

Planning

Growth & Development

Delegated officer report for planning application

Application no. 137891/FO/2023

Date registered valid: 22 August 2023

Proposal: Retrospective change of use from dwellinghouse (Class C3) to offices (Class E (c)) and the installation of a new shopfront at ground level and erection of a rear dormer extension.

Address: 333 Dickenson Road, Manchester, M13 0NR

Ward(s): Rusholme Ward

Applicant: Faisal Karim Corner Stone Mcr

Agent (if any): Philip Holmes, PHA Architects Ltd

Case officer: Janet Lawless
Tel: 0161 234 4535
Email: janet.lawless@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 8 December 2023

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: November 2023

Standard consultations:

Printed: 26 October 2023 Expired: 16 November 2023

Neighbour notifications

Printed: 26 October 2023 Expired: 16 November 2023

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

The property that is the subject of this retrospective change of use application is identified as number 333 Dickenson Road. It is located within the Rusholme ward of the City. It is a two storey mid terraced property, which until the conversion of the property to 4 offices was in use as a single family dwellinghouse.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The remainder of the terrace is residential in nature apart from number 229 which has historically converted to a solicitors without elevational changes.

Description of development

This is a retrospective application. The property has already as part of this change in the use altered the bay window considerably with its replacement with a fully glazed shop window and removed the front boundary wall together with the removal of the original pillars and stone coping and subsequent creation of parking spaces on the frontage. The recessed entrance porch detail has also been replaced with a full glazed door. A dormer extension has also been added to make use of the roof-space. The property therefore now presents as a modern frontage to the building with a flagged over parking area to the back of pavement. It is currently in use as a letting agency / estate agents. This application is to seek regularisation of the changes.

Consultations & Notification Responses

Local Residents were informed- no representations have been received.

Environmental Health- no objections subject to the attachment of conditions relating to electric vehicle charging point, waste management, noise external plant and equipment, acoustic insulation, servicing hours and opening hours.

Highways- no objections subject to the attachment of conditions relating to Cycle parking and boundary treatments

Issues

National Planning Policy Framework (NPPF):

The Framework states that the purpose of the planning system is to contribute to sustainable development, to which there are three dimensions - economic, social and environmental.

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. The statutory status of the development plan remains as the starting point for decision making. Paragraph 14 states that 'at the heart of the Framework is a presumption in favour of sustainable development' and, in 'decision-taking', this means that development proposals that accord with the development plan should be approved without delay.

Core planning principles in the NPPF - Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. In this case specific weight is given to the need to:

- i. Secure high- quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- ii. Take account of the different roles and character of different areas, promoting the vitality of our main urban areas;
- iii. Support the transition to a low carbon future in a changing climate, taking full account of flood risk and encourage the reuse of existing resources, including conversion of existing buildings;
- iv. Encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
- v. Conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.
- vi. Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and
- vii. Take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

Manchester's Core Strategy:

The following Core Strategy policies are applicable to the proposed development:

Policy SP1 - Core Development Principles

The key spatial principles which will guide the strategic development of Manchester to 2027 are:

The Regional Centre will be the focus for economic and commercial development, retail, leisure and cultural activity, alongside high- quality city living.

The growth of Manchester Airport will act as a catalyst for the regional economy and will also provide the impetus for a second hub of economic activity in this part of the City.

Beyond these areas, the emphasis is on the creation of neighbourhoods of choice, providing high quality and diverse housing around district centres which meet local needs, all in a distinct environment. The majority of new residential development in these neighbourhoods will be in the Inner Areas, defined by the North Manchester, East Manchester and Central Manchester Regeneration Areas.

The City is covered by regeneration areas including the City Centre. All development should have regard to the character, issues and strategy for each regeneration area as described in the North, East, Central and South Manchester and Wythenshawe Strategic Regeneration Frameworks and the Manchester City Centre Strategic Plan.

The City's network of open spaces will provide all residents with good access to recreation opportunities. The River Valleys (the Irk, Medlock and Mersey) and City Parks are particularly important, and access to these resources will be improved.

New development will maximise the potential of the City's transport infrastructure, in particular promoting walking, cycling and use of the public transport. The extension to the Metrolink network through the Oldham and Ashton lines will create key corridors for new development.

Core development Principles

Development in all parts of the City should:-

Make a positive contribution to neighbourhoods of choice including:- creating well designed places that enhance or create character.
making a positive contribution to the health, safety and wellbeing of residents considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income. protect and enhance the built and natural environment.

Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible.

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.

Policy C 1

Centre Hierarchy

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. In order to maintain the vitality and viability of its centres, provide services as locally as possible and minimise the need to travel by car Manchester's centre hierarchy is:-

Manchester City Centre

The City Centre is the focus for comparison retail for the Manchester City Region. Its catchment exceeds the City boundaries and the capacity for future comparison development reflects this. The focus for new comparison retail is the Primary Shopping Area. The City Centre is also the regional focus for commerce, culture, leisure and tourism. The City Centre has a need for

additional convenience retail to meet the needs of a growing residential population, but this role is distinct from its comparison retail function, with a different catchment (see policies CC1-10 for detailed policy guidance).

District Centres

District centres 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. Development in these centres should primarily respond to the needs of the catchment and recognise the need to support the vitality and viability of other centres.

Local Centres

Local centres meet local needs for small scale retail and services to meet day-day needs. There are 24 identified local centres. Locations which are not identified in the Local Development Framework but which perform the same function in terms of scale and meeting local needs will also be considered to be local centres.

Policy C 2 District centres

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. Housing will also be considered an appropriate use within District Centres, providing it supports the vitality and viability of the centre.

Policy DM1 - Development Management states - All development should have regard to: Appropriate siting, layout, scale, form, massing, materials and detail.

Impact on surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.

Effects upon amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.

Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.

Community safety and crime prevention.

Design for health.

Adequacy of internal accommodation and external amenity space.

Refuse storage and collection.

Vehicular access and car parking.

Effects relating to biodiversity, landscape, archaeological or built heritage.

Green infrastructure, including open space, both public and private.

The use of alternatives to peat-based products in landscaping/gardens within development schemes.

Flood risk and drainage.

Existing or proposed hazardous installations.

Subject to scheme viability, developers will be required to demonstrate that new development incorporates sustainable construction techniques in terms of Code for Sustainable Homes.

Policy H 1

Overall Housing Provision

Approximately 60,000 new dwellings will be provided for in Manchester between March 2009 and March 2027. This equates to an average of 3,333 units per year, however the rate of delivery of units will vary across the lifetime of the Core Strategy. Based on the availability,

suitability and achievability of developing capacity sites in Manchester's Strategic Housing Land Availability Assessment.

The proposal would not be in accordance with the above policy, in that it would be reducing the housing provision not adding to it, and in addition would be reducing the housing choice within an area where there is still a high demand for family sized accommodation.

Policy H6

South Manchester

South Manchester will accommodate around 5% of new residential development over the lifetime of the Core Strategy. High density development in South Manchester will generally only be appropriate within the district centres of Chorlton, Didsbury, Fallowfield, Levenshulme, and Withington, as part of mixed-use schemes. Outside the district centres priorities will be for housing which meets identified shortfalls, including family housing and provision that meets the needs of elderly people, with schemes adding to the stock of affordable housing. The small proportion of new development reflects the lack of land available for new residential development in South Manchester

The Housing Need and Demand Assessment 2010 shows there is a need for 3-4 bed family housing, a need to retain graduates and highly skilled employees currently under-represented in the City by improving the housing offer in the City Centre fringe and a need for additional affordable housing particularly shared ownership or equity.

The proposal would not be in accordance with the above policy in that there is a high demand for 3 - 4 bed family houses, which is the make-up of the proposal site. The proposed development seeks to regularise the change that has already taken place for the use from residential to office use, for which there is no proven demand, and in addition the property is located outside of a local / district centre. However as can be seen in H.6 the demand is evident for good sized family accommodation.

Policy T 2

Accessible areas of opportunity and need

The Council will actively manage the pattern of development to ensure that new development: -
Is located to ensure good access to the City's main economic drivers, including the Regional Centre, the Oxford Road Universities and Hospitals and the Airport and to ensure good national and international connections
Is easily accessible by walking, cycling and public transport;
connecting residents to jobs, centres, health, leisure, open space and educational opportunities.
Particular priority will be given to providing all residents access to strategic employment sites including:-

Links between North Manchester residents and key employment locations, including the City Centre, Central Park, Salford Quays and Chadderton Industrial Estate and Trafford Park.

Links within East Manchester to employment locations, Central Park and Eastlands in particular.

Links within Central Area between residents and employment, the Corridor in particular and east/west connectivity for residents in Central Area to employment areas in Trafford and East Manchester.

Maintaining strong links between residential areas in the South and the Regional Centre and improving connectivity with the Airport.

Ensuring good links between Wythenshawe residents and the Airport and further employment opportunities in Stockport, Trafford and the Regional Centre.

Within the City Centre, provides a level of car parking which reflects the highly accessible nature of the location, as well as the realistic requirements of the users of the development.

Elsewhere, all new development should provide appropriate car parking facilities, taking account of the guidance in appendix B, which reflects policy in the Regional Strategy (RS). In all parts of the City proposals should have regard to the need for disabled and cycle parking, in line

with appendix B. If the RS is revoked the Council will continue to use these standards when applying this policy. Standards are set for two different area types:

District Centres

Areas not within the City Centre or District Centres

The car parking standards are maximums and the cycle and disabled car parking standards are minimums. However the Council will take the circumstances of each proposal into account to establish what level of parking is appropriate.

Includes proportionate Traffic Impact Assessments and Travel Plans for all major applications and for any proposals where there are likely to be access or transport issues.

Policy S1.2 states:

The Council in partnership with the private sector will encourage, where appropriate, the improvement and re-development of existing District Centres in order to ensure that they remain the focus for both shopping and a full range of community facilities.

Particular emphasis will be given to improving safety and enhancing environmental quality, tackling traffic problems and increasing economic viability. Priority will be given to following centres:- Cheetham Hill, the district centre in Sport city, Gorton, Harpurhey, Levenshulme, Longsight, Newton Heath, Openshaw, Wythenshawe.

Where possible further off street car parking will be provided as part of achieving these ends. New development will be particularly welcome where it replaces obsolete shopping floorspace and is in keeping with the character of the existing centre.

Reason: District Centres are a major social and economic asset and the Council wishes to ensure that they continue to benefit from investment and renewal.

The physical and environmental condition and the economic vitality of the centres varies widely. Some centres are buoyant but most are not, reflecting the relative lack of affluence of their catchment areas. There is, therefore, a clear need to target those areas where current provision is poor or inadequate. Resources for this type of work are limited and so the Council considers that priority must be given to those areas where there is a concentration of poor and disadvantaged people.

District Centres are highly accessible to local people and are best placed to accommodate the main community facilities such as libraries, meeting places, community centres and sports and leisure centres. They play an important part in making these centres a focus for local communities.

Policy DC26 regarding development and noise states:

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. In giving effect to this intention, the Council will consider both:

- a. the effect of new development proposals which are likely to be generators of noise; and
- b. the implications of new development being exposed to existing noise sources which are effectively outside planning control.

DC26.3 Developments likely to result in unacceptably high levels of noises will not be permitted:

- a. in residential areas;
- b. near schools, hospitals, nursing homes and similar institutions;
- c. near open land used frequently for recreational purposes.

DC26.4 Where the Council believes that an existing noise source might result in an adverse impact upon a proposed new development, or where a new proposal might generate potentially unacceptable levels of noise, it will in either case require the applicant to provide an

assessment of the likely impact and of the measures proposed to deal satisfactorily with it. Such measures might include the following:

- a. engineering solutions, including reduction of noise at source, improving sound insulation of sensitive buildings or screening by purpose-built barriers;
- b. layout solutions, including consideration of the distance between the source of the noise and the buildings or land affected by it; and screening by natural barriers or other buildings or non-critical rooms within a building; and
- c. administrative steps, including limiting the operating times of the noise source, restricting activities allowed on the site or specifying an acceptable noise limit. Any or all of these factors will be considered appropriate for inclusion in conditions on any planning permission.

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.

Reasons :-

It has become increasingly accepted that noise is a major source of environmental pollution, affecting peoples' physical and mental health. The Council considers that the planning process has a role to play in reducing noise levels generally and, through the development control system, to consider carefully the relationship between different land-uses from the point of view of noise generation and impact. Reaching judgments on what is or is not an acceptable amount or type of noise is a complex matter, consideration of which will depend on the particular circumstances on the ground.

PLANNING CONSIDERATIONS:

It is considered the proposed development is unacceptable in terms of the National Planning Policy Framework (NPPF), the Unitary Development Plan for the City of Manchester, including saved policies DC26 and S1.2, and Manchester's Core Strategy, including policies DM1, SP1, T2, C1 and C2.

Principle- The principle of the loss of good sized family accommodation in order to gain office accommodation is not considered to be acceptable in an area where the need for large dwellinghouses is at a premium. There is capacity within the local and district centres to accommodate the commercial uses.

Residential Amenity- The proposed Class E (c) use is not considered to be compatible with the adjoining and surrounding residential uses, as the use will unduly detrimentally affect the amenities of residential occupiers. Activity associated with the E(c) use, including the comings and goings of people and vehicles associated with the use, will generate noise and disturbance for the residential occupiers of the adjoining and surrounding properties. This is contrary to the National Planning Policy Framework (NPPF), and policies DM1 and SP1 of Manchester's Core Strategy, and saved policy DC26 of the Unitary Development Plan, which advocate securing high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Visual Amenity- The dormer that has been installed within the rear roof slope has been constructed in a white composite cladding, and is considered to be visually obtrusive, being set within a grey slate roof. It is considered that the proposal has a detrimental impact upon both the property itself and the character of the area within which it is located.

Intensification of the Use- The proposed number of employees within the building is specified as 7, however, the proposed 4 office spaces could accommodate a significant number of people. Any cars associated with users of the building will be parked on residential streets, and servicing will potentially be carried out from a residential street, due to the high demand for

parking on Dickenson Road itself. It is therefore considered that the intensification of the property would have a detrimental impact upon the area within which it is located in terms of servicing, car parking and the additional comings and goings, and the lack of measures incorporated into the proposal to enable the use to function safely and adequately.

The Application site, 333 Dickenson Road is located within a wedge of residential development, and adjoins 2 dwellinghouses, 331 Dickenson and 335 Dickenson Road. Surrounding 333 Dickenson Road are residential properties within Whiley Street. There is a bank of properties on the other side of Dickenson Road which are commercial / retail in terms of uses, however, these are distinctly separate to 333, being the other side of Dickenson Road, which is a wide, major highway. If any of the large terraced properties on the opposite side of the road have home run businesses operation from them, they are not the predominant use, with that being retained as residential and with unaltered elevations therefore retaining the residential appearance.

Loss of a residential property- There is currently a housing shortage within Manchester, particularly of good sized family accommodation. The property is a substantial family sized property, and the loss of this house for the purposes of replacing it with office accommodation, that is outside of a district centre would not be supported. It would be contrary to policies H1 and H3 of the Manchester Core Strategy.

Proposed office- The site is not located within the District Centre. It is advocated, including within policies C1 and C2 of Manchester's Core Strategy, that uses, such as offices, are better located within existing centres, for reasons including, ease of access to a number of uses grouped together, and as the character of the area can better support comings and goings of people and vehicles.

As discussed, two off-street parking spaces are proposed and no servicing details or customer parking has been provided. There is also no detail relating to travel plan or traffic statement provided. The Application fails to demonstrate that appropriate provision has been made in order that employees' travel parking and the servicing of the premises will be sustainable, in accordance with policy T2 of Manchester's Core Strategy. Even though the property is in a location where there is a frequent bus service, on-street parking and servicing is constrained due to partial TRO's and existing demand.

Waste Management- No details with regards to waste management were submitted with the application.

Other Legislative Requirements

Equality Act 2010

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

Human Rights Act 1998 considerations

This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have a right to a fair hearing and to this end the local planning authority must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the recommendation given is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation: Refuse

Article 35 Declaration

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. Officers have communicated their concerns about this proposal to the applicant during the course of the planning application, but it has not been possible to overcome these issues due to the fundamental principle of the proposal being unacceptable these. The proposal is considered to be contrary to the development plan and therefore refused in a timely manner.

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

1) The change of use to Use Class E(c) Offices is contrary to the National Planning Policy Framework (NPPF), and policies DM1 and SP1 of Manchester's Core Strategy, and saved policy DC26 of the Unitary Development Plan, as activity associated with the use, vehicular movements and general noise and disturbance would have a harmful impact upon the living conditions of nearby occupiers, contrary to saved policy DC26 of Unitary Development Plan for the City of Manchester, policies DM1 and SP1 of the Manchester Core Strategy and The National Planning Policy Framework (NPPF).

2) The proposed change of use of the property into offices (Class E (c)) would result in the loss of family type accommodation thereby reducing the availability and choice of housing and undermine the formation of sustainable communities. The proposal would therefore be contrary to the NPPF, policies SP1, H1, and DM1 of the Manchester Core Strategy Development Plan Document.

3) A further commercial use outside of the nearby neighbourhood 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.

4) The dormer constructed in the rear roof slope is in materials that do not match nor are similar to the existing property. As such the dormer represents an incongruous feature when viewed in the context of number 333 Dickenson Road itself and the neighbouring properties. The proposal is therefore contrary to policy DM1 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police

342 Dickenson Road, Manchester, M13 0NG
339A Dickenson Road, Manchester, M13 0NR
Flat, 346 Dickenson Road, Manchester, M13 0NG
Ground Floor, 346 Dickenson Road, Manchester, M13 0NG
346 Dickenson Road, Manchester, M13 0NG
325 - 327 Dickenson Road, Manchester, M13 0NR
Flat 1, 337 Dickenson Road, Manchester, M13 0NR
338A Dickenson Road, Manchester, M13 0NG
6 Whiley Street, Manchester, M13 0WR
First Floor Flat, 331 Dickenson Road, Manchester, M13 0NR
Ground Floor Flat, 331 Dickenson Road, Manchester, M13 0NR
Flat 2, 337 Dickenson Road, Manchester, M13 0NR
20 Honor Street, Manchester, M13 0WY
344 Dickenson Road, Manchester, M13 0NG
340 Dickenson Road, Manchester, M13 0NG
4 Whiley Street, Manchester, M13 0WR
339 Dickenson Road, Manchester, M13 0NR
335 Dickenson Road, Manchester, M13 0NR
329 Dickenson Road, Manchester, M13 0NR
348 Dickenson Road, Manchester, M13 0NG
338 Dickenson Road, Manchester, M13 0NG
2 Whiley Street, Manchester, M13 0WR

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
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: NORTH AREA