

REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER

TO: NELSON COMMITTEE

DATE: 3rd December 2018

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications

REPORT TO NELSON COMMITTEE ON 3rd DECEMBER 2018

Application Ref: 18/0611/FUL

Proposal: Full: Change of use from a Dwelling (Use Class C3) to a Physiotherapists and Wellbeing Clinic (Use Class D1).

At: 47 Queensgate, Nelson

On Behalf of: Mr M. Mirza

Date Registered: 06 September, 2018

Expiry Date: 01 November, 2018

Case Officer: Christian Barton

This application has been called to committee by the Chairman.

Site Description and Proposal

The application seeks to change the lawful use of 47 Queensgate in Nelson from a dwelling to a physiotherapists and wellbeing clinic. Alterations to the driveway are also proposed to create parking spaces.

The site is single-storey house that is surrounded by houses to all sides. It sits within the settlement boundary of Nelson and has no special designations as part of the Pendle Local Plan.

Relevant Planning History

No relevant planning history.

Consultee Response

LCC Highways - There is an objection to the proposal based upon insufficient off-street parking for the proposed use. The existing 3 bedroom dwelling was originally designed with 2 'in line' driveway spaces and a garage. The driveway is adjacent to the neighbouring property driveway and there is no boundary treatment. At some point thereafter a low wall with a handrail has been constructed on the driveway which restricts the width of the driveway to an extent that there is no usable driveway space.

Therefore currently there is no off-street parking at the property. If the applicant removes the low wall, which is built upon the driveway, this will provide 2 driveway spaces however this will still be insufficient to accommodate the proposed use. The proposed use would require 4 car parking spaces per consulting room. There are clearly 2 consulting rooms shown on the layout plan however there is a relaxation room and separate sauna/stream rooms which could be included.

The application form states that there is 1FT and 1PT employee at the business and that the opening hours are unknown. There are no details of how the business will operate or how many customers may be generated however there is no scope to create additional parking and the

parking of vehicles on street is likely to result in pavement parking which is not conducive to pedestrian safety.

(Update provided) The amended plan now shows 3 in-line parking spaces on the driveway. This will require the removal of the low wall/handrail as stated on initial response. This is likely to provide off-street parking spaces for the staff at the business. The customers will be required to park on Queensgate itself which is likely to result in a highway safety concern.

The number of customers could exceed the amount of available on-street parking capacity and result in the parking of vehicles close to the road junction and obstructing the footways. It is recommended that this application be refused on highway safety grounds due to insufficient off-street parking provision in accordance with the parking standards.

If you are minded to approve this application please include a condition requiring the low wall and stepped access to be removed and the driveway made good in tarmacadam prior to the first trading of the business.

You might also consider it appropriate to state a condition which restricts the number of clients at the premises at any one time due to the insufficient parking provision and the likely impact upon highway safety and neighbour amenity. I would recommend no more than 2 clients on the premises at any one time.

Lancashire Constabulary - No comments received.

Nelson Town Council - No comments received.

Public Response

The nearest neighbours have been notified by letter. Comments have been received objecting to the application on the following grounds;

- The area has no commercial premises
- Increased parking demands
- No off-street parking is available to the property.

Officer Comments

The starting point for consideration of any planning application is the development plan. Policies which are up to date and which conform to the provisions of the National Planning Policy Framework (NPPF) must be given full weight in the decision making process. Other material considerations may then be set against the Local Plan policies so far as they are relevant.

The main considerations for this application are the principle of development, impacts residential amenity and the local highway network.

1. The National Planning Policy Framework (the NPPF)

- Paragraph 89 states that when assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m² of gross floorspace). This should include assessment of:

- a) The impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
 - b) The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).
- Paragraph 90 states that where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 89, it should be refused.
2. The relevant Pendle Borough Council Local Plan Part 1: Core Strategy (2011 – 2030) policies are:
- CS Policy ENV2 sets out general design principles, historic environment and climate change.
 - CS Policy WRK5 relating to new development proposals for tourism, leisure and cultural developments.

Other policies and guidance's are also relevant:

- Saved Replacement Local Plan Policy 31 that sets out the parking standards for developments.

1. Principle of the Development

Concerns have been raised about a lack of existing commercial uses along Queensgate. New leisure developments are supported by Policy WRK5 where they would promote sustainable travel and ensure residential amenity is safeguarded. Within Nelson such proposals are required to comply with a sequential approach that prioritises sites located alongside existing and complimentary uses. Nelson Town Centre would be the preferred location for the development proposed.

The Applicant has submitted details as part of a sequential approach and a number of suitable properties are listed. The sequential test concludes however that as the Applicant owns the building it would not be financially viable to operate the proposed development from alternate premises, in addition to secondary concerns. The test ultimately fails to adequately demonstrate that there are no sequentially preferable sites available for the proposed development. The development would fail to ensure the vitality and viability of Nelson Town Centre is safeguarded and therefore does not comply with Policy WRK5 and Paragraphs 89 and 90 of the NPPF.

2. Residential Amenity

Policy ENV2 states that all new developments are required to meet high standards of design. Any detrimental impacts on the aural amenity of neighbours would be ultimately attributed to inferior standards of design that poorly relate to the surrounding land uses of the site.

Policy WRK5 reiterates this stating new leisure developments will only be supported where they would not result in significant detrimental effects on local residential amenity. The site lies within

an exclusively residential area and there are no lawful commercial uses along Queensgate at present.

Informal details regarding opening hours and the nature of operations have been submitted. Whilst the hours of operation and types of use can be controlled by appropriate conditions, the D1 use proposed would not be appropriate for an exclusively residential area.

The proposal would result in additional comings and goings from customers to a level that would not be commensurate or compatible with the existing C3 use. In addition the site has inadequate off-street parking for the development proposed and some customers would therefore park on the highway causing further disruption for neighbours.

Due to the sites location and the close proximity of housing, along with inadequate off-street parking, the development proposed would result in severely detrimental impacts on the aural amenity of the immediate neighbours thus contravening Policies ENV2 and WRK5.

3. Highways

Concerns have been raised about parking. Saved Policy 31 requires all new developments to have adequate off-street parking. As defined in the Parking Standards of Saved Policy 31, new health developments with a floor space of circa 82 square meters should have four off-street parking spaces per consulting room.

The use proposed would have two consulting rooms along with additional facilities. LCC Highways have objected to the scheme on parking grounds stating the site would require at least eight parking spaces based on the nature of the use proposed.

Plans have been submitted showing three off-street parking spaces. These would be provided by the driveway following alterations. The number of spaces proposed is conclusively insufficient for a D1 use. The development would result in an increase in on-street parking to a level that would compromise the safety of the local highway network thus failing to accord with Saved Policy 31.

4. Summary

The application seeks to change the lawful use of the site from a house to a physiotherapists and wellbeing clinic. The development is proposed for a location that is not defined as a priority area for a D1 use within the Pendle Local Plan.

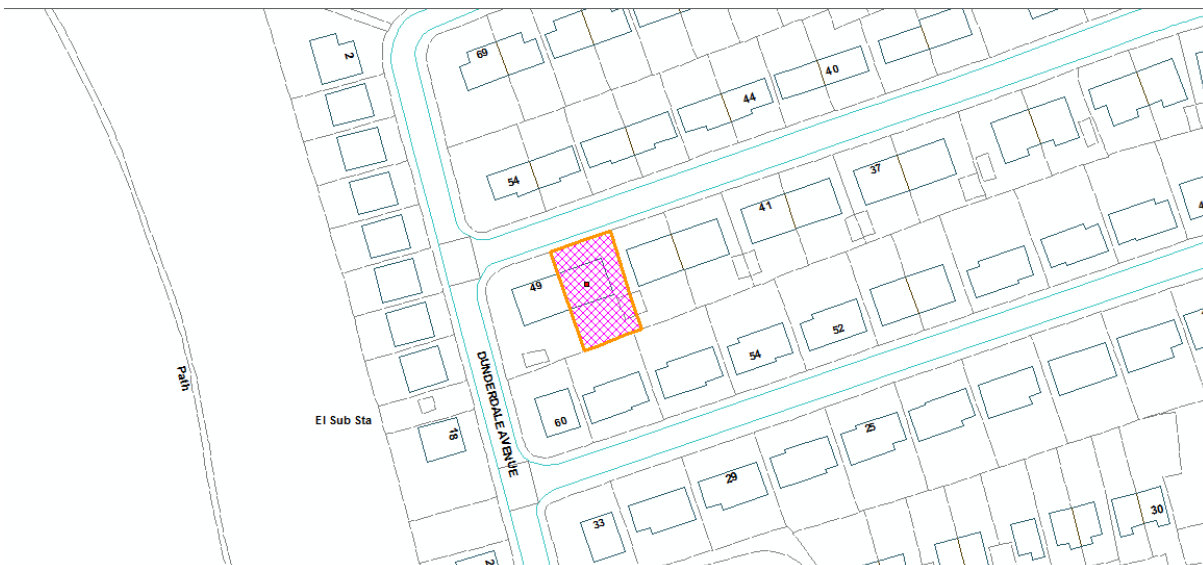
The site is surrounded by residential properties and has insufficient off-street parking for the development proposed. The development would result in impacts from noise, comings and goings and vehicle movements to a level that would be of detriment to the aural amenity of the immediate neighbours along with the safety of the local highway network.

The development therefore fails to comply with Policies ENV2 and SDP5 of the Pendle Local Plan Part 1: Core Strategy (2011 – 2030), Saved Policy 31 of the Replacement Pendle Local Plan and Paragraphs 89 and 90 of the National Planning Policy Framework.

RECOMMENDATION: Refuse

On the following grounds:

1. The supporting information submitted fails to demonstrate that there are no sequentially preferable sites available for the proposed development. The development would fail to ensure the vitality and viability of Nelson Town Centre is safeguarded and therefore does not comply with Policy WRK5 of the Pendle Local Plan Part 1: Core Strategy (2011 – 2030) and Paragraphs 89 and 90 of the National Planning Policy Framework.
2. The proposed D1 use is not suitable in this location outside the town centre and the development would result in detrimental impacts on residential amenity due to comings and goings and additional vehicle movements contrary Policies WRK5 and ENV2 of the Pendle Local Plan Part 1: Core Strategy (2011 – 2030).
3. The development would not provide sufficient off-street parking for the proposed D1 use which would lead to an unacceptable increase in on-street parking in a residential area contrary to Saved Policy 31 of the Replacement Pendle Local Plan.



Application Ref: 18/0611/FUL

Proposal: Full: Change of use from a Dwelling (Use Class C3) to a Physiotherapists and Wellbeing Clinic (Use Class D1).

At: 47 Queensgate, Nelson

On Behalf of: Mr M. Mirza

REPORT TO NELSON COMMITTEE ON 3rd DECEMBER, 2018.

Application Ref: 18/0660/FUL
Proposal: Full: Erection of block of two 2 bed flats with balcony to first floor.
At: Land Adj Number 8 Rakes House Road, Nelson.
On behalf of: Mr Mohammed Ansar
Date Registered: 24 September 2018
Expiry Date: 19 November 2018
Case Officer: Kathryn Hughes

This application has been called in to Committee by the Chair.

Site Description and Proposal

The application site is a former piece of open land within the settlement boundary for Nelson.

The proposal is to erect a block of two flats on this land which is still owned by Pendle Borough Council and used to accommodate a toilet block.

The site has terraced residential house to the north with bungalows to the north west. To the east is sited a social centre with car park to the rear and a car sales garage lies to the west. There is also a bus shelter immediately adjacent to the site.

The site is in the main lawned with trees and shrubs present and small amount of tarmac,

The proposed block of flats would be 9m x 10m x 7.6m high (5m to eaves) plus balcony and terrace to Algar Street elevation both units were proposed to be two bedrooms, however, amended plans have changed this to one bedroom and a dining room.

The terrace/balcony would measure 2.7m in width and 9m in length.

The flats would be constructed in block render with stone cills and dark grey plain concrete tiles for the roof and upvc windows and doors and timber fence.

Relevant Planning History

None.

Consultee Response

LCC Highways – This application seeks 2 x 2 bedroom flats with no off-street parking provision. This is a concern considering that the parking standards would require a maximum of 4 spaces to be provided. There is no evidence presented with the application documents to demonstrate that there is spare capacity on-street during the evening period.

The site is within close walking distance to the mainline bus services on Leeds Road and the location of the Farmfoods food convenience shop/store which would support the reduction in off-street parking provision.

The site appears unable to be re-designed to provide off-street parking provision due its small size, together with the location of the build out and bus stop on the Rakes House Road elevation, the proximity to the junction of Algar Street and the limited width on the back street.

Due to the site constraints, it appears that the solution would be a reduction in the number of bedrooms. It would be more likely that a single bungalow would support a no car or low car ownership occupant which would place little demand on the on-street parking arrangements.

United Utilities – In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. We would ask the applicant to consider the following drainage options in the following order of priority:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

We recommend the applicant implements the scheme in accordance with the surface water drainage hierarchy outlined above. In line with these comments, we recommend the following condition is attached to any approval notice.

Foul and surface water shall be drained on separate systems. Surface water shall be drained in accordance with the hierarchy of drainage options in national planning practice guidance. In the event of surface water discharging to public sewer, the rate of discharge shall be restricted to the lowest possible rate which shall be agreed with the statutory undertaker prior to connection to the public sewer.

Nelson Town Council

Public Response

Nearest neighbours notified by letter. One response received objecting on the following grounds:

- The view I have will be lost;
- The adjacent properties are bungalows;
- The flats will look out of place;
- The development should be ground floor flats and not first floor and not with a 1st floor balcony erected.

Officer Comments

The main issues for consideration are the principle of housing, impact on residential amenity, scale, highway issues, drainage and landscaping.

1. Policy

The relevant policies for this proposal are:

Policy ENV2 states that all new development should seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving heritage assets.

Policy LIV1 sets out the requirement for housing to be delivered over the plan period. This policy allows for non-allocated sites within the Settlement Boundary as well as sustainable sites outside but close to a Settlement Boundary.

Policy LIV5 requires all new housing to be designed and built in a sustainable way. New development should make the most efficient use of land and built at a density appropriate to their location taking account of townscape and landscape character. Provision for open space and/or green infrastructure should also be provided within the site.

The Design Principles Supplementary Planning Document is also relevant to this proposal.

The following Replacement Pendle Local Plan policies are also relevant:

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.

In national terms the National Planning Policy Framework (NPPF) provides guidance on housing requirements, design and sustainable development and landscape protection. Whilst Section 12 of the National Planning Policy Framework seeks to achieve well designed places and in particular para 130 states that permission should be refused for development of poor design.

2. Housing Requirements

The National Planning Policy Framework requires housing applications to be considered in the context of presumption in favour of sustainable development and deliver a wide range of high quality homes and create sustainable, inclusive and mixed communities.

This proposal seeks to erect two residential units within the settlement boundary and therefore the principle of housing on this site is accepted subject to the detailed criteria considered below.

3. Impact on Residential Amenity

The Design Principles SPD specifies a minimum distance of 21m between new and existing main room windows.

The single storey rear elevations of the properties on Lee Road are 5m from the side elevation of the proposed flats, with the main two storey element 10m in distance with two windows in this gable elevation serving kitchens this is not acceptable. Although obscure glazing could be used for these windows as kitchen windows you would expect these windows to be opening and have some aspect in the interests of amenity and good design.

The rear elevation is 4.5m from the gable of No. 8 Rakeshouse Road. The other neighbouring properties are commercial in nature and are single storey units.

The rear elevation of the proposed flats would back onto the gable of no. 8 at a distance of just 4.5m two bathrooms windows are indicated on the plans which would serve bathrooms. These can be obscured glazed and therefore loss of privacy would not be an issue.

Some of the windows would serve habitable rooms and therefore would fall below the separation distances suggested to protect amenity and achieve good design.

With regards to the proposed terrace and balcony to Algar Street this would look over the existing car park but would also have side on views from the first floor balcony over the rear yard and habitable windows of no. 21 Lee Road. This would result in a loss of privacy and would require a condition to erect a 1.8m high screen on the north west end to any grant of permission.

There are no other balconies nearby and a balcony of the size would lend itself to outside living space and would be introducing a perception of being overlooked to nearby properties and residents in the area to the detriment of amenity.

4. Design and Materials

The block of flats would be two stories with an overall height of 7.6m and would seem out of character in this area of traditional two storey terraced properties and modern bungalows.

The scale and orientation of the proposed flats is out of keeping with the adjacent bungalows and the balcony at first floor would introduce an incongruous and uncharacteristic structure which is not in keeping with the locality adjacent to a public highway and would be highly visible in the street scene.

Whilst this block would only house two units the style and design are poor and do not relate well to the surrounding area in terms of scale and design.

Materials proposed are block and render and concrete roof tiles with upvc windows and doors which although uninspiring would reflect the more modern bungalows adjacent.

Para 130 of the NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

The submitted scheme fails to accord with Policy ENV2 of the Pendle Local Plan Part 1: Core Strategy (2011-2030), the Design Principles Supplementary Planning Document and Section 12 of the National Planning Policy Framework.

5. Highways Issues

The existing bungalows all have garages and driveways to provide off-street parking as well as a parking bay to the front. The other side of Rakehouse Road is more commercial and has parking restrictions imposed by virtue of double yellow lines. There is evidence of demand for on-street parking in the area.

It is acknowledged that there is a bus stop adjacent to the site and that some retail provision is location nearby

The site appears unable to be re-designed to provide off-street parking provision due its small size, together with the location of the build out and bus stop on the Rakes House Road elevation, the proximity to the junction of Algar Street and the limited width on the back street.

Due to the site constraints, it appears that the solution would be a reduction in the number of bedrooms. It would be more likely that a single bungalow would support a no car or low car ownership occupant which would place little demand on the on-street parking arrangements.

The units were proposed to have two bedrooms with amended plans being submitted changing one of the bedrooms to a Dining Room clearly the potential for the units to be used as two bedrooms still exists and Policy 31 specifying a need for 2 parking spaces for each 2 bed unit and one parking space for a single bed unit. In either case the proposal provides none.

Whilst the lack of parking provision is a concern the site is in a sustainable location and regular bus services run nearby which can be readily accessed into Colne, Nelson and beyond.

6. Drainage

A condition would need to be attached to any grant of permission requiring details of drainage proposals to be submitted.

7. Landscaping

The submitted layout plan does not indicate any replacement planting which would screen and soften the proposed development and therefore an appropriate landscaping condition would need to be attached to any grant of permission.

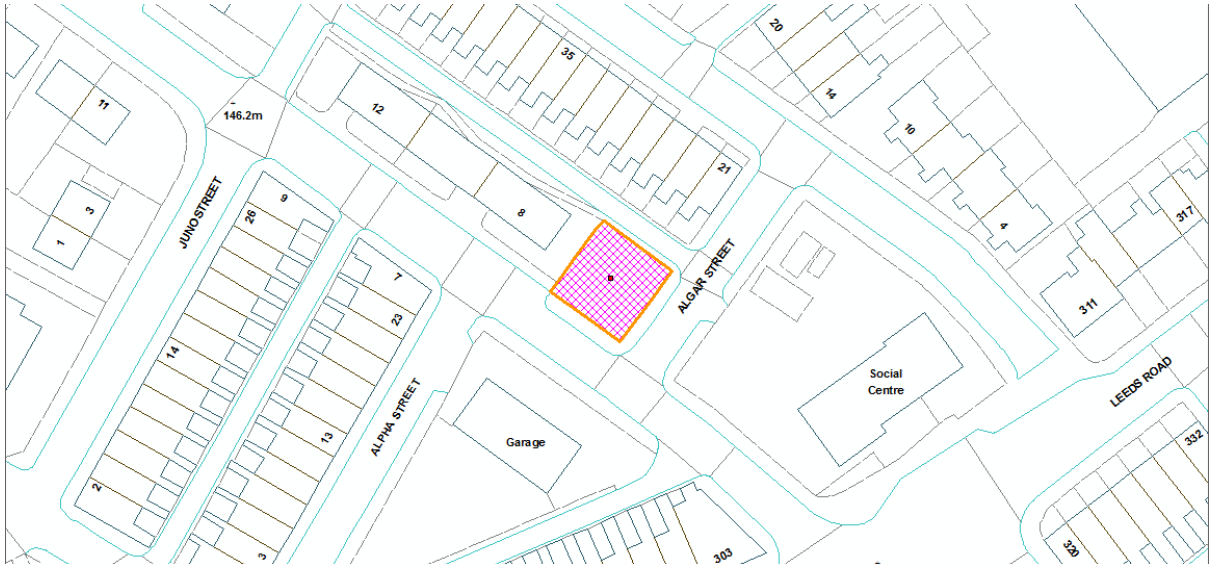
8. Summary

The proposal would provide for two residential units in this sustainable location. However, the scheme as submitted fails to take into consideration appropriate distances between existing properties and would appear incongruous and out of character particularly in regards to the proposed front balcony sited adjacent to the highway together with the lack of off-street car parking provision this scheme therefore fails to accord with policies ENV1, ENV2 of the Local Plan Part 1: Core Strategy.

RECOMMENDATION: Refuse

For the following reason:

1. The proposed development would result in inappropriately positioned residential units and first floor balcony in close proximity to the existing dwellinghouses in particular No.'s 17 - 21 Lee Road and No. 8 Rakeshouse Road which would result in overlooking and loss of privacy for these residents and therefore the submitted scheme fails to accord with Policy ENV2 of the Pendle Local Plan Part 1: Core Strategy (2011-2030) and the Design Principles Supplementary Planning Document.
2. The proposed block of flats would represent poor design in terms of its siting, scale and massing. The first floor balcony would be out of keeping with the area and would introduce an incongruous feature in this prominent location and streetscene. The proposed scheme therefore fails to demonstrate good design contrary to Policy ENV2 of the Pendle Local Plan Part 1: Core Strategy (2011-2030), the Design Principles Supplementary Planning Document and Section 12 of the National Planning Policy Framework.



Application Ref: 18/0660/FUL

Proposal: Full: Erection of block of two 2 bed flats with balcony to first floor.

At: Land Adj Number 8 Rakes House Road, Nelson.

On behalf of: Mr Mohammed Ansar

LIST OF BACKGROUND PAPERS

Planning Applications

NW/MP

Date: 20th December 2018