



**Development Control Committee**

**Date:** Friday, 13 May 2022

**Time:** 10:00

**Venue:** Cathedral Room

**Present:** Councillor Ruth Alcroft, Councillor Lisa Brown, Councillor Nigel Christian, Councillor John Collier, Councillor Mrs Christine Finlayson, Councillor Mrs Anne Glendinning, Councillor Keith Meller, Councillor David Morton, Councillor David Shepherd, Councillor Christopher Southward, Councillor Raymond Tinnion  
Councillor Mrs Linda Mitchell (for Councillor Mrs Marilyn Bowman)

**Also Present:** Councillor Wills (in his capacity as Ward Member) attended the meeting having registered a Right to Speak in respect of application 21/0744 – Land at Currock Yard, Off South Western Terrace, Carlisle, CA2 4AY.

Councillor Higgs (in his capacity as Ward Member) attended the meeting having registered a Right to Speak in respect of application 22/0093 – Croft Villa, Wetheral, Carlisle, CA4 8JQ.

**Officers:** Corporate Director Economic Development  
Head of Development Management  
Head of Legal and Democratic Services  
Principal Planning Officer  
Planning Officer x 2  
Mr Barnard, Cumbria County Council

**DC.38/22 APOLOGIES FOR ABSENCE**

An apology for absence was submitted on behalf of Councillor Mrs Bowman.

**DC.39/22 DECLARATIONS OF INTEREST**

In accordance with the Council's Code of Conduct the following declarations of interest were submitted:

Councillor Meller declared an interest in respect of application 22/0223 – Noble Garth, Hayton, Brampton, CA8 9HR. The interest related to objectors being known to him.

Councillor Tinnion declared an interest in respect of application 22/0093 – Croft Villa, Wetheral, Carlisle, CA4 8JQ. The interest related to objectors being known to him.

**DC.40/22 PUBLIC AND PRESS**

RESOLVED – That the Agenda be agreed as circulated.

#### **DC.41/22 AGENDA**

RESOLVED - That items A.1 (6) and A.1(7) be considered together.

#### **DC.42/22 MINUTES OF PREVIOUS MEETINGS**

RESOLVED 1) – That the Chair sign the minutes of the meetings held on 23 February (site visits) and 25 February 2022.

2) That the minutes of the meetings held on 8 April and 11 May (site visits) 2022 be approved.

#### **DC.44/22 PUBLIC REPRESENTATIONS IN RESPECT OF PLANNING APPLICATIONS**

The Head of Legal and Democratic Services set out the process for those Members of the public who had registered a Right to Speak at the Committee.

#### **DC.45/22 CONTROL OF DEVELOPMENT AND ADVERTISING**

That the applications referred to in the Schedule of Applications under A be approved/refused/deferred, subject to the conditions as set out in the Schedule of Decisions attached to these Minutes.

#### **1. Application - 21/0744 - Land at Currock Yard, Off South Western Terrace, Carlisle, CA2 4AY**

**Residential development and associated infrastructure comprising 92no. dwellings, new public open space, communal car park and new access into the site.**

The Principal Planning Officer submitted the report on the application which had been subject of a site visit by the Committee on 11 May 2022. Slides were displayed on screen showing: location plan; block plan; proposed site access plan; elevation plans; proposed 3D views; and, photographs of the site, an explanation of which was provided for the benefit of Members.

The Principal Planning Officer recommended that:

- 1) Authority to Issue be given to the Corporate Director of Economic Development subject to the completion of a S106 Agreement to secure:
  - a) the provision of 18 of the units as affordable;
  - b) the provision of 4 bungalows on the site;
  - c) an off-site open space contribution of £34,511 for the upgrading and maintenance of open space at Jubilee Road;

- d) a financial contribution of £19,593 to support the off-site improvement of existing sports pitches;
- e) the maintenance of the informal open space and play area within the site by the developer;
- f) a financial contribution of £403,024 to Cumbria County Council towards secondary school places;
- g) a financial contribution of £6,000 to Cumbria County Council for the monitoring of the Travel Plan;
- h) the management arrangements of the proposed parking area;
- i) any financial contributions/management/maintenance that might be required to deal with the issue of nutrient neutrality.

2) If the legal agreement were not to be signed, authority be given to the Corporate Director of Economic Development.

Councillor Wills (Ward Member) addressed the Committee in the following terms: the main concern regarding the application was the speed and flow of traffic at the junction between South Western Terrace and Currock Road, therefore he requested the installation of traffic calming measures such as speed restrictive signage on the approaches to the junction and a visual speed table; retaining aspects of the site's heritage as a former railway was important and may be done through the installation of plaques or statues; residents of South Western Terrace with health issues ought to be issued with residents parking permits close to their dwelling.

Mr Barker (Agent) responded in the following terms: parking reservations for specific needs would be considered, as would the implementation of traffic calming measures; ideas to mark the site's former railway heritage could be developed.

Mr Barnard (Cumbria County Council) welcomed the Ward Member's comments and the Agent's agreement to look into the matters raised.

The Committee then gave consideration to the application.

In response to Members' questions, Officers confirmed:

- During the processing of the 2010 application access arrangements were extensively considered, with the exception of the access proposed in the current scheme, all others were found to have insurmountable issues that precluded their use. Emergency Vehicle Access and pedestrian access would be provided to Adelphi Terrace in addition to the principal access / egress on to South Western Terrace;
- When the site was operational for railway operations all vehicular access / egress had been via South Western Terrace. Following the cessation of that use extensive clearance of the site had been carried out with all materials being removed from the site via South Western Terrace, there was no record of any noise complaints from residents in the area;

- As set out in bullet point 1 of Condition 35 the developer was required to undertake a Road Condition Survey at South Western Terrace, the condition further stipulated that, in the event of any damage to the road during the construction phase, the developer was responsible for any repairs;
- The existing sub-station within the site would be retained, however the pump house where it was located would be removed as it was in poor structural condition, consideration may be given to the retention of its facade;
- The purpose of the proposed lay-bys was to provide additional parking;
- The Highway Authority had agreed to look at potential traffic calming;
- Condition 21 required the submission and approval of a Construction Management Plan, Condition 14 restricted the hours of construction at the site;
- The dispensation given by government to the construction industry in response to the Covid 19 pandemic had finished;
- Condition 16 required the developer to install a trespass proof fence to prevent access to the existing railway line, prior to occupation of the development;
- The S106 agreement would set out the provisions of the residential parking scheme to be implemented on South Western Terrace;
- The affordable housing provision would be spread throughout the development;
- The details of the provision of health and other services was considered by the Council during its adoption process for its existing Local Plan, the timing of the delivery of those services was a matter for the service providers;
- The installation of hedging on the bund adjacent to the railway line, prior to construction could be considered as Network Rail were keen for it to be implemented quickly.

Paragraphs 6.38 and 6.39 of the report set out potential future considerations regarding the provision of a bus-only bridge towards the southern end of the site, connecting the St Cuthbert's Garden Village and the city centre. A Member asked why the report stated that no weight should be given to the matter? He appreciated that currently no plans for the bridge had been developed, however, the proposal was in keeping with Local Plan policy IP 2 – Transport and Development; the Member indicated that he would like to impose a condition requiring the developer and Highway Authority to further discuss the matter.

The Principal Planning Officer responded that as no plans had been produced it was difficult to give weight to the matter, nor had any consultation taken place.

The Member appreciated the Officer's response and understood that the lack of plans made it a difficult issue for the developer to address, however, he felt it was important that the issue be explored further.

The Head of Development Management added that the bus-only bridge was currently a concept being investigated, and reiterated comments on the difficulty of giving material consideration to a matter that did not have definitive proposals and had not been consulted upon. The concept would be further evolved and would not be lost.

A Member moved the Officer's recommendation which was seconded and following voting it was:

RESOLVED: 1) That Authority to Issue be given to the Corporate Director of Economic Development subject to the completion of a S106 Agreement to secure:

- a) the provision of 18 of the units as affordable;
- b) the provision of 4 bungalows on the site;
- c) an off-site open space contribution of £34,511 for the upgrading and maintenance of open space at Jubilee Road;
- d) a financial contribution of £19,593 to support the off-site improvement of existing sports pitches;
- e) the maintenance of the informal open space and play area within the site by the developer;
- f) a financial contribution of £403,024 to Cumbria County Council towards secondary school places;
- g) a financial contribution of £6,000 to Cumbria County Council for the monitoring of the Travel Plan;
- h) the management arrangements of the proposed parking area;
- i) any financial contributions/management/maintenance that might be required to deal with the issue of nutrient neutrality.

2) That should the legal agreement not be signed, authority be given to the Corporate Director of Economic Development to refuse the application.

*Councillor Brown having left her seat during part of the discussion on the item of business did not participate in the vote on the application.*

## **2. Application - 21/0507 - Land to the west of Castletown Farm, Redhills, Rockcliffe, Carlisle, CA6 4BL**

**Proposal: Change of Use of Land for the siting of 5no. pods and 6no. cabins.**

The Planning Officer submitted the report on the application. Slides were displayed on screen showing: location plan; overall layout plan; general layout plans; and, photographs of the site, an explanation of which was provided for the benefit of Members.

The Planning Officer recommended that the application be approved subject to the conditions detailed in the report.

The Committee then gave consideration to the application.

In response to Members' questions, Officers confirmed:

- A Speed Survey and Access Appraisal had been submitted to the Highway Authority as part of the application process. The Speed Survey had shown an average speed of 16mph which the achievable visibility splay was more than sufficient for, passing places were only requested when deemed necessary;
- The adjacent riverside walk would not impact the development;
- A Habitat Regulation Assessment had been conducted which Natural England made no objection to, a family of crested newts were known to be present at the site and a condition had been imposed to ensure their protection.

Members discussed the issue of Biodiversity Net Gain, and the likely impacts and processes associated with it.

A Member moved the Officer's recommendation which was seconded and following voting it was:

RESOLVED: That the application be approved, subject to the implementation of relevant conditions as indicated on the Schedule of Decisions attached to these minutes.

### **3. Application - 22/0078 - Bridge End Inn, Bridge End, Dalston, Carlisle, CA5 7BH**

**Proposal: Change of Use of garage to dual use consisting of staff accommodation and Holiday let to be used in association with the Bridge End Public House (Revised Application).**

The Chair advised that the item had been withdrawn from discussion.

RESOLVED: That the item be withdrawn from discussion.

### **4. Application - 22/0093 - Croft Villa, Wetheral, Carlisle, CA4 8JQ**

**Proposal: Erection of a single storey detached garage/gym building.**

The Planning Officer submitted the report on the application which had been subject of a site visit by the Committee on 11 May 2022. Slides were displayed on screen showing: location plan; block plan; elevation and floor plans; and, photographs of the site, an explanation of which was provided for the benefit of Members.

The Principal Planning Officer recommended that the application be approved subject to the conditions detailed in the report.

Councillor Higgs (Ward Member) addressed the Committee in the following terms: the revised plan was an improvement on the original but a number of issues remained relating to over-bearance and amenity; the submitted plans were inaccurate as they did not show a rear extension at 13 Goosegarth which extended 3.6m beyond the rear wall shown on the plans; the primary window of the garden room of the extension was look directly on to the end of the proposed structure which was only 4.8m away; the main window of 12 Goosegarth was only 7.65m away from the proposed structure, such a distance was not complaint with the Council's Achieving Well Designed Housing Supplementary Planning Document nor Planning Policy Statement 12; there was ample room in the application site for the proposed building to be relocated; the proposed structure was too high, at 1.4m higher than the existing hedge and running parallel to the entire boundary with 12 Goosegarth; the properties on Goosegarth that were adjacent to the site did not overlook the area of the proposed structure; the former trees and planting at the application site had been removed which impacted on the privacy of the site, a boundary hedge had been planted but was thin in place, with work being undertaken to address the issue; the details in the report relating to the previous pig sheds at the site was incorrect – one had not been visible to the properties on Goosegarth, the other had a roof the protruded 0.5m above the boundary wall but had not been the full length of the wall; the report failed to consider the cumulative impact of permitted development in the area, particularly in relation to 11 Goosegarth; approving the application in the context of other recent development would create over-bearance at 11 Goosegarth.

Mr Greig (on behalf of the Applicant) responded in the following terms: the revised plan had reduced the height of the proposed structure by 0.5m and moved it 1.7m away from the boundary; in response to written representations to the application, Mr Greig made the following comments: the suggestion that a flat roof be used was not an effective design solution as it would make the structure appear too squat; the building was not a precursor to further development as there was not sufficient scope to put anything on the roof space; the proposed design complimented the existing dwelling as such there were no grounds to justify refusing the scheme on design grounds; the proposal would not lead to a loss of light at the adjacent properties on Goosegarth as due to their orientation and the floor level of the proposed structure; the 12m minimum separation distance was only applicable when buildings were on the same floor level; the application would not lead to a loss of privacy at adjacent properties as the proposed building would not have windows on those elevations; the 1.4m of protruding roof was not over dominant; in terms of cumulative impact, the permitted developments had instigated change in the area, but that did not amount to sufficient grounds to justify refusal due to impact on residential amenity.

A Member commented that he accepted the Officer's recommendation, he asked why the applicant did not lower either the roof height or floor level to minimise the visual impact of the proposal.

The Planning Officer advised that the applicant wished the proposed scheme to be determined as presented.

In response to comments from a Member regarding the erected boundary wall, the Planning Officer advised that the matter was subject of another planning application.

A Member moved the Officer's recommendation which was seconded and following voting it was:

RESOLVED: That the application be approved, subject to the implementation of relevant conditions as indicated on the Schedule of Decisions attached to these minutes.

**5. Application - 22/0223 - Noble Garth, Hayton, Brampton, CA8 9HR**

**Proposal: Change of Use of property from dwelling to holiday let.**

The Planning Officer submitted the report on the application. Slides were displayed on screen showing: location plan and photographs of the site, an explanation of which was provided for the benefit of Members.

The Planning Officer recommended that the application be approved subject to the conditions detailed in the report.

The Committee then gave consideration to the application.

In response to Members' questions, Officers confirmed:

- The restriction of large groups wishing to use the facility to same sex couple was a condition operators of such premises often applied and was aimed at hen-do / stag night groupings;
- The access rights were connected to the property not an individual, the applicant had sought legal advice which they considered confirmed their right of access; the matter was a civil one and out with the planning process;
- Permission in respect of application 21/1083 had removed a restrictive condition to allow the applicant unfettered use of the dwelling to rent the property for holiday use for a maximum of 90 days per year, approval of the current proposal would enable the applicant to let the dwelling for holiday use year round.

A Member moved the Officer's recommendation which was seconded and following voting it was:

RESOLVED: That the application be approved, subject to the implementation of relevant conditions as indicated on the Schedule of Decisions attached to these minutes.

**6. Application - 20/0525 - Burgh House, Burgh by Sands, Carlisle, CA5 6AN**

**Proposal: Erection of two storey side extension to provide living room on ground floor with en-suite bathroom above.**

**&**

**7. Application - 20/0526 - Burgh House, Burgh by Sands, Carlisle, CA5 6AN**

**Proposal: Erection of two storey side extension to provide living room on ground floor with en-suite bathroom above (LBC).**

The Principal Planning Officer submitted the report on the applications. Slides were displayed on screen showing: location plan; elevation plans; block/location plan; and, photographs of the site, an explanation of which was provided for the benefit of Members.

The Principal Planning Officer recommended that the applications be refused for the reasons set out in the report.

Ms Lightfoot (on behalf of the applicant) addressed the Committee in the following terms: the principal concern in relation to the application was the impact of the proposal on the Listed Building, with all other matters being deemed acceptable; the Council's Heritage Officer had expressed concerns that the design of the scheme would create an unsymmetrical appearance, however, the existing hedge at the site which demarcated the separate dwellings was not central and therefore the existing appearance of Burgh House was not symmetrical; during the application process, the applicant had offered to participate in a joint commission of an independent third party opinion, but that had not been taken up; English Heritage had been asked to provide a second opinion of the application and its response confirmed no objection to the proposal; the applicant had sought the views of Townscape, a specialist heritage consultant on the proposal, its view was that application respected key design principles of scale, function, form, mass and materials of the existing building, as such the proposal would have a low impact on the Listed Building.

Ms Lightfoot considered that, prior to determining the application, a site visit would be beneficial for the Committee.

A Member moved the Officer's recommendations which was seconded and following voting it was:

**RESOLVED:** That the applications be refused for the reasons indicated in the Schedule of Decisions attached to these minutes.

*The Committee adjourned at 11:44am and reconvened at 12:03pm.*

**8. Application - 21/0981 - Gateway 44 Retail Park, Parkhouse Road, Carlisle**

**Proposal: Variation of Conditions 2 (Approved Documents); 4 (Amalgamation of units) & 5 (A1 Retail Restrictions) of previously approved permission 18/0693**

## **(Erection of Retail Floorspace (A1) and drive thru (A3/A5) associated works including access)**

The Head of Development Management submitted the report on the application. Slides were displayed on screen showing: proposed site plan, proposed elevations, and photographs of the site, an explanation of which was provided for the benefit of Members.

The application sought to vary planning conditions imposed on the original decision (18/0693) which permitted the development of a retail park at junction 44 off the roundabout at Parkhouse Road and the A689. The original application was for bulky goods thus the assessments accompanying it only considered the sale of larger items. Following construction of the development, a number of units had remained empty. The currently proposed scheme was for the occupation of units 3, 4 and 5 by a discount retailer offering a wider range of products.

Given that the application was for a variation of existing conditions, it was only that matter the Committee needed to appraise in its determination of the proposal. The principal matters regarding the proposed scheme were the Sequential Test and Impact Assessment, as referenced in the National Planning Policy Framework (NPPF). Issues relating to those matters were detailed in the report and assessed as acceptable.

During the production of the report concerns were identified in relation to the proposed conditions: that on their own they were not sufficient to ensure the end user would be a discount retailer. Accordingly, condition 6 was prepared to limit the user, by imposition of a personal condition, to Home Bargains who was referenced in the assessment.

On the day preceding the Committee meeting the Council received a further objection letter from CMS on behalf of Carlisle Shopping Centre Limited, which the Head of Development Management read out in full, as below, for the benefit of Members.

“As you are aware, we act on behalf of Carlisle Shopping Centre Limited (“**CSCL**”), who leases and operates the Lanes Shopping Centre in Carlisle City Centre. CSCL previously objected to the Application in a letter from this firm to yourself dated 5 November 2021 (the “**Objection**”). CSCL was not informed of the intention for the Application to be taken to Carlisle City Council’s (the “**Council**”) planning committee tomorrow (13 May 2022) and only learnt that the Application was being taken to committee by chance. Given the obvious interest of CSCL in the Application it is surprising that the Council did not inform us or our client of the imminent committee meeting. CSCL has now seen the committee report that has been prepared in respect of the Application (the “**Committee Report**”). The Committee Report acknowledges the Objection and attempts to address the deficiencies in the application of the sequential test to the Application which were highlighted to the Council in the Objection. We interpret the Committee Report as proposing that a personal condition should be included in the permission. The proposed personal condition reads as follows:

*“The occupation of Units 3-5 shall be limited to Home Bargains discount retailer and shall not transfer to any other retailer (discount or otherwise) without written consent of the local planning authority.”*

In our view the imposition of a personal condition in the present circumstances would be unlawful and would fail to meet the test for the imposition of such conditions in the PPG. If, notwithstanding our observations above, the Application is granted on the basis of the Committee Report, we put the Council on notice that CSCL is likely to seek to challenge that decision by way of an application for judicial review. Please make the Council's planning committee aware of this further objection and the deficiencies in the Committee Report before a decision is made on the Application."

In essence, the Head of Development Management concurred that the use of personal conditions in planning should be avoided. Following the publication of the report, further work was carried out in relation to the proposed conditions with a view to limiting occupancy and removing the need for a personal condition to be imposed. Members were made aware of the additional work relating to the conditions via the circulation of an addendum to the main report, copies of which were also published on the Council's website. The Head of Development Management reiterated the following aspects of the addendum:

- Amendments had been made to the proposed conditions to remove the need for the personal condition, therefore the following changes were proposed:

Paragraph 6.15 change to the last sentence which currently read:

"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 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.*

Insert 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 Conditions 5 and 6 are removed;

Condition for to be amended.

New proposed Conditions 4 and 5 to read 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 floorspace*
- *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.

In conclusion, the Head of Development Management recommended that the application be approved subject to the conditions detailed in the report, and the amendments set out above.

The Committee then gave consideration to the application.

A Member sought confirmation that the Committee were being asked if they accepted the findings of the Sequential Test and Impact Assessment as correct.

The Head of Development Management confirmed that was the case.

The Member then asked the following questions: Sequential Test – what evidence had been provided that there was no suitable space in the city centre for the proposed scheme; the proposal was for a discount foodstore, had the Impact Assessment evaluated the impact against all types of city centre uses or had it focussed on discount stores?

The Head of Development Management responded that the Sequential Test had not considered the catchment area of the city centre. The city centre discount stores and St Nicholas retail area and retail areas in the west of the city drew on local catchment area, Parkhouse where the application site was located did exclude the city centre in the Sequential Test.

The application sought permission for the creation of another discount retailer, not a replacement store, that type of retail offering had a smaller catchment area than a department store, with customers being prepared to drive, on average, five minutes to such a facility.

The Impact Assessment concluded that the proposal would not have an impact on the viability of the city centre as the centre had a broader offering of operations and uses than those at Parkhouse which principally offered bulky goods. It had considered the impact on the proposal across all uses and offerings in the city centre, not just other discount stores.

The Member asked what evidence there was in relation to the type of development proposed having a five minute drive catchment area?

The Head of Development Management stated that the evidence was anecdotal rather than research based and noted that customer loyalty was not considered to be strong with discount stores. The issues had been looked at in Planning Inspectorate Appeals, but there was not a substantial corpus of information on the matter and no data specific to Carlisle was available.

Another Member asked whether the range of goods the application would retail was an issue?

The Head of Development Management indicated that the type of store at the location was an issue that had been raised and considered. The original permission for the wider retail development restricted trade, through planning condition, to bulky goods and associated item. As retail operations evolved over time, applications were received for permission to sell ancillary items.

A Member asked what steps the objector was likely to take were the application to be approved.

The Head of Development Management advised that the option of Judicial Review was open to the objector who make take such a step with a view to protecting their own business interest. The report and circulated addendum set out the legal advice Officers had considered in respect of the application, whether the objector decided to instigate legal action was a matter for them.

In response to a question from a Member regarding whether the objector's business partner had been consulted on whether legal action ought to be taken, the Head of Legal and Democratic Services confirmed they were aware of the position and had a view on the matter.

A Member noted that the existing occupiers of units in the vicinity of the application site had taken premises on the basis that they were designed principally for the sale of bulky goods. In his view such operations would have a lower level of footfall than the proposed discount store; the higher level of footfall the proposed scheme would attract meant its customers would be the main users of the existing car park which may deter potential customers from visiting the existing retailers. The Member asked whether the existing users would pay a lower level of business rates than that of the proposed scheme?

The Head of Development Management explained that levels of business rates were not a planning matter but were set according to a predefined ratio. Regarding parking provision, the Highway Authority had been consulted on the application and had not raised any concerns or objection to the proposal.

A Member moved the Officer's recommendation which was seconded and following voting it was:

RESOLVED: That the application be approved, subject to the implementation of relevant conditions as indicated on the Schedule of Decision attached to these minutes.

#### **DC.46/22     Schedule B - Applications determined by other authorities**

RESOLVED - That the content of the report be noted.

The Meeting ended at: 12:35