

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 15 November 2018

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 Head 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 15 November 2018

Item No. 5

Application Number 119731/FO/2018

Ward Ancoats & Beswick
Ward

Description and Address

Erection of 7 storey building to form 38 apartments and ground floor retail unit (Class A1) together with associated car and cycle parking following demolition of existing building

Cheshire Cheese PH & Vacant Land (Formerly Nos 32-38), Oldham Road, Manchester

1. Head of Planning

The planning condition below is also requested to be included:

No demolition or alteration by way of substantial partial demolition shall take place until arrangements have been put in place to secure the implementation of the development hereby approved. These details shall be submitted to and approved in writing by the City Council as Local Planning Authority and shall include details of the timescale for carrying out the redevelopment.

Reason – To prevent unnecessary demolition and to ensure redevelopment take place following demolition of the existing building, pursuant to saved policy DC18.1 of the Unitary Development Plan for the City of Manchester and policies EN3 and SP1 of the Manchester Core Strategy.

APPENDIX TO AGENDA (LATE REPRESENTATIONS)

Planning and Highways Committee 15 November 2018

Item No. 7

Application Number 121184/FO/2018

Ward Chorlton Ward

Description and Address

Use of the property as a licensed cafe/bar Class A3/A4 including expansion of internal public area, relocation of kitchen and provision of ventilation, extraction and waste management equipment/facilities.

107 Manchester Road, Chorlton, Manchester M21 9GA

1. Applicant/Agent

The applicant has indicated that the extended opening hours during the day (opening earlier in the day) are to provide a daytime offer (including light luncheon dishes, coffee and cake, etc.) as this is popular with both repeat customers and passing trade and would like to enhance and extend this.

The proposed style of catering is broadly similar to the existing. The upgraded kitchen is intended to facilitate the longer proposed hours for hot food provision (requiring greater kitchen storage for provisions and so forth) as well as providing more working space in the premises generally.

The applicant has also stated that the front seating area is level with the pavement adjacent. The front access is entirely on the level with the exception of the original threshold of the shop which is set about an inch higher on a level with the internal floor. Based on the applicant's experience trading at the site, no wheelchair-bound patron has experienced any difficulty negotiating this very small change in levels. In the event that an issue arises in this regard, the proprietors would of course make such adjustments as may be necessary in order to mitigate this although no such need has made itself apparent over the past two years.

The applicant is concerned that as drafted the conditions would require almost all works to be completed within three months of the date of grant. Specifically the works required in order to comply with the recommendations within the submitted acoustic statement. The applicant is concerned that this is not feasible in terms of obtaining a suitable contractor at this time of year. A period of six months has been suggested.

2. Head of Planning - Further Observations/Modifications to Conditions

In light of the applicant's comments the following conditions have been amended to allow more time for implementation:

Condition 4 has been altered to read:

Fumes, vapours and odours shall be extracted and discharged from the premises in accordance with drawing number JWC_PL006, Latour wall mounted hood specification, traditional T-series window fan specification and Extractor fan details, stamped as received 5th September 2018 by the City Council as local planning authority within 6 months of the date of this permission.

Reason - In the interests of the amenities of the occupiers nearby properties in order to comply with policies SP1 and DM1 of the Core Strategy.

Condition 6 has been altered to read:

Within 6 months of the date of this permission the building, together with any externally mounted ancillary equipment, shall be acoustically insulated in accordance with the details contained within the Acoustic Survey for Planning submitted by Braiden Acoustics Limited dated 4th September 2018.

Reason - In order to ensure that when the use commences the property is adequately acoustically insulated in order to safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Core Strategy.

Condition 8 has been altered to read:

Externally mounted ancillary plant, equipment and servicing shall be selected and/or acoustically treated in accordance with the details contained within the Acoustic Survey for Planning submitted by Braiden Acoustics Limited dated 4th September 2018. The approved scheme shall be completed within 6 months of the date of this permission a verification report submitted for approval by the City Council as local planning authority. Further details as to how the extractor fan will be controlled to ensure it is not turned up above the low setting, and if the fan needs to be used at a higher setting a scheme for the mitigation of noise from the fan will need to be submitted, approved and verified.

Reason - To minimise the impact of the development and to prevent a general increase in pre-existing background noise levels around the site, pursuant to policies SP1 and DM1 of the Core Strategy.

With regards to the provision of a level access into the premises, the comments of the agent with regards to the limited rise to the threshold have been noted, however, a level threshold should be provided for non-ambulant users. A removable ramp has been requested.

The Head of Planning's recommendation remains **APPROVE** this application.

APPENDIX TO AGENDA (LATE REPRESENTATIONS)

Planning and Highways Committee 15 November 2018

Item No. 8

Application Number 121390/FO/2018

Ward Didsbury West
Ward

Description and Address

Erection of a three storey dwelling house with basement and associated landscaping and car parking

19 Elm Road, Manchester M20 6XD

1. Residents

Letters of objection has been received from a further three further households on the grounds that the designated Conservation Area should be protected against unnecessary development, particularly the building of a house completely out of character with the style of the rest of the area. Blackburn Park is a green area, its trees and gardens are an important feature that gives it a unique character.

2. Blackburn Park Conservation Society

Query the applicants description included on their drawings, referencing land adjacent to Elm Road, when the dwelling house will be built in the garden of the existing property at No.19 Elm Road.

Blackburn Park Conservation Society strongly object to the proposal and urge that it is robustly refused and instructed counsel to provide their objection on the following grounds:

- a) Is a poorly design, contemporary monolithic block containing an inappropriate level of glazing to the front, side and rear elevations that does not maintain or enhance the Conservation Area and does not maintain the street scene;
- b) Is an unsympathetic and harmful form of built development which would be introduced into the Conservation Area and there is no justification for such a harmful development.

The submission outlines the relevant local and national policies for consideration as referred to in the report to committee. It then goes on to allege particular harm, as follows:

The Proposed Development is a contemporary three storey residential dwelling comprising a monolithic appearance with significant and inappropriate areas of glazing to the front, side and rear elevations, on land which is currently in amenity use. The Conservation Area comprises an

area of low density development within a mature landscape setting. The contemporary nature of the Proposed Development is entirely out of character with the Conservation Area, the scale of development does not respect the existing spatial character of the Conservation Area and consequently the Proposed Development neither conserves nor enhances the character of the Conservation Area.

Policy EN1 requires good design to enhance the overall image of the city but the contemporary design proposed is entirely out of keeping with the character and setting of the Conservation Area and materially harms that character and setting; it does not comprise good design enhancing the overall image of the city, it is inappropriate design for the specific location and thus in conflict with Policy EN1.

Policy EN3 requires new development to preserve and where possible enhance the historic environment and the character and setting of areas of acknowledged importance. The Proposed Development does not meet any of these policy requirements. The contemporary monolithic style and excessive use of mass glazing to the apex of a three storey building does not preserve the character or setting of the Conservation Area, and certainly does not enhance it, rather it significantly harms that character and setting. The applicant claims that the design of the building is in keeping with adjacent buildings, but this is a specious submission that falls on the most cursory consideration of the adjacent buildings. The Proposed Development is in conflict with Policy EN3.

Saved UDP Policy DC18.1 reinforces the requirement to preserve and enhance the character of the Conservation Area. Further, in considering proposals for new development the relationship of new structures to neighbouring buildings and desirability of retaining existing features such as gardens will be taken into account (DC18.1(iii)). The Proposed Development will comprise infill in an existing garden. Large gardens are a particular feature of the Conservation Area in this particular location. The amenity space will be lost, without justification, and the existing spatial relationship between existing buildings which comprises an essential part of the character of the Conservation Area will be adversely affected by the presence of a new dwelling on a previously open garden and further adversely impacted upon by the inappropriate design of the Proposed Development. The Proposed Development is clearly in conflict with Policy DC18.1.

The applicant fails entirely to make reference to the relevant heritage policies contained within the NPPF. The Conservation Area can be considered to be a *designated heritage asset* and “...great weight should be given to the asset’s conservation...” (NPPF para 193). Any harm identified requires “...clear and convincing justification...” (NPPF para 194). Even where less than substantial harm is caused this should be weighed against the public benefits (NPPF para 196).

The applicant fails to assess or consider the significance of the Conservation Area in any adequate or substantive manner. The Proposed Development introduces new and unsympathetic built form into an essential amenity space, in conflict with Policies EN1, EN3 and DC18.1, thus adversely impacting upon the Conservation Area and certainly not preserving or enhancing the area. Great weight must be given to this harm and there are no public benefits that can be weighed against such clearly identified harm.

The applicant claims that the Proposed Development will provide “...the *addition of a family home at a time of acute housing shortage is a positive attribute of significant weight...*” (see PHS para 8.2) but in reality the Proposed Development is a single dwelling of substantial size that will be unobtainable to the majority of the population and could only have a de minimus impact on any housing shortage. Any “contribution” made to a housing shortage will be minimal at best and will certainly not outweigh the clear and obvious harm to the Conservation Area.

There have been previous refusals of planning permission for residential development in garden plots at 6 Elm Road and 10 Elm Road, 10 Elm Road relating to a similar three storey residential development with basement.

Every application must be dealt with on its own merits but both of these refusals were founded on the impact of the proposed development upon the Conservation Area. The same conservation principles still apply when considering the current Proposed Development and as held by Mann LJ in ***North Wiltshire DC v Secretary of State for the Environment and Clover*** (1993) 65 P. & C.R. 137 at [145] and Lindblom J in ***Bloor Homes East Midlands Ltd v Secretary of State for Communities and Local Government*** [2014] EWHC 754 (Admin) at [19(7)] consistency in decision-making is important.

It is right that the Proposed Development has a “distinctive design” (see PHS para 7.20) but that design is a contemporary one that is entirely out of keeping with the existing character of the Conservation Area and one which results in the loss of a garden, which attracts policy protection, and adversely impacts upon the street scene. Such adverse impacts do not preserve or enhance the character and appearance of the Conservation Area, the preservation of which must be given special attention under the statutory duty. There are no public benefits provided by the Proposed Development that might outweigh the harm caused by the Proposed Development. The Proposed Development is a single dwelling of substantial size that will be unobtainable to the majority of the population, it does little if anything to address any housing shortage. It is not policy compliant, the harm caused is not acknowledged by the applicant and therefore no clear and convincing justification has been provided and there are no material considerations relied upon that could or would outweigh that clear harm.

For the reasons set out above the Council is strongly urged to refuse the application for planning permission.

3. Interested Party

An interested party who is a member of the House of Lords supports the comments of Blackburn Park Conservation Society.

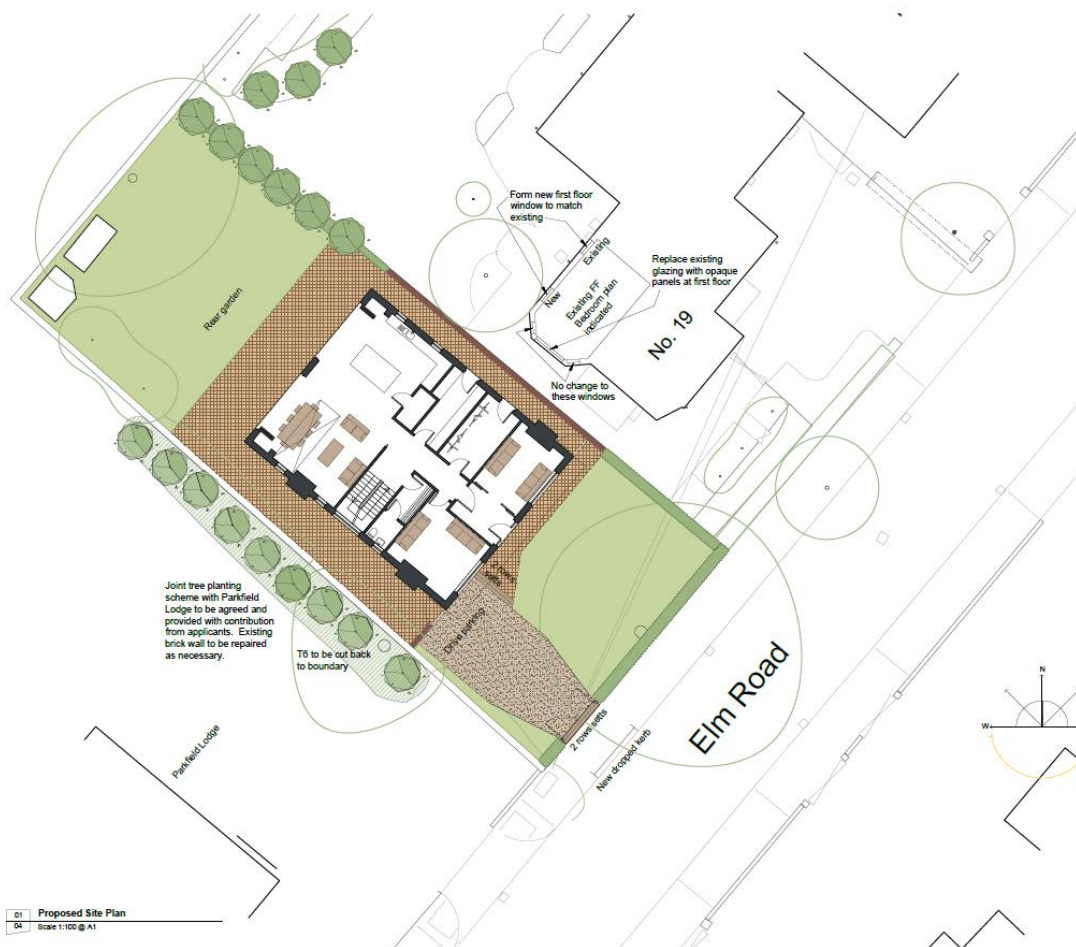
4. Manchester Conservation Areas and Historic Buildings Panel

The Panel expressed concerns about the quality of the building in the Conservation Area. Specifically they queried:

- The impact of the scheme on the cantilevered bay to the side elevation of the existing house at 19 Elm Road, which is intended to be obscurely glazed as part of the application.
- The composition of the internal layout.
- Why cantilevers to the front elevation had not been replicated to the rear elevation.
- The success of the integration of the solar panel array.

5. Head of Planning

The neighbour notification undertaken included the address of the proposal as 19 Elm Road. The drawings submitted show the proposed dwelling house within the grounds of the existing house, as below:



The further comments received do not raise any further issues to those addressed within the body of the report to Planning and Highways Committee.

The obscure glazing of a window to the existing house could be undertaken utilising permitted development rights and would be beyond the control of the local planning authority.

The issue of quality of design has been raised by both the objectors and the Manchester Conservation Areas and Historic Buildings Panel. The development proposals were the subject of rigorous re-design at the pre-application stage. Officers are completely satisfied that this is an appropriate design solution within a Conservation Area. It must be noted that officers are not relying upon housing supply to outweigh any harm to the Conservation Area. It has been assessed that the scheme would provide a distinctive modern building using high quality design and materials which is appropriate within the context.

The recommendation of the Head of Planning remains to **APPROVE** for the reasons set out in the committee report.

APPENDIX TO AGENDA (LATE REPRESENTATIONS)

Planning and Highways Committee 15 November 2018

Item No. 9

Application Number 120665/FO/2018

Ward Northenden Ward

Description and Address

Erection of a part three to five storey building comprising of a ground floor commercial units for Class A1/A2 and 6 x 1 bedroom apartments and 6 x 2 bedroom apartments (12 in total) together with associated landscaping and car parking.

391 Palatine Road, Manchester, M22 4JS

1. Local Residents/Public Opinion

One letter of support has been received from a member of the public who believes that the proposal will be a welcome addition to Northenden and an improvement over the temporary car park.

2. Applicant/Agent

The applicant has submitted an Energy Conservation and Management Statement to illustrate how the development will comply with Council's policy on sustainability, the details are as follows:

The proposed development will ensure compliance with policy EN6 by way of Building Regulations Approved Document Part L 2013 compliance. Under Part L1 and L2 of the Approved document, this development will make provision for the conservation of fuel and power by:-

- Limiting heat losses and gains through thermal elements and other parts of the building fabric and through pipes, duct and vessels used for space heating, space cooling and hot water services
- Providing fixed building services which are energy efficient, have controls tested and adjusted as necessary so no more fuel or power is used than is reasonable in the circumstances.
- Provision of a highly insulated building fabric including thermal insulated products to roof, floor and external walls, and windows and doors. In addition, cold bridging will be prevented by implementing good practice detailing.
- Reduction in the loss of heat from air leakage by strong construction detailing and inspections to reduce air leakage and pre-completion testing
- Provision of low energy light fittings and LED lighting to apartments, communal areas and externally, efficient kitchen appliances of Energy rating A or better, specification of efficient heating and hot water plant, highly controlled to limit heat loss, provision of smart metering to allow

the occupier to modify behaviours and lifestyle that contribute to energy saving.

- Disposal of surface water by installing hard-surfaced areas with permeable paving as a method of disposing of surface water by infiltration and attenuation.
- Reduction of water consumption by specification of low water usage sanitary fittings.
- In addition, as a contribution to further energy saving the applicant will provide a Roof mounted solar PV system to provide a sustainable source of electricity that will benefit the residents. Any excess, unused electricity will be exported to the national grid.

3. Head of Planning - Further observations/comments

The submitted Energy Conservation and Management Statement is considered acceptable. As a result condition no. 2 will be amended as follows and an additional condition, no. 21, added to ensure compliance with the submitted Energy Conservation and Management Statement:

2) The development hereby approved shall be carried out in accordance with the following drawings and documents:

- a) Drawing no. MHG-13(PL)03 C, stamped as received on 4th October 2018*
- b) Drawing no. MHG-13(PL)04 C, stamped as received on 4th October 2018*
- c) Drawing no. MHG-13(PL)05 C, stamped as received on 4th October 2018*
- d) Drawing no. MHG-13(PL)06 C, stamped as received on 4th October 2018*
- e) Drawing no. MHG-13(PL)07 C, stamped as received on 4th October 2018*
- f) Drawing no. MHG-13(PL)08 C, stamped as received on 4th October 2018*
- g) Drawing no. MHG-13(PL)09 C, stamped as received on 4th October 2018*
- h) Drawing no. MHG-13(PL)10 C, stamped as received on 4th October 2018*
- i) Drawing no. MHG-13(PL)11 C, stamped as received on 4th October 2018*
- j) Energy Conservation and Management Statement, stamped as received on 8th November 2018*

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

and

21) The development hereby approved shall be implemented in full accordance with the measures as set out within the Energy Conservation

and Management Statement, stamped as received by the City Council as local planning authority on 8th November 2018, including: measures to secure predicted carbon emissions and the attainment of specified environmental efficiency and performance. Within 3 months of the completion of the construction of the authorised development a verification statement shall be submitted to and approved in writing, by the City Council as local planning authority, confirming the incorporation of the specified measures at each phase of the construction of the development, including dated photographic documentary evidence of the implementation and completion of required works.

Reason - In order to minimise the environmental impact of the development pursuant to policies SP1, T1-T3, EN4-EN7 and DM1 of the Core Strategy for the City of Manchester and the principles contained within The Guide to Development in Manchester SPD (2007) and the National Planning Policy Framework.

The recommendation remains unaltered, i.e. **APPROVE**.