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Rusholme Ward	Application Number 085332/FU/2007/N2	Date of Appln 13th Dec 2007	Committee Date 13th Mar 2008
Proposal	Retrospective application for change of use of domestic cellar to office use (use class B1)		
Location	1A Moon Grove, Rusholme, Manchester, M14 5HE		
Applicant	Saddique And Co, 78 Dickenson Road, Rusholme, Manchester, M14 5HF		
Agent	Holborrow And Ormesher Station House, Adams Hill, Knutsford, Cheshire, WA16 6DN		

Description

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.

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

Consultations

Local residents/businesses

Nine 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.
- *Increased associated wear and tear of Moon Grove surfaces, leading to additional costs for those responsible for the maintenance of the street.
- *Litter and rats allegedly associated with the use.
- *Possibility of leading to a change of use of the entire dwelling at 1a Moon Grove to a commercial use.
- *Commercial development should not be allowed in a residential street.
- *Recent alterations to the property have damaged external stone paving at Moon Grove around a lightwell, appearing to have replaced it with concrete to the detriment of the 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.

Rusholme and Fallowfield Civic Society

- *The commercial activity would damage the unique character of the residential street.
- *A business address on Moon Grove would allow staff and visitors to use the cul-de-sac irrespective of a 'no access' order.

South Manchester Regeneration - 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 (run the risk of a spill over of businesses from Dickenson Rd). 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.

Engineering Services - No objection, however there are existing waiting restrictions which cover the junction of Dickenson Rd and Moon Grove against parking between the hours of 8am - Midnight, 7 days a week. The applicant should be mindful of this. It is also noted that Moon Grove is an unadopted road.

Environmental Health - Conditions requested, regarding segregated refuse storage and acoustic insulation of any associated externally-mounted equipment.

Greater Manchester Police - Target hardening measures sought as part of any approval as basement is vulnerable.

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Issues

Policies

Unitary Development Plan for the City of Manchester (adopted 1995)

Policy DC9

The Council will require all new commercial and industrial buildings and the environments in which they are set, including car parking areas, to meet high standards of accessibility for disabled people. This requirement will also apply to development which involves the adaptation of existing buildings unless practical considerations dictate otherwise.

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 E3.5

The Council will promote measures which will lead to a safer environment for all people living in and using the City. These measures will include: ensuring that the layout of new development is designed with safety in mind and does not lead to the creation of isolated areas; improving road safety.

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.

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).

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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.

Highway safety and car parking

The on-street car parking restrictions around the entrance to Moon Grove are noted. However there appears to be sufficient provision of unrestricted on-street car parking along Dickenson Road, immediately around the site. It is not considered that the extension to the offices of 78 Dickenson Road would be likely lead to a significant increase in parking pressure from additional staff and visitors, having regard to the existing availability of on-street parking and the modest size of the additional office for which planning permission is sought.

While it is acknowledged that unauthorised, inconsiderate or unsafe car parking may have taken place around the junction to Moon Grove, and may continue to do so, it is considered that the proposal is not likely to have made this type of problem significantly worse in view of the above.

Notwithstanding this, it is noted that enforcement relating to unauthorised, inconsiderate or unsafe car parking is a matter for the relevant authorities.

It is therefore considered that this matter would not warrant refusal of the application, in light of the above policies.

Additionally, while it is considered for the reasons given above that the proposal should not have lead to a significant increase in vehicular use of Moon Grove, it is also considered that the effect of any such increase on wear and tear of its surfaces would not warrant refusal of the application.

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 and on the basis of the above, it is considered that the development has not had a significant effect on the residential character of Moon Grove and would not conflict with the above policies.

It is noted that paving stones outside the lightwell appear to have been replaced with concrete. This is regrettable, however at this stage the circumstances around this change in surfaces are not clear. The application under consideration is for change of use only, and the paved area in question is outside the site edged red drawing supplied by the applicant. It appears therefore to be beyond the remit of this application to address the matter further.

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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.

It is not considered that the approval of the application would be likely to set a precedent leading to commercialisation of Moon Grove and consequent alteration of its character as a residential street. Applications for any other development in the area would be considered on their own merits.

Accessibility

The extended office would not be significantly less accessible than the existing basement offices at 76 Dickenson Road or the basement of the existing dwelling at 1a Moon Grove. Given the site constraints and that this is a modest development, this is considered not to warrant refusal of the application in light of the above policies.

Secure by Design

The agent has confirmed that the measures recommended by the Greater Manchester Police Architectural Liaison Unit will be incorporated into the development.

Externally mounted ancillary equipment

The Head of Regulatory and Enforcement Services has requested a condition is attached to any permission seeking the acoustic insulation of any externally mounted ancillary equipment.

No permission is sought as part of the application for any externally mounted ancillary equipment. Any externally mounted ancillary equipment would therefore require a separate grant of planning permission, and matters such as siting and appearance would also be considered, therefore no condition is to be applied in this case.

Waste storage

In view of the proposed additional staff, a condition in this regard is considered appropriate.

Litter and vermin

Notwithstanding the proposed condition regarding waste storage, and its proper implementation, it is considered unlikely that the development would significantly affect litter and vermin around the site by virtue of its character as an office use. This matter would not warrant refusal or any other condition of planning permission in this particular case.

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

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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 in light of the development plan, including policies:

DC9 (The Council will require all new commercial and industrial buildings and the environments in which they are set, including car parking areas, to meet high standards of accessibility for disabled people. This requirement will also apply to development which involves the adaptation of existing buildings unless practical considerations dictate otherwise);

DC19 (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);

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);

E3.5 (The Council will promote measures which will lead to a safer environment for all people living in and using the City. These measures will include: ensuring that the layout of new development is designed with safety in mind and does not lead to the creation of isolated areas; improving road safety);

and, 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) of the Unitary Development Plan for the City of Manchester (adopted 1995);

on the basis that the proposal would not have a significant detrimental effect on accessibility, highway safety, residents' amenities, the historic environment or the character and appearance of the area, and there are no material planning considerations of sufficient weight to indicate otherwise.

Conditions and/or Reasons

1) The development shall incorporate 9.5mm laminate glazing and internal grilles linked to an intruder alarm system to the basement office window facing Moon Grove. These measures shall be implemented within 56 days of the date of this permission, unless otherwise agreed in writing by the City Council as local planning authority.

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Reason

To reduce the risk of crime pursuant to Policy E3.5 of the Unitary Development Plan of the City of Manchester and to reflect the guidance contained in Planning Policy Statement "Delivering Sustainable Development" and in accordance with the email from David Ormesher dated 09/01/2008 10.01.

2) A scheme for the storage (including segregated waste recycling) and disposal of refuse from the site, including a date of implementation, shall be submitted in writing to the City Council as local planning authority within 28 days of the date of this permission. The approved measures shall be implemented by the date agreed above, and shall be retained for the duration of the use hereby approved, unless otherwise agreed in writing by the City Council as local planning authority.

Reason

In the interests of amenity and public health, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester (adopted 1995).

3) The development hereby approved shall be retained in accordance with the site plan date stamped as received by the local planning authority on 13 December 2007, and the drawing titled 'Plans as constructed' date stamped as received by the local planning authority on 24 January 2008 unless otherwise agreed in writing by the City Council as local planning authority.

Reason

To ensure that the development is carried out in accordance with the approved plans, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester (adopted 1995).

4) The planning permission hereby granted relates solely to the basement room at the corner of Moon Grove and Dickenson Road and to no other part of the building.

Reason

In the interests of amenity, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester (adopted 1995) and as the change of use of any other part of 1a Moon Grove would require a further grant of planning permission

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

Monday to Friday 0800-1800

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.

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: 085332/FU/2007/N2 held by planning or are City Council planning policies, the Unitary Development Plan for the City of

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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

11 Moon Grove, Manchester, M14 5HE

6 Moon Grove, Manchester, M14 5HE

9 Moon Grove, Manchester, M14 5HE

4 Moon Grove, Manchester, M14 5HE

5 Moon Grove, Manchester, M14 5HE

7 Moon Grove, Manchester, M14 5HE

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

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

9 Gatcombe Square, Manchester, M14 5AS

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

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Representations were received from the following third parties:

Engineering Services
Environmental Health
Greater Manchester Police
, 5 Moon Grove, Manchester, M14 5HE
, 7 Moon Grove, Manchester, M14 5HE
John Merrill, 2 Moon Grove, Rusholme, Manchester
John Browne, 9 Moon Grove , Rusholme
Louise Dennis And William Sellers, 6 Moon Grove, Manchester, Manchester,
M14 5HE
Jeff Jaycock, 4 Moon Grove,, Rusholme,
Dr Johh E. Goldring, 9 Moon Grove, Rusholme, Manchester
Mrs. Caroline Williams, 4 Moon Grove, Rusholme, Manchester
Pavel Buchler, 1 Moon Grove, Rusholme, Manchester
Mr Stibbs, Rusholme And Fallowfield Civic Society, Dalton Ellis Hall,
Conyngnam Road, Manchester M14 5RL

Relevant Contact Officer : Robert Lilburn
Telephone number : 0161 234 4166
Email : r.lilburn@manchester.gov.uk