

REPORT FROM:	PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER
TO:	NELSON COMMITTEE
DATE:	8 January 2018

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications

REPORT TO NELSON COMMITTEE 8th JANUARY, 2018

Application Ref: 17/0511/FUL

Proposal: Full: Change of use of 3rd floor and part of 2nd floor to a mixed use of non-residential training (Use Class D1 and offices (Use Class B1a).

At: Lomeshaye Bridge Mill, Bridge Mill Road, Nelson.

On behalf of: Mr Naeem Din

Date Registered: 13 November 2017

Expiry Date: 8 January 2018

Case Officer: Kathryn Hughes

Site Description and Proposal

The application site is a Mill building located within Whitefield Conservation Area.

The proposal is to use part of the building currently used as offices (B1a) for training purposes (D1) and office use (B1a). The site is within the settlement boundary for Nelson.

At present the site consists of 250 sq.m. of B1a offices and the proposal is to reduce this to 40 sq.m. and introduce 230 sq.m. of training facilities.

Parking provision for eight vehicles for this business use has been indicated on the forms although the plans only show 6 spaces and bin storage.

Relevant Planning History

13/06/0814P – Full: Major: convert mill to use as 4 apartments at third floor; 9 workspace units on first and second floor; café and meeting rooms at ground floor; erect canopy to front, sky lights to roof (re-submission) - Approved 7th March, 2007.

Consultee Response

LCC Highways – The applicant has indicated eight spaces on the application form but the site plan only shows six. Based on Policy 31 eight spaces would be required. No information on the number of trainees, training sessions and maximum numbers have been provided. A secure covered cycle store should be provided.

Nelson Town Council

Public Response

Nearest neighbours notified by letter. Seven responses have been received to date objecting on the following grounds:

- Road unsuitable;
- Parking is restricted and not allowed in front of houses;
- The small car park is used by four or five vehicles from the bottom floor;
- All users are responsible for the upkeep of the road;
- We are the owners of the Mill and have not been informed of these proposed changes;
- The site location plan is incorrect and drawn over our property;
- We must insist on full and unimpeded access for our tenants;
- If permission is granted it must be done with the proviso that the parking situation and access is clearly defined and monitored;
- When the Mill was constructed in 1841 Bridge Mill Road was not intended for the transport of goods and remains today an unadopted road;
- The companies present already cause issues as the articulated lorries cannot physically negotiate the turn into Bridge Mill Road leaving them to block the carriage way and use a fork lift truck to unload goods;
- Residents cars have been damaged many times and there is a constant stream of delivery vehicles and traffic from current works and customers of the Mill;
- This application would increase traffic and how would these people get to work and where will they park? and
- Our tranquil backwater location is rapidly turning into an industrial estate and who would want to live on an industrial estate?

Officer Comments

The main issues are impact on the Listed Building and Conservation Area, impact on amenity, design and materials and highway issues.

1. Policy

The relevant Local Plan Core Strategy policies are:

ENV1 covers protection and enhancement of the natural and historic environment including biodiversity, ecology, trees, landscapes, open space and green infrastructure and historic environment.

ENV2 sets out general design principles, historic environment and climate change.

WRK4 seeks to promote uses which help to create active street frontages and a vibrant public realm. This includes shops, cafes, restaurants, cultural and leisure uses.

Sequential and impact tests (NPPF paras 24 and 26) may also require the potential effects on centres to be considered.

SUP3 seeks to improve education and training facilities.

Also relevant is saved Replacement Pendle Local Plan policy:

Policy 31 'Parking' supports car parking in new developments in line with the Maximum Car and Cycle Parking Standards. All new parking provisions should be in line with these standards unless this would compromise highway safety.

Conservation Area Design and Development Guidance requires new development to seek to preserve or enhance the character of the conservation area and take into consideration the context of the conservation area and the building within it.

National Planning Policy Framework

In line with policy WRK4 above paras 24 and 26 needs to be considered. As training facilities are not listed as a main town centre use as set out in Annex 2: Glossary of the NPPF a sequential approach is not required for this element. Whilst offices would normally require this approach the amount of existing B1a office space is being reduced from 250 sq.m. to 40 sq.m. and as an existing use this is acceptable.

2. Impact on Conservation Area

Local Authorities have a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to preserve and enhance the appearance and character of Conservation Areas.

The site is within the Whitefield Conservation Area.

No external alterations are proposed and the proposed use itself would not have a detrimental impact on the conservation area and therefore accords with policy ENV1.

3. Impact on Amenity

There is an established row of terraced residential properties which adjoin the Mill.

The use of the buildings as a training facility would not adversely impact on the adjoining commercial and residential units and would have eight full time employees and operate between 8am and 7pm Monday to Friday and 10am – 2pm Saturdays which is acceptable.

Whilst it is acknowledged that there could be potential for an increase in comings and goings this building has an existing lawful use as offices and therefore could potentially

attract a considerable amount of end users and this proposal would not, therefore, be so significant as to lead to an unacceptable impact on the neighbouring properties.

Therefore there is unlikely to be any undue loss of amenity for neighbouring properties and the use would accord with policy ENV2.

4. Highway Issues

There are no highway objections to proposal. The site is within walking distance of the town centre and there bus routes along Manchester Road which is accessible from the site.

The applicant has stated that on street parking is available in the area, however, this cannot be relied upon as part of a planning application as the applicant has no rights to park there and it may not be available for use on a daily basis. Therefore this has not been included as part of the assessment.

Based on a floor area of 300 sq.m. there would be a requirement for a maximum of 8 car parking spaces.

The applicant has indicated that there is parking for 8 vehicles within the site which is acceptable and meets the requirements of policy 31.

Summary

The proposed scheme would not unduly impact on the conservation area and amenity, there are no undue highway concerns and subject to appropriate conditions then this use would be acceptable in this location.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed use would be acceptable subject to appropriate conditions. The development complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Approve

Subject to the following conditions:

1. The proposed development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

1/1250 location plan, 503 existing, 503 proposed, 502 existing and 502 proposed.

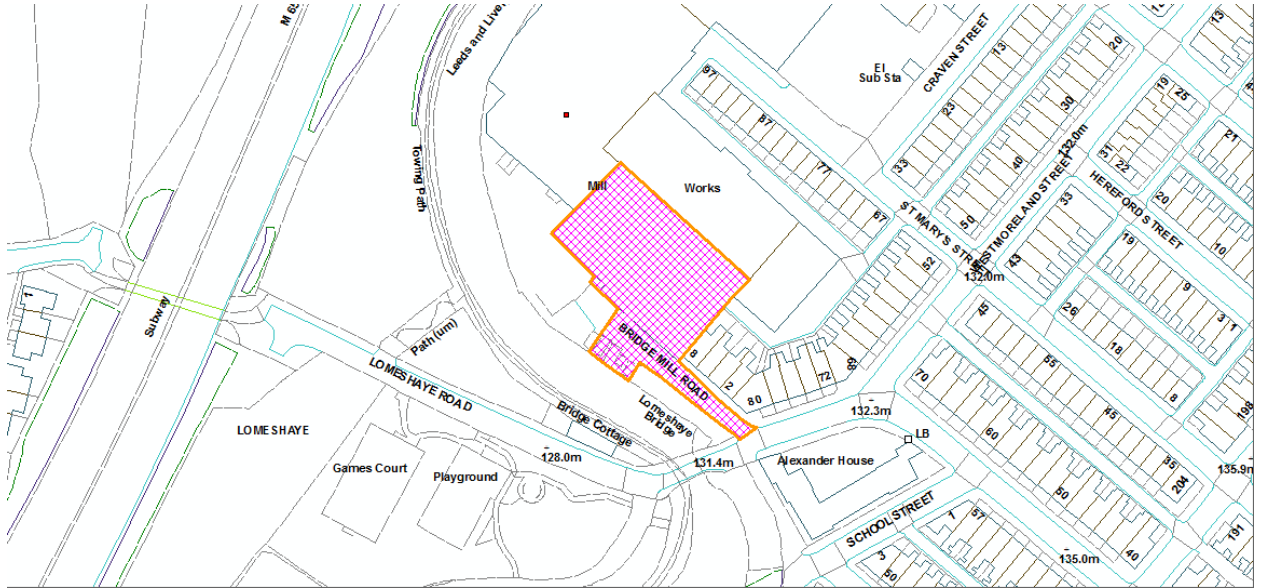
Reason: For the avoidance of doubt and in the interests of proper planning.

3. The proposed development shall not be brought into use unless and until the eight car parking spaces and turning areas have been constructed, surfaced, sealed, drained and marked out in accordance with details to be submitted to and agreed in writing by the Local Planning Authority. The parking spaces and turning area shall thereafter always remain unobstructed and available for parking and turning purposes.

Reason: In order to provide sufficient off street parking for the development in the interests of highway safety

4. The proposed development shall only be used for Training facilities (Use Class D1) and offices (B1a) as set out on the approved plans and no other use within Use Class D1.

Reason: In order to ensure that appropriate D1 Uses are located within the town centre where feasible in order to protect the vitality and viability of Nelson Town Centre.



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On behalf of: Mr Naeem Din

LIST OF BACKGROUND PAPERS

Planning Applications

NW/MP

Date: 15th December 2017