

REPORT FROM: PLANNING, ECONOMIC DEVELOPMENT AND REGULATORY SERVICES

TO: POLICY AND RESOURCES COMMITTEE

DATE: 19th March 2020

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning application.

REPORT TO POLICY AND RESOURCES COMMITTEE 19th MARCH 2020

Application Ref: 19/0892/FUL

Proposal: Full: Change of use of ground floor from residential (Use Class C3) to mixed use residential and barbers shop (Use Classes C3 & A1) and insertion of shopfront and shutters.

At: 148 Railway Street, Nelson

On Behalf of: Mr Muhammad Waseem Akram

Date Registered: 02 December, 2019

Expiry Date: 27 January, 2020

Case Officer: Christian Barton

This application has been referred to Policy and Resources Committee as Nelson Committee were minded to approve it. The proposal would be a significant departure from Policy WRK4 of the Pendle Local Plan Part 1: Core Strategy (2011 – 2030) and Saved Policy 25 of the Replacement Local Plan as the development would undermine the vitality and viability of Nelson Town Centre.

Site Description and Proposal

The application site is an end-terrace dwelling located within the settlement of Nelson. It is surrounded by terraced dwellings to three sides with shops to the east. The building has natural stone elevations, a slate roof and white uPVC windows.

The proposed development initially involves converting part of the ground floor to a Barbers Shop with 20 square meters of floor space. In support of the conversion a grey aluminium shop front and security shutters with mesh panels are proposed with signage also shown on the submitted plans.

Relevant Planning History

No relevant planning history.

Consultee Response

LCC Highways – The Highway Development Support Section would raise no objection to the proposal on highway safety grounds.

Lancashire Constabulary – Please can I ask that you signpost the applicant to the Secured by Design Commercial 2015 design guide via www.securedbydesign.com so that physical security measures can be incorporated into the development to keep people safe and feeling safe. I recommend that the applicant develops the scheme to achieve Secured by Design certification. The glazing in the new shop front should be laminated to P1A standards and the shutters should be Security Rated (SR) to LPS 1175 standards.

Nelson Town Council

Public Response

The nearest neighbours have been notified by letter and comments have been received objecting on the following grounds;

- Exacerbation of on-street parking issues;
- Loss of available parking for customers and deliveries;
- Impacts on pedestrian safety;
- Restrictions for buses and large commercial vehicles;
- Operation of a car selling business previously from the site;
- People congregating around the site;
- Increased dropping of litter;
- The development would force the relocation of businesses.

Officer Comments

The main considerations for this application are the principle of development, design, residential amenity and highways.

1. The relevant Pendle Borough Council Local Plan Part 1: Core Strategy (2011 – 2030) policies are:

- CS Policy ENV2 (Achieving Quality in Design) identifies the need to protect and enhance the character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. The Policy states that the siting and scale of development should be in context and harmony with the wider locality;
- CS Policy ENV4 (Promoting Sustainable Travel) requires new development to have regard to potential impacts that may be caused on the highway network. Where residual cumulative impacts cannot be mitigated, permission should be refused;
- CS Policy ENV5 (Pollution and Unstable Land) aims to ensure that air, water, noise, odour and light pollution are minimised, both during and after construction;
- CS Policy WRK4 (Retailing and Town Centres) states that Town and Local Shopping Centres will be the primary focus for new retail development in Pendle. Applications for retail uses should identify suitable premises through following a sequential approach which requires them to be located in order of priority.

Replacement Local Plan

- Saved Policy 25 (Location of Service and Retail Development) sets out a hierarchy for the effective allocation of new service/retail developments with Town and Local Shopping Centres having the highest priority;
- Saved Policy 31 (Parking) sets out appropriate parking standards and requires development proposals to be served with adequate parking in line with Parking Standards specific to each Use Class.

1. Principle of Development

The proposed development would amount to a material change in the use of the building when its clear retail function is coupled with the proposed changes to the buildings structure. All applications for new retail development should identify sites that are suitable, available and viable by following a sequential approach in order of priority as outlined in Policy WRK4:

1. Town and local shopping centres;
2. Edge of centre locations and

3. Out of centre sites which are well serviced by a choice of transport and have a higher likelihood of forming links with a nearby centre.

Retail proposals in priority areas 2 and 3 will generally be resisted unless it can be demonstrated that there are no sequentially preferable sites available. A request was made to the Agent to submit details of sequentially preferable sites but no details of alternative sites have been forthcoming. In any event such a test would not justify use of the site for a retail purpose as a number of vacant commercial units are found locally including an abundance in the nearby Nelson Town Centre.

The proposed development would ultimately fail to safeguard the vitality and viability of town and locally shopping centres in the Borough and therefore does not accord with Policy WRK4 and Saved Policy 25.

2. Design and Visual Amenity

Policy ENV2 requires development proposals to deliver the best possible standards of design. The design and materials proposed for new shop front and security shutters would be acceptable and subject their quality and finish being controlled through condition the proposed development would have no unacceptable impacts on visual amenity in accordance with Policy ENV2.

3. Residential Amenity

The proposed development would not raise any adverse issues for existing neighbours in terms of comings and goings and noise impacts due to the small scale nature of the proposed commercial unit and presence of existing commercial properties immediately adjacent. Concerns have been raised regarding people congregating and litter being dropped though an additional retail unit of the scale proposed would not have any significant impacts in that regard. Subject to the opening hours being controlled through condition the proposed development would be acceptable in relation to residential amenity in accordance with Policies ENV2 and ENV5.

4. Highways

The site has no off-street parking or suitable land to provide parking. The Parking Standards of Saved Policy 31 require 1 off-street parking space for an A1 unit of the proposed size. However, those are maximum requirements and some level of flexibility can be applied for locations that are well served with good public transport links. The site is within walking distance of a number of bus stops and a relaxation in parking requirements is therefore acceptable in this instance. An abundance of objections have been raised relating to the potential for impacts on the safety and capacity of the highway network and on-street parking constraints. Unrestricted on-street parking is found to the front and side of the site and the owner could currently legally park in those locations.

It is acknowledged that there is a high demand for on-street parking locally yet the limited floor space of the proposed commercial unit would limit staffing levels and customer comings and goings alongside vehicle movements and parking demands. LCC Highways have raised no objections and I concur with their findings. The traffic generated from such a small scale commercial unit would not have a significant impact on the safety of the highway network and the proposal complies with Policy ENV4.

5. Wider Considerations

A number of recommendations have been made by Lancashire Police in relation to site security yet those matters are covered at the Building Regulations stage. Public comments have been raised regarding previous use of the site for car sales and the fact another business would impact on the trade of existing businesses. The operation of a car business has been investigated by the Council previously and no evidence was found of such a use. A further retail unit in the area would not impact

on on-street parking provision to the extent that would deter customers from using adjacent businesses and in any case such matters are not material to the assessment of this application.

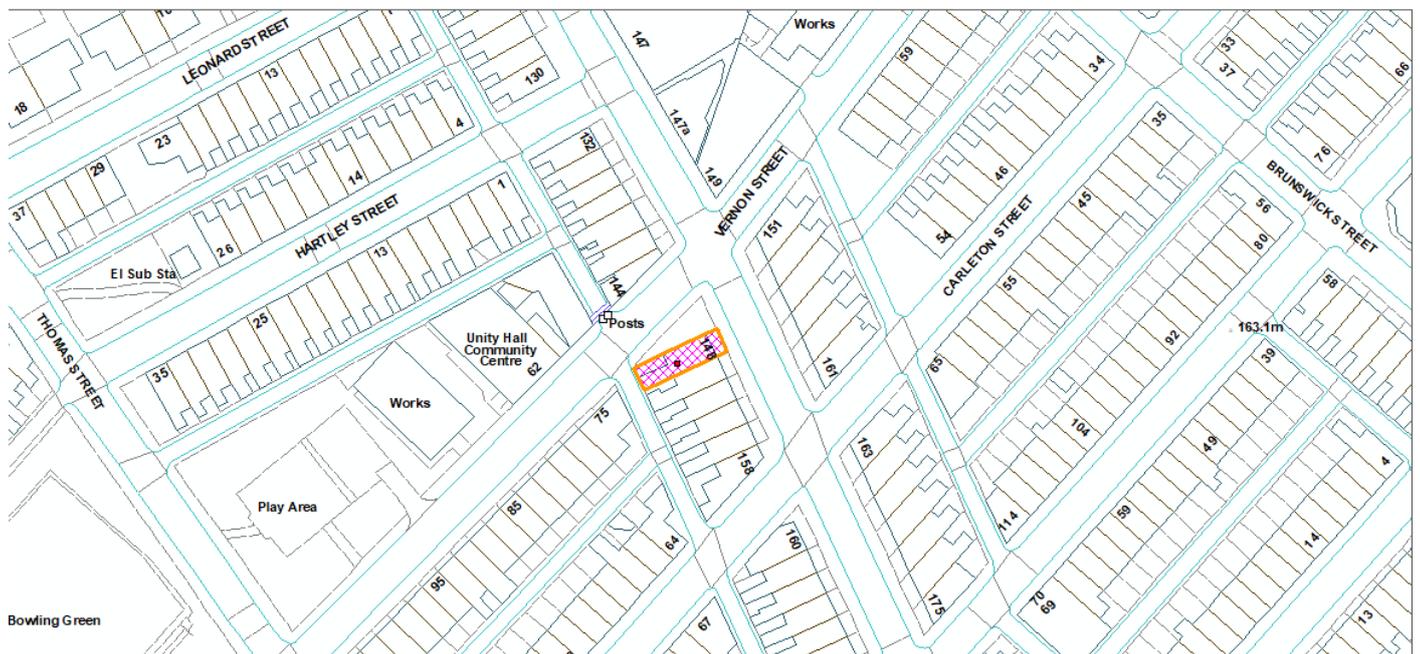
6. Summary

The proposal seeks to change the use of a dwelling from residential to mixed residential and retail use with external alterations. This proposal is not acceptable in policy terms and fails to accord with Policy WRK4 and Saved Policy 25.

RECOMMENDATION: Refuse

For the following reason:

1. The site falls outside of Nelson Town Centre therefore the use of the premises as mixed residential and retail would undermine the vitality and viability of Nelson Town Centre and fails to accord with Policy WRK4 of the Pendle Local Plan Part 1: Core Strategy (2011 – 2030) and Saved Policy 25 of the Replacement Local Plan.



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