

Planning

Growth & Development

Delegated officer report for planning application

Application no. 141736/FO/2024

Date registered valid: 12 December 2024

Proposal: Change of use of ground floor from light industrial (Class B2) to office use (Class E), and erection of a two storey rear extension and single storey side extension to create additional office space on the ground floor and two additional 1 bed flats above (three flats on site in total), with associated car parking, bin store and landscaping.

Address: 42 Ladybarn Road, Manchester, M14 6WW

Ward(s): Fallowfield Ward

Applicant: Mr Dan Strain DSJMK Properties Ltd

Agent (if any): Ms Kimberley Mountford MODE Architects Limited

Case officer: Holly Wright
Tel: 0161 219 6381
Email: holly.wright@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 4 February 2025

Application details

Type of application: Full Application Consent

Development type: Minor Dwellings

Date of site visit: 23 August 2024

Standard consultations: Printed: 2 January 2025 Expired: 23 January 2025

Neighbour notifications: Printed: 2 January 2025 Expired: 23 January 2025

Site notice: No site notice has been produced

Press advert: No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building/area

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

The application relates to a two-storey detached building of redbrick with a red concrete tile roof, featuring gable end roof forms to the front, side, and rear. The property features timber-framed windows, roller shutters to the front side and rear, a paved front yard, an area of hardstanding to the south and west, as well as a part-single / part-two storey side and rear outrigger, a single storey rear outrigger, and a flat roof rear extension. The site is bordered by a mixture of mid-high level redbrick walls, black railing style gates, timber panelled fencing, and metal palisade fencing. It is bounded to the north by Ladybarn Road, to the east by Fallowfield Timber merchants, and to the south and west by Fallowfield cycling loop. The submitted application form indicates that, though currently vacant, the site was previously used for tool hire (Class B2 – general industrial).







Description of area

Ladybarn Road is a street situated within the Fallowfield ward of Manchester, close to Moseley Road (B5093), Wilmslow Road, and Fallowfield cycling loop. The area is mixed in terms of its character, located close to one of Fallowfield's main high streets with a strong commercial precedent, as well as building's featuring general industrial activities, and residential dwellinghouses.

Description of development

The applicant is seeking permission for the change of use of ground floor from light industrial (Class B2) to office use (Class E), and erection of a two-storey rear extension and single storey side extension to create additional office space on the ground floor and two additional 1 bed flats above (three flats on site in total), with associated car parking, bin store and landscaping.

Planning history

28622 - Two storey extension at side of dwellinghouse to form a coach booking office with a bedroom over – APPROVED (30.04.1987).

35403 - Change of use from living accommodation and office to offices including a new shop front – APPROVED (05.01.1990).

055289/00/CENTL1/98 - Erection of 2-storey building to form offices with a self-contained flat above after demolition of existing; widening of vehicular access to Ladybarn Road; relocation of parking and storage area – APPROVED (22.10.1998).

122979/FO/2019 - Change of use of premises from office at ground floor with adjacent service yard, and residential dwelling at first floor, to 4.no 2-bedroom apartments, with associated car parking and amenity space following demolition of existing garage and rear single storey outrigger – APPROVED (10.06.2019).

133308/FO/2022 - Erection of a two-storey rear extension and demolition of existing garage and single storey rear outrigger in association with the change of use of premises from office at ground floor with adjacent service yard, and residential dwelling at first floor, to form 4.no 2-bedroom self-contained apartments, with associated car parking and amenity space – APPROVED (01.06.2022).

139958/FO/2024 - Conversion of existing ground floor from general industrial (B2) to office use (E), with three storey extensions to rear, side and upper floors to create 8no. apartments (6no. 1 beds and 2no. 2 beds) – REFUSED (25.09.2024).

Consultations & Notification Responses

Local residents, as per appendix 1 – no comments or objections received.

Greater Manchester Ecology Unit - no comments or objections received.

Southeast Fallowfield Residents' Association - no comments or objections received.

Rusholme, Fallowfield & Moss Side Civic Society - no comments or objections received.

Environmental Health requested conditions relating to:

- The submission of a demolition and construction management plan,
- Control of demolition/construction hours,
- Details of premises opening hours,
- Hours of deliveries to commercial premises,
- Residential sound insulation,
- External plant/equipment/servicing (only needed if the new offices have external plant fitted such as air conditioning units),
- Air quality and electric vehicle charging (refer to MCC's AQ Guidance Note for EV charge point recommendations),
- Contaminated land (the Sladen Associates Phase I Assessment Report No: 24 2669 is accepted. We will need the Phase II assessment and possibly a remediation strategy),
- Waste (with the proposed waste strategy considered inadequate. No details regarding the bin stores for the residential or commercial premises have been provided. Both Commercial and domestic premises will need bins for pulpable waste. Other details as per 'Waste Proforma v1.0' - refer to guidance at:
http://www.manchester.gov.uk/downloads/download/6048/waste_management_strategy)

Highways Services requested further information relating to:

- The submission of a transport statement,
- Access arrangements including gate design,
- Details of the allocation and management of parking bays,
- Details of disabled and electric vehicle charging provisions,
- Justification for the level of provision included, given that the surrounding highway network currently experiences very high levels of on-street parking demand,
- Details of boundary treatments adjacent to the parking bays. These should be visually permeable from a distance of 600mm upwards in the interests of pedestrian and highway safety,
- A vehicle visibility assessment,
- Confirmation of rights of access,
- Details of cycle parking provisions of the site (in terms of whether they would be secure and sheltered),

Further to this, conditions relating to the following were also requested:

- Extending and refreshing the existing double-yellow waiting restriction TRO across the highway in the vicinity of the parking bays,
- Highways works including footway resurfacing and the installation of a vehicle crossover.
- Submission of a travel plan,
- Submission of a construction management plan,
- Submission of dilapidation surveys.

Policies

The following policies are considered relevant in the consideration of this application.

The Town and Country Planning (Development Management Procedure) (England) Order 2015

The Manchester Core Strategy – Development Plan Document 2012-2027 (“the Core Strategy”) was adopted by the City Council on the 11th of July 2012:

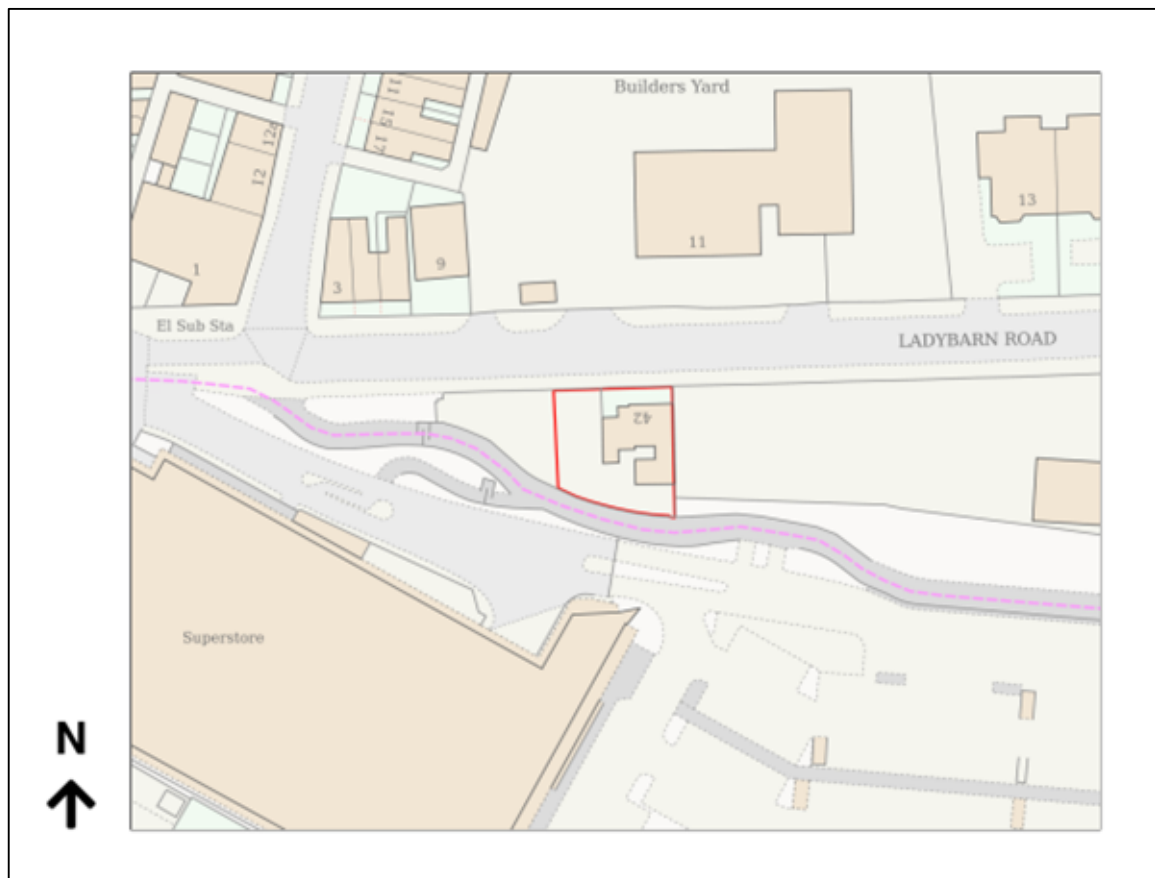
- Policy DM1 – Development Management
- Policy SP1 – Spatial Principles

The National Planning Policy Framework (NPPF, 2024)

- Chapter 12 – Achieving Well-Designed Places

Places for Everyone - is a long-term plan of nine Greater Manchester districts for jobs, new homes, and sustainable growth. It has been published by the GMCA on behalf of the nine districts and took effect and became part of the statutory development plan on March 21, 2024.

- Policy JP-P1: Sustainable Places



Submitted location plan



Submitted proposed site plan



Submitted proposed plans and elevations

Issues

Insufficient information – the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) provides general requirements for the submission of planning applications, namely that these should be accompanied by a plan which identifies the land to which the application relates and any other plans, drawings, and information necessary to describe the development, which is the subject of the application.

With this in mind, it is considered that the information submitted under this application fails to meet the requirements set out in this Order on account of the inadequacy of the information submitted in describing the proposal's impact upon the surrounding highway network as well as pedestrian and vehicle safety in and around the site. These issues are set out more clearly below.

Despite the scope of the proposed works and their potential to significantly impact the surrounding highway network as well as pedestrian and vehicle safety in and around the site, it is considered that the information submitted to support and justify the proposal is insufficient, lacking the level of detail required for the application to be supported and approved by the City Council.

In their consultation response, Highways Services indicated that the following information would need to be provided as part of the planning submission:

- A Transport Statement,
- Details of access arrangements, including gate design and confirmation of rights of access,
- Details of the allocation and management of parking bays,
- Details of disabled and electric vehicle charging provisions,
- Justification for the level of parking provision provided,
- Details of boundary treatments adjacent to the parking bays,
- A Vehicle Visibility Assessment,
- Details of cycle parking provisions of the site (in terms of whether they would be secure and sheltered),

This feedback was relayed to the agent of the application who confirmed their intent to submit the requested details alongside updated plans/documents; however, these were not received within the determination period of the application. It is considered that this information would need to be received and fully considered prior to the application's determination, rather than being conditioned, due to the proposal's potential to significantly impact the surrounding highway network as well as pedestrian and vehicle safety in and around the site.

Therefore, given the uncertainty of how the proposal may impact the surrounding highway network as well as pedestrian and vehicle safety in and around the site, the City Council is unable to support this application, as it conflicts with the principles set out under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), policies SP1 and DM1 of the Manchester Core Strategy, policy JP-P1 of Places for Everyone and chapter 12 of the National Planning Policy Framework.

Conclusion – on this basis, it is considered that the information submitted to date is insufficient, failing to provide the necessary details which would allow for the proposal's impact upon the surrounding highway network as well as pedestrian and vehicle safety in and around the site to be fully understood, contrary to the principles set out under the Town and Country Planning

(Development Management Procedure) (England) Order 2015 (as amended), policies SP1 and DM1 of the Manchester Core Strategy, policy JP-P1 of Places for Everyone and chapter 12 of the National Planning Policy Framework.

Other Legislative Requirements

Equality Act 2010

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

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 a right to a fair hearing and to this end the local planning authority 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 recommendation given is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation: Refuse

Article 35 Declaration

Significant issues arising from the quality and adequacy of the submitted plans and information have arisen during the consideration of this application and a satisfactory resolution has not been reached.

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1) The drawings and information submitted to date are insufficient and inadequate. Updated plans and additional details have been requested but not submitted; therefore, given the quality and adequacy of the submitted drawings and information, and the uncertainty of how the proposal may impact the surrounding highway network as well as pedestrian and vehicle safety in and around the site, the City Council is unable to support this application, as it conflicts with the principles set out under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), policies SP1 and DM1 of the Manchester Core Strategy, policy JP-P1 of Places for Everyone and chapter 12 of the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Ecology Unit
South East Fallowfield Residents Association
Rusholme, Fallowfield & Moss Side Civic Society

J CAVANAGH LTD, Fallowfield Timber Co, Ladybarn Road, Manchester, M14 6WW
Flat 1, 42 Ladybarn Road, Manchester, M14 6WW
9A Ladybarn Road, Manchester, M14 6WN
Sainsbury's, 347 Wilmslow Road, Manchester, M14 6SS
7B Ladybarn Road, Manchester, M14 6WN
7A Ladybarn Road, Manchester, M14 6WN
Flat B, 5 Ladybarn Road, Manchester, M14 6WN
3A Ladybarn Road, Manchester, M14 6WN
Flat A, 5 Ladybarn Road, Manchester, M14 6WN
3B Ladybarn Road, Manchester, M14 6WN
9 Ladybarn Road, Manchester, M14 6WN
Bentleys, Harburg House, 11 Ladybarn Road, Manchester, M14 6WN

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: SOUTH AREA