

Planning

Growth & Development

Delegated officer report for planning application

Application no. 134294/FO/2022

Date registered valid: 15 September 2022

Proposal: Erection of new build detached single storey building to be used as general storage (Class B8) and erection of new build detached two storey office building (Class E)

Address: 2 Farm Yard, Manchester, M19 3NL

Ward(s): Levenshulme Ward

Applicant: Mr Riaz Ahmed, 2 Farm Yard, Manchester, M19 3NL

Agent (if any): Mr Ahmed Choudhry, Nada Architects, 169 Kingsway, Manchester, M19 2ND

Case officer: Carl Glennon
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Email: carl.glennon@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 15 December 2022

Application details

Type of application: Full Application Consent

Development type: Minor Dwellings

Date of site visit: 4 October 2022

Standard consultations:

Printed: 17 October 2022 Expired: 7 November 2022

Neighbour notifications

Printed: 20 September 2022 Expired: 11 October 2022

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

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

The application site is situated in Levenshulme District Centre between the Stockport Road junctions with Albert Road (north) and Farm Yard (south). Two storey shops and commercial uses. The development would partially connected to the operation of a restaurant situated at 936 -938 Stockport Road. Farm Yard is a cul-de-sac that terminates at the eastern boundary with an embankment to an operational railway line. To the north-east of the site is a door refurbishment business.

The proposed 2-storey building would be sited at the back of footpath the Farm Yard. It would situated from an existing 2-storey building and in front of a single storey building. The building would replace metal containers that current prevent access to a door to a single storey building. A timber and corrugated plastic roof that spans from, the container unit and the rear elevation of 956 Stockport Road; this property does not have a rear yard. The roof shelters the approach to external area forming the main part of the application site. Bin storage occurs within Farm Yard, which also has evidence of fly-tipping.

The proposal would maintain a hard surfaced pathway facilitating access to the rear of 940 – 956 Stockport Road. The yard area to these properties have been largely enclosed by poorly constructed rear extensions. The upper floor windows of most the properties (at 940 – 956) have been enclosed. (No 940 is the subject of the a planning application for a flat extension.

The main part of the site comprises of a yare area and single storey garage that accommodates building materials removed from 936 – 938 Stockport Road and part of its refurbishment. The remaining area comprises substantially overgrown vegetation with the apparent presence of Japanese Knotweed.



Fig. 1 - Northern access to the site from Albert Road



Fig.2 – Views of the application site (Building 1)



Fig. 3 – Application site from Farm Yard (Building 2)

Description of development

The development would comprise of two new buildings.

Building 1 (Single storey building) – During the consideration of the planning application the footprint of the storey building has been reduced to have a maximum length 19 metres, which equates to approximately half of the rear yard area following the removal of the existing vegetation and discarded building materials. The unit would be used for Class B8 purposes. The building would have a brick construction and flat roof with maximum height of 3.1 metres. Two pairs of double doors would be positioned on the northern and eastern elevations. Doors to an internal bin store would be positioned on the eastern elevation. The bin store would service the storage unit and proposed office building. The retained yard area would provide servicing and circulation space for the development site and neighbouring buildings in the applicant's ownership. This part of the site can be accessed from Albert Road and Farm Yard.

Building 2 (Two storey building) – Building 2 would be sited on a piece of open land following the removal of the container unit and immediately adjacent to existing buildings to the north and west. It would also be sited at the back of footpath to Farm Yard. The composition of the development would be comparable to a 2-storey detached house comprising a pitched roof positioned between gable elevations. The elevations would comprise of brickworks and a grey pantile roof. The building footprint would be 5 metres (deep) x 7.7 metres (wide). The ridge height would be 7.3 metres with eaves at 5.4 metres. The principal elevation to Farm Yard would comprise of a doorway and windows to the ground floor with windows above. The eastern elevation comprises of a secondary door to the ground floor. WC windows would also be located on the ground and first floor.

Consultations & Notification Responses

Local residents and businesses – No comments received.

Highway Services – The following comments have been received:

- i. Pedestrian, cyclist and servicing access to the development site has been identified via the existing access on Farm Yard. The existing access will also be used by delivery vehicles. There is uncertainty the potential associated highways impact on the existing site and the operation of Farm Yard and Stockport Road. Additionally, Highways have concerns regarding site servicing, the number and type of servicing/delivery vehicles and the impact this will have on the surrounding highway network. Highways would not accept a service vehicle reversing from Farm Yard onto Stockport Road due to safety concerns of other road users, cyclists and pedestrians.
- ii. Notwithstanding the above, the site is served by sustainable transport modes, including regular bus and train services.
- iii. There is no on-site car parking associated with the development and all vehicular demands associated with the site are anticipated to contribute to the level of on-street parking. Given the site location and local sustainable travel offer, the absence of car parking provision is accepted.
- iv. The development has not been supported with secure and sheltered cycle parking provision. It is recommended that in-curtilage provision be made for staff/ visitor cycles. A minimum of 2 cycle storage spaces should be provided.
- v. It is recommended that all fencing / railings adjacent to the adopted highway are visually permeable from a distance of 600 mm upwards to ensure adequate visual permeability for child pedestrians and all access gates are inward opening to avoid footway / highway obstruction.

vii. It is not anticipated that there will be a significant increase in the levels of waste and service vehicles on-site.

viii. Should planning permission be granted, the development should be related to a construction management plan. Highways would have concerns on contractors parking on Farm Yard and Stockport Road and the CMP should consider the highways impacts of construction works and contractor parking in the locality.

Environmental Health – The following recommendations are made in the event of planning permission being granted:

i. The development should be related to a construction management plan that accords with Council guidance and also IAQM/EPUK Construction guidance relating to control of emissions.

ii. Opening hours should be conditioned to : Monday to Friday - 9:00 am to 5.00 pm.

iii. Deliveries, servicing and collections, including waste collections should be conditioned and not take place outside the following hours: 7:30 am to 8:00 pm, Monday to Saturday with no deliveries / waste collections on Sundays / bank holidays.

iv. The installation and operation of any external lighting should be conditioned with measures to ensure the control of glare.

v. The waste management strategy should be conditioned as part of the development.

vi. With regard to general land conditions, in the event that ground, ground water contamination and / or ground gas are encountered on the site before the development is occupied, works should cease and the Council contacted for advice on how to proceed.

vii. It is understood that Japanese knotweed is present within the site and is an invasive species that presents specific ground contamination issues and requirements for appropriate mitigation, treatment and eradication. A condition should be included to ensure that the required measures are implemented as part of the development, in accordance with relevant guidance.

Flood Risk Management Team – The following comments have been received:

i. The site area is 894 sq. metres and the proposed building footprint falls within the band 250 – 500 sq. metres. The site is within the Levenshulme Fallowfield Critical Drainage Area, with indicated high risk of surface water flooding approximately 30m north of the site. A condition is therefore recommended to ensure that the development would be implemented in accordance with a surface water drainage scheme based on sustainable drainage principles

ii. An informative is recommended to advise of the proximity of Fallowfield Brook is located within close proximity to the site and that precautionary measures are implemented when undertaking work within its vicinity.

GM Police Design for Security – No objection subject to the implementation of measures to reduce the risk of crime and secure appropriate site security. Recommendations have been made regarding the implementation of the development in accordance with appropriate recommendations for door, alarm, lighting, CCTV and site management and maintenance specifications.

GM Ecology Unit – Have confirmed the presence of Japanese knotweed within the site and recommended a condition to ensure its treatment and eradication as part of any authorised development.

Issues

National Planning Policy Framework (NPPF) - This Framework came into effect on 27th March 2012 and was amended and updated in July 2021. It sets out the Government's planning policies for England and how these are expected to be applied. It provides a mechanism through which locally-prepared plans for housing and other development can be produced.' It

states that 'at the heart of the Framework is a presumption in favour of sustainable development.' However, the Framework re-iterates that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Furthermore, the statutory status of the development plan remains as the starting point for decision making. In 'decision-taking', this means that development proposals that accord with the development plan should be approved without delay unless 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.

Chapter 8: Promoting healthy and safe communities - States that planning decisions should aim to achieve healthy, inclusive, accessible and safe places, where crime and disorder (and the fear of crime) do not undermine the quality of life or community cohesion (paragraph 91). These considerations have been related to the layout and design of the proposed development and the incorporation of measures to address issues of security and potential opportunities for criminal and anti-social behaviour. Building 1 would be located with an enclosed space with some natural surveillance. Building 2 would be in relatively secluded positions with windows in the side elevation that may be potential vulnerable to crime. Security issues may be potentially brought forward to mitigate against the risk of crime. It is not considered that Building 2 would contribute positively to the streetscene due to its excessive footprint and relationship to neighbouring built form. The development has failed to be supported with appropriate servicing arrangements. On balance it is not considered that the development has been appropriately related to Chapter 8.

iii. Chapter 9: Promoting sustainable transport - States that in assessing specific applications for development, it should be ensured that:

- a) Appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;
- b) Safe and suitable access to the site can be achieved for all users; and
- c) Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

The development has not been supported with site management arrangements to demonstrate that its implementation (of its use) would not be disruptive to the operation of Albert Road and Farm Yard. There is also concern that the future potential use of Building 2 would generate addition traffic within a tightly constrained section of highway. Although the site is in sustainable location the development has not been support with cycle storage provision to offset the absence of car parking in respect of Building 2. It is not, therefore, considered that the development would be positively related to chapter 9.

iv. Chapter 11: Making effective use of land - The formation of a 2-storey building would not be appropriately related to the constraints of the site and Chapter 11 would not be accord with.

Planning Practice Guidance - On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource and is relevant to key planning issues of significance to applicants and local authorities. In considering this application consideration has been given to the following aspects of the PPG:

- i. Consultation and pre-decision matters
- ii. Health and well-being
- iii. Noise

Manchester's Local Development Framework: Core Strategy - The Core Strategy Development Plan Document 2012 -2027 ('the Core Strategy') was adopted by the 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.'

The following policies are relevant to the proposed development:

Policy SP 1 - Specifies the Core Development Principles for parts of the City. In this case the relevant principles relate to the extent to which the development:

- i. Makes a positive contribution to neighbourhoods of choice including the creation of well designed places that enhance or create character; making a positive contribution to the health, safety and well-being of residents, considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income and to protect and enhance the built and natural environment;
- ii. Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible;
- iii. Improve access to jobs, services, education and open space by being located to reduce the need to travel and provide good access to sustainable transport provision.

The addition of a two-storey building would materially affect the relationship of the building to its context, including activity in and around it. The development has not been supported with satisfactory arrangements for site management. It would thereby be harmful to the amenity and well-being of neighbouring residents. On this basis, it is not considered that the development would be satisfactorily related to policy SP1.

Policy C 1 Centre Hierarchy - States that the development of town centre uses (as defined in national planning policy) will be prioritised in the centres identified in this policy, taking account of the different roles of the City Centre, District Centres and Local Centres. Policy C1 states that district centres, such as Levenshulme, have an essential role in providing key services to the City's neighbourhoods including shopping, commercial, leisure, public and community functions, ensuring that residents can access such services easily. They are also a focus for the City's residential neighbourhoods, providing an important opportunity to define local character. It further states that these centres should primarily respond to the needs of the catchment and recognise the need to support the vitality and viability of other centres.

Policy C 2 District centres - States that development will support thriving district centres, with distinct local character, providing a good range of accessible key services, including retail, health facilities, public services, leisure activities and financial and legal services. The delivery of this floor space should respect the network of centres across the City and in neighbouring districts.

Given the harm identified in association with the development, it is not considered that a positive contribution to Levenshulme District Centre has been demonstrated and frontage to Stockport Road would not be provided. Its contribution to the quality of the district centre and its commercial offer would be limited. The development as submitted would make a very limited contribution to local employment and this would not offset the harmful impact of introducing excessive built form and associate activity. Policies C1 and C2, therefore, would not be positively accorded with.

Policy EC9 South Manchester - States that within South Manchester, including Levenshulme District Centre, development proposals and planning applications should have regard to: ensuring efficient use of existing employment space; improving public transport, walking and cycling connectivity between residential neighbourhoods and employment locations such as the City Centre. However, the development would provide additional floorspace within a tightly constrained section of the application site and more widely increase activity around the site to the detriment of residential amenity. The development would not, therefore respond positively to policy EC9.

Policy EC1 Employment and Economic Growth in Manchester - The relevant sections of policy EC 1 include the contribution of the development to:

- o Improving access to jobs for all via public transport, walking and cycling;
- o Demonstrating that employment-generating development has fully considered opportunities to provide jobs for local people, through construction or use;
- o Ensuring the continued social, economic and environmental regeneration of the City;

It is considered that the benefits of providing a new Class E use with limited additional employment opportunities would not satisfactorily compensate for the previously outline harm to the amenities. Policy EC1 would not be accorded with.

Policy EN1 (Design Principles and Strategic Character Areas) - States that all development in Manchester will be expected to achieve an appropriate standard of urban design, as identified in national planning guidance and have regard to the character area in which the development is located. A functional design response has been brought forward with a limited architectural contribution to the locality. Inclusive access would not be provided to Building 2.

Policy EN 14 Flood Risk – Requires an assessment of potential increased flood risk and mitigation. The development would be located in Flood Zone 1 and the scale of the development would not usually have a significant increase the risk of flooding. The comments of FRMT are capable of being addressed.

Policy EN18 Contaminated Land and Ground Stability - States that any proposal for development of contaminated land must be accompanied by a health risk assessment. Specific risk has not been identified and a watching brief condition could be applied to an appropriate development to address any unidentified land contamination upon construction.

Policy T1 Sustainable Transport - Relates to the delivery of sustainable, high quality, integrated transport system, which encourages a modal shift away from car travel to public transport, cycling and walking and prepare for carbon free modes of transport. In this case, the application site is located in a sustainable location with easy access to bus routes on Stockport Road. No cycle storage would be provided. It is likely that additional traffic generation would occur the that would need to be accommodated elsewhere.

Policy T 2 Accessible areas of opportunity and need - The Council will actively manage the pattern of development and the relevant section of the policy states: that new development should provide appropriate car parking facilities, including meeting the needs of disabled people and the provision cycle parking. Although, the development would supported with limited cycle storage, on-site car parking would not be provided. Notwithstanding the sustainable location of the site, there is concern the development would have the potential to generate car parking that would not be satisfactorily accommodated with the resulting congestion being harmful to amenity and the operation of Albert Road and Farm Yard. The development therefore would not responded positively to policy T2.

Policy DM1 Development Management - States that all development should have regard to the following specific issues, which are relevant in relation to the proposed development:

- o Appropriate siting, layout, scale, form, massing, materials and detail;
- o Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development;
- o Development should have regard to the character of the surrounding area;
- o Effects on amenity;
- o Accessibility;
- o Community safety and crime prevention;
- o Design for health;
- o Refuse storage and collection;
- o Vehicular access and car parking;
- o Flood risk and drainage.

As previously discussed, it is considered that the scale and magnitude of the proposed development, together with the related intensity of the use, would be harmful to the amenity and well-being of residents and the wider locality. Inclusive access to Building 2 would not be secured due to the constraints of the site. Policy DM1 would therefore not be accorded with.

Unitary Development Plan (UDP) saved policy - The following saved policy is considered to be relevant:

Policy DC26 Development and noise - The following elements of policy DC26 are considered to be relevant:

Policy DC26.1 - The Council intends to use the development control process to reduce the impact of noise on people living and working in, or visiting, the City.

Policy DC26.5 - The Council will control noise levels by requiring, where necessary, high levels of noise insulation in new development as well as noise barriers where this is appropriate.

Noise issues have not been identified by Environmental Health and the proposed opening hours are related to weekday business hours. Policy DC26 is therefore capable of being complied with.

Positive and proactive engagement with the applicant - An amendment to the DMO, which came into effect on 1st December 2012, requires every decision notice relating planning permission and reserved matters application to include an explanation as to how the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems, which arise during the determination of the planning application. This includes the identification of issues and 'problems' associated with the proposals that have required positive consideration, dialogue and negotiation to secure positive outcomes. In this case, the applicant was advised that the principle of the development was not supported due to its excessive magnitude, incongruous relation to its surrounding context and potential harm to the amenities of the area. The applicant has sought to reduce the magnitude of Building 1 to address identified concerns. However, the development continued to include Building 2 that was previously identified as being unacceptable and site management arrangements have not been provided. The applicant indicated the application should be determined as submitted and no further negotiation was undertaken.

Principle of the development – The applicant was given the opportunity to pursue a reduction in the footprint of the storage building (1) and omit the proposed office building (2). It was considered that a proportionate storage building to be potentially acceptable, if its use were to be linked to the use of the applicant's restaurant business and an operational management

plan. Further details have not been provided to demonstrate how the operation of Building 1 might be managed. Notwithstanding the above, the applicant indicated that the development was unwilling to omit the office building from the proposal and requested that all component parts of the development be considered. For reasons set out below, the proposed office building is not considered to be acceptable and the entire development cannot therefore be supported.

It would not be appropriate for the proposed storage unit to be related to the applicant's sole use in association with off-site businesses. The practicality of maintaining a link between the operation of the proposed building and neighbouring restaurant is unclear, as it is not been demonstrated that the operation of the existing restaurant would require such extensive storage facilities. Concerns regarding the operation of the storage building as a separate unit would therefore remain.

Use of the proposed buildings -

Building 1 (Single storey building) – The agent confirmed that the proposed single storey building would be used for non-food storage, e.g., furniture associated with operation of the restaurant business and would not be operated in conjunction with a separate business. However, a Class B8 use has been referenced in the description of development and the applicant's suggested operational arrangements may change over time and the longer need for storage has not been demonstrated. The potential for storage to be undertaken in a manner commensurate with a Class B8 use, operating in conjunction with or independently from neighbouring businesses, has been given necessary consideration. A reduction in the footprint of the building would reduce the impact of its future operation. It may also increase the likelihood of its use in association with the applicant's neighbouring restaurant use. However, the applicant has not provided a satisfactory site management plan to demonstrate how any limitations the future use of the building might be delivered. The details of the management of servicing and delivery arrangements and/or an assessment of traffic impacts on Farm Yard and Albert Road have not been provided and the suitability of the use therefore remains uncertain.

Building 2 (Two storey building)

Building 2 would comprise of 56 sq. metres over two storeys. The amount and configuration of the floorspace would be significant as the applicant has indicated that the office would be for his personal use and would not be accessed by visiting members of the public. The nature of the occupation of the building may change over time and assessment of how the office may be issued in the future has been both reasonable and necessary. General occupation of the office would potentially increase activity in and around the site, particularly if the building were to support more than one business (which could potentially occur due to the configuration of the internal space and position of doors). The resulting intensity of the use has the potential to exceed the capacity of the site and is thereby considered to be unacceptable.

Siting -

Building 1 (Single storey building)

The applicant engaged in a pre-application consultation and responded to expressed concerns by reducing the height of the proposed storage building to a single storey. The reduction in height has improved the potential relationship to first floor of properties to the east of the site. However, the footprint of the building has been reduced during the consideration of the planning application and its relationship to the surrounding context has been improved. Whilst the magnitude of this aspect of the development is potentially acceptable, the satisfactory management of its future use has not been demonstrated.

Building 2 (Two storey building)

This element of the development would be defined by its setting in close proximity of neighbouring buildings and presentation the streetscene formed within Farm Yard. It is considered that, in the absence of any space to the rear of the building the development would result in the excessive and cramped arrangement of built form that would be detrimental to residential amenity. There would be no scope for the formation of a service area, suitable bin storage or space to facilitate future maintenance of external elevations. An access door formed in the side elevation of an extension to No 4 is currently blocked by the unauthorised siting of a container unit (within the application site). The submitted application form has not indicated whether an established right of access has been affected across the application site. Notwithstanding the above, the siting of the proposed building would permanently obstruct and affect access via this door and bring into question the suitability of the siting of new and existing built form. On balance it is considered that the proposals would result in the overdevelopment of this part of the application site.

Height, scale and massing

Building 1 – The building would be limited to a single storey thereby maintaining a degree of spaciousness across the site and above the new building. Given the enclosed nature to the site the building would not be visible from the street and views from the operational railway line would be limited. It is not considered that the development would impact upon 2-storey properties to the east of the site (should upper floor windows and residential uses be reinstated).

Building 2 – The proposed building (2) has been informed by the height of the building immediately to its west elevation and it is noted that 2-storey pitched roof buildings are located to the east (fronting Stockport Road). Whilst the height of the building has been informed by its context, its impact on the immediate streetscene would be notable as it would increase the amount of built form presented to Farm Yard and in-fill existing open space between built form. It is considered that the height of the building combined with its siting would emphasise the excessive amount of proposed built form within this part of the site.

Waste management – Environmental Health have indicated that the proposed waste management arrangement would be acceptable, in terms of arrangements for segregating waste streams and bin capacity. However, the entire development would rely on a bin storage arrangement within Building 1. It would be expected that the yard area to the adjacent part of the site would be enclosed and secured with gates. In such circumstances, it would be expected that Building 2 would be supported with separate bin storage arrangements within the building (as dedicated yard area has not been provided). The proposed arrangement would be inconvenient and potentially lead to the storage of waste in the street reflecting the existing circumstances. If the proposed storage arrangement were to be accessed the security of the yard would be potentially compromised if gated were to be left unlocked. Given these concerns, it is not considered that the waste storage arrangements would be unacceptable.

Highway issues, servicing and traffic generation –

Building 1 - The applicant has indicated that the Building 1 would be used for the storage of furniture relating to the operation of the applicant's neighbouring restaurant business. It has been indicated that a small van would service the site but this would be dependent on the size and volume of furniture to be transported. The frequency of related visits has not been specified. It has therefore been difficult to assess the potential impact of the operation Building 1 on the highway. As stated, this part of the development has the potential to be acceptable

subject to a greater understanding of its traffic impacts and the provision of a suitable site management plan.

Building 2 – There is concern that the future use of the office building would generate additional traffic. Fig. 4 (below) illustrates the occurrence of on-street car parking on Farm Yard, and there is concern that the proposed office use may exacerbate these circumstances, particularly if its future involves occupation by one or more businesses, i.e., it is not solely used by the applicant as currently indicated. The development has not been supported with cycle storage to offset the absence of on-site car parking.



Fig.4 – Car parking on Farm Yard (13 October 20

Crime reduction and site security – Notwithstanding the comments of GM Police, the applicant has not demonstrated how the site would be secured from Farm Yard and the ground floor side elevation WC window would appear to be vulnerable to intrusion. The limited presence of upper floor windows to properties to the west of the site would inhibit natural surveillance and a scheme for appropriate on-site security (for Building 1), including CCTV cameras and lighting would need to be brought forward should this aspect the development be pursued.

Design – Building 1 would have a very simple elevational form that has been informed by its function. The use of appropriate brickwork would secure some coherence to the surrounding context. The configuration of Building 2 has been informed by the composition of neighbouring buildings and some continuity its context may be achieved through the use of appropriate materials. However, the development lacks architectural detailing and make a limited contribution to built form in the locality.

Inclusive access -The positioning of the Building 2 at the back of pavement would not facilitate the provision of inclusive access to the ground floor.

Japanese knotweed – The applicant has been advised of the confirmed presence of Japanese knotweed within the site and measure that should be undertaken to secure its removal by specialist contractor. Should and appropriate development be brought forward, a condition would need to be included to secure its appropriate treatment and eradication.

Networks Rail - The submitted comments have been forwarded to the applicant and the issues raised would need to be addressed should an appropriate development be brought forward.

Conclusion – The applicant has not appropriately demonstrated that the use of Building 1 can be undertaken without undue harm to the operation of the highway. It is also considered that the proposal has not demonstrated that the site can appropriately accommodate the proposed mix

of uses. The magnitude of Building 2 and its relationship to neighbouring built form is not considered to be appropriate. The development cannot, therefore, be supported.

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

In this case, officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. In this case, the applicant was advised that the principle of the development was not supported due to its excessive magnitude, incongruous relation to its surrounding context and potential harm to the amenities of the area. The applicant has sought to reduce the magnitude of Building 1 to address identified concerns. However, the development continued to include Building 2 that was previously identified as being unacceptable and site management arrangements have not been provided. The applicant indicated the application should be determined as submitted and no further negotiation was undertaken.

Reasons for recommendation to refuse

1) The siting and composition of Building 2, alongside its close proximity to neighbouring built form would result in the cramped and excessive overdevelopment of the site. The absence of an external servicing area would emphasise the extent of site coverage and compromise the provision of dedicated segregated waste and recycling and secured cycle storage within the curtilage of the development site. The development would thereby be harmful to the amenities and character of the area and thereby be contrary to policies SP1, T1, T2 and DM1 of the Core Strategy for the City of Manchester.

2) The development has not been supported with a site management plan that demonstrated the servicing and operation of the buildings comprising the development could be undertaken with resulting in harmful impacts to the highway, particularly Albert Road and Farm Yard. The development would thereby be potentially harmful to highways safety and the amenities of the area and the quality and character of Levenshulme District Centre. The development would thereby be contrary to policies SP1, C1 C2 and DM1 of the Core Strategy for the City of Manchester.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management
Greater Manchester Police
United Utilities Water PLC
Network Rail
Friends Of Levenshulme

Flat 1, Hanimar, 15 - 17 Albert Road, Manchester, M19 2EQ
19 Marshall Road, Manchester, M19 2EG
13 Marshall Road, Manchester, M19 2EG
9 Marshall Road, Manchester, M19 2EG
17 Marshall Road, Manchester, M19 2EG
15 Marshall Road, Manchester, M19 2EG
Adjacent 936 -938, Stockport Road, Manchester, M19 3NN
Flat 3, 861B Stockport Road, Manchester, M19 3PW
Flat 5, 861B Stockport Road, Manchester, M19 3PW
873 Stockport Road, Manchester, M19 3PW
946 Stockport Road, Manchester, M19 3NN
Flat 1, 6 Albert Road, Manchester, M19 3PJ
Flat 8, 861B Stockport Road, Manchester, M19 3PW
861 Stockport Road, Manchester, M19 3PW
944 Stockport Road, Manchester, M19 3NN
853 Stockport Road, Manchester, M19 3PW
Top Flat, 950 - 952 Stockport Road, Manchester, M19 3NN
942 Stockport Road, Manchester, M19 3NN
Hanimar, 15 - 17 Albert Road, Manchester, M19 2EQ
847 - 849 Stockport Road, Manchester, M19 3PW
Flat 14, Hanimar, 15 - 17 Albert Road, Manchester, M19 2EQ
839 - 841 Stockport Road, Manchester, M19 3PW
7 Marshall Road, Manchester, M19 2EG
940 Stockport Road, Manchester, M19 3NN
950 - 956 Stockport Road, Manchester, M19 3NN
936 - 938 Stockport Road, Manchester, M19 3NN
2 Albert Road, Manchester, M19 3PJ
2B Albert Road, Manchester, M19 3PJ
Unit 1, 4 Farm Yard, Manchester, M19 3NL
1 Marshall Road, Manchester, M19 2EG
Flat 2, 36 Bankley Street, Manchester, M19 3PP
Flat 1, 36 Bankley Street, Manchester, M19 3PP
Flat 3, 2A Albert Road, Manchester, M19 3PJ
Flat 1, 2A Albert Road, Manchester, M19 3PJ
Flat 2, 2A Albert Road, Manchester, M19 3PJ
Flat 4, 2A Albert Road, Manchester, M19 3PJ
934 Stockport Road, Manchester, M19 3AB
930 Stockport Road, Manchester, M19 3AB
932 Stockport Road, Manchester, M19 3AB
Flat Above, 948 Stockport Road, Manchester, M19 3NN
Flat 2, 6 Albert Road, Manchester, M19 3PJ
Flat 1, 861B Stockport Road, Manchester, M19 3PW
Flat 6, Hanimar, 15 - 17 Albert Road, Manchester, M19 2EQ
948 Stockport Road, Manchester, M19 3NN

11 Marshall Road, Manchester, M19 2EG
Flat 7, 861B Stockport Road, Manchester, M19 3PW
Flat 4, 861B Stockport Road, Manchester, M19 3PW
Flat 2, 861B Stockport Road, Manchester, M19 3PW
Flat 7, Hanimar, 15 - 17 Albert Road, Manchester, M19 2EQ
Flat 4, Hanimar, 15 - 17 Albert Road, Manchester, M19 2EQ
Flat 3, Hanimar, 15 - 17 Albert Road, Manchester, M19 2EQ
Flat 2, Hanimar, 15 - 17 Albert Road, Manchester, M19 2EQ
875 Stockport Road, Manchester, M19 3PW
21 Marshall Road, Manchester, M19 2EG
Flat 1, 8 Albert Road, Manchester, M19 3PJ
24 Bankley Street, Manchester, M19 3PP
Flat 11, Hanimar, 15 - 17 Albert Road, Manchester, M19 2EQ
Flat 10, Hanimar, 15 - 17 Albert Road, Manchester, M19 2EQ
4 Albert Road, Manchester, M19 3PJ
863 - 871 Stockport Road, Manchester, M19 3PW
Flat 6, 861B Stockport Road, Manchester, M19 3PW
861A Stockport Road, Manchester, M19 3PW
Flat 2, 26 Bankley Street, Manchester, M19 3PP
Flat 8, Hanimar, 15 - 17 Albert Road, Manchester, M19 2EQ
843 Stockport Road, Manchester, M19 3PW
958 Stockport Road, Manchester, M19 3NN
3 Albert Road, Manchester, M19 3PJ
Flat Above, 936 - 938 Stockport Road, Manchester, M19 3NN
Flat Above, 954 - 956 Stockport Road, Manchester, M19 3NN
960 Stockport Road, Manchester, M19 3NN
PaddyPower, 958 - 960 Stockport Road, Manchester, M19 3NN
4A Albert Road, Manchester, M19 3PJ
855 Stockport Road, Manchester, M19 3PW
Flat 2, 8 Albert Road, Manchester, M19 3PJ
845 Stockport Road, Manchester, M19 3PW
Flat 15, Hanimar, 15 - 17 Albert Road, Manchester, M19 2EQ
Flat 12A, Hanimar, 15 - 17 Albert Road, Manchester, M19 2EQ
Flat 12, Hanimar, 15 - 17 Albert Road, Manchester, M19 2EQ
Flat 5, Hanimar, 15 - 17 Albert Road, Manchester, M19 2EQ
Flat 9, Hanimar, 15 - 17 Albert Road, Manchester, M19 2EQ

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: NORTH AREA