



**REPORT FROM: PLANNING, ECONOMIC DEVELOPMENT AND
REGULATORY SERVICES MANAGER**

TO: POLICY AND RESOURCES COMMITTEE

DATE: 20th MAY, 2021

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO POLICY AND RESOURCES COMMITTEE 20th MAY, 2021

Application Ref: 21/0083/FUL

Proposal: Full: Change of use of Ground Floor from residential dwelling (Use Class C3) to a Shop (Use Class E) and insertion of a shopfront (Resubmission).

At: 55 Newport Street, Nelson

On Behalf of: Mr Qaiser Ahmed

Date Registered: 10.02.2021

Expiry Date: 07.04.2021

Case Officer: Charlotte Pinch

Site Description and Proposal

This application is to be decided at committee as it has been called in by a Councillor.

The application site is a two storey, end-of-terrace property located within the north eastern edge of the settlement boundary of Nelson. The property is sited on the corner of Newport Street, which is predominantly residential, with some commercial premises on the adjacent Regent Street. The property is currently used as a dwellinghouse.

The proposal seeks to change the use of the building from a dwellinghouse (Use Class C3) to retail use (Use Class E) on the ground floor, retaining residential use at the first floor level. In addition, a replacement aluminium shopfront on the front elevation is proposed.

This application is a re-submission of a previously refused application, 20/0682/FUL, for the same proposal. This application does not include a proposed single storey rear extension, but includes the submission of a retail impact assessment as part of the application submission.

Planning History

20/0682/FUL

Full: Change of use of Ground Floor from a residential dwelling (Use Class C3) to a Shop (Use Class E), insertion of a shopfront and erection of a single storey rear extension.

Refused. 2020.

Consultee Responses

LCC Highways

Having considered the information submitted, the above proposal raises no highway concerns. Therefore the Highway Development Support Section would raise no objection to the proposal on highway safety grounds.

Publicity

None received.

Officer Comments

The main considerations for this application are the principle of retail in this location and potential impacts on amenity.

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

- Policy WRK4 requirements for retail in town and shopping centres and restrictions outside of this.
- Policy SDP2 identifies the settlement hierarchy in terms of the location of new development. Nelson is identified as a Key Service Centre, being one of the areas in which future growth will be focussed.
- Policy ENV5 seeks to prevent pollution and potential noise issues for residential areas.

Other policies and guidance's are also relevant:

- Saved Replacement Local Plan Policy 31 that sets out the parking standards for developments.
- Replacement Local Plan Policy 25 which deals with the location of service and retail development.

Principle of Retail

The site is located within the settlement boundary and is outside Nelson Town Centre where services, facilities and public transport provision are readily available.

All applications or allocations should identify sites that are suitable, available and viable by following a sequential approach in order of priority:

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 on edge of centre or out of centre sites will generally be resisted. The application site is 370m from the edge of the town centre boundary and therefore would be classed as an out of centre site, in the 3rd order of priority.

The provision of small scale retail uses that enable people to meet their daily needs for convenience shopping within walking distance of their homes and places of work will be encouraged particularly where they relate to the re-opening of village or corner shops.

A retail impact assessment has been submitted as part of this application to provide some justification for the need for the proposed change of use and a retail business in this location. It states that the proposed change of use is to accommodate a butchers, which is currently sited at No.89 Regent Street nearby, connected with the Medina Food Store at No.87 Regent Street. As such, the existing food store would extend into No.89 Regent Street, with the butchers element at No.55 Newport Street.

The justification is provided on the basis of the connection of the butchers with the existing food store and as such it being sited within Nelson Town Centre would not be appropriate for the nature of the business.

This would not be adequate justification for a new retail premises in an edge of town centre location. Not only would this result in the extension of the existing food store beyond the scope of a small convenience store, but it would also expand this cluster of retail provision within a residential setting, further reducing the likelihood of footfall in Nelson Town Centre.

The assessment identifies at least four retail units which are vacant within Nelson town centre, in addition to a number of vacant units in the Pendle Rise Shopping Centre. However, the assessment only discounts the units in Pendle Rise Shopping Centre as being unsuitable, due to the closing of the shopping centre at 5pm. No justification to discount the other vacant premises in the town centre is provided, as such it can be assumed that these would be suitable.

Whilst this site was previously a retail shop it is now a dwellinghouse and there are other shop premises both occupied and vacant within close proximity to this site which, if necessary, could serve the needs of local people. However, these premises have clearly closed for a reason and these existing premises can easily be re-used as commercial properties in the future.

The close proximity to Nelson town centre and existing retail premises in this location means that there is no requirement for this property to resume its use as a retail premises at this time. There are vacant properties within Nelson Town Centre which can serve any identified need as well as vacant shops nearby. If this property was allowed to be used as retail then this would undermine the vitality and viability of Nelson Town Centre and therefore is contrary to Policy 25 of the Replacement Pendle Local Plan.

In light of this the proposed use as retail would not accord with policy and would seek to undermine the vitality and viability of Nelson Town Centre.

Impact on Amenity

The proposed development would be unlikely to raise adverse issues for existing neighbours in terms of comings and goings and deliveries due to the small scale nature of the property and the adjacent commercial properties.

The scheme therefore is acceptable in this respect.

Design

The proposed development includes the insertion of a replacement aluminium shopfront. The design and style of the shopfront would not result in unacceptable impacts on the character of the building or street scene.

Highway Safety

The site is located in a mixed use area with high demand for on-street parking. With this in mind the scheme is suitable in relation to the local effects on highway safety. This is no provision for off-street parking in this location.

Summary

The proposal seeks to change the use of the building from residential to mixed residential and retail use. This proposal is not acceptable in policy terms and fails to accord with saved Policy 25 of the Replacement Pendle Local Plan and Policy WRK4 of the Pendle Local Plan Part 1: Core Strategy (2011 – 2030).

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 policies WRK4 and SDP5 of the Pendle Local Plan Part 1: Core Strategy and saved Replacement Pendle Local Plan Policy 25.

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LIST OF BACKGROUND PAPERS

Planning Applications

NW/CPB

Date: 17th May, 2021