Application Number	Date of Appln	Committee Date	Ward
086717/FO/2008/N2	10th Jun 2008	21st Aug 2008	Rusholme Ward

Proposal Retrospective application for change of use of domestic basement to office use (B1) in association with existing office use at 78 Dickenson Road, and associated external alterations.

Location 1A Moon Grove, Rusholme, Manchester, M14 5HE

Applicant Saddique & Co, 78 Dickenson Road, Rusholme, Manchester, M14 5HF

Agent Holborow & Ormesher Station House, Adams Hill, Knutsford, Cheshire, WA16 6DN

Description

Members will recall a similar application (ref. 085332/FU/2007/N2) being withdrawn from the agenda of the committee meeting on 13 March 2008. This previous application was also for retrospective permission for change of use of domestic basement to office use. This was withdrawn due to the fact that it did not include reference to associated external alterations.

Site
Prior to the development for which planning permission is sought, the application site was a basement bedroom of a single dwelling situated at the junction of Moon Grove and Dickenson Road, known as 1a Moon Grove.

1a Moon Grove faces largely on to Moon Grove, with its main entrance door on Moon Grove, however it also appears to have two rooms with windows facing on to Dickenson Road at ground and first floors. Prior to the development the dwelling included three basement windows with lightwells on Moon Grove.

1a Moon Grove and its basement bedroom were immediately adjacent the existing basement offices of 78 Dickenson Road. The room measures approximately 22 square metres in floor area.

Moon Grove is a residential cul-de-sac of some character. Three of its buildings are listed for their architectural or historic interest. The road is unadopted, and benefits from traditional lantern-style street lighting, and traditional surface treatments such as cobble stones.

Dickenson Road is a mixed use frontage along the south side, around the entrance of Moon Grove, comprising residential, office and retail uses. The north side of Dickenson Road at this location is grassed open space, adjacent to the gables of the terraced houses on Rusholme Grove.

There are parking restrictions marked on Dickenson Road at the junction of Moon Grove, indicating no on-street car parking for the extent of the restrictions (approximately 8m either side of Moon Grove) between the hours of 0800-0000. This includes the area immediately outside the front of the established office premises at 78 Dickenson Road and 74 Dickenson Road, which is located at the opposite side of the entrance to Moon Grove. The remainder of Dickenson

Road immediately around the entrance to Moon Grove benefits from on-street car parking with no restrictions.

Proposal
The application is retrospective for the change of use of the basement bedroom of 1a Moon Grove to office, in association with the existing neighbouring business at 78 Dickenson Road, following internal alterations to form access from no.78 to the former bedroom, and the closing of access from the former bedroom to the rest of the existing dwelling at 1a Moon Grove. The application also seeks permission for external alterations including the formation of a window, and replacement of a temporary concrete paving surface with flag stones to match existing adjacent.

The application has been received following an enforcement case regarding an alleged unauthorised change of use at 1a Moon Grove.

Consultations

Local residents/businesses
Ten letters of objections have been received. The concerns are summarised as follows:
*Effect on the character of Moon Grove as a residential street.
*Effect on historic character of Moon Grove.
*Increased car parking leading to unauthorised car parking and exacerbating associated road safety concerns.
*Increased car parking within Moon Grove, causing inconvenience to occupiers.
*Litter and anti-social behaviour allegedly associated with the use.
*Commercial development should not be allowed in a residential street.

Moon Grove Tenants and Residents Association
Object on basis of: car parking congestion, leading to daily access difficulties including emergency services; effect on historic character of Moon Grove; effect on residential character of Moon Grove.

Local councillors/MP
One letter of objection received from the Rt Hon Sir Gerald Kaufman MP, indicating concerns about the effect on car parking and the character of Moon Grove. Opposed to the application on the basis that it goes against urban regeneration.

Environmental Health
Conditions recommended on any approval.

Greater Manchester Police
No objection in principle to this application. However we will require robust target hardening measures to the premises including 9.5mm laminate glazing and internal grilles/ shutters linked to an intruder alarm system.

Engineering Services
The proposals in this application are not too different from the ones in the previous application (No. 085332). Therefore previous comments still stand as follows : -

There are no objections on highways grounds but there are existing parking restrictions in force at the junction of Dickenson Rd and Moon Grove, which the applicant must be mindful of. Also, Moon Grove is an unadopted road.

South Manchester Regeneration
Concerns with this application is that this business development on Moon Grove could lead to further business development on Moon Grove, which in turn will impact on the residential character of the area.

The Central Manchester Strategic Regeneration Framework (SRF) seeks to encourage the community to improve the public realm. Moon Grove residents association have invested a lot of time and effort in improving the public realm and character of the area. Taking this into consideration this proposed development may contribute towards taking away the character of the area and counteract the efforts and improvements already made by local residents.

Issues

Policy DC19.1
In determining applications for listed building consent or planning applications for development involving or having an impact on buildings of Special Architectural or Historic Interest, the Council will have regard to the desirability of securing the retention, restoration, maintenance and continued use of such buildings and to protecting their general setting. In giving effect to this policy, the Council will: seek to preserve and enhance the settings of listed buildings by appropriate control over the design of new development in their vicinity, control over the use of adjacent land, and where appropriate, by the preservation of trees and landscape features.

Policy E2.7
The Council wishes to ensure that buildings and areas of special architectural or historic interest are retained, maintained and, where necessary, restored. It will seek to preserve and enhance the setting of such buildings and areas by appropriate control over the design of new development in their vicinity, control over the use of adjacent land and, where appropriate, by the preservation of trees and landscape features.

Policy H2.2
The City Council will seek to maintain and where necessary improve the quality of the housing stock and residential environments. The matters which the Council will consider in coming to such decisions will include the scale and appearance of the development and its impact in terms of noise, vibration, traffic generation, road safety and air pollution.

Policy E3.5
The Council will promote measures which will lead to a safer environment for all people living in and using the City.

Regional Planning Guidance for the North West (RPG13)
It is considered that there are no policies contained within RPG13 which specifically affect the proposal.

Site history
Planning permission was granted for the change of use from shop to living accommodation and alterations to elevations at the former 76 Dickenson Road, which it appears is now known as 1a Moon Grove, on 13 August 1986 (27179).

Planning application records indicate that the existing office premises, adjacent to the site at 78 Dickenson Road, have been in financial services use since at least 1989, and as such the use of the premises as accountants' offices would be an established use.

A planning application for retrospective change of use from domestic cellar to office use was marked withdrawn on 30 April 2008 (085332/FU/2007/N2), due to the omission of associated external alterations.

Amenities of residents
Following the withdrawal of the application 085332 (which was recommended for approval) and the submission of the application under consideration, it has come to light that the use for which permission is sought retrospectively has lead to disamenity to occupiers of the residential cul-de-sac of Moon Grove.

While there are no objections to the proposal on grounds of car parking capacity at Dickenson Road, it has become clear from anecdotal evidence of residents that the use has lead to increased use of the residential cul-de-sac for vehicle parking and manoeuvring. It appears that this has lead to inconvenience, disturbance and conflict for the residents, to the severe detriment of residents' amenities, which they may reasonably expect to enjoy in the cul-de-sac.

Moon Grove is a secluded, quiet and narrow residential cul-de-sac and as such is inappropriate for car parking and access by those other than residents. In this regard the development is in conflict with policy H2.2 as it has altered the perceived character of this quiet cul-de-sac.

Although there is a mix of uses on Dickenson Road which could have an impact on Moon Grove in terms of comings and goings, it appears to be the case that the intensification of use at the application property has led to an impact on the residents of Moon Grove. Given that this intensification is, on balance, having an unduly detrimental impact on the amenities enjoyed by the occupiers of Moon Grove it is considered that a refusal of planning permission is reasonable in this case.

Character and appearance
The application site is read to some extent as a part of the mixed uses along this part of Dickenson Road. The application site may also be read as part of Moon Grove, as its basement window faces on to the Grove. It is noted that some ground and first floor windows of 1a Moon Grove face on to Dickenson Road.

The entrance to the residential 1a Moon Grove projects out a little, distinguishing to a degree the residential Moon Grove from the mixed-use Dickenson Road. The basement window of the site would be on the Dickenson Road side of this projection. It is noted also that the ground floor of 74 Dickenson Road is very clearly an office premises, which faces into Moon Grove.

The change of use is not immediately apparent when observing the premises from outside. On this basis it is considered that the external alterations associated with development have not had a significant effect on the residential character of Moon Grove and would not conflict with the above policies.

The replacement paving stones are considered acceptable around the lightwell. The basement window and lightwell are not considered to significantly impact upon the character of the building.

The site is not viewed in immediate conjunction with any listed buildings. In light of this and the above, it is not considered that the change of use has had any significant effect on the setting of those buildings or the historic character of Moon Grove.

Waste storage
It is considered the office could reasonably be expected to use the existing waste storage and collection arrangements of the offices at 78 Dickenson Road. Therefore this matter would not normally warrant refusal of the application. However, the concerns of residents regarding alleged inappropriate disposal of waste from the existing offices are noted. This matter may warrant a condition if approval was to be granted.

Litter and vermin
Notwithstanding the above, it is considered unlikely that the development would necessarily affect litter and vermin around the site by virtue of its character as an office use.

Building regulations
It appears that the change of use does not benefit from approval under the building regulations. It is understood that the existing arrangement, for which planning permission is sought, would not meet building regulations standards for fire safety. This is for the following reasons: the sole means of escape for occupiers passes through more than one other room; sound and fire resistance to the ceiling separating the office from residential above requires improvement; and because the office window appears not to provide adequate ventilation. In these regards the arrangement is unacceptable having regard to the safety of occupiers and is contrary to policy E3.5.

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 AND ENFORCE

Conditions and/or Reasons

1) Refuse in light of the development plan, including policy H2.2 of the Unitary Development Plan for the City of Manchester (adopted 1995) on the basis of evidence that the development has lead to a significant loss of amenity to residents of Moon Grove, by virtue of increased vehicle parking, manoeuvring and associated activity within the cul-de-sac of Moon Grove.

2) Refuse in light of the development plan, including policy E3.5 of the Unitary Development Plan for the City of Manchester (adopted 1995) on the basis that the change of use is detrimental to the safety of occupiers by virtue of an internal arrangement which does not meet the standards of relevant building regulations.

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: 086717/FO/2008/N2 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:

Environmental Health
The Right Honourable Gerald Kaufman MP
Environment & Operations (Highway Authority)
Greater Manchester Police
Rusholme & Fallowfield Civic Society
Building Control (Dangerous Buildings)
GMC Fire Service
Moon Grove TRA
Engineering Services
South Manchester Regeneration
11 Moon Grove, Manchester, M14 5HE
6 Moon Grove, Manchester, M14 5HE
9 Moon Grove, Manchester, M14 5HE
Khan Solicitors, 66 Dickenson Road, Manchester, M14 5HF
Protech Micros Ltd, 74 Dickenson Road, Manchester, M14 5HF
1 Moon Grove, Manchester, M14 5HE
2 Moon Grove, Manchester, M14 5HE
3 Moon Grove, Manchester, M14 5HE
4 Moon Grove, Manchester, M14 5HE
5 Moon Grove, Manchester, M14 5HE
7 Moon Grove, Manchester, M14 5HE

Akram Accountants, 64 Dickenson Road, Manchester, M14 5HF
Bicycle Doctor Ltd, 68-70, Dickenson Road, Manchester, M14 5HF
72 Dickenson Road, Manchester, M14 5HF
Saddique Chartered Accountants, 78 Dickenson Road, Manchester, M14 5HF
80 Dickenson Road, Manchester, M14 5HF
82a, Dickenson Road, Manchester, M14 5HF
84 Dickenson Road, Manchester, M14 5HF
86 Dickenson Road, Manchester, M14 5HF
1 Gatcombe Square, Manchester, M14 5AS
2 Gatcombe Square, Manchester, M14 5AS
3 Gatcombe Square, Manchester, M14 5AS
4 Gatcombe Square, Manchester, M14 5AS
5 Gatcombe Square, Manchester, M14 5AS
6 Gatcombe Square, Manchester, M14 5AS
7 Gatcombe Square, Manchester, M14 5AS
8 Gatcombe Square, Manchester, M14 5AS
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10 Gatcombe Square, Manchester, M14 5AS
11 Gatcombe Square, Manchester, M14 5AS
12 Gatcombe Square, Manchester, M14 5AS
13 Gatcombe Square, Manchester, M14 5AS
14 Gatcombe Square, Manchester, M14 5AS
15 Gatcombe Square, Manchester, M14 5AS
16 Gatcombe Square, Manchester, M14 5AS
2 Arreton Square, Manchester, M14 5AU
4 Arreton Square, Manchester, M14 5AU
6 Arreton Square, Manchester, M14 5AU
8 Arreton Square, Manchester, M14 5AU
10 Arreton Square, Manchester, M14 5AU
12 Arreton Square, Manchester, M14 5AU
14 Arreton Square, Manchester, M14 5AU
16 Arreton Square, Manchester, M14 5AU
John A Porter & Co, 74 Dickenson Road, Manchester, M14 5HF
78a, Dickenson Road, Manchester, M14 5HF
82 Dickenson Road, Manchester, M14 5HF
82b, Dickenson Road, Manchester, M14 5HF

Representations were received from the following third parties:

Environmental Health
The Right Honourable Gerald Kaufman MP
Greater Manchester Police
Moon Grove TRA
Engineering Services
South Manchester Regeneration
Jeff Jaycock, 4 Moon Grove,, Rusholme,, Manchester
David Lawrenson, 5 Moon Grove, Rusholme, Manchester
John E. Goldring, 9 Moon Grove, Rusholme , Manchester
John Merrill, 2 Moon Grove, Rusholme, Manchester
Caroline Williams, 4 Moon Grove, Rusholme, Manchester
John Browne, 9 Moon Grove Rusholme Manchester
Dr Michael Venning, 3 Moon Grove, Manchester
Dr Michael Venning, 3 Moon Grove, Manchester

Pavel Buchler, 1 Moon Grove, Manchester
Louise Dennis and William Sellers, 6 Moon Grove

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