

REPORT OF:	ASSISTANT DIRECTOR PLANNING, BUILDING CONTROL AND REGULATORY SERVICES
TO:	DEVELOPMENT MANAGEMENT COMMITTEE
DATES:	21ST MAY 2024

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning application.

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE 21ST MAY 2024

Application Ref: 24/0107/FUL

Proposal: Full: Change of use to permit vehicle servicing and repairs to existing car sales.

At: Site of Former Garages, Bradley Road East, Nelson

On behalf of: Mr Mahmood Hussain

Date Registered: 20/02/2024

Expiry Date: 16/04/2024

Case Officer: Laura Barnes

This application was referred from Nelson, Brierfield & Reedley Committee. The committee resolved to approve the application, contrary to officer recommendation which would represent a significant departure from Policy ENV5 of the Local Plan: Part 1 Core Strategy and would likely result in a detrimental impact upon residential amenity.

Site Description and Proposal

The application site is an area of land located within the Town Centre boundary and the settlement boundary. At the time of the site visit there was a car sales area operating and it is understood a business has operated from here for several years.

The proposed development is for the change of use of the existing operation to allow vehicles to be serviced and repaired, in addition to the existing car sales.

Relevant Planning History

13/12/0544P: Full: Change of use of land to car sales for 19 vehicles and erection of garage (7.3m x 8.7m) and 2m high boundary fence to north (front), south (rear) and west (side) perimeters.
Approved with conditions

13/14/0398P: Full: Variation of Condition: Vary Conditions 2 (Plan numbers) and 6 (Repairs, valeting and car washing) of Planning Permission 13/12/0544P.
Approved with conditions, *with condition 6 remaining as previously approved*

Consultee Response

LCC Highways

The application seeks to allow vehicle servicing and repairs to existing car sales.

This was restricted under condition 6 of the previous permission together with valeting and car washing.

Currently there is 1 full time employee increasing to 2 full time employees.

The Planning statement says the following:-

1. There will be no car washing or valeting facilities - This will be done off site at an established nearby car wash.
2. There is only one service bay/pit in the building.
3. There will only be 1no. mechanic and 1no. apprentice, so the maximum number of cars to be dealt with in one day will be about 4. This reduces drastically the amount of traffic coming or going to the site.
4. There is ample parking within the site to cater for the vehicles waiting to be serviced or customers booking cars in as well as the customers looking at used cars (maximum of 10)
5. Vehicles will be able to enter and exit the site in a forward gear.

Access

There is an existing access at the site on Bradley Road East which will remain unchanged.

Parking

There are currently 18 sales pitches/spaces approved with 2 customer spaces and 1 staff parking space with areas designated for turning of vehicles to allow all to exit onto the highway in forward gear. These are marked out on site.

This application proposes to reduce the number of sales pitches to 10, with 3 spaces for vehicles being serviced, 2 customer spaces and 1 staff space.

We would request that the number of staff spaces be increased to 2 and customer spaces increased to 3 to reflect the intensification of use at the site. The sales pitches would be reduced to 8 and the service bays remain at 3 as proposed.

We would request that the bays are marked on a plan and that the turning areas are shown hatched similarly to the previously approved plans at the site.

A cycle store is requested to support sustainable travel to the site.

There is heavy on-street car parking in the area and some vehicles in the vicinity of the site seem to be needing repair. We do not support the storing of vehicles on the highway whilst they await repair and all vehicles associated with the site must be kept within the premises or yard at all times.

Conclusion

Lancashire County Council acting as the Highway Authority does not raise an objection regarding the proposed development and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity

or amenity in the immediate vicinity of the site.

Should the application be approved, we would request the following conditions.

1. Prior to first use of the development hereby permitted the 8 sales pitches, 3 customer parking, 2 staff parking, 3 service bays and the turning area shall be marked out and maintained thereafter for that purpose. Reason: To ensure adequate car parking and turning areas.
2. Prior to the first use of the development hereby permitted a secure, cycle parking space shall be provided and maintained thereafter for that purpose. Reason: To support sustainable travel.

Environmental Health

We would be concerned about how noise from the garage will affect residential neighbours on Walton street, Bradley Road East and Bradley Street nursery. A noise assessment would assist in understanding this better.

Public Response

Neighbours have been notified by letter, one letter of objection has been received from the Headteacher at Bradley Nursery School objecting to the proposals, the letter includes ten letters from parents of children at the nursery school who have complained about parking and other serious highway safety issues as a result of the current situation. The comments raise the following issues:

- Already raised objection to a retrospective planning application for a repair garage nearby
- Parking issues
- Abandoned vehicles associated with the repair business
- Un-roadworthy vehicles litter the streets
- There is no space for parents to drop children off outside the nursery
- The highway issues are making it unsafe for pedestrians, especially those arriving at nursery in a pram because they cannot negotiate all the vehicles parked on the pavements
- Risk of a road traffic accident
- The local road network is being used as an extension to the local garage businesses

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) seeks to ensure a particularly high design standard that preserves or enhances the character

and appearance of the area and its setting. It states that the impact of new developments on the natural environment, including biodiversity, should be kept to a minimum.

Policy ENV2 (Achieving Quality in Design and Conservation) identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings.

Policy ENV5 (Pollution and Unstable Land) sets out that the Council will work with its partners to minimise air, water, noise, odour and light pollution. Proposals will be required to minimise pollutant emissions and ensure that potential for noise odour and light pollution is minimised.

Replacement Pendle Local Plan

Saved Policy 31 of the Replacement Pendle Local Plan sets out the maximum parking standards for development.

National Planning Policy Framework

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies in the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

Design

The proposed development does not involve the erection of any new buildings, fences or structures within the site. It intends to use the existing space within the site, which the layout plan indicates is suitable for 20 vehicles.

Overall, the proposed development accords with Policy ENV2 in this regard.

Residential Amenity

In 2014, the applicant applied to vary the wording of conditions 2 and 6 of a planning application which had previously been approved. The original application was from 2013 and included a condition worded as follows:

"No vehicular repairs, valeting or car washing shall take place on the premises at any time without the prior written consent of the Local Planning Authority."

Reason: In order to protect the visual amenity of the area that the Local Planning Authority can control the activities taking place on the site and prevent pollution of the surface water drainage system”.

Whilst the application to vary the conditions was approved, this was only on the basis that condition 6 remained as per the original wording on the decision notice from 2013. The report in 2014 considered whether the use of the site for servicing and maintenance was acceptable. It concluded that the site is close to existing residential property and to remove / vary the condition to allow vehicle maintenance and repair to take place would be to intensify the use. The purpose of the condition was to ensure that repairs and valeting did not take place at the site because it could amount to increased activity and nuisance to neighbours. As such, although the decision in 2014 allowed some alteration to the plans regarding other aspects of the development, it concluded that the vehicle sales could not change to vehicle repairs and maintenance because of the impacts upon residential amenity.

It is the same case being put forward in the current application. The applicant wishes to change the use of the site from car sales, to car maintenance including repairs. They have made it clear in their statement accompanying the current application that valeting would not be done on this site and would take place elsewhere. However, the point remains that the approval of the change of use would allow the site to be used for maintenance and repair of vehicles. This has previously found to be unacceptable due to the potential for nuisance to neighbours. In this case there has been no evidence put forward to explain why the current proposals would not impact upon the neighbouring properties. Indeed, there have been representations from members of the public setting out that the operation already causes a nuisance in the local area. Further, the Council's Environmental Health Officer has recommended that further evidence, in the form of a noise assessment, would be required in order to assess the impact upon neighbouring properties.

Therefore, in the absence of any such evidence in relation to neighbouring impact, there is insufficient information in order for the Local Planning Authority to determine the application against Policy ENV5 of the Local Plan: Part 1 Core Strategy.

Highways

Despite the concerns raised by members of the public, citing issues with abandoned vehicles associated with the operation causing a highway safety danger, the Highways Authority have not objected to the proposed development. They have recommended two conditions relating to cycle storage and the proper marking out of vehicular spaces, should the application be approved.

The issue with abandoned vehicles being kept in the highway on the surrounding streets is a police matter and not something which the current planning application can control. The application is to provide sufficient car parking for staff and for the car sales area. The proposal accords with policy in this regard.

RECOMMENDATION: Refuse

For the following reason:

1. There is insufficient information regarding the potential impact upon neighbouring amenity for the Local Planning Authority to make a determination in this case. The application is not supported by any evidence that this operation and change of use would not unacceptably impact neighbouring amenity. As such it fails to accord with Policy ENV5 of the Local Plan: Part 1 Core Strategy.

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