

# DEVELOPMENT CONTROL COMMITTEE 13<sup>TH</sup> MAY 2022

## ADDENDUM REPORT

### **Item 08 Application 21/0981 – Gateway 44 Retail Park, Parkhouse Road, Carlisle**

Since preparation of this report officers have given further consideration to the use of a personal condition which should be avoided if at all possible. At the time of drafting the report there were concerns that the proposed new conditions may not be sufficient to ensure the proposed end use and therefore Condition 6 in the report was personal to Home Bargains. Amendments have been made to the conditions to remove the need for the personal condition and therefore changes to the report are now proposed.

Paragraph 6.15 change to the last sentence which currently reads:

“To ensure that this is the case it would be appropriate to impose a planning condition which is personal to the intended operator as referred to in the documents.”

Replace it with

*To ensure that this is the case it would be appropriate to impose a planning condition which restricts the sale of goods to reflect the discount operator practices. This is now proposed in a new condition 5 which limits the area for the type of goods sold.*

Replace paragraph 6.17

*6.17 In this case the area for catchment which relates to the sequential test for a discount operator includes the two local centres of Kingstown and Scotland Road (Stanwix). There are only a small number of vacant units at the time of this application and the centres are small with no vacant sites that could be developed. The proposed floorspace could not be accommodated in those centres and therefore no sequentially preferable location is available within the sequential test area of search. As no alternative sites are available the sequential approach has been satisfied and passed.*

Replace paragraph 6.19

*6.19 Policy EC6 of the local plan echoes the National Planning Practice Guidance and requires the submission of an impact assessment where the threshold would be breached.*

Additional paragraph for the general approach regarding impact assessments.

*6.20A The NPPF sets out two aspects to impact tests which include the impact of the proposal on existing investment in the catchment area of the proposal and then the impact of the proposal on vitality and viability on the town centre and including the wider catchment area. In considering this application an impact assessment has included therefore an assessment of the impact on the two local centres of Kingstown and Stanwix as well as the wider impact on the City Centre and the allocated District Centre in the Local Plan which is a*

*planned centre. The proposal is a change of condition to vary the type of good sold and therefore in undertaking that impact assessment consideration has to be given to the existing consent and the fact that trading as bulky goods creates its own impact which has already been taken into account when the original permission was granted. It is therefore the additional trade diversion from existing operations which needs to be taken into account to ensure that there are no significant adverse impacts as set out in the NPPF.*

### Revision to Conditions

Proposed Condition 6 is removed along with Condition 5, and there is an amendment to Condition 4.

The new Conditions 4 and 5 proposed are as follows:

*4. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), the retail floorspace hereby approved shall not be used for the sale of goods other than those within the following categories: DIY and/or garden centre goods and associated equipment; furniture and furnishings; kitchens; carpets; floor coverings and tiles and associated equipment; camping; boating and caravanning goods; motor vehicle and cycle goods and associated equipment; and electrical goods. Goods falling outside this range may be sold only where they form an ancillary part of the operation of any of the proposed stores and shall be limited to no more than 10% of the internal floorspace.*

**Reason:** In such a location the local planning authority wish to consider the implications of any alternative commercial use, particularly in respect of the potential trading effects upon the City Centre Shopping Area in accord with the NPPF and Policy EC6 of the Carlisle District Local Plan 2015-2030.

*5. In addition, and notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), the ground floor areas of Units 3 – 5 are also permitted to be used for the sale of the following goods:*

- *health and beauty products, medicines, baby products – up to 15% of the*
- *household products – up to 15%*
- *toys and games – up to 10%*
- *pet food, ornaments and seasonal products – up to 20%*
- *food and drink – up to 30%*
- *Clothing & footwear – up to 10%*

**Reason:** In such a location the local planning authority wish to consider the implications of any alternative commercial use, particularly in respect of the potential trading effects upon the City Centre Shopping Area in accord with the NPPF and Policy EC6 of the Carlisle District Local Plan 2015-2030.