



REPORT FROM: PLANNING, ECONOMIC DEVELOPMENT AND REGULATORY SERVICES

TO: POLICY AND RESOURCES COMMITTEE

DATE: 17th SEPTEMBER, 2020

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning application.

REPORT TO POLICY AND RESOURCES COMMITTEE 17 SEPTEMBER 2017

Application Ref: 20/0369/FUL
Proposal: Full: Change of use of a Social Club (Sui Generis) to Retail (Class E(a)).
At: Palatine Working Mens Club, Norfolk Street, Nelson
On behalf of: Mr Muhammad Iqbal
Date Registered: 06/07/2020
Expiry Date: 31/08/2020
Case Officer: Alex Cameron

This application has been referred to Policy and Resources Committee as Nelson Committee resolved to approve the application, this would represent a significant departure from policy.

Site Description and Proposal

The application site is a social club located on Norfolk Street in Nelson. There are terraced houses to the north, south and the Morrisons supermarket to the east across the Leeds Liverpool Canal. The upper floor was granted permission for use as a gym in 2009, however, it has been confirmed that the use was not implemented. The lawful use of the building remains a social club, which is a Sui Generis use.

This application is to change the use of the building to a retail use. The planning statement describes the proposed use as a superstore / cash and carry, which will primarily cater for wholesale and online delivery. However, a wholesaler use would not fall within Use Class E(a) retail, this application has been specifically made for a retail use.

Relevant Planning History

13/00/0219P - New roof and re-build part of boundary wall. Approved

13/05/0372P - Modify cond No3 13/00/0219P to "the building shall be used for the purposes of parties, weddings/engagements, charity events, presentations, conferences, functions, dancing competitions, music, tribute bands (members and non-members) incl associated meals". Approved

13/06/0735P - Erect garage building with store room over. Approved

13/09/0029P - Full: Change of use of first floor to fitness gym. Approved

Consultee Response

LCC Highways – Para 3.3 of their Planning Statement indicates that approximately 18 car parking spaces would be available internally and 4 disabled parking bays. Do the 18 spaces include the disabled parking bays, or would these be in addition to the 18?

The applicant should provide a revised site layout plan showing the parking bays, including the disabled parking bays laid out in line with national guidance (Dept for Transport's 'Inclusive Mobility'), which we recommend are located close to the customer entrance.

Eight cycle spaces are also indicated on the application form, although not shown on drawing number A3/004. Given the nature of the use proposed (mainly wholesale – Planning Statement para 3.7) I've presumed these would mainly be for employees and so 8 spaces may not be required. The cycle storage should be secure and covered and shown on the revised site layout plan.

Para 3.3 of the Planning Statement also states that the parking area would be used for the loading/unloading of goods. The largest delivery vehicle expected to visit the site should be able to enter/leave in forward gear. The loading area should be marked out to ensure that this is kept available and not used for general parking.

The applicant has not shown the storage area for refuse bins. This should be included on the revised site layout plan.

Canal and River Trust – No comment.

Lancashire Constabulary Architectural Liaison – Recommendations for crime reduction measures.

PBC Environmental Health - With regards to the above development, we have concerns with regards to noise from any chiller units that are fitted. Recommend a condition is attached for noise control measures.

Nelson Town Council

Public Response

Nearest properties notified. Response received raising the following concerns:

- Concerns relating to waste storage and storage of vehicles.
- Noise impacts from comings and goings.
- Concerns regarding potential increase in crime.
- Existing parking issues in the surrounding streets.

Officer Comments

Policy

Local Plan Part 1:Core Strategy

Policy ENV2 of the Core Strategy part 1 (Achieving Quality in Design and Conservation) states that all new development should seek to deliver the highest possible standards of design, in form and sustainability.

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.

Policy WRK4 (Retailing and Town Centres) states that applications for retail and main town centre uses, should identify sites or premises that are suitable, available and viable by following the sequential approach, which requires them to be located in order of priority:

1. Town and local shopping centres, where the development is appropriate in relation to the role and function of the centre.
2. Edge-of-centre locations, which are well connected to the existing centre and where the development is appropriate to the role and function of the centre.
3. Out-of-centre sites, which are well serviced by a choice of means of transport and have a higher likelihood of forming links with a nearby centre.

Replacement Pendle Local Plan

Policy 25 'Location of Service and Retail Development' of the Replacement Pendle Local Plan states that new retail and service uses, including taxi bases, should be located in the following order of priority:

1. Within the boundary of a defined town centre, local shopping centre or local shopping frontage.
2. On the edge the town centre allocated site (being Clayton Street, Nelson)
3. Within 300m of the boundary of a defined town centre.
4. Elsewhere with preference given to sites that are close to a town centre and have good transport links to the centre.

The proposed site is outside of the defined town centre boundary, but within 300m, therefore it falls within the 3rd order of priority above. The Policy goes on to define that development will only be allowed in areas 3 or 4 if the application is accompanied by a statement which proves that the proposal would require extensive floor space which cannot be accommodated within the preferred town centre and the proposal cannot be met on the edge the town centre allocated site.

National Planning Policy Framework

Paragraph 90 of the Framework states that where an application fails to satisfy the sequential test it should be refused.

Principle of the Development

The Use Classes Order was revised on 1st September, this replaces and combines a number of use classes, including Use Class A1, which this application was originally specified as the use applied for. Retail uses which previously fell under A1 are now part of Use Class E (Commercial, business and service).

This new class includes retail, restaurant, office, financial/professional services, indoor sports, medical and nursery uses along with any other services which it is appropriate to provide in a commercial, business or service locality. It does not include drinking establishments which are now a Sui Generis use.

In terms of the assessment of this application Class E(a) and A1 are identical and the revision to the Use Classes Order has no material effect on the assessment of the application.

The building is outside of the boundary of Nelson town centre and the current use is a social club, which is a Sui Generis use that is not specified as a main town centre use.

Local and national policy prescribe that retail uses must be accommodated within town centres as the first order of preference.

In this circumstance, for the use to be acceptable in policy terms it must be demonstrated that there are no units available within the town centre that could accommodate the proposed use.

Although a sequential assessment has been submitted it is limited in its scope and does not sufficiently assess all potentially suitable vacant and available properties and sites within the town centre.

There are numerous vacant sites within the town centre that could possibly accommodate this use, such as within Pendle Rise and the site of the former bus station.

The proposal for a retail use of this scale outside of the town centre would harm the vitality and viability of Nelson town centre contrary to policies 25 and WRK4, it would also be detrimental to the Council's regeneration objectives for Nelson town centre.

Visual Amenity

The proposed use raises no unacceptable visual amenity issues.

Amenity

The proposed retail use would be likely to be potentially less impactful to surrounding residential properties than the existing use could be. With a condition to control noise from any plant installed and to limit opening hours to those proposed of 8am to 10pm the proposed use is acceptable in terms of residential amenity.

Highways

LCC Highways have requested a revised parking and servicing layout, this could be controlled by condition. Taking into account the site's location close to the town centre of Nelson and public transport, the proposed use is acceptable in terms of accessibility.

The existing access has limited visibility, restricted by the building to the south and 2m wall to the north. It would be necessary to relocate the access point and partially lower the wall to ensure adequate visibility, this can also be controlled by condition.

With the above conditions in place the proposed development would be acceptable in terms of car parking and highway safety.

RECOMMENDATION: Refuse

For the following reasons:

1: The applicant has failed to demonstrate that there is no suitable alternative site available within Nelson town centre, the development would therefore be detrimental to the vitality and viability of the town centre contrary to policy 25 of the Replacement Pendle Local Plan and WRK4 of the Local Plan Part 1: Core Strategy and paragraph 90 of the National Planning Policy Framework.