

REPORT FROM: PLANNING, ECONOMIC DEVELOPMENT AND
REGULATORY SERVICES MANAGER

TO: POLICY AND RESOURCES COMMITTEE

DATE: 25th NOVEMBER, 2021

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO POLICY & RESOURCES COMMITTEE 25 NOVEMBER 2021

Application Ref: 21/0275/FUL

Proposal: Full: Erection of porta-cabin and change of use for use as sandwich kiosk (Use Class E) and taxi booking office (SG).

At: Car Park Adjacent To The Ramp Leading To The Multi Storey Car Park, Netherfield Road, Nelson

On behalf of: Mr Mohammed Saeed

Date Registered: 09/08/2021

Expiry Date: 04/10/2021

Case Officer: Alex Cameron

This application has been referred to Policy & Resources Committee because Nelson, Brierfield & Reedley Committee's resolution to approve the application would represent a significant departure from policy.

Site Description and Proposal

The application site is a car park located adjacent to the former multi story car park on Netherfield Road, Nelson. The site is located outside of Nelson Town Centre and is designated as a protected car park.

The proposed development to site a portacabin on the land for use as a taxi booking office and sandwich kiosk with associated parking.

Relevant Planning History

None

Consultee Response

LCC Highways – Requested additional details in relation to parking and servicing arrangements.

Taxi Licencing - no objection.

Lancashire Constabulary – Advice in relation to Secure by Design.

Network Rail – Guidance in relation to works within the vicinity of the railway.

Nelson Town Council

Public Response

Adjoining neighbours notified: No response.

Officer Comments

Policy

Local Plan Part 1: Core Strategy

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.

Policy 31 (Parking) states that new parking provision should be in line with the maximum car parking standards unless this would compromise highway safety.

Principle of the Development

Policy 25 of the RPLP requires that taxi bases are located in accordance with a sequential approach with town centres as the highest order of priority.

The purpose of this approach is to control the impact of how taxi uses generally operated in the past, with customers often visiting the premises to book and be collected by taxis. This is not now generally the case.

Taxi offices are not included as a main town centre use in the National Planning Policy Framework and the requirement for taxi offices to be within town centres as the first order of priority is out of date.

The land is designated as a protected car park within the Replacement Pendle Local Plan, however, the Council has taken the decision to allow the car park to be let for other uses.

This is a sustainable location for the proposed taxi base and therefore is acceptable.

The proposed sandwich kiosk is a retail use, which is 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.

No sequential assessment has been submitted with the applicant and there are clearly other available units / sites available within Nelson town centre that could accommodate such a use. The sandwich kiosk would harm the vitality and viability of Nelson town centre contrary to policies WRK4, 25 and the guidance of the Framework.

Visual Amenity

The proposed portacabin would be visually acceptable, being softened and partially screened by the surrounding landscaping. The proposed development is therefore acceptable in terms of visual amenity in accordance with policy ENV2.

Amenity

The proposed development raised no unacceptable residential amenity impacts..

Highways

LCC Highways have requested additional information in relation to the car parking and servicing layout. This has been requested from the applicant, however, taking into account the scale of the use servicing is unlikely to raise highway safety issues and acceptable parking arrangements and taxi numbers can be controlled by condition. The proposed use is therefore acceptable in terms of parking and highway safety in accordance with policies 31 and ENV4.

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 for the proposed retail use, 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 section 7 of the National Planning Policy Framework.