create a tunnel between the existing rear single storey kitchen/diner extension and the proposed single storey rear extension. This would severely impact their light into the rear facing main living room, which is already a dark room. It will make the garden area between the existing single storey extension and proposed single storey extensions so dark that it will be unusable. This will also limit the current or

future occupier's development opportunity to build a similar extension without it being further astride of the party wall.

The secondary concerns are on the impact to visual amenity of the objector's home, the neighbourhood, and the planning precedents for the area. As the mirror to the objector's home, the proposals are indicated as being disproportionate in size, unbalance the intended symmetry of the 1930 property's, dwarfing the attached home and would look totally out of place. If approved, this application will signal that the following is an acceptable build in the area:

1. Being the only building in the area to build forward of the building line and breach restrictive covenants.
2. Creating a double fronted property and with no set back.
3. No real consideration to mass, bulk or sizing is required. Creating extensions larger than the original property is acceptable. In this case a 200% increase in the size of the ground floor and 100% increase above ground floor is permitted.
4. Installation of front porch, with outward opening door and removal of characteristic front door arch found on all properties in the area.
5. Impact to neighbouring properties' privacy and peaceful enjoyment of their property is no real concern.
6. Installation of 6m wide, 2m high gates is acceptable. This application approves the installation of 1.8m high gate and front boundary fence.

The objector states that no other house in the immediate area has anything remotely similar. It is suggested that this shows that the planning office works solely in the interests of applicants and that neighbours' legitimate objections or planning policy are irrelevant.

Any planning complaints received are an inconvenience and will be ignored. To highlight some of the misrepresentation in the planning office report (in the order they are mentioned).

- The resubmitted application reduces the build from 210% to 200% greater than the size of the original property. An insignificant 5% reduction aimed to give the pretence of some consideration. The total extensions are larger than the original house, and the orientation of the house with front and full side aspect being clearly visible from the street demonstrates no subservience to the original property.
- The existing gate and new proposed gate of 1.8m high and 6m wide are on the revised plans and do form part of this application. They are outside of permitted development and breach planning policy and covenants.
- The NPPF presumption in favour of sustainable development is not at the cost of overriding planning policies.
- The other half of the semi has a large single storey rear extension, which is deliberately excluded from all comments. There is also no mention of the large two storey existing side extension to 9 Ferndene Road, which along with this development will pincer in 7 Ferndene Road rear garden and reduce light level significantly.

- The proposed side extension, which fronts a highway is not set back at ground level.
- The 45-degree rule mentioned is only in relation to 9 Mardale Avenue. 7 Ferndene Road has been deliberately excluded from these remarks.
- No reference has been made in the application to any materials to be used, type or colour.
- The large 10m tree at the bottom of 7 Ferndene Road garden will be within falling distance of the rear extension.
- There are no dimensions away from the party wall/line for dormer. These have been deliberately omitted. On the plan they are shown to be on the party wall/line.
- The single storey rear extension is shown to be on the party wall/line, not just within 2m of the boundary as has been selectively edited into our remarks.
- The proposed rear extension and dormer have deliberately not provided any dimension for the setback from the boundary.
- The single storey rear extension is 4m high at its highest point. It breaches the 45-degree rule in both plan and elevation. It will create loss of light to 7 Ferndene Road rear main living room and create a tunnel effect making part of the garden so dark it will be unusable.
- 11 Mardale will have 4 large see-through rear windows above ground levels within 10m vs. 1 window of 7 Ferndene Road. This together with the existing extension of 9 Ferndene Road will impact privacy, allow direct view into the rear kitchen/dinner extension and garden, impacting the enjoyment of the objector's home.
- There are no homes in the local area with outward projected porches. All homes have traditional arch doors to a small porch, that reflect the style and era of the properties.
- The impact of the overbearing effect, particularly of the rear extensions, has not been considered from the perspective of 7 Ferndene Road.
- Stating that some of the development could be built under permitted development rights is false. The rear extension breaches the 45degree rule, side extension builds forward towards the highway and is more than half the width of the original house, dormer is over 50m³, porch over 3m² and over 3m high in size and gate clearly exceeds 1m high.
- No 11 Mardale and 7 Ferndene are a matching pair of houses. The unsubstantiated presumption that the existing two storey extension is an original feature is false, as otherwise 7 Ferndene Road would have a matching extension. It was built under permitted development before 1993 and electronic records were kept. The relevance of 1 Mardale Avenue, which benefits from a south facing garden, is not adjoining and over 100m away, is irrelevant. The report then deliberately omits that 1 Mardale has not been extended any further and does not have a dormer.
- The proposed development is removing original character from the area. Some examples include: loss of front arch porch, double fronted property, building forward of the building line, size and style of front facing doors and windows, and installation of large incongruous gates and fencing.

- The 45-degree rule and BRE Assessment for Daylight and Sunlight is accepted planning practice and used to defend right of light infringements.
- The comments on deliberate deficiencies, omissions, and misrepresentation in this plan, which were highlighted in our objection have been edited out and have not been addressed.
- The plans show building on the party wall/line and within 6m of the shared boundary. It is grossly misleading to state that this plan could be built without issuing statutory Party Wall notices.
- References selective paragraphs of Planning Policies without referencing those that it contravenes and in our objection. These plans breach the law, covenant and significant parts of nation and local planning policy.
- The neighbourhood consultation has been deliberately limited. Most residents will be unaware as no notice was erected and there has been a dramatic change of position. Of those directly consulted one neighbour is submitting a modest planning application and is unnecessarily concerned about any reciprocal objections, one is a tenant and related by family to the architect.

The objector requests that the planning committee reads an original copy of their objections and performs a thorough site visit to understand the true impact of this development.

The objector states that to make their intentions firmly clear, if the planning committee is minded to, or approves any part of this application, our next course of action is to:

Regarding the Applicants:

1. Obtain injunctions (as is our right as the owners of the named adjoining property) for a). the breach of restrictive covenants and b). infringing on our right to light, air, water, drainage, support and other easements or quasi-easements
2. To safeguard our home and minimise impact on our family, we will enforce conditions on any party wall agreement to the maximum extent legally possible.
3. Request an immediate tree preservation order to prevent any further damage to our tree.
4. Inform other residents who will be unaware of this application, its status and their right to object.
5. As we have outlined in our objections, the deliberate misrepresentation and material omission within the application constitutes fraud. We will seek further legal advice on how to progress this case.

Regarding the Planning Office/Planning Committee:

1. We believe that this decision will be unlawful. We will raise this with the Local Government Ombudsman (LGO) and Planning Inspectorate for a review into the planning decision.
2. We will raise the conduct and maladministration by the Planning Office with the Royal Town Planners Institute and LGO.

It is important to, once again, note that the applicants have never discussed these plans with us and actively avoid the subject. They must have their reasons why. It is clear that they have not considered, in any capacity, the impact their building work will have on the enjoyment of our home.

Despite this, the objector states that they are not against the applicants developing their home. It is felt that it would be best if this plan is refused with clear reasons why. The planning office can then work with the applicants to outline what is/is not permissible. They can then reassess and come up with a considered design, then talk it through with the objector, with other neighbours and submit a valid and accurate application. It is stated that there would be no reasonable objections if any new plans adhered to all the rules and showed reasonable consideration to minimise impact to the objector. This would also help with agreeing a party wall agreement, which will need to be in place before any work can take place.

The objector has also included a number of pictures and diagrams to substantiate the key points made in their objection along with the following notes accompanying the drawings/diagrams:

1. Pictures of 7 Ferndene Road rear, to show 1). existing single storey kitchen/diner extension, and 2). large rear bay windows to ground and first floor, 3). decking area that will be impacted by single storey 'play room' extension. Note that existing trellised fence does not reach full height of ground floor window, whereas the new extension will reach the height of the 1st floor window of 9 Mardale Avenue, significantly higher than the existing fence. Taken Dec 2020. This large single storey rear extension has been deliberately omitted from the planning officer's report.





2. Picture of 7 Ferndene Road rear garden to show 1). use of decking area from March through to October and 2). shadow cast by existing 11 Mardale Avenue, which increases as the day progresses. Taken Spring/Summer 2020. Proposed rear extensions will severely impact light into the rear downstairs main living room and garden decking area. Dormer would allow full view of the adjacent garden.



3. Pictures of 7 Ferndene Road rear taken from first floor bedroom window to show 1). that rear box dormer would allow direct view into kitchen/diner extension and a large part of the garden, 2). The side of the two storey and single storey existing extension of 9 Ferndene Road (approved 1976), the scale and orientation of which already overshadows part of the rear garden. Taken Jan 2021.

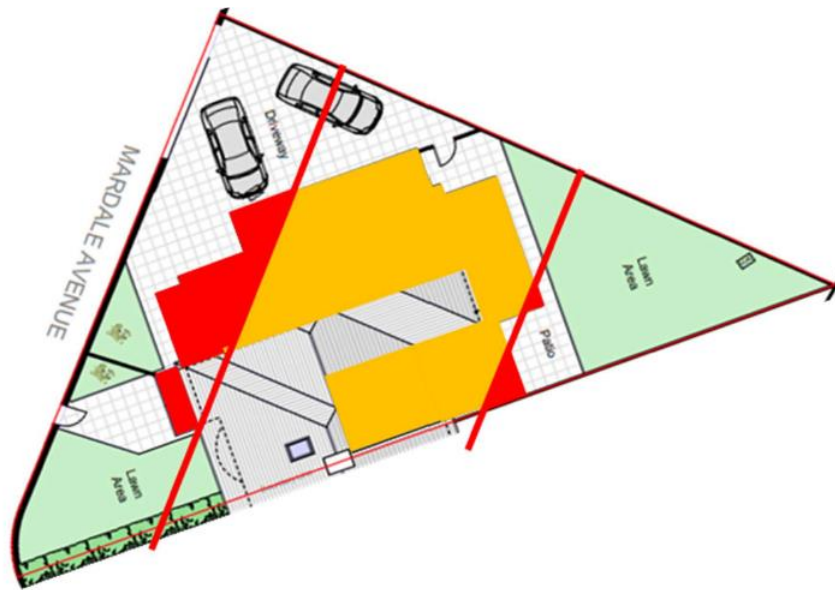


4. Birdseye Pictures of 7 Ferndene and 11 Mardale Avenue to show 1). Existing properties with extension respect the building line (green line), 2). Proposed plans steps out to the front and side projections (red line), 3). Other local extension which are ~50% size of the original house. Source Google 2021

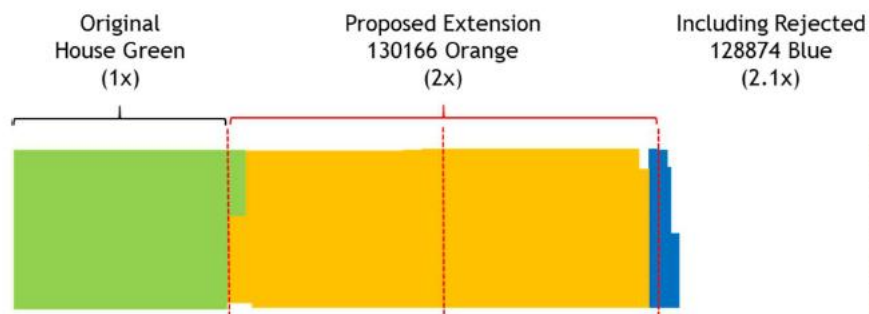
Section highlighted in red/orange represent the footprint of the new extension. Section highlighter in red shows the forward projection in front on the building line and to the rear outside of the 45degree rule. No other properties in the area break the building line as it forms part of the property's restrictive covenants.



5. Close up diagram to show scale of the proposed development 200% the size of the original house.



6. Diagram to show the 200% proposed footprint extension making 11 Mardale Avenue 3x larger than 7 Ferndene Road. Considerably adding to size, bulk and massing of the building. It additionally shows the rejected application at 210% larger than the original property. Demonstrating no real consideration in the overall bulk, size or massing has been made.



7. Pictures of 11 Mardale Avenue and 7 Ferndene Road to show 1). intended symmetry of 1930 semidetached properties; size, massing, bulk, symmetry of window style and sizes, walls, boundaries, arched porches, rooflines, frontage etc and 2). that their orientation means that they are on view more than other houses in the street that can only be viewed front on. Taken: Dec 2020 and Google 2020





8. Picture of 11 Mardale Avenue gate installed in 2018, 2m+ high, 6m+ wide of solid material with metal spike toppings and out of keeping with any other gate in the local area. Source: Google 2021



9. Picture of 11 Mardale Road showing 1). gate opened and 2). Full side aspect is on view. Source: Google 2020



10. Picture of prior drive to 11 Mardale Avenue. Source: Google 2017.



2. Councillor response

Cllr Andrew Simcock has stated that: The objector has submitted a lengthy late submission which details his objections to the application.

Given the strength of feeling on this please can I request that the Committee agrees to a site visit prior to making its decision.

3. Director of Planning - Further Observations / Modifications to Conditions

In response to the further submission the Director of Planning makes the following comments.

The application is a revised submission following a previous refusal and as set out within the printed report the proposals are now considered acceptable and have overcome the previous reasons for refusal. The proposed single storey extension and the element closest to the shared boundary with 7 Ferndene Road is within the rearward projection normally allowed under adopted planning policy DC1 of 3.65m and being at 3 metres would be allowed to be built under permitted development rights for the property without requiring planning permission.

Other matters raised have been fully considered and are set out within the printed report, the recommendation of the Director of Planning remains to **APPROVE** the application.

APPENDIX TO AGENDA (LATE REPRESENTATIONS)

Planning and Highways Committee 1 July 2021

Item No. 7

Application Number 121252/FO/2018

Ward Deansgate Ward

Description and Address

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.

Great Marlborough Street Car Park, Great Marlborough Street, Manchester, M1 5NJ

1. Public opinion

Three further letters of objection have been received. The comments can be summarised as follows:

- Residents have a legal right to use the car park in the deeds of their properties. The application is a blatant breach of those rights. Residents would not be able to use the car park for 5-7 years. The rise in the service charge is predicated to increase from £250 per annum to £1200 per annum. This is extortionist rise in service charge. The demolition phase has a significant risk to the car park structure. Legal advice has been sought in this regard;
- The developer has failed to consult stakeholders of the car park about their plans and it is not clear why the number of spaces has been reduced. The developer has not sought customers for the parking facility for some time and anyone who paid out a large sum to buy the right to park will not be looking to move elsewhere without significant compensation.
- There is no justification for only supplying 20% of the car parking spaces with electric vehicle charging points when there is such a string push towards the adoption of electric vehicles;
- The use of gas fired boilers should be replaced by a carbon neutral solution;
- The building height is excessive. Student Castle, 1-3 New Wakefield Street and several of The Circle Square buildings loom over residents. At 20 storeys higher, this development would dwarf the existing tall buildings and destroy privacy. It is not reminiscent of a mill chimney or

St Mark's Square in Venice. Its grotesque in height and is out of keeping with the current environment;

- So many new blocks of student accommodation are already being built in the City. What will happen if student numbers, as some forecast, decline over the coming years. The city will be left with a glut of properties which fall below the minimum size specification for ordinary dwellings – the slums of the future;
- There are questions around the fire safety of tall buildings;
- The pandemic has demonstrated that people need outside space rather than being trapped in tiny boxes high in the air. Is there really demand for so many of these in the City?
- The replacement of the carpark which is slightly lower than the level of the Quadrangle, with a 55-storey tower with hundreds of window facing existing bedroom windows and balcony, would result in a loss of privacy;
- The tower would eliminate most of the natural sunlight entering the Quadrangle and cast a shadow. There is also a cumulative impact with the recent development at New Wakefield;
- Whilst it is understood that there is no right to a view, the building would have a negative impact on residential amenity.

2. Director of Planning

Parking rights would be retained for the duration of the construction phase and when the development is operational. A proposal requiring the demolition of the MSCP would require planning permission. In order to ensure the access arrangements to the MSCP are adequate during construction, this should be included and agreed as part of condition 11.

There are no car parking spaces associated with the student accommodation. The applicant proposes to upgrade 20% of the spaces within the MSCP with an electric car charging point.

The proposal includes highly efficient gas fired boilers which, alongside all electricity being from a renewable energy source, offers an energy efficient solution and enables the building to benefit from a decarbonising grid.

The proposal has been the subject of a tall building assessment. The conclusions are outlined in detail within the committee report along with the impact on daylight, sunlight and loss of privacy.

Any future use of the student accommodation (sui generis) to residential (Use Class C3a) would require planning permission. This would consider whether the size of the accommodation was suitable and met the relevant space standards.

The recommendation remains Minded to Approve subject to the signing of a section 106 agreement and amendments to condition 11.

APPENDIX TO AGENDA (LATE REPRESENTATIONS)

Planning and Highways Committee 1 July 2021

Item No. 9

Application Number 129010/FO/2020

Ward Levenshulme Ward

Description and Address

Temporary use of the southern half of public car park for a 4 year period in connection with the operation of a weekly market on Saturdays (10am-4pm) between March and December (inclusive) and no more than 10 annual Friday night-markets (5pm-9pm) during the same period, retention of existing storage container unit and internal generator, reconfiguration of waste / recycling storage area and installation of electric power supply cabinet (following the phased decommissioning of the existing generator)

Public Car Park Accessed via Stockport Road and Albert Road, Manchester, M19 3AB

1. Local residents and businesses

Three further emails of objection have been received in response to the revised description of development. The comments reiterate reported concerns regarding: the frequency of market events and the related impact on the availability and accessibility of customer car parking and the undertaking of servicing and deliveries. Concerns have been raised regarding the siting of stalls adjacent to the alleyways to the east and west of the site and adjacent to Station View. These concerns relate to potential restrictions to access to neighbouring properties. The siting of the electricity cabinet may also cause an additional obstruction to the eastern alleyway. It is also considered that the position of the electricity cabinet and reconfigured and waste store may reduce the availability of car parking spaces. It is considered that the market operation now exceeds the capacity of the car park and should be relocated to a more suitable site.

An additional 171 emails of support have been received, which reaffirm the positive benefits of the development and strongly emphasise the importance of the market as a focal point for social and community engagement. The market is considered to be well managed and provides business opportunities for local traders with other local businesses benefitting from linked trips to it. The market has helped to generate interest in Levenshulme, attracted new local businesses and encouraged people to live and remain in the area. The market has thereby made a significant contribution to the vitality of the district centre and its regeneration.

2. Director of Planning further comments

The development has been revised to accord with established and successful operating arrangements, which would be enhanced by the implementation of a conditioned site management plan. Although the site used to undertake the servicing of neighbouring businesses, its primary function is and would continue to be the provision of district centre car parking. The occurrence of market events would be limited and publicised via the Levenshulme Market website thereby allowing neighbouring businesses to organise deliveries outside its operating periods.

In response to local representations, further consideration has been given the siting of market stalls in relation to neighbouring properties. The southern boundary of the car park is defined by an established kerb line. The eastern boundary of the site also accords with the established perimeter of the car park defined by a kerb edge and retained cobblestones of the former adjacent alleyway as shown in Fig 1. The market operation would be entirely accommodated within the adjacent boundaries of the car park, including the proposed phased siting of an electricity cabinet.



Fig. 1 – Relationship of the car park to the eastern site boundary

Demarcated car parking spaces are immediately located adjacent to the eastern site boundary. The day to day use of these parking would have a comparable impact on access to the rear of neighbouring properties as the siting of market stalls. There would not, therefore, be an appreciable change in the established circumstances when the car park operates close to its full capacity.

Discussions have been undertaken with the applicant regarding the potential impact of the siting of two stalls adjacent to a doorway servicing the side of a commercial premises at 914 Stockport Road. The applicant has confirmed that the specified doorway would not be obstructed and a minimum distance of one metre would be retained between the side wall the neighbouring property and the stalls to facilities access. The above arrangement would be related to the following condition:

In the event of the two stalls and gazebos sited adjacent to the southern elevation of 914 Stockport Road, as indicated on drawing referenced: Levenshulme Market trading sites & indicative gazebo layouts Ref: Drawing No: 20201210 _ ExistingWiderSitePlan_V4 and Temporary market container & electrical cabinet location Ref: Drawing No: 0201123_SitePlan_V5, being brought into use as part of the authorised development a minimum distance of 1 metre shall be maintained between the southern elevation of 914 Stockport Road and the specified stalls and gazebos. The arrangements shall be maintained, at all times, whilst stalls and gazebos are sited adjacent to the southern elevation of 914 Stockport Road.

Reason - In order to maintain suitable access to 914 Stockport Road and the interests of the amenities of the area pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester.

The applicant has also indicated that the established access strips to the east and south of the application site would be maintained without obstruction whilst the market is in operation. These arrangements would be delivered through the site management condition.

In order to facilitate the reconfiguration of the waste storage enclosure, the existing container will need to be moved away from the western site boundary. However, it would be retained within the site boundaries and the revised siting of the container would not affect demarcated car parking spaces or inhibit the manoeuvring of vehicles within the car park.

As part of the discussions with the applicant, the detail of the site management condition has been reviewed to relate more closely to the established arrangements for site set up and reinstatement and pedestrian and vehicular movement through site during market event. The following amendment to point (ii) of condition 5 has therefore been recommended:

Within one month of the planning permission hereby granted, a site management plan shall be submitted to and approved in writing by the City Council as local planning authority detailing:

- i. The specified location and number of remote off-highway car parking spaces to be made available to traders not requiring access to their vehicle during the operation of the market. Arrangements shall ensure that traders vehicles would only be brought to the site prior to market set

up and following the end of trading and remain off-site whilst the market is in operation;

ii. The provision details relating to the supervision of vehicle movements to and from the car park as part of the market set up and car parking reinstatement and assistance of pedestrian and vehicular movement during the operation of the market;

iii. The setting out of the market in accordance with the approved layout arrangements, including the maintenance of circulation strips adjacent to the access to the rear of properties located to the east and south of the site;

iv. The immediate cessation of music transmission at the end of trading and throughout the car park reinstatement period;

v. Signage to aid circulation around the site and the dispersal of customers at the end of trading;

vi. Ensuring that all waste, recycling and litter is collected and appropriately stored in the identified waste storage enclosure whilst awaiting collection;

vii. The storage of stalls, gazebos and temporary barriers in the on-site container unit and waste management enclosure.

Reason - In order to protect the amenity of local residents, in the interests of pedestrian and highway safety and to secure the appropriate operation of the authorised market pursuant to policies SP1, C2, EN19, EC9 and T1 and DM1 of the Core Strategy and saved policy DC26 of the Unitary Development Plan for the City of Manchester.

It is considered that the market has operated successfully since 2013 and has positively contributed to the retail offer of Levenshulme District Centre. The continued operations of the market would be related to enhanced operational conditions in response to expressed concerns regarding the development. It is considered that the development would be satisfactorily related to the parameters of the application site with appropriate arrangements for access to neighbouring properties.

The recommendation therefore remains one of **APPROVE**.