

**Manchester City Council
Report for Resolution**

Report to: Neighbourhoods and Environment Scrutiny Committee – 19 July 2016
Executive – 27 July 2016

Subject: Neighbourhood Planning in the Levenshulme area – Designation of a Neighbourhood Area

Report of: Deputy Chief Executive (Growth and Neighbourhoods)

Summary

The Council has received applications to designate a Neighbourhood Forum and a Neighbourhood Area in the Levenshulme area. This report makes recommendations regarding the determination of the Neighbourhood Area application. The Neighbourhood Forum application will be determined at a future committee meeting.

Recommendations

1. That Neighbourhoods and Environment Scrutiny Committee comment on the content of this report.
 2. That Executive designates the area shown in blue on the attached map at Appendix 1 as the Levenshulme Neighbourhood Area and agrees that the Area should not be designated as a business area.
 3. That Executive defers a decision on designation of the Levenshulme Neighbourhood Forum to a future meeting.
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Wards Affected: Levenshulme, Gorton South, Rusholme and Longsight

Manchester Strategy outcomes	Summary of the contribution to the strategy
A thriving and sustainable city: supporting a diverse and distinctive economy that creates jobs and opportunities	Designation of a Neighbourhood Area could result in the production of a Neighbourhood Development Plan for this area in the future, in accordance with the existing development plan.
A highly skilled city: world class and home grown talent sustaining the city's economic success	Well-planned development can support delivery of training and employment opportunities.
A progressive and equitable city: making a positive contribution by unlocking the potential of our communities	Neighbourhood planning processes encourage residents to get involved and influence decision-making.

A liveable and low carbon city: a destination of choice to live, visit, work	Designation of a Neighbourhood Area could result in the production of a Neighbourhood Development Plan for this area in the future, in accordance with the existing development plan.
A connected city: world class infrastructure and connectivity to drive growth	Well-planned development can make the most of the connections within an area.

Full details are in the body of the report, along with any implications for:

- Equal Opportunities Policy
- Risk Management
- Legal Considerations

Financial Consequences – Revenue

There are no direct financial costs arising from the designation of a Neighbourhood Area for the Levenshulme area. However, once designated, a relevant body would be able to apply for Neighbourhood Forum status and would be able to prepare Neighbourhood Development Plans and Neighbourhood Development Orders, which would be submitted to the Council who must publicise these and carry out a consultation process. The Council will also have to bear the costs of independent examination of any Neighbourhood Development Plan / Development Order, and eventually of any referendum required by the Localism Act prior to adoption of such plans and orders. Whilst there is some financial support available from the Government to cover these costs, it is likely that there will need to be a contribution from the Council. It is anticipated that costs would be in the region of £10-15,000, although the extent to which these fall on the Council would depend on the level of government grant received.

Financial Consequences – Capital

None

Contact Officers:

Name: Richard Elliott
Position: Head of Policy, Partnerships and Research
Telephone: 0161 219 6494
E-mail: r.elliott@manchester.gov.uk

Name: James Shuttleworth
Position: Planning Strategy Manager
Telephone: 0161 234 4594
Email: j.shuttleworth@manchester.gov.uk

Name: Julie Roscoe
Position: Head of Planning, Building Control and Licensing
Telephone: 0161 234 4552
Email: j.roscoe@manchester.gov.uk

Background documents (available for public inspection):

The following documents disclose important facts on which the report is based and have been relied upon in preparing the report. Copies of the background documents are available up to 4 years after the date of the meeting. If you would like a copy please contact one of the contact officers above.

- Levenshulme Neighbourhood Area Application

1. Introduction

- 1.1 In October 2015 the Council received applications for the designation of a Neighbourhood Forum and a Neighbourhood Area in the Levenshulme area. This report summarises the consultation responses received on the Neighbourhood Area application, assesses the application against the Council's Neighbourhood Planning Policy Framework and recommends the designation of an alternative area to the one applied for, setting out the reasons behind this recommendation. The Neighbourhood Forum application will be determined at a future committee meeting.

2. Background

- 2.1 The concept of Neighbourhood Planning was introduced by the Coalition Government through the Localism Act 2011. It enables local community organisations (comprising at least 21 individuals) to initiate and produce Neighbourhood Development Plans and Neighbourhood Development Orders. In order to do this a community organisation must apply to the Council for the designation of a Neighbourhood Area in their locality; and also for designation of the organisation as a Neighbourhood Forum.
- 2.2 Further background to the Neighbourhood Planning process is set out in the report entitled 'Manchester City Council Policy Framework for Neighbourhood Planning', which is also on today's Committee agenda. That report sets out the Council's perspective on Neighbourhood Planning, the current legal requirements, relevant case law and the Council's Neighbourhood Planning Policy Framework against which applications relating to Neighbourhood Planning will be assessed.
- 2.3 As well as the current applications for Levenshulme, an application has been received for designation of a Neighbourhood Area in Castlefield, and is considered elsewhere on this agenda.

3. Levenshulme Neighbourhood Area Application

- 3.1 In October 2015 an organisation called the Levenshulme Neighbourhood Planning Forum submitted an application for the designation of a Neighbourhood Area. The area applied for covers the majority of Levenshulme ward (with the exception of the part of the ward west of the A34 / railway line), the southern part of Gorton South ward and very small parts of Rusholme and Longsight wards (see map in Appendix 1). Alongside this the organisation submitted an application to be designated as a Neighbourhood Forum. The area applied for does not currently have a designated Neighbourhood Forum, nor are there any pending applications for a Neighbourhood Forum for this area.
- 3.2 Officers had met with representatives of the potential forum before the applications were submitted, and this provided the opportunity for the applicants to set out their objectives for the area. These are:

- To deal with Levenshulme as a single place, as it currently sits in two wards and two SRF areas;
- To focus on improvements to the A6, particularly in terms of retail/commercial representation;
- To play a proactive role in finding a new use for the vacated swimming pool;
- To protect Highfield Park from development; and
- proactively push for redevelopment of certain sites (in particular Chapel Street/Elbow Street).

At that time questions were raised about the wide extent of the Neighbourhood Area which was being considered, reflecting concerns that this may not be a coherent area for Neighbourhood Planning.

4. Consultation

4.1 The Council consulted on the applications between 11th December 2015 and 29th January 2016. During this time the applications and supporting information were published online and hard copies of the documents were available in Levenshulme library. Stakeholders on the Council's planning policy database were notified and the weblink was circulated to community organisations in the Levenshulme area. Site notices were posted at six locations within the proposed Neighbourhood Area.

4.2 Six organisations / individuals made representations on the applications and these have been taken into account when making the recommendations on the application. The three representations which relate to the Neighbourhood Area application are summarised and responded to below, the other three representations relate solely to the Neighbourhood Forum application and, for the reasons set out in paragraph 6.3, will be considered at a future committee meeting (at the same time as the Neighbourhood Forum application is determined).

- Levenshulme Market Community Interest Company and a local resident – although generally supportive of the proposals the respondent is concerned that the Neighbourhood Area proposed is too large. The scale of the area proposed will dilute the effectiveness of genuine community involvement. Would prefer to see efforts concentrated on a smaller area such as a street or localised around publicly shared and available site(s) where the greatest change and scope for improvement can and will likely take place over the next 10 to 20 years.

Comments noted. The Council is required to take a range of factors into consideration when deciding whether a neighbourhood area boundary is appropriate. The size of the neighbourhood area could be one of these.

- Love Levenshulme – the application information is not available on the intended forum's website even though its constitutional remit is to advertise and communicate events for the forum.

Comments noted.

- Amec Foster Wheeler on behalf of National Grid – the proposals have no implications for National Grid Gas Distribution’s Intermediate / High pressure apparatus, nor for high voltage electricity assets, however there may be low pressure or medium pressure gas distribution pipes present. National Grid has provided a contact email address for further information on the gas distribution network, and weblinks with information on electricity and transmission assets and the distribution network. National Grid wishes to be consulted on any Neighbourhood Plan and provides contact details for our database.

Comments in relation to the Neighbourhood Area noted. The representation in relation to the Neighbourhood Forum will be addressed at the same time as the Neighbourhood Forum application.

- 4.3 In addition a further four organisations replied to say that they had no comments to make, one of these (United Utilities) asked to be consulted in the event that a draft Neighbourhood Plan is prepared.

5. Assessment of the Neighbourhood Area Application

- 5.1 As set out in the Executive Report ‘Manchester City Council Policy Framework for Neighbourhood Planning’, a decision on the Neighbourhood Area to be designated will be based on statutory requirements, national guidance and the Council’s Neighbourhood Planning Policy Framework. This application has been assessed against each of these considerations below. The group’s objectives in relation to Neighbourhood Planning (see paragraph 3.2 above) are also taken into account.

National Requirements and Guidance

- 5.2 Section 61G (4) of the relevant Act requires a local authority to have regard to the desirability of maintaining the whole of the area of a parish council as a neighbourhood area, and to the desirability of the maintaining the existing boundaries of areas already designated as neighbourhood areas. Neither is relevant in this instance.
- 5.3 Section 61G (5) of the Act deals with the grounds on which an application can be refused. A local authority can refuse an application if they consider that the specified area is not an appropriate area to be designated as such, but the authority is required to designate an area that includes at least part of the area applied for. This would imply that the test for designation of an area is that it is “an appropriate area to be designated”. There is some additional guidance regarding Neighbourhood Area boundaries and whilst this is potentially directed at prospective forums it could be applied when considering potential boundaries. This guidance states that the following could be considerations when deciding the boundaries of a Neighbourhood Area:
- Village or settlement boundaries, which could reflect areas of planned

expansion

- The catchment area for walking to local services such as shops, primary schools, doctors' surgeries, parks or other facilities
- The area where formal or informal networks of community based groups operate
- The physical appearance or characteristics of the neighbourhood, for example buildings may be of a consistent scale or style
- Whether the area forms all or part of a coherent estate either for businesses or residents
- Whether the area is wholly or predominantly a business area
- Whether infrastructure or physical features define a natural boundary, for example a major road or railway line or waterway
- The natural setting or features in an area
- Size of the population (living and working) in the area with electoral wards being suggested as a useful starting point for discussions as these have an average of 5,500 residents.

The guidance also states that local planning authorities should take into account the statement provided by the relevant body (i.e. the prospective forum) explaining why the area applied for is considered appropriate to be designated.

- 5.4 As shown in Appendix 1, and described in paragraph 3.1, the Neighbourhood Area applied for covers a large geographical area. Appendix B of the Neighbourhood Area application contains the statement explaining how the organisation came up with the boundaries (Appendix 2 of this report). This states that the area is based around Stockport Road, functionally and historically the centre of Levenshulme; with additional land being added to the area as a result of surveying people who lived in areas which could be regarded as Levenshulme but which bordered other areas. The organisation presented the survey results as well as guidance relating to Neighbourhood Area designation to attendees at a public meeting and votes were taken to establish the boundary.
- 5.5 The Neighbourhood Area applied for follows ward boundaries for its eastern and southern boundaries, and the (Airport) railway line for its western boundary. The northern boundary does not follow ward boundaries, but broadly follows the line of the built up area with open space to the north of the boundary along most of it, with the exception of the land to the north of Bickerdike Avenue and Crowcroft Road, where the built up area continues to the north. The area applied for is not wholly or predominantly a business area, but, as shown on the map comprises broad residential areas to the east and west of the district centre.
- 5.6 Based on Council Tax data, it is estimated that around 24,000 people live in the proposed Neighbourhood Area. The Act sets out the requirements for designation of a Neighbourhood Forum, one of which is that a relevant body must have a minimum of 21 members to be designated as a Forum. Whilst this is a minimum figure, and a Forum could potentially have more members at the point of designation, there is nothing to prevent membership dropping to

21 people once designated. The concern is that extensive scale of area proposed for designation, with 24,000 residents, which is potentially too large for a forum to be capable of accurately representing and planning for. This view was also expressed during the consultation period, with one respondent stating that the scale of the area proposed would dilute the effectiveness of genuine community involvement (see paragraph 4.2).

- 5.7 Alongside the national requirements and guidance there is limited but important case law that has determined issues authorities can consider when deciding applications for Neighbourhood Areas. Conclusions relating to a case in Daws Hill, Buckinghamshire suggest that some sites can be too strategic in nature to be properly considered by a Neighbourhood Forum, which by its nature is more focused on existing residents and local concerns. The Neighbourhood Area applied for in Levenshulme does not include any strategic development sites in the sense that their development would have an impact which would extend significantly beyond its boundaries. Conversely, in large parts it comprises stable residential communities where there is no scope for development even at a local level and therefore there is a question as to why these would be included in a Neighbourhood Area.

Manchester City Council's Neighbourhood Planning Policy Framework

- 5.8 The context and principles for considering applications for Neighbourhood areas is set out in the preceding report on 'Manchester City Council Policy Framework for Neighbourhood Planning'. Taking each of principles in turn:
- 5.9 *Proposals for Neighbourhood Planning will be supported only where they complement wider Council policies and programmes for the regeneration of the City and its neighbourhoods.*
- 5.10 The existing planning policy framework for the Levenshulme area is set out in the Council's Core Strategy in addition to 'saved' Unitary Development Plan policies. Further there is non-statutory guidance in the form of the South Manchester Strategic Regeneration Framework and the Levenshulme District Centre Action Plan which have been endorsed by the Council.
- 5.11 The whole of the Neighbourhood Area applied for is within the Inner Areas as identified in Manchester's Core Strategy. The Inner Areas, which cover North, East and Central Manchester, outside the Regional Centre, will accommodate the majority of new residential development over the period to 2027. In addition the Core Strategy identifies the boundaries of the Levenshulme district centre. The extant Unitary Development Plan policies in the area include some small housing allocations in the northern part of the area applied for, a policy protecting Highfield Country Park from development and prioritising its upgrading, and a policy allocating the former Duchess of York hospital as a Town Park. Part of the proposed area is a Conservation Area – Rushford Park.

- 5.12 The South Manchester Strategic Regeneration Framework provides a basis for the long term development of the whole of South Manchester for the ten to fifteen period from 2008. Guidance which is more specific to Levenshulme is set out in the Levenshulme District Centre Action Plan (2009), which aims to guide the future economic development, investment and regeneration of the district centre and the surrounding neighbourhood.
- 5.13 The applicant's objectives for Levenshulme (as set out in paragraph 3.2 above) are broadly in line with the existing Council plans and guidance for this area. Whilst the Levenshulme District Centre Action Plan covers a smaller area than the Neighbourhood Area applied for it crosses ward boundaries to deal with the centre of Levenshulme as a single place. The District Centre Action Plan (as well as the South Manchester Strategic Regeneration Framework) aims to strengthen commerce in the district centre and look at the long term economic future of Levenshulme in terms of shopping facilities, leisure and commercial use. The Council owns the swimming pool site and is both in a position to ensure that its redevelopment in the future takes account of the views of local stakeholders and wider strategic priorities through its interest in the site but also as a consequence of the Council's existing approach to engagement on development. Highfield Country Park is already protected from development by extant Unitary Development Plan Policy LL3. Finally, in relation to the applicant's objective to push for the redevelopment of certain sites such as Chapel Street and Elbow Street, these sites and others in the area have been identified by the Council as development sites for a number of years, as evidenced by their inclusion in the Strategic Housing Land Availability Assessment.
- 5.14 Due to the policies and strategies already in place the scope for Neighbourhood Planning to add value to the existing framework is limited. The exception to this is the district centre, where, given the range and scale of issues identified in the District Centre Action Plan / Strategic Regeneration Framework, there is the potential for additional policies to provide a more detailed planning policy framework for this area.
- 5.15 *Proposals for Neighbourhood Planning will be supported in areas that can reasonably be represented by Neighbourhood Forums in terms of population and strategic significance.*
- 5.16 As set out in paragraph 5.6 above, the population in the Neighbourhood Area applied for is significantly larger than the guidance suggests is appropriate. This raises a question about representation and balance where such an extensive area is involved. This is different to the representation afforded by Ward Councillors who support their wards through a democratic process, which does not govern Neighbourhood Forum membership.
- 5.17 As stated previously the Neighbourhood Area applied for does not include any strategic development sites in the sense that their development would have an impact beyond a localised nature.

- 5.18 *Proposals for Neighbourhood Planning will be supported as a means of delivering the aims of the Manchester Strategy and those of the applying relevant body. The Council will promote the use of the most appropriate measures to achieve these aims.*
- 5.19 As set out under paragraph 5.9 above, the Council has a number of existing plans and strategies for the Levenshulme area, and there is the risk that designation of a large Neighbourhood Area would lead to duplication of existing policies for this broader area. The implication of this is that the Neighbourhood Planning approach is not necessarily the most appropriate tool to achieve some of the applicant's aims across the area, given that the development sites that the applicant has referred to are already recognised, and protection for Highfield Country Park identified, in the existing Council policies. However, it is considered that Neighbourhood Planning would provide an appropriate way of providing additional policy details for Levenshulme district centre

6. Neighbourhood Area Designation

- 6.1 Designation of a smaller area than that applied for is therefore recommended. As stated above, designation of Levenshulme district centre (as defined on the Council's LDF Proposals Map) as a Neighbourhood Area would add value to and complement the existing planning policy framework, as there are no existing statutory planning policies for the district centre area beyond its allocation for this use; also whilst the Levenshulme District Centre Action Plan carries some weight it is not a statutory plan and therefore not part of the development plan. A Neighbourhood Plan for this area would have development plan status and could provide a more detailed statutory planning policy framework.. In addition engagement with the applicants suggested that Stockport Road, as the functional and historic centre of Levenshulme, is likely to be the focus of their future work. It is therefore recommended that the existing district centre be designated as a Neighbourhood Area. The district centre covers parts of Levenshulme, Gorton South and Longsight wards and retains the focus on the Stockport Road. This boundary is shown in Appendix 1.
- 6.2 Section 61H (1) of the Act states that when a local planning authority designates an area as a Neighbourhood Area it must consider whether it should be designated as a business area. Section 61H (3) goes on to state that this should only be done in situations where the authority considers that the area is wholly or predominantly business in nature. The Royal Town Planning Institute's Planning Aid Service has produced support tools for community groups and local authorities on its Neighbourhood Planning website. This resource provides examples of the types of area that could be considered wholly or predominantly used for business, suggesting that examples include "industrial estates, business parks or town centres". In 2015 there were almost 300 shops and businesses within Levenshulme district centre, and almost 350 residential properties within this area. It is considered that due to the number of residential properties compared to businesses in the Neighbourhood Area to be designated that this is not an area "wholly or

predominantly business in nature”, so should not, therefore, be designated as a business area.

- 6.3 This report makes a recommendation in relation to designating the Neighbourhood Area. The accompanying application for designation of a Neighbourhood Forum in the Levenshulme area includes members living beyond the Neighbourhood Area which is now proposed for designation and does not have 21 members living / working within that area. It is therefore proposed that a decision on the forum application be deferred, to allow for the applicants to reassess the potential forum membership in light of the boundary of the Neighbourhood Area to be designated.

7. Conclusions and Recommendations

- 7.1 It is recommended that the Executive refuses the designated area applied for, for the reasons outlined above. It is recommended that Executive designates the area shown in blue in Appendix 1 as a Neighbourhood Area and defers a decision on the Levenshulme Neighbourhood Forum application.

8. Next Steps

- 8.1 The designation of the Levenshulme Neighbourhood Area will be publicised by the Council, as required by the Neighbourhood Planning (General) Regulations 2012.

9. Contributing to the Manchester Strategy

(a) A thriving and sustainable city

- 9.1 Designation of a Neighbourhood Area could result in the production of a Neighbourhood Development Plan for this area in the future, in accordance with the existing development plan.

(b) A highly skilled city

- 9.2 Well-planned development can support delivery of training and employment opportunities.

(c) A progressive and equitable city

- 9.3 Neighbourhood planning processes encourage residents to get involved and influence decision-making.

(d) A liveable and low carbon city

- 9.4 Designation of a Neighbourhood Area could result in the production of a Neighbourhood Development Plan for this area in the future, in accordance with the existing development plan.

(e) A connected city

9.5 Well-planned development can make the most of the connections within an area.

10. Key Polices and Considerations

(a) Equal Opportunities

10.1 All communities across the City have the opportunity to get involved in neighbourhood planning.

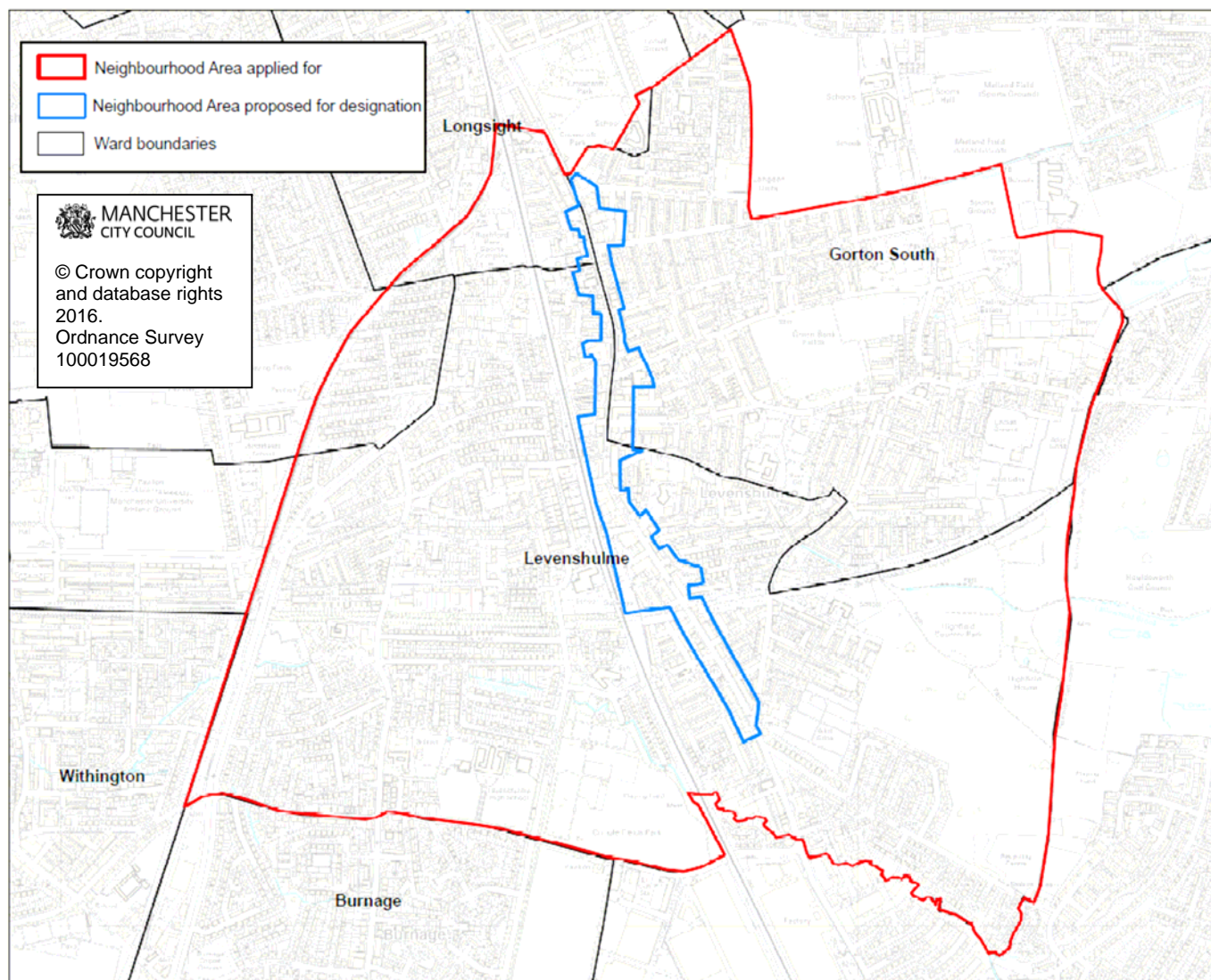
(b) Risk Management

10.2 The area proposed for designation is deemed to be of an appropriate size for neighbourhood planning to take place and to add value to existing Council plans and strategies.

(c) Legal Considerations

10.3 The Council has the powers to designate neighbourhood areas in line with the Act. This report sets out the matters to which the Council must have regard in making this decision. The Council is required to consider whether it should designate the Levenshulme Neighbourhood Area as a business area.

APPENDIX 1 – Levenshulme Neighbourhood Area



APPENDIX 2 – Statement from the applicant explaining why the proposed Neighbourhood Area is appropriate to be designated as a Neighbourhood Area.

The Levenshulme Neighbourhood Planning Forum submitted the information below to justify why it considers that the area it has proposed is appropriate for designation as a Neighbourhood Area.

Qualification – statement that the proposed neighbourhood forum meets the required conditions (Town and Country Planning, Neighbourhood Planning Regulations 8 (e)).

We understand the necessary qualifications for Neighbourhood Forum status and confirm that, as you know, there is no Parish Council in Levenshulme and none of the land designated as the Neighbourhood Area is part of any Parish Council.

Having considered options for the neighbourhood area, the prospective neighbourhood forum would like the area indicated on the enclosed plan to be designated. The rationale for the neighbourhood area is that the area is based around Stockport Road, which is the functional centre of Levenshulme and which has historically been the centre of Levenshulme. Levenshulme originally had its own boundaries but over the years as the city has grown and changed these original boundaries have become less clear so we undertook consultation work to help ascertain the best boundary. Firstly we consulted with the Council Planning Officers to see if they had any objection to the idea of designating Levenshulme as a Neighbourhood Area. They said that they had no objection.

To clarify where the boundaries should be, the prospective Forum then surveyed people living in those areas which could be regarded as Levenshulme but which were bordering other areas to see whether people who lived there regarded themselves as living in Levenshulme or not. This was followed by a public meeting in which the evidence of this consultation work and the requirements of the Localism Act and related guidance with regard to Area Designation (such as using geographical features as boundaries) were presented to the attendees who discussed the merits of including or excluding various blocks or groups of streets in the proposed area. The public meeting had attendees from various parts of the area who brought their own perspectives and experiences to the discussion. A series of votes was taken which established agreement about the boundary.