

## **Nelson Committee Update Report – 3<sup>rd</sup> December 2018**

**18/0611/FUL - Change of use from a Dwelling (Use Class C3) to a Physiotherapists and Wellbeing Clinic (Use Class D1) at 47 Queensgate, Nelson.**

The report and second reason for refusal refer to paragraph 89 of the National Planning Policy Framework. That paragraph relates to the requirement for Retail Impact Assessments for major retail and leisure developments, it is not relevant to this application.

The section relevant to this application is paragraph 86 of the Framework, which states that “local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.”

This does not alter the conclusion of the report. A revised reason for refusal is recommended.

### **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 86 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.**