

<b>Application Number</b>	<b>Date of Appln</b>	<b>Committee Date</b>	<b>Ward</b>
091575/FU/2009/S1	30th Oct 2009	14th Jan 2010	Fallowfield

**Proposal** Retrospective change of use from convent (C2) to residential and non-residential institution to form accommodation for overseas students

**Location** 165 Kingsbrook Road, Fallowfield, Manchester, M16 8NR,

**Applicant** Ms Aisha Ramzan , Regenesis Squared, Shakespeare House, 165 Kingsbrook Road, Fallowfield, Manchester, M16 8NR,

**Agent**

### **Description**

The application relates to a large, two storey detached property (Shakespeare House) located on the corner of Kingsbrook Road and Nettleford Road, which backs onto the residential cul-de-sac of Shuttelworth Close. The property is situated within large grounds and has been heavily extended to the rear, which includes a two-storey rear extension, together with a 'lean to' garage attached to the eastern side of the building.

The building was formerly in use as a convent (Loreto Convent Hostel) but since 2007 has been used for residential educational purposes for meetings, seminars and training, and more recently for non-residential education and training purposes.

In terms of the site's immediate surroundings, the area is predominantly residential in character mainly consisting of a mixture of two-storey, detached and semi-detached dwellings. A short distance to the east and south east of the site is Whalley Range Cricket and Tennis Club with its associated grounds.

The proposal involves a change of use so that part of the building may be used for non-residential accommodation. The application relates to the retrospective change of use from residential institution (Class C2) to residential and non-residential institution (Class D1) to form accommodation for overseas students. Principally the accommodation will form an element of residential usage for overseas students, but will also allow for non-residential training and workshops for wider community use. It is anticipated that all activity is educational and will comprise of small classes used by various organisations. Some of the community workshops previously carried out have included drugs and alcohol training, creative writing and emergency first aid.

### **Consultations**

Local Residents – 6 letters of objection have been received. A summary of the main points raised is provided below:

- 1) The use has greatly increased the volume of traffic and created parking problems, congestion and noise on a predominantly residential street. This has a detrimental impact upon residential amenity.
- 2) The residents have continuously suffered from double parking, added noise and inconvenience as a result of the development. The added traffic is particularly a problem as the road already accommodates traffic associated with the cricket club and social club further down the road.
- 3) The regular drop off of children for the crèches and classes cause parking and traffic problems.
- 4) The applicant should make provision for car parking within their vast surrounding grounds. The amount of haphazard, insensitive and illegal parking along Kingsbrook Road is a real danger and problem.
- 5) The retrospective application answers many queries over the recent increase in activities, which has been noticed in relation to 165 Kingsbrook Road. There has been a reoccurring problem with congestion on Kingsbrook Road and Nettleford Road, which has created a regular danger to motorists. Whilst the encouragement of visitors to travel by public transport is appreciated, this is unlikely to occur in reality. It is felt that the location cannot support the extent and volume the applicant wishes to cater for. This in turn would be detrimental to residential amenity and affect property values in the vicinity of the site.

Engineering Services – The increase in traffic movement is primarily generated by the D1 usage, which creates peak demands for car parking on the surrounding streets due to a lack of off-street parking. A travel plan is an important step in attempting to reduce the number of car borne trips and is strongly recommended.

Environmental Health – Planning conditions are recommended to limit any impact upon residential amenity.

Greater Manchester Police – No issues with this proposal.

## **Issues**

Unitary Development Plan (UDP) - There are no site-specific policies relating to the application site. However the following city-wide policies are relevant to this 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.

Regional Spatial Strategy - In terms of regional policy, no policies are considered relevant in this instance.

PPS1 'Delivering Sustainable Development' sets out the overarching policies on the delivery of sustainable development through the planning system. Emphasis in

placed on the need for good design to ensure, attractive, usable, durable and adaptable places.

Principle – The use of the building for C2 (residential institution) and D1 (non residential institution) purposes is considered acceptable in this location.

Clearly, the residential training element of the scheme, due to the former use of the building as a convent is considered acceptable within a predominantly residential area. The use of the building is a long established use, which due to its relatively low-key nature would not pose any significant impact upon residential amenity. Further, the continuation of the residential training/education element of the scheme would not require planning permission.

The main issue relates to the non-residential usage of the building and the impact that this could have on the character of the surrounding area. It is believed however, that due to way the building is used and the potential number of occupants/visitors involved, the use is unlikely to lead to significant noise or disturbance, or any other factor that on balance would warrant refusal of planning permission.

Residential Amenity - – It is not believed that there would be any significant, adverse impact upon residential amenity as a result of the proposal. Conditions have been inserted which restrict the use of the number of non-residential occupants and also limit the use of the building for education and training purposes only within the D1 use class element. This would prevent the introduction of a non-conforming use within a residential area.

Car Parking – Due to the constraints of the site, no formal car parking is provided within the curtilage of the site. Concerns have been raised about on-street car parking in the locality and associated problems with congestion and highway safety.

It is considered that due to the number of visitors to the premises and the use of a planning condition that restricts the number of non-residential occupants, sufficient on-street car parking is available on the surrounding roads, without giving rise to significant or unacceptable levels of on-street car parking.

Community Benefit – Shakespeare House performs an important and useful function in the area that provides education and training for various community groups. The continued use of the premises for such a use would act as a vital community resource and accords with wider City Council policy.

**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 approval of the application is proportionate to the wider benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

### **Recommendation APPROVE**

Approve on the basis that the proposal accords with Policy H2.2 of the Unitary Development Plan for the City of Manchester and there are no material considerations of sufficient weight to indicate otherwise. It is not considered that there would be any significant impact upon residential amenity as a consequence of property's continued use for residential and non-residential educational purposes.

### **Conditions and/or Reasons**

1) The development hereby approved shall be carried out in accordance with the following drawings and documents unless otherwise agreed in writing by the City Council as Local Planning Authority: Drawing and documents stamped as received on 28th October 2009.

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policy H2.2 of the Manchester Unitary Development Plan.

2) The premises shall not be open for non-residents outside the following hours, unless otherwise agreed in writing by the City Council as local planning authority:-

9.00am 9.00pm Monday to Saturday

9.00am to 5.00pm Sundays and Bank Holidays

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with Policies H2.2 and DC26 and the Unitary Development Plan for the City of Manchester.

3) Details of a Green Travel Plan with the objectives of reducing the need to travel by car and reducing car parking demand in the area shall be submitted to and approved in writing by the City Council as local planning authority within 3 months of the date of planning permission. The Travel Plan shall be in use for so long as the use is in operation. Details shall include particulars of its implementation, the monitoring of its effectiveness and details of measures to improve effectiveness. The Travel Plan shall be adopted and implemented within a timescale agreed in writing by the local planning authority.

Reason - In the interests of promoting sustainable forms of travel and reducing reliance on private cars, pursuant to Policy E1.1 of the Unitary Development Plan for the City of Manchester.

4) A scheme for the storage (including segregated waste recycling) and disposal of refuse shall be submitted to and approved in writing by the City Council as local planning authority within 3 months from the date of approval. The details of the approved scheme shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason - In the interests of public health and residential amenity, pursuant to Policy H2.2 of the Unitary Development Plan for the City of Manchester.

5) No more than 30 non-residential patrons of the building shall be on the premises at any one time.

Reason -

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with Policies H2.2 and DC26 and the Unitary Development Plan for the City of Manchester.

6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) the non-residential (D1) floorspace shall only be used for non residential education and training purposes only and shall not be used for any other purpose within Class D1 of the Schedule to the Town and Country Planning Use Classes (Amendment) Order 2005.

Reason -

To use the property for any other use within Class D1 would result in an over intensive use of the property to the detriment of residential amenity, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

7) No loading or unloading shall be carried out on the site outside the hours of 11.00am to 5.00pm daily.

Reason - In order to protect the amenity of local residents and in accordance with Policy H2.2 in accordance with the Unitary Development plan for the City of Manchester.

8) The building, together with any externally mounted ancillary equipment, shall be acoustically insulated in accordance with a scheme submitted to and approved in writing by the City Council as local planning authority in order to secure a reduction in the level of noise emanating from the equipment. The scheme shall be submitted to an approved in writing within 3 months of the date of planning permission.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policy H2.2 of the Manchester Unitary Development Plan.

### **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: 091575/FU/2009/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

Greater Manchester Police

Judith Hackney, Crime Reduction Officer

Whalley Range Tennis Club, Kingsbrook Road, Whalley Range, Manchester, M18 9NR

134 Kingsbrook Road, Manchester, M16 8WG

Flat 5, Kingsbrook Court, St. Austell Road, Manchester, M16 8WW

Flat 10, Kingsbrook Court, St. Austell Road, Manchester, M16 8WW

Flat 4, Kingsbrook Court, St. Austell Road, Manchester, M16 8WW

Flat 9, Kingsbrook Court, St. Austell Road, Manchester, M16 8WW

Flat 8, Kingsbrook Court, St. Austell Road, Manchester, M16 8WW

Flat 3, Kingsbrook Court, St. Austell Road, Manchester, M16 8WW

21 St. Austell Road, Manchester, M16 8WQ

6 Nettleford Road, Manchester, M16 8NL

8 Nettleford Road, Manchester, M16 8NL

10 Shuttleworth Close, Manchester, M16 8NN

8 Shuttleworth Close, Manchester, M16 8NN

6 Shuttleworth Close, Manchester, M16 8NN

4 Shuttleworth Close, Manchester, M16 8NN

2 Shuttleworth Close, Manchester, M16 8NN

2 Nettleford Road, Manchester, M16 8NL

1 Shuttleworth Close, Manchester, M16 8NN

4 Nettleford Road, Manchester, M16 8NL

2a, Nettleford Road, Manchester, M16 8NL

Shakespeare House, 165 Kingsbrook Road, Manchester, M16 8NR

169 Kingsbrook Road, Manchester, M16 8NR

167 Kingsbrook Road, Manchester, M16 8NR

165a, Kingsbrook Road, Manchester, M16 8NR

138 Kingsbrook Road, Manchester, M16 8WG

136 Kingsbrook Road, Manchester, M16 8WG

142 Kingsbrook Road, Manchester, M16 8WG

140 Kingsbrook Road, Manchester, M16 8WG

17 Shuttleworth Close, Manchester, M16 8NN

15 Shuttleworth Close, Manchester, M16 8NN

13 Shuttleworth Close, Manchester, M16 8NN  
11 Shuttleworth Close, Manchester, M16 8NN  
9 Shuttleworth Close, Manchester, M16 8NN  
7 Shuttleworth Close, Manchester, M16 8NN  
5 Shuttleworth Close, Manchester, M16 8NN  
3 Shuttleworth Close, Manchester, M16 8NN  
163 Kingsbrook Road, Manchester, M16 8NR  
157 Kingsbrook Road, Manchester, M16 8NR  
Whalley Range Tennis & Cricket Club, 135 Kingsbrook Road, Manchester, M16 8NR  
159 Kingsbrook Road, Manchester, M16 8NR  
161 Kingsbrook Road, Manchester, M16 8NR  
155 Kingsbrook Road, Manchester, M16 8NR  
153 Kingsbrook Road, Manchester, M16 8NR

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

Engineering Services  
Environmental Health  
Greater Manchester Police  
163 Kingsbrook Road, Manchester, M16 8NR  
136 Kingsbrook Road, Manchester, M16 8WG  
165a, Kingsbrook Road, Manchester, M16 8NR  
9 Shuttleworth Close, Manchester, M16 8NN  
142 Kingsbrook Road, Manchester, M16 8WG  
161 Kingsbrook Road, Manchester, M16 8NR

Relevant Contact Officer : **Steven McCoombe**  
Telephone number : **0161 234 4607**  
Email : **s.mccoombe@manchester.gov.uk**