

SCHEDULE A: Applications with Recommendation

18/0359

Item No: 06

Date of Committee: 23/11/2018

Appn Ref No:
18/0359

Applicant:
Lowther Used Furniture

Parish:
Brampton

Agent:

Ward:
Brampton

Location: Unit 11, Old Brewery Yard, Craw Hall, Brampton, CA8 1TR

Proposal: Change of Use Of Former Gym to Warehouse/Retail Shop
(Retrospective/Revised Application)

Date of Receipt:
17/05/2018

Statutory Expiry Date
12/07/2018

26 Week Determination
26/11/2018

REPORT

Case Officer: Richard Maunsell

ADDENDUM REPORT

The application was presented to Members of the Development Control Committee on the 24th August 2018 with a recommendation that the application was refused on the basis that a Sequential Test was absent from the application and that the proposal did not provide adequate off-street parking facilities.

Members resolved to defer consideration of the application in order to allow the preparation and submission of a Sequential Test and to await a further report on the application. The applicant has submitted a Sequential Test which has subsequently been revised three times. A copy of the fourth and final report is reproduced in this schedule.

The purpose of a Sequential Test is to guide main town centre uses towards town centre locations first, then, if no town centre locations are available, to edge of centre locations, and, if neither town centre locations nor edge of centre locations are available, to out of town centre locations, with preference for accessible sites which are well connected to the town centre. It supports the viability and vitality of town centres by placing existing town centres foremost in both plan-making and decision-taking.

Whilst there is no set format for a Sequential Test, there is clear guidance in the checklist in the National Planning Policy Guidance (NPPG) (Paragraph: 010 Reference ID: 2b-010-20140306) which states:

- *“with due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre or out of centre location, preference should be given to accessible sites that are well connected to the town centre. Any associated reasoning should be set out clearly.*
- *is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.*
- *if there are no suitable sequentially preferable locations, the sequential test is passed.”*

In assessing the submitted Sequential Test, the applicant should have set out from the onset their ‘functional’ requirement for the proposal e.g. floorspace requirements and any special requirements to accommodate the development with justifications and reasons. This could also include locational factors such the requirement for a bulky goods store to have a premises with large warehousing/storage attached or delivery bays etc.

The methodology/ approach undertaken for the Sequential Test should be set out e.g. working with a local estate agent/ land agent or from discussion with the Council's property or planning policy team, etc, etc. In other words, how have they demonstrated a robust method for searching the local property market and how have they evidenced this.

The applicant has undertaken an analysis of identified premises and provides reasons why they have been discounted. The document has identified four alternatives in Brampton and two premises on Townfoot Industrial Estate.

The Sequential Test concludes:

“This sequential test has identified that only five alternative sites are available at the present point in time. For the reasons described in this Statement the Town Centre sites located on Front Street and Market Place are not suitable.

The alternative available sites at Town Foot Industrial Estate, whilst not ideally suited to the applicant's needs, have to be discounted, in line with the advice contained in the NPPF, on the basis that it is not situated in a sequentially preferable location to the application site.

The alternative site put forward by the objector's Planning Consultant (No. 27 Market Place) has been discounted as not suitable.

On the basis of the above, it is concluded that there are no sequentially preferable sites available and, therefore, the application site should pass the sequential test.”

The Sequential Test identifies premises with a floor space over several floors with one of the reasons they are discounted is for this reason; however, there are other premises within the district that are used to retail furniture and home furnishings that are arranged over several floors. Not all the applicant's items are large bulky items

with much of it able to be easily carried to other floors. On this basis, the Sequential Test identifies a degree of inflexibility.

In respect of the highway issues, the applicant's agent states that previous planning permission for B1, B2 and B8 uses commands a higher level of parking provision than the proposed retail use. The agent therefore makes reference to case law and specifically to the Court of Appeal Judgement 'Mansell v Tonbridge and Malling BC [2016] EWHC 2832 (Admin)' (Case No. C1/2016/4488) where Lord Justice Lindblom provides an explanation of the 'fallback position'. In doing so, at Paragraph 27 (2) Lord Justice Lindblom quotes an earlier judgement and states that "*The basic principle is that "... for a prospect to be a real prospect, it does not have to be probable or likely: a possibility will suffice*".

The conclusion being that the applicant (or any other potential tenant) can lawfully implement the extant planning permission that requires a greater level of parking provision than that required for the use subject of this application. Whilst the fallback position is a material consideration, it is also pertinent to consider the vehicle movements to the premises. The retail use will generate a greater degree of frequent visitors which on a site with appropriately sited parking provision may be acceptable but the issue with this site is that parking is to the rear. Even if this could be provided, the use would lead to customers parking on the front to load the vehicles which would not occur with an industrial use.

There is limited flexibility in the format and scale of the proposed use which may otherwise be accommodated by alternative town centre sites. As such, the continued use may potentially impact on the vitality and viability of the town centre would not be unacceptably affected by this proposal.

Since the publication of the previous report, an additional three letters of objection have been received. On behalf of the objectors, a planning agent commented on second Sequential Test and the main issues raised are summarised as follows:

1. the document outlines the applicant's reasons for moving to the property a couple of years ago, and lacks any substantive detail regarding the properties that were taken into account at this stage or the extent to which the amount of floorspace available fell short of requirements;
2. reference is made to rental levels being higher in the premises referred to than that at the application site, but this essentially is a commercial matter that can have only a limited bearing on the planning merits of the application. Neither does it show that the applicants have demonstrated flexibility on issues such as the format and scale of their requirements, as required by paragraph 87 of the NPPF;
3. perhaps more crucially the study contains no assessment, as it should do, of premises in Brompton in sequentially preferable locations that are currently available. Neither does it contain any reasoning to suggest that there is a lack of current or future demand for employment use at the application property;
4. consequently, it has not been demonstrated that a sequential test has been complied with by the proposed development, and for this reason it conflicts with the National Planning Policy Framework and Policy EC6 of the local plan, which seek to enhance the vitality of town centres, and ensure that main town centre uses are primarily located within existing centres.

In respect of the second version of the Sequential Test, three letters have been received and the main issues raised are summarised as follows:

1. this Sequential Test is incomplete, misleading and has inaccuracies;
2. it is not true that the distance from Unit 11 to edge of town centre is only 330 metres; measurement on the ground gives 410 metres. It is an “out of centre” development, not in accordance with the local plan: and as such a Transport Assessment or Statement is needed for Impacts on traffic, and elderly and handicapped persons;
3. there is no comment that this disproportionate out-of-scale retail development in this location will reduce vitality and viability of town centre, by attracting away customers from the town centre;
4. there is no comment that Industrial rates (£28 sqm) undercut town Retail rates (£120+);
5. there is no comment on Unit 11’s almost complete lack of required provision of ‘off-road’ forecourt parking; minimum 8 spaces required for a retail shop development of this size (239 sq.m.); nor that Courtyard private parking 200 m distance not considered “credible” by the Planning Officer;
6. alternative customer parking on highway does not remove this ‘off-road’ parking requirement;
7. this out-of-scale/ out-of-town-centre retail development location is unsuitable;
8. Sequential Tests should relate to available premises not a historic appraisal of why the business is at the premises;
9. there are a number of vacant premises and it is inaccurate to state that Omega Music closed down due to a lack of passing trade;
10. Capernaum was discounted in the Sequential Test as the applicant was told it is a sub-let but the lease is direct with the landlord;
11. the applicant states that many of the customers walk from the town centre but most drive there in case they want to buy something. If they did park in the town centre, this would disadvantage businesses in Brampton;
12. the applicant's website encourages customers to visit including directions and map with no instructions to park in the town centre;
13. the size of the business is increasing traffic in the conservation area and drawing trade away from the town centre;
14. the neighbouring premises is described as a retail use which is untrue as it is a business to business trade manufacturer;
15. the applicant has signed a B Industrial lease which is perhaps why the Sequential Test describes as “affordable and great value for money” rather than a lease for retail purposes;
16. the provision of two to three parking spaces at the front of the premises is queried;
17. a recent sales promotion in October resulted in vehicles parking on the forecourt and on the restricted parking area towards Millfield which is a common occurrence;
18. the Highway Authority previously recommended refusal of the application and it is believed that this opinion changed because planning Officers had advised them that the courtyard is private land and there is no highway jurisdiction over it;
19. the Highway Authority has advised objectors that they must accept (without question the 15 car parking space figure and that it is this theoretical but inaccurate that lead to the change of recommendation from refusal;

20. various responses from the Highway Authority have only just been published on the council's website and it is requested that Members are able to see the Highway Authority responses from July;
21. the Highway Authority has confirmed that *"it is however accepted that this parking allocation to a single user could have a rear detrimental impact on the neighbouring business."*;
22. the applicant's agent has tried to persuade Brampton Parish Council to change their opinion;
23. the accuracy of the applicant's courtyard plan was not checked before publication and plans were commissioned separately by objectors. Only nine of the fifteen spaces are achievable;
24. the Officer's report in August did not make it clear that of these courtyard parking spaces, seven are taken up by existing tenants;
25. the applicant's courtyard plan does not show any turning circles which are required by larger vehicles;
26. based on the size of the building, 11.5 car parking spaces should be provided but the Highway Authority has only requested eight;
27. the landlords letter does not give assurances that the car parking spaces are available to the applicant in perpetuity;
28. a Travel Plan and Travel Assessment is required where any development is likely to increase accidents or raises conflicts between motorised and non-motorised users, both of which apply in this instance but none has been submitted;
29. visitors to the application site frequently park on the pavement requiring pedestrians to walk on the road and a Travel Plan and Travel Assessment would have addressed this;
30. approval of this application with lack of appropriate parking may lead to a precedent for approval of other such applications;
31. approval of the application will erode the provision of small scale industrial units;
32. a solvent in the unit below the application site set off the fire alarms raising the potential for a fire in the furniture premises;
33. approximately 20 years ago, a fire occurred in another unit under the application site and partially damaged the building's fire resistance. The occupier of the same unit currently uses and stores petrol;
34. no fire exit signs are marked on the applicant's plans;
35. it is assumed that assurances have been provided by the fire service that health and safety issues have been addressed by the applicant;
36. previous approvals listed in the committee report are misleading and show that the premises was used a gym for longer than was the case;
37. photographs shown to Members show no vehicles on the forecourt which is normally not the case;
38. some empathy is given to the applicant as he has been allowed to embed himself into the premises but this is the wrong development in the wrong location;
39. the Highway Authority has twice recommended refusal only now recommending approval subject to a condition but which the Highway Authority has no jurisdiction over the courtyard therefore basing their recommendation on the applicant's flawed submission that there are 15 car parking spaces.

One letter of support has been received and the main issues raised are summarised as follows:

1. more business like this are needed in Brampton;
2. The issue of parking has been raised but if the premises was used as a warehouse there could be articulated wagons pulling up all day long and that would be bad for Brampton;
3. a lot of the parking problems are from neighbouring premises which has a shop there and sometimes there are cars parked right over the pavement. Parking in Brampton town centre is bad enough so that furniture shop is in the right place. The parking issue is ridiculous when you look at the rest of the town;
4. the furniture warehouse is a good little business and it would be a shame to lose it.

Additionally, Brampton Parish Council has commented as follows:

"Members resolved that they were not in a position to make a meaningful observation on the sequential test and therefore have no further observations."

In response to some of the objections raised, through the committee report, site visit and Officer's presentation, it was expressly made clear to the committee that the number of spaces available within the courtyard was significantly less than those being claimed by the applicant. It was not deemed appropriate to consider the applicant's parking plan for validity prior to publication as this was what the applicant considered appropriate and therefore an assessment was made by Officers.

The letters of objection state that a Travel Plan and Travel Assessment are required for this development. In response to the question of when is a Travel Plan required, Paragraph: 009 Reference ID: 42-009-20140306 of the National Planning Policy Guidance states:

"Paragraph 36 of the National Planning Policy Framework sets out that all developments which generate significant amounts of transport movement should be required to provide a Travel Plan."

Local planning authorities must make a judgement as to whether a proposed development would generate significant amounts of movement on a case by case basis (i.e. significance may be a lower threshold where road capacity is already stretched or a higher threshold for a development which proposes no car parking in an area of high public transport accessibility).

In determining whether a Travel Plan will be needed for a proposed development the local planning authorities should take into account the following considerations:

- *the Travel Plan policies (if any) of the Local Plan;*
- *the scale of the proposed development and its potential for additional trip generation (smaller applications with limited impacts may not need a Travel Plan);*
- *existing intensity of transport use and the availability of public transport;*
- *proximity to nearby environmental designations or sensitive areas;*
- *impact on other priorities/ strategies (such as promoting walking and cycling);*
- *the cumulative impacts of multiple developments within a particular area;*
- *whether there are particular types of impacts around which to focus the Travel Plan (e.g. minimising traffic generated at peak times); and*

- *relevant national policies, including the decision to abolish maximum parking standards for both residential and non-residential development.”*

In responding to the consultation, no Travel Plan has been requested by the Highway Authority.

No assurances are required in terms of health and safety matters which are required under separate legislation and are matters for the applicant to comply with separately.

In light of this, the Recommendation (paragraph 1.1) remains unaltered by the submission of the Sequential Test and additional information; however, it is recommended that the first reason for refusal is amended to read:

“The proposal is for a retail unit with ancillary warehousing which is defined in the National Planning Policy Framework as a “main town centre use”. The site is outside a Defined Centre and as such, a Sequential Test is required to ensure that main town centre uses are located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) consideration can be given to out of centre locations. Although a Sequential Test has been provided, the assessment demonstrates inflexibility in the applicant's approach to the available premises. The proposal is therefore contrary to Paragraph 86 of the National Planning Policy Framework and Policy EC6 (Retail and Main Town Centre Uses Outside Defined Centres) of the Carlisle District Local Plan 2015-2030.”

The second reason for refusal remains unchanged.

COMMITTEE REPORT FOR 24th AUGUST 2018 MEETING

1. Recommendation

- 1.1 It is recommended that this application is refused.

2. Main Issues

- 2.1 Whether The Principle Of Development Is Acceptable
- 2.2 Highway And Parking Issues
- 2.3 The Impact On The Occupiers Of Neighbouring Premises
- 2.4 The Impact Of The Proposal On The Brampton Conservation Area
- 2.5 Whether The Proposal Would Affect Developed Land In Floodplains

3. Application Details

The Site

- 3.1 Old Brewery Yard is located to the south-east of the centre of Brampton adjacent to Craw Hall. The buildings accommodate a series of small commercial and industrial units together with Brampton Parish Council's

office.

- 3.2 From the roadside frontage on Craw Hall, the building varies in height from single and two storey and is constructed from stone under a slate roof. The footprint of the building extends adjacent with Millfield to the south-east and then returns parallel with the rear of the properties along Millfield resulting in a u-shaped building.
- 3.3 Adjacent to the north-west corner of the building is a vehicular junction with the County highway. This access leads to the rear of the building and a courtyard area where the height of the building varies between two and three storeys and in which there are additional units at ground floor level. The courtyard provides access and parking for tenants and visitors to these units.
- 3.4 Unit 11 is located in the south-east corner of the building, adjacent to the junction of Craw Hall and Millfield and is accessed from Craw Hall. It is approximately 400 metres to the south-east of the centre of Brampton. The building is within the Brampton Conservation Area.

Background

- 3.5 The use of the premises commenced on 2nd February 2017 and an application for retrospective planning permission to change the use of the former gym to a warehouse/ retail shop was submitted in June 2017. Following lengthy discussions between Officers and the Highway Authority, the application was subsequently withdrawn by the applicant in 2018. Enforcement action was commenced but has not been continued as a result of the submission of the revised application for planning permission.

The Proposal

- 3.6 Planning permission is sought for a change of use of the building from a gym to a warehouse/ retail shop. The applicant currently operates a used furniture and antiques business. No external changes are proposed as part of this application.

4. Summary of Representations

- 4.1 This application has been advertised by means of a site notice and direct notification to the occupiers of 12 of the neighbouring premises. In response, three letters of objection have been received, two from the occupiers of a neighbouring premises and one from a planning consultant on behalf of these two neighbours. The issues raised are summarised as follows:
 - 1. some of the information provided on the application form is either misleading, confusing or factually incorrect. Part 3 describes the application as a change of use from a Gym to Warehouse /Retail and that this use has already started. Part 18 states 75 sq m are used for retail purposes, yet nothing is shown allocated for warehousing;
 - 2. the answer given to Part 8 implies that the applicant is related to a

Member or Officer of the Council, although the nature of that relationship is not stated as it should be;

3. there remains with this revised application a great deal of contradiction with regards to the number and location of parking spaces serving the development. This has not been helped by the lack of accurate plans and therefore a local surveyor has produced an accurate site plan on behalf of the objectors;
4. the Ownership Certificate has been completed indicating that the applicant either owns the Unit or has a leasehold interest with at least 7 years to run. The entire complex is owned by an overseas management company, with local agents and that leases here are generally for 2 or 3 years and not 7 or more, all of which indicates that Certificate B should have been completed. This is particularly important as it is noted that the applicants are showing parking spaces allegedly available exclusively to them that are situated some 200 m from their unit and by using spaces that are apparently allocated to other business at the site in their respective leases. Clearly this aspect requires urgent clarification to establish whether or not the application is in fact legally valid;
5. the Old Brewery Yard industrial site is identified in the Local Plan Policies Map as a Primary Employment Area. Policy EC2 restricts uses within these areas to B1, B2 and B8 uses. Condition 3 of the original planning permission relating to the sub-division of the Old Brewery site into 11 units (Ref: 94/0310) also restricts the use to B1 and B8 uses;
6. the reality of the use is that it is a retail unit open to visiting members of the public with a very small element of warehousing. The use is not ancillary in nature, is not of a proportionate scale and the introduction does not aid the overall attractiveness or sustainability of the employment area. The proposal is, therefore, clearly contrary to Policy EC2 of the Development Plan and the application should be refused on these grounds alone;
7. Policy EC6 requires development proposals for new retail and main town centre uses should, in the first instance, be directed towards defined centres, and for comparison retailing proposals the defined Primary Shopping areas within these centres. Brampton is a Defined Centre with a defined Primary Shopping Area. The application site is not within the Primary Shopping Area, so the application is in conflict with this policy;
8. even if the site was within the primary shopping area of Brampton, Policy EC5 indicates that proposals for retail development will be acceptable providing that ... appropriate access, parking and security arrangements can be achieved. Policy IP3 also states requires the provision of a minimum number of parking spaces per new dwelling/ m2 of floor space;
9. in this case, there is clearly inadequate parking for the applied-for use and no provision is made to encourage alternative means of travel;
10. the business provides a useful service to its customers but it is simply in the wrong place and there other more appropriate units available on the Townfoot Industrial Estate;
11. the use has been operating without authorization since February 2017. The extremely limited parking available for the former gym means that customers of the furniture shop park on the forecourt of Winged Heart Stained Glass, or on the road, obstructing access to the forecourt. This is interfering with the efficient working of the business with delivery drivers /

- outworkers unable to pick up or drop off their stained glass products. Because the nature of the retail use involves the sale of mainly heavy and bulky goods, virtually all shoppers arrive in vehicles;
12. one or two parking spaces are clearly insufficient for the applied-for use and the forecourt area is too small to accommodate most cars/ vans and, in any event, which is usually unavailable for parking as it is used for display purposes. If cars are parked end on to the building, they force pedestrians, particularly those with pushchairs or wheelchairs, onto the carriageway of the busy road;
 13. recent parking problems have resulted in a proposal from Cumbria Highways to use double yellow lines to restrict on-street parking at the junction of Millfield and Craw Hall. Whilst this is welcome in terms of road safety, the restrictions are likely to exacerbate problems experienced by neighbouring premises by further reducing local on-street parking and putting additional pressures on the parking spaces outside of their units;
 14. the former gym use did not cause as many problems because users mainly attended in the evenings when other businesses are not operating;
 15. the applicants have shown car parking spaces within the rear courtyard of the complex. It is understood that these spaces are included in the leases of the businesses around the courtyard for their use and there is no evidence provided by the applicant to show that he has any right to claim that his customers can freely use them, or that such parking if allowed would not affect the parking requirements of the other business users;
 16. even if such parking were to be allowed its practicality is questioned. The business at Unit 11 is a furniture store and the rear courtyard parking area is some 200 m away. It is unrealistic to expect shoppers to carry their often heavy furniture purchases this far, and so it is highly predictable that they are likely to revert to picking up from the front doors of the unit thereby introducing additional traffic exacerbating the unsatisfactory highway situation;
 17. as well as currently operating without planning permission, the current use is operating in breach of three of the conditions imposed upon the original planning permission for the site (94/0310) which restricts the use to purposes falling within use classes B1 and B8; prevents the outdoor storage or display for sale of goods and materials; and limits the hours of use of the units;
 18. the application should be refused being contrary to Policies EC2, EC6 and IP3 of the Carlisle District Local Plan 2015-2030 and to continue with the previously agreed planning enforcement action to require the early cessation of the use.

5. Summary of Consultation Responses

Cumbria County Council - (Highways & Lead Local Flood Authority): - the following comments have been received:

Highway Authority

The Highway Authority have been in discussions with the applicant since the original planning application (17/0549). It was stated throughout the

consultation that the parking requirement for an individual shop is 8 car parking spaces, 1 disabled space, 1 motorcycle and 2 pedal cycle spaces. This requirement was calculated on a gross internal floor space of 225m². This is in contradiction to the application form that states 75m². These parking requirements were to be provided by the applicant both in front and in the courtyard to the rear.

Discussions took place with the applicant to determine if the applicant could provide these parking requirements within the courtyard to the rear of the Old Brewery. In principle this is accepted by the Highways Authority; however a written agreement is required from the landlord that Unit 11 may use the rear yard for car parking or this element should be conditioned.

Within the revised parking plan as submitted on the 28th June 2018 there is enough room for 15 car parking spaces within the courtyard with a dimension of 2.4m x 4.8m. Eight of these spaces are to be allocated towards the Old Brewery which would leave a provision of 7 for the remaining businesses. The application has therefore shown that they can provide the required number of car parking spaces. This is acceptable from a highway point of view. The waiting restrictions proposed at the junction of Millfield and Craw Hall will also improve the road safety at this location.

In light of the above the Highway Authority has no objection to this application. It is however accepted that this parking allocation to a single user could have a real detrimental impact on the neighbouring business. This is however a planning matter and not for this authority to comment on further. The Highway Authority recommend the imposition of a condition requiring the provision and retention of eight parking spaces.

Lead Local Flood Authority Response

The Lead Local Flood Authority has no objection to the proposal as it is considered that it will not affect flood risk on site or downstream of the development;

Brampton Parish Council: - the parish council will only agree to a retail application on condition that the applicant can prove that he has been allocated all the designated spaces shown in the rear of the Brewery Yard;

Planning - Access Officer: - no objection.

6. Officer's Report

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/ Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed is the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and Policies of SP2, EC2, EC5, EC6,

IP3, CC4, CM5 and HE7 of the Carlisle District Local Plan 2015-2030 are also relevant. Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and the Cumbria Development Design Guide 2017 are also material planning considerations.

6.3 The proposal raises the following planning issues.

1. Whether The Principle Of Development Is Acceptable

6.4 Paragraph 8 of the NPPF outlines that there are three dimensions to sustainable development: economic, social and environmental all of which give rise to the need for the planning system to perform a number of roles. These roles should not be undertaken in isolation because they are mutually dependent.

6.5 Paragraph 11 of the NPPF highlights the presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with the development plan; and where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

6.6 The land is designated as being Primary Employment Land and as such policies allow for the redevelopment and expansion of employment sites subject to the consideration of the relevant policy criteria, namely that: the use of the site is applicable; and that the residential amenity of the occupiers of any neighbouring properties and parking and transport issues are not adversely prejudiced.

6.7 Development should also be appropriate in terms of quality to that of the surrounding area and that development proposals incorporate high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape.

6.8 Paragraph 89 of the NPPF requires impact assessments to be completed on retail proposals over 2,5000 square metres if there is no locally set threshold.

6.9 The NPPF advises in paragraph 85 that decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation by:

- defining a network and hierarchy of town centres and promote their long-term vitality and viability;
- defining the extent of town centres and primary shopping areas, and make clear the range of uses permitted in such locations;
- retaining and enhancing existing markets and, where appropriate, re-introduce or create new ones;

- allocating a range of suitable sites in town centres to meet the scale and type of development likely to be needed;
- where suitable and viable town centre sites are not available for main town centre uses, allocating appropriate edge of centre sites that are well connected to the town centre; and
- recognising that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.

6.10 In paragraph 86, the NPPF confirms that:

“Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.”

6.11 It therefore follows in paragraph 90 that:

“Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 89, it should be refused.”

6.12 The proposed development is predominantly retail with ancillary storage facility to the rear of the premises and is therefore defined in the NPPF as a “*main town centre use*”. The guidance confirms that when edge and out of centre proposals are considered, preference should be given to accessible sites. In accordance with paragraph 86 of the NPPF a sequential test is therefore required.

6.13 Policy EC6 of the local plan echoes the national planning policy guidance and requires the submission of a sequential test for sites and premises outside defined centres.

6.14 The site is approximately 400 metres south-east from the centre of Brampton. Whilst the principle of the reuse of the building may be acceptable, no sequential test accompanies the application and therefore an appropriate assessment of a retail use in this location cannot be undertaken. The applicant is aware of this requirement but has thus far opted to attempt to address the parking and highway issues which are discussed in the following paragraphs of this report. Nevertheless, in the absence of a sequential test, the proposal fails to meet the planning policy requirements of both the NPPF and the local plan.

2. Highway And Parking Issues

6.15 The frontage of the building is adjacent to Craw Hall, along with the neighbouring buildings. A small area exists in front of these premises and is demarked by block paving, adjacent to the footpath and then the road. These parking areas are narrow and taper in front of Unit 11. To the rear, due to the

change in topography, the building is occupied by other users in the lower floors of the building which are served by parking facilities within a courtyard arrangement.

- 6.16 Cumbria County Council as the Highway Authority has advised that the use would generate the need for eight car parking spaces, one disabled space, one motorcycle and two pedal cycle spaces. It was suggested by the Highway Authority that these parking requirements could be provided within the courtyard provided that this arrangement is not to the detriment of other business users in the vicinity.
- 6.17 The Highway Authority further requested that a written agreement be provided from the landlord that occupier of Unit 11 may use the rear yard in perpetuity for car parking and that the provision for Unit 11 would not affect the parking requirements for other business users.
- 6.18 Within the current application the plans submitted illustrate that one parking spaces for disabled persons would be provided in front of and parallel to the premises along Craw Hall. A further 15 spaces would be provided within the courtyard that would accommodate customers visiting the premises subject to the application together with tenants and visitors of the other units. On this basis, subject to the submitted plan being implemented, the Highway Authority has raised no objection.
- 6.19 Officers have concerns that the submitted parking layout plan is unachievable and therefore cannot be implemented. For example, where four spaces are shown in the east of the courtyard, only three spaces can be physically achieved. In addition, the two to the south are proposed where a tenant stores his machinery. The three spaces further along are shown in a narrow area of paving where there is an external fire escape. As such, although an attempt has been made to demonstrate that the parking spaces can be made available to the rear, these are not physically achievable. The plan fails to take account of the layout, physical obstacles such as the presence of an external metal fire escape and existing access requirements to the units.
- 6.20 The objector has commissioned a survey of the site which shows that only nine spaces can be achieved which reflects the conclusion of Officers. It therefore follows that whilst the Highway Authority has no objection to the application provided that the parking plan can be implemented, if it cannot be implemented, then the proposal raises highway and parking issues.
- 6.21 Correspondence submitted by the applicant from his landlord confirms that the footprint of the building is subject to the lease with the area to the front (adjacent to Craw Hall) permitted for parking. When commenting on the land within the courtyard subject to the parking layout plan, the landlord states:

“Extract 2 shows our overall ownership edge blue. As with all of the occupiers at this estate parking at the front of the estate is limited so we have no objection in principle to their visitors parking within the “Courtyard Area” (being the area where Old Brewery Yard is written on the plan) on a temporary basis providing of course that this does not interfere with the use

and operation of those occupiers that are located within the Courtyard.”

- 6.22 This statement has two implications in the consideration of this application. Firstly, the landlord makes reference to being accepting of the principle on a “*temporary*” basis and secondly, it is only acceptable provided that the arrangement does not affect other tenants and visitors to the site.
- 6.23 Officers are concerned that if customers of the premises subject to this application park in the courtyard, which it has already been stated is limited due to existing parking requirements and the physical layout and restrictions of the courtyard, this may then displace existing tenants and visitors thus resulting in parking issues elsewhere. As such, it is less than certain that the landlord is supportive of the scheme as required by the Highway Authority.
- 6.24 The use has the potential to generate additional vehicle movements and parking requirements. A number of Officers have passed the site since the business has been trading and witnessed up to 5 vehicles parked indiscriminately at the front of the premises across the parking area, footpath and highway. In practical terms, it is difficult to conclude whether patrons of the business would, in fact, park in the courtyard, walk to the premises and then walk back to the courtyard. In any event, vehicles may still have to park on the front to load any large items purchased.
- 6.25 In overall terms, the submitted plan shows a parking layout which is, in reality, unachievable. As such, the development fails to provide adequate access and parking facilities and is therefore contrary to both national and local planning policies.

3. The Impact On The Occupiers Of Neighbouring Premises

- 6.26 Planning policies require that development proposals do not adversely affect the amenity of occupiers of neighbouring premises or properties. The proposed use, based on its own merits as a retail unit, subject to the trading hours proposed on the application form of 9am until 5pm Mondays to Saturdays and 11am until 4pm on Sundays and Bank Holidays would not in itself give rise to any loss of amenity to neighbouring occupiers, subject to the imposition of appropriate conditions.
- 6.27 The issues arising from the parking situation are discussed in the preceding paragraphs.

4. Impact Of The Proposal On The Brampton Conservation Area

- 6.28 The application site is located within the Brampton Conservation Area. Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, the NPPF, PPG, Policy HE7 of the local plan are relevant.
- 6.29 Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 highlights the statutory duties of Local Planning Authorities whilst exercising of their powers in respect to any buildings or land in a conservation area. The aforementioned section states that:

"special attention shall be paid to the desirability or preserving or enhancing the character or appearance of that area".

- 6.30 The aim of the 1990 Act is reiterated in the NPPF, PPG and policies within the local plan. Policies HE6 and HE7 of the local plan advise that proposals should preserve or enhance their character and appearance, protecting important views into and out of conservation areas.
- 6.31 The proposal involves the reuse of the existing building with no external alterations and as such, it is not considered that the character or setting of the conservation area would be adversely affected should planning permission be granted for this development.

5. Whether The Proposal Would Affect Developed Land In Floodplains

- 6.32 Old Brewery Yard is located within Flood Zone 2 and 3 of the Environment Agency's Flood Map. No external or internal alterations are proposed, therefore, the proposed change of use of the premises would not affect the floodplain. No issues are therefore raised in respect of the objectives of Policy CC5 of the local plan.

Conclusion

- 6.33 In overall terms, the premises is allocated as being within a Primary Employment Area. Whilst alternative uses may be acceptable, as evidenced by the planning permission granted for the building for the change of use to a gym, such uses must be compliant with planning policies and in particular, given that the proposed use is a main town centre use, must be supported by a sequential test. No sequential test has been submitted in respect of this application.
- 6.34 The use of the premises results in additional traffic and parking demands which would need to satisfy the criteria outlined in the Cumbria Development Design Guide. Whilst parking is shown within the courtyard, this is neither achievable, realistic or supported by the landlord who advocates a temporary use provided that it does not prejudice other users.
- 6.35 In light of this report, it is considered that the application is contrary to both national and local planning policies and Members are recommended to refuse the application.

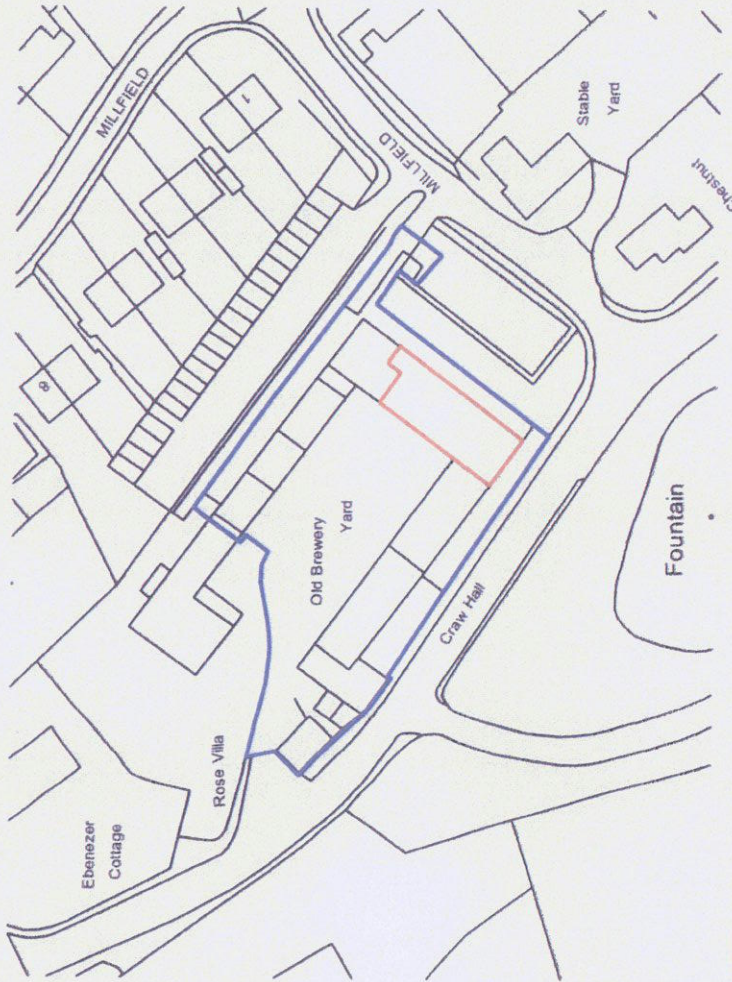
7. Planning History

- 7.1 Planning permission was granted in 1994 for the subdivision of existing buildings into 11 light industrial letting units.
- 7.2 Planning permission was granted in 1996 for the change of use of the building from a gymnasium (Use Class D2) to business (Use Class B1/ B2/ B8).

- 7.3 In 2012, retrospective planning permission was granted for the change of use to a gymnasium (Use Class D2).
- 7.4 An application for retrospective planning permission was submitted in 2017 for the change of use of former gym to a warehouse/ retail shop but was withdrawn in 2018.

8. Recommendation: Refuse Permission

1. **Reason:** The proposal is for a retail unit with ancillary warehousing which is defined in the National Planning Policy Framework as a “main town centre use”. The site is outside a Defined Centre and as such, a sequential test is required to ensure that main town centre uses are located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) consideration can be given to out of centre locations. The proposal is therefore contrary to Paragraph 86 of the National Planning Policy Framework and Policy EC6 (Retail and Main Town Centre Uses Outside Defined Centres) of the Carlisle District Local Plan 2015-2030.
 2. **Reason:** The proposal requires the provision of eight car parking spaces, one disabled space, one motorcycle and one pedal cycle spaces. The application fails to adequately demonstrate that appropriate levels of parking provision can be satisfactorily achieved and is likely to result in the displacement of other tenants and visitors to the neighbouring premises. As such, the proposal is contrary to Paragraph 102 of the National Planning Policy Framework, Appendix A of the Cumbria Development Design Guide 2017 and Policy IP3 (Parking Provision) of the Carlisle District Local Plan 2015-2030.
-



Location Plan
Scale 1:1250

RECEIVED
27 APR 2018
2018/0359

RECEIVED
20 JUL 2017
17/0349

Notes:

Rev	Date	Revision Description	Initials
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Purpose of Drawing

Planning

Client Name

Dunedin

Project Name & Address

Unit 11

First Floor

Old Brewery Yard

Craw Hall

Brampton

CAB 1TR

Drawing Title

Location Plan

Drawing Ref: CAW/

Drawing No:

100PL

Revision No:

29.7.16

Scale:

1:1250 @ A4

Drawn By:

CAW

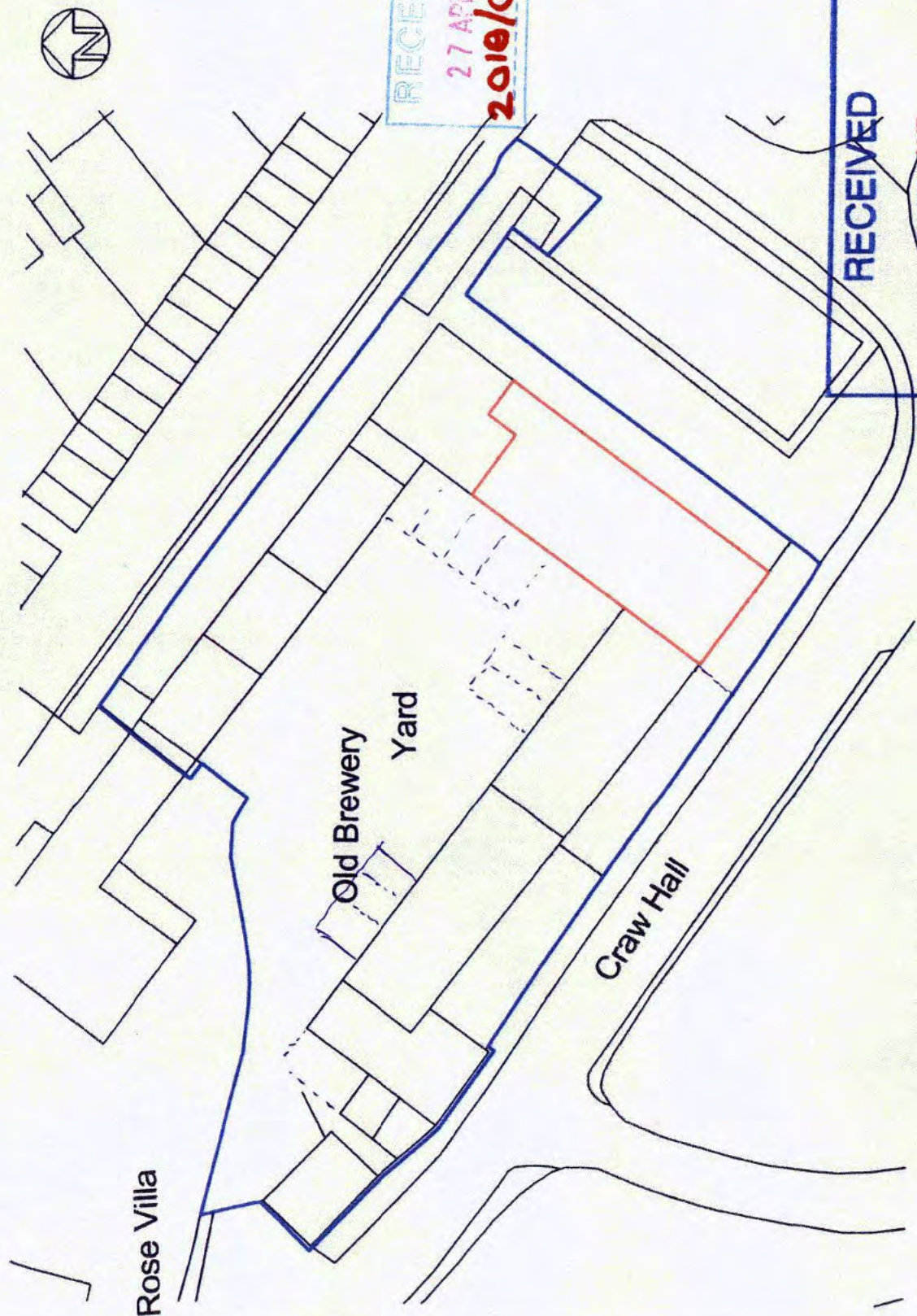
Checked By:

CAW



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enquiries@csqconsult.com
www.csqconsult.com



Rose Villa

Old Brewery
Yard

Craw Hall

Block Plan
Scale 1:500

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27 APR 2013
2010/0359

RECEIVED
20 JUL 2017
17/0349

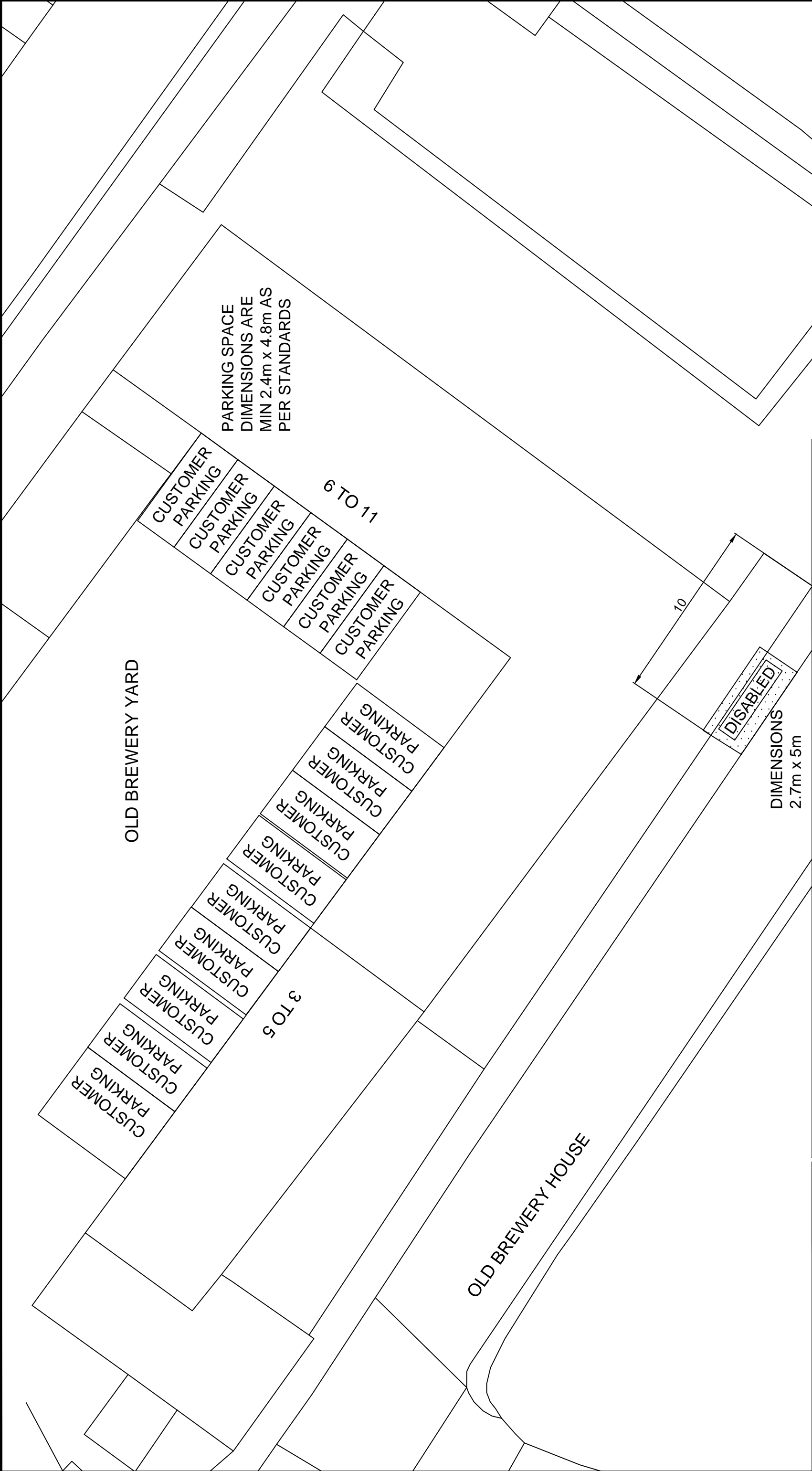
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Rev	Date
Revision Description	
Initials	
Purpose of Drawing	
Planning	
Client Name	
Dunedin	
Project Name & Address	
Unit 11	
First Floor	
Old Brewery Yard	
Craw Hall	
Brampton	
CAB 1TR	
Drawing Title	
Block Plan	
Drawing Ref: CAW/	Revision No:
Drawing No: 1019A	Revision No:
Scale: 1:1250 @ A4	Date: 29.7.15
Drawn By: CAW	Checked By: CAW

CSQ Consult
BUILDING SURVEYORS & PROJECT MANAGERS

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Suite 7B
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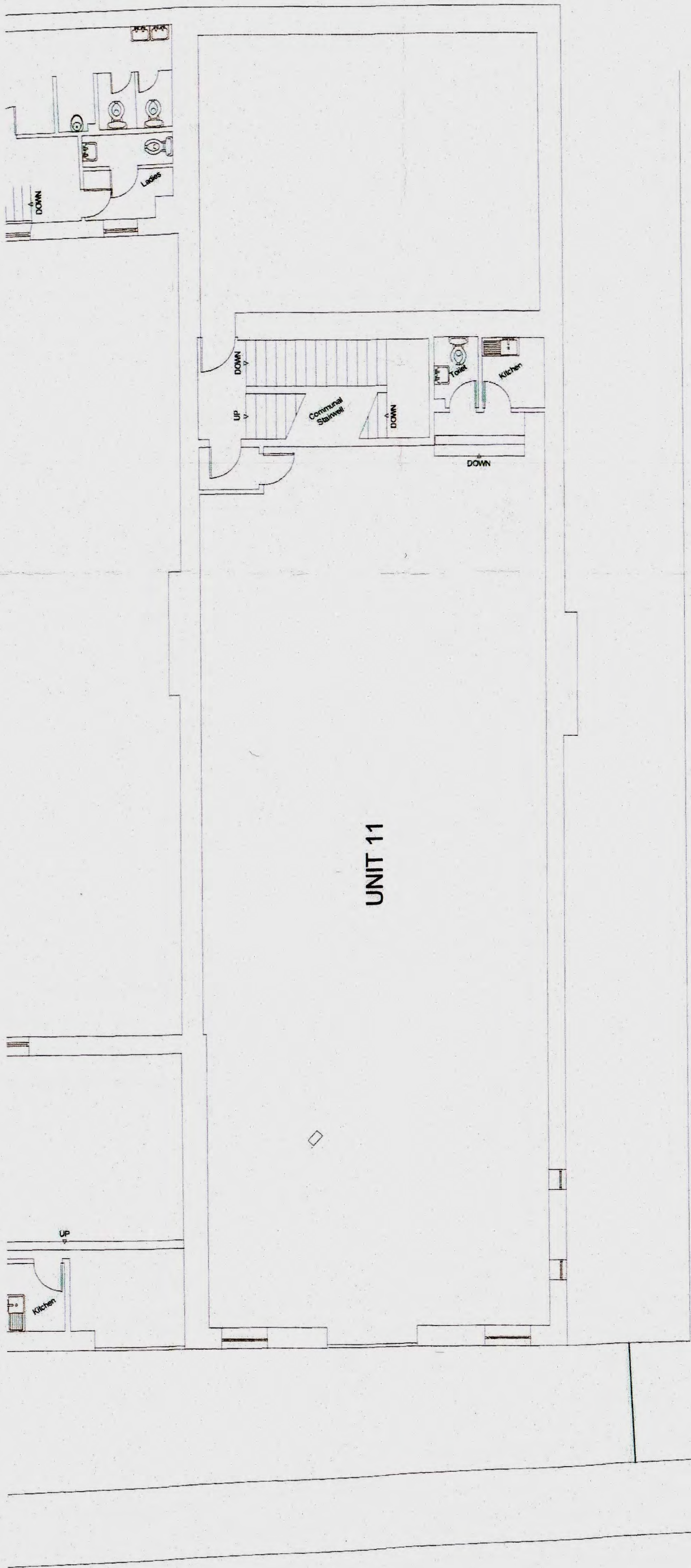
Upto 8 spaces available at the rear yard allocated for our customer parking. As highways requested.

0 100mm



CLIENT LOWTHER FURNITURE 11 OLD BREWERY YARD, CRAW HALL, BRAMPTON. CA8 1TR	SCHEME NAME LOWTHER FURNITURE - PARKING LAYOUT	
AGENT CHETNA REAY CONSTRUCTION RISK CONSULTANTS LTD WEST MAINS, THE GREEN, HOUGHTON CA3 0NF	DRAWING TITLE PROPOSED PARKING FOR FLOOD AND DEVELOPMENT MANAGEMENT	
	DRAWN : ***	SCALE : 1:200
	DESIGN : ***	DIMENSIONS : m
	CHKD : ***	ORIG DWG SIZE: A3
	APPD : ***	✓
	DATE : ***	AS-BUILT
	SUITABILITY: S2	FOR INFORMATION
	DRAWING STATUS	
	WORK IN PROGRESS	
	PRELIMINARY DRAWING	
	EXTERNAL ISSUE	
	AS-BUILT	
	DRAWING NUMBER	
	PROJECT	
	ORIGINATOR	
	VOLUME	
	LOCATION	
	TYPE	
	ROLE	
	NUMBER	
	C #	
	SCHEME REFERENCE No.	
	REVISION	

Notes:



Existing and Proposed Floor Plans (unchanged)
Scale 1:100

RECEIVED
27 APR 2018
2010/0359

RECEIVED
20 JUL 2017
1710549

Rev	Date	Revision Description	Initials

Proposed of Drawing	
Planning	
Client Name: Dunedin	
Project Name & Address: Unit 11 First Floor Old Brewery Yard Craw Hall Brampton CA8 1TR	
Drawing Title: Existing and Proposed Floor Plans	
Drawing Ref: CAW	Revision No:
Drawing No: 102PL	Revision No:
Scale: 1:100 @ A2	Date: 29.7.16
Drawn By: CAW	Checked By: CAW

	CSQ Consult BUILDING SURVEYORS & PROJECT MANAGERS
CSQ Consult Suite 7B 1 Carmichael Place Edinburgh EH6 5PH	Tel: +44 (0)131 202 5471 enquiries@csqconsult.com www.csqconsult.com

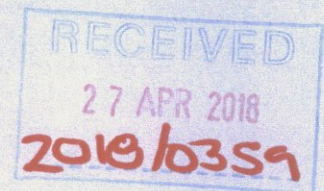
Heritage Statement

The building is unlisted, it is believed to be built in 1783.

We have no intention to change anything structural inside or outside.

We have parking bays on the front of the building for 2/3 cars at any one time, we unload the van on the front of the premises then move the van elsewhere so the parking is free for customers.

We have 2 potted fir trees (as pictured) either side of our doors purely for decoration to draw the eye to our business for passing trade, these do not obstruct the customer parking.



These were the pictures from our last planning, trees etc are now removed for ease of customer parking. Also no furniture is displayed on the shop front except for loading and unloading times.

SAM GREIG PLANNING
Chartered Town Planners

M 07533400061 **E** Sam@samgreigplanning.co.uk

SEQUENTIAL TEST

CHANGE OF USE OF FORMER GYM TO WAREHOUSE/RETAIL SHOP
(REVISED/RETROSPECTIVE APPLICATION)

UNIT 11, OLD BREWERY YARD, CRAW HALL, BRAMPTON, CA8 1TR

LPA REFERENCE 18/0359

My Ref: 18/051

November 2018

Revision A

1.0 Introduction

- 1.1 Application 18/0359 seeks planning permission for the change of use of a former gym to a warehouse/retail shop that sells furniture. In planning terms, the proposed use of the unit falls into Use Class A1 (Retail) and is defined as a 'town centre' use.
- 1.2 The site is situated approximately 330 metres from the nearest building that is identified as forming part of Brampton's 'Primary Shopping Area', as illustrated on the Proposals Map that accompanies the Carlisle District Local Plan (CDLP). Annex 2 of the National Planning Policy Framework (NPPF) states that locations proposed for retail use are defined as being 'edge-of-centre' if they are well connected to and within 300 metres of the Primary Shopping Area. Whilst the site is only 330 metres from the Primary Shopping Area, it has to be regarded as 'out-of-centre'.
- 1.3 The NPPF sets out two key tests that should be applied when planning for town centre uses which are not in an existing town centre and which are not in accord with an up to date Local Plan. These are referred to as the sequential test and the impact test.
- 1.4 The sequential test is discussed in the following sections of this Statement; however, the 'impact test' does not have to be applied as the floor area of the building is below the 300 square metre threshold that has been set by Policy EC6 of the CDLP in relation to comparison retail sales in Brampton.

2.0 The National Planning Policy Framework

2.1 The NPPF provides specific commentary on retail matters under the chapter headed “Ensuring the vitality of town centre”. Paragraph 85 states that:

“Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Planning policies should:

- a) define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters;*
- b) define the extent of town centres and primary shopping areas, and make clear the range of uses permitted in such locations, as part of a positive strategy for the future of each centre;*
- c) retain and enhance existing markets and, where appropriate, re-introduce or create new ones;*
- d) allocate a range of suitable sites in town centres to meet the scale and type of development likely to be needed, looking at least ten years ahead. Meeting anticipated needs for retail, leisure, office and other main town centre uses over this period should not be compromised by limited site availability, so town centre boundaries should be kept under review where necessary;*
- e) where suitable and viable town centre sites are not available for main town centre uses, allocate appropriate edge of centre sites that are well connected to the town centre. If sufficient edge of centre sites cannot be identified, policies should explain how identified needs can be met in other accessible locations that are well connected to the town centre; and*
- f) recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.”*

2.2 Paragraph 87 states that *“When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre (my emphasis). Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.”*

3.0 The Sequential Test

- 3.1 The NPPF states that applicants and Local Planning Authorities should demonstrate flexibility on issues should as the format and scale of the development so that opportunities to utilise suitable town centre or edge of centre sites are fully explored. This requirement has been taken into account in respect of this sequential test.
- 3.2 Prior to taking on the current premises, the applicant traded, concurrently, from two separate premises in Houghton and Brampton. These premises had a floor area of 450 square feet and 350 square feet respectively, which proved too small to accommodate the growth of the business. Similarly neither premises had separate parking or loading/unloading space. It is the applicant's experiences of trading from these locations that has influenced their requirements in respect of alternative retail floor space. In order to meet the needs of the business and to enable the business to trade effectively and efficiency the applicant has sought alternative premises that incorporate the following characteristics:
- a) An open plan floor area of circa 2,500 square feet that could be used as both retail floor space and as a workshop area; the latter of which is used for preparing the furniture for sale;
 - b) An off-street loading/unloading area so that furniture can be safely loaded off the public highway. It is preferable that the loading area is under cover and not exposed to the weather;
 - c) Large external openings to enable furniture to be easily manoeuvred into and out of the premises;
 - d) Close proximity to the Town Centre to benefit from passing trade and to encourage prospective customers to make 'linked trips'; and
 - e) Parking provision within close proximity of the site (preferably on-site) so to cater for those customers travelling from further afield than Brampton.
- 3.3 The availability of suitable site has been assessed by viewing the websites of national and local property agents, as well as Zoopla and Rightmove. The search identified that only five properties are available now. The available properties are identified in Table 1 overleaf. The table provides a brief summary as to why these premises are unsuitable, which is expanded upon in the following paragraphs.

Table 1: Summary of alternative available premises.

LOCATION	COMMERCIAL PROPERTY AGENT	SIZE	REASON WHY UNSUITABLE
Former restaurant, 23-25 Market Place, Brompton, CA8 1RW	Walton Goodland	2,100 sq ft (195 sq m)	<p>A narrow staircase provides access to the upper floors that is of insufficient width to accommodate larger items. Consequently only circa 33% of the floor space would be available for the bulky items, which is insufficient for the needs of the business.</p> <p>The property is a Grade II Listed Building and, therefore, there is limited scope to alter internal layout/exterior of the building to make it suitable for the proposed use i.e. to provide a lift to provide access to the upper floors.</p> <p>The premises require refurbishment from its former use as a restaurant, which would be cost prohibitive for the applicant. It is understood that the premises would also require rewired throughout.</p> <p>No dedicated off-street loading/unloading facilities.</p> <p>Whilst the size of the accommodation is broadly comparable to that which is required it is provided over three floors and, therefore, impractical for the proposed use.</p>
Former Barclay's Bank, 16 Front Street, Brompton, CA8 1NG	CBRE	2,622 sq ft (243 sq m)	<p>A staircase provides access to the upper floors that is of limited width to accommodate larger items.</p> <p>Consequently only circa 40% of the floor space would be available for the bulky items, which is insufficient for the needs</p>

			<p>of the business.</p> <p>The property is a Grade II Listed Building and, therefore, there is limited scope to alter internal layout/exterior of the building to make it suitable for the proposed use i.e. to make it open plan or to provide a lift to provide access to the upper floors.</p> <p>The premises require refurbishment from its former use as a bank, which would be cost prohibitive for the applicant.</p> <p>No dedicated off-street loading/unloading facilities.</p> <p>Whilst the size of the accommodation is broadly comparable to that which is required it is provided over four floors and, therefore, impractical for the proposed use.</p>
2 Market Place, Brampton, Cumbria, CA8 1RW	Edwin Thompson	628 sq ft (58 sq m)	<p>Accommodation too small for operational requirements.</p> <p>No dedicated off-street loading/unloading facilities.</p>
Units 5D, 5E and 5F, Townfoot Industrial Estate, Brampton CA8 1SW	Carigiet Cowen	732 - 2,487 sq ft (68 – 231 sq m)	<p>The accommodation comprises three interconnecting industrial units.</p> <p>Physical alterations are required to make the premises commercially attractive as a retail unit.</p> <p>Limited benefits from passing trade/linked trips due to location within an Industrial Estate.</p> <p>The site is located 745 metres from the nearest property within Brampton's Primary Retail Area and, therefore, its location is not sequentially preferable in planning terms to the application site.</p>

Unit 1, Townfoot Industrial Estate, Brampton CA8 1SW	EC Property Link	4,766 sq ft (443 sq m)	<p>The premises is currently under offer and, therefore, not available.</p> <p>The size of the accommodation is double that which the applicant requires and, therefore, it is not suitable for them.</p> <p>Limited benefits from passing trade/linked trips due to location within an Industrial Estate.</p> <p>The site is located 618 metres from the nearest property within Brampton's Primary Retail Area and, therefore, its location is not sequentially preferable in planning terms to the application site.</p>
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- 3.4 The premises at 23-25 Market Place are located in a Town Centre location. It is, therefore, sequentially preferable in planning terms; however, it is not suitable for the proposed use as whilst it provides the appropriate level of floor space, the accommodation is provided over three floors; the upper floors of which are accessed via a narrow staircase. This would limit the available floor space for bulky items to circa 33% of the floor area which is insufficient for the needs of the business, as the available space for bulky items would be less than that which was available in the previous premises that they traded from.
- 3.5 The premises also has external doors that are domestic in scale and, therefore, unsuitable for larger items of furniture. As the property is Grade II listed and within the Brampton Conservation Area is considered that the alterations required to make the building suitable for the proposed use would be unacceptable in planning terms. Such alterations would include widening the entrance door and installing a lift; the latter of which would be cost prohibitive. The premises require rewired throughout and the existing kitchen removed/refurbished, which imposes a further cost implication.
- 3.6 The premises also lack off-street unloading facilities and, therefore, any loading/unloading would have to take place on the public highway to the detriment of highway safety. Prior to taking on the current premises the applicant viewed 23-25 Market Place and discounted for the above reasons.
- 3.7 The above comments in Paragraph 3.4 and 3.6 are also relevant to the former Barclay's Bank, No. 16 Front Street. The premises is a former bank and would require a comprehensive refurbishment to make it available for the proposed

use; which would be cost prohibitive to the applicant. Given the listed status it is unclear as to whether or not the open plan arrangement that the applicant requires would be acceptable to the Council.

- 3.8 Whilst there is accommodation to the upper floors and the basement, there are practical difficulties with moving furniture up and down stairs. The installation of a lift would be cost prohibitive. As with No. 23-25 Market Place smaller items could be accommodated on the upper floors/basement; however that would limit the available floor space for larger items to 1,068 square feet (100 square metres), which is only marginally more than the space that was available to the applicants when compared with the premises that they relocated from.
- 3.9 There public car parking spaces located outside the premises, however, these are not ideally suited to the loading and unloading of furniture into delivery vans, particularly as furniture may have to be manoeuvred around parked cars if no parking provision is available immediately outside of the premises. Such an arrangement is clearly impractical and would impact upon the efficient operation of the business.
- 3.10 In relation to both No. 16 Front Street and No. 23-25 Market Place, the inability to easily access the upper floors impacts on the operation of the business; however, it would also be contrary to criterion 5 of Policy SP 6 (Securing Good Design). Policy SP 6 states that proposals should be **“accessible and inclusive to everyone”**, which includes the disabled and those with impaired mobility. Policy HO 10 also identifies at Paragraph 5.81 that **“The age profile for Carlisle is slightly older than found regionally or nationally, with a greater proportion of people in all age groups from 45 onwards. Within the rural area there is a much larger population of people aged 45 and over than in the urban area. Nearly 30% of the population of each rural HMA is aged 60 or over”**. Aside from the business implications, the applicant wants to ensure that his premises are accessible for all whether that be the elderly, the disabled or those who are less mobile.
- 3.11 No. 2 Market Place is also a Town Centre location and, therefore sequentially preferable in planning terms; however, at 628 square feet the premises is too small to meet the applicant's requirements. The absence of dedicated loading/unloading facilities is also an issue.
- 3.12 The interconnected units at Townfoot Industrial Estate (Units 5D, 5E and 5F) provide the required level of floor space. The units are industrial in appearance; however, modifications, such as glazed frontages in lieu of the roller shutter doors, could make them better suited for retail proposes. Notwithstanding these points, the premises are located in the corner of the industrial estate and are

not well connected to the Town Centre. As such, they are not likely to benefit from passing trade and, therefore from a commercial perspective, the Industrial Estate is not a location that the applicant would choose to locate his business.

3.13 Unit 1 at Townfoot Industrial Estate is double the size that the applicant requires and therefore, it is not suitable for their needs. The significantly larger size of the premises would also result in increased running costs. Furthermore, the marketing agent's website states that the premises is under offer and, therefore, it is not available to the applicant.

3.14 From a planning perspective, the units at Townfoot Industrial Estate are located in an out-of-centre location. Paragraph 87 of the NPPF is clear that ***"When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre"***. As the units at Town Foot Industrial Estate are located 618 metres and 745 metres from Brampton's Primary Shopping Area the locations are less sequentially preferable to the application site, which is only located 330 metres from the Primary Shopping Area.

3.15 A Planning Consultant acting on behalf of one of the objector's has undertaken a review of the original Sequential Test submitted by the applicant. In addition to the aforementioned commercial premises covered by this Sequential Test the consultant has highlighted that the following premises may be available. The objector's Sequential Test does not highlight with which commercial agent the property is available with, but for robustness the property has been included within this Sequential Test.

Table 2: Summary of alternative available premises suggested by the objector's Planning Consultant.

LOCATION	COMMERCIAL PROPERTY AGENT	SIZE	REASON WHY UNSUITABLE
Fruits and Roots greengrocers, 27 Market Place, Brampton, CA8 1RW	Not specified	2,626 sq ft (243 sq m)	It has not been possible to review the marketing agent details; however, based on the objector's Sequential Test the accommodation comprises 100 sq m of retail floor space to the ground floor. It is assumed that the remaining floor space is split between the basement and the

			<p>first and second floors.</p> <p>Whilst the size of the accommodation is broadly comparable to that which is required it is provided over four floors and, therefore, impractical for the proposed use.</p> <p>Contrary to the Objector's Sequential Test there are no dedicated off-street loading/unloading facilities. The side lane is known as Surgery Lane and it is understood that it serves other residential properties and, therefore, it is not practical for it to be used for the loading/unloading of furniture. There is also a sign that expressly states "Please keep access clear".</p>
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3.16 On the basis of the above, there are no sequentially preferable alternative premises available that are suitable for the proposed use. As such, the sequential test is passed.

4.0 Summary

- 4.1 This sequential test has identified that only five alternative sites are available at the present point in time. For the reasons described in this Statement the Town Centre sites located on Front Street and Market Place are not suitable.
- 4.2 The alternative available sites at Town Foot Industrial Estate, whilst not ideally suited to the applicant's needs, have to be discounted, in line with the advice contained in the NPPF, on the basis that it is not situated in a sequentially preferable location to the application site.
- 4.3 The alternative site put forward by the objector's Planning Consultant (No. 27 Market Place) has been discounted as not suitable.
- 4.4 On the basis of the above, it is concluded that there are no sequentially preferable sites available and, therefore, the application site should pass the sequential test.

Prepared by:

Sam Greig
Sam Greig Planning
8th November 2018