

Development Control Committee Main Schedule

Schedule of Applications for
Planning Permission

16th July 2010

Applications Entered on Development Control Committee Schedule

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02.	<u>10/0508</u> B	Land between Stainton Road and track to Kingsmoor Depot, Etterby Road, Carlisle	<u>ARH</u>	120
03.	<u>10/0429</u> A	Westwood Garden Centre and surrounding land, Orton Grange, Carlisle, CA5 6LB	<u>SG</u>	161
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13.	<u>10/0204</u> A	Land between Marsh Cottage and The Croft, Burgh by Sands	<u>RJM</u>	405
14.	<u>10/0444</u> A	L/A former Carlisle Ambulance Station, Infirmary Street, Carlisle, CA2 7AN	<u>AMT</u>	426
15.	<u>10/0577</u> B	Tarn End House Hotel, Talkin, CA8 1LS	<u>ARH</u>	443

Applications Entered on Development Control Committee Schedule

Item No.	Application Number/ Schedule	Location	Case Officer	Page No.
16.	<u>10/9003</u> C	Cardewmires Quarry, Cardewlees, Dalston, Carlisle, CA5 6LF	<u>SD</u>	475
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20.	<u>09/0095</u> C	35 Lowther Street, Carlisle, CA3 8EJ	<u>RAM</u>	488
21.	<u>08/0707</u> C	Newlands Farm, Carleton, Carlisle, CA4 0AE	<u>ARH</u>	490
22.	<u>08/0779</u> C	Land At Newlands Farm, By Cumwhinton, Carlisle	<u>ARH</u>	492
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The Schedule of Applications

This schedule is set out in five parts:

SCHEDULE A - contains full reports on each application proposal and concludes with a recommendation to the Development Control Committee to assist in the formal determination of the proposal or, in certain cases, to assist Members to formulate the City Council's observations on particular kinds of planning submissions. In common with applications contained in Schedule B, where a verbal recommendation is made to the Committee, Officer recommendations are made, and the Committee's decisions must be based upon, the provisions of the Development Plan in accordance with S54A of the Town and Country Planning Act 1990 unless material considerations indicate otherwise. To assist in reaching a decision on each planning proposal the Committee has regard to:-

- relevant planning policy advice contained in Government Circulars, Planning Policy Guidance Notes, Development Control Policy Notes and other Statements of Ministerial Policy;
- the adopted provisions of the Cumbria and Lake District Joint Structure Plan;
- the City Council's own statement of approved local planning policies including the Carlisle District Local Plan;
- established case law and the decisions on comparable planning proposals
- including relevant Planning Appeals.

SCHEDULE B - comprises applications for which a full report and recommendation on the proposal is not able to be made when the Schedule is compiled due to the need for further details relating to the proposal or the absence of essential consultation responses or where revisions to the proposal are awaited from the applicant. As the outstanding information and/or amendment is expected to be received prior to the Committee meeting, Officers anticipate being able to make an additional verbal report and recommendations.

SCHEDULE C - provides details of the decisions taken by other authorities in respect of those applications determined by that Authority and upon which this Council has previously made observations.

SCHEDULE D - reports upon applications which have been previously deferred by the Development Control Committee with authority given to Officers to undertake specific action on the proposal, for example the attainment of a legal agreement or to await the completion of consultation responses prior to the issue of a Decision Notice. The Reports confirm these actions and formally record the decision taken by the City Council upon the relevant proposals. Copies of the Decision Notices follow reports, where applicable.

SCHEDULE E - is for information and provides details of those applications which have been determined under powers delegated by the City Council since the previous Committee meeting.

The officer recommendations made in respect of applications included in the Schedule are intended to focus debate and discussions on the planning issues engendered and to guide Members to a decision based on the relevant planning considerations. The recommendations should not therefore be interpreted as an intention to restrict the Committee's discretion to attach greater weight to any planning issue when formulating their decision or observations on a proposal.

If you are in doubt about any of the information or background material referred to in the Schedule you should contact the Development Control Section of the Department of Environment and Development.

This Schedule of Applications contains reports produced by the Department up to the 02/07/2010 and related supporting information or representations received up to the Schedule's printing and compilation prior to despatch to the Members of the Development Control Committee on the 07/07/2010.

Any relevant correspondence or further information received subsequent to the printing of this document will be incorporated in a Supplementary Schedule which will be distributed to Members of the Committee on the day of the meeting.

SCHEDULE A

SCHEDULE A

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SCHEDULE A

SCHEDULE A: Applications with Recommendation

09/0512

Item No: 01

Date of Committee: 16/07/2010

Appn Ref No:
09/0512

Applicant:
Sainsburys Stores Limited

Parish:
Carlisle

Date of Receipt:
29/06/2009 13:00:41

Agent:
HOW Planning LLP

Ward:
Castle

Location:
L/A Junction of Bridge Street and Bridge Lane,
Carlisle CA2 5TA

Grid Reference:
339431 556022

Proposal: Erection Of A Class A1 Foodstore Comprising 8,886 Sq.m. Gross External Area (5,514 Sq.m. Net Sales) Floorspace, A Petrol Filling Station Of 132 Sq.m. Gross External Floorspace (70 Sq.m. Net Sales), Ancillary Development And Car Parking At Land At The Junction Of Bridge Street And Bridge Lane, Carlisle.

Amendment:

1. Relocation of the petrol filling station to accommodate two small retail units with separate office accommodation above.
2. Relocation of the petrol filling station and the position of the two storey retail/office building to accommodate revised access arrangements.
3. Omission of the Sainsbury's "sky sign" from the roof of the store.
4. Submission of a revised site layout plan re-locating the re-cycling centre, plan of pedestrian routes, revised elevational details and finishes of the main store and the retail/office building on the Caldewgate frontage, amended visualisations of the store, alternative options for bus services if the roundabout scheme is implemented, and details of the proposed Energy Efficient Technologies to be employed in the development

REPORT

Case Officer: Sam Greig

Reason for Determination by Committee:

This application is brought before the Development Control Committee for determination due to the scale and nature of the proposal. Councillor Tootle and Councillor Collier have also requested a "right to speak" in favour of the proposed development.

1. Constraints and Planning Policies

Gas Pipeline Safeguarding Area

The proposal relates to land or premises situated within or adjacent to the Gas Pipeline Safeguarding Area.

Flood Risk Zone

RSS Pol DP 1 - Spatial Principles

RSS Pol DP 2 - Promote Sustainable Communities

RSS Pol DP 3 - Promote Sustainable Economic Development

RSS Pol DP 4 - Make Best Use Exstg.Resources&Infrastructure

RSS Pol DP 5 - Manage Travel Demand. Reduce Need to Travel

RSS Pol W 1 - Strengthening the Regional Economy

RSS Pol W 2 - Locations Reg.Significant Economic Development

RSS Pol W 5 - Retail Development

RSS Pol RT 2 - Managing Travel Demand

RSS Pol EM 2 - Remediating Contaminated Land

RSS Pol CNL 1 - Overall Spatial Policy for Cumbria

RSS Pol CNL 2 - Sub-area Development Priorities for Cumbria

Joint Str. Plan Pol ST4: Major development proposals

Joint Str.Plan Pol ST5: New devt & key service centres

Joint Str. Plan Pol EM13: Employment land provision

Joint Str. Plan Pol EM14: Dev.employment land other purposes

Joint St. Plan Pol T31: Travel Plans

Joint St. Plan Pol E38: Historic environment

Local Plan Pol DP1 - Sustainable Development Location

Local Plan Pol DP2 - Regeneration

Local Plan Pol CP1 - Landscape Character

Local Plan Pol CP2 - Biodiversity

Local Plan Pol CP5 - Design

Local Plan Pol CP6 - Residential Amenity

Local Plan Pol CP9 - Devel., Energy Conservation and Effic.

Local Plan Pol CP10 - Sustainable Drainage Systems

Local Plan Pol CP12 - Foul&Surf.Water Sewerage/Sew.Tr.

Local Plan Pol CP13 - Pollution

Local Plan CP15 - Access, Mobility and Inclusion

Local Plan Pol CP16 -Public Trans.Pedestrians & Cyclists

Local Plan Pol CP17 - Planning Out Crime

Local Plan Pol EC2 - Mixed Commercial Areas

Local Plan Pol EC5 - Large Stores and Retail Warehouses

Local Plan Pol EC22 - Employment & Commercial Growth Land Al

Local Plan Pol LE2 - Sites of Special Scientific Interest

Local Plan Pol LE4 - River Corridors

Local Plan Pol LE5 - Hadrian's Wall World Heritage Site

Local Plan Pol LE6 - Scheduled/Nat. Imp. Ancient Mon.

Local Plan Pol LE9 -Other Known Sites&Mons of Arch.Sig.nific

Local Plan Pol LE19 - Conservation Areas

Local Plan Pol LE27- Developed Land in Floodplains

Local Plan Pol LE29 - Land Affected by Contamination

Local Plan Pol T1- Parking Guidelines for Development

Local Plan Pol H2 - Primary Residential Area

2. Summary of Consultation Responses

Development Services Planning & Housing Services - Local Plans: there are a number of fundamental issues raised by the proposal which conflict with the Council's current Development Plan policies and strategy.

The Plan Led System

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires local planning authorities to determine planning application in accordance with the Development Plan unless material considerations indicate otherwise. The proposal and location are at odds with the Carlisle District Local Plan which is up-to-date, has only recently been adopted and considered retail allocations as part of the Local Plan process. The site is not allocated in the Local Plan for retail use and a sequentially preferable district centre, with a capacity for a 2,500 square metre net convenience goods store at Morton is allocated in the Local Plan.

Quantitative need

The Council's Local Plan was based upon the technical report referred to as the Carlisle Retail Study Update 2006. This set the basis for formulation of the Local Plan policies and was accepted by the Inspector (despite objections) as the basis for the allocation of a district centre at Morton and the lack of retail allocation at Caldew Riverside. Taking account of the current retail commitments (with planning permission) the plan makes provision only for an additional 2,500 net food retail store as part of a district centre at Morton. This is based on quantitative need. This position alone suggests that there is no additional capacity for a further store (over and above allocations and outstanding permissions).

The supporting planning and retail assessment provided by Sainsbury's agents also (at paragraph 6.30) refers to the lack of quantitative need; however, the applicants still conclude that there is capacity for their proposal.

In the case of any doubt over the quantitative capacity and the impact of the current economic climate (which has changed considerably since 2006) the Council has updated its Retail Study as a consequence of this application being submitted.

As with the 2006 update, the conclusions state that there is no additional quantitative capacity for a convenience store other than through the allocation of a district centre at Morton, which confirms the Local Plan position.

The agent's statement therefore considers that the qualitative aspects of the proposal outweigh the lack of quantitative capacity.

It is agreed that the south west sector of the City is poorly served by supermarkets and this results in cross City traffic movement. This was one of the reasons for locating a store at Morton to overcome this deficiency. The consequence of that location was that whilst relieving some cross city movement it would also assist in reducing traffic in the Caldewgate/ Shaddongate area. Bridge Street together with parts of Wigton Road are Air Quality Management Areas, primarily arising from queuing traffic. This proposal which seeks to add a further junction and act as an

attractor of cars to that area will only exacerbate this problem and do nothing to relieve it.

The applicant considers that the Morton allocation is not suitable for this proposed store. The Morton site allocation was confirmed in 2008 and whilst it was previously allocated, the marketing was reliant upon the housing development. "Call-in" of the earlier residential planning applications delayed the implementation process and without certainty it would have been difficult to market a retail site. This certainty has now been provided by confirmation of the land allocations following the Local Plan Inquiry and the submission of a planning application for residential development. It is only a matter of course that the retail will follow as part of the district centre.

The reference to a district centre is also worthy of note at Morton. The inclusion of a number of uses has been provided in order that the centre will function as a focal point for residents of the new housing as well of those of the wider area. As a consequence of the Local Plan process the Morton development will be sequentially preferable to any out-of-centre location such as Caldewgate.

It is also noted that there is reference to middle of the plan period for the development in terms of the availability of the site. The base line for the local plan for housing and employment all coincides with the Structure Plan which is 2001-2016. We are in the middle of the plan period so the site is expected to be coming forward in the near future.

It is acknowledged that investment in an area will provide jobs and could act to regenerate the area. How many jobs depends upon the turnover of other stores as a consequence. The report claims that, in line with company averages, other stores are overtrading and, if this is the case, there will be a reduction in trade in those stores. One could surmise from that process that there would also be reduction in employment as staff relocate to the new store. Whilst a store of the proposed capacity may have 500 jobs it is not clear whether any will come from existing stores. The proposal to use local labour and training is however welcome.

In reference to regenerating the area the City Council published a draft Planning Brief which raises many issues and promotes some ways forward to encourage development of the area. It does recognise that the area will continue to operate with a mix of uses. This is a draft brief and the Council has more work on flood risk to undertake before the brief can be adopted. There are, however, some fundamental issues with which this proposal conflicts; the main one being the location of the store on site.

The reason for the planning brief for the area was the recognition that the area was a main gateway into Carlisle. As such, it required improvements to public realm and a stimulus for new development in the area. The proposed store places a large car park and petrol station as the main frontage, which acts to open up a wide expanse of parking rather than a sense of arrival and a gateway location. The proposal is, therefore, completely contrary to the intentions of the brief and although not adopted it still exemplifies the character of the area and the role that area performs. The proposed store will not improve the area although the applicants appear to consider that their proposed design is well integrated. This is not agreed with and it is considered that the opposite effect is achieved, ignoring completely the Bridge Street

frontage.

There are other issues such as the addition of comparison goods shopping in the store. There is no expectation that a superstore will deliver anything but the usual proportion of goods between convenience and comparison. The Retail Study Update indicates that there is no spare comparison goods capacity for out-of-centre locations. This means that there will be an impact on the City Centre should any available capacity be directed elsewhere. This must therefore be a negative impact.

In conclusion, having considered all the issues raised it is not considered that the applicants proposed qualitative benefits outweigh the potential conflicts. On quantitative and qualitative grounds the proposal conflicts with the current development plan and an objection to the application is raised on this basis;

Urban Designer (Carlisle Renaissance): the Urban Designer's consultation response to the original scheme submitted provided advice in relation to four distinct aspects of the development:

Planning Context

Part of the site has the benefit of a planning consent for student accommodation approved under application 06/0845. This was recommended for approval by Officers following lengthy negotiations with the applicant. It was refused by Development Control Committee, contrary to the Officers recommendation, and subsequently allowed on appeal. This was for a 4-5 storey development, hard-up against the corner of the site, which articulated the junction and was scaled appropriately so as to enclose the broad highway at this key gateway to the City Centre.

The City Council's Urban Design Guide and Public Realm Framework (UD&PRF) is an adopted Supplementary Planning Document (SPD) and should be regarded as a significant material consideration. Referring to the key design principle of *"continuity and enclosure"* it states that *"Streets must never be defined by blank walls and dead frontages...service areas and car parks should generally be located behind (development) to avoid breaking up and deadening the street frontage"* (p13). It states that *"a strong degree of enclosure should be provided for all streets in the city centre. Building heights should generally be scaled to the proportion of the street. This results in wider, primary routes requiring taller buildings"*, (p13). It identifies the *"Western Approaches"* (Caldewgate /Shaddongate) as currently of *"poor quality, with car parks and forecourts creating a poor western city approach"* (p35).

It identifies on the accompanying diagram a *"gateway site"* which straddles the application site. Accompanying text states that *"gateway and perimeter sites to Bridge Street and Shaddongate should present a distinct built form to the roadway edge"* (p35).

The City Council's emerging Planning Brief for Shaddongate/Caldewgate (PBSC) SPD is also a significant material consideration. This document addresses in detail the urban design and land use principles for the Shaddongate/Caldewgate area. Page 13 of the document identifies the existing Victorian buildings fronting the proposal site as *"positive frontage"*. The small cleared portion of the current site is

identified as *“weak frontage”*. Page 15 of the document identifies a weakness of the area as *“fractured urban form, empty plots, car parks and bland forecourts create ill-defined edge and compound poor approach”*. It identifies the cleared portion of the application site as an *“opportunity site”* (p19). Page 20 suggests the site is appropriate for mixed use development, with page 21 clearly identifying the corner of Bridge Lane and Bridge Street as requiring a *“statement corner building”*. It further stipulates the provision of restoration of the block frontage and the generation of an active frontage. Page 27 of the document states that the corner of Bridge Lane/Bridge Street should seek to have a frontage set to the back of the pavement, in order to *“reduce the scale of the road and create a greater sense of enclosure”*.

Page 28 of the document states that *“it is not acceptable to have frontage car parking which sets the buildings back from the streets”*. Page 29 states that *“the Church Street/Bridge Street frontage should be considered for a mix of uses at ground floor to include an extension of existing retail use on street level, with flats or offices above”*.

Accordance With Design Guidance

Page 11 of the applicants' Design and Access Statement (DAS) maintains that regard has been taken of the Council's UD&PRF SPD. The document also refers to the PBSC. Page 13 of the DAS maintains that *“the Urban Design Guide highlights the corner of the site on Bridge Street and Bridge Lane as a location for a landmark feature or public art”*, but no clarification is given as to where this belief arises. While both the UD&PRF and the Planning Brief emphasise the importance of creating a frontage development at the corner of Bridge Lane/Bridge Street, at no point does either document suggest that public art is acceptable as an alternative to built form articulating this edge.

Page 14 of the DAS notes the aim of *“creating a presence at the junction of Bridge Lane and Bridge Street and to create a frontage to the Bridge Lane and Bridge Street Junction”*. It suggests an intention to *“remove low quality existing buildings on site”* and *“to replace existing site buildings with a high quality development”*. The assessment of existing buildings on the site as *“low quality”* requiring clearance does not accord with the assessment in the SPD of Nos. 30-42 Bridge Street as *“positive frontage”*. There are also buildings of interest within the three court areas and along the development facing Byron Lane, albeit of an industrial nature.

Page 5 of the DAS illustrates the applicants attempt to align the standard operational needs of a large food store with the evident urban design requirements of the site and indeed basic urban design principles that would be applicable in any urban area. The dismissal of three alternative options, the latter of which generates the active frontage that is clearly stipulated in the relevant design guidance, as *“not functional”* illustrates that the primary driver for the configuration proposed is the operational requirements of the standard store and not the particular needs of Carlisle, nor the principles of good place making and urban design.

Page 16 of the DAS identifies the design solution preferred by the applicant. It notes

as an advantage that this solution “*provide(s an) iconic gateway feature on the key corner of the site, as outlined in the Urban Design Guide*”. As detailed above, neither the UD&PRF nor the PBSC suggest that an artwork accompanied by a petrol station is an appropriate design solution to this key corner site. The accompanying diagram clearly illustrates the negative townscape impact of this proposal, blowing open any sense of enclosure at the junction, and setting the development back behind a swathe of car parking. The artists’ impressions on p19, p36 and p37 also illustrate the negative impact on the streetscape which this proposal would create.

Additional points

The overall proposal will have a marked negative impact on the streetscape of Caldewgate. Its layout, scale and relationship to the street and its neighbours contravene the clear guidance set out in the UD&PRF and the PBSC. In addition to the points already raised, the proposed termination of Byron Street, currently a street of some townscape interest due to its historic basalt setts and the public house/industrial buildings flanking it, will result in dead-end of no apparent utility. This failure to integrate the store with existing highways and the creation of what will become an area for nuisance and anti social behaviour illustrates the general lack of sound design that characterises this proposal.

In addition the proposed landscape boundary to Bridge Street, with its low shrubs is not appropriate as an urban boundary. The Hornbeam proposed as boundary planting on this strip is unsuitably small when mature and will fail to create the sense of enclosure which the applicant presumably includes them for. No attempt is made to ameliorate the lack of built frontage by proposing similar tree planting on Bridge Lane/Willowholme Road (p36).

In conclusion, it is clear that the proposed demolition of existing frontage buildings to Bridge Street, and implementation of this proposal would have a wholly detrimental impact on the built environment and townscape of the Caldewgate/Shaddongate area. The proposed mitigation of this, in the form of boundary tree planting to Bridge Street, is wholly inadequate in compensating for the poor urban design which underpins this proposal. The two design guides relevant to this area – the UD&PRF and the PBSC clearly indicate the requirements for this important gateway, and show why this current proposal fails to deliver an appropriate solution on this site.

The Urban Designer recommended that the original scheme should be refused on design grounds.

In respect of the amended scheme, which includes the provision of a two storey building on the corner of Bridge Lane/Bridge Street and the relocation of the filling station, the Urban Designer made the following comments:

The applicant has made a limited attempt to address concerns raised over the lack of frontage by the provision of a two storey building on the corner of Bridge Street/Bridge Lane and by pulling the filling station and its retail unit closer to the Bridge Street boundary. Some additional tree planting has been added along with a boundary wall; however, the proposed units still represent only a small portion of the existing frontage that will be lost to demolition. Demolition of this frontage will have the adverse effect of removing the enclosure of the street provided by existing

buildings. The 150m set-back of the storefront will also expose the flank wall of the adjacent factory unit to fuller view. This is not compensated for by the provision of either sufficient new built-frontage or by the evident provision of sufficient on or off-site landscaping works. The Willowholme Road elevation remains bleak and is not adequately addressed through either the design of the store or via appropriate planting.

This is a gateway to Carlisle City Centre and, as set out in the adopted SPD that covers the area, a high design standard should be sought. The existing permission on a portion of this site for the four storey student residences was of a far higher standard and created an appropriate scale at this key junction. The current proposal does not make the best use of the opportunities afforded by this site.

This is an improvement of sorts over the initial design but the modest frontage proposed is still an inadequate replacement for the frontage lost.

Following deferral by Committee on 11th June, the applicants have revised a number of aspects of the submission. The Urban Designer has been consulted and now comments:

"In the light of Sainsbury's not being asked to reconsider the actual location of their store (the crux of my previous objections) the changes tabled are design improvements and as such are welcome. The strengthened landscaping provision within the store car park is particularly welcome. I would suggest though that conditions relation to the S106 / S278 for external landscaping to address the aspirations of the UDG&PRF/emerging SPD for the area are phrased so as to closely integrate the approved landscaping treatment (in particular to the Bridge St boundary) with external structural landscaping required";

Development Services Planning & Housing Services - Local Plans

(Conservation): in response to the original scheme submitted the Conservation Officer stated that this site currently consists of a number of buildings of modest architectural merit, but they are significant in that those which front onto Caldewgate provide definition to this part Carlisle's historic townscape. Their scale and appearance are traditional and the 19th century detailing that survives is of interest. Of greater significance, however, is the importance of these buildings in delineating an integral part of the setting of the City's most iconic and historic features, namely the medieval Castle and the City Wall. This is one of the most sensitive parts of the City Centre Conservation Area and to remove these buildings and replace them with a petrol filling station neither preserves nor enhances the Conservation Area or these important views into it.

The destruction of the solid, built-up, curved edge to this part of Caldewgate's townscape without an appropriate replacement building is contrary to all of the current advice that has been provided in the "Urban Design and Public Realm Framework". The filling station at the front of the site is quite intrusive, particularly with the very prominent Sainsbury Logo at high level. Equally prominent and intrusive are the unfortunate pillar hoardings presumably advertising fuel prices, etc. The true impact of these features is much diminished on the visualisations which apparently will be completely cloaked with very tall and dense planting.

The design of the actual store is also of great concern. It is essentially a tall and broad box lacking in any character or interest that would help to modify its impact in any location other than a modern industrial estate. It is clear that the developers consider the Willow Holme site to be so out of the way as to merit very little design intervention. This is not the case. The site is visible from within the City Centre Conservation Area and the Sainsbury's building will be visible from the Castle and the footpath at the foot of the Castle Wall. Some of it is obscured by existing buildings, but there are sufficient gaps for the store to have an adverse impact on the views out of the Conservation Area.

In conclusion, the proposal has ignored the Council's guidance for this site and with damaging consequences to the character of the City Centre Conservation Area, in particular views both into and out of the Conservation Area. The impact of the proposed development does not preserve or enhance the City Centre Conservation Area and the application should be refused.

In response to the amended plans submitted, which includes the provision of a two storey building on the corner of Bridge Lane/Bridge Street and the relocation of the filling station, the Conservation Officer stated that the very modest proposal for a building on the corner of Bridge Street and Bridge Lane fails to satisfy the need for a built up frontage along Bridge Street and the kiosk for the petrol filling station does not serve any valuable purpose in helping to create this effect.

The height of the large modern shed at the rear of the site, topped off with its illuminated signage, will still have an impact on views out of the Conservation Area and from the Castle walks. The intervening buildings are mostly two and three storeys, built of brick and/or stone, with traditional pitched roofs that are mostly slated. Their character, scale and materials blend well so that the greater part of the views from do little harm to the areas character and appearance. The height of these structures is such that the 11 metre high Sainsbury's shed and its 13 metre high Sainsbury's sign will be visible both over and between these buildings.

There are a couple of intrusive buildings in these views at present. One is on the McVities site which is mostly dark boarding and sheet material that helps to neutralise its impact. The other is a long view of the office block at the Infirmary. Despite these buildings it is not acceptable to introduce a further unsightly intrusion into an area that the Council is trying to improve and enhance as it develops its association with the World Heritage Site and the Hadrian's Wall Footpath through its Roman Gateway project. This aims to draw walkers and visitors from the footpath itself into the City and Tullie House in particular. This is very likely to increase the numbers of people who use the Castle walks and who will be able to view this modern store. In view of this and the other points raised above the careful improvement of areas adjacent to the Path becomes a significant issue, not only through renovation but also by carefully considering new development proposals and, where appropriate, seeking better siting, designs and materials. In the Conservation Officer's opinion the applicant has failed to do this and the proposal is unacceptable.

Members will be aware that further revised plans have been submitted which omit

the “sky sign” and alter the access arrangements, which includes the repositioning of the filling station; however, these changes do not alter the fundamental concerns of the Conservation Officer who is of the opinion that the scheme remains unacceptable;

Since consideration by the Committee on 11th June, the proposals have been revised and the Conservation Officer was asked for his comments on the amendments. His comments are:

"Thank you for giving me the opportunity to see the revised proposals which do alleviate the drabness of the original proposal. They do not, however, address any of the other objections I have raised previously";

Conservation Area Advisory Committee: in response to the original scheme submitted the Committee commented that it was aware that the Council had set out its aspirations for the improvement of the approaches to the City in the Development Framework and Movement Strategy. More detail was contained in the Council's “Urban Design and Public Realm Framework” SPD and it was apparent that this advice had been ignored by the applicant. The submitted proposal with a filling station on the frontage and a large, ugly, box-like shed at the back of the site may have taken the industrial units on Willow Holme as the basis for their design. Unfortunately the development does have an impact on the setting of City Centre Conservation Area. The unsympathetic scheme has a detrimental effect on the setting of the Castle and its Walls and it neither preserves nor enhances these areas.

The Committee were aware that in other areas where conservation issues were important the applicant had made considerable efforts to make its proposals sympathetic and the fact that no similar attempt had been made here was an insult to the City. The Committee had no objections to the type of proposal but were deeply concerned about the form of the development, its lack of sympathy and a complete lack of imagination.

The Conservation Area Advisory Committee reiterated its concerns in respect of the amended plans that proposed the provision of a two storey building on the corner of Bridge Lane/Bridge Street and the relocation of the filling station. In doing so it stated that the applicant needs to consider the importance of the site and enter into discussions as to why it cannot follow the Council's vision for Caldewgate, as expressed in the Design Guide. The Conservation Area Advisory Committee stated that this amendment does not go anywhere near the requirements of the Council and remains unacceptable.

Following the revisions to the scheme, as a consequence of the modifications to the access arrangements, the Advisory Committee has commented that the two buildings [the petrol filling station and office/retail units] look lost and are completely out of context. The actual store, despite the removal of the sky sign, is still a very large shed of little or no quality;

Environment Agency (N Area (+ Waste Disp)): advice is provided in relation to

four distinct aspects of the development:

Development and Flood Risk

The site is located within Flood Zone 3 as defined in Table D.1 of Planning Policy Statement 25: Development and Flood Risk (PPS25). The area flooded to a significant depth during the January 2005 Flood Event.

With reference to the Agency's Flood Zone Mapping the site is currently mapped as situated in an area at high risk from fluvial flooding which shows the extent of floods with a 1% annual probability of occurrence. On completion of the Carlisle and Caldew Flood Alleviation Scheme the site will lie in an Area Benefiting from Defences (ABD)

The proposal to create a supermarket is classified as “less vulnerable” as defined in Table D.2 of PPS25. Table D.1 of PPS25 recommends that for planning applications within a high risk flood zone, a Flood Risk Assessment (FRA) appropriate to the scale and nature of the development, should be provided by the applicant.

The Agency has been involved in the discussion and provision of information to the applicant's consulting Engineers, Hadfield Cawkwell Davidson. The Agency had a pre-application review of the FRA submitted with planning application and fed a number of minor comments back prior to the application being made. Unfortunately, there has been insufficient time for consideration of these comments to be incorporated in a revised FRA. Notwithstanding these omissions, the FRA has been produced in accordance with the current guidance and seeks to address the main areas of concern.

The Agency's main concern is in relation to the setting of finished floor levels considering that historic flood levels have been recorded at the site, which were approximately 2.30m above ground level at the proposed store location. As finished floor levels are proposed to be set at 13m AOD this relates to 1.85m of flooding had the store been constructed and subject to the January 2005 flood event.

The FRA has considered risk associated with breach and overtopping in line with current DEFRA/ Environment Agency “Flood Risk Assessment Guidance for New Development” (FD2320/TR2), October 2005, adopting the “Intermediate Approach” to breach and overtopping analysis.

The FRA places focus on the risk receptors to flooding i.e. customers, rather than the proposed building, which should be further detailed through the production of a Flood Action Plan. In setting Finished Floor Levels at 13m AOD, the applicant should be fully aware of the potential flood risk and frequency. The applicant should be satisfied that the impact of any flooding will not adversely affect their proposals.

The proposed development will only be acceptable if the measures as detailed in the Flood Risk Assessment, which was submitted with this application are implemented and secured by way of a planning condition on any planning permission.

Recreation and Biodiversity

This proposal may require an assessment under the Habitats Regulations because of the potential risks to the ecology of the River Caldew, which is part of the River Eden Special Area of Conservation (SAC) - as the confluence of the Little Caldew and River Caldew (part of the SAC) is only a very short distance downstream of this development.

Contaminated Land

Site investigations are recommended prior to construction taking place rather than during construction stage to enable appropriate risk assessment of contaminants of concern (if any) and remediation of soils and or groundwater.

The Environment Agency considers that planning permission should only be granted for the proposed development if a planning condition is imposed requiring further investigation into the nature and extent of potential contaminants within the site boundaries, together with the proposed remediation scheme and timetable should any contaminants be identified.

Environment Management

In England, it is a legal requirement to have a site waste management plan (SWMP) for all new construction projects worth more than £300,000. The level of detail that the SWMP should contain depends on the estimated build cost, excluding VAT. Developers must still comply with the duty of care for waste. Because of the need to record all waste movements in one document, having a SWMP will help to ensure compliance with the duty of care. If any waste is to be used on site, the applicant will be required to obtain the appropriate exemption or authorisation from the Environment Agency.

All surface water drainage should be fitted with oil interceptors.

United Utilities: no objection, in principle, provided that the site is drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway/watercourse/surface water sewer and may require the consent of the Environment Agency. If surface water is allowed to be discharged to the public surface water sewerage system United Utilities may require the flow to be attenuated to a maximum discharge rate determined by United Utilities. All surface water drains must have adequate oil interceptors.

There are two combined sewers that cross the site. United Utilities would require the diversion works to be completed prior to the constructed of the foodstore.

Discharges from the yard storage areas, vehicles washing areas, loading/unloading area and any other areas likely to be contaminated by spillage should be connected to the foul sewer. They may be regarded as trade effluents and may require the formal consent of United Utilities. If this proposal results in a trade effluent discharge to a public sewer, the applicant may need Trade Effluent Consent;

Cumbria County Council - (Archaeological Services): the Environmental

Statement identifies that the site lies in an area of high archaeological potential. Caldewgate was a medieval suburb of Carlisle and documentary records suggest that the medieval Holy Trinity Church was located nearby. Workmen uncovered graves in Bridge Street that were possibly from the cemetery of the church in the 1950's. Furthermore a recent archaeological investigation on the opposite side of Bridge Street revealed important remains dating back to the Roman and medieval periods. It is therefore likely that significant archaeological remains survive below ground and that these would be damaged or destroyed by the proposed development.

It is recommended that an archaeological evaluation, and where necessary, a scheme of archaeological recording of the site is undertaken in advance of the development. This programme of work can be secured through the imposition of two planning conditions;

Environmental Services - Food, Health & Safety: no comments received;

Environmental Services - Environmental Quality: advice is provided in relation to two distinct aspects of the development:

Air Quality

Whilst the report has several shortcomings it is considered that the magnitude and impact of the development on air quality using the descriptors suggested in the National Society for Clean Air guidance document "Update of Development Control - Planning for Air Quality" is likely to be "very small" and "slight adverse".

On this basis the Environmental Quality Section does not have any objections to this application.

Noise

A development such as this has the potential to adversely impact upon those living near to the site, particularly with regard to noise. The Environmental Protection Services Officer concurs with the applicant's noise consultants in that the potential impact upon the residents of the nearby properties is not significant and can be mitigated against through the imposition of appropriate planning conditions;

Development Services Planning & Housing Services - Local Plans (Trees):

this proposal seeks to develop an area of land that at present is somewhat derelict. The site is close to the City Centre, and adjacent one of the main routes into and out of Carlisle. The opportunity arises to improve this area considerably and in so doing enhance the overall character of the area.

A detailed landscaping scheme should be submitted and agreed, in writing, with the Local Authority prior to a decision being made. This will ensure that the landscaping of the site is not a secondary consideration but considered as a part of the process as a whole.

The majority of the trees/vegetation on the site will be cleared to implement the

development. It is note that the majority of the trees are categorised as B and the loss of these trees/vegetation must be compensated for.

The indicative landscaping shown on the various drawings is inadequate and any detailed scheme must considerably improve on this. The main areas of concern are the frontage onto Bridge Street, the boundary with Bridge Lane/Willow Holme Road, and the car park.

Trees that are to be retained during development must be protected by suitable barriers to the specification set out in BS 5837 Figure 2. The location of protection barriers and their specification must be agreed by the Local Planning Authority, in writing, prior to commencement of any works on site. The barriers must be erected prior to commencement on site and maintained at all times;

Natural England: advice is provided in relation to two distinct aspects of the development:

Designated Conservation Sites

The application site is approximately 35m away from the Little Caldew and less than 1km away from the Caldew. The Caldew is part of the River Eden and Tributaries Site of Special Scientific Interest (SSSI) and River Eden Special Area of Conservation (SAC).

The location of the proposal in relation to this European Site means that the application must be determined in accordance with the requirements of the Habitat Regulations. Part I B of *ODPM Circular 06/2005 - Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System* describes the procedure for the consideration of plans and projects that may affect European and Ramsar sites.

Natural England agree with the applicant's agents that, in this instance, the overall risk to the River Caldew is not sufficient to require submission of the site investigation report prior to determining the application.

Natural England has requested that it is consulted again when the site investigation has been carried out and that Carlisle City Council build the necessary safeguards into planning permission [should it be granted] to ensure full consideration of this issue. Natural England recommends that this advice be recorded in the relevant section of the "Assessment of Likely Significant Effect"; however, this exercise would only be undertaken if the Council is minded to approve the application.

Protected Species/General Ecology

Natural England notes that three further bat surveys were carried out in May, June and July of this year and that a bat roost was confirmed in one of the buildings. As highlighted in the mitigation section of the bat report a European Protected Species Development Licence will be required before the building in question is demolished.

It is also proposed that a replacement structure be erected specifically for bats and

that this will be monitored for two years post construction. Natural England supports the suggestion that the mitigation measures outlined in bat report should be secured through either planning conditions or a Section 106 Agreement;

Cumbria County Council - Transport and Spatial Planning: the Development Control and Regulation Committee resolved that:

- No objection is raised to the application, subject to all the transport & highways issues identified in the Category 1 report (dated 27th October 2009) and Addendum be satisfactorily addressed in accordance with Cumbria and Lake District Joint Structure Plan Policies T30 and T31 and Local Transport Plan Policies LD4, LD7, LD8, C1 and C3.

The Development Control and Regulation Committee considered that in weighing up the merits of the application, Carlisle City Council should take account of the opportunity for wider retail choice, the apparent lack of impact on the existing District Centres in the Carlisle area and the potential regeneration/community benefits that could result from the development. Together these could indicate a significant material planning consideration to support the development in accordance with Planning Policy Statement (PPS) 6 "Planning for Town Centre" [Members should be mindful that since the County Council provided its response PPS6 has been replaced by Planning Policy Statement 4 "Planning for Sustainable Economic Growth"].

Should Carlisle City Council be minded to approve the development:

- a Section 106 agreement should be drawn up to ensure delivery of all the stated employment and regeneration benefits;
- the conditions set out in Annex 1 of the County Council's response should be applied to the approval to deal with the archaeological interests on the site; and
- Carlisle City Council should ensure that the potential issues of flood risk are satisfactorily addressed by this application, having taken advice from the Environment Agency and United Utilities.

The Transport and Spatial Planning Highway Team has provided a separate consultation response, which takes into account a supplementary report to the Transport Assessment provided by the applicant's transport consultants, Savell Bird & Axon.

In summary, it identifies that all outstanding highway issues have been satisfactorily addressed. The Highway Authority has no objection to the proposed development subject to agreement being reached with regards to the level of contribution for the Caldew Cycleway link and the imposition of seven highway related planning conditions.

In addition to these conditions a s106 agreement is required to cover the following elements:

- A financial contribution (exact amount to be agreed) in respect of a specific

- section of Caldew Cycleway to link into cycle provision on Castle Way.
- £48,000 in respect of traffic calming measures on Rigg Street and Broadguards.
- £6,125 to cover associated staff time relating to ongoing monitoring and review of the Travel Plan.
- £40,000 in respect of providing an access to the development via Bridge Lane if required at a future date.
- £165,000 to enable highway improvements to the A595 Church Street / Morton Street / A595 Wigton Road / B5307 Caldcotes roundabout.

Community Services - Drainage Engineer: the applicant indicates disposal of foul sewage to the mains (public) sewer, which is acceptable.

The applicant indicates disposal of surface water to the mains (public) sewer on their application form. However, in the drainage statement, appendix 4.2, the applicant does discuss that further investigations in to sustainable methods will be made first of all. Every effort should be made to investigate sustainable methods before surface water is discharged to the public sewer.

The proposed site is located within a flood risk area and, as such, the applicant has consulted with the Environment Agency to develop their Flood Risk Assessment.

Public sewers run across this site and the applicant should contact United Utilities for further advice;

Development Services Planning & Housing Services - Access Officer: has highlighted the following issues:

- The location of toilets are noted within the store but as yet there is no detail;
- Adapted trolleys for wheelchair users should be provided;
- Care should be given to colour contrast, lighting and fire alarm provision; and
- Any alarms within disabled toilets should be linked to a permanently staffed area.

Policy CP15 of the Carlisle District Local Plan 2001-2016 should be complied with as well as Approved Document M. Guidance is available within BS8300/2009. The applicants should be aware of their duties within the Disability Discrimination Act;

Cumbria Constabulary - Crime Prevention: no objections;

Cumbria Fire Service: once occupied the building will be subject to the requirements of the Regulatory Reform (Fire Safety) Order 2005;

Development Services Planning & Housing Services - Building Control: no comments received;

Government Office for the North West: acknowledged receipt of the application;

Northern Gas Networks: no objections.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
26 Skiddaw Road	07/07/09	
42a Bridge Street	07/07/09	
Unwin Jones Partnership	07/07/09	
2 Little's Court	07/07/09	Undelivered
3 Little's Court	07/07/09	Undelivered
4 Little's Court	07/07/09	Undelivered
Joiners Arms	07/07/09	Petition For
1 Little's Court	07/07/09	Undelivered
2 Bridge Lane	07/07/09	Support
1 Willowbank Apartments	07/07/09	
Kawasaki	07/07/09	
2 Willowbank Apartments	07/07/09	
3 Willowbank Apartments	07/07/09	Support
30 Bridge Street	07/07/09	Undelivered
4 Willowbank Apartments	07/07/09	
30a Bridge Street	07/07/09	Undelivered
5 Willowbank Apartments	07/07/09	
36 Bridge Street	07/07/09	
6 Willowbank Apartments	07/07/09	
7 Willowbank Apartments	07/07/09	
8 Willowbank Apartments	07/07/09	
9 Willowbank Apartments	07/07/09	
38 Bridge Street	07/07/09	
10 Willowbank Apartments	07/07/09	
11 Willowbank Apartments	07/07/09	
12 Willowbank Apartments	07/07/09	
13 Willowbank Apartments	07/07/09	
40 Bridge Street	07/07/09	
14 Willowbank Apartments	07/07/09	
15 Willowbank Apartments	07/07/09	
16 Willowbank Apartments	07/07/09	
17 Willowbank Apartments	07/07/09	
42 Bridge Street	07/07/09	
18 Willowbank Apartments	07/07/09	
19 Willowbank Apartments	07/07/09	
20 Willowbank Apartments	07/07/09	
21 Willowbank Apartments	07/07/09	
22 Willowbank Apartments	07/07/09	
23 Willowbank Apartments	07/07/09	
	07/07/09	Support

24 Willowbank Apartments		
25 Willowbank Apartments	07/07/09	
Willowbank Apartments	07/07/09	Support
27 Willowbank Apartments	07/07/09	
3 Willow Court	07/07/09	
4 Willow Court	07/07/09	
10 Willow Court	07/07/09	
5 Willow Court	07/07/09	
11 Willow Court	07/07/09	
12 Willow Court	07/07/09	
13 Willow Court	07/07/09	
6 Willow Court	07/07/09	
14 Willow Court	07/07/09	
28 Willowbank Apartments	07/07/09	
15 Willow Court	07/07/09	
29 Willowbank Apartments	07/07/09	
Alexandra Saw Mills	07/07/09	
7 Willow Court	07/07/09	
Electrolux Ltd	07/07/09	Undelivered
David Hayton	07/07/09	
1 Willow Court	07/07/09	
McVities	07/07/09	Support
2 Willow Court	07/07/09	
8 Willow Court	07/07/09	
9 Willow Court	07/07/09	
Stagecoach	07/07/09	
Curry Master	07/07/09	
25 John Street	07/07/09	
27 John Street	07/07/09	
29 John Street	07/07/09	
U Student	07/07/09	
11 John Street	07/07/09	
13 John Street	07/07/09	
15 John Street	07/07/09	Undelivered
John Street Hostel	07/07/09	
Allied Carpets	07/07/09	
Brewmasters House	07/07/09	
Old Brewery House	07/07/09	
Unit 2	07/07/09	
Jacksons	07/07/09	
Speediserve Building	07/07/09	Undelivered
Unit 4	07/07/09	
BK Screenprint	07/07/09	
Eden Community Church	07/07/09	
J & F Car Sales Ltd	07/07/09	
1 Caldew Maltings	07/07/09	
2 Caldew Maltings	07/07/09	
3 Caldew Maltings	07/07/09	
4 Caldew Maltings	07/07/09	Support
5 Caldew Maltings	07/07/09	
6 Caldew Maltings	07/07/09	
7 Caldew Maltings	07/07/09	
8 Caldew Maltings	07/07/09	
9 Caldew Maltings	07/07/09	
10 Caldew Maltings	07/07/09	
11 Caldew Maltings	07/07/09	
12 Caldew Maltings	07/07/09	
13 Caldew Maltings	07/07/09	Support

14 Caldew Maltings		
15 Caldew Maltings	07/07/09	
16 Caldew Maltings	07/07/09	
17 Caldew Maltings	07/07/09	
18 Caldew Maltings	07/07/09	
19 Caldew Maltings	07/07/09	
20 Caldew Maltings	07/07/09	Objection
21 Caldew Maltings	07/07/09	
22 Caldew Maltings	07/07/09	
23 Caldew Maltings	07/07/09	Support
24 Caldew Maltings	07/07/09	
25 Caldew Maltings	07/07/09	
26 Caldew Maltings	07/07/09	
27 Caldew Maltings	07/07/09	Support
28 Caldew Maltings	07/07/09	Support
29 Caldew Maltings	07/07/09	
30 Caldew Maltings	07/07/09	
31 Caldew Maltings	07/07/09	Support
32 Caldew Maltings	07/07/09	
33 Caldew Maltings	07/07/09	
34 Caldew Maltings	07/07/09	
35 Caldew Maltings	07/07/09	Comment Only
36 Caldew Maltings	07/07/09	
37 Caldew Maltings	07/07/09	
38 Caldew Maltings	07/07/09	
39 Caldew Maltings	07/07/09	
40 Caldew Maltings	07/07/09	
41 Caldew Maltings	07/07/09	Support
42 Caldew Maltings	07/07/09	
43 Caldew Maltings	07/07/09	
44 Caldew Maltings	07/07/09	
45 Caldew Maltings	07/07/09	
46 Caldew Maltings	07/07/09	
47 Caldew Maltings	07/07/09	
48 Caldew Maltings	07/07/09	
49 Caldew Maltings	07/07/09	
50 Caldew Maltings	07/07/09	
51 Caldew Maltings	07/07/09	
52 Caldew Maltings	07/07/09	
53 Caldew Maltings	07/07/09	
54 Caldew Maltings	07/07/09	
55 Caldew Maltings	07/07/09	
56 Caldew Maltings	07/07/09	
57 Caldew Maltings	07/07/09	
58 Caldew Maltings	07/07/09	
59 Caldew Maltings	07/07/09	
60 Caldew Maltings	07/07/09	Support
61 Caldew Maltings	07/07/09	
62 Caldew Maltings	07/07/09	
63 Caldew Maltings	07/07/09	
64 Caldew Maltings	07/07/09	
65 Caldew Maltings	07/07/09	
66 Caldew Maltings	07/07/09	
Church Street	07/07/09	
Church Street	07/07/09	
The Lodge	07/07/09	
Alexandra House	07/07/09	
Willowholme Industrial Estate	07/07/09	
Willowholme Industrial Estate	07/07/09	Undelivered
Willowholme Industrial Estate	07/07/09	

Tarmac, Willowholme Industrial Estate	07/07/09	
Auto Recoveries, Millrace Road	07/07/09	
Autovorks, Millrace Road	07/07/09	
Staceys Coaches, Millrace Road	07/07/09	
W.M Joinery, Millrace Road	07/07/09	
Eyre & Elliston, Millrace Road	07/07/09	
J & J Nichol, Willowholme Road	07/07/09	
Osborne Earl, Willowholme Road	07/07/09	
Hanson Carlisle, Willowholme Road	07/07/09	
Aplant Lux, Willowholme Road	07/07/09	
Brown Brothers, Willowholme Road	07/07/09	
BT Carlisle TEC, Willowholme Road	07/07/09	
Winters Caravans, Stephenson Industrial Estate	07/07/09	
Wallace Oils Ltd, Stephenson Industrial Estate	07/07/09	
United Utilities Wastewater Treatment Carlisle	07/07/09	
Bardon Concrete, Stephenson Industrial Estate	07/07/09	
Cemex, Stephenson Industrial Estate	07/07/09	
Alco Waste Recycling Group, Stephenson Industrial Estate	07/07/09	
The Manager, Old Brewery Residences	07/07/09	
The Manger, Hopping House	07/07/09	
Maltmill House	07/07/09	
Tun House	07/07/09	
Savills, Fountain Court	07/07/09	Objection
Belle Vue		
1 The Barrel House		Support
Dolph Limited, 277 Newtown Road		Support
69 Granville Road		Comment Only
90 Moor Park Avenue		Support
18 Hanson Place		Support
18 Hanson Place		Support
42 Morrhouse Road		Support
28 Coledale Meadows		Support
7 Buttermere Close		Support
31 Harvey Street		Support
46 Holmrook Road		Support
18 Kirkstead Close		Support
46 Dunmallet Rigg		Support
79 Nelson Street		Petition For
11 Whinlatter Way		Support
226 Chesterholm		Support
30 Cumberland Court		Support
Swanrigg		Support
127 Moorhouse Road		Support
13 Derwent Street		Comment Only
		Comment Only
91 Dobinson Road		Support
3 Chatsworth Square		Comment Only
Stable House		Support
6 Mackies Drive		Support
2 Clarence Street		Support
11 Burnsall Close		Support
11 Dunmail Drive		Support
10 Parham Grove		Comment Only
16 Balfour Road		Support
Fountain Court		Objection
Lidl UK GmbH, Moordale Road		Objection
29 Richardson Street		Support
7 Bishops Close		Comment Only
Peacock & Smith Limited, Suite 9C		Objection
25 Ruthella Street		Support

20 Yewdale Road	Support
81 Burnrigg	Support
10 Berkeley Grange	Support
99 Holmrook Road	Support
36 Wilson Street	Support
41 Criffel Road	Support
22 Sheehan Gardens	Comment Only
7 Inglewood Road	Support
4 Lowry Close	Support
4 Lewis Court	Support
33 Chesterholm	Support
35 Lawson Street	Support
20 Coledale Meadows	Support
126 Denton Street	Support
13 Morton Street	Support
6 Mackies Drive	Support
53 Berkeley Grange	Support
13 Pennine Way	Support
186 Dalston Road	Support
184 Dalston Road	Support
7 Westmorland Court	Objection
138 Dalston Road	Support
6 Graham Street	Support
13 Home Terrace	Support
12 Shap Grove	Support
9 Palmer Road	Support
115 Green Lane	Support
5 Garfield Street	Support
9 Coalfell Avenue	Undelivered
9 Clift Street	Support
9 Caldbeck Road	Support
Mrs Whyte, Scotch Firs	Support
22 Troutbeck Drive	Support
28 Criffel Road	Support
22 Silloth Street	Support
57 Castlesteads Drive	Support
37 Ruthella Street	Support
30 Criffel Road	Support
18 Morton Street	Support
162 Wigton Road	Support
13 Coledale Meadows	Support
61 Oxford Street	Objection
248 Chesterholm	Support
134 Newtown Road	Support
27 St Edmunds Park	Support
Brownmoor House	Support
Shanes Court	Support
104 Housesteads Road	Petition For
Milton Cottage	Support
The Stables	Petition For
Aronville	Support
15 Wentworth Drive	Support
95 Green Lane	Support
3 Chatsworth Square	Support
9 Beaver Road	Support
Chapel House	Support
1 Kirkstead Close	Support
69 Coledale Meadows	Support
55 Criffel Road	Support
93 Burgh Road	Support
129 Dalston Road	Support

2 Lazonby Row	Support
63 Ashley Street	Support
56 St James Road	Support
18 Weardale Road	Support
219 Green Lane	Support
55 Eden Park Crescent	Support
Dalston	Support
265 Wigton Road	Support
Roewath	Support
35 Borrowdale Road	Support
27 Fairfield Gardens	Support
Pathways	Support
86 Whernside	Support
7 Fellside Grove	Support
Burgh by Sands	Support
Castle	Support
259 Green Lane	Comment Only
1 Osprey Close	Support
54 Inglewood Crescent	Support
3 The Barrel House	Support
42 Eden Park Crescent	Support
Nook Street	Support
58 Burgh Road	Support
1 Castlesteads Drive	Support
Bourne House	Comment Only
8 Langsale Avenue	Support
16 Holme Head Way	Objection
1 Whitegate Cottage	Objection
10 Knowfield Avenue	Objection
Castleway Motors, Church Street	Support
149 Denton Street	Comment Only
39 Greenacres	Comment Only
37 Carlisle Road	Comment Only
21 Birchdale Road	Support
17 Nook Lane Close	Comment Only
7 Shap Grove	Support
25 Stainton Road	Support
Yew Tree Cottage Barn	Support
89 Scotland Road	Support
26 Kendal Street	Support
219 Wigton Road	Support
Green park	Comment Only
16 Silloth Street	Support
30 Moorpark Avenue	Support
21 Conisburgh Court	Support
	Support
	Support
27 Hawick Street	Support
25 Gosforth Road	Support
Hawthorns	Support
6 Langdale Avenue	Support
	Support
111 Holmrook Road	Support
2 Troutbeck Drive	Support
3 The Old Cornmill	Support
45 Bassenthwaite Street	Support
201 Holmrook Road	Support
33 Beverley Rise	Support
7 Beaver Road	Support
39 Hawick Street	Support

The Exchange	Objection
152 Green Lane	Support
218 Newtown Road	Support
18 Ash Lea	Support
67 Norfolk Street	Support
23 Freer Street	Support
37 Orton Road	Support
2 Bridge Terrace	Objection
24 Oswald Street	Support
24 Dunmail Drive	Support
87 Langrigg Road	Support
68 Langrigg Road	Support
56 Milbourne Street	Support
28 Milbourne Court	Support

Summary of Representations

- 3.1 This application has been advertised by means of site and press notices as well as notification letters sent to one hundred and eighty neighbouring properties. In response one hundred and fifty eight letters of support have been received, together with two petitions, both in favour of the development, signed by 116 and 327 people. In contrast, twelve letters of objection have been received along with fifteen further letters that offer comments on the application.
- 3.2 The letters of support highlight the following issues.
1. At present the other large superstores are located to the north and east of the City and are not easily accessible by public transport. The provision of a store to serve the West quadrant, which is well served by public transport, will reduce cross-city travel;
 2. This is a substantial development which will create employment and be beneficial to this area. It will increase investment and have spin-off benefits for local businesses;
 3. The site is preferable to the Council's allocated site for a new foodstore at Morton, which is less accessible by public transport;
 4. The provision of a "Sainsbury's" superstore will increase competition and provide a high quality food retailer;
 5. The concerns raised regarding the design of the store are unfounded, particularly given the current appearance of the site and the fact that it will be seen against the backdrop of the McVities factory and other commercial buildings;
 6. The current appearance of the site is more harmful to the historic environment than the proposed development;

7. The store is well related to a number of residential properties in the immediate vicinity, as well as two large employers (McVities and Carlisle Hospital);

3.3 The grounds of objection/comments are summarised as;

1. The potential increase in traffic could result in further traffic jams, which could hinder the progress of ambulances attending emergencies;
2. There are concerns that the potential traffic generated could adversely affect the living conditions of neighbouring residents and create increased air pollution;
3. The alterations to the highway network, including the provision of additional traffic lights, will increase congestion in this area at peak times;
4. The potential increase in traffic is such that the development should only be allowed to go ahead if the developer is prepared to contribute towards the “Connect 2” link, which would be to the benefit of cyclists and pedestrians, including those who use mobility vehicles. Without the provision of such a link the increase in traffic levels would be detrimental to cyclists;
5. The development lacks a strong street frontage, which will be detrimental to the appearance of the area and detract from views towards the Castle. The design of the store is also unacceptable and the loss of the historic buildings is significant;
6. Appropriate landscaping should be provided to mitigate the visual impact of the car park;
7. The proposal is contrary to the objectives of the Development Plan and the draft development brief for the Shaddongate/Caldewgate area;
8. The introduction of another large retailer will have a detrimental impact upon the smaller, “family owned”, shops who will be unable to compete. This, in turn, may result in the loss of jobs;
9. The proposal fails the test of need and sequential approach outlined in PPS6 on the basis that:
 - The applicant has failed to demonstrate that there is sufficient convenience goods expenditure capacity to support the proposed floorspace;
 - There are significant weaknesses in the methodological approach adopted for the quantitative need assessment;
 - There are no significant qualitative considerations that outweigh the absence of quantitative need; and
 - There is a sequentially preferable site at Morton, which is suitable, available and viable to accommodate the proposed development;

[Members are reminded that PPS6 has since superseded by PPS4 “Planning for Sustainable Economic Growth”]

10. The original Planning and Retail Assessment has not accurately forecast the impact of the proposed foodstore on existing convenience facilities and has not given full consideration to the likely impact upon existing centres to the west of the City;
 11. The development would have an adverse impact upon the implementation of the Local Plan by prejudicing the development of the allocated District Centre at Morton;
 12. The application fails to satisfy the sequential approach set out in PPS4 and is contrary to the development plan;
 13. The Transport Assessment is not sufficiently robust, nor is its methodology appropriate, to demonstrate that the highway issues have been overcome;
 14. Two planning applications have been submitted to enable part of St. Nicholas Gate Retail Park to be used as a retail foodstore. The applicant's agent has stated that these sites are sequentially preferable to the Caldewgate site and that the location of a foodstore at St. Nicholas Gate would have less impact upon the proposed District Centre at Morton.
- 3.4 Eric Martlew (the City's former MP) has commented on the application. In doing so he has highlighted that whilst he initially had reservations regarding the layout and design, especially with regard to the treatment of the Bridge Street/Bridge Lane corner, the amended plans, with buildings fronting onto Caldewgate, are much improved. Mr Martlew expressed reservations regarding the traffic related issues but is of the opinion that these can be ironed out to the satisfaction of the Highway Authority. Assuming that this is the case Mr Martlew commented that he can see no reason why the City Council should not approve the application.
- 3.5 County Councillor Ian Stockdale has twice written in favour of the proposal on behalf of his constituents of the Belle Vue Division of the County Council, many of whom have expressed their support for the development. Cllr Stockdale believes that the west of the City has been a denied reasonable access to a superstore for too long, with the other larger stores located to the north and east of the City. Cllr Stockdale feels that the development offers substantial benefits in terms of regenerating a run-down area, increased employment, proven community support and benefits, as well as the opportunity to redress the traffic problems in this area. Cllr Stockdale believes that the proposal complies with the Government national retail guidance outlined within PPS4 and that the application will not prejudice the delivery of a food store at Morton. He also believes that the site is well related to the City Centre and that it has good public transport links.

- 3.6 Councillor Trevor Allison has also provided a comprehensive and balanced letter of support for the application, both as a City Councillor for the Dalston Ward and as County Councillor for the Dalston and Cummersdale Division. Councillor Allison has commented that his correspondence is provided on behalf of the residents that he represents.
- 3.7 In summary, Councillor Allison supports the proposal and recognises the weight of public opinion in favour of the application, together with the economic and regenerative benefits the scheme could offer in enhancing the Western gateway into the City. Notwithstanding the above, Councillor Allison has expressed some reservations regarding the lack of connectivity via public transport to some areas including Dalston, Denton Holme, Currock and Botchergate.
- 3.8 Councillor Allison also comments that, in his view, this current application is inexorably linked to the Council's anticipated application for a superstore at Morton, Tesco's extant permission at Viaduct Estate Road (VER) and the University of Cumbria's aspirations to relocate to the VER site. Due to the interrelationship between these distinct proposals Councillor Allison believes that the determination of this application and the Council's own anticipated application for Morton, which has yet to be submitted, should be deferred until the University publish its revised business plan in February 2010.

Members should be aware that Cllr Allison's reference to the University's plans was provided before it was alleged in the local press that the University was in financial difficulty and that its relocation to Caldew Riverside had been postponed for the foreseeable future.

- 3.9 A letter of support has also been received from Burgh by Sands Parish Council, principally on the basis that the application site is on the bus route into the City from the west and the rural area beyond. The Parish Council has also commented that the location of the store would support Carlisle's student population, many of whom are resident in the immediate vicinity, and that any perceived problems as a consequence of traffic generation would be alleviated by the Western Bypass.

4. Planning History

- 4.1 The application site includes a number of premises that are used for commercial, industrial and retailing activities. Many of these premises have been there historically and, therefore, there is no specific planning history relating to these businesses. There are, however, a number of more recent applications to development parts of the application site.
- 4.2 In 1998 planning permission was granted for the demolition of existing car showroom at 2-6 Church Street to enable the erection of new vehicle showroom and "Express Fit" centre, together with internal alterations to existing workshops (Application 98/0614).

- 4.3 In 2001 planning permission was granted for the change of use of the former “Scotby Cycles” premises on Bridge Street to enable it to be used for commercial plant hire and storage (Application 01/0209).
- 4.4 In 2003 a revision to the layout of the vehicle showroom/workshop approved under application 98/0614 was granted (Application 03/0302).
- 4.5 In 2004 “Full” planning permission was granted for the erection of thirty apartments on land to the rear of the former Hewden Hire Depot, 24-28 Bridge Street (Application 04/0717).
- 4.6 In 2005 “Outline” planning permission was refused for the demolition of garage and showroom at 2-6 Church Street to enable the erection of seventy residential units (Application 04/0755).
- 4.7 In 2006 a revised scheme was approved for the erection of thirty apartments to the rear of the former Hewden Hire Depot, 24-28 Bridge Street. (Application 06/0003).
- 4.8 In 2006 planning permission was refused for the redevelopment of the land at 24-28 Bridge Lane, including the former hostel at 1 Bridge Street, and their replacement with a four and a half storey building to provide student accommodation (Application 06/0845). The proposal comprised 96 bedrooms and 7 studios apartments, with associated car parking. The applicant’s successfully appealed against the decision, which was allowed by the Planning Inspectorate in June 2007.

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 This application was deferred at the last meeting of this Committee to enable Officers to secure revisions to certain aspects of the design, layout and finishes; to seek further clarification of pedestrian access arrangements to connect with public transport serving the site; and to establish the applicants proposals in relation to energy efficiency technologies to be incorporated in the proposed store. The applicants' response to these matters is set out in paras 5.155 to 5.176 of this Report. Members also instructed Officers to provide full details of proposed planning conditions that were recommended if planning permission is granted: these follow the recommendation at the conclusion of this Report
- 5.2 It will be recalled that the application seeks “Full” planning permission for the erection of a retail foodstore, petrol filling station, ancillary development and car parking on land at the junction of Bridge Street and Bridge Lane.
- 5.3 The application site is located 500 metres to the northwest of the City Centre and covers approximately 2.9 hectares. It occupies the road frontage from the junction of Bridge Street with Bridge Lane and extends 100 metres westwards

to Byron Street, which is adjacent to the Joiners Arms Public House. The site extends 270 metres northwards along Willowholme Road and measures 140 metres at its widest point.

- 5.4 By definition the land is “brownfield” and it is occupied by a range of buildings that are used for commercial, industrial and retailing activities. Previously there were residential properties on part of the site [corner of Bridge Lane/Bridge Street and at Willowholme Gardens]. These were demolished following the floods in January 2005.
- 5.5 With the exception of the BT Depot, the land to the east of the site is predominantly in residential use and occupied by apartment buildings and student Halls of Residence that are typically four storeys in height. To the north of the BT depot is a residential caravan site, which is occupied by showmen's families associated with the travelling fair.
- 5.6 Immediately to the north of the site is Willowholme Recreation Field, beyond which is the remainder of Willowholme Industrial Estate. To the west of the site, on the opposite side of Byron Street, lies McVities Factory which occupies the full length of the western boundary of the application site. Immediately to the south, across Bridge Street, is an area with a mix of uses including some retail units, a hot food takeaway, the vacant site of the former “Esso” filling station and a car sales pitch.
- 5.7 On the Proposals Map that accompanies the Carlisle District Local Plan (CDLP) the site is divided into three areas, each with its own specific land use designation. The land previously occupied by housing, which is located on the eastern extent of the site, is allocated as a Primary Residential Area. The land to the west, which occupies the remainder of the road frontage, is identified as suitable for mixed commercial development, whereas the land towards the northern extent of the site (approximately a third of the site area) is allocated for employment use.
- 5.8 The application site lies within the defined urban boundary of Carlisle, but is an “out-of-centre” location, as defined within Planning Policy Statement (PPS) 4 “Planning for Sustainable Economic Growth”. This is because the site lies 300m beyond the defined Primary Retail Shopping Area, as identified on the Proposals Map that accompanies the CDLP.
- 5.9 The River Caldew, which is a Special Area of Conservation and Site of Special Scientific Interest, is located approximately 100 metres to the east of the site. The boundary of the City Centre Conservation Area has recently been extended and is delineated by the western side of the West Coast railway line. To the north of Castle Way is Carlisle Castle, which comprises a series of Scheduled Ancient Monuments (above and below ground) and Listed Buildings ranging from Grade 1, Grade II* to Grade II.
- 5.10 Part of Bridge Street, between the junction with Bridge Lane and Melbourne Street, has been declared an Air Quality Management Area (AQMA). Members may also be aware that the Wigton Road AQMA, which extends from Bower Street to Ashley Street, is scheduled to be extended on the 14th

June to include the remainder of Wigton Road, up to Caldcotes roundabout (McVities), and the stretch of Newtown Road that leads from the roundabout to the Jovial Sailor Public House.

The Proposal

- 5.11 The application proposes a Sainsburys superstore, which provides a gross external floor area of 8,886 square metres (sq. m.), with a net tradeable retail area of 5,514 sq. m. Of this, 3,741sq. m. (40,082 sq ft) would be food (convenience) goods floorspace, and 1,773sq. m. (19,082 sq ft) would be non-food (comparison) goods floorspace. In respect of the store's opening hours it is proposed that it would trade between 8am and 11pm Mondays to Saturday and between 11am and 5pm on Sunday or bank holidays.
- 5.12 The application is supported by a suite of drawings and a range of detailed specialist studies. These include a Supporting Planning and Retail Statement; a Design and Access Statement; a Regeneration Statement; an Employment Land Report; a Summary of Consultation Report; a Protected Species Investigation Report; a Drainage Strategy Statement; a Flood Risk Assessment and a Transport Assessment.
- 5.13 Since the development falls within Part 10(b) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, the application requires to be, and is, accompanied by an Environmental Impact Assessment (EIA). The EIA comprises Volume 1, which provides a "Non-Technical" summary of the key issues, such as a planning policy review; the visual impact of the development, archaeology, drainage/flood risk, ecology and nature conservation, transport issues, air quality and noise; Volume 2 provides a more detailed assessment of the aforementioned issues and covers several chapters; and Volume 3 contains the Appendices.
- 5.14 The application is a "departure" from the CDLP as it proposes a substantial retail development, which, in terms of its location, is out-of-centre and not in accordance with an up-to-date development plan. If Members are minded to approve this application, The Town and Country Planning (Consultation) (England) Direction 2009 dictates that it will be necessary to refer it to Government Office North West (GONW). GONW would then determine on behalf of the Secretary of State whether or not the application should be "called in" by the SoS or whether it is appropriate that the decision is made by the Council, as Local Planning Authority.
- 5.15 Whilst this is not a speculative development, but an application by Sainsburys Stores Ltd., Members should be aware that if permission is granted the occupation of this store would be open to any food retailer. Throughout the application process the applicants' agent, How Planning, has placed a great deal of emphasis on this being a development by Sainsburys, as have supporters of the application; however, the perception as to who the end user might be should not influence Members views of this application.

- 5.16 It is proposed that the superstore would be sited towards the northern extent of the site and it would occupy approximately a third of the overall site area. The store itself is conventional in appearance. Its front elevation would be predominantly glazed, with the walling above proposed to be clad with horizontal timber boarding. As initially submitted, the proposals indicated the elevations being be clad with a combination of timber boarding and white profile cladding although, as members were unhappy at those aspects, this has been re-considered and amended proposals [discussed later in the Report] have been submitted. The building would have an overall height of 11 metres.
- 5.17 The service yard to serve the store would be located to the rear (north) of the building and would be accessed from Willowholme Road. A new access road to serve Alexander Sawmill would be formed along the northern boundary (also accessed from Willowholme Road). It would replace the Sawmill's existing access from Byron Street which will be lost as Byron Street is proposed to be terminated to the south of the sawmill with land previously forming part of that road being incorporated within the development site.
- 5.18 To the south of the store is its car park, which occupies approximately half of the site and extends towards but not fully up to the road frontage with Bridge Street. It provides 446 car parking spaces, including 22 disabled parking bays, 18 parent/child bays, 22 motorcycles bays and 24 cycle spaces.
- 5.19 The Bridge Street frontage would be occupied by a petrol filling station and a two storey building, the latter of which is positioned at the junction of Bridge Lane with Bridge Street. It would provide two retail units to the ground floor (119 sq. m. and 121 sq. m.), with office accommodation above (243 sq. m). The agents have suggested that this building could also be available for use by local community groups.
- 5.20 The filling station would have twelve fuel dispensers and a sales kiosk, which would be relatively conventional in appearance and be finished in a combination of red facing brick and dark grey render. A proposed metal canopy would extend over the forecourt, which measures 21.4 metres in length (parallel to Bridge Street) with an overall height of 5.65 metres. The elevation drawings suggest that three 0.85m high illuminated Sainsburys logos would be accommodated on top of the canopy, although this aspect of the scheme would require a separate application for advertisement consent. The external walling of the proposed two storey office/retail units would be finished in similar materials, but with a concrete tile roof.
- 5.21 The filling station kiosk and the two storey office/retail units would be connected by a 1.37m high brick wall, incorporating brick piers and railings, which is intended to provide "definition" to the street scene. The boundary wall, which defines the boundary of the site, would also be supplemented by tree planting.
- 5.22 Members may recall that the original layout proposals incorporated a re-cycling centre within the forecourt area of the filling station. As proposed,

however, it would have necessitated dual use by users of that facility of the access/egress arrangements that are principally intended to serve customers of the filling station. Hence, if someone wished to drop off waste material at the re-cycling centre before shopping [which is what might be expected] they would have needed to use the same entry and exit arrangements as those used by drivers wishing to re-fuel. However, apart from possible difficulties of exiting from the re-cycling area, if vehicles were queued at the pumps, persons dropping off at the re-cycling centre who then wished to shop at the store would need to undertake u-turn manoeuvres on exit from the filling station, across the main entry route into and from the store car park, in order to enter the parking areas serving the store. These arrangements were, clearly not ideal and the applicants have been asked to re-visit this matter so a better operational practice, with less likelihood of conflicting driver manoeuvres, could be adopted. This is discussed in paras 5.177 to 5.180 of this Report.

5.23 Vehicular access to serve the store is to be formed onto Bridge Street at the south western frontage of the application site immediately east of the junction of Byron Street with Bridge Street. In order to accommodate the proposed vehicular access a series of significant alterations are proposed to the surrounding road network. These are:

- Creation of an additional eastbound lane along Church Street and Bridge Street from Caldcotes roundabout (McVities) up to the junction with Bridge Lane;
- An additional westbound lane being formed along Bridge Street to cater for a right hand turn into the site;
- An additional lane being provided on John Street to enable traffic to turn right across Bridge Street into the site;
- The vehicular accesses to the site when travelling east or westwards along Bridge Street, or from John Street, would be controlled by signalised junctions;
- The existing bus stop on Bridge Street would be re-located to a central point along the site frontage; and
- The existing access points on Church Street, Bridge Lane, and Willowholme Road would be closed and a continual footway provided for pedestrians.

Assessment

5.24 The relevant planning policies against which the application is required to be assessed are Policies DP1, DP2, DP3, DP4, DP5, W1, W2, W5, RT2, EM2, CNL1 and CNL2 of the North West Regional Spatial Strategy to 2021; “extended” Policies ST4, ST5, E13, E14, T31 and E38 of the Cumbria and Lake District Joint Structure Plan 2001-2016 and Policies DP1, DP2, CP1, CP2, CP5, CP6, CP9, CP10, CP12, CP10, CP12, CP13, CP15, CP16, CP17, EC2, EC5, EC22, H2, LE2, LE4, LE5, LE6, LE7, LE9, LE19, LE27, LE29 and T1 of the Carlisle District Local Plan 2001-2016.

5.25 Planning Policy Statement (PPS) 4 “Planning For Sustainable Economic Growth”, which was issued in December 2009, also provides an overview of

Government guidance in relation to the retail sector. Members should note that PPS4 supersedes PPS6 "Planning For Town Centres", which previously would have been referred to when considering applications of this nature.

- 5.26 In addition to the above Members need to be mindful of the content of the Council's supplementary planning guidance within the "Urban Design Guide and Public Realm Framework" and the draft "Planning Brief for Shaddongate/Caldewgate".
- 5.27 The proposals raise the following planning issues:
1. Whether The Principle Of The Proposed Development Is Acceptable.
- 5.28 Section 54a 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 (including Government Policy as expressed through Planning Policy Guidance Notes or Planning Policy Statements) indicate otherwise.
- 5.29 In assessing whether the principle of this development is acceptable Members must consider the proposal in the context of the above and have particular regard to the policy advice contained in PPS4 "Planning for Sustainable Economic Growth", as the most recent Government guidance to Local Planning Authorities when dealing with major retail proposals, together with the companion document the "Practise Guide to PPS4" which is intended to assist in its interpretation.
- 5.30 PPS4 adopts a different approach from its predecessors and now provides a series of "development management" policies that can be applied directly by Local Planning Authorities when determining planning applications. The policies within PPS4 that are relevant to this application are Policies EC10, EC14, EC15, EC16 and EC17. The content of PPS4 will be entirely new to Members and, therefore, to assist them in the determination of this application the following paragraphs (5.29-5.38) provide a résumé of these policies.
- 5.31 Policy EC10 provides generic guidance for Local Authorities in determining applications which relate to proposals that create economic development. Paragraph 4 of PPS4 identifies that for the purpose of interpreting this PPS, "economic development" includes development within Class B of the Use Classes Order (business/industry), public and community uses, together with "main town centre uses", which comprises development for retail, leisure and recreation, offices, as well as art, culture and tourism.
- 5.32 Policy EC10.1 advises that Local planning Authorities should adopt a positive and constructive approach towards planning applications for economic development and proposals that secure sustainable economic growth should be treated favourably.

5.33 Policy EC10.2 states that all planning applications for economic development should be assessed against the following “impact” considerations:

- a) whether the proposal has been planned over the lifetime of the development to limit carbon dioxide emissions, and minimise vulnerability and provide resilience to, climate change;
- b) the accessibility of the proposal by a choice of means of transport including walking, cycling, public transport and the car, the effect on local traffic levels and congestion (especially to the trunk road network) after public transport and traffic management measures have been secured;
- c) whether the proposal secures a high quality and inclusive design which takes the opportunities available for improving the character and quality of the area and the way it functions;
- d) the impact on economic and physical regeneration in the area including the impact on deprived areas and social inclusion objectives; and
- e) the impact on local employment.

5.34 Policy EC14 outlines the supporting evidence that is required to accompany planning applications that relate to a “main town centre use”, as is proposed by this application. Amongst other things Policy EC14 identifies that an application of this nature should be supported by a sequential assessment as well as an impact assessment. Policy EC14 states that the impact assessment should be considered against the criteria identified by Policy EC16, the content of which is explained in paragraph 5.35 of this report.

5.35 Policy EC15 provides specific guidance relating to the sequential assessment. Policy 15.1 advises that when considering such assessments Local Authorities should:

- a) ensure that sites are assessed for their availability, suitability and viability;
- b) ensure that all in-centre options have been thoroughly assessed before less central sites are considered;
- c) ensure that where it has been demonstrated that there are no town centre sites to accommodate a proposed development, preference is given to edge of centre locations which are well connected to the centre by means of easy pedestrian access;
- d) ensure that in considering sites in or on the edge of existing centres, developers and operators have demonstrated flexibility in terms of:
 - i. scale: reducing the floorspace of their development;
 - ii. format: more innovative site layouts and store configurations such as multi-storey developments with smaller footprints;

- iii. car parking provision; reduced or reconfigured car parking areas; and
 - iv. the scope for disaggregating specific parts of a retail or leisure development, including those which are part of a group of retail or leisure units, onto separate, sequentially preferable, sites. However, local planning authorities should not seek arbitrary sub-division of proposals.
- 5.36 Policy EC15.2 states that in considering whether flexibility has been demonstrated under Policy EC15.1.d (above) Local Planning Authorities should take into account any genuine difficulties which the applicant can demonstrate are likely to occur in operating the proposed business model from a sequentially preferable site.
- 5.37 Policy EC16 refers specifically to the “Impact Assessment” for those “main town centre uses” that are not in a centre or in accordance with an up to date development plan. Policy EC16.1 identifies that such proposals should be assessed against the following impacts upon centres [for the purpose of determining this application Members should consider the impact upon the city centre and the allocated district centre at Morton]:
- a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal;
 - b) the impact of the proposal on town centre vitality and viability, including local consumer choice and the range and quality of the comparison and convenience retail offer;
 - c) the impact of the proposal on allocated sites outside town centres being developed in accordance with the development plan;
 - d) in the context of a retail or leisure proposal, the impact of the proposal on in-centre trade/turnover and on trade in the wider area, taking account of current and future consumer expenditure capacity in the catchment area up to five years from the time the application is made, and, where applicable, on the rural economy;
 - e) if located in or on the edge of a town centre, whether the proposal is of an appropriate scale (in terms of gross floorspace) in relation to the size of the centre and its role in the hierarchy of centres; and
 - f) any locally important impacts on centres under policy EC3.1.e.
- 5.38 Policy EC17 is most important in understanding and applying the aforementioned policies, as it provides specific advice when considering planning applications for “main town centre uses” that are not in a centre and not in accordance with an up to date development plan. Policy EC17.1 advises that applications of the above nature, such as the current proposal, should be refused planning permission where:

- a) the applicant has not demonstrated compliance with the requirements of the sequential approach (Policy EC15); or
 - b) there is clear evidence that the proposal is likely to lead to significant adverse impacts in terms of any one of impacts set out in Policies EC10.2 and 16.1 (the impact assessment), taking account of the likely cumulative effect of recent permissions, developments under construction and completed developments.
- 5.39 The above policies (Policies EC17.1.a and EC17.1.b) form part of the new “impact” test introduced by PPS4. Policy EC17.2 goes on to advise that where no significant adverse impacts have been identified under policies EC10.2 and 16.1, planning applications should be determined by taking account of:
- a) the positive and negative impacts of the proposal in terms of policies EC10.2 and 16.1 and any other material considerations; and
 - b) the likely cumulative effect of recent permissions, developments under construction and completed developments.
- 5.40 In applying the foregoing Policies [EC17.1.a and EC17.1.b], paragraph 7.15 of the supporting Practise Guide to PPS4 advises that *“In every case it will be necessary to reach a balanced decision, having regard to the provisions of the development plan, the sequential approach and impact considerations”*.
- 5.41 To assist in considering this application against the development management policies within PPS4 the Council commissioned an independent retail assessment, which was originally undertaken by DTZ. The consultant, who has prepared three reports relating to this submission, has previously been the author of the Carlisle Retail Study (2000), the subsequent update to that Study prior to the Local Plan Inquiry (2006) and, again, following the onset of the global recession (2009). The consultant has also acted as expert witness at both the Tesco Public Inquiry for the Viaduct Estate Road site and in relation to the evidence presented on retail matters at the Local Plan Inquiry.
- 5.42 The consultant’s first report relevant to this application commented upon the original Planning and Retail Assessment submitted by How Planning. The second report assessed the additional supporting arguments put forward by How Planning in response to DTZ’s initial report. DTZ’s third report assessed a further retail assessment that was produced by retail consultants, Turley Associates, acting for Sainsburys.
- 5.43 The latest advice was provided by DTZ on the 6th January 2010, eight days after the Government published PPS4 [this was issued on the 29th December 2009]. The applicant and its planning and retail consultants expressed concern that the publication of DTZ’s advice so soon after the national guidance changed, i.e. issue of PPS4, may have meant that DTZ had not fully considered the new approach introduced by the Government regarding that way that Local Authorities should assess significant retail applications of this nature. The applicant was also concerned that DTZ’s historic involvement, as

retail advisor to the City Council for some years, may have resulted in DTZ being bound by its own previous advice to the City Council, which was that there was only sufficient capacity in the area to support one additional foodstore.

- 5.44 Conscious of the applicants' perception, the Council commissioned a further retail consultancy [White Young Green (WYG)] to consider all of the supporting submissions made on the applicants' behalf and to review the application's compliance with PPS4. WYG's task consequently embraced an assessment of the various retail submissions by the applicants' planning and retail advisors [How Planning and Turley Associates], as well as the previous advice provided to the City Council by DTZ. WYG were also instructed to consider a Counsel's Opinion obtained by the applicants addressing, in his view, how the new guidance in PPS4 ought to be interpreted. A letter from Colliers CRE, who are commercial advisors instructed by the applicants, has also been submitted and seeks to explain why the Morton allocation is unsuitable to Sainsburys but that approval of this application should not deter other operators from developing a superstore at Morton. WYG has also assessed this as part of their wider analysis and advice.
- 5.45 To assist Members to assess the development proposal against the operative policies, and the advice provided by WYG, the following sections of this report considers the proposal in line with the guidance contained within Policies EC17.1.a and EC17.1.b (see paragraph 5.37). Prior to considering the "sequential approach" and the "impact assessment" it is necessary for Members to understand Carlisle's current retail position.

WYG's Summary Of Carlisle's Retail Position

- 5.46 A copy of the WYG's report has been reproduced, in full, following this report in the Schedule. In its response to the City Council, WYG has sought to provide an up to date picture of Carlisle's need for an additional food/non food superstore. In very simple terms, such an assessment takes into account the available expenditure within a given catchment area, compared against the turnover of the existing stores within that same area (including those on the periphery) and committed/planned developments (i.e. extant permissions and allocations). Depending on whether the subtraction of the estimated turnover from available expenditure results in a positive or a negative figure an indication of whether there is adequate capacity to support a new store can be derived. Such an assessment can take into account a variety of different variables such as the current and forecast catchment area population, per capita expenditure, existing and committed retail floorspace (including planning permission for retail floorspace), retailers' sales densities, amongst other forecasting parameters.
- 5.47 In identifying the existing "need" WYG has adopted the broad approaches utilised by both the applicants' retail consultant, Turley Associates, and the Council's retail advisor, DTZ. WYG's assessment identifies that the primary catchment area of the proposed store generates around £252.18m of convenience goods expenditure in 2009. This benchmark figure is obtained by applying the population to the estimated expenditure per person. WYG

- forecast this will increase to £268.94m by 2013 and to £272.24m by 2014.
- 5.48 WYG calculate that the existing convenience floorspace has a turnover of approximately £209.30m in 2009, of which £189.37m is estimated to be derived from the catchment area. WYG's estimate of the turnover of existing convenience goods floorspace derived from the catchment is comparable to that identified by Turley Associates (£190.65m) and lower than that identified by DTZ (£194.18m). With regard to the expected turnover of existing floorspace there is relatively little difference between the assessments undertaken by WYG, DTZ and Turley Associates.
- 5.49 In identifying future capacity for additional floorspace within the catchment area it is necessary to take into account outstanding commitments and planned developments. WYG identify these to be:
- Aldi, London Road, Carlisle (913 sq. m. net convenience);
 - Sainsburys Local at Scotland Road, Carlisle (251 sq. m. net convenience);
 - Tesco, Viaduct Estate Road, Carlisle (1,932 sq. m. net convenience);
 - Tesco, Annan (1,925 sq. m. net convenience) – opened in December 2009;
 - Tesco, Hopes Auction Mart, Wigton (1,486 sq. m. net convenience);
 - The Morton Allocation (2,500 sq. m. net convenience);
 - Supermarket, Gretna (2,340 sq. m. net convenience).
- 5.50 WYG's analysis identifies that these commitments are expected to achieve a turnover of £129.19m, of which £103.22m is estimated to be derived from the catchment area. In comparison Turley Associates identify a significantly lower level of convenience goods turnover from commitments derived from the catchment area (£37.73m). This is because its assessment did not take into account extant permissions for a new Tesco store in Wigton and a new foodstore in Gretna, as these were granted consent after Turley Associates undertook its retail assessment. Its assessment also excludes a new Tesco store in Annan, which is now open, and the extant permission for the Tesco store at Viaduct Estate Road [VER] in Carlisle.
- 5.51 Members should be aware that Turley Associates chose not to take the permitted store at VER into account, as they share DTZ's view that the approved store at the Viaduct is unlikely to be implemented as it would be significantly smaller than the three existing larger food retail stores and, in terms of accessibility, is poorly located. Both DTZ and Turley Associates believe that such a store would be unable to compete effectively with the larger and better located stores elsewhere.
- 5.52 The convenience goods turnover of the four commitments identified in paragraph 5.48 equates to over £70 million. By not including these commitments WYG argue that Turley Associates have significantly overestimated the available capacity to support additional convenience goods floorspace in Carlisle.
- 5.53 WYG's assessment also makes reference to an approved but unimplemented store in Penrith. Although the store lies outside the defined catchment area identified by DTZ and Turley Associates, WYG state that it is likely to draw some trade from the proposed store. DTZ had previously advised that

approximately £5m of the Penrith store's turnover would be derived from the catchment area of the store hereby proposed, and WYG concur that this is a reasonable supposition. Consequently, this would further reduce the available expenditure. In respect of the Penrith store Members should be mindful that there is some uncertainty whether the permission will come forward in its current form and whether it is likely to be brought forward in the near future (i.e. before 2014).

- 5.54 The proposed store within the application now before the Committee has a net floor area of 5,514 sq. m. of which 3,741 sq. m. is intended to be used for the sale of convenience goods. WYG calculate that the development will have a convenience goods turnover of £34.88m. Of this turnover, some £31.39m (or 90%) is expected to be derived from the defined catchment area.
- 5.55 On the basis of the information contained within the preceding paragraphs (5.45-5.52) WYG conclude that there is insufficient capacity to support the proposed development together with all outstanding commitments. In WYG's opinion, by 2014 there will be a deficit in convenience goods capacity (over and above outstanding commitments) of £33.51m. This capacity is before allowing for the new Sainsburys store at Caldewgate, which is identified to have a convenience goods turnover from the catchment area in excess of £31m.
- 5.55 WYG state that even if the proposed store at VER or the new supermarket in Penrith do not come forward there will remain a deficit in capacity of more than £7m by 2014. Even if a higher expenditure growth rate of +1.2% per annum is applied (as advocated by Turley Associates) there will still be insufficient capacity to support the proposed development together with outstanding commitments. WYG conclude that by applying a higher expenditure growth rate there will be surplus capacity of less than £4m by 2014, which would still be insufficient to support the proposed development.
- 5.57 WYG's review of the applicants' retail assessments and the Council's previous retail advice concludes that:

"It is evident that our 'sensitivity testing' of the approach adopted by Turley Associates and reviewed by DTZ demonstrates that there is insufficient capacity to support the proposed new Sainsburys store at Caldewgate together with outstanding commitments (including the allocation at Morton). Even if more optimistic expenditure forecasts are applied and certain commitments are excluded from our assessment due to their uncertainty of being implemented (i.e. the Tesco store at Viaduct Estate Road and the new foodstore at Penrith), there will remain insufficient capacity to support the proposed Sainsburys store at Caldewgate".

The Sequential Approach

- 5.58 Policy EC15 of PPS4 advocates that new retail development should be located in accordance with sequential principles i.e. first preference being City Centre sites, followed by edge-of-centre locations. In terms of the latter, PPS4 defines edge-of-centre to be "a location that is well connected to and within

easy walking distance (i.e. up to 300m) of the Primary Shopping Area". Paragraph 6.1 of the supporting Practice Guide states that "Only if town centre or edge of centre sites are not available will out of centre locations be likely to be appropriate in policy terms, provided that they are well served by alternative means of transport, and are acceptable in all other respects including impact".

- 5.59 The applicants' sequential assessment is contained within the original Planning and Retail Assessment. In total thirteen alternative sites were considered as part of this assessment, embracing a range of city centre, edge-of-centre and out-of-centre locations. In respect of each location the assessment has sought to demonstrate why the application site is sequentially preferable to these alternative locations, with particular regard to the following factors [the approach endorsed by Policy EC15 of PPS4]:
- Availability;
 - Suitability; and
 - Viability.
- 5.60 For the most part the findings of the sequential assessment are not disputed by Officers. There are, however, two notable issues that Members need to be mindful of when considering this application.
- 5.61 First, the sequential assessment has not taken into account the land at VER, which is owned by Tesco and subject to an extant permission for its redevelopment to provide a superstore with a gross floor area of 3,715 sq. m. The VER site has always been argued as edge-of-centre and, therefore, its location would, thus, be sequentially preferable to the application site.
- 5.62 Although the site did not form part of the applicants' sequential assessment, had it been included Sainsburys would have been entitled to conclude that, since it is owned by Tesco Stores, it would not be made available to another retailer, as it would compete directly with Tesco's existing City Centre and Rosehill stores. The Council's retail consultant, DTZ, also advised the Council, in its 2009 Retail Study Update, that in their professional opinion the site is unlikely to be developed by Tesco or another operator. In the 2009 update, DTZ state *"we do not think that Tesco will implement its existing permission, since the permitted store would be significantly smaller than the three existing superstores and not as well located in terms of accessibility by car. If the planned development at Morton is developed in addition, a relatively small and poorly located Tesco supermarket at Viaduct Estate Road would be unable to compete effectively with four larger and better located superstores elsewhere in the City"*. As such, whilst this site could be viewed as a sequentially preferable location, its omission from the sequential assessment should not, in the view of Officers, prejudice the determination of this application.

- 5.63 The applicants, including their planning, retail and commercial consultants, have also dismissed the allocated site at Morton. Members will be aware that land has been allocated in the CDLP for a District Centre at Morton with capacity for a 2,500 sq. m. [net] convenience goods store. Whilst the Morton site is physically detached from the City Centre it is accorded similar status, as it is an allocated site. The allocation at Morton, which originated as a neighbourhood facility allocation following the 1997 Local Plan Inquiry, was based upon the 2006 Retail Study Update. This set the scene for formulation of the Local Plan policies and was accepted (despite objections) by the Planning Inspector following a Public Inquiry as the basis for the allocation of a District Centre at Morton. It is widely recognised that there is a need for a major foodstore to serve the southwest quadrant of the City, both in terms of supporting the existing residential population and that proposed as part of the southwest residential extension to the City, but also to substantially reduce cross-city travel to the existing 3 large food superstores that are located to the north [Asda and Morrisons] and east [Tesco] of Carlisle.
- 5.64 Sainsburys have maintained from the outset that for its business model to succeed in Carlisle the store has to be able to compete on a “like for like” basis with the other large out-of-centre food stores. As a new entrant to the market it is Sainsburys view that the store needs to be of the size proposed to offer the full range of products to achieve the necessary level of claw back trade from the other large food stores. In support of Sainsburys case, its commercial consultants, Collier CRE, state that the Caldewgate site is the only site that can satisfy this criterion, dismissing the location of the Morton allocation, which in Collier CRE’s view, is *“on the periphery of the urban area with less than ideal transport links”*.
- 5.65 How Planning maintain that DTZ’s opinion regarding the likelihood of the VER being delivered reaffirms its position that their client’s store needs to be of the scale and location proposed in order to compete effectively with the larger food stores.
- 5.66 WYG advise that to establish whether the Morton allocation is a sequentially preferable site, the tests of availability, suitability and viability have to be applied. In terms of “availability”, WYG state that as the District Centre will be marketed in the near future it will, therefore, be available for development “within a reasonable timeframe”. There is no exclusivity agreement with any particular retailer and Sainsburys could, clearly, bid for the site. From this it can only be concluded that the site is available.
- 5.67 In terms of its suitability, an area of debate has been whether the Morton allocation is suitable for a large foodstore, as the Local Plan allocation is for a foodstore with a net floorspace of 2,500 sq. m. In WYG’s view the policy is not overly restrictive in that it would mean that the site is not suitable to accommodate a large foodstore in the future. WYG go on state that *“In fact it would appear to be somewhat erroneous to suggest that because there was a policy in place restricting the size of development on a sequentially superior site then this should be dismissed because the applicant is seeking a larger store in an out of centre location”*.

- 5.68 WYG highlight that, in assessing suitability, the Practise Guide to PPS4 makes it clear that *“sites should be assessed on the basis of whether they are suitable to accommodate the need or demand which the proposal is intended to meet”*. Accordingly, a judgement must be made on whether the Morton site is capable of accommodating a store of the size proposed by the applicant, not whether the proposal conforms to the policy threshold.
- 5.69 Sainsburys commercial advisors make reference to the Caldewgate site being the only suitable location for a new entrant to the market and, in their view, since the Morton site has less than ideal transport links that would limit the number of customers etc. On the basis of its knowledge of Carlisle/ Cumbria, WYG dismiss this argument, stating that the Morton site will prove attractive to major foodstore operators and that, in its opinion, the arguments put forward by Collier CRE are not valid. Furthermore, the Practise Guide states that when assessing the suitability of site the applicant should not reject sites based on self-imposed requirements or preferences of single operators without demonstrating a serious attempt to overcome any identified constraint.
- 5.70 WYG acknowledge that a certain size of store is required to compete with the other large food retailers in Carlisle; however, the Morton allocation cannot be ruled out on that basis. Additional support for this argument can be drawn from the fact that within the 2009 Retail Study Update DTZ advised that depending on certain retail developments, the Morton site may be suitable for a larger store with a gross footprint of up to 7,500 sq m. [aggregating some “comparison” floorspace with “convenience” floorspace reflecting the District Centre status].
- 5.71 In summary, notwithstanding the argument put forward by Sainsburys, the fact remains that, in accordance with the Local Plan allocation, the Morton District Centre is a sequentially preferable location to the Caldewgate site. In considering this fact Members need to be mindful that paragraph 5.5 of the Practice Guidance states *“It is evident that significant weight is attached to the outcome of the sequential site assessment and impact assessment. However, it is still for the decision maker to judge the extent to which the applicant has demonstrated compliance with the sequential approach, and what constitutes a ‘significant’ adverse impact, based on the circumstances of each case”*.
- 5.72 Whilst the location of the proposed development fails the sequential test (in that a sequentially preferable “planned” site has been identified at Morton) this does not automatically mean that the application should fail. Members need to consider whether a significant adverse impact will be caused by the development, alongside any other material considerations, such as the potential regeneration/socio-economic benefits that the proposal might bring. These are discussed in greater detail in the analysis which follows.

The Impact Assessment

- 5.73 In respect of the “impact test” identified by Policy EC17.1.b of PPS4, Members need to consider whether or not the proposed development would be “*likely to lead to significant adverse impacts in terms of any one of impacts set out in Policies EC10.2 and 16.1*”. In considering this aspect, Members may wish to refer back to paragraphs 5.31 and 5.35 which highlight the relevant impact.
- 5.74 The following is a summary of Officers and WYG’s views as to whether the proposal complies with the impacts identified in Policy EC10.2:
- a) The applicants’ have always advocated that the store and the means of accessing it have been designed on the basis of sustainable principles. Officers do not challenge this and are satisfied that there would be no significant impact in respect of increased carbon emissions or upon climate change.
 - b) Officers are satisfied that the store is accessible by a choice means of transport and that the anticipated level of traffic generation is unlikely to result in an adverse effect on traffic levels or congestion.
 - c) The design and layout of the proposal and its impact upon the character and quality of the area is discussed later in the report (paragraphs 5.103 - 5.122). In summary, the issues surrounding this matter are finely balanced; however, for the purpose of interpreting PPS4 it is Officers view that the design/layout would not result in a significant adverse impact.
 - d) Throughout the this application process there has been a great deal of emphasis placed on the benefits in terms of the economic and physical regeneration in the area, including potential social benefits for some of the more deprived areas in Carlisle, one of which is Castle Ward. Officers do not dispute that the scheme would result in significant socio-economic benefits; however, Members need to be mindful whether the approval of this application would prejudice other developments being brought forward within the City that might achieve equal or greater benefits. In considering this issue, Members particularly need to focus on whether the scheme would prejudice the delivery of the District Centre at Morton, which has the potential to provide comparable [and possibly greater] benefits in terms of its immediate proximity to extensive and growing residential areas of the south-west quadrant.
 - e) In respect of the impact upon local employment, the proposed store would result in substantial new employment on the site; however, there is some possibility that at least some of this would be transferred from existing foodstores, as a result of trade diversion.
- 5.75 In applying the impact tests in Policy EC16.1, WYG conclude:

- a) With regard to the impact of the proposal upon planned investment, DTZ previously concluded that the proposed superstore would seriously put at risk the planned new District Centre at Morton. WYG believe that DTZ's conclusion is "heavily influenced" by the capacity assessment (paragraph 5.55), as opposed to the dynamics of the retail market and the evidence available. In WYG's view as there is no developer or investor contractually committed to the Morton site, *"there is no evidence before the Council from potential retailers or investors that they would be significantly concerned about the proposed development"*.

WYG go onto state that *"Based on our experience elsewhere, we would be surprised if no interest was expressed for the site at Morton if the Sainsburys store was approved"*. WYG accept that the approval of this application may influence how the District Centre at Morton is developed in the future. On the basis of WYG's advice Officers accept that, while concerned to secure the Local Plan objective of development of the District Centre at Morton, there is no clear evidence of the current application having a significant adverse impact upon the delivery of the District Centre at Morton such as to support refusal.

- b) In terms of the impact upon the vitality and viability of Carlisle City Centre, WYG advise that Carlisle is a major comparison goods destination which serves the sub-region and beyond. Consequently any loss of convenience goods trade from the city centre, which may occur as a consequence of this application, would not impact upon the overall vitality and viability of the centre as a whole. The store would also add to the choice and range of goods available to the south west quadrant of the city.
- c) There are no sites outside town centres allocated for new retail development in the Development Plan, so this criterion does not apply.
- d) With regard to impact upon turnover/trade, it established that there is insufficient capacity to support the size of store proposed. This will result in significant trade diversion from the existing stores i.e. Asda, Morrisons and Tesco; however, these stores are predominantly located out-of-centre and are, therefore, afforded no protection in policy terms. WYG acknowledge that some trade will be drawn for the existing convenience stores within the City Centre, but, in its view, the impact caused by the development is unlikely to result in any of these stores closing. WYG state that *"there is no clear evidence to suggest that the impact on trade/turnover of established centres would be classed as 'significant adverse'"*.
- e) The proposed development would be out-of-centre, so this criterion does not apply.
- f) This criterion also does not apply, as the development plan does not define any such centres in relation to locally important impacts.

5.76 In summary, in respect of the potential impacts identified by Policy EC10 or EC16, WYG conclude that the development will not result in any impact that

would, in their view, be classed as a “significant adverse impact”. If such an impact was alleged to exist Members would be justified in refusing the application on the basis that it fails the “impact assessment”; however, in WYG’s view, there is not clear evidence of this.

Other Material Planning Considerations

- 5.77 As with any planning application, Members will appreciate that whether an application succeeds or fails does not hinge on a single policy test. It is necessary for Members to assess development proposals in the context of the wider planning framework, as well as in light of any material considerations, which can, in some instances, warrant approval of an application that may otherwise be viewed as being contrary to specific Development Plan policies.
- 5.78 Members will be aware of the potential benefits that this development offers in comprehensively redeveloping a prominent, extensive, run-down and part derelict part of Caldewgate, the western "gateway" for persons approaching the City Centre. It is unarguable that the proposal represents a significant investment that would create employment, whilst also assisting in the physical and economic regeneration of the area.
- 5.79 How Planning has indicated that the development will provide an additional 450-500 jobs with flexible working hours to suit modern living. The scheme also involves a financial investment by Sainsburys of approximately £40 million. In the agent’s view, the proposal will bring back into use an underused and unattractive brownfield site that is situated on the arterial approach into the City from the West. Members will no doubt appreciate that this is a key issue raised by many of the residents of Carlisle who have written in support of the application.
- 5.80 Members also need to take into account that the applicant has confirmed that a financial contribution of £1 million would be made available to address issues raised by consultees, such as the Highway Authority, and to provide physical improvements within the immediate vicinity. How Planning has provided a table outlining how this money would be spent. The agent’s “Heads of Terms” table for inclusion within a proposed S106 Agreement is reproduced following this report in the Schedule. Members should note that the financial contributions proposed have been reviewed by Officers and comply with the new tests for S106 agreements, which have been introduced by Regulation 122 of the Community Infrastructure Levy Regulations 2010.
- 5.81 In summary, £260,000 would be spent on highway improvements, including junction modifications and traffic calming. This includes improvements to the Caldcotes (McVities) roundabout and traffic calming within Rigg Street (and potentially Broadguards), the latter of which is required to deter motorists from using these streets as a “rat run”.
- 5.82 £370,000 has been earmarked towards a specific section of the Caldew Cycleway link which would connect into existing cycle provision on Castle Way. The link forms part of the Connect 2 Scheme, which the Council is

working to delivery in partnership with other bodies. The cycle link involves the provision of a ramp from the northern side of Castle Way, leading down onto the old railway track and then under Castle Way itself where it would connect with a recently completed section of cycleway, which is located to the rear of the tile distributors on Viaduct Estate.

- 5.83 The completion of this section would mean that a continuous off road cycle link would be secured between Dalston [4 miles south of the City] and the north side of Castle Way. In particular residents in Currock, Upperby and Denton Holme would have easy access to the proposed store as well as the parks and places of employment located to the north of Castle Way. The provision of this section would ensure that “Element 3” of the Connect 2 Scheme was complete and, therefore, Sustrans would release additional funds to enable the design and implementation of further sections of the Connect 2 Scheme. In that sense it is a catalyst to significant further investment in cycling facilities within the urban area.
- 5.84 The remaining £370,000 would be provided towards public realm improvements along Caldewgate, principally to offset concerns that have been expressed by the Council’s Urban Designer and Conservation Officer [the specific issues regarding the design of the scheme are discussed in Section 2 of this report (paragraphs 5.103-5.122)].
- 5.85 Sainsburys also confirm that it is committed to “in house” employment and training initiatives, which also include assisting people from disadvantaged groups to obtain or return to work. The applicants’ supporting Regeneration Statement outlines, amongst many things, that Sainsburys work in partnership with “Groundwork”, supporting ex-offenders and providing work placements, and the “MENCAP WorkRight scheme”, which supports individuals with a learning disability into work. These schemes do not involve any form of commuted payment; however, there is an internal cost to the operator. The provision of such initiatives can be secured by the applicant entering in to a legal agreement, which Sainsburys has confirmed it is prepared to do. Similarly, it has been confirmed that small shop units and office space to the road frontage could be put to some community use.
- 5.86 In taking into account the aforementioned material considerations Members need to be mindful that Paragraph 7.21 of the Practise Guide to PPS4 specifically states that *“the significance of the proposed investment, including its contribution to the public realm, infrastructure, employment etc. should be balanced against any adverse effects on planned investment in nearby centres”*.

Summary

- 5.87 In determining this application Members are required to take into account whether the location of the development complies with the sequential approach and whether or not there is clear evidence that the proposal is likely to lead to a *“significant adverse impact”* in terms of any one of the impact policies set out in Policy EC10.2 and EC16.1 (paragraphs 5.31 and 5.35).

- 5.88 WYG conclude that on the basis of its “sensitivity testing” there is insufficient capacity to support the convenience goods element of the proposed scheme even if some of the existing commitments, such as the Tesco store at VER, are not implemented. Under the Government’s new approach to retail planning, however, lack of capacity is not a reason for refusal in its own right; nonetheless, it remains an important consideration, as it influences the conclusions reached on the sequential approach and impact assessment.
- 5.89 With regards to the sequential approach, WYG advise that the site at Morton is available, suitable and viable to accommodate the need/demand that Sainsburys proposal is intended to meet. Consequently, the planned District Centre at Morton is sequentially preferable to the Caldewgate site and, therefore, the location of the proposed store at Caldewgate fails the sequential test.
- 5.90 In respect of “impact”, the proposal would not have a significant adverse impact on any of the tests outlined in Policy EC10.2 of PPS4. Consideration then falls upon the six tests contained within Policy EC16.1 of the Policy Statement. In considering this matter, WYG conclude that there will be significant cumulative impacts upon certain stores throughout the City; however, for the most part these are out-of-centre and are not afforded any protection in policy terms. There will be some impact upon in-centre stores but WYG do not believe that this will result in any store closures or that it would undermine the vitality and viability of Carlisle as a sub-regional shopping destination. This is because the City Centre is underpinned by a strong comparison retail base. As a consequence WYG state that any conclusion regarding the impact of the development must focus on whether or not the Sainsburys' store will prejudice the delivery of a new food store at Morton.
- 5.91 It is established that there is insufficient capacity to support the Sainsburys' store when taking into account the estimated turnover of existing/committed stores. From this factor alone, one may assume that the approval of this application would automatically deter another retailer/investor from developing the District Centre allocation at Morton. WYG, however, believe that the potential impact on future investment is more complex than simply assessing whether or not there is sufficient capacity. It is an important factor [one which Members may give significant weight to]; however, WYG do not believe that lack of capacity itself can be used to conclude that there will be a “significant adverse impact” upon investment in established centres.
- 5.92 WYG advise that it is difficult to come to a definitive view regarding the potential impact that this development will have upon future investment at Morton. This is because the site at Morton has yet to be marketed and no investor/developer is contractually committed. As such, it is unclear whether or not any future developer/investor at Morton would be concerned regarding the proposed Sainsburys' development.
- 5.93 WYG highlight that convenience goods retailers are often prepared to trade in

close proximity to one another in order to capture a market share. Various retailers also target different markets with some operators focusing on low value and cost, with others being less price sensitive and promoting what they perceive to be a higher quality product. Taking into account the above WYG state that it cannot rule out *“that if the proposed Sainsburys' store was granted permission other convenience goods operators would still be interested in Morton in the future”*.

- 5.94 WYG go on to conclude that *“There is no evidence currently before us that definitively concludes that the Sainsburys' development would completely rule out the prospect of any retailer being interested in the Morton site once it is placed on the market. We accept it will have an impact but whether this impact is prejudicial or significantly adverse is in our view more finely balanced”*.
- 5.95 Paragraph 5.5 of the Practice Guide is quite clear that *“It is evident that significant weight is attached to the outcome of the sequential site assessment and impact assessment. However, it is still for the decision maker to judge the extent to which the applicant has demonstrated compliance with the sequential approach, and what constitutes a ‘significant’ adverse impact, based on the circumstances of each case”*.
- 5.97 Policy EC17.1.b of PPS4 also states that in forming an opinion there has to be clear evidence to support a conclusion. WYG's concluding paragraph states *“The weight attached to impact on Morton would be less given the fact that the conclusions reached on this matter are more finely balanced and we are conscious of the need for the local authority to have clear evidence that this development would have a significant prejudicial affect”*.
- 5.98 The evidence from WYG is clear, the lack of capacity within the catchment area is cause for concern; however, there is no overwhelming evidence before Members to demonstrate that this alone will result in a “significant adverse impact” upon the delivery of the planned District Centre at Morton.
- 5.99 Members are reminded of the need to weigh any potential adverse impacts upon the delivery of a District Centre at Morton against the significant socio-economic and regeneration benefits that the proposal offers. Whilst the issues are finely balanced and not clear cut it is Officers' opinion that there is insufficient justification to warrant refusing this application on the premise that it fails the impact test.
- 5.100 Members still need to give significant weight to the failure of the site to meet the sequential test; however, in the absence of any evidence of demonstrable harm upon the delivery of the District Centre at Morton, Officers question what would be the justification in refusing the application solely on the basis that it fails the sequential test.
- 5.101 Paragraph 6.2 of the Practise Guide to PPS4 identifies that the sequential approach is intended to achieve two important policy objectives. Firstly, that sequentially preferable sites are more likely to be the most readily accessible locations by alternative means of transport and will, therefore, be centrally

placed to the catchment of established centres, thereby reducing the need to travel. The second objective is to seek to accommodate main town centre uses in locations where customers are able to make linked trips in order to provide for consumer choice and competition. Whilst the application site may be out-of-centre, its location is not directly at odds with the objectives of the sequential approach and, therefore, it is Officers' view that the application should not be refused simply because it fails the sequential test, particularly when weighed against the potential redevelopment benefits.

- 5.102 In summary, whilst there are genuine concerns that the approval of this application might impact upon the delivery of the District Centre at Morton, there is no firm evidence to support this. Consequently, it is the Officers' conclusive view that in the absence of any demonstrable harm, together with the significant regeneration benefits that this scheme offers, Members would not be justified in refusing this application on the basis of retail impact upon either the City Centre or in relation to the deliverability of the Morton District Centre proposals.

2. Design And Impact Upon The Historic Environment.

- 5.103 As Members will appreciate the junction of Bridge Street and Shaddongate is a key location on the principal western approach into the City and, consequently, the application site, due to its proximity to this junction, plays a pivotal role in influencing visitors' perceptions of this area. This concept is reflected in the overarching "vision" for Carlisle, which is outlined in the Council's Supplementary Planning Document [SPD] entitled the "Urban Design Guide and Public Realm Framework" (UDG&PRF). The document provides comprehensive guidance on future development in the City and, in particular, the future of Carlisle's public realm.
- 5.104 The SPD examines the "Western Approaches", as one of eight specific "character areas" within the City. It provides an aspirational statement that sets out a projected vision for the area, together with detailed guidance based on eight urban design principles.
- 5.105 The UDG&PRF identifies that Bridge Street provides a poor quality street environment which is dominated by either fast moving traffic or congestion. The guidance advises that its built form lacks any true definition as a consequence of the numerous vacant plots, car parks and forecourts, all of which create a weak western approach with minimal townscape value. The SPD states that this is accentuated further still by the area's poor public realm and relatively inactive street frontages.
- 5.106 In order to combat these issues the SPD advocates that western approach ought to be rejuvenated. To compensate for the current lack of continuity and enclosure (i.e. a built up frontage) it states that "*gateway and perimeter sites to Bridge Street and Shaddongate should present a distinct built form to the roadway edge with bold detailing*". The Guide suggests that new buildings on Bridge Street could be as high as five storeys and that there is scope for an "*iconic/landmark building*" at the junction of Shaddongate/Bridge Street to mark the western gateway. In terms of the public realm, it advises there is scope to improve it through reducing the dominance of the car, landscaping,

appropriate lighting and improved street furniture.

- 5.107 To supplement the UDG&PRF the Council has produced further supplementary guidance, the “Planning Brief for Shaddongate/ Caldewgate”, which is currently in draft form. Whilst there are outstanding issues to be resolved that relate to flood risk, the design related aspects of the scheme can be given reasonable weight. The study area within the planning brief covers the same area as the “Western Approaches Character Area” outlined in the UDG&PRF. The brief reflects and builds upon the guidance within the UDG&PRF.
- 5.108 It proposes that *“development in the area should provide a strong positive image as one of the key gateways into the City Centre. Importance is placed upon building a distinct image and a high quality ‘sense of place’ which is distinct from other parts of the City, but complements the context and reinforces character”*.
- 5.109 The Brief reinforces the UDG&PRF in that new development ought to contribute to a clearly defined frontage and that buildings should generally front onto street and public areas. A notable aspect of the document is that it identifies Nos. 30-42 Bridge Street, which are the Victorian buildings centrally located along the application site, as a *“positive frontage”*. It also states that public realm is not enough to redefine and improve the western gateway area.
- 5.110 Members will be aware from the previous Report to Committee that the Council’s Urban Designer expressed strong views that the proposed development disregards the content of the adopted UDG&PRF and the emerging Shaddongate/Caldewgate Brief. The Urban Designer’s objection, which provides more detailed references to the aforementioned design guidance, has been reiterated, in full, in the “Summary of Consultations Responses” section of this report.
- 5.111 In summary, the Urban Designer objects to the removal of the existing frontage buildings and the open street frontage that the proposed layout would provide. In the Urban Designer’s view, the proposed demolition of the existing buildings and the implementation of this proposal would have a significant detrimental impact upon the built environment and townscape of the Shaddongate/Caldewgate area. Furthermore, it is stated that the design of the proposal, as initially submitted] is contrary to the objectives of the adopted and emerging urban design guidance.
- 5.112 The Conservation Officer’s concerns echo those of the Urban Designer. It is the Conservation Officer’s view that the absence of an *“edge of pavement”* development will harm views into and out of the City Centre Conservation Area. The application site is visible from West Walls and the Millennium Bridge, both of which are situated in the Conservation Area. The Conservation Officer has advised that considerable care was taken to produce the draft Planning Brief for Caldewgate, as it is seen as a significant entrance into the City Centre; one that needs to be improved in appearance and where the frontage buildings are important in retaining or creating an appealing and attractive approach.

- 5.113 The Conservation Officer has also expressed concerns regarding the appearance of the store itself, describing it as a “*large industrial shed*”, which does not contribute to the character of the area. Concern has been raised that views of the store could potentially be glimpsed from West Walls, the Millennium Bridge and, to a lesser extent, the Castle Walk, which follows the base of the Castle walls along its western flank.
- 5.114 The western section of the Castle wall walk was previously open to the public. The Conservation Officer advises that English Heritage has intimated that the Castle wall walk may be reopened as part of its plan to revive the Castle as a visitor attraction. If this were the case, it is the Conservation Officer's view that the store would have an enormous impact on views out of the Conservation Area from this vantage point, as it would be seen over the traditional slate roofs of the brick and stone buildings, which lie between the Castle and the supermarket site.
- 5.115 The Conservation Officer has also expressed concern that the proposal may adversely impact on Hadrian's Wall World Heritage Site (WHS) and its Visual Buffer Zone. The WHS does not include the part of the wall that runs through the urban area, nor the site of the Roman Fort in Carlisle, which formerly occupied the land between the Castle entrance and Castle Way. The Conservation Officer advises that Hadrian's Wall Heritage Ltd are proposing to examine the boundary of the WHS and there is a possibility that some, or all, of the excluded sections may be included within it. Irrespective of this, it is the Conservation Officer's view that the importance of the Wall and Fort in Carlisle are significant enough for the Council to consider what impact any development might have on the universal values of the WHS.
- 5.116 In addition to the above, the Conservation Officer feels that the experience of those walking the wall or visiting museums, such as Tullie House, is of considerable importance both culturally and economically. Part of that experience includes walking through Caldewgate and Willowholme. Although there is a significant amount of poor industrial development, the Council should take care that any new development does not simply add to this. The Conservation Officer has made reference to the “Roman Gateway Project”, which is aimed at trying to improve the “visitor experience” and if Members were minded to approve this application the Conservation Officer recommends that a financial contribution is obtained to fund improvements to this part of the Hadrian's Wall Path.
- 5.117 On the basis of the above, both the Urban Designer and the Conservation Officer have been of the opinion that the application ought to be refused. Whilst the agent, How Planning, does not share these concerns, following these issues being raised the applicant stated that Sainsburys would be prepared to contribute £1million pounds towards off site public realm works in the Shaddongate/ Caldewgate area, including highway improvements and the provision of the Caldew cycle link.

- 5.118 How Planning have intimated that the public realm works could include the creation of new areas of tree planting and landscaping, historic pavement detailing including kerbs, shared surfaces, good quality urban artwork, communal space and lighting columns.
- 5.119 Although the draft Planning Brief for Shaddongate/Caldewgate states that public realm alone is not enough to redefine and improve the western gateway area Members will appreciate that £1 million is a significant financial contribution which, the applicant believes, would go some way to offsetting the concerns that have been expressed regarding the layout of the site and the store design. Both the Conservation Officer and the Urban Designer have been made aware of this financial contribution; however, neither consultee has embraced the offer as a potential compromise.
- 5.120 It is clear from the adopted and emerging design guidance that there is a strong desire to rejuvenate the Caldewgate area. How Planning do not believe that its delivery should rest on a single issue relating to the street frontage. It is their opinion that the Conservation Officer and Urban Designer's views are based on a narrow interpretation of the urban design guidance rather than a review of the whole document. In the agent's opinion, whilst a degree of enclosure is suggested, it is not the sole requirement and the application should be considered in the context of the wider benefits that the scheme could deliver. Given the low baseline, in terms of existing environmental quality and commercial attractiveness, How Planning argues that the proposal does not result in any significant demonstrable harm. Whilst public opinion alone should not influence Members opinion on this matter, it has been a common theme outlined in the letters of support that have been received.
- 5.121 Aside from the above, How Planning also believe that Members should consider their application in light of "commercial reality". Irrespective of individual views of the design, How Planning maintains that it is unlikely that another private sector developer will come forward to redevelop the site on the scale that this application proposes. This is partly due to the difficult economic climate, but also because of the complexities surrounding the multiple land ownership. How Planning believe that the store will act as a catalyst for further economic development in the area which would help achieve the underlying objectives of the design guides, i.e. the regeneration of Caldewgate.
- 5.122 In considering the design of the scheme, it is Planning Officers' view that there are, clearly, competing arguments for and against the proposal. These particular issues are finely balanced; however, Officers conclude that any potential harm, in design terms, that the Urban Designer and Conservation Officer consider could arise is not only addressed through subsequent revisions to the scheme but is, further, outweighed by the significant regeneration benefits that this scheme offers. If, however, Members support the views of the Urban Designer and Conservation Officer, it follows that the Committee would need to refuse the application on the basis that it is contrary

to the advice contained within the UDG&PRF and the emerging Planning Brief for Shaddongate/Caldewgate. If so minded, and this is not recommended, reference would also need to be made to those policies within the Carlisle District Local Plan that relate to design and the impact upon Conservations Areas, Scheduled Monuments and the Hadrian's Wall WHS.

- 5.123 At the last meeting of the Committee, Members were broadly supportive of the principle of the site's redevelopment as proposed; however, several Members expressed concerns regarding aspects of the design such as treatment of the road frontage; the design, appearance and finishes of the store and the Caldewgate frontage building, and also sought clarification of design measures the applicants would incorporate for energy efficiency technologies to minimise the carbon impact of the store. Subsequent to deferral at the last meeting, Officers have held very productive discussions with the applicants' Professional Team and the revisions/further information that has resulted from those discussions are explained later in this Report.

3. Highway Issues.

- 5.124 As previously identified the proposal involves significant alterations to the highway network. These include the provision of additional traffic lanes on Bridge Street (along the east and west bound carriageways) and John Street, together with the creation of a signalised junction to enable access to the site from these roads.
- 5.125 Due to the strategic planning implications this application raises, guidance on highway matters is provided by the County Council's Spatial Planning Team. The report that its Officers presented to the County Council Development Control and Regulation (DC&R) Committee in October 2009 highlighted a number of shortcomings in the applicants' Transport Assessment and Travel Plan, as well as the proposed alterations to the highway network. Notwithstanding these issues, the DC&R Committee resolved not to object to the application subject to these matters being resolved.
- 5.126 Since the DC&R Committee provided its consultation response there have been extensive discussions between the applicants' transport consultants, Savell Bird and Axon, and the Highway Officers.
- 5.127 Following the publication of the County Council's original response, Highway Officers expressed concern that the layout of the proposal could prejudice the provision of a roundabout at the junctions of Bridge Street with Bridge Lane and Shaddongate. Members may be aware the roundabout currently forms part of the County Council's aspirations for an upgrade to the road network as part of the "Inner Orbital Relief Route", which is intended to reduce traffic in the City Centre and assist with the delivery of the Urban Design Guide and Public Realm Framework objectives. However, the works are not in any approved Programme nor have they been assigned any funding.
- 5.128 To overcome this issue the applicants subsequently revised the layout of the scheme to demonstrate that adequate land has been retained to provide the roundabout at a later date should the County Council wish to do so. The

revisions also sought to address the original highway concerns raised.

- 5.129 In responding to this matter, the applicants' transport have consultants supplied two alternative access scenarios. The first scenario reflects the changes to the highway network that are actually proposed by this application (previously described in paragraph 5.23 of this report). The second scenario demonstrates how the access arrangements could be modified if the County Council sought to implement the roundabout.
- 5.130 The fundamental difference proposed by the second scenario is that customers approaching by car from the north, east and south would use the roundabout to access the site, via Bridge Lane, whereas customers from the west would access the site from Bridge Street, the entrance to which would be restricted solely to eastbound traffic. The signalised junctions on Bridge Street that are proposed as part of the current access arrangements would be removed and whilst vehicles could exit the site via Bridge Street or Bridge Lane, ultimately, they would have to utilise the potential Shaddongate/Bridge Street roundabout to depart in their chosen direction.
- 5.131 The County Council recommends that two conditions are imposed in relation to this issue. The first condition would require the applicant to implement the development in accordance with their actual proposals i.e. with the provision of the signalised junction and additional traffic lanes. The second condition would require the alternative access scenario to be subsequently implemented, in the event that the County Council decide to construct the roundabout at a later date.
- 5.132 The County Council's Highway Officers have confirmed that previous reservations regarding access have, thus, been addressed. As such, the County Council now raise no objection to the amended proposals, subject to the imposition of several planning conditions and the completion of a S106 Agreement to secure a financial contribution of £259,125. The contribution would cover four specific areas:
- i. £48,000 would go towards traffic calming measures on Rigg Street and Broadguards;
 - ii. £165,000 is required to enable highway improvements to the A595 Church Street / Morton Street / A595 Wigton Road / B5307 Caldcotes roundabout;
 - iii. £40,000 would be reserved enable the provision of an alternative access onto Bridge Lane should the County Council decide to implement its aspirations for a new roundabout, as part of the Inner Orbital Relief Route, at a future date; and
 - iv. £6,125 would be used to cover staff time relating to ongoing monitoring and review of the Travel Plan.
- 5.133 The Highway Authority previously highlighted that the sole outstanding issue to be addressed was the level of commuted payment towards the provision of a specific section of the Caldew Cycleway link, as identified in paragraph 5.82 of this report. The Highway Authority identified that the estimated cost of the work is £330,000; however, the City Council's Highway's Service Manager,

who is responsible for the delivery of the Connect 2 Cycle Scheme, advised that the figure is more likely to be £370,000.

5.134 Since the Highway Authority provided its consultation response the applicants have confirmed that they are prepared to provide £370,000 towards these works, which, if Members are minded to approve this application, would be secured through the provisions of the S106 agreement.

5.135 At the previous Committee meeting Members voiced concern regarding the means of pedestrian access to the store from the bus stops and sought clarification where the bus stops would be positioned if the County Council was to implement its aspirations for a roundabout as part of the Inner Orbital Relief Route. Officers have subsequently investigated raised this matter with the County Highway Officers and the applicants' transport consultants and the solutions proposed are discussed later.

5.136 Whilst the County Council's Highway Officers raise no objections to the proposed development, Members reserved judgement on the highway implications subject to the aforementioned issues being satisfactorily resolved. If the potential solutions are acceptable to Members and Committee is minded to approve the application, a S106 agreement would also be needed to secure the financial contributions that have been identified.

4. Impact upon Air Quality In The Immediate Vicinity.

5.137 Members will be aware that part of Bridge Street and Wigton Road have been declared an Air Quality Management Areas. In order to determine the potential impact of the development upon air quality in the immediate area the Council's Environmental Protection Services (EPS) Officers has assessed the anticipated traffic generation figures provided by the applicant. Based upon the information provided, the EPS Officer has concluded that the proposed development is unlikely to cause a significant adverse impact on local air quality.

5. Noise.

5.138 The EPS Officer has identified that there is potential for the living conditions of the nearby residential properties to be affected by the noise generated by additional traffic, deliveries to the service yard and from fixed plant at the store/filling station. Following discussions with the applicants' noise consultant the EPS Officer is satisfied that the living conditions of the surrounding residential properties could be safeguarded through the imposition of several planning conditions.

6. The Impact of the Proposal on the Living Conditions of Neighbouring Residents.

5.139 The principal concern that this application raises in respect of its impact upon neighbouring residential properties relates to the potential noise disturbance, although in the EPS Officer's view this can be addressed through the imposition of appropriate conditions, as highlighted above.

- 5.140 The location of the store is such that the living conditions of nearby residents will not be affected through loss of light, loss of privacy or over-dominance. The majority of nearby residents would overlook the car parking area of the store. Whilst this may not result in the most aesthetically pleasing outlook it would be a significant improvement over what exists at present. Members will be aware that several supporters of the application have made this point, including some of those residents who live in these properties.
- 5.141 Although the car park and store would be illuminated, an appropriate lighting scheme could be provided to ensure that the living conditions of nearby residents are not adversely affected. In considering this issue Members should be mindful that there will be a degree of light spillage from existing street lighting and other commercial properties in the area.
- 5.142 The proposed hours of operation are not unreasonable (8am to 11pm) and, subject to the imposition of a condition restricting the opening hours to these times, the living conditions of the immediate residents are unlikely to be adversely affected. In order to ensure that the immediate residents are not disturbed at unsociable times a condition could be imposed to mitigate the potential impact generated by delivery vehicles.

7. Contamination.

- 5.143 The supporting Environmental Impact Assessment acknowledges that as a consequence of the previous commercial/industrial uses that have taken place it is likely that some areas may be contaminated. In order to address this issue the Environment Agency has recommended that a condition is imposed [if planning permission is granted] that would require further investigation into the nature and extent of potential contaminants within the site, together with a proposed scheme for remediation should any contaminants be identified.

8. Archaeology.

- 5.144 The County Council's Historic Environment Officer has identified that the site lies in an area of high archaeological potential. Caldewgate was a medieval suburb of Carlisle and documentary records suggest that the medieval Holy Trinity Church was located nearby. Furthermore a recent archaeological investigation on the opposite side of Bridge Street revealed important remains dating back to the Roman and medieval periods.
- 5.145 It is therefore likely that significant archaeological remains survive below ground and that these would be damaged or destroyed by the proposed development. To address this issue the Historic Environment Officer has advised that an archaeological evaluation and, where necessary, a scheme of archaeological recording of the site should be undertaken in advance of development, both of which could be secured through the imposition of two planning conditions.

9. Loss of Employment Land.

5.146 Part of the site is allocated as a Primary Employment Area and the loss of such land (1.5 hectares) to other uses is a material consideration. Members may be aware of instances where applications have been refused on this basis. However, in this instance the loss of employment land would be compensated for through alternative job creation and the regeneration of the site.

10. Flooding.

5.147 The Environment Agency has stated that the site is within Flood Zone 3 and that the area flooded to a significant depth (2.3m above ground levels) in January 2005. As finished floor levels are proposed to be set at 13m AOD, had the store been constructed in advance of the January 2005 flood event the building would have flooded to a depth of 1.85 metres. Notwithstanding this, the Environment Agency advise that a supermarket is defined by PPS25, "Development and Flood Risk", as a "less vulnerable" land use type.

5.148 The Environment Agency has been involved in the discussion and provision of information to the applicants' engineers, Hadfield Cawkwell Davidson. The Agency has advised that, notwithstanding a number of minor issues, the Flood Risk Assessment (FRA) has been produced in accordance with the current guidance and addresses the main areas of concern.

5.149 The FRA places focus on the risk receptors to flooding i.e. customers, rather than the proposed building, which should be addressed through the production of a Flood Action Plan. In setting Finished Floor Levels at 13m AOD, the Environment Agency advises that the applicant should be fully aware of the potential flood risk and frequency. The applicant should be satisfied that the impact of any flooding will not adversely affect their proposals.

5.150 In respect of flood risk the Environment Agency has advised that the proposed development will only be acceptable if the measures detailed in the FRA are implemented. This could be secured through the imposition of a planning condition.

11. Designing Out Crime.

5.151 Cumbria Constabulary's Architectural Liaison Officer's (ALO) initial consultation response highlighted that the Design and Access Statement that accompanied the application did not demonstrate how the scheme complied with Policy CP17 (Designing Out Crime) of the Local Plan.

5.152 The ALO recognised that as an established retailer Sainsburys would have taken many of his concerns into account, albeit not provided the necessary information. To address these provisional concerns the ALO liaised directly with the architect and has since confirmed that measures to "design out crime" have been taken into account.

12. Impact Upon The River Eden And Tributaries Special Area Of Conservation (SAC) And Site Of Special Scientific Interest (SSSI).

5.153 Natural England has highlighted that the application site is approximately 35m away from the Little Caldew and less than 1km away from the River Caldew, which are part of the River Eden and Tributaries SAC and SSSI.

5.154 Natural England accepts that the overall risk to the River Caldew is not sufficient to require submission of the site investigation report into the presence of possible contaminants prior to determining the application; however, it advises that if the Council was inclined to approve this application it would be necessary to undertake an "Assessment of Likely Significant Effect". This assessment would identify those conservation features of interest; the potential hazards these features would be exposed to during the construction phase and the means of mitigating any potential adverse impact.

Revisions To The Proposals Since The Last Committee Meeting

5.155 At the last meeting, Members identified a number of concerns with the proposals and deferred consideration to enable Officers specifically to seek the following:

- i. Improvements regarding the means of pedestrian access to the store and its relationship with the bus stop;
- ii. Clarification as to how the bus stop would be accommodated should the County Council implement its aspirations for a roundabout as part of the Inner Orbital Relief Road; and
- iii. Amendments in respect of the design of the scheme (both in terms of the treatment of the road frontage and store itself);
- iv. The energy efficient measures that are to be incorporated;
- v. Confirmation of the wording of the planning conditions.

5.156 Subsequent discussions and exchanges of e-mail correspondence/options for revisions followed with the applicants' Design Team as a result of which the applicants have responded with a series of modifications/clarifications:

- i. Improvements Regarding The Means Of Pedestrian Access To The Store And Its Relationship With The Bus Stops

5.157 It will be recalled that the central concern raised in discussion at the last meeting, in relation to pedestrian movements, was the ability of non-car owners to safely and conveniently access the store from the nearest bus stops and to safely return, notably when carrying shopping after visiting the store. This is an important point as the site fronts onto routes where cross-city bus services operate i.e 67 and 68 from Upperby to Belle Vue; the 60/60A from Carleton/Harraby to Sandsfield Park; and 61/61A from Harraby East to Morton. As such, customers from those areas- and those resident along the route followed by the services- have potential to shop at the proposed development. Thus, while shoppers from the west i.e. Morton, Sandsfield Park or Belle Vue will alight on the "store-side" of Caldewgate and board with shopping on the opposite side of the road, those shoppers coming on busses

from the routes serving the south or east of the city will alight on the southern side of Caldewgate but board with their shopping directly on the site frontage. In all cases, persons will need to be able to safely cross what is already a very busy road.

- 5.158 The applicants' transport consultants have analysed potential pedestrian movements and it is readily apparent that there is no solution that is "perfect" for all users, in relation to negotiating a safe, convenient and most direct route between the store entrance and the bus stops on both sides of the road, safeguarding pedestrians from vehicle movements through the car park and potential conflict with vehicle activity associated with the petrol filling station [PFS] and re-cycling centre. However, from reviewing the likely "desire-lines" and their distances, the applicants' Design Team believe that the "best-fit" - in terms of meeting most pedestrian needs- is the retention of the dedicated pedestrian pathway running from Caldewgate, to the rear of the kiosk of the PFS through the southern edge of the car park to the store entrance. That route affords the shortest distance from the store entrance to the signal controlled pedestrian crossings over both sides of Caldewgate nearest to the bus stops on both sides of the road, has minimal conflict with vehicles within the car park, and is also convenient for persons who are "dropped-off" and then collected after shopping. It is also convenient for pedestrians approaching from the direction of Caldcotes roundabout [Wigton Road/Newtown Road].
- 5.159 Supplementing that route, the applicants also intend to provide safe pedestrian access along the west side of Bridge Lane and Willowholme Road i.e. for pedestrians from The Maltings, Barrell House and Brewery Halls of Residence and beyond with an entrance to the site from those roads close to the south-east corner of the store building.
- 5.160 In combination, therefore, Officers are satisfied that proper provision will be made for maximum pedestrian access between the store and public transport services and between the store and its closest "walk-in" trade.
- ii. Clarification As To How The Bus Stop Would Be Accommodated Should The County Council Implement Its Aspirations For A Roundabout As Part Of The Inner Orbital Relief Road
- 5.161 Members additionally sought assurance that, should a roundabout junction ever be implemented and the access arrangements now proposed be modified to accommodate it, the proposed development would continue to be able to be accessed by pedestrians, particularly those using local bus services.
- 5.162 In addressing this aspect, Officers together with the applicants' Transport Consultants and Capita [acting for Cumbria CC] have reviewed the potential options, accepting that at this stage there is no full worked-up scheme design that has been subject to a safety audit. Nonetheless, reproduced in the Schedule are two indicative design solutions for the "potential" roundabout each of which demonstrates how bus services and pedestrian movements might be incorporated: the first of these, drawing number N7 1289 PH1 11

has been prepared by Capita for Cumbria CC and shows bus stops located on the southern side of Caldewgate and outside the Globe PH [an existing bus stop] together with the signalised pedestrian crossings that would need to be installed to allow pedestrian and cycle movements through the roundabout. An alternative design, prepared by the applicants' Transport Consultants [drawing numbered N7 1289 PH1 14] demonstrates an alternative, probably more convenient arrangement retaining a bus stop outside the store frontage on the north side of Caldewgate and one on the opposite side of the road, coupled with related signal controlled pedestrian crossings.

- 5.163 Officers are, accordingly, satisfied that future provision to deal with a pedestrian movements, notably from public transport services, can be safeguarded if the roundabout junction is ever built although, that said, the two drawings further demonstrate the greater land-take and more inhospitable effects that such a scheme would have for pedestrians and cyclists, perhaps, questions what real benefits might arise from it.

iii. Amendments In Respect Of The Design Of The Scheme (In Terms Of The Treatment Of The Road Frontage And Store Itself)

- 5.164 Members raised several concerns regarding the store's design features, notably its finishes, and also in relation to the envisaged design, finish and architectural form of the proposed office/retail units near to the junction of Caldewgate/Bridge Lane. Those concerns were directed to the applicants' Design Team and considerable discussion followed in relation to what could be done to make the scheme more "locally distinctive".
- 5.165 From those discussions the applicants have reviewed, principally, the palette of materials to be used at the development since other components, such as the store's siting; the overall operational criteria that determine its layout [such as separation of service traffic from customer traffic]; the separation of sales areas from staff and storage areas; the location of the restaurant, toilets and other customer services; the necessary internal operational heights, and all the other essential requirements of a functionally efficient internal plan, are all fundamental to how a store of this nature can successfully trade. Officers accept that these have been carefully considered in the evolution of the detailed design of this scheme and have not sought to modify those.
- 5.166 Where most attention has been focussed, however, is on treating the elevational form of the building in a manner that is aesthetically more pleasing, that helps to visually "break-up" the scale of the building, and that uses finishes that are associated with and are representative of North Cumbrian vernacular architecture. In addition, the applicants have incorporated additional tree planting within the car park and have provided details of proposed brick walling with stone copings and inset metal railings to be erected along the street frontage to Caldewgate and details of the metal rail fencing to the Bridge Lane frontage.
- 5.167 The design changes to the main store has resulted in the omission of the white prefabricated cladding that was to be utilised on parts of the principal

elevation and much of the flank elevations. Instead, natural red sandstone will be utilised on those areas of the main facade, and that material will be continued around the building's side walls so that the sandstone "bookends" all the three main facades i.e. the main frontage facing towards Caldewgate, the elevation viewed from Willowholme Road and the Byron Street elevation. The stonework will, clearly, complement the use of the timber horizontal cladding on upper areas of the front and side facades and, with the glazed areas on the front elevation and to window openings, will provide a softer, natural look to the building.

- 5.168 Similarly, the previous intention to use a white metal cladding system to the remainder of the flank walling has been reviewed and, where white cladding had been proposed, that has now been changed to grey cladding on all the facade areas below the overhang to the eaves where the roofline falls down from the front towards the rear [see south-west and south-east elevations]. Its use continues at that height to the walls of the service yard. The only areas where the white cladding will remain, and it has benefits in that it will visually "break up" the scale of the building is at upper levels of the rear [service yard] wall and, more modestly, the set back areas of the two flank elevations. The timber cladding that is used on upper areas of the front facade will also be used on sections of the flank walls, helping to break up the scale of those elevations and reducing dominance of one material.
- 5.169 The drawings which follow in the Schedule demonstrate, through both the "long" elevations and the "elevation detail" displaying how the sandstone integrates with the timber cladding, glazing areas, grey flat panel cladding and the overhang of the eaves, that the overall form and appearance of the store has benefited from the alterations made since the application was last considered by the Committee. Officers regard these changes as a considerable improvement and commend the amended proposals.
- 5.170 Members also instructed Officers to explore alterations to the retail/office building on the Caldewgate facade, close to the junction with Bridge Lane. From the discussions that followed with the applicants, that building has also now been modified although there are still some outstanding matters of detailing to resolve. Essentially, the aim has been to simplify the use of materials so the building is now predominantly faced in brickwork with some rendering to projecting gable windows/stair tower with artstone being employed for detailing such as plinths, copings and to detail window openings. The roof is still pitched and Officers await confirmation that this will be in slate or a good slate substitute so there is affinity with the Globe Inn and the Halls of Residence at The Brewery. The previous intention to utilise timber cladding, along with brick and render, has been regarded as unwise and incongruous with the streetscene. While the building is much simplified, its success depends much on the detailing but Officers anticipate that this will be resolved prior to Committee and modifications can be exhibited on the day.

iv. The Energy Efficient Measures That Are To Be Incorporated

- 5.171 As advised when the application was previously discussed, the applicants have an acknowledged very good track record in employing "green"

technologies in the design of many of their stores, in applying carefully considered environmental practices in the operational day-to-day management of those stores to reduce their environmental impact and to reduce their energy costs and carbon footprint. However, whilst there were references to what measures and features "might" be included in Carlisle, there was actually very little definitive explanation of what actually would be incorporated in these proposals. As they are policy imperatives within both RSS [Policy DP9 and Policy EM16] and the adopted Local Plan [Policy CP9] Members, understandably, sought clarification of how the applicants would meet those policy objectives.

- 5.172 Members will observe, from the A4 sheet setting out the full range of technologies that the applicants intend to employ, which is printed as an annex to this Report, that a number of key measures will be incorporated in this scheme. These include: the proposed use of a biomass boiler using wood pellets as its fuel source, which would achieve 20% on-site renewable energy generation and avoid the use of gas for space and water heating; sun-pipes within the roof design to enable the maximum amount of natural light to the sales and back-up areas; intelligent lighting controls to minimise the need for artificial lighting and avoid operation of lighting when it is not required; the operation of a Building Management System that controls and manages all use of energy in the building; re-cycling of cold air from the chiller aisle to cool specific areas of the store such as computer rooms and offices; rain water harvesting to enable grey water to be used to flush public and staff toilets; low-flush wc's; waterless urinals; percussion taps; low energy lighting for external signage; through to disposal of any food wastes either to local charities or to anaerobic digestion plants for converting into energy.
- 5.173 A preferred location for the installation of a biomass boiler has been identified as, potentially, within the service yard but Members should be aware that this is NOT actually part of the application proposals simply because there has not been any assessment, within the Environmental Statement or other supporting material, of any possible impacts arising from that facility. It would, therefore, be subject of a separate planning application for its approval, at which time issues such as possible noise, emissions, traffic generation through fuel delivery, etc. can be fully evaluated. There is no reason to suspect there will be any potential adverse effects and its site has been selected to minimise any possible harm but it is important to emphasise that there will be a separate planning process to be followed for its approval. As a measure of the applicants' commitment to pursue this aspect they have agreed that this be addressed through provisions of the intended S106 Agreement whereby it is an obligation that Sainsburys undertake a testing process to establish there would be no unacceptable environmental harm arising through the installation and operation of a biomass boiler following which, provided no such likelihood of harm is confirmed, the S106 will require the submission of a planning application within 6 months for its installation at the development. That process also allows full public consultation and enables relevant consultees to comment on the details.

5.174 In overall terms it is considered that these potential measures represent a significant investment in appropriate green technologies and fully accord with the objectives of the foregoing RSS and Local Plan Policies.

v. Confirmation Of The Wording Of The Planning Conditions

5.175 The final concern raised by Members, was the fact that the previous Report- whilst concluding with an Officer recommendation for approval- had caveats attached in relation to the intended imposition of planning conditions and linkage of the proposals with a S106 Agreement [principally for funding to highway works but also for public realm enhancement]. Again, understandably, Members considered that to determine the application without clear sight and scrutiny of the recommended conditions was unwise as it was unclear to the Committee precisely what it was being asked to approve.

5.176 Officers have taken that concern on-board and following the recommendation is a suite of suggested planning conditions that it is considered should be imposed if planning permission is granted. These are, of course, complimentary to the matters that would be addressed within the S106 Agreement, the Heads of Terms of which also follow in the Schedule. Members should note that the precise form of words within the conditions may need some minor, fine-tuning but the matters to be covered are clear and the intentions of the conditions are transparent. In summary the recommended conditions relate to the size of the net convenience/ comparison floor areas; opening hours/delivery arrangements; the external materials to be used (including hard surface details); the siting of plant/machinery; landscaping; archaeological issues; the external lighting scheme; flood mitigation measures; disposal of foul and surface water; contamination and a variety of highway issues.

vi. Re-Assessment of Re-cycling Facilities

5.177 Although not identified by Members, the interim period since these proposals were discussed has enabled Officers and the applicants' Design Team, the opportunity to carefully review the whole nature and characteristics of the proposals and their likely impacts. From that, it became apparent that the original location and operation of the re-cycling centre- within the forecourt of the PFS- was likely to cause some problems. In particular, Officers were concerned that the original proposals would have resulted in conflicting traffic movements and congestion through siting the re-cycling centre within the PFS, sharing its entry/egress arrangements and, hence, being reliant upon the ability of persons only using the re-cycling area to be able to drive back out without being obstructed by vehicles queuing for fuel or being re-fuelled.

5.178 In short, someone taking goods to the re-cycling centre would- as originally proposed- have had to use the same entry as drivers going to fuel but, when leaving would have to hope they could pass through the aisles between pumps, before having to perform a 180 degree turn if they wanted to park and

shop at the store. That would have entailed crossing over the exit traffic from the store and then join the entry stream: it was, clear, that this might present problems.

- 5.179 Recognising these concerns, the applicants have responded to the issue by re-locating the customer entry and exit for the re-cycling centre into the access serving the small 14-vehicle car park to the east of the PFS [serving the two storey office/retail building on the street frontage]. That way customers can drop re-cyclable material from that "car-park" side then drive out to access the store's customer parking areas and, hence, will avoid any conflict with drivers using the re-fuelling facilities. The larger refuse collection vehicles would empty the containers from the reverse side of the re-cycling centre i.e. from within the PFS but at least when they have done so they would be driving off the premises.

Conclusion

- 5.180 As is evident from the foregoing, the period within which this application has been in abeyance, whilst these matters were pursued, has been productively employed in order to achieve Members' objectives and to deliver what Officers regard is a significantly improved overall submission.
- 5.181 In respect of the "principle" of the proposed development, the previous Report highlighted that the determining issues were finely balanced. Whilst there was initial concern that approval of this application could impact upon the delivery of the District Centre at Morton [principally as a consequence of lack of retail capacity], it is Officers' view that there is no clear evidence of a "significant adverse impact" that would justify refusing the application on this basis.
- 5.182 In the previous Report it was suggested that the location of the application fails the sequential test outlined in PPS4, in that the allocated site at Morton is sequentially preferable although it was also pointed out that PPS4 clearly advises that the weight attached to that is a matter for the decision maker. Prior to Committee, correspondence was received in relation to this aspect from the applicants' advisors that contested the approach being taken and suggested that, since the Morton District Centre does not actually exist, it cannot be a sequentially preferable site. The case made for the applicants was, consequently, that there was no sequentially preferable site and that the Officer Report, and related advice from WYG, was wrong to discredit the Sainsburys proposal because a sequentially better site existed. Since deferral of the application, WYG has been asked to review the stance adopted by Sainsburys and its advisors but have reiterated their advice that Morton must be regarded as sequentially preferable. In reaching that conclusion WYG draw support from both PPS4 and its accompanying Practice Guide which makes it clear that, if deemed acceptable, new centres should be promoted in preference to out of centre locations. They conclude that the allocation of the planned District Centre should not simply be "ignored".
- 5.183 In considering the significance of the sequential test, it is Officers' view that Members need to fully consider the Government's reasoning behind the sequential approach, which is to ensure that developments are accessible by

all forms of transport and that they enable customers to make linked trips that would help reinforce the vitality and viability of [in this case] the City Centre. It is Officers' view that the location of the store is such that it would not prejudice that objective, particularly when the overall accessibility by a wide range of modes, not least the extensive bus services described under para 5.157, is considered. In the absence of any clear, demonstrable harm to the delivery of the District Centre at Morton, Officers question, in light of the above, what actual harm would result from non-compliance with the sequential test. Any potential or perceived adverse effects also need to be balanced against the positive effects of the proposal, in terms of investment; employment generation; and the physical and economic regeneration of the area.

- 5.184 In applying the “planning balance” Officers concluded in the last Report to Committee that Members would be justified in allowing this application if satisfied that the merits of this proposal outweigh any potential adverse impact upon the delivery of the District Centre at Morton. Officers continue to hold that view. Assuming Members support the Officers' assessment and recommendation, it is also considered that the concerns raised at the last meeting, regarding the layout, design [in particular the absence of an edge of pavement frontage], the accessibility of the scheme and the impact it will have upon views into and out of the City Centre Conservation Area, have been satisfactorily resolved through the design changes/clarification obtained from the applicants.
- 5.186 As part of the description of this proposal Members were made aware that the application was accompanied by an Environmental Impact Assessment (EIA). The key issues raised by the EIA included a planning policy review; the visual impact of the development, archaeology, drainage/flood risk, ecology and nature conservation, transport issues, air quality and noise. All of the issues raised are discussed within the main body of this report; however, for the reasons previously identified no issues were identified by consultees or representatives that indicate any adverse impact.
- 5.187 In recommending that this application is approved, Officers have, thus, taken into account all relevant environmental information (including the supporting Environmental Statement) within the meaning of Regulation 3(2) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.
- 5.188 If Members are minded to approve this application, the Town and Country Planning (Consultation) (England) Direction 2009 requires that the submission is referred to the Secretary of State as a "Departure". This is because the development is out-of-centre and relates to a new retail development with a floor area of greater than 5,000 sq m. GONW would then determine on behalf of the Secretary of State (SoS) whether or not the application should be “called in” by the SoS or whether it is appropriate that the decision is made by the Council, as Local Planning Authority.
- 5.189 As explained earlier in this Report, again - if Members are minded to approve the application- it would be necessary for the applicant to enter into a S106

agreement to secured financial contributions towards the highway improvements, the provision of the Caldew cycleway link and the proposed public realm works prior to the release of Planning Permission. The S106 agreement would cover a number of matters, including the delivery of the non-financial aspects that Sainsburys promote such as its employment and training initiatives, and the potential biomass boiler.

5.190 Finally, Members are also reminded that if "minded to approve" this application it is necessary to undertake an "Assessment of Likely Significant Effect" under the Habitats Regulations given the potential impact upon the River Eden and Tributaries SAC and SSSI. This assessment needs to be agreed by Natural England; however, Officers do not envisage that the outcome of the assessment will preclude planning permission being granted. Clearly, however, if it were found to give rise to such concerns the application would be brought back before Members.

5.191 In conclusion it is recommended that, although not an "allocated" site, for the reasons identified in this Report there is insufficient justification not to approve this development as an "exception" from the provisions of the Development Plan. If Members accept this recommendation, and are minded to grant planning approval it is requested that "authority to issue" the approval is given subject to:

- a) no adverse comments being received from Natural England following the completion of an "Assessment of Likely Significant Effect";
- b) clearance by GONW following the referral of the application as a "Departure"; and
- c) the satisfactory completion of a S106 agreement to secure the financial contributions referred to in this report, together with the implementation of the training schemes/initiatives outlined in the supporting Regeneration Statement and the arrangements for testing and potential provision of a biomass boiler.

Informative Notes to Committee:

1. Section 106 Agreement with Authority to Issue

In view of the nature of the proposal and the planning issues associated with it, it is recommended that the applicant(s) be invited to enter into a legal agreement under the provisions of Section 106 of the Town and Country Planning Act 1990 and that subject to a satisfactory agreement being concluded, Officers be authorised to issue planning approval.

6. Human Rights Act 1998

6.1 Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

Article 6 bestowing the "Right to a Fair Trial" is applicable to both

applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

Article 7 provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

Article 8 recognises the "Right To Respect for Private and Family Life";

6.2 **Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

6.3 Article 8 and Article 1 Protocol 1 are relevant but the impact of the development in these respects will be minimal and the separate rights of the individuals under this legislation will not be prejudiced. If it was to be alleged that there was conflict it is considered not to be significant enough to warrant the refusal of permission.

7. Recommendation - Grant Permission

1. The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The approved documents for this planning permission comprise:

UPDATE TO REFLECT SUBMISSION DETAILS

1. The Planning Application Form received 8th March 2010;
2. The Design and Access Statement received 8th March 2010;
3. The site location plan, block plan and the proposed elevations and floor plans (Drawing No. 2465/1 received 22nd March 2010);
4. The roadway elevation (Drawing No. 2465/2 received 21st May 2010);
5. The existing and proposed block plans (Drawing No. 2465/3 received 22nd March 2010)
6. The Tree Survey (Drawing No. L/01 received 8th March 2010);
7. The Schedule of Trees produced by Westwood Landscape (received 8th March 2010);
8. The Landscape Proposals (Drawing No. L/03 received 22nd March 2010);
9. The Desk Top Contamination Study received 22nd March 2010);
10. The Archaeological Evaluation produced by Greenlane Archaeology dated January 2010 (received 8th March 2010);
11. The Notice of Decision; and
12. Any such variation as may subsequently be approved in writing by the

Local Planning Authority.

Reason: To define the permission.

3. The foodstore premises shall be used as a Class A1 foodstore (with a net tradeable retail area of 5,514 square metres) and for no other purpose including any other purpose in Class A1 of the Schedule to the Town and County Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order with or without modification.

Reason: To control the nature and extent of retail activities able to be conducted from the site to ensure the protection of the vitality and viability of the City Centre of Carlisle and other existing retail centres in the urban area in accordance with the objectives of PPS4 "Planning for Sustainable Economic Growth" and Policy EC5 of the Carlisle District Local Plan 2001-2016.

4. The sale of convenience goods within the foodstore shall be restricted to a net floor area of 3,741 square metres and the sale of comparison goods shall be limited to a net floor area of 1,773 square metres; and there shall be no increase in Class A1 net retail floor space by installation of a mezzanine floor or in any other way, unless permitted, in writing, by the Local Planning Authority.

Reason: To control the nature and extent of retail activities able to be conducted from the site to ensure the protection of the vitality and viability of the City Centre of Carlisle and other existing retail centres in the urban area in accordance with the objectives of PPS4 "Planning for Sustainable Economic Growth" and Policy EC5 of the Carlisle District Local Plan 2001-2016.

5. There shall be no ancillary convenience or comparison goods sales from temporary structures such as marquees and canopies on the car park.

Reason: To control the nature and extent of retail activities able to be conducted from the site to ensure the protection of the vitality and viability of the City Centre of Carlisle and other existing retail centres in the urban area in accordance with the objectives of PPS4 "Planning for Sustainable Economic Growth" and Policy EC5 of the Carlisle District Local Plan 2001-2016.

6. The foodstore and office/retail units hereby approved shall not be open for trading except between 0800 hours and 2300 hours on Mondays-Saturday or between 1100 hours and 1700 hours on Sunday or bank holidays.

Reason: To minimise disturbance to nearby residential occupiers and in accord with Policy CP6 of the Carlisle District Local Plan 2001-

2016.

7. The petrol filling station hereby approved shall not be open for trading except between 0700 hours and 2330 hours on Mondays-Saturday or between 1000 hours and 1800 hours on Sunday or bank holidays.

Reason: To minimise disturbance to nearby residential occupiers and in accord with Policy CP6 of the Carlisle District Local Plan 2001-2016.

8. The carriageway, footways, footpaths, etc shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval before work commences on site. No work shall be commenced until a full specification has been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed before the development is complete.

Reason: To ensure a minimum standard of construction in the interests of highway safety and to support Local Transport Plan Policies LD5, LD7 and LD8.

9. Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto or off the highway shall be submitted to the Local Planning Authority for approval, in writing, prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.

Reason: In the interests of highway safety and environmental management and to support Local Transport Plan Policies LD7 and LD8.

10. The use shall not be commenced until the access and parking requirements have been constructed in accordance with the approved plan. Any such access and or parking provision shall be retained and be capable of use when the development is completed and shall not be removed or altered without the prior consent of the Local Planning Authority. The approved parking, loading, unloading and manoeuvring areas shall be kept available for those purposes at all times and shall not be used for any other purpose.

Reason: To ensure a minimum standard of access provision when the development is brought into use and to ensure that vehicles can be properly and safely accommodated clear of the highway in accordance with the objectives of Local Transport Plan Policies LD5, LD7 and LD8.

11. Before any development takes place, a plan shall be submitted for the prior approval of the Local Planning Authority reserving adequate land for the parking of vehicles engaged in construction operations associated with the

development hereby approved, and that land, including vehicular access thereto, shall be used for or be kept available for these purposes at all times until completion of the construction works.

Reason: The carrying out of this development without the provision of these facilities during the construction work is likely to lead to inconvenience and danger to road users in accordance with Local Transport Plan Policy LD8.

12. The access and parking/turning requirements, as required by Condition 11, shall be substantially met before any building work commences on site so that constructional traffic can park and turn clear of the highway.

Reason: The carrying out of this development without the provision of these facilities during the construction work is likely to lead to inconvenience and danger to road users in accordance with Local Transport Plan Policy LD8.

13. The development, or part thereof, shall not be brought into use until:

- Junction improvements (removal of edge of carriageway markings across the entry to the superstore car park; correction of arrow markings on John Street carriageway; road markings on the eastbound Church Street carriageway to prevent vehicles from blocking the junction; no entry signs on the two give way junctions on the new entry and exit roads; high friction surface provision throughout the area on approaches to junctions and pedestrian crossing points (drawing number N71289/010 RevA);
- Widening of Shaddongate and the provision of an extended 2 lane approach to the signals (shown on drawing number N71289/010 RevA);
- Lengthening the 3 lanes on Castle Way (shown on drawing number N71289/010 RevA);
- Provision of a second lane on John Street (shown on drawing number N71289/010 RevA);

have been completed in accordance with such details that form part of an agreement with the Highway Authority under Section 278 of the Highway Act 1980, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the highway network can accommodate the traffic associated with the development and to support Local Transport Plan Policy LD8.

14. In the event of a roundabout being constructed at the A595 / Bridge Lane / Shaddongate junction as part of an Inner Orbital Relief Route, the access arrangements to the development shall be modified. The site access junction on Church Street shall operate as a priority controlled junction, no right turn into the development from Church Street shall be permitted, and an additional access shall be required on Bridge Lane.

Reason: To ensure that the highway network can accommodate the traffic associated with the development and to support Local Transport Plan Policy LD8.

15. No development shall take place until a scheme identifying the intended location, dimensions, finish and colour of operational plant (including mechanical or electrical equipment and water storage and pumping facilities for fire fighting), and the proposed method of screening, has been submitted to and approved, in writing, by the Local Planning Authority.

Reason: To ensure that the scale, appearance and screening of the operational plant is acceptable in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

16. No development shall commence until full details of all fixed and external plant and accompanying details of a full assessment of their potential impacts with regard to noise and odour and any mitigation measures has been submitted to and approved in writing by the Local Planning Authority. In order to facilitate such a submission, an assessment of the possible noise impact of proposed plant serving the development shall be carried out by a suitably qualified acoustician in accordance with the requirements of BS4142:1992

Reason: To safeguard the living conditions of neighbouring residents by providing satisfactory measures to reduce the noise disturbance resulting from the development in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

17. Prior to the development commencing the proposed development shall be subject of a lighting scheme for all external areas and for the buildings which shall be submitted to, and approved in writing by, the Local Planning Authority, and the development shall be carried out in accordance with the approved details prior to the commencement of trading. Outside of operating hours the external lighting, with the exception of security lighting, shall be switched off.

Reason: To safeguard the living conditions of neighbouring residents in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

18. No work associated with the construction of the development hereby approved shall be carried out before 0730 hours or after 1800 hours on weekdays and Saturdays (nor at any times on Sundays or statutory holidays) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent disturbance to nearby occupants in accordance with Policy CP6 of the Carlisle District Local Plan 2001-2016.

19. Prior to the commencement of development a construction environmental management strategy shall be submitted to and agreed, in writing, by the

Local Planning Authority. This shall include noise management measures, waste minimisation, construction hours of working, wheel washing, vibration management, dust management, vermin control, vehicle control within the site and localised traffic management and protocols for contact and consultation with local people and other matters to be agreed with the Local Planning Authority. The agreed scheme shall be implemented upon commencement of each phase of development and shall not be varied without the prior written agreement of the Local Planning Authority.

Reason: To safeguard the living conditions of neighbouring residents and to mitigate any adverse impact upon the River Eden and Tributaries Special Area of Conservation in accordance with Policies CP5 and CP6 of the Carlisle District Local Plan 2001-2016.

20. No development shall commence until full details of the bat mitigation measures, together with the timing of these works, have been submitted to and approved, in writing, by the Local Planning Authority.

Reason: In order not to disturb or deter the nesting or roosting of bats, a species protected by the Wildlife and Countryside Act 1981 and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

21. Samples or full details of all materials to be used on the exterior shall be submitted to and approved, in writing, by the Local Planning Authority before any work is commenced.

Reason: To ensure that the materials used are acceptable and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

22. No development shall take place until full details of hard and soft landscape works, including a phased programme of works, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority. Any trees or other plants which die or are removed within the first five years following the implementation of the landscaping scheme shall be replaced during the next planting season.

Reason: To ensure that an acceptable landscaping scheme is prepared and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

23. No development shall commence until details of any walls, gates, fences and other means of permanent enclosure and/or boundary treatment to be erected have been submitted to and approved, in writing, by the Local Planning Authority.

Reason: To ensure that the design and materials are acceptable and to

ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

24. Details of the heights of the existing and proposed ground levels and the height of the proposed finished floor levels of the buildings hereby approved shall be submitted to and approved, in writing, by the Local Planning Authority before any site works commence.

Reason: For the avoidance of doubt and to ensure compliance with the objectives of Policy CP5 of the Carlisle District Local Plan 2001-2016.

25. No development approved by this permission shall be commenced until a scheme for the provision of foul and surface water disposal has been approved, in writing, by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans.

Reason: To prevent pollution of the water environment in accordance with Policy CP12 of the Carlisle District Local Plan 2001-2016.

26. The development shall not be brought into use until details of a delivery/service yard management plan have been submitted to and approved, in writing by the Local Planning Authority. The approved Management Plan shall thereafter be implemented and operated in all respects, unless otherwise approved in writing by the Local Planning Authority.

Reason: To safeguard the living conditions of neighbouring residents by providing satisfactory measures to reduce the noise disturbance resulting from the development in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

27. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment dated October 2009, referenced PMM/PSA release 3.0 and compiled by Hadfield Cawkwell Davidson and the following mitigation measures detailed within the FRA:

1. Limiting the surface water run-off generated by the 100 year critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site;
2. Identification and provision of safe route(s) into and out of the site to an appropriate safe haven as part of the production of a site specific Flood Action Plan for the site;
3. Flood-routing measures detailed on page 6, section 7.01 shall be implemented in the car park adjacent the western boundary of the new development and be designed to maintain the current overland flow path.

Reason: To reduce the impact of flooding on the proposed development and future occupants/customers in accordance with Policy LE27 of the Carlisle District Local Plan 2001-2016.

28. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. A site investigation scheme, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
2. The site investigation results and the detailed risk assessment (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To protect the quality of groundwater and surface waters of the River Caldw in accordance with Policy CP13 of the Carlisle District Local Plan 2001-2016.

29. No development shall commence until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which shall be submitted to and agreed in writing by the Local Planning Authority. This written scheme shall include the following components:

- i) An archaeological evaluation to be undertaken in accordance with the agreed written scheme of investigation; and
- ii) An archaeological recording programme the scope of which shall be dependant upon the results of the evaluation and shall be in accordance with the written scheme of investigation.

Reason: To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the examination and recording of such remains in accordance with Policy LE8 of the Carlisle District Local Plan 2001-2016.

30. Where appropriate, an archaeological post-excavation assessment and analysis, preparation of a site archive ready for deposition at a store, completion of an archive report, and publication of the results in a suitable journal as approved beforehand by the Local Planning Authority shall be carried out within two years of the date of commencement of the hereby permitted development or otherwise agreed in writing by the Local Planning

Authority.

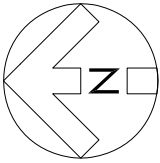
Reason: To ensure that a permanent and accessible record by the public is made of the archaeological remains that have been disturbed by the development in accordance with Policy LE8 of the Carlisle District Local Plan 2001-2016.

31. Prior to the carrying out of any demolition work, the former iron foundry in Byron Street, the remains of the early 19th Century houses in Byron Street and Cawthorpes Lane, The Lodge in Byron Street, and 30-42 Bridge Street shall be recorded in accordance with a written scheme of investigation that has been approved by the Local Planning Authority. Within 2 months of the commencement of construction works 3 copies of the resultant building recording report shall be furnished to the Local Planning Authority.

Reason: To ensure that a permanent record is made of the buildings and structures of architectural and historic interest prior to their demolition as part of the proposed development in accordance with Policy LE8 of the Carlisle District Local Plan 2001-2016.

NOTES:

All dimensions are to be checked on site, do not scale.



EXISTING AREAS

APPROX SITE AREA 7.52 Acres / 3.04 Hectares

REVISION: *
DATE: 28/05/2009
BY: CB
CHECKED:
INITIAL ISSUE

PLANNING

PLOT DATE:

Sainsbury's

CLIENT:
NEW STORE
BRIDGE STREET
CARLISLE

EXISTING SITE LAYOUT

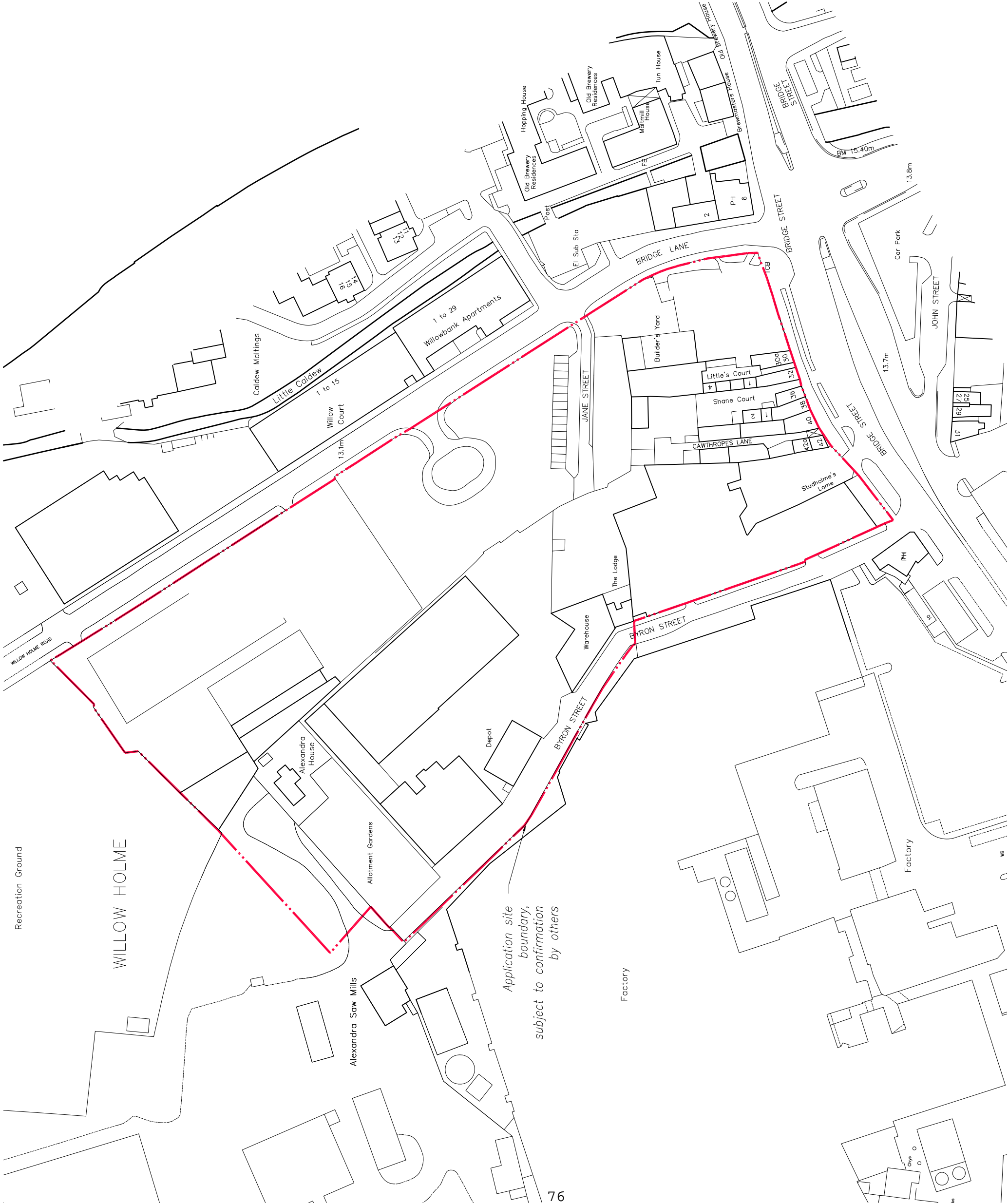
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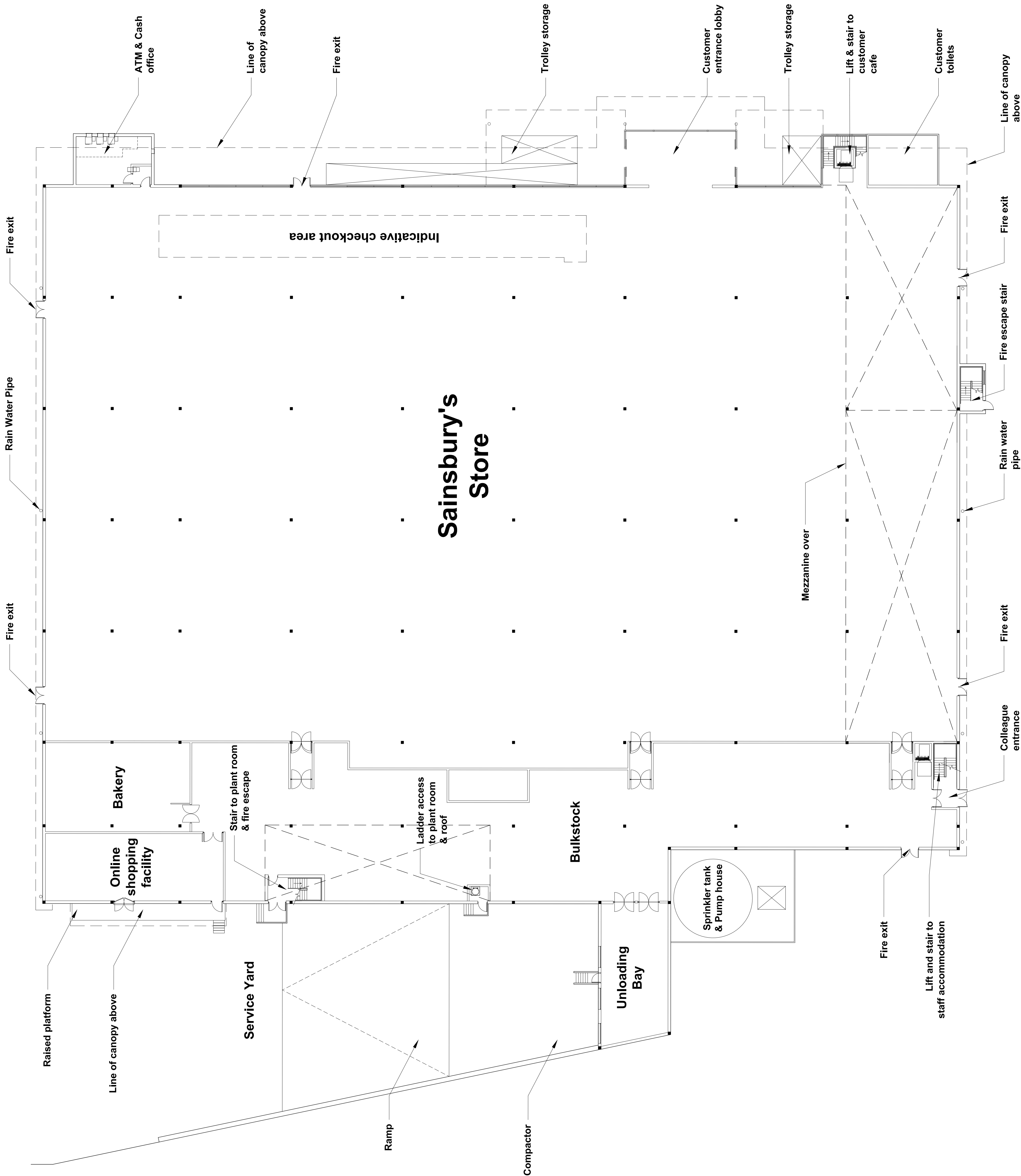
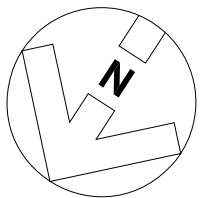
Hadfield Cawkwell Davidson

17 Broomgrove Rd, Sheffield, S10 2LZ. T 0114 266 8181 F 0114 266 6246 www.hcd.co.uk

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ARCH / 2006-223 / P01
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PLANNING

PLOT DATE:

Sainsbury's

FIGURE 1

**NEW STORE
BRIDGE STREET
CARLISLE**

Subject: _____

BRIDGE STREET, CARLISLE
GROUND FLOOR PLAN

DRAWING: **GROUND & LOOK T LAIN**
 DRAWN BY: **SCALE: 1:200 @ A1**
 DATE: **NOV 2008**

Hadfield Cawkwell Davidson

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ARCH / 2006-223 / P09

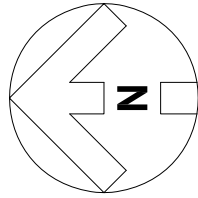
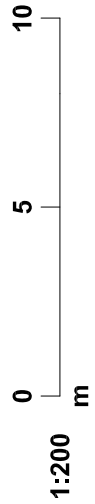
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NOTES:
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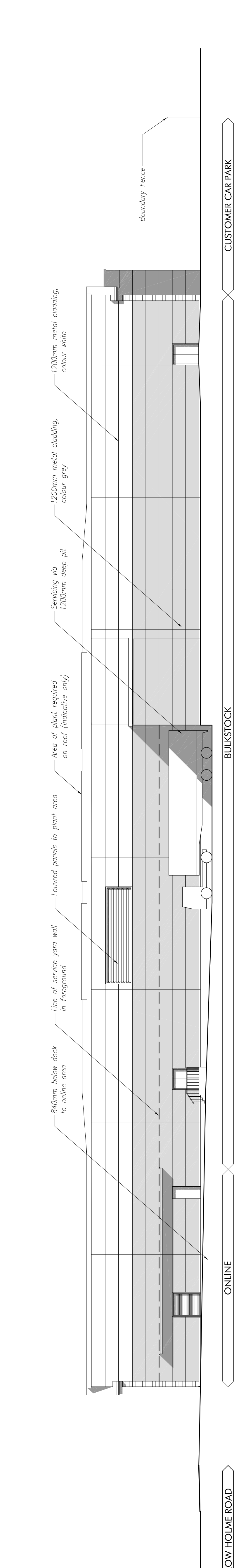
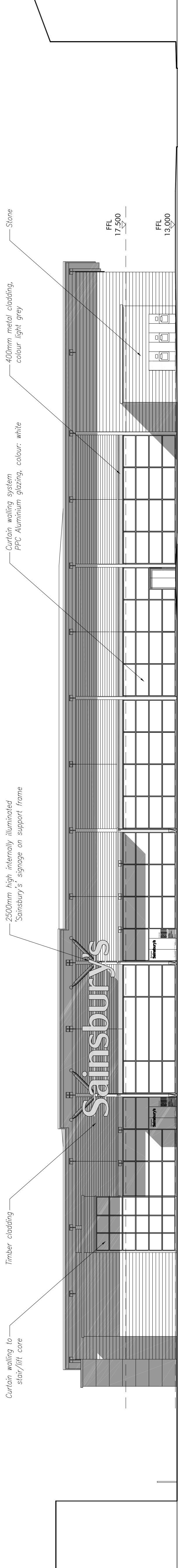
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FIRE STRATEGY SUBJECT TO DETAIL DESIGN DEVELOPMENT

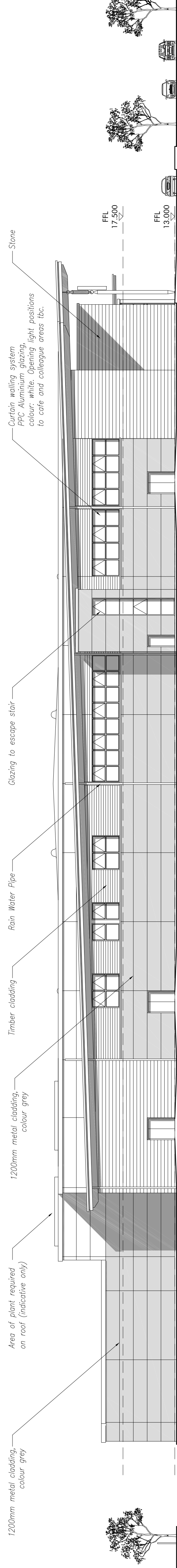
PROPOSED LEVELS SUBJECT TO DETAIL DESIGN DEVELOPMENT



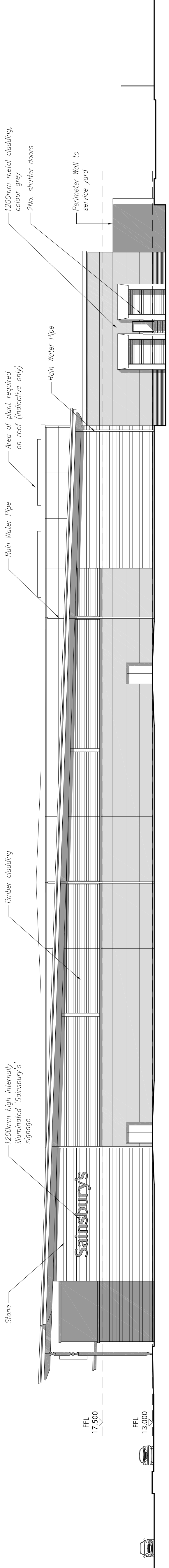
SOUTH EAST ELEVATION (A-A)



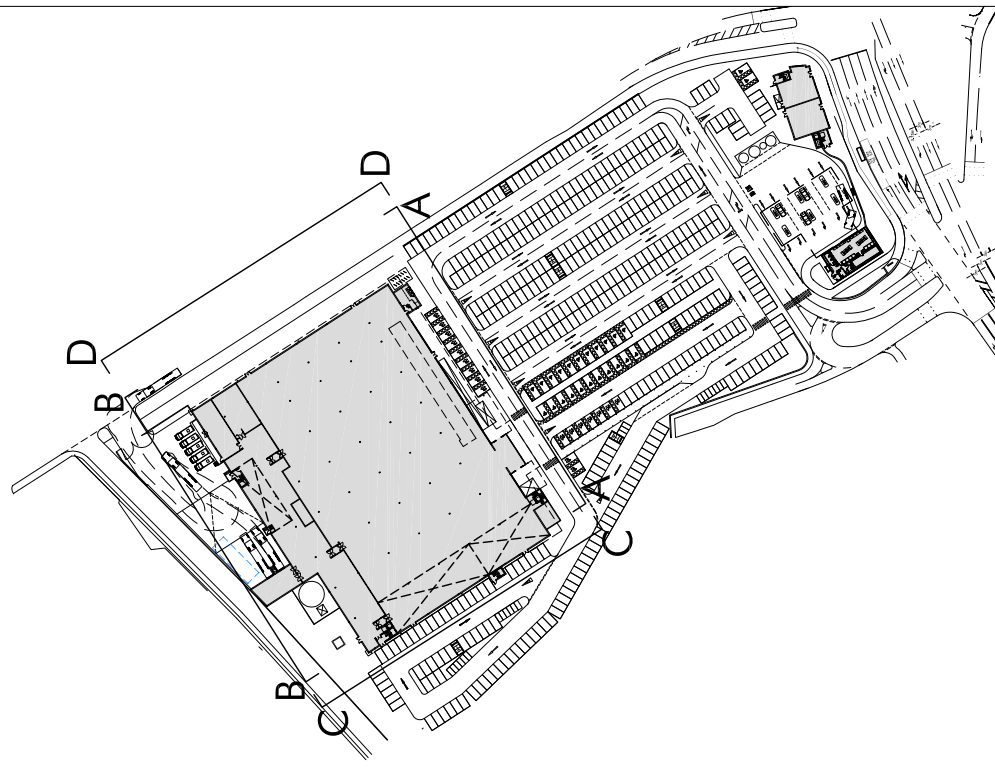
NORTH WEST ELEVATION (B-B)



SOUTH WEST ELEVATION (C-C)



NORTH EAST ELEVATION - WILLOW HOLME ROAD (D-D)



Key plan 1:2500

Revised.	in CMP	checked	date 29/06/2019
Notes and key plan revised.	in CMP	checked	date 28/06/2019
Roof configuration revised. Solube added. Roof plant relocated.	in CMP	checked	date 22/06/2019
Red arisone added to elevations. Canopy amended.	in CMP	checked	date 21/06/2019
Key plan updated.	in CMP	checked	date 17/07/2019
Sainsbury's sky-signage lowered below canopy line on south-east (A-A).	in CB	checked	date 02/12/2019
Special.	in CB	checked	date 28/06/2019
INITIAL ISSUE			

PLANNING

Plot DWL

Sainsbury's

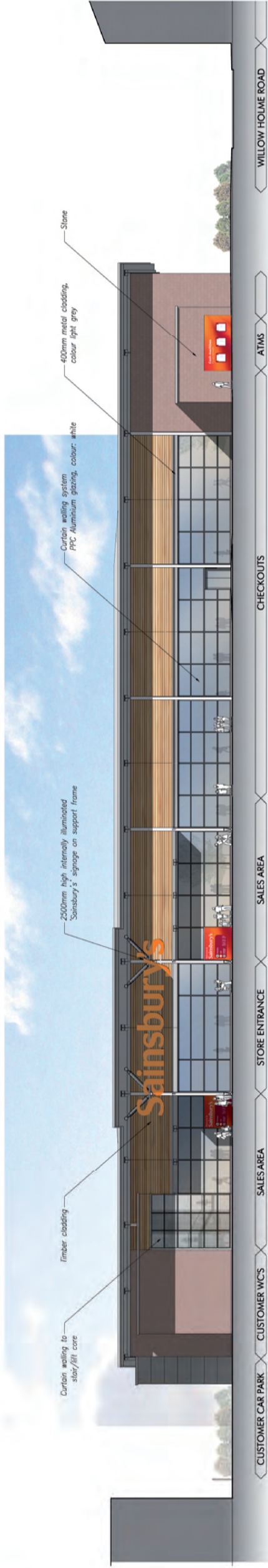
NEW STORE
BRIDGE STREET
CARLISLE

PROPOSED
ELEVATIONS

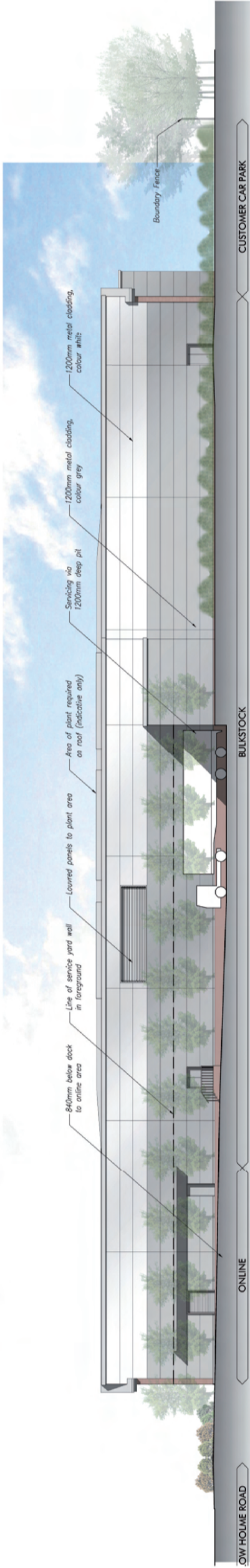
DRAWING:	DATE:	SCALE:	DATE:
SDF	1:200 @ A1		DEC 08

Hadfield Cawkwell Davidson

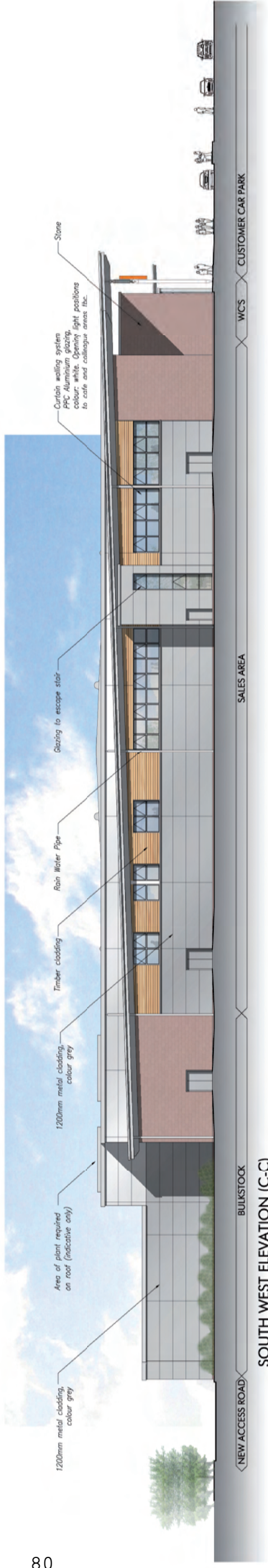
17 Beomgrove Rd, Sheffield, S10 2LZ | T 0114 266 8181 | F 0114 266 6246 | www.hcd.co.uk
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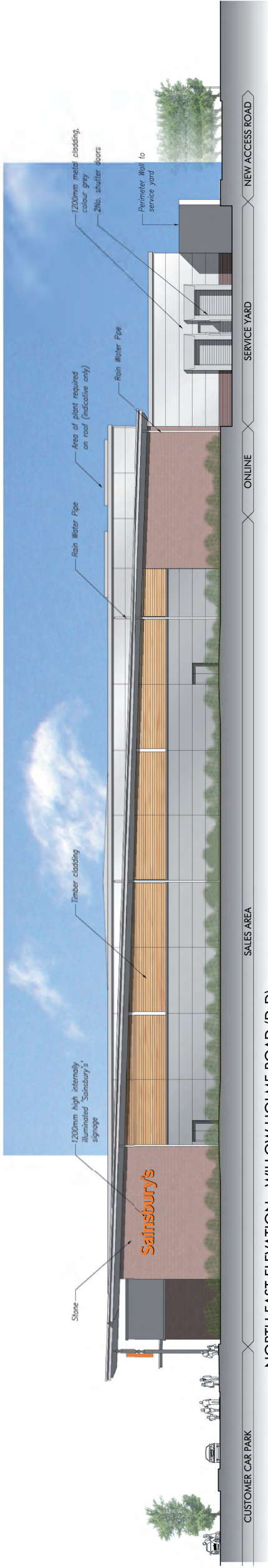
SOUTH EAST ELEVATION (A-A)



NORTH WEST ELEVATION (B-B)



SOUTH WEST ELEVATION (C-C)



NORTH EAST ELEVATION - WILLOW HOLME ROAD (D-D)

SAINSBURY'S | BRIDGE STREET | CARLISLE ELEVATIONS

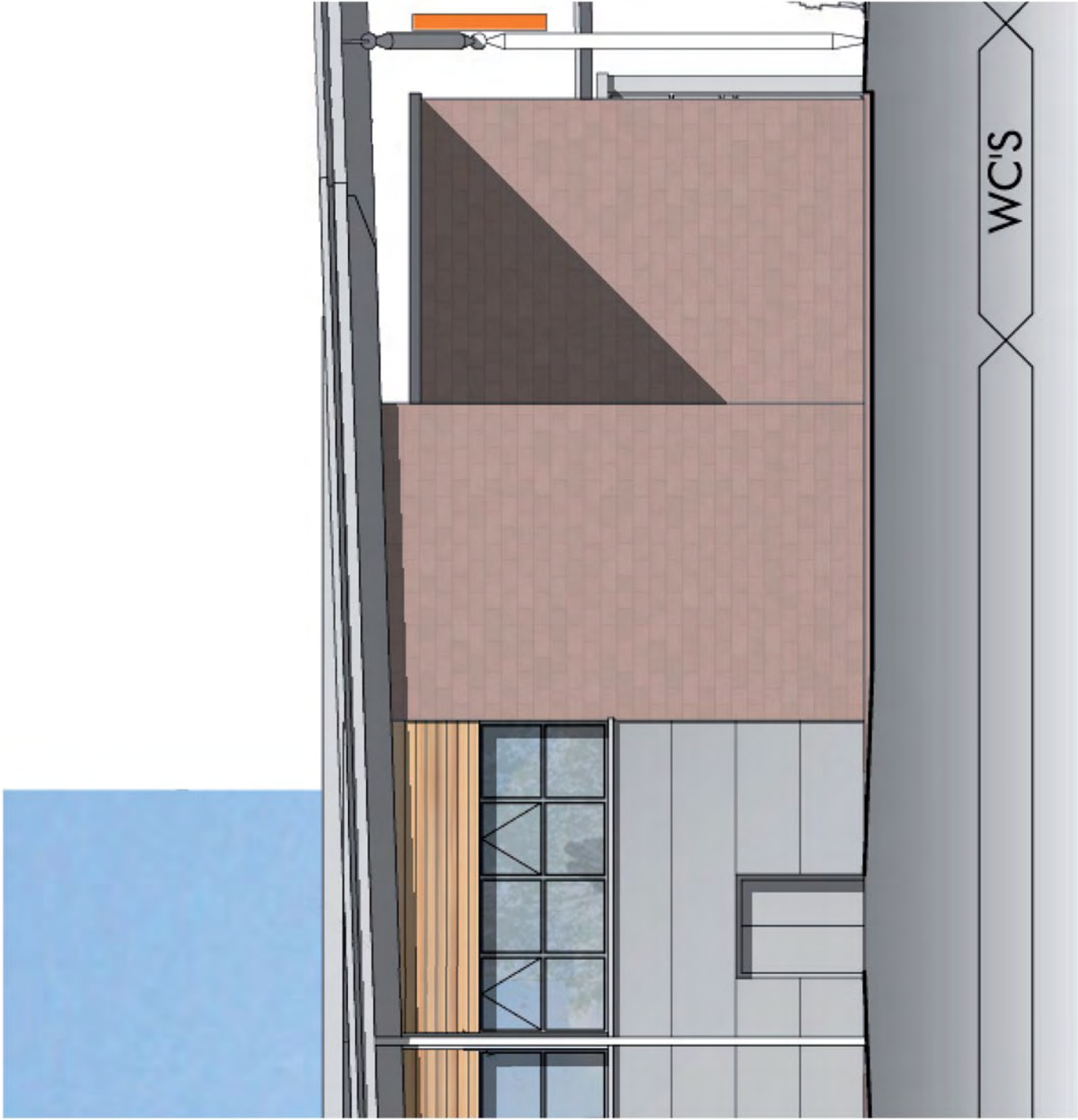
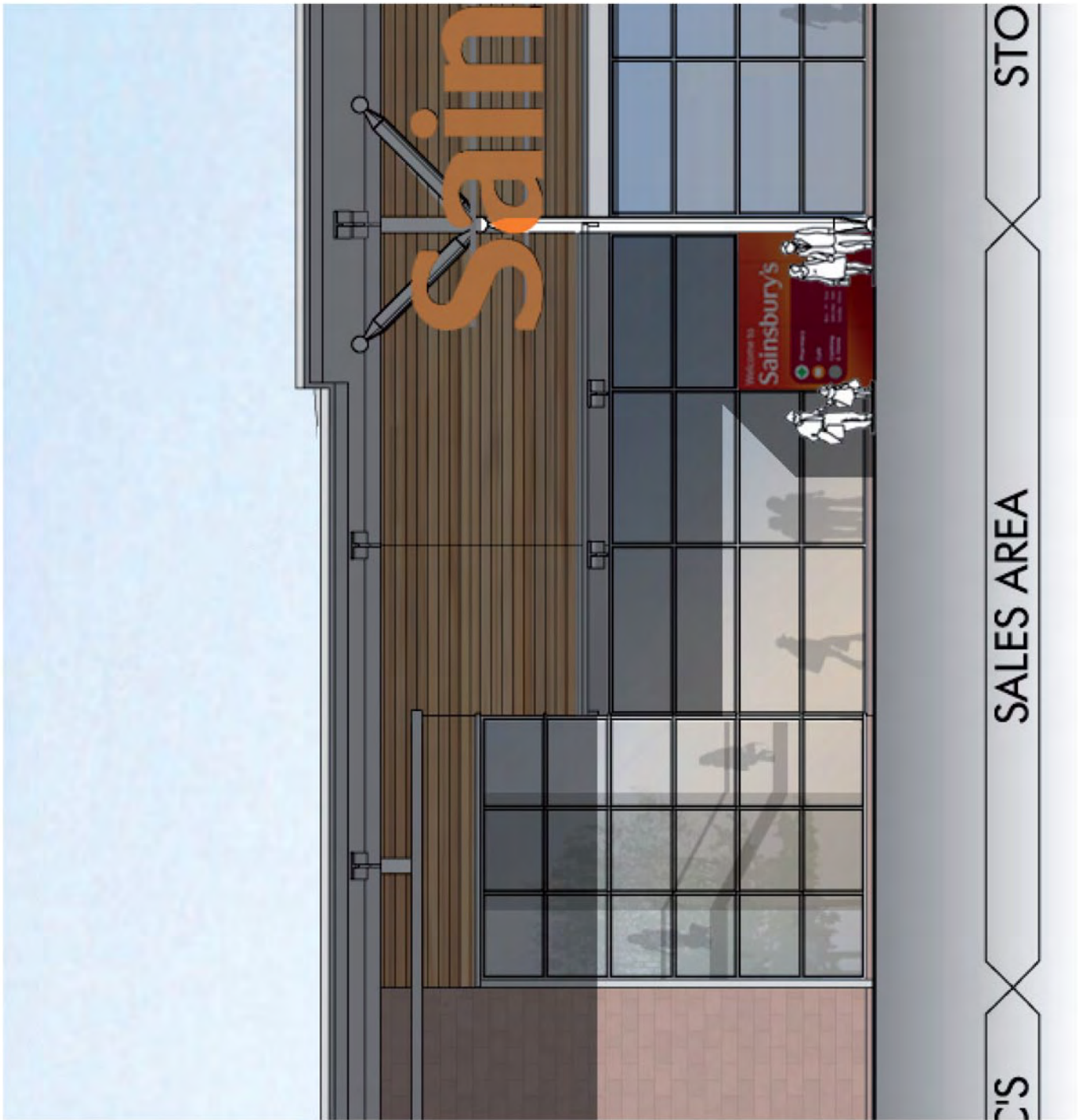
ARCH | 2006-223 | E01 | REV K | N.T.S. | 29.06.2010

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NOTES:

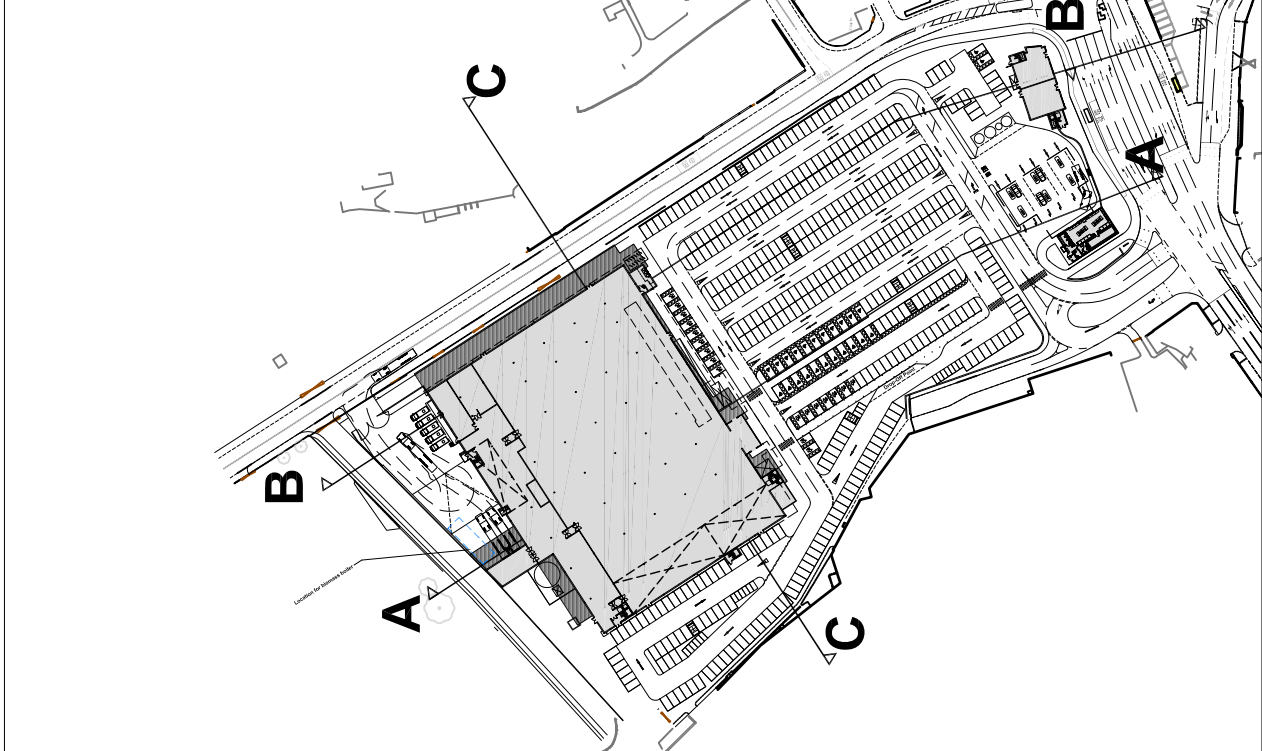
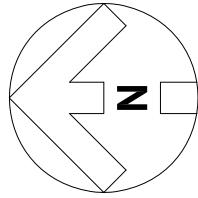
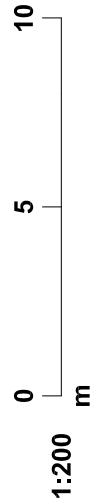
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FIRE STRATEGY SUBJECT TO DETAIL DESIGN DEVELOPMENT

PROPOSED LEVELS SUBJECT TO DETAIL DESIGN DEVELOPMENT

DRAINAGE STRATEGY SUBJECT TO DETAIL DESIGN



Key plan 1:2500

REVISION D	IN: CMP	DATE: 23/06/2019
Minor amendment to section.		
REVISION C	IN: CMP	DATE: 22/06/2019
Roof configuration revised. Solatubes added. Roof plant relocated.		
REVISION B	IN: CB	DATE: 19/01/2019
Signage relocated.		
REVISION A	IN: EXM	DATE: 11/01/2019
Roof plant updated.		
REVISION *	IN: CB	DATE: 28/05/2009
INITIAL ISSUE		

PLANNING

NOT DRAWN

Sainsbury's

NEW STORE
BRIDGE STREET
CARLISLE

PROPOSED
SITE SECTIONS

DATE: 23/06/2019	SCALE: 1:200 @ A1	DATE: DEC 2008
SDF		

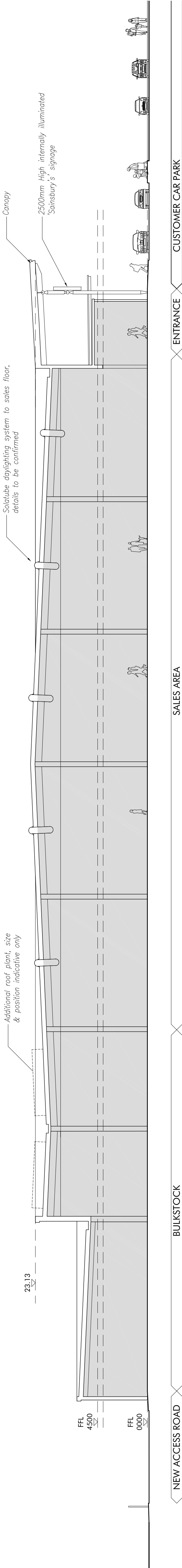
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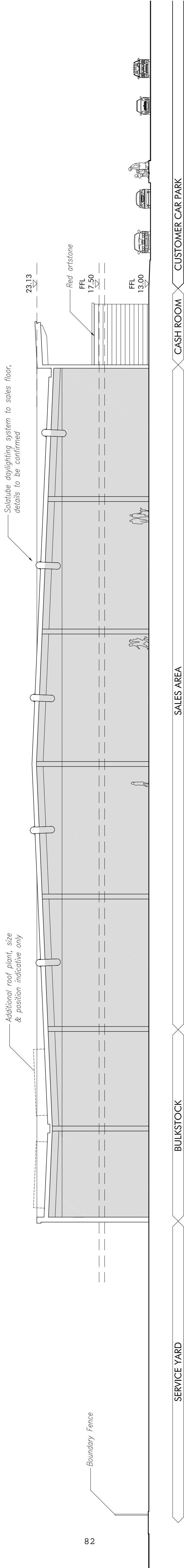
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ARCH / 2006-223 / P05

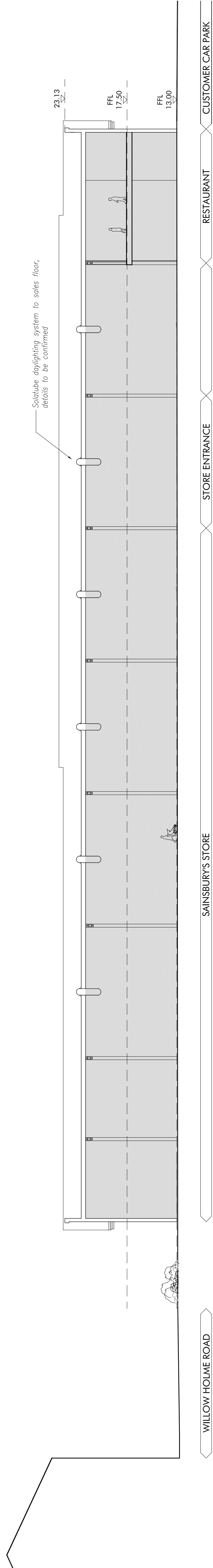
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SECTION A-A



SECTION B-B



SECTION C-C

NOTES:

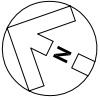
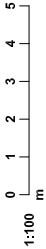
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FIRE STRATEGY SUBJECT TO DETAIL DESIGN DEVELOPMENT

PROPOSED LEVELS SUBJECT TO DETAIL DESIGN DEVELOPMENT

DRAINAGE STRATEGY & LOCATIONS OF RAIN WATER PIPES SUBJECT TO DESIGN DEVELOPMENT



FOR FURTHER DETAILS ON LANDSCAPING INFORMATION REFER TO ARTHUR AMOS ASSOCIATES LANDSCAPING DRAWINGS

AREAS	
GROUND FLOOR GIA	- 3,061 sq ft (284 sqm)
RETAIL UNIT 1 (SHELL)	- 1,280 sq ft (119 sqm)
RETAIL UNIT 2 (SHELL)	- 1,310 sq ft (121 sqm)
FIRST FLOOR GIA	- 3,061 sq ft (284 sqm)
OFFICE NET AREA (INCLUDING AREA FOR W.C'S, KITCHEN ETC)	- 2,615 sq ft (243 sqm)
TOTAL GROSS INTERNAL AREA	- 6,122 sq ft (568 sqm)
TOTAL GROSS EXTERNAL AREA	- 6,630 sq ft (617 sqm)

REVISION C	BY: EKW	CHECKED:	DATE: 11/01/2010
Retail unit building repositioned to suit new Highways Consultant design.			
REVISION B	BY: CB	CHECKED:	DATE: 16/11/2009
Bridge Lane widened as per Highways consultant's design. Retail unit building repositioned along Bridge Street to accommodate.			
REVISION A	BY: EKW	CHECKED:	DATE: 07/10/2009
Minor updates			
REVISION +	BY: EKW	CHECKED:	DATE: 02/10/2009
INITIAL ISSUE			

PLANNING

PLS. DATE:

Sainsbury's

CLIENT

NEW STORE
BRIDGE STREET
CARLISLE

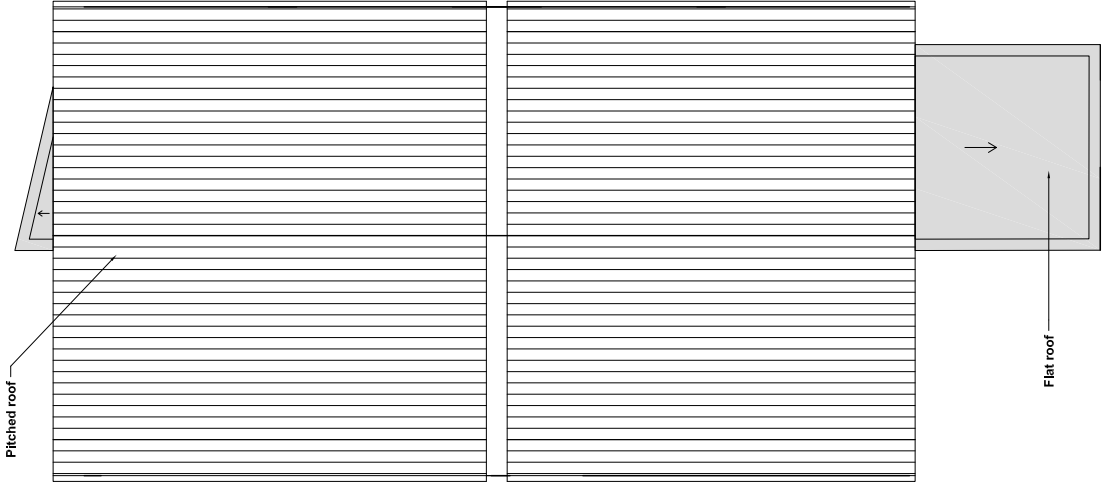
PROJECT:

PROPOSED
RETAIL & OFFICE BUILDING
PLANS

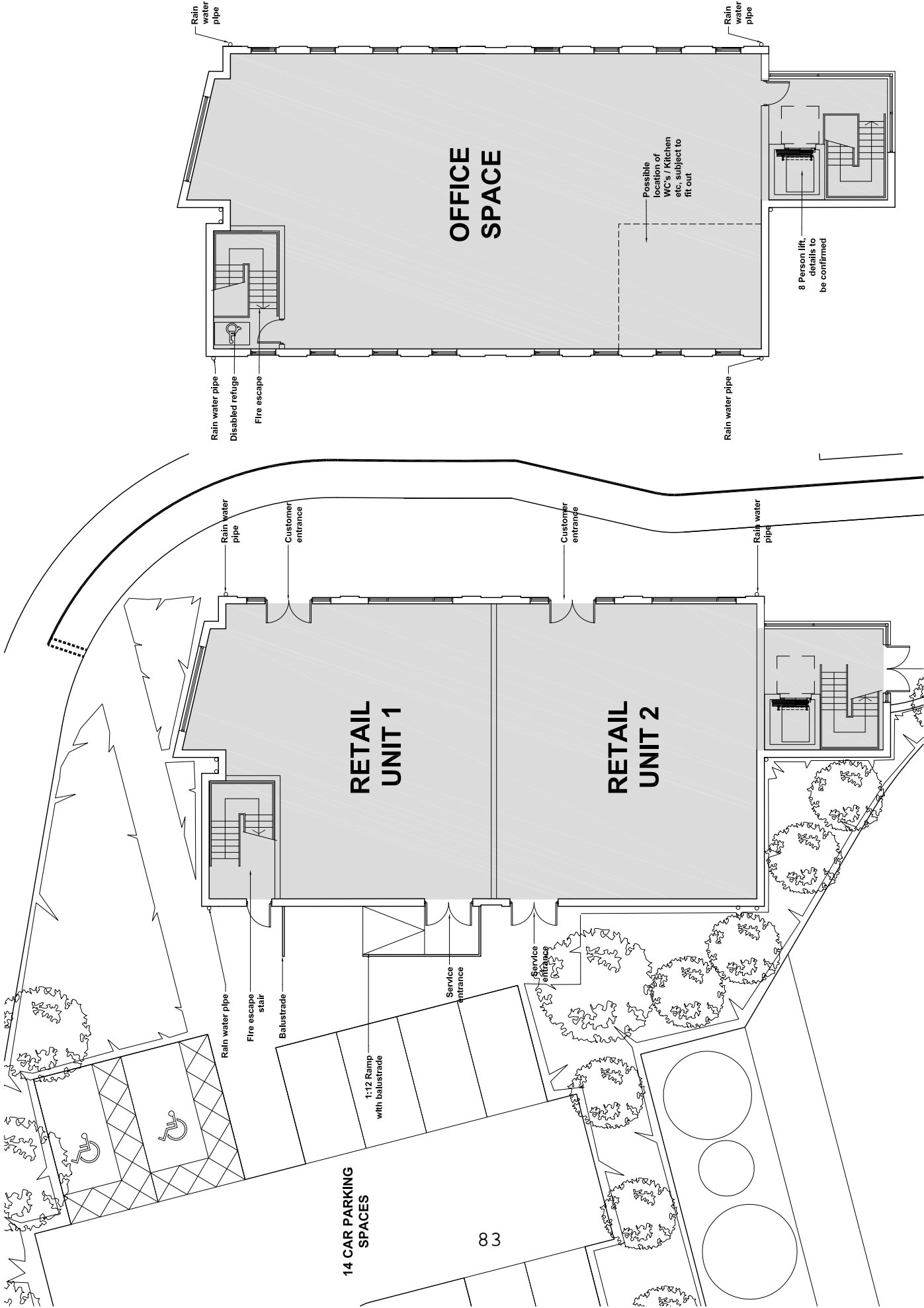
DRAWN: EKW
SCALE: 1:100 @ A1
DATE: OCTOBER 2009

Hadfield Cawkwell Davidson

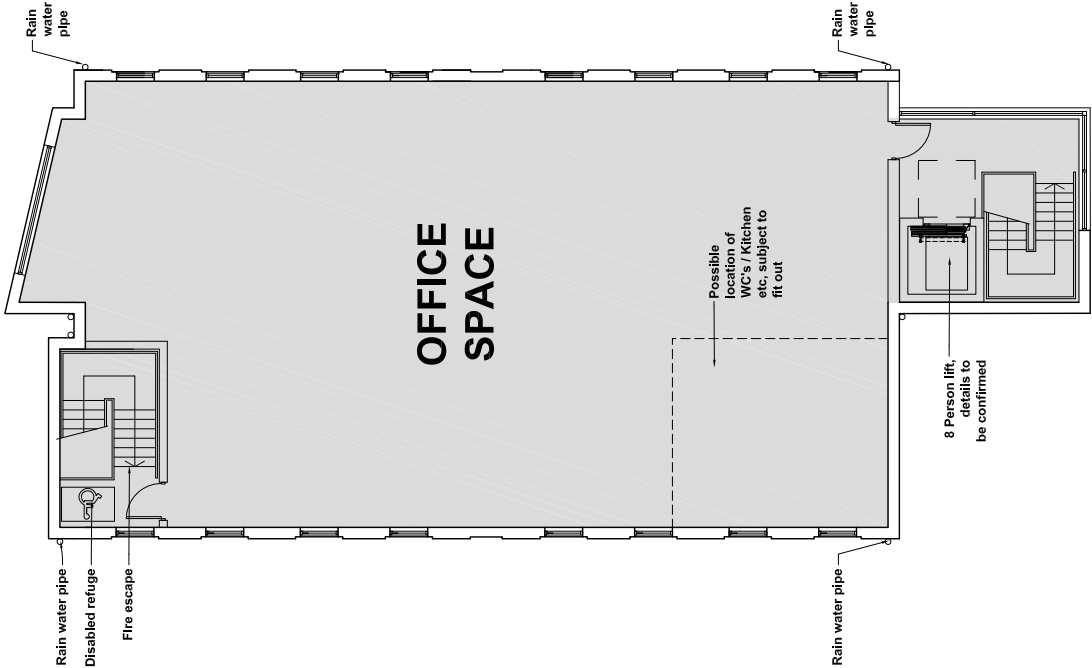
17 Scargrove Ln, Sheffield, S10 2JZ, Tel: 0114 252 8181, Fax: 0114 252 8184, www.hcd.co.uk
Architectural | Engineering | Interior Design | Landscape Planning | Urban Design
DRAWING NO: ARCH / 2006-223 / P11
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ROOF PLAN

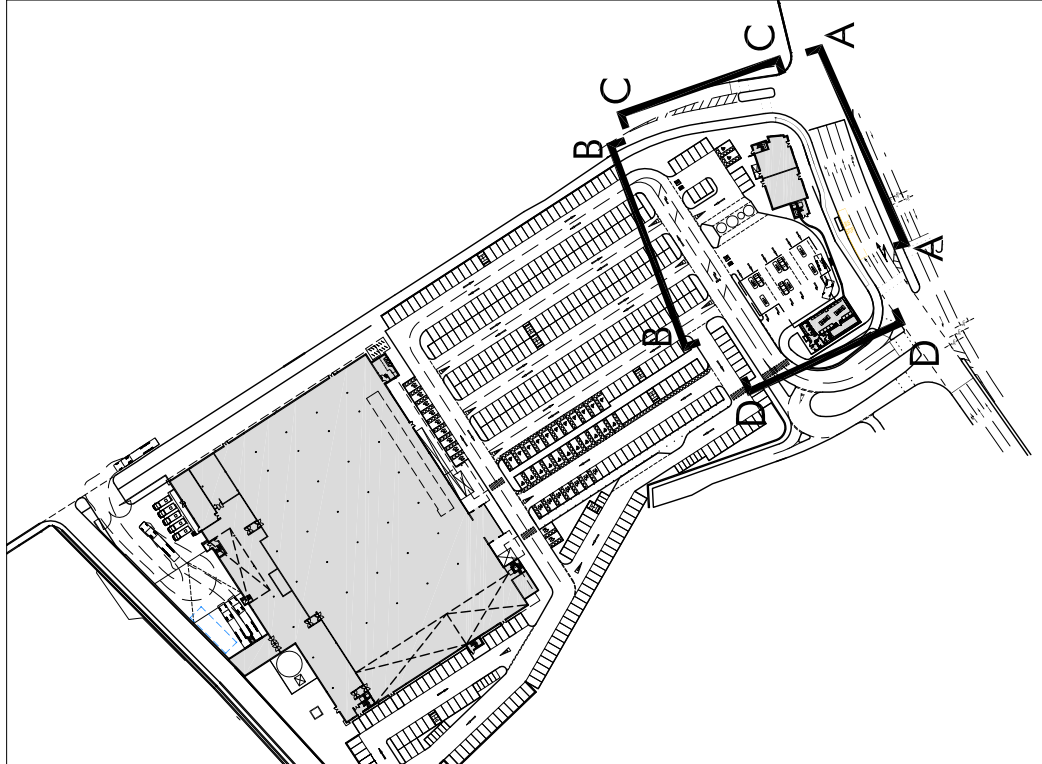
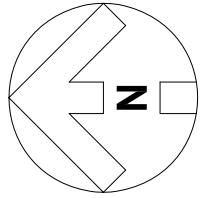
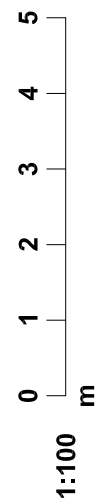


GROUND FLOOR PLAN



FIRST FLOOR PLAN

NOTES:
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FIRE STRATEGY SUBJECT TO DETAIL DESIGN DEVELOPMENT
PROPOSED LEVELS SUBJECT TO DETAIL DESIGN DEVELOPMENT
DRAINAGE STRATEGY & LOCATIONS OF RAIN WATER PIPES SUBJECT TO DESIGN DEVELOPMENT



Key plan 1:2500

version D	in CB	checked	date 02/07/2019
Retail unit finishes revised, timber cladding removed.			
version C	in CBP	checked	date 22/06/2019
Retail unit finished revised.			
version B	in EFM	checked	date 11/01/2019
New Highways Consultant layout. Retail unit building repositioned to suit.			
version A	in CB	checked	date 18/11/2009
Bridge Lane widened as per Highways consultant's design. Retail unit building repositioned along Bridge Street to accommodate.			
INITIAL ISSUE			

PLANNING

NOT DIM.

Sainsbury's

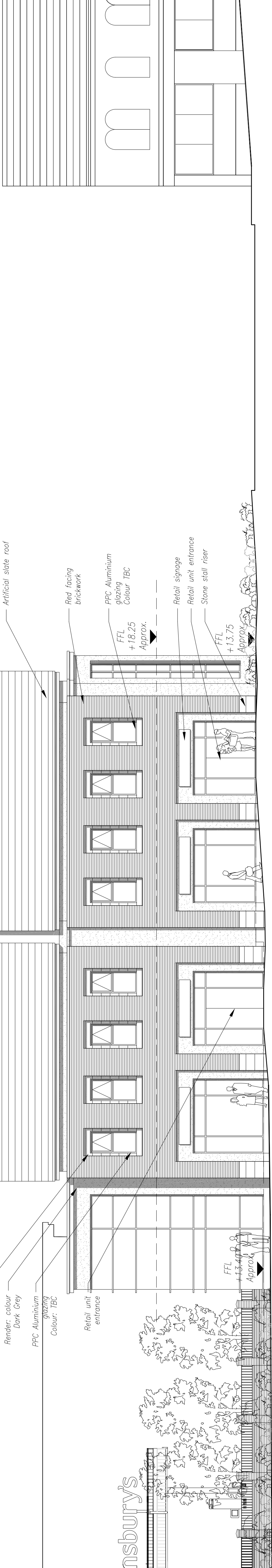
NEW STORE
BRIDGE STREET
CARLISLE

PROPOSED
RETAIL & OFFICE BUILDING
ELEVATIONS

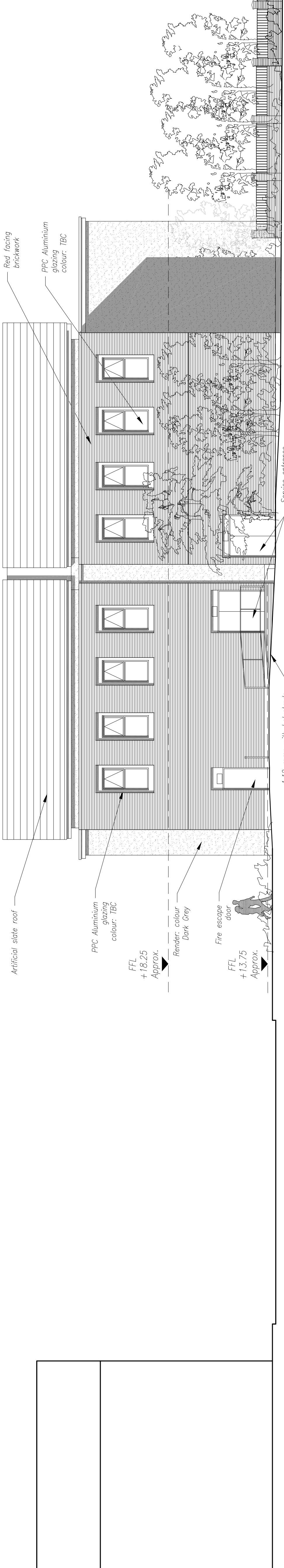
DRAWING: CB
SCALE: 1:200 @ A1
DATE: OCT 09

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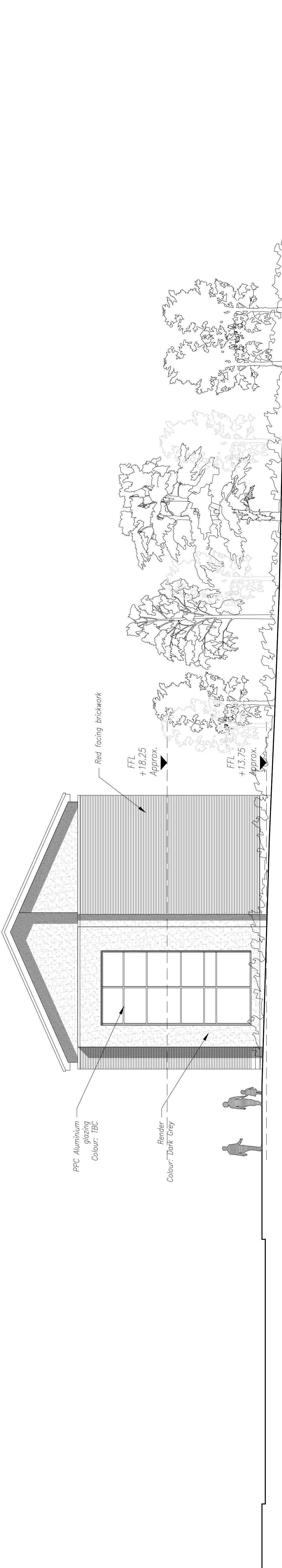
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ARCH / 2006-223 / P12



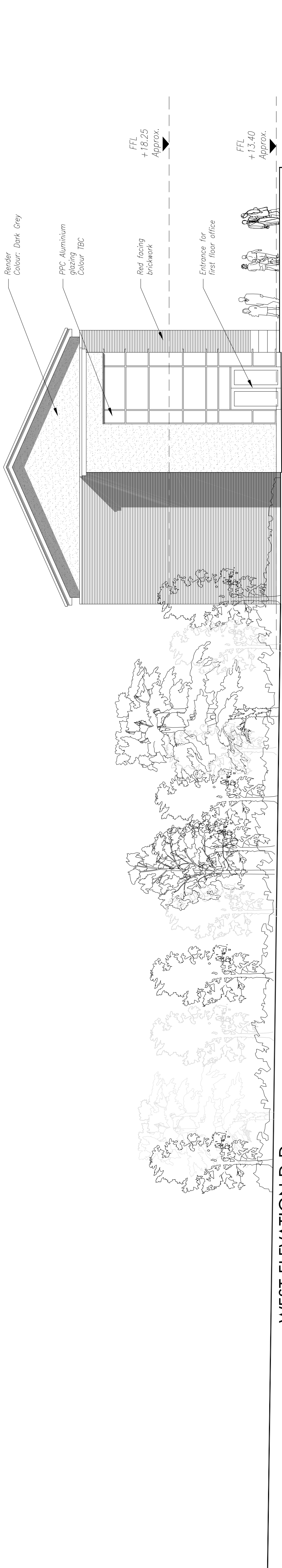
BRIDGE STREET (SOUTH) ELEVATION A-A



NORTH ELEVATION B-B



BRIDGE LANE (EAST) ELEVATION C-C



WEST ELEVATION D-D



SAINSBURY'S | BRIDGE STREET | CARLISLE
VISUAL FROM BRIDGE STREET LOOKING WEST
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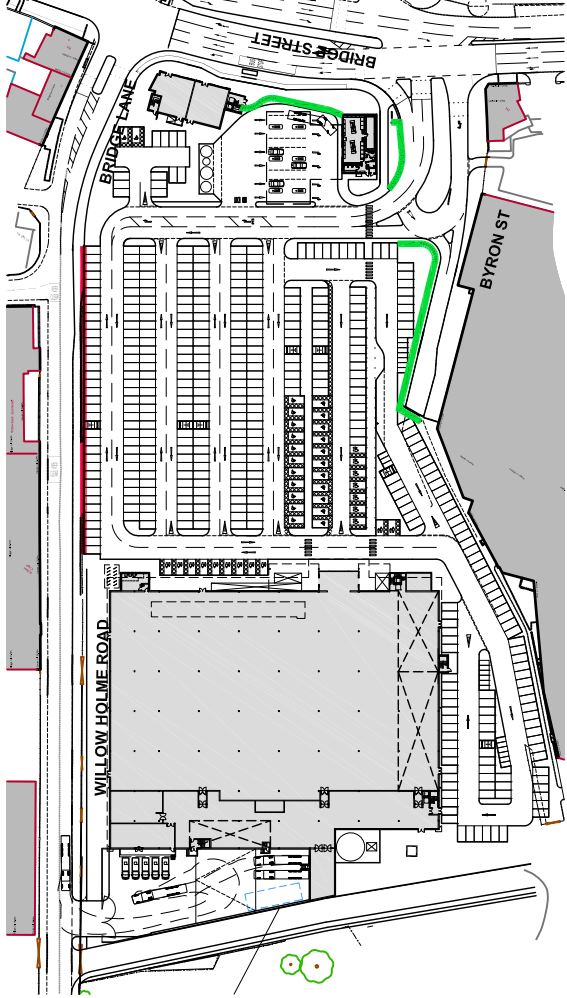
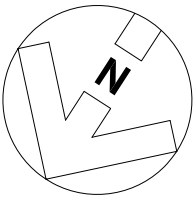
Architecture | Engineering | Interior Design | Masterplanning | Urban Design



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LOCATION PLAN

- TYPE A
- TYPE B

REVISION: B	BY: CMP	CHECKED:	DATE: 22/06/2010
Wall Type B amended. Key plan updated.			
REVISION: A	BY: EKW	CHECKED:	DATE: 11/01/2010
Wall repositioned to suit new Highways Consultant layout. Key plan updated.			
REVISION: *	BY: EKW	CHECKED:	DATE: 01/10/09
INITIAL ISSUE			

PLANNING

PLOT DATE:

Sainsbury's

NEW STORE
BRIDGE STREET
CARLISLE

RAILING / WALL DETAILS
TYPICAL ELEVATIONS

DRAWING:	SCALE:	DATE:
DRAWN BY: EKW	1:50@A3	OCTOBER 2009

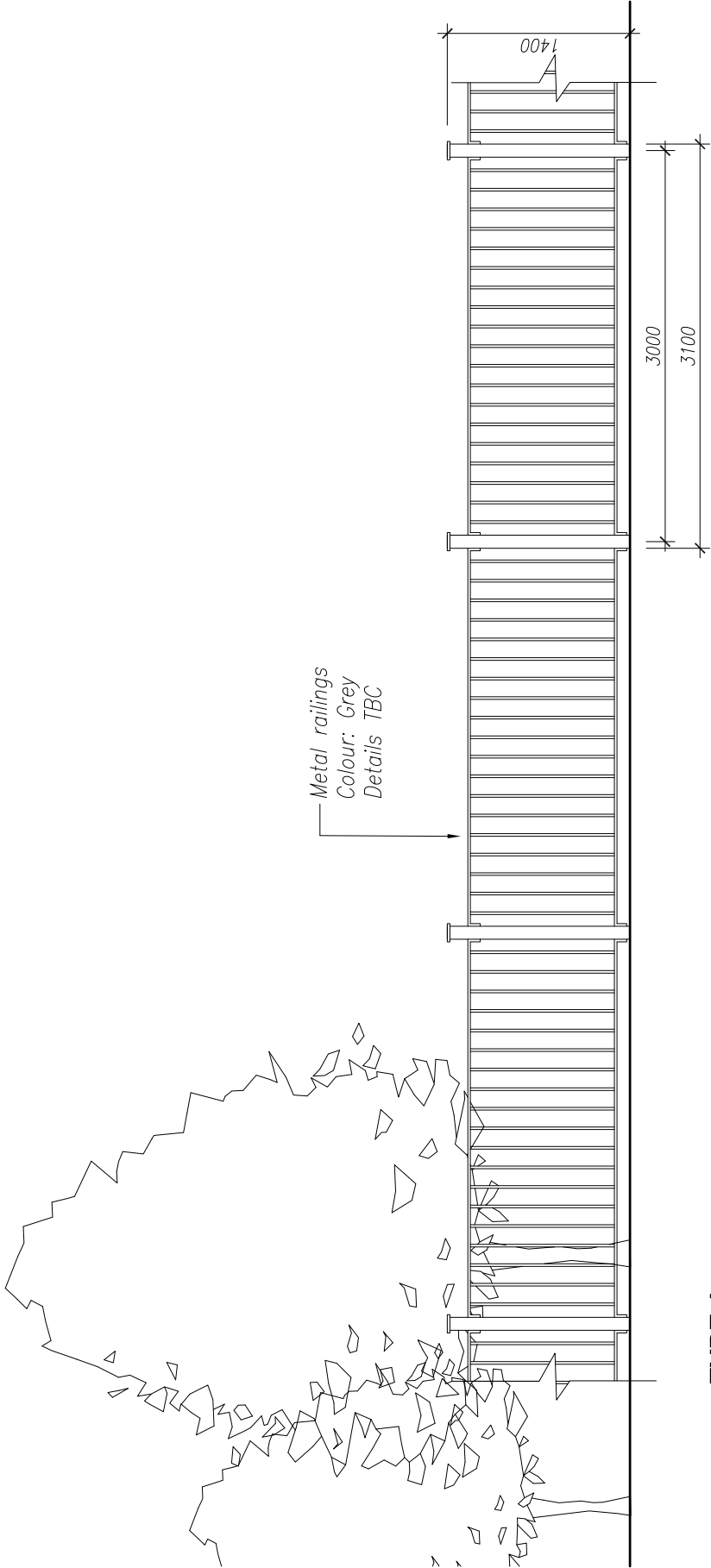
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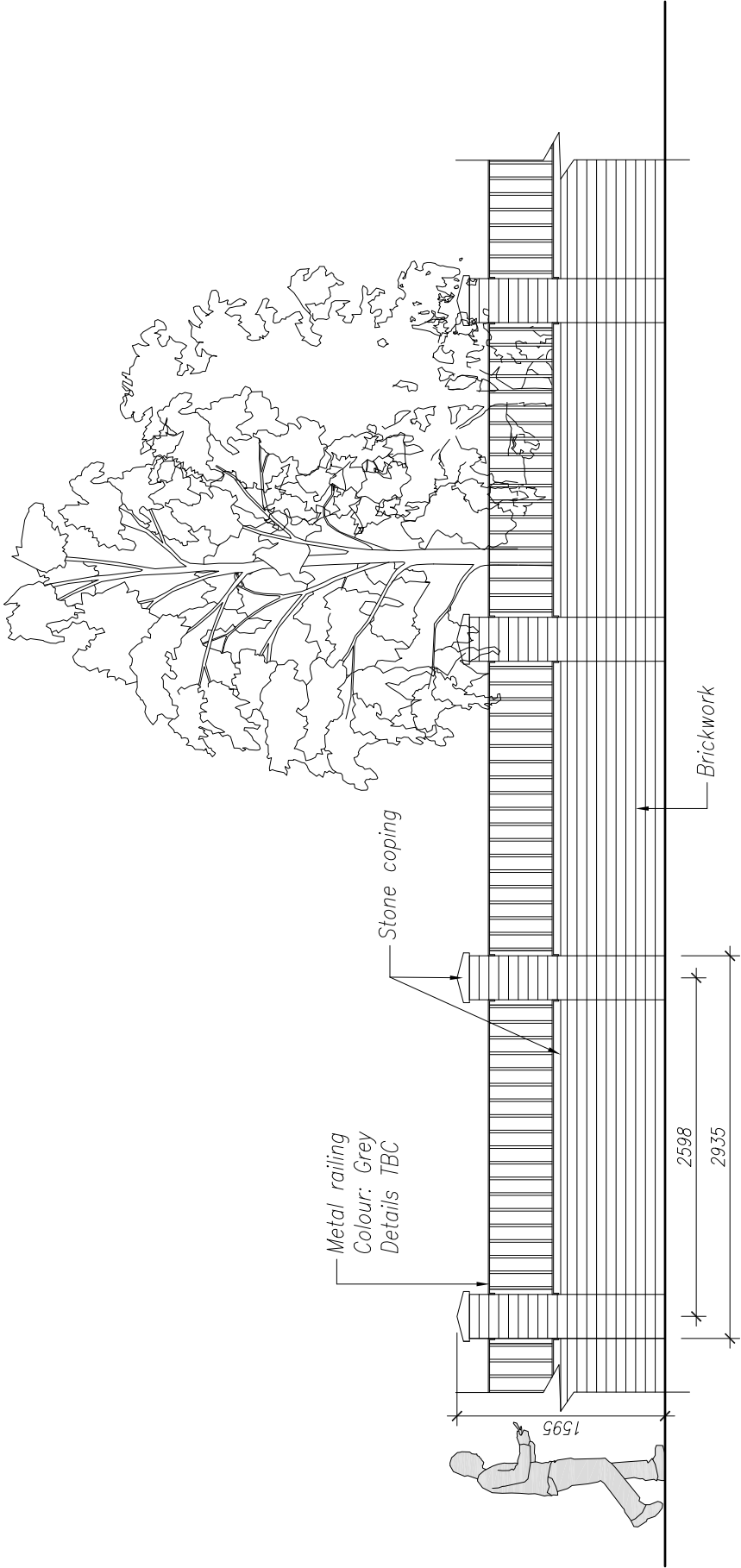
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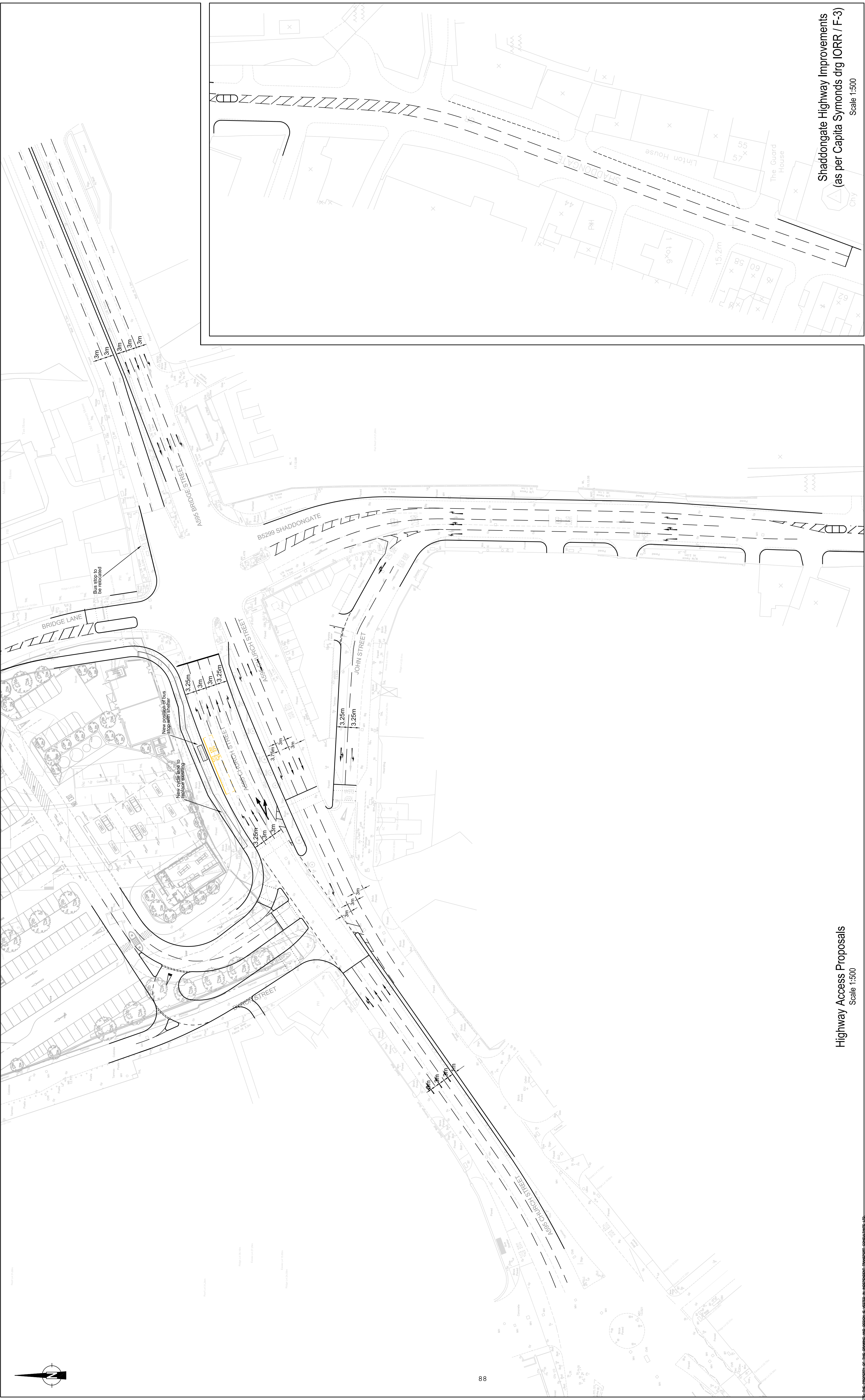
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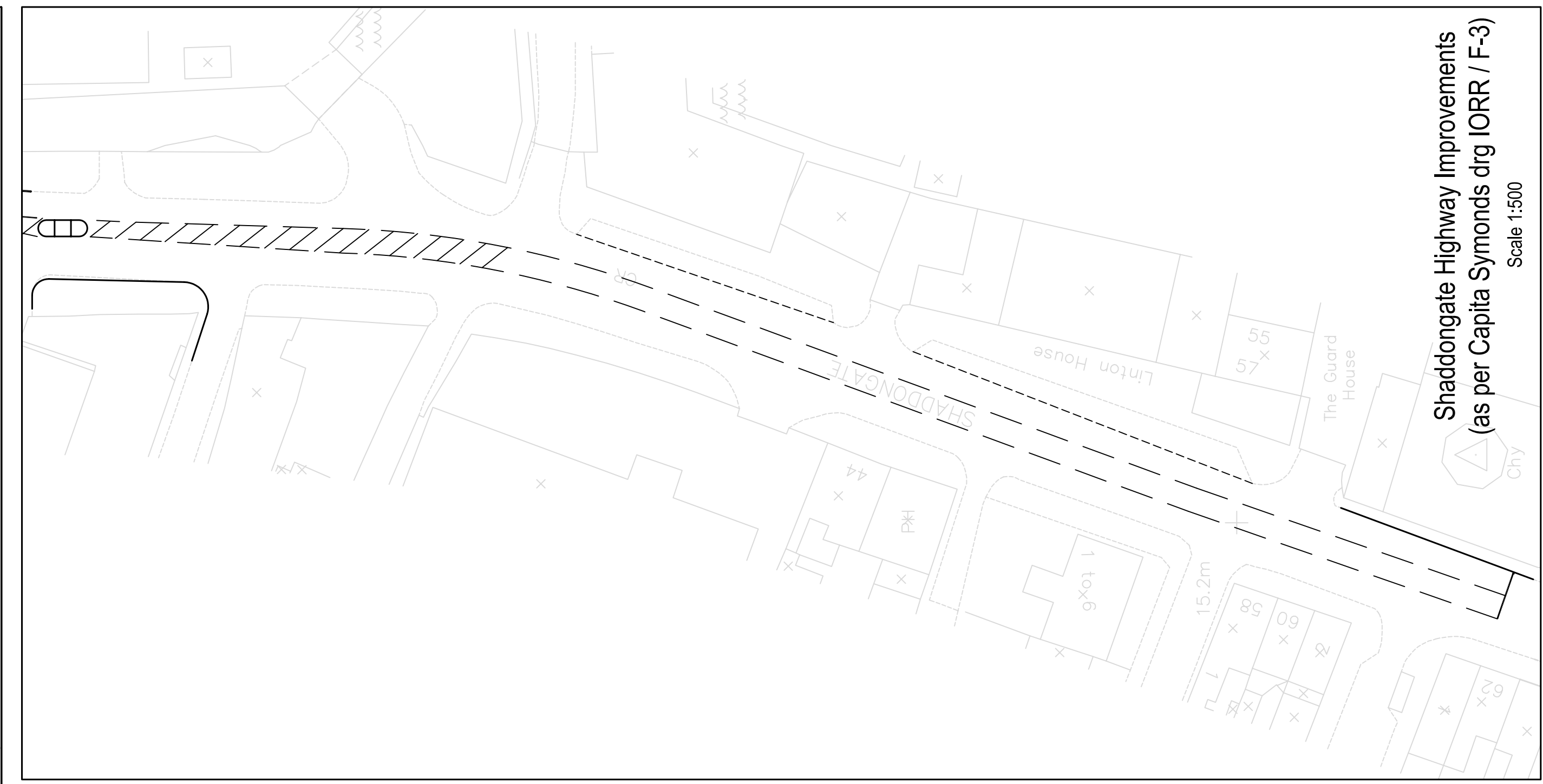
TYPE A



TYPE B



Highway Access Proposals
Scale 1:500



Shaddongate Highway Improvements
(as per Capita Symonds drg IORR / F-3)
Scale 1:500

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REV.	DETAILS	DRAWN	CHECKED	DATE	REV.	DATE	DETAILS	DRAWN	CHECKED	DATE	Notes
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A	Road markings amended	JED	CH	11.01.10							1.
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PROJECT:	Sainbury's, Carlisle
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CLIENT:	Sainbury's
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DRAWING TITLE:

Proposed Access and Highway Improvements
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Savell Bird & Axon
A White Young Green Company

Crosley House 14 Lloyd Street Manchester M2 5ND
t: 0161 835 2400 f: 0161 835 3400 e: sba@sbax-man.co.uk

DRAWN:	JED	CHECKED:	CH	DATE:	08.12.09	SCALES:	1:500 at A1 (1:1000 @ A3)
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DRAWING NUMBER:	N71289/010	REVISION:	A
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Highway Access Proposals
Scale 1:500

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NO.	DATE	DESCRIPTION	BY	NO.	DATE	DESCRIPTION	BY
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Highway Access Proposals
Scale 1:500

PROJECT				CLIENT			
Sainbury's, Carlisle				Sainbury's			
DRAWING TITLE				DRAWING NUMBER			
Proposed Access and Highway Improvements Capita Symonds - Option 2				N71289/014			
DRAWING		DATE		SCALE		REVISION	
JED		06.12.09		1:500 at A1 (1:1000 @ A3)		A	

Savell Bird & Axon
A White Young Green Company

Croxley House 14 Lloyd Street Manchester M2 5ND
t: 0161 835 2400 f: 0161 835 3400 e: sba@savell-bird-axon.co.uk



Sainsbury's Carlisle

Energy Efficient Technologies

The following energy efficient technologies will be applicable to the Carlisle Store:

Energy Efficient Technologies

1. 20% onsite renewable energy generation via a biomass boiler (subject to a separate application) which removes the need to use Gas for space and water heating
2. Use of daylight linked (via Sun-Pipes) dimming control systems to the main sales area and back up areas.
3. Fluorescent high T5 16mm frequency lighting with efficiency exceeding Building Regulation requirements
4. Accent display lighting typically 35/70w CDM-T with efficiency exceeding Building Regulation requirements.
5. Night Time / Out of Hours lighting levels reduced to 20% in lieu of 30%, as previously.
6. External lighting consisting of High Pressure Sodium lamps with efficiency exceeding Building Regulation requirement.
7. Presence detector operated lighting in staff facilities area
8. Economy setting on the main sales area supply fan using an inverter drive.
9. Removal of staff operated sales area lighting override facility.
10. LED external 'Sainsbury's' signage.
11. LED Frozen Case lighting.
12. LED lighting in Cold Rooms
13. Bakery equipment is sourced in agreement with DEFRA.
14. Cold air is removed from the chiller aisle and utilised to cool certain areas of the store specifically the computer rooms and offices.
15. Use of Weir Screens on refrigeration to improve their efficiency.
16. Use of Night Blinds on all Sales Area Refrigerated Cabinets.
17. A full store Building Management System (BMS) that pre authorises all use of energy in the building removing the chance of human error.
18. A comprehensive building control strategy that reflects the different building usages throughout the day and year.
19. Web –Based Sub-metering on all major energy loads to manage usage and future maintenance.

Mains Water usage reduction

1. A Rain Water Harvesting Rainwater system to flush public and staff toilets.
2. Low Flush WC's
3. Waterless Urinals
4. Percussion Taps

Waste Landfill Avoidance

1. Any food waste generated that isn't given to local charities is sent to Anaerobic Digestion plants for converting into energy
2. Store operational waste separation and recycling of cardboard, paper, Plastic, Glass, Batteries (Customers as well) and carrier bags
3. Materials and construction waste Sainsbury's goal is to recycle 90% of construction waste on 100% of sites. By working closely with their construction suppliers, they have so far achieved over 85% diversion of construction waste from landfill and exceeded this in the construction of the Dartmouth store, achieving 95%.

Sainsbury's, Caldewgate, Carlisle,

Heads of Terms – S.106 and Highways Contributions

Item	Contribution	Comments
Caldew Cycleway	£370,000	Agreement in principle to contribute the full cost of delivering this scheme for improved cycleway and pedestrian links between the development and the city centre.
Caldcotes Roundabout	£165,000	Contribution for works to roundabout including signalisation and crossing facilities.
Traffic Calming – Broadguards and Rigg Street	£48,000	<ul style="list-style-type: none"> ➤ Consultation £1,500 ➤ TRO £1,000 ➤ Signing & Lining £9,000 (assume 8x signs @ £1,000 each and £1,000 lining) ➤ Construction £30,000 (assume 10x speed cushions at £3,000 each; 400 metres on carriageway, 40 metre spacing) ➤ Design £6,500
Travel Plan Monitoring	£6,125	Contribution to cover ongoing monitoring and review of travel plan.
Alternative Access Contribution	£40,000	Contribution towards implementation of alternative access off Bridge Lane (linked to possible future roundabout).
Public Realm Works	£370,000	<p>A range of initiatives arising from the draft and adopted SPD's on design and public realm. This includes the following:</p> <ul style="list-style-type: none"> ➤ Street greening and landscaping to include a range of options to be agreed such as floral displays, ornamental planting and soft landscape, trees in boulevards and avenues. ➤ Human scale feature lighting ➤ Public art to emphasis the sense of approach ➤ Surface detailing including treatment of pavements through use of nature and man-made materials. ➤ Think tank – Street Gallery Steering Group ➤ Urban signage ➤ Street furniture such as seating, bollards, cycle parking, litter bins etc.
Employment and Training Initiatives	Sainsbury's internal resources	This is an initiative aimed at the construction and occupation phases of the development. This will include establishing local labour initiatives, links with major contractors, establishing training initiatives etc as set out in the Regeneration Statement.
Total	£1m	

WYG Planning & Design

part of the WYG group



Proposed Sainsbury's Store, Land at Junction of Bridge Street and Bridge Lane, Caldewgate, Carlisle

May 2010

WYG PLANNING AND DESIGN
Quay West at MediaCityUK
Trafford Wharf Road
Trafford Park
Manchester
M17 1HH

Telephone: (0161) 872 3223
Facsimile: (0161) 872 3193



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Prepared by: Adrian Fox

Signed: 

Checked by: Richard Shepherd

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Verified by: Keith Nutter

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Appendix Contents

Appendix 1 – Retail Assessment



1.0 INTRODUCTION

- 1.01 WYG Planning & Design were instructed by Carlisle City Council to provide expert independent advice to assist in the determination of the proposed Sainsbury's foodstore at the Junction of Bridge Lane/Bridge Street, Carlisle. The advice is intended to focus on a review of the potential impact upon planned and existing facilities, and what level of capacity (if any) might remain to support future development of this nature in Carlisle. The advice would also have significant regard to recently published PPS4 as well as adopted planning policy.
- 1.02 The Council had previously received advice from DTZ on retail planning matters. We have reviewed this advice and where necessary referred to it in order to help narrow the issues that have previously been discussed with the applicant.
- 1.03 In seeking to assess the proposed Sainsbury's development against the requirements of PPS4 it is important to note that the most recent government guidance was published after much of the evidence in support of the retail case had been prepared by the applicant. Therefore, the initial Supporting Planning and Retail Assessment submitted by HOW (dated June 2009), and subsequent updates from both HOW and Turley Associates focused heavily on the issue of whether or not there was a demonstrable need. Much of the additional evidence was provided in response to the assessments undertaken by DTZ on behalf of the Council.
- 1.04 The conclusions reached by DTZ based on the Planning and Retail Assessment submitted by HOW suggested that there was no quantitative need for the proposed development over and above the existing commitment at Morton district centre. Therefore, if Sainsbury's was permitted then DTZ believed that this would prevent the new foodstore (part of the planned district centre) being delivered. As a result, DTZ concluded that the scheme would fail both the sequential and impact tests as set out in PPS6.
- 1.05 It is evident that the conclusions reached by DTZ were heavily influenced by the 'need' for the development and the implications that the identified lack of need would have for the delivery of Morton. In fact, the conclusions reached by DTZ in November 2009 go as far as stating that:

"Only if the Council decides to abandon its policy to secure a new district centre at Morton anchored by a superstore, could the Sainsbury's proposal be potentially considered more favourable in retail planning terms."



1.06 Following the publication of PPS4, DTZ then provided further advice to the Council based on additional retail evidence provided by Turley Associates and the new guidance on retail development issued by central government. Although the new guidance removes the requirement for applicants to satisfy a test of 'need' it is evident that need still informs the conclusions reached on the sequential approach and impact. DTZ highlight this in the second paragraph of their advice to the Council in January 2010.

1.07 From WYG's reading of PPS4 and the accompanying Good Practice Guide it is evident that the 'need' for a development will clearly influence conclusions reached on the sequential approach and impact. Whilst the impact point is explicit at paragraph EC16.1 (d) the relationship between need and the sequential approach is less clear cut.

1.08 However, under the Policy Objectives section, paragraph 1.6 confirms that:

"...'need' remains an important consideration when developing of robust town centres strategies, and to the understanding and application of the sequential approach." (our emphasis)

1.09 Furthermore, paragraph 6.24 of the Practice Guide states that:

"For example, some proposals will serve a purely localised need (e.g. 'local' foodstores) whereas others are likely to serve a materially wider catchment area. In these instances, it will be relevant to consider whether the proposal is of an appropriate scale to the location proposed, or whether some of the need could be better met within an existing 'higher order' centre." (our emphasis)

1.10 It would also seem somewhat crass that LPA's when preparing their strategy for retail development in their LDF would have to carefully assess the need for future development only for applicants to come along at any stage in that process and simply have no regard to need at all when applying the sequential approach and assessing impact.

1.11 For these reasons, we believe it is an important starting position to review the need position in relation to current and future convenience goods floorspace within Carlisle. As significant common ground has already been reached between HOW, Turley Associates and DTZ we have adopted this and sought to update any capacity modelling exercise based on any changes that may have occurred which have not been factored into previous assessments.



1.12 Our overview of the need assessment is set out below.



2.0 THE NEED FOR NEW SUPERMARKET DEVELOPMENT

- 2.01 Our assessment has focused on the broad approach adopted by Turley Associates on behalf of Sainsbury's Stores Limited (Retail Assessment Review, December 2009) and commented on by DTZ on behalf of Carlisle City Council (letter dated 6th January 2010).
- 2.02 In reviewing the approach adopted by Turley Associates and DTZ it is evident that there is significant common ground with regard to the broad approach adopted. However, there remain a number of differences with regard to a number of assumptions made in assessing capacity for additional convenience goods floorspace in Carlisle. Accordingly, our assessment, which is contained at **Appendix 1** to this letter, updates the relevant retail tables provided by Turley Associates and subsequently reviewed by DTZ.
- 2.03 As reflected in the earlier advice to Carlisle City Council from DTZ, this updated assessment has focused on capacity to support additional convenience goods floorspace in Carlisle. This reflects the fact that the majority of the net sales area of the store will be devoted to the sale of convenience goods and it is anticipated that within the next 5 years there will be increased growth in comparison goods expenditure to support significant additional floorspace within Carlisle.

Catchment Area

- 2.04 Turley Associates identified a catchment area for the proposed development based on the ten survey zones that were previously identified by HOW Planning in completing a household survey. This catchment area extends to cover a broad area and includes the settlements of Carlisle, Wigton, Aspatria, Annan and Gretna. Notably, following earlier comments by DTZ, the catchment area identified by Turley Associates is larger than that previously identified by HOW Planning, which was based on zones 1 to 8 only.
- 2.05 WYG accepts that the catchment area adopted by Turley Associates is reasonable and it has been assumed that 90% of the proposed development's turnover will be derived from this catchment.



Study Period

- 2.06 For the purposes of this assessment a base year of 2009 has been adopted in order to be consistent with the approach previously adopted by both Turley Associates and DTZ.
- 2.07 Capacity has been assessed through to 2013, again to reflect the approach adopted by Turley Associates and DTZ. In addition, retail capacity is also considered in 2014 in order to reflect guidance in PPS4 (Policy EC16), which states that account should be made of current and future consumer expenditure capacity in the catchment area up to five years from the time the application is made (i.e. 2014).

Population

- 2.08 For the purposes of this assessment, the same population within the catchment area (as identified by Turley Associates) has been assumed for 2009 and 2013. For 2014, the population has been based on an interpolated growth rate in the catchment area for the period 2009 to 2013.
- 2.09 On this basis, the catchment area is identified to have a resident population of 155,738 people in 2009. This is forecast to increase to 162,782 people by 2013 and to 163,948 people by 2014 (**Table 1, Appendix 1**).

Expenditure

- 2.10 Expenditure per capita within the catchment area has again been derived from the assessment undertaken by Turley Associates, which has been derived from MapInfo Report data (at 2006 prices).
- 2.11 In forecasting growth in convenience goods expenditure within the catchment area, Turley Associates question the forecasts produced by MapInfo in March 2009 as being pessimistic and instead favour utilising trend based projections. In this respect, Turley Associates refer to the latest expenditure data produced by Pitney Bowes (formerly MapInfo) in September 2009 and have applied the short-term trend growth rate of +1.2% per annum. These trends are based on the period 1998 to 2008.
- 2.12 Turley Associates highlight that this approach reflects the Carlisle Retail Capacity Forecasts Update 2009 (CRCFU), albeit the CRCFU was based on forecasts produced in September 2008. However, as



acknowledged by DTZ, the purpose of the CRCFU was to consider retail capacity over a long period (i.e. to 2026). Therefore, WYG questions whether such a growth rate is appropriate in considering capacity over a much shorter period, particularly given the ongoing downturn in the UK economy, which is having an impact on the retail sector.

- 2.13 WYG considers that the latest forecasts identified by Pitney Bowes provide an appropriate approach to adopt in considering capacity in the short-term. Indeed, these forecasts take into account the impact of the ongoing downturn in the UK economy. In this respect, for the period 2008 to 2014, Pitney Bowes identify an average annual growth rate of +0.5% per annum.
- 2.14 Given the time period of this assessment (2009 to 2014), for the purposes our analysis, a forecast growth rate of +0.5% per annum has been assumed together with the actual growth rate recorded between 2006 and 2008, as identified by Pitney Bowes. Notably, the forecast growth rate (+0.5%) is lower than that utilised by Turley Associates (+1.2 per annum), which WYG considers to be overly optimistic, particularly in the short-term.
- 2.15 By applying the population to the estimated expenditure per person, our assessment identifies that the defined Study Area generates some £252.18m of convenience goods expenditure in 2009. This is forecast to increase to £268.94m by 2013 and to £272.24m by 2014 (**Table 1, Appendix 1**).

Special Forms of Trading

- 2.16 The above estimate of available expenditure makes an allowance for special forms of trading (e.g. online shopping, etc.). In line with the latest guidance provided by Pitney Bowes a deduction of 2% has been applied to the 2006 expenditure per capita figure. This reflects the approach adopted by Turley Associates and accepted by DTZ in their earlier assessment of the retail evidence.
- 2.17 However, for the purposes of this assessment no allowance has been made for further growth in special forms of trading over the period to 2014. This differs to the approach adopted by Turley Associates (as advocated by DTZ) of allowing for the proportion of spend by special forms of trading to increase to 4% over the period 2008 to 2012 and to 5.2% for 2013.
- 2.18 As acknowledged by Turley Associates there is a high degree of uncertainty as to whether special forms of trading will significantly increase in the future. Indeed, in considering the potential growth in



special forms of trading (or non-store retailing), recent research undertaken by Experian (Retail Planner Briefing Note 7.1, August 2009) stated that:

'Since the non-store retailing figures include supermarkets that source internet goods sales from store space, the share of non-store retailing is over-stated from the point of view of those interested in physical retail outlets, particularly for convenience goods.'

- 2.19 Although our assessment has assumed that special forms of trading will remain constant at 2%, we comment on the implication on the expenditure capacity should special forms of trading increase over the study period as suggested by DTZ and assumed by Turley Associates in their assessments.

Turnover of Existing Floorspace

- 2.20 Turley Associates has estimated the expected (or benchmark) turnover of existing convenience goods floorspace throughout the defined catchment area on a zone-by-zone basis. On this basis, Turley Associates identify that existing convenience floorspace in the catchment area has a benchmark turnover of £211.96m in 2009, of which £190.65m is expected to be derived from the catchment area.
- 2.21 DTZ assessed the approach adopted by Turley Associates and identify a revised assessment of existing convenience goods floorspace achieving a benchmark turnover of £214.05m in 2009, of which £194.18m is estimated to be derived from the catchment area. Accordingly, the assessment undertaken by DTZ identifies a higher benchmark turnover than Turley Associates. The main differences between the two parties relate to the sales densities applied for Aldi and Lidl.
- 2.22 WYG has undertaken our own assessment of the turnover of expected turnover of existing floorspace based on the broad approach adopted by Turley Associates and DTZ (**Table 2, Appendix 1**). In providing this update the following approach was adopted:

- The same net convenience floorspace for existing provision within the catchment as utilised by both Turley Associates and DTZ has been applied;
- Average sales density for named operators based on WYG's assessment of information contained in Mintel Retail Rankings (2009) and Verdict Grocery Retailers (2009). The same sources were also utilised by Turley Associates and DTZ;
- For unnamed operators the same sales density has been applied as that identified by both Turley Associates and DTZ; and



- The proportion of turnover derived from the catchment area based on approach adopted by DTZ¹.

2.23 Our assessment identifies that existing convenience floorspace has a benchmark turnover of £209.30m in 2009, of which £189.37m is estimated to be derived from the catchment area. It is notable that our estimate of the turnover of existing convenience goods floorspace derived from the catchment is comparable to that identified by Turley Associates (£190.65m) and lower than that identified by DTZ (£194.18m).

2.24 Significantly, it is notable that in identifying the expected turnover of existing floorspace there is relatively little difference between the assessments undertaken by WYG, DTZ and Turley Associates.

Outstanding Commitments

2.25 In identifying future capacity for additional floorspace within the catchment area it is important to take into account outstanding commitments and planned developments.

2.26 Within the defined catchment area, WYG understands that there are a number of commitments for additional convenience goods floorspace. These comprise:

- The proposed Aldi store, London Road, Carlisle (913 sq m net convenience);
- Sainsbury's, Scotland Road, Carlisle (251 sq m net convenience);
- Tesco, Viaduct Estate Road, Carlisle (1,932 sq m net convenience);
- Tesco, Annan (1,925 sq m net convenience) – which opened in December 2009;
- Tesco, Hopes Auction Mart, Wigton (1,486 sq m net convenience);
- New Foodstore at Morton (Allocation) (2,500 sq m net convenience); and
- Supermarket, Gretna (2,340 sq m net convenience).

2.27 Our analysis (**Table 3, Appendix 1**) identifies that these commitments achieve an expected turnover of £129.19m, of which £103.22m is estimated to be derived from the catchment area.

¹ Even if the assumptions identified by Turley Associates are applied the turnover of existing convenience floorspace derived from the catchment area reduces to only £187.89m – a reduction of only £1.48m



- 2.28 Also, the assessment of the turnover of the new foodstore at Morton is based on the allocation as set out in the UDP (2,500 sq m net of convenience floorspace). However, it is understood that an application is soon to be submitted by Montagu Evans for a much larger store than the current allocation on this site. Consequently, if permitted, a larger store would have a higher convenience goods turnover to that identified above.
- 2.29 Furthermore, there is also an application for a new Lidl store in Wigton (1,063 sq m net), which also falls within the defined catchment area. As this proposal is not (as yet) a commitment it has been excluded from our assessment. However, if permitted, this development would further increase the turnover of outstanding commitments within the defined catchment area.
- 2.30 Our assessment of commitments (£103.22m) compares to Turley Associates identifying a convenience goods turnover of commitments derived from the catchment area of only £37.73m.
- 2.31 In reaching this figure it is significant to note that Turley Associates have not taken into account the extant permission for a new Tesco store in Wigton, a new foodstore in Gretna, which have both been permitted since the submission of the retail evidence, a new Tesco store in Annan, which is now open and the extant permission for a new Tesco store at Viaduct Estate Road in Carlisle. Collectively, if implemented, these developments are identified to achieve a convenience goods turnover derived from the catchment area in excess of £70m. By not including these commitments it is evident that Turley Associates have significantly overestimated the available capacity to support additional convenience goods floorspace in Carlisle.
- 2.32 In addition, although located outside the defined catchment, it is important to reflect upon outstanding commitments located just beyond the catchment area, which are likely to draw some trade from within it. In this respect, and as acknowledged by DTZ, there is an outstanding commitment for a new foodstore in nearby Penrith, whose catchment is likely to overlap with the identified catchment area for the proposed Sainsbury's store in Carlisle.
- 2.33 In this respect, DTZ consider that approximately £5m of this store's turnover would be derived from the defined catchment. Whilst WYG consider that this is a reasonable assumption to adopt, there is some uncertainty whether this permission will come forward in its current form and it is unknown whether it will be developed before 2014. Despite this, in order to provide a cautious approach an allowance for some expenditure generated in the catchment area will be directed to this store in the future.



- 2.34 Clearly, if implemented, the scale and location of these developments will have an impact on shopping patterns within the catchment and on future convenience goods capacity to support further retail floorspace in Carlisle.

Turnover of the Proposed Development (Convenience Goods)

- 2.35 The proposed Sainsbury's store is identified to comprise a net floorspace of 5,514 sq m, of which 3,741 sq m (or 68%) is intended to be for the sale of convenience goods. Based on applying an average convenience goods sales density for Sainsbury's, as identified by Verdict (2009), the proposed development is identified to have a convenience goods turnover of £34.88m. Of this turnover, some £31.39m (or 90%) is expected to be derived from the defined catchment area (Table 4, Appendix 1).

Surplus Capacity

- 2.36 From the analysis above, our assessment (which is based on the broad approach adopted by both Turley Associates and DTZ) identifies that there is insufficient capacity to support the proposed development together with all outstanding commitments (Table 2.1).

Table 2.1: Convenience Goods Capacity Analysis

	2013	2014
Available Convenience Goods Expenditure In Catchment (£m)	268.94	272.24
Less sales in Local Shops (at 3%) (£m)	8.07	8.17
Net available convenience goods expenditure in Catchment (£m)	260.88	264.07
Less sales in existing stores drawn from the Catchment (£m)	189.37	189.37
Potential Expenditure Capacity (£m)	71.51	74.71
Less clawback by permitted supermarket in Penrith (£m)	5.00	5.00
Less committed stores' draw from the PCA (£m)	103.22	103.22
Residual Convenience Goods Capacity (£m)	-36.71	-33.51

Notes: At 2006 prices

- 2.37 Table 1 demonstrates that there will be a deficit in convenience goods capacity (over and above outstanding commitments) of £33.51m in 2014. This capacity is before allowing for the new Sainsbury's store at Caldewgate, which is identified to have a convenience goods turnover from the catchment area in excess of £31m.



- 2.38 Furthermore, even if the new Tesco store at Viaduct Estate Road or the new supermarket in Penrith do not come forward there will remain a deficit in capacity of more than £7m by 2014. Even if a higher growth rate of +1.2% per annum is applied (as suggested by Turley Associates) there will still be insufficient capacity to support the proposed development together with outstanding commitments. Indeed, our assessment identifies that by applying a higher expenditure growth rate there will be surplus capacity of less than £4m by 2014, which would be insufficient to support the proposed development (£31m). Moreover, this surplus capacity would reduce if an allowance is made for the future growth in special forms of trading as assumed by both Turley Associates and DTZ.

Summary

- 2.39 It is evident that our 'sensitivity testing' of the approach adopted by Turley Associates and reviewed by DTZ demonstrates that there is insufficient capacity to support the proposed new Sainsbury's store at Caldewgate together with outstanding commitments (including the allocation at Morton).
- 2.40 Even if more optimistic expenditure forecasts are applied and certain commitments are excluded from our assessment due to their uncertainty of being implemented (i.e. the Tesco store at Viaduct Estate Road and the new foodstore at Penrith), there will remain insufficient capacity to support the proposed Sainsbury's store at Caldewgate.
- 2.41 The approach adopted by Turley Associates, which is considered by WYG as optimistic, identifies residual capacity of only £0.55m by 2013 after taking into account commitments and the new Sainsbury's store in Carlisle. This limited capacity is identified despite WYG's view that Turley Associates have applied overly optimistic growth rates and have not taken into account a number of outstanding commitments (including a new Tesco store in Annan that has opened since the completion of the retail evidence), which collectively achieve a convenience goods turnover in excess of £70m. Clearly, if these commitments were rightly included, the level of capacity identified by Turley Associates would significantly reduce.



3.0 THE APPLICATION OF THE SEQUENTIAL APPROACH

- 3.01 As highlighted above, in applying the sequential approach the Practice Guidance makes it quite clear that need remains an important consideration to the understanding and application of the sequential approach. In their Supporting Planning and Retail Assessment, HOW highlight that consideration must be given to the need for a large foodstore which can carry the complete range so as to compete with other large foodstores elsewhere in Carlisle.
- 3.02 From our review of the material submitted to date it would appear that it is common ground between all parties that the site is out of centre. Therefore, in applying the sequential approach, HOW assessed 13 sites which included a number of in-centre, edge-of-centre and out-of-centre sites. The in-centre site at Morton which is an allocation in the development plan is dismissed by HOW on the basis that it does not represent a sustainable location and that there were questions over the sites availability. This conclusion was dismissed by DTZ on the basis that the allocation at Morton was sequentially superior.
- 3.03 Following the publication of PPS4, DTZ suggested that the new guidance (at Policy EC17) introduces two 'gateway' tests. In essence, DTZ concluded that both of these tests had to be passed before other considerations could be weighed in the balance when reaching a decision on the application. We are aware that this interpretation came in for much criticism by the appellant and their advisors.
- 3.04 To be fair to DTZ, the guidance in EC17 is poorly constructed and somewhat ambiguous. From reading EC17 afresh it could be interpreted as representing some form of 'gateway' test or policy. However, such a rigid approach would appear to 'fly in the face' of the need to consider both the positives and negatives of any development when reaching a truly balanced decision on any planning application.
- 3.05 We have reviewed the opinion of Mr Tucker (submitted by the applicant) on this matter and would agree with his conclusions that it would be unlawful to pursue the determination of the application on the basis that because (in DTZ's view) it fails the sequential approach then all other matters are irrelevant and the application should be refused.
- 3.06 However, we do not agree with Mr Tucker's position that Mr Baldock's assessment is 'strongly contaminated' by the application of a quantitative need test that is no longer part of national policy. Whilst we accept that the applicant does not need to satisfy the test of 'need' previously set out in



PPS6, as highlighted in paragraph 1.06 of our advice, need remains an important consideration when applying the sequential test and assessing the likely impact.

- 3.07 In fact, paragraph 1.6 of the Practice Guidance confirms that whilst the Government has made a number of revisions to its town centre policy (including the removal of the needs test) the issue of 'need' should not be abandoned when assessing sequential alternatives or impact. Therefore, we think that DTZ were right to consider need in applying the sequential approach and assessing impact.
- 3.08 Therefore, as highlighted by our revised need assessment, there is clearly limited capacity within the defined catchment (adopted by both HOW and Turley Associates) to support additional convenience goods floorspace over and above the current allocation at Morton. Therefore, in seeking to assess whether or not the allocation represents a sequential preferable site the key tests of availability, suitability and viability have to be carefully considered.
- 3.09 In their September 2009 Supporting Planning and Retail Assessment, HOW raise a number of questions over the availability and viability of a new foodstore at Morton. However, we acknowledge that since the assessment was prepared by HOW certain matters have been clarified with regard to the proposed foodstore at Morton. We have reflected on these below.
- 3.10 In terms of availability, we are aware that the site for the new District Centre will be marketed in the near future and will clearly be available for development within 'a reasonable period of time'. We have also been made aware that there is no exclusivity agreement with Tesco to develop the foodstore and therefore the site will be offered to the open market which would not preclude Sainsbury's from bidding for the site. Therefore, based on the evidence before us at this stage we can only conclude that the site is available.
- 3.11 There has been significant debate in the various correspondences about whether or not the site is suitable for a large foodstore because the allocation in Local Plan restricts the development of a foodstore to 2,500 sqm. Whilst the policy does apply a threshold for the size of the foodstore neither the policy nor the supporting text actually clarifies whether the figure is 'net' or 'gross' and whether or not it is limited to convenience or comparison goods or a mixture of the two. Although the floorspace threshold is ambiguous it would not be unreasonable to assume that the threshold quoted is a 'net' figure as this is the figure that would normally be controlled as it directly relates to the sales area and the turnover of any development. In addition, as there is no explicit reference to how this floorspace



should be split between convenience and comparison goods then it would not be unreasonable to assume that all or the majority of the net sales area could be devoted to convenience goods.

- 3.12 We are aware that the Inspector's report into the Revised Redeposit Local Plan does discuss the limit on floorspace for Morton and at paragraph 4.86 of the report the Inspector is quite clearly referring to the 2,500 sqm threshold as a 'net' figure which was informed by Annex A of PPS6. If this is the case then the correct interpretation of the definition set out in Annex A would suggest that the 2,500 sq m refers to the whole trading area (including both the sale of food and non-food). Unfortunately, the Inspector's Report is again not clear on the potential split between convenience and comparison goods and therefore, there remains some uncertainty over the correct interpretation of the local plan allocation.
- 3.13 However, although the allocation in the Local Plan could be more explicit, we do not believe that it is overly restrictive in that it would mean that the site is not suitable to accommodate a large foodstore in the future. In fact it would appear to be somewhat erroneous to suggest that because there was a policy in place restricting the size of development on a sequentially superior site then this should be dismissed because the applicant is seeking a larger store in an out of centre location.
- 3.14 We are aware from correspondence that there are options currently being considered for a larger foodstore at Morton. Although we have based our assessment on the allocation in the Local Plan we cannot ignore the prospect of the landowner securing a larger store at Morton. This is something that is already being considered. In seeking to assess the suitability of a site, the Practice Guidance makes it quite clear that sites should be assessed on the basis of whether they are suitable to accommodate the need or demand which the proposal is intended to meet. As the proposal is for an 8,702 sqm gross to meet the need/demand identified by the applicant our assessment must focus on whether or not the site at Morton is suitable to accommodate the proposal (or something similar) rather than be dictated to by a threshold which in turn was influenced by analysis at that point in time. Furthermore, it is also for the applicant to demonstrate flexibility in terms of the format of the development and the size of the store.
- 3.15 In dealing with the suitability of the Morton site, the applicant has provided further evidence from Colliers CRE (dated 4th May 2010). This letter highlights the existing provision within Carlisle and seeks to explain, from their point of view, why the existing Tesco commitment at the Viaduct site will not be implemented. The letter also outlines why the Morton site would not be suitable for the Sainsbury's proposal. The text confirms that Sainsbury's did review the Morton site but concluded that



the scale of store required by Sainsbury's would be 'out of scale' with a suburban district centre as envisaged at Morton. In addition, the letter confirms that Morton is on the periphery of the urban area and has less than ideal transport links. This, in their view, limits the number of customers that would be attracted to the store and the range of goods that could therefore be stocked. Therefore, the letter confirms that:

"As a result, Sainsbury's rightly concluded that the current allocation at Morton is unsuitable for their business, as it could not result in a store which would be of sufficient size to allow them to enter the Carlisle market and to compete effectively with the existing operators. Furthermore it provides inadequate accessibility for the wider Carlisle catchment. As things stand, we could not advise Sainsbury's or any other major foodstore operators to take a large foodstore in Morton."

3.16 Although we accept that currently Morton is on the periphery of the existing urban area (a consequence of being part of the planned urban expansion) the distances involved to existing residential areas in the south and west is not so significant that residents would struggle to access the store. The site's prominent location just off the Wigton Road also means that access is not as constrained as suggested by Colliers CRE. In fact from our own site visits and knowledge of Carlisle/Cumbria area we believe that the site will prove attractive to major foodstore operators. In summary, we do not believe that the arguments presented by Colliers CRE as to why the site at Morton is unsuitable for Sainsbury's are valid. We believe that the site will prove very attractive to potential supermarket operators when it is marketed and cannot accept the major foodstore operators would not be interested in this site.

3.17 The Practice Guidance makes it quite clear that when assessing the suitability of sites the applicant should not reject sites based on self-imposed requirements or preferences of a single operator, or without demonstrating a serious attempt to overcome any identified constraints. Although we acknowledge that a store of a certain size is required to enable it to compete effectively with existing large stores in Carlisle, the site at Morton cannot be ruled out on this basis. In fact in their most recent Carlisle Capacity Study (2009) DTZ suggest that a store of up to 7,500 sqm gross could be accommodated within Morton without impacting on the local hierarchy or the City Centre. This in our view is not an unreasonable position to promote given that there are numerous examples throughout the North West of district centres being underpinned by large foodstores, some well in excess of 7,500 sqm gross.



3.18 With this in mind, we believe that the site at Morton is suitable and viable to accommodate the need/demand which the proposal is intended to meet. Therefore, it is evident that as the allocation at Morton is sequentially superior (i.e. in-centre) the proposed Sainsbury's store (which is out of centre) would fail the sequential approach.

3.19 Although this is the same conclusion reached by DTZ we do not agree that as the development fails the sequential approach it should be automatically refused. In fact the Practice Guidance makes it quite clear at paragraph 5.5 that:

"It is evident that significant weight is attached to the outcome of the sequential site assessment and impact assessment. However, it is still for the decision maker to judge the extent to which the applicant has demonstrated compliance with the sequential approach, and what constitutes a 'significant' adverse impact, based on the circumstances of each case."

3.20 On this basis, we would argue that whilst significant weight should be given to the fact that the application, in our view, fails the sequential approach this does not mean that other material considerations should not be considered in reaching a balanced planning decision.

3.21 This conclusion would appear to be supported by Mr Tucker's opinion, whereby he concludes that if the Morton site is considered to be suitable, viable and available then this is not **"fatal to the proposed development, but rather is a weighty material consideration which weighs against the proposal."** (Paragraph 4.5)



4.0 RETAIL IMPACT ASSESSMENT

- 4.01 Policy EC17 states that planning applications for main town centre uses which are not in accordance with an up to date development plan should be refused planning permission where **"there is clear evidence that the proposal is likely to lead to significant adverse impacts in terms of any of the one impacts set out in policies EC10.2 and 16.1 (the impact assessment), taking account of the likely cumulative effect of recent permissions, developments under construction and completed developments."**
- 4.02 As outlined in our assessment of the need for new convenience goods floorspace in Carlisle, there have been a significant number of commitments/planning approvals that have occurred since the Local Plan was adopted and since the application documents were first prepared. We have factored these commitments into our need assessment and have also undertaken a cumulative impact assessment as required by PPS4.
- 4.03 In following the guidance set out in PPS4 we have assessed the likely impact of the proposed development against the five criterion set out in Policy EC10.2 and the six criterion set out in Policy EC16.1. Our conclusions on these matters are as follows:
- Policy EC10.2**
- 4.04 Paragraph EC10.2 of PPS4 states that all planning applications for economic development should be assessed against 5 criteria. These impacts could be positive, negative or neutral.
- 4.05 As WYG have been asked to advise on retail planning policy matters, it is difficult for us to reach a robust conclusion as to whether the proposal has been planned over the lifetime of the development to limit carbon dioxide. The same also applies to the quality of the design on which we assume the Council will be forming its own conclusions.
- 4.06 However, with regard to reducing the need to travel, it is important to highlight that the proposed development will provide much improved main food shopping facilities in the south west quadrant of the city and will therefore, help reduce unnecessary journeys to foodstores elsewhere which should be seen as a positive benefit.



- 4.07 In addition, there are also a number of other significant economic and physical regeneration benefits which should be regarded as having a positive impact and should be considered in applying the overall planning balance.

Policy EC16.1

The impact of the proposal on existing, committed and planned public and private sector investment

- 4.08 In dealing with the impact on planned investment the Practice Guidance provides a checklist against which the impact should be measured. This includes:

- What stage have they reached e.g. are they contractually committed?
- The policy 'weight' attached to them?
- Whether there is sufficient 'need' for both?
- Whether they are competing for the same market opportunity?
- Whether there is evidence that retailers/investors/developers are concerned; and
- Whether the cumulative impact of both schemes would be a concern?

- 4.09 In assessing the impact on planned investment DTZ concluded that the proposed Sainsbury's store would seriously put at risk the planned new district centre at Morton. In fact, DTZ go as far as to suggest that a store at Morton would be severely prejudiced and would not be delivered before 2026. Although DTZ's stance appears to be quite affirmative with regard to the impact on future investment, WYG believe that the conclusion reached by DTZ is heavily influenced by the capacity assessment rather than the dynamics of the retail market and the evidence available.

- 4.10 As the site at Morton has yet to be marketed it is evident that there is no developer or investor contractually committed to the site. Therefore, there is no evidence before the Council from potential retailers or investors that they would be significantly concerned about the proposed development. As there is no clear evidence, it would be difficult to conclude at this stage that the development at Morton would not go ahead if Sainsbury's was approved.

- 4.11 However, we accept that there is strong policy support for the new district centre, there is insufficient need for both and depending upon the chosen retailer for Morton they could be competing for the same market opportunity. Therefore, the conclusion reached should in our view be more finely



balanced than DTZ suggest. Based on our experience elsewhere, we would be surprised if no interest was expressed for the site at Morton if the Sainsbury's store was approved. We accept that if planning permission was granted for the Sainsbury's store then this may influence how the site at Morton was to be developed in the future.

The Impact on Vitality and Viability Including Local Consumer Choice/Range and Quality of Offer

- 4.12 In judging the impact of the proposed development on vitality and viability it is important to balance both the health of existing centres against the potential trade draw. DTZ concluded that the proposed development would have a 'small adverse impact' on the vitality and viability of Carlisle City Centre but would enhance consumer choice and the range of goods offered. Whilst we are unsure as to what is meant by 'small adverse impact', WYG believe that there would be no adverse impact upon the vitality and viability of Carlisle City Centre. Carlisle is a major comparison goods destination serving the sub-region and beyond. Its role and function is underpinned by its comparison goods offer and therefore, any loss of convenience goods trade would not impact on the overall vitality and viability of the centre as a whole.
- 4.13 We would agree however with DTZ that the Sainsbury's store would add to the choice and range of goods on offer particularly in the south-west quadrant.

Effect on Allocated Sites Outside Town Centres

- 4.14 We agree with DTZ that this is not applicable.

Impact on Turnover/Trade

- 4.15 As highlighted previously, the limited capacity within the catchment area would result in significant trade being drawn from existing stores within and beyond the catchment. However, it is only those stores which contribute to the vitality and viability of existing centres (by virtue of being in or on the edge of centres) that are afforded protection in retail planning policy terms. Therefore, although there will be significant impacts falling on the existing Asda, Morrison's and Tesco stores, as these stores are all out of centre any loss of trade should be dismissed as commercial competition. Therefore, DTZ's reference to 'massive impacts on trade in the wider area in the city' are irrelevant.



- 4.16 Although, trade will be drawn from existing convenience goods stores within Carlisle City Centre it is unlikely that any impact caused by the development would mean that these facilities would close. Therefore, we believe that there is no clear evidence to suggest that the impact on trade/turnover of established centres would be classed as 'significant adverse'.

Appropriateness of Scale

- 4.17 We would agree with DTZ that as the scheme is out of centre this criterion does not apply.

Locally Important Impacts

- 4.18 As there are no locally important issues within the development plan against which to test impact, we would again agree with DTZ that this criterion does not apply.



5.0 SUMMARY AND CONCLUSIONS

- 5.01 It is evident that there has been a significant amount of evidence and correspondence provided in relation this proposed development. Much debate has also taken place between HOW, Turley Associates and DTZ in the process. As a result of this, common ground has been reached on a number of matters which we have adopted for the purposes of our assessment. However, there are still a number of fundamental areas of disagreement between the applicant and DTZ (the Council's retail advisors).
- 5.02 These areas of disagreement have focused on how the need for new convenience goods floorspace should influence conclusions reached on: the sequential approach and impact; the interpretation of PPS4; whether the sequential approach and impacts test represent are a 'gateway test' that must be satisfied; and the interpretation of the impact of the proposed development and whether or not this is 'significant adverse'.
- 5.03 As highlighted above, although the need test has been explicitly removed in PPS4 when dealing with planning applications, the Practice Guidance which accompanies PPS4 makes is clear that need is still an important consideration when assessing the sequential approach and impact. Although WYG accept that the Practice Guidance does not constitute a statement of Government policy, it is there to help the interpretation of town centre policies set out in the PPS. Therefore, where certain elements of PPS4 may lack clarity we believe that in trying to sensibly interpret what is meant by certain policies in PPS4 it is important to reflect upon the Practice Guidance.
- 5.04 We note that in Mr Tucker's opinion (prepared on behalf of the applicant) he also relies on the practice guidance to clarify certain matters in relation to the sequential approach. Therefore, we can only conclude that the applicant and their advisors would also place significant weight on the advice set out in the guidance and that the document is helpful in informing any future decision made on the proposed development.
- 5.05 As the practice guidance places significant emphasis on the requirement to understand the 'need' before robust conclusions can be reached on the sequential approach and impact, WYG do not agree that as the 'need test' has been removed then capacity/need should simply be put to one side or ignored. Such a position is erroneous in our view and misinterprets both PPS4 and the practice guidance.



- 5.06 As need is an important starting position, we have reviewed all of the information submitted to date and have presented our own view on the need for new convenience goods development in Carlisle and the catchment drawn. From our sensitivity testing it is evident that there is no capacity for additional convenience goods development over and above existing commitments. Even if the existing Tesco commitment at the Viaduct site is excluded there is still insufficient capacity.
- 5.07 Having understood the need position, it is now important to reflect upon the application of the sequential approach. In seeking to focus the issues on the key areas of dispute, it would appear that the only sequential alternative that should be considered is the allocation at Morton for a new district centre including a foodstore. Having considered the evidence presented with regard to the site's availability, suitability (from Sainsbury's perspective) and viability we would conclude that the site at Morton is available, suitable and viable to accommodate the need/demand which the proposal is intended to meet. Therefore, it is evident that as the allocation at Morton is sequentially superior (i.e. in-centre) to the proposed Sainsbury's store (which is out-of-centre) the development would therefore fail the sequential approach.
- 5.08 In terms of impact, WYG are satisfied that the proposed development would not have a significant adverse impact on any of the tests set out in EC10.2. With regard to the six criteria set out in EC16.1, we are aware that DTZ concluded that there would be a significant adverse impact in respect of future investment at Morton and on in-centre trade/turnover. In dealing with the impact on in-centre trade/turnover first, we are aware from our own analysis that the cumulative impacts on certain stores throughout the City will be significant. However, as the current provision of large foodstores in Carlisle is focused in out-of-centre locations we believe that the impact on in-centre trade/turnover will be less significant. Whilst there will be trade drawn from in-centre stores we do not believe that this would lead to any store closures nor would it undermine the future vitality and viability of Carlisle as a sub-regional shopping destination underpinned by a strong comparison goods offer.
- 5.09 Therefore, in our view, any conclusion reached on impact must focus on whether or not the development would prejudice future investment (i.e. the delivery of a new foodstore) at Morton.
- 5.10 DTZ's conclusion on this matter was that the proposed Sainsbury's store would seriously prejudice the delivery of the store and, therefore, put at risk the planned new district centre at Morton. This conclusion was reached based on the lack of 'capacity' available within the Carlisle catchment. However, WYG believe that potential impact on future investment is more complex than just assessing whether or not there is sufficient capacity. Obviously, the position on need/capacity should be



factored into any assessment. However, a lack of capacity itself will not necessarily lead one to conclude that there will always be a significant adverse impact on investment in established centres.

5.11 At this stage, WYG believe that it is difficult to come to a definitive view on the matter given that the site at Morton has yet to be marketed and no investor/developer is contractually committed. Therefore, it is not clear whether or not any future developer/investor at Morton would have significant concerns in relation to the proposed Sainsbury's development if they were promoting a scheme at Morton. We accept that even if a developer has not been appointed to bring a site forward, the landowner could object if they had serious concerns about the impact of a proposed development elsewhere. However, we are aware that in this case the landowner is the local authority and they may have chosen to remain silent because they recognise that they are also the determining authority.

5.12 WYG accept that convenience goods retailers are often prepared to trade in close proximity to each other in an attempt to capture market share. Also it is evident that certain convenience goods retailers target different sectors of the community with some operators focusing on value and low prices with other less price sensitive retailers focusing more on the quality of the produce. Therefore, we cannot rule out at this stage that if the proposed Sainsbury's store was granted permission other convenience goods operators would still be interested in Morton in the future. Therefore, WYG believe that the conclusion on this matter is not as clear cut as that presented by DTZ. There is no evidence currently before us that definitively concludes that the Sainsbury's development would completely rule out the prospect of any retailer being interested in the Morton site once it is placed on the market. We accept it will have an impact but whether this impact is prejudicial or significantly adverse is in our view more finely balanced.

Summary

5.13 When assessed against the requirements of PPS4, WYG conclude that the proposed development fails the sequential approach. The issue with regard to impact is more finely balanced. The Practice Guidance makes it quite clear at paragraph 5.5 that:

"It is evident that significant weight is attached to the outcome of the sequential site assessment and impact assessment. However, it is still for the decision maker to judge the extent to which the applicant has demonstrated compliance with the sequential approach, and what constitutes a 'significant' adverse impact, based on the circumstances of each case."



- 5.14 WYG are conscious that in forming a view on impact, PPS4 states that there has to be clear evidence to support such a conclusion. Whilst the evidence with regard to future market interest has yet to be explored, it is notable that there is significant policy weight attached to the new district centre; there is insufficient need for both schemes and the developments could be competing for the same market. On this basis, there is a danger that the development could have a significant adverse impact on future planned investment in Morton District Centre.
- 5.15 However, in arriving at a balanced planning decision, we are aware that there are a number of positive impacts that would occur as a result of the proposed development. For reasons outlined above, we do not agree that as the development fails the sequential approach and could have a significant adverse impact on Morton district centre, it should be automatically refused.
- 5.16 Clearly, in applying the appropriate planning balance significant weight must be given to the fact that the development fails the sequential approach. This conclusion would appear to be supported by Mr Tucker's opinion, whereby he concludes that if the Morton site is considered to be suitable, viable and available then this is not **"fatal to the proposed development, but rather is a weighty material consideration which weighs against the proposal."** (Paragraph 4.5).
- 5.17 Therefore, in reaching a decision on the proposed development, we believe that the Council should place significant weight on the fact that the proposed development fails the sequential approach. The weight attached to impact on Morton would be less given the fact that the conclusions reached on this matter are more finely balanced and we are conscious of the need for the local authority to have clear evidence that this development would have a significant prejudicial affect. The weight that WYG suggest should be attached to the retail planning case will then have to be carefully balanced against the weight which the Council would place on the regeneration benefits that would be secured by the proposed development.