

Application Number	Date of Appln	Committee Date	Ward
088098/FU/2008/S1	30th Oct 2008	15th Jan 2009	Rusholme Ward

**Proposal** Change of use of residential dwelling (Class C3) to offices (Class B1)

**Location** 72 Dickenson Road, Rusholme, Manchester, M14 5HF,

**Applicant** Mr Mohammed Siddique, Khan Solicitors, 66 Dickenson Road, Rusholme, Manchester, M14 5HF

**Agent** R L Allen Draughtsman 56 Dalton Avenue, Stretford, Manchester, M32 9TP

### **Description**

The application site relates to a two-storey, bay fronted, semi-detached residential property along the southern side of Dickenson Road. The property includes small front and rear yards. No parking provision is provided within the curtilage of the building and parking waiting restrictions exist on the roadside in front of the building.

In terms of the site's immediate surroundings, the proposal site is located along the very busy east/west route of Dickenson Road and is one of the last few residential properties along this particular stretch of Dickenson Road. Adjoining the application site to the west includes a bike shop, solicitors and accountants and to the east by another solicitors and accountants office. The site is only a short distance to the east of Rusholme District Centre, which forms the main focus for commercial activity and stretches north to south along Wilmslow Road. The wider area including the side roads off Dickenson road is predominantly residential in nature and includes the private cul-de-sac of Moon Grove which neighbours the application site.

The proposed scheme relates to the change of use of the whole of the building from a 3 bedroom residential dwelling (C3) to solicitors offices (B1). The proposal involves the provision of conference and meeting rooms on the ground floor and 4 individual offices on the first floor to incorporate a total of 123 square metres of business floorspace.

### **Consultations**

**Local residents** - 2 letters of objection have been received with exactly the same comments. Details of the objections raised are summarised below:

(i) This already congested section of Dickenson Road will deteriorate even further and as a result the Local Authority are already in the process of making further parking restrictions at the junction of Moon Grove and Dickenson Road. The Central Manchester Strategic Regeneration Framework identifies Dickenson Road as an important strategic East/West inner route which already suffers severely from congestion and such development would only serve to increase congestion and slow down public transport. The document also identifies the loss of family residential accommodation which needs to be reversed.

Moon Grove Residents Association - The proposal states that 4 members of staff will work at the property and will presumably mean four more car parking spaces will be required in addition to the spaces required for clients of the business. At present during office hours, the side roads of this part of Dickenson Road are subject to a considerable number of parked cars causing problems for residential occupiers. Access and egress to these side roads is made difficult and unsafe due to the poor visibility caused by the parked cars and the congested nature of Dickenson Road. Any further increase in car parking will aggravate the present situation and lead to possible further accidents. It is also believed that the conversion of a residential property to a business use in this area would be wrong due to the loss of a family sized home in this area which would conflict with the Central Manchester Strategic Regeneration Framework.

Ward Members - Councillor Shannon on behalf of all 3 Ward Members strongly opposes the proposal. It is considered that the large residential property should not be lost to a commercial use and that the premises are unsuitable for a business use. It is further considered that the severe traffic congestion, safety and parking problems on Dickenson Road should not be allowed to spread and that road safety is now worse than previously at this stretch of Dickenson Road. If allowed, the application would bring further disamenity to the residents of the side streets off Dickenson Road including, Wallace Avenue, Moon Grove and Stanley Avenue due to extra problems with noise, waste disposal and preventing residents from being able to park near their homes.

Environmental Health - Conditions are recommended with regard to acoustic insulation should the application be approved.

Highway Engineers – With visitors and then approximately 10 staff, with zero off-street car parking provision, there will be an additional burden on streets already heavily parked during the working day.

The Rt Hon Sir Gerald Kaufman MP – Has not received any representations from local residents in connection with this particular application.

### **Issues**

Unitary Development Plan - There are no site-specific policies relating to the application site. However, the following city-wide policies are relevant to the proposal:

Policy H2.2 states that the Council will not allow development that will have an unacceptable impact on residential areas. The matters that the Council will consider include the scale and appearance of the development and its impact in terms of noise, vibration, traffic generation, road safety and air pollution.

Policy H2.6 - The conversion of residential property to commercial uses will not normally be permitted in predominantly residential areas.

Policy I1.6 - advocates that the Council will encourage the location of new business development on sites where they will contribute to urban regeneration.

Policy S1.2 - The Council in partnership with the private sector will encourage where appropriate, the improvement and redevelopment of existing district centres in order to ensure that they remain the focus for shopping and a full range of community facilities

Regional Spatial Strategy - In terms of regional policy, the Regional Spatial Strategy for the North West was adopted in September 2008. The Regional Spatial Strategy forms part of the statutory development plan for every Local Authority in the North West and provides a framework for development and investment over the next fifteen to twenty years.

The following policies are considered relevant:

Policy DP1 encourages sustainable communities, making the best use of existing resources, managing travel demand and marrying opportunity and need.

Policy DP4 - Priority should be given to development in locations which builds upon existing concentrations of activities and existing infrastructure.

In addition to the above, central government provides national planning guidance in the form of Planning Policy Guidance Notes (PPG) and on some planning issues, Planning Policy Statements (PPS).

PPS1 'Delivering Sustainable Development' sets out the overarching policies on the delivery of sustainable development through the planning system. Emphasis is placed on the need for good design to ensure, attractive, usable, durable and adaptable places.

PPS3 'Housing' reflects the Government's commitment to improving the affordability and supply of housing in all communities. It is considered that the planning system should deliver:

- High quality housing that is well designed and built to a high standard.
- A mix of housing, both market and affordable, particularly in terms of tenure and price, to support a wide variety of households in all areas both urban and rural.
- A sufficient quantity of housing taking into account need and demand and seeking to improve choice.
- Housing developments in suitable locations, which offer a good range of community facilities and with good access to jobs, key service and infrastructure.

PPS6 'Planning for Town Centres' - sets out the Government's key objectives for town centres in order to promote their vitality and viability by planning for growth and development of existing centres and promoting and enhancing existing centres by focusing development in such centres and encouraging a wide range of services in a good environment accessible to all. Wherever possible, growth should be accommodated by more efficient use of land and buildings within existing centres and Local Authorities should assess the scope

for consolidating and strengthening these centres by seeking to focus a wider range of services there.

PPG13 Transport - Looks at the impact transport and travel patterns have an area. Emphasis is placed on reducing the need to travel by car with reference also made to parking standards and objectives for new development.

Central Manchester Strategic Regeneration Framework (SRF) - This is City Council document which defines the needs and priorities for Central Manchester in order to lever in investment and activity in the area, aligning them with the major opportunities to deliver a sustainable future for the area. The overriding purpose of the SRF is to provide a strong vision of how the area develops over the next 10-15 years, to identify where improvements to public services can be delivered and to set a broad spatial framework within which investment can be planned.

The application site falls within one of the areas covered by the framework. Relevant policy which forms an important material consideration includes:

Policy House.2 supports the provision of housing which meets the needs and aspirations of local residents, increasing the availability of family housing,

Policy House 3(iii) - seeks to facilitate the provision of quality of affordable housing in close proximity to major employers such as the Universities and Hospitals.

Policy DNC.2 - seeks to strengthen district centres to act as focal points for the area. District Centres have an important role to play in the regeneration of the area, providing a range of public services. It is important therefore to create a network of strong and vibrant district centres, reinforcing their position through new development and changes to frontline delivery.

Policy DNC.2 - recognises the need to strengthen district centres to act as focal points for the area and highlights the need to overcome current parking problems.

Policy DNC.2 (iii) - New development should consolidate and strengthen existing facilities. New development in district centres should complement and improve the existing urban form, filling in gap sites, increasing active frontages and street enclosure to increase their attractiveness to consumers.

Moss Side and Rusholme District Centre Local Plan (2008) - This City Council document also forms an important material consideration and focuses on priorities for Moss Side and Rusholme district centres and seeks to facilitate the social and economic aspect of the policy framework contained in the Central Manchester Strategic Regeneration Framework. Within Chapter 1 of the document it is underlined that Rusholme is failing to operate as a district centre in the sense that it does not contain the range and mix of retail facilities and local services required to effectively support its local community. The Local Plan seeks to support and bolster the offer of the centre.

Principle - The principle of a further business use in this location is considered unacceptable due to the negative impact the proposal would have upon nearby

residential amenity and highway safety due to the increased demand for parking in the area that the proposal would bring. It is also considered that the further loss of family residential accommodation should be prevented and role of Rusholme District centre needs to be bolstered by discouraging commercial activity outside of the district centre. Whilst it is acknowledged that commercial uses already exist at this particular part of Dickenson Road, it is believed that the further erosion of residential properties along this road and the sporadic creation of commercial uses outside of Rusholme District Centre should be prohibited. Such a stance is highlighted by the City Council's recent refusal of a retrospective planning application for a similar proposal two doors down from the application site at 1A Moon Grove and which is currently subject to enforcement proceedings.

Car Parking and Highway Safety - It is anticipated that the proposed use would increase demand for parking spaces in the area. The site is not capable of providing off-street car parking with the curtilage of the property and parking waiting restrictions are currently in existence immediately in front of the property along Dickenson Road. Parking is already a major problem in the immediate area caused by the presence of nearby business uses and the demand for parking that these uses bring. This causes vehicle owners to park further along Dickenson Road and the cul-de-sac rides roads off Dickenson Road creating parking and access problems for nearby residents. This in turn poses highway safety concerns as cars park on the corners of the cul-de-sac side roads making access and visibility difficult when pulling out onto Dickenson Road. Highway safety is further compounded by the busy and congested nature of the main east/west route of Dickenson Road. As such, it is considered that the addition of another business use and additional parking pressures that the use would bring would exacerbate an already problematic parking situation.

Residential Amenity - The proposed use would attract additional vehicular and pedestrian traffic to the immediate area and increase the demand for off-street car parking for both employees and clients of the proposed business. As referred to above, this section of Dickenson Road is subject to parking restrictions and therefore demand for parking spaces in the area mean vehicles park further along Dickenson Road and down the residential side roads, particularly Moon Grove, Wallace Avenue and Stanley Avenue. This in turn has a detrimental impact on nearby residential occupiers by virtue of increased coming and goings and associated noise and disturbance together with causing access and parking difficulties for the residents of these cul-de-sac side roads. It is therefore considered that a further business use at this location would exacerbate the existing impact upon residents in this neighbourhood.

Consolidation of Rusholme District Centre - The addition of a further business use outside of Rusholme District Centre would undermine the role and function of the centre to the detriment to the centre's vitality and viability. Government guidance in the form of PPS6 'Town Centres' and City Council policy in the form of the Central Manchester Strategic Regeneration Framework advises that town, district and local centres should be the main hub of for commercial and community uses and any such new use should seek to consolidate the role of the centre in order to create a sustainable and vibrant community. Any commercial uses outside of traditional centres should be discouraged in order to increase the attractiveness and accessibility of a wide range of services within the confines of the centre.

It is considered that Rusholme District Centre which stretches along Wilmslow Road from Dickenson Road to the south to Hathersage Road to the north contains a number of vacant properties both at ground and first floor level which are quite capable of accommodating the proposed use. In accordance with the sequential approach advocated by PPS6 'Town Centres', town centres uses should first look to be located within a centre unless it can be proven that such uses cannot be accommodated, for which edge of centre and out of centre sites may then be assessed as to their suitability. It is therefore believed that the further expansion of commercial uses outside of Rusholme District Centre should be prevented in order to harness regeneration and sustainability objectives by focusing local services within the centre.

Loss of Residential Use - The Central Manchester Strategic Regeneration Framework highlights the need to prevent the loss of properties capable of being lived in by families, particularly in areas such as Rusholme which exhibit high demand due to their attractive location close to the city centre and major employments locations such as the Universities and Hospitals. The choice of housing available in these areas is often severely limited and demand for larger properties goes unmet. Areas on the fringes of district centres such as this stretch of Dickenson Road have in recent years seen the erosion of residential properties which undermines the sustainability of local communities and increases the demand for family accommodation elsewhere. The City Council are therefore keen to stop this trend so that district centres and the fringes of such areas are attractive and sustainable locations in which to live as well as work.

Access - Visitor access to the building is proposed via the existing front door of the existing residential dwelling. Due to the ground floor level of the building being higher than the outside floor level, disabled access cannot be provided. No platform lift is to be provided as part of the proposal and it would be impractical to provide ramped access.

Design - The proposal merely seeks to change the use of the ground and first floor levels of the building and therefore there will be no external alterations to the building.

Noise - Due to the existing background noise along Dickenson Road and the nature of the proposed use, it is not considered that there would be any significant noise impact upon the immediate area. Moreover, Environmental Health do not have any objection to the proposal subject to a satisfactory acoustic insulation.

Refuse Storage - Refuse storage for the property is provided in the form of a four bins to be stored at the rear of the property and moved to the front of the property via the side passageway within the curtilage of the development on collection day.

**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 the right to a fair hearing and to this end the Committee 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 Unitary Development Plan, the Head of Planning 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. He believes that any restriction on these rights posed by the refusal of the application is proportionate to the wider benefits of refusal and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

**Recommendation      REFUSE**

It is considered that the proposed change of use would exacerbate an already problematic parking problem to the detriment of highway safety and residential amenity. Whilst it is acknowledged that similar uses exist along this stretch of Dickenson Road, the City Council aspires to protect the further erosion of residential properties and seeks to consolidate Rusholme District Centre as the main focus for commercial and community facilities. As such, it is considered that the proposal would conflict with Policies H2.2, H2.6, I1.6 and S1.2 of the Unitary Development Plan for the City of Manchester and would fail to adhere to principles encompassed within the Central Manchester Strategic Regeneration Framework (SRF) and the Moss Side and Rusholme District Local Plan.

**Conditions and/or Reasons**

1) The proposed development would attract additional vehicular traffic into the immediate area without making any provision for off-street car parking. This would exacerbate an existing parking problem, particularly along Dickenson Road and the adjacent residential side roads, to the detriment of highway safety and the residential amenity of the area. The proposed development is therefore contrary to Policy H2.2 of the Unitary Development Plan for the City of Manchester.

2) The proposed office conversion would result in the loss of residential family accommodation in an area for which it is desirable to prevent the further loss of such properties. The proposal is therefore contrary to Policy H2.6 of the Unitary Development Plan for the City of Manchester and the Central Manchester Strategic Regeneration Framework

3) The further proliferation of commercial uses outside of a nearby shopping centre would undermine the function, vitality and viability of Rusholme District Centre for which such uses should seek to consolidate the district centre as the main focus for community services. As such, the proposal would conflict with Policy S1.2 of the Unitary Development Plan for the City of Manchester and the Central Manchester Strategic Regeneration Framework.

**Local Government (Access to Information) Act 1985**

The documents referred to in the course of this report are either contained in the file(s) relating to application ref: 088098/FU/2008/S1 held by planning or are City Council planning policies, the Unitary Development Plan for the City of Manchester, national planning guidance documents, or relevant decisions on other applications or appeals, copies of which are held by the Planning Division.

**The following residents, businesses and other third parties in the area were consulted/notified on the application:**

Engineering Services  
Environmental Health  
Moon Grove TRA  
Rusholme & Fallowfield Civic Society  
The Right Honourable Gerald Kaufman MP

**Representations were received from the following third parties:**

Environmental Health  
Ward Councillors  
Bruce Anderson, 5 Moon Grove, Rusholme, Manchester  
DH Lawrenson, 5 Moon Grove, Rusholme  
John Browne, 9 Moon Grove Rusholme

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