

SCHEDULE A: Applications with Recommendation

21/0981

Item No: 08

Date of Committee: 13/05/2022

Appn Ref No:
21/0981

Applicant:
Carlisle City Council

Parish:
Kingmoor

Agent:
Savills (UK) Limited

Ward:
Belah & Kingmoor

Location: 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/Highways Works, Provision Of Parking Spaces And Landscaping) To Amalgamate Units 3, 4 & 5 To Form A Single Retail Unit & To Enable The Sale Of Any Non Food Retail Goods And A Maximum 30% Retail Sale Of Food And Drinks (Revised Application)

Date of Receipt:
18/10/2021 23:00:11

Statutory Expiry Date
13/12/2021

26 Week Determination

REPORT

Case Officer: Christopher Hardman

1. Recommendation

1.1 It is recommended that this application is approved with conditions.

2. Main Issues

- 2.1 The Principle of Development
- 2.2 Sequential Test and Retail Impact
- 2.3 Whether the Scale and Design of the Proposal is Acceptable
- 2.4 Highways Impact
- 2.5 Other Matters

3. Application Details

The Site

- 3.1 The application site relates to units 3, 4 and 5 of the newly constructed Gateway 44 retail development which lies approximately 2.5 miles to the north of the city centre within the Parkhouse area on the outskirts of the City. The site is bordered by Bristol Street Motors Vauxhall dealership immediately to the north (and other car dealerships), Parkhouse Road to the west, M6 to the north east with Junction 44 east of the site and the A689 to the south with Kingstown/Greymoorhill retail park to the south. The surrounding area to the west is largely in mixed employment use comprising Kingstown Industrial Estate, Parkhouse and Kingmoor Park with the exception of the nearby Asda superstore. Other units have recently been occupied by Connection Flooring, Wren Kitchens and a Costa Drive-Thru.

Background

- 3.2 Full planning permission was granted under application 18/0693 and permission was given for the retailing of bulky good uses for 6 units of varying sizes ranging from 232sqm to 1393sqm and the coffee shop of 167sqm. The units were development following the discharge of the relevant planning conditions. Unit 7, Costa opened initially with other units following however the units subject to this application have remained empty. This application seeks to change the bulky goods conditions imposed on the original planning permission to allow the trading of smaller convenience/comparison items sold by discount retailers.
- 3.3 Application 21/0244 which was similar to this proposal was granted permission under delegated powers however the decision was challenged through the Courts by Carlisle Shopping Centre Limited on four grounds:
Ground 1: the Council has misinterpreted and/or failed to correctly apply the sequential test and applicable policy
Ground 2: the Council has misinterpreted and/or failed to apply the correct approach to its assessment of impact
Ground 3: the Council has failed to adequately reason the Decision and/or its reasons given for the Decision are irrational
Ground 4: the Council has failed to properly follow its internal procedures and, as such, the Decision is a result of procedural impropriety
- 3.4 The Courts granted the challenger permission to proceed with the challenge and the local planning authority consented to judgment on the sole ground that there had been a failure to properly apply the sequential test in the delegated report. It was therefore agreed that the decision on the original application 21/0244 would be quashed and the application remains undetermined. Whilst the challenge through the courts process was ongoing, this revised application 21/0981 was submitted for determination.

The Proposal

- 3.5 The application seeks to vary the planning conditions 2, 4 and 5 of previously approved permission 18/0693 to amalgamate units 3, 4 & 5 to form a single retail unit & to enable the sale of any non food retail goods and a maximum 30% retail sale of food and drinks. The application documents have been revised since application 21/0244 particularly in relation to the application of

sequential and impact tests clarifying the type of operation proposed.

4. Summary of Representations

- 4.1 In accordance with the provisions of the General Development Management Procedure Order 2015, 19 notification letters were sent to neighbouring properties as well as the posting of a site notice and press notice.
- 4.2 One letter of objection has been received which raises the following objections:
This application is a resubmission and is identical to application 21/0244
They objected to that application and applied to the High Court following the granting of permission on the basis of an incorrect application of the sequential test and impact test and permission was granted to proceed with the Judicial Review
The central concerns of the previous objection still apply
References have been changed to a discount retailer rather than Home Bargains
Sequential test on behalf of any discount retailer/discount variety retailer
The unit could still be used by a variety of retailers such as clothing, beauty, etc
The sequential test must be carried out in respect of all possible types of retailers and should have a much wider catchment including Carlisle City Centre
Should liaise with the applicant to ensure a sequential test with the correct parameters
Application should be refused as sequential test incorrect, if it was correctly applied should still be refused as the sequential test would not be satisfied due to the availability of alternative sites
The Courts found arguable that the earlier decision was unlawful
If granted we would seek an application for judicial review
- 4.3 The original objection to application 21/0244 can be summarised as:
Would compromise the development plan and a strategy for economic recovery of the city centre
Would create a largely unrestricted non-food anchor unit within a brand new out of centre shopping destination
The mezzanine would not be restricted on the range of goods as the proposed conditions are contradictory
Strongly object as this would undermine the ongoing recovery of the city centre
Contrary to the requirements of the NPPF
Contradict the key strategic objective of the CDLP
Would provide an even more attractive retail destination in its own right comparable to and in competition with other identified city and commercial centres
The sequential test is limited in its area and should include the city centre and edge of city centre
The client references are only a prospective tenant
The methodology and parameters of the sequential assessment

pre-determine the outcome

The type and format of development could operate in a sequentially preferable location and they have no demonstrated flexibility

The proposals have not appropriately considered potentially sequentially preferable sites within Carlisle city centre - the apex of the regional retail hierarchy. The proposals should therefore be refused.

The proposals fail to meet the requirements of the sequential approach as set out within NPPF and the adopted CDLP. The proposals should therefore be refused.

The proposals would have a negative impact on the vitality and viability of Carlisle city centre - the apex of the regional retail hierarchy. The proposals should therefore be refused.

The proposals would compromise the deliverability of sites already allocated to deliver comparison retail development across the plan period. The proposals should therefore be refused.

The proposed amalgamation of units and introduction of largely unrestricted non-food retail floorspace within an anchor unit of the site would strengthen and diversify the retail offer of the local and wider retail park, wholly to the detriment of Carlisle city centre. The proposals should therefore be refused.

If approved, the proposals would contribute to providing for an even more attractive retail destination in an out of centre location, increase the critical mass and further elevate retail related development what would be more appropriately located within a town centre location. The proposals should therefore be refused.

Approval would weaken and undermine investor confidence within Carlisle city centre at a time of continued structural changes in retail and digital shopping platforms, and well-documented threats and recent closures to a number of key retail anchors within the city. It is essential that Carlisle City Council continue to support the principles of the development plan and maintain investor confidence for the delivery of investment in Carlisle city centre and refuse the application.

The proposals overall are wholly contrary to the site allocation within the adopted development plan. The proposals should therefore be refused.

Approval of additional unrestricted non-food class A1 retail consent in an out-of-town retail development (and without adequate consideration of retail-related planning policy) would lead to increased pressure to approve further similar proposals in future. The proposals should therefore be refused.

No weight can be attached to the potential identity of a particular retailer or its operational practices. Self-imposed limitations by an applicant, such as inflexible operational requirements or any preference not to compete with its own existing stores cannot be used to exclude potentially preferable sites from the scope of the sequential assessment. The proposals should be refused.

The development as a whole was approved as recently as 2019 principally as a 'bulky goods retail warehouse park'. The Council's support was justified on the grounds that sufficient controls would be applied to the delivery of the new retail units (e.g. unit size restrictions and the range of goods permitted) to avoid direct competition with the city centre. Approval would remove these controls to the detriment of Carlisle city centre. The proposals should be refused.

5. Summary of Consultation Responses

Kingmoor Parish Council: - This proposed development will bring increased traffic onto Parkhouse Road and the roundabout leading to the CNDR and Junction 44 of the M6, traffic backlogs are quite common on Parkhouse Road between 5-5.45 pm Monday to Friday. It's already difficult to get out of the junction from Costa onto the roundabout and is likely to be a bottleneck and potential accident black spot if a high volume retailer was on the site without major changes to the access and exit point. Additionally, cars are more likely to try and use the road linking the car dealerships next to the site, making them dangerous for customers on the forecourts. Kingmoor Parish Council would like to request that further study of the traffic impact is undertaken prior to any permission being granted.

Planning - Access Officer: - No objections;

Highways England: - No objections;

Cumbria County Council: -

Local Highway Authority response:

This planning application under consideration to vary conditions 2, 4 & 5 of the planning approval 18/0693 in order to amalgamate the current Units 3, 4 & 5 to create a single retail unit measuring 1,925 square metres. The application also seeks permission to allow the sale of non-food products, as well as the ancillary sale of food and drink products. The amalgamated store will comprise 70% (1,347 square metres) of floor space dedicated to the sale and display of non-food products, with the remaining 30% (578 square metres) being for the sale and display of ancillary food and drink products.

Transport Statement

The applicant as part of this variations of condition application has submitted a Transport Statement (TS) to assess the impacts of the amendments on the estimated trip generation of the development and on parking at the Gateway 44 retail park. The TS reviewed the TRICS data for sites that include a discount retailer and these produced lower trip rates than those adopted in the Transport Assessment (TA) submitted as part of the planning approval 18/0693. Therefore, the TS concluded that discount retailers have no material impact on peak hour vehicle trip rates. As it has been demonstrated within the TS that discount retailers have no material impact on peak hour vehicle trip rates, no changes to the permitted parking provision are required to accommodate the proposed development. The Highways Authority have assessed the conclusion of the TS and agree that the introduction of a discount retailer will have no material impact on the peak hour vehicle trip rates associated with Gateway 44 retail park. As such no objections are raised with regards to the approval of planning permission as the impacts on the highway network of the proposed amendments is negligible.

Lead Local Flood Authority response:

The Lead Local Flood Authority has no objection to the proposed variation of conditions 2, 4 and 5 as it is considered that the proposal does amend the drainage network as approved as part of the planning approval 18/0693.

Conclusion:

The Highways Authority and LLFA have no objections with regards to the

approval of planning permission.

Cumbria Constabulary: - I refer to my consultation response in respect of application 18/0693 (copied below). I have no further comments to offer at this time.

I wish to make the following observations, which I have considered from a crime prevention perspective. The reference to compliance with Policy CM 4 of the Local Plan (P13 Design and Access Statement) is welcomed. The comments in Item 6.0 (Access and Security) are noted. I concur that the site is laid out to maximise surveillance opportunities towards the front elevations of the retail units and across the car park. The DAS also advises that the proposed landscaping scheme will be designed to maintain surveillance opportunities and to deter unauthorised access to other areas. I also note the reference to the lighting scheme, to enhance surveillance after dark, yet avoiding pollution.

However, with regard to protecting shop frontages from motivated vehicle impact (ram-raid) and the provision of (unsightly) roller shutters, more discreet measures could be implemented:

The applicant should also consider the following measures to reduce the opportunities for crime: formation of secure compound to the rear of the units, utilising welded mesh or extruded metal fencing with matching gates; internal layout to optimise supervision of customer/retail space; secure cash handling facilities to minimise storage of cash on premises; robust separation of retail spaces from private offices/storerooms/staff areas; careful siting and supervision of customer toilets and changing rooms, if provided; provision of secure storage for staff personal belongings; Bin storage (Item 6.4 – refuse storage and collection - comments noted and welcomed); and, presence and configuration of CCTV (image standard and Data Protection compliance issues).

The comments in Item 6.5 (Out of hours access and management) are also noted. The provision of late evening refreshment is more likely to attract motor vehicle nuisance, as experienced at fast food retail outlets. It is therefore essential to prevent unauthorised vehicle access to the wider site.

No specific conditions are proposed as many elements are dealt with through internal fitting out and store layout.

6. Officer's Report

Assessment

- 6.1 This proposal is seeking a variation of conditions 2 (approved documents); 4 (amalgamation of units) & 5 (A1 retail restrictions) of previously approved permission 18/0693 which was for the erection of retail floorspace (A1) and drive thru (A3/A5); associated works including access/highways works, provision of parking spaces and landscaping) in order to amalgamate units 3, 4 & 5 to form a single retail unit & to enable the sale of any non-food retail goods and a maximum 30% retail sale of food and drinks.
- 6.2 The relevant planning policies against which the application is required to be assessed is the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) and Policies EC2, EC6, SP6, IP2, IP3, IP6, CC5,

1. The Principle of Development

- 6.3 The application site covers units 3, 4 and 5 of the recently constructed Gateway 44 retail park, 2.5 miles to the north of the city centre within the Parkhouse area on the outskirts of the City. The site is bordered by Bristol Street Motors Vauxhall dealership immediately to the north (and other car dealerships), Parkhouse Road to the west, M6 to the north east with Junction 44 east of the site and the A689 to the south along with the Kingstown/Greymoorhill retail park. The surrounding area to the west is largely in mixed employment use comprising Kingstown Industrial Estate, Parkhouse and Kingmoor Park with the exception of the nearby Asda superstore.
- 6.4 Retail uses were established under planning consent 18/0693, however, other than the Costa Drive Thru, were restricted to bulky uses on the basis of the submitted information at that time and that any additional impacts needed to be carefully considered. Impacts were considered in the context of Local Plan Policy EC6 and the principle of development was accepted however as the proposed uses were Town Centre uses it was subject to the sequential test for the proposed use being satisfied. It is noted that the changes requested as part of this application diverge from the bulky uses previously granted and therefore the impacts in relation to sequential test will need to be given further consideration in relation to this application. This application seeks to amend the original planning conditions for the three units specified and is therefore in need of further assessment on the changes of retail proposed to that which has already been consented.

2. Sequential Test and Retail Impact

- 6.5 In considering retail proposals the NPPF advises in paragraph 86 that decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation by:
- defining a network and hierarchy of town centres and promote their long-term vitality and viability;
 - defining the extent of town centres and primary shopping areas, and make clear the range of uses permitted in such locations;
 - retaining and enhancing existing markets and, where appropriate, re-introduce or create new ones;
 - allocating a range of suitable sites in town centres to meet the scale and type of development likely to be needed;
 - where suitable and viable town centre sites are not available for main town centre uses, allocating appropriate edge of centre sites that are well connected to the town centre; and
 - recognising that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.
- 6.6 The NPPF continues at paragraph 87 to state that local planning authorities

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

- 6.7 The NPPF continues at paragraph 88 that when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.
- 6.8 In considering this application a Planning and Retail Statement has been submitted which considers the sequential test required by the NPPF. The application makes changes to the previous consideration of bulky goods by amalgamating three of the approved units.
- 6.9 In considering the sequential test aspects of the NPPF the main centre for any retail development should be Carlisle City Centre and this approach is contained in Local Plan policy EC6 which states that proposals for new retail uses should be directed towards the defined Primary Shopping Areas which are indicated as Carlisle, Brampton and Longtown.
- 6.10 The correct application of the sequential test contained in the NPPF has been considered in a number of court judgments. In Warners Retail (Moreton) limited v Cotswold District Council [2016] EWCA Civ 606 the Court of Appeal considered the requirement for flexibility contained in the NPPF and the guidance in the PPG. The following passages of the judgment of Lindblom LJ are of particular relevance:

"[29] Under paragraph 24 of the NPPF both applicants and local planning authorities are expected to "demonstrate flexibility on issues such as format and scale". What bounds can reasonably be set on an applicant's preference and intentions as to "format and scale" in any individual case will always, and necessarily, depend on the facts and circumstances of that particular case. The policy in paragraph 24 of the NPPF should not be seen as prescriptive in this respect. It plainly is not."

"Flexibility" was specifically considered, in the context of PPG guidance, at paragraph 31:

"Flexibility was also called for under the practice guidance, in somewhat more elaborate terms. It is very clear from paragraphs 6.42 and 6.45 that the identification of a relevant "need" or "need/demand" for the purposes of the sequential approach was not intended to be merely a self-serving exercise on the part of the developer himself. As paragraph 6.45 made plain, sites were not to be rejected on the strength of the "self imposed requirements or preferences of a single operator ... ". Otherwise, the sequential approach would likely become a merely self-fulfilling activity, divorced from the public

interest. It is also clear, however, that the authors of the practice guidance regarded the developer's own intentions as generally having some bearing on the application of the sequential test. One sees this, for example, in paragraph 6.37 - in the reference to "the need or demand which the proposal is intended to meet"; in paragraph 6.42 - in the concept of "what aspect(s) of the need are intended to be met by the site(s)", the recognition that a more central site does not have to be able to "accommodate precisely the scale and form of development being proposed", and the need to consider what contribution such a site might make to "meeting the same requirements"; in paragraph 6.45 - in the reference to the "need/demand [the applicant's] proposal is intended to serve"; and also in paragraph 6.46- in the reference to "the scale/form of town centre uses proposed ... "

- 6.11 The correct approach to the sequential test was considered in Aldergate v Mansfield [2016] EWHC 1670 (Admin) where Ousley J determined:

"35. In my judgment, "suitable" and "available" generally mean "suitable" and "available" for the broad type of development which is proposed in the application by approximate size, type, and range of goods. This incorporates the requirement for flexibility in [24] NPPF, and excludes, generally, the identity and personal or corporate attitudes of an individual retailer. The area and sites covered by the sequential test search should not vary from applicant to applicant according to their identity, but from application to application based on their content..."

- 6.12 It is clear from these decisions that the requirement for flexibility is not open ended. An applicant cannot be required to consider any site under the sequential test devoid of the commercial realities of the actual development they are applying for. As identified by Ousley J it is suitability for the "broad type of development" proposed that has to be considered. Further, the sequential test should be applied on an occupier blind basis rather than being dictated by the operational preferences and competitive desires of a particular operator.
- 6.13 The basis upon which the sequential test has been carried out by the Applicant is explained at Chapter 3 of the Planning and Retail Statement. The catchment area that has been considered for the sequential test is a five minute drive isochrone from the application site. The justification for this given at 3.13-3.15 of the Planning and Retail statement is that the nature of the goods that will be sold are a mix of convenience and comparison goods for which customers are only willing to travel a short distance, considering a wider catchment area would mean considering sites in areas beyond those which the development is intended to serve. When looking at the potential catchment it is clear that for this type of operation throughout the City it is focussed on a local demand for the type of store. Discount operators work in local areas around the City with shopping catchments focussed around each part of the city rather than the City as a whole. Sequential tests should be appropriate to the nature of the proposal and therefore it is acceptable to relate the information to the area of the catchment and a 5 minute drive time search area is satisfactory and accords with Paragraph 90 of the NPPF.

- 6.14 The Objector's suggest that the sequential test has been carried out on the basis of the market requirements of the proposed occupier, Home Bargains. The Planning and Retail Statement is clear that this is not correct, the extent of the catchment area has not been governed on the basis of any particular operator but on the basis of the operation of any discount retailer. Furthermore, paragraph 4.21 of the Planning and Retail Statement refers to a proposed discount retail operation and that Home Bargains has been used as a worst case scenario for that type of operation as it is the highest of sales densities in that type. Whilst acknowledging the reference to Home Bargains, it is used as an example in this instance.
- 6.15 The objectors have pointed out that even if the sequential test has been done on the basis of any discount retailer, then that is still not sufficient to restrict an end user to a discount retailer. If the application is granted then a wide range of different retailers, retailing different products could operate from the store. The Planning and Retail Statement sets out at paragraph 2.7 proposed planning condition to replace those on the previous consent. The proposed conditions do not give a blanket retail use as there are restrictions however a number of operators could potentially adapt their retail model to follow the same format. The application documents have only assessed a discount retailer operation and therefore, if approved may not fully restrict the operation to a discount retailer. 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.
- 6.16 Considering the sequential approach further, the supporting planning and retail statement has therefore excluded the City Centre as not being appropriate for the nature of the proposal. That does not mean, however, that there are no other sequentially preferable locations which may be appropriate. The Carlisle District Local Plan 2015-2030 has a number of smaller centres which may be considered a preferable location sequentially than out-of-town and slightly further away from residential properties. The sequential test should therefore still consider those other locations.
- 6.17 Having established an area for catchment which relates to the sequential test for a discount operator the areas 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.
- 6.18 Once the sequential test is passed the NPPF states at paragraph 90 that an impact assessment is required if the development is over a proportionate, locally set floorspace threshold (or default is 2,500sqm) to consider the impact on planned investment in Carlisle City Centre and the overall impact on vitality and viability. Planning Practice Guidance states that the impact test determines whether there would be likely significant adverse impacts of locating main town centre development outside of existing town centres (and therefore whether the proposal should be refused in line with policy). Paragraph 91 of the NPPF continues that where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or

more of the considerations in paragraph 90, it should be refused.

- 6.19 Policy EC6 of the local plan echoes the National Planning Policy Guidance and requires the submission of an impact assessment where the threshold would be breached.
- 6.20 The purpose of the impact test is to ensure that the impact over time of out of centre and edge of centre proposals on existing town centres is not significantly adverse. The test relates to retail, office and leisure development (not all main town centre uses) which are not in accordance with an up-to-date Local Plan and outside of existing town centres.
- 6.21 As a guiding principle, impact should be assessed on a like-for-like basis in respect of that particular sector (e.g. it may not be appropriate to compare the impact of an out of centre DIY store with small scale town-centre stores as they would normally not compete directly). Retail uses tend to compete with their most comparable competitive facilities.
- 6.22 The applicant has undertaken an impact test however this has not included the limited food and drink offer by Home Bargains which is proposed within the store. The proposed use limits the amount of floorspace for specific sales for food and drink to 30% of the ground floor. This is to reflect the discount retail operator form of trading. As the analysis of impact is based on this model, any approval should limit, by condition, the amount of floorspace for convenience goods to reflect the proposed 30%. In addition, the application also specifies that the assessment is based on ground floor use only. It is not intended to occupy the permitted mezzanine floor and if this was to be constructed it would remain as the original consent, for bulky goods as it would not be covered by the proposed changed conditions.
- 6.23 The guidance refers to whether or not the adverse impact will be a significant impact on Town Centre's and the application documents have therefore considered the impact on the City Centre. It does note that there are extant retail permissions in the City Centre however these are not sufficiently progressed as to be able to be currently deliverable. The assessment also considers other relevant centres. There is only one District Centre in the Local Plan at Morton, (which has been considered in other impact assessments) however this has no planning permission in place at this moment in time although applications for additional residential development are under consideration associated with that centre, it is still not currently deliverable.
- 6.24 The impact assessment acknowledges that there will be some trade diversion from the city centre as anticipated, but this remains low and is not significant in terms of planning policy. The greater impacts will be the trade diversion from other out-of-town locations including other stores nearby and whilst this is a concern should it lead to store closures and vacant units, it is not a policy consideration as competition between out-of-town retailers cannot be a reason to refuse the application. The level of impact on the City Centre is not of a magnitude to warrant refusal of this application.

- 6.26 Members will be aware that the Covid pandemic restrictions had an impact on City Centre trading and those impacts are still being felt as the City Centre opens up post restrictions. Larger stores such as Debenhams no longer have a high street presence in most cities as the department store format is struggling to be sustained. This reflects the position that many clothing retailers have increased their on-line sales and comparison shopping has moved a larger proportion of their sales on line. As mentioned previously in this report, the impact on the City Centre has been assessed by the applicant using the sales densities of Home Bargains to illustrate the potential impacts on the City Centre of a discount retail operator.
- 6.27 Even if all the trade from the proposed operation were to be diverted from the City Centre (which is not a reasonable or robust assumption), it would represent an impact of only 1.5%. Under any reasonable assessment, the level of trade diversion cannot result in any significant adverse impacts on the vitality and viability of Carlisle City Centre. The level of impact is not significant and therefore the proposed development passes the impact test.

3. Whether the Scale and Design of the Proposal is Acceptable

- 6.28 The amalgamation of the retail units will create minimal alteration to the exterior of the building with the only changes required for entrances to the store. The changes in design terms are acceptable.

4. Highways Impact

- 6.29 The Local Highway Authority has been consulted on the proposed changes and have stated that they have no objection to the proposals as the potential traffic increase would not have a serious detrimental impact on the operation of the highway network. Furthermore, Highways England have been consulted due to the proximity of the major road network and have also raised no objection to this proposed change. It should be noted that Kingmoor Parish Council has raised concerns about the potential impact on the roundabout junction and local road network as a result of these changes however on the basis that those impacts were considered at the initial full planning permission stage and again for this proposed change to units by the local highway authority, the proposal is acceptable in highway terms.

5. Other Matters

- 6.30 The original application considered matters of drainage, landscaping, crime and disorder which are not impacted by this proposal.
- 6.31 This application has been submitted under section 73 of the Town and Country Planning Act 1990 to vary conditions associated with a planning permission.

Paragraph: 015 Reference ID: 17a-015-20140306 Revision date: 06 03 2014 of the Planning Policy Guidance states:

“Where an application under section 73 is granted, the effect is the issue of a

new planning permission, sitting alongside the original permission, which remains intact and unamended.

A decision notice describing the new permission should be issued, setting out all of the conditions related to it. To assist with clarity decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. Further information about conditions can be found in the guidance for use of planning conditions.

As a section 73 application cannot be used to vary the time limit for implementation, this condition must remain unchanged from the original permission. If the original permission was subject to a planning obligation then this may need to be the subject of a deed of variation."

- 6.32 Some conditions of the original planning permission granted under reference 18/0693 remain relevant to the developed scheme and therefore in addition to any new or varied conditions they should also be imposed as part of this approval.
- 6.33 The legal challenge to application 21/0244 included a fourth ground which referred to not following the correct internal procedures. For Members benefit, the allegation was that by determining the application under delegated powers we had not complied with the scheme of delegation. Whilst it is considered that it was an incorrect interpretation of the scheme of delegation on behalf of the objector, this matter has been addressed by the reporting of this application to the Development Control Committee.

Conclusion

- 6.34 The principle of this proposal is acceptable and the relevant tests have been passed however this is on the basis of the model of an intended operator and therefore appropriate planning conditions should be in place to ensure this remains the case and further analysis would be required for a different operator/format of store. Whilst personal consents should usually be resisted, in this case the passing of the sequential test and impact test are specific to the circumstances of the proposed operator. It would therefore be appropriate to impose planning conditions relating to sales of specific goods provided for the format of store required and the named operator.
- 6.35 Other material considerations such as scale, design, layout, and highway impacts are acceptable.
- 6.36 When making a balanced judgement on these factors the application is recommended for approval.

7. Planning History

- 7.1 Prior to 2000 the planning history for the site relates to the wider development of Acorn and Parkhouse Business Parks and the retail and showroom development which currently exists and over time a number of advertisement applications have been made for signage on the adjacent site.

- 7.2 In 2000 part of the site was within the boundaries of the application for the Northern Development Route in order to provide for the link from the Parkhouse Road to the M6/A689/A7 junction.
- 7.3 In 2001 permission was granted for the erection of 6 no. temporary site marketing panels (01/0770)
- 7.4 In 2004 an application for the erection of 96 no. bed hotel to 4* standard with associated restaurant, lounge bar and bistro, function rooms and meeting rooms, health, beauty and fitness suite, car parking and landscaping was refused (04/1530)
- 7.5 Application 18/0693 for the erection of retail floorspace (A1) and drive thru (A3/A5); associated works including access/highways works, provision of parking spaces and landscaping granted subject to legal agreement 17 May 2019.
- 7.6 Application 19/0641 for the discharge of conditions 11 (link between roundabout); 12 (carriageways, footways, footpaths & cycleway); 15 (ramps); 16 (surface water drainage system maintenance schedule); 18 (surface water discharge); 20 (construction parking) & 21 (construction phase traffic management plan) of previously approved permission 18/0693 was granted 30th September 2019.
- 7.7 Application 19/0505 for the display of 2no. internally illuminated totem signs. This application was granted conditionally on 28th October 2019.
- 7.8 Application 20/0342 for the display of 1no. internally illuminated digital fascia sign. This application was approved on 21st July 2020.
- 7.9 Application 20/0624 for the display of 2no. internally illuminated digital fascia signs (revised application). This application was approved in November 2020.
- 7.10 Application 21/0047 for the display of 4no. internally illuminated fascia signs & 2no. sets of non illuminated glazing graphics was approved in March 2021
- 7.11 Application 20/0307 for a non material amendment of previously approved permission 18/0693 to move an internal wall within approved units 1 And 2 was approved in June 2020
- 7.12 Application 21/0417 for advertisement consent for the continuation of display of 5no. internally illuminated boxes; 1no. set of six digitally printed face applied glazing vinyls; 2no. set of digitally printed face applied glazing vinyls to left and right of entrance is currently undetermined.
- 7.13 Application 20/0421 for advertisement consent for the erection of totem and stand-alone structures to facilitate signage associated with previously approved Costa "drive-thru" unit was granted permission in October 2020

- 7.14 Application 20/0422 for advertisement consent for the display of 3no. parking signs; 2no. banner frames; 1no. waiting bay sign; 1no. exit sign; menu signs; 1no. chevron pole sign and 2no. key seller signs associated with previously approved Costa "drive-thru" unit (non illuminated and internally illuminated) was granted permission in October 2020
- 7.15 Application 21/1113 for advertisement consent for the display of 6no. internally illuminated fascia signs; 2no. internally illuminated double sided totem signs & window vinyls was granted February 2022
- 7.16 Application 21/0244 for the 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/highways works, provision of parking spaces and landscaping) to amalgamate units 3, 4 & 5 to form a single retail unit & to enable the sale of any non food retail goods and a maximum 30% retail sale of food and drinks was granted permission under delegated powers however was subject of a judicial challenge and the decision was rescinded in order to reconsider the application. This application is therefore currently undetermined.

8. Recommendation: Grant Permission

1. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:
 1. the submitted planning application form received 30th July 2018 and 18th October 2021;
 2. the Boundary Plan (drawing ref 18005_PL11) received 30th July 2018;
 3. the Existing Site Plan (drawing ref 18005 PL00 rev E) received 10th April 2019;
 4. the Proposed Site Plan (drawing ref 18005 PL01 rev M) received 18th October 2021;
 5. the Proposed Ground Floor GA (drawing ref 18005 PL02 rev E) received 18th October 2021;
 6. the Proposed Costa GA Plan (drawing ref 18005 PL03 rev D) received 1st November 2018;
 7. the Proposed Costa Elevations (drawing ref 18005 PL04 rev E) received 1st November 2018;
 8. the Proposed Costa GA Roof Plan (drawing ref 18005 PL05 rev F) received 1st November 2018;
 9. the Proposed Roof Plan (drawing ref 18005 PL06 rev A) received 30th July 2018;
 10. the Existing Site Sections (drawing ref 18005 PL07 rev B) received 30th July 2018;
 11. the Proposed Elevations (drawing ref 18005 PL08 rev F) received 18th October 2021;
 12. the Proposed Sections (drawing ref 18005 PL09 rev C) received 1st November 2018;
 13. the Proposed First Floor GA (drawing ref 18005 PL10 rev E) received

- 30th July 2018;
14. the Planting Plan (drawing ref 201 rev C) received 1st November 2018;
 15. the Landscape Layout (drawing ref 103 rev F) received 30th October 2018;
 16. the Tree Retention Removal Plan (drawing ref 102 rev A) received 30th July 2018;
 17. the Swept path Analysis: Rigid HGV (drawing ref 1602/SP/03) received 1st November 2018;
 18. the Planning Statement received 30th July 2018 as updated by the Planning and Retail Statement received 18th October 2021;
 19. the Design and Access Statement (rev D) received 1st November 2018;
 20. the Retail Statement received 23rd August 2018 as updated by the Planning and Retail Statement received 18th October 2021;
 21. the Marketing Overview received 30th July 2018;
 22. the Transport Assessment received 30th July 2018;
 23. the Transport Assessment (Technical Note 2) received 4th September 2018;
 24. the Travel Plan received 30th July 2018;
 25. the Transport Statement ref 1602/4 received 18th October 2021;
 26. the Tree Survey Report received 30th July 2018;
 27. the Energy and Sustainability Statement received 30th July 2018;
 28. the Ground Investigation Report received 30th July 2018;
 29. the Air Quality Assessment received 30th July 2018;
 30. the Extended Phase 1 Habitat Survey received 30th July 2018;
 31. the Flood Risk Assessment received 30th July 2018;
 32. the Desk Based Phase I Environmental Site Assessment received 30th July 2018;
 33. the Phase II Intrusive Environmental Investigation received 30th July 2018;
 34. the Notice of Decision; and
 35. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

2. Trees and hedgerows shall be maintained in accordance with the details submitted in the approved landscape layout, tree retention and planting plan.

Reason: The local planning authority wishes to see existing hedgerows/trees incorporated into the new development where possible and to ensure compliance with Policy GI3 of the Carlisle District Local Plan 2015-2030.

3. There shall be no amalgamation of the approved floorspace without the prior written consent of the Local Planning Authority.

Reason: In order to protect the viability and vitality of the City Centre in accordance with the NPPF and Policy SP2 of the Carlisle District Local Plan 2015-2030.

4. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), the retail floorspace with the exception of the ground floor of Units 3 - 5 shown on Drawing Reference 18005-PL-01-M 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. The retail floorspace at ground floor within Units 3 - 5 may be used for the sale of any non-food retail goods, and a maximum of 30% (578 sq. m) of the ground floorspace may be used for the retail sale of food and drinks. Any floorspace at mezzanine level within Units 3-5 is limited to the sale of goods set out at Condition 4 above.

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.

6. 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.

Reason: To ensure that appropriate consideration is given to the retail sequential test and impact test of any other operator as the circumstances of this permission have been based on the specified operator in the submitted Planning and Retail Statement. To accord with the NPPF and Policy EC6 of the Carlisle District Local Plan 2015-2030.

7. Unit 7 shall be used as a coffee shop/cafe/restaurant facility and for no other retail purpose.

Reason: To preclude the possibility of the use of the premises for purposes inappropriate in the locality in accordance with Policy EC6 of the Carlisle District Local Plan 2015-2030.

8. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

9. There shall be no vehicular access to or egress from the site other than via the approved access, unless otherwise agreed by the local planning authority.

Reason: To avoid vehicles entering or leaving the site by an unsatisfactory access or route, in the interests of road safety and to support Local Transport Plan Policies: LD7 and LD8.

10. The surface water drainage system (incorporating SUDs features as far as practicable) shall be maintained in accordance with the details submitted and discharged under application 19/0641.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. To ensure the surface water system continues to function as designed and that flood risk is not increased within the site or elsewhere.

11. Access gates, if provided, shall be hung to open inwards only away from the highway.

Reason: In the interests of highway safety. To support Local Transport Plan Policies: LD7, LD8

12. Measures to prevent surface water discharging onto or off the highway shall be maintained operational in accordance with details submitted under application 19/0641.

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

All line dimensions shall be verified by the Contractor on site prior to commencing any work.
Do not scale from this drawing.
Only work to written dimensions.
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SCHEDULE OF ACCOMMODATION

Unit 1:	Non Food Retail	351 sqm (3,744 sqft) G/A
	Non Food Retail	388 sqm (4,176 sqft) G/A
Unit 2:	Non Food Retail	113 sqm (1,216 sqft) G/A
	Non Food Retail	125 sqm (1,349 sqft) G/A
Units 3,4,5:	Retail	1,925 sqm (20,720 sqft) G/A
	Mezzanine	1,481 sqm (16,000 sqft) G/A
	Retail	2,019 sqm (21,736 sqft) G/A
	Mezzanine	1,575 sqm (16,962 sqft) G/A
Unit 6:	Non Food Retail	1,393 sqm (15,000 sqft) G/A
	Non Food Retail	1,444 sqm (15,543 sqft) G/A
Unit 7:	Coffee Shop	187 sqm (2,020 sqft) G/A
	Coffee Shop	197 sqm (2,125 sqft) G/A

PARKING

Total:	178 (incl. 18 accessible and 2 charging points)
Motorcycle:	10
Bicycle:	20

Site Area in Hectares and Acres:
1.41 Hectares
3.48 Acres



M	Units 3,4,5 combined 2 parking spaces	11.03.21	NP
L	Units 1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21,22,23,24,25,26,27,28,29,30,31,32,33,34,35,36,37,38,39,40,41,42,43,44,45,46,47,48,49,50,51,52,53,54,55,56,57,58,59,60,61,62,63,64,65,66,67,68,69,70,71,72,73,74,75,76,77,78,79,80,81,82,83,84,85,86,87,88,89,90,91,92,93,94,95,96,97,98,99,100,101,102,103,104,105,106,107,108,109,110,111,112,113,114,115,116,117,118,119,120,121,122,123,124,125,126,127,128,129,130,131,132,133,134,135,136,137,138,139,140,141,142,143,144,145,146,147,148,149,150,151,152,153,154,155,156,157,158,159,160,161,162,163,164,165,166,167,168,169,170,171,172,173,174,175,176,177,178,179,180,181,182,183,184,185,186,187,188,189,190,191,192,193,194,195,196,197,198,199,200,201,202,203,204,205,206,207,208,209,210,211,212,213,214,215,216,217,218,219,220,221,222,223,224,225,226,227,228,229,230,231,232,233,234,235,236,237,238,239,240,241,242,243,244,245,246,247,248,249,250,251,252,253,254,255,256,257,258,259,260,261,262,263,264,265,266,267,268,269,270,271,272,273,274,275,276,277,278,279,280,281,282,283,284,285,286,287,288,289,290,291,292,293,294,295,296,297,298,299,300,301,302,303,304,305,306,307,308,309,310,311,312,313,314,315,316,317,318,319,320,321,322,323,324,325,326,327,328,329,330,331,332,333,334,335,336,337,338,339,340,341,342,343,344,345,346,347,348,349,350,351,352,353,354,355,356,357,358,359,360,361,362,363,364,365,366,367,368,369,370,371,372,373,374,375,376,377,378,379,380,381,382,383,384,385,386,387,388,389,390,391,392,393,394,395,396,397,398,399,400,401,402,403,404,405,406,407,408,409,410,411,412,413,414,415,416,417,418,419,420,421,422,423,424,425,426,427,428,429,430,431,432,433,434,435,436,437,438,439,440,441,442,443,444,445,446,447,448,449,450,451,452,453,454,455,456,457,458,459,460,461,462,463,464,465,466,467,468,469,470,471,472,473,474,475,476,477,478,479,480,481,482,483,484,485,486,487,488,489,490,491,492,493,494,495,496,497,498,499,500,501,502,503,504,505,506,507,508,509,510,511,512,513,514,515,516,517,518,519,520,521,522,523,524,525,526,527,528,529,530,531,532,533,534,535,536,537,538,539,540,541,542,543,544,545,546,547,548,549,550,551,552,553,554,555,556,557,558,559,560,561,562,563,564,565,566,567,568,569,570,571,572,573,574,575,576,577,578,579,580,581,582,583,584,585,586,587,588,589,590,591,592,593,594,595,596,597,598,599,600,601,602,603,604,605,606,607,608,609,610,611,612,613,614,615,616,617,618,619,620,621,622,623,624,625,626,627,628,629,630,631,632,633,634,635,636,637,638,639,640,641,642,643,644,645,646,647,648,649,650,651,652,653,654,655,656,657,658,659,660,661,662,663,664,665,666,667,668,669,670,671,672,673,674,675,676,677,678,679,680,681,682,683,684,685,686,687,688,689,690,691,692,693,694,695,696,697,698,699,700,701,702,703,704,705,706,707,708,709,710,711,712,713,714,715,716,717,718,719,720,721,722,723,724,725,726,727,728,729,730,731,732,733,734,735,736,737,738,739,740,741,742,743,744,745,746,747,748,749,750,751,752,753,754,755,756,757,758,759,760,761,762,763,764,765,766,767,768,769,770,771,772,773,774,775,776,777,778,779,780,781,782,783,784,785,786,787,788,789,790,791,792,793,794,795,796,797,798,799,800,801,802,803,804,805,806,807,808,809,810,811,812,813,814,815,816,817,818,819,820,821,822,823,824,825,826,827,828,829,830,831,832,833,834,835,836,837,838,839,840,841,842,843,844,845,846,847,848,849,850,851,852,853,854,855,856,857,858,859,860,861,862,863,864,865,866,867,868,869,870,871,872,873,874,875,876,877,878,879,880,881,882,883,884,885,886,887,888,889,890,891,892,893,894,895,896,897,898,899,900,901,902,903,904,905,906,907,908,909,910,911,912,913,914,915,916,917,918,919,920,921,922,923,924,925,926,927,928,929,930,931,932,933,934,935,936,937,938,939,940,941,942,943,944,945,946,947,948,949,950,951,952,953,954,955,956,957,958,959,960,961,962,963,964,965,966,967,968,969,970,971,972,973,974,975,976,977,978,979,980,981,982,983,984,985,986,987,988,989,990,991,992,993,994,995,996,997,998,999,1000,1001,1002,1003,1004,1005,1006,1007,1008,1009,1010,1011,1012,1013,1014,1015,1016,1017,1018,1019,1020,1021,1022,1023,1024,1025,1026,1027,1028,1029,1030,1031,1032,1033,1034,1035,1036,1037,1038,1039,1040,1041,1042,1043,1044,1045,1046,1047,1048,1049,1050,1051,1052,1053,1054,1055,1056,1057,1058,1059,1060,1061,1062,1063,1064,1065,1066,1067,1068,1069,1070,1071,1072,1073,1074,1075,1076,1077,1078,1079,1080,1081,1082,1083,1084,1085,1086,1087,1088,1089,1090,1091,1092,1093,1094,1095,1096,1097,1098,1099,1100,1101,1102,1103,1104,1105,1106,1107,1108,1109,1110,1111,1112,1113,1114,1115,1116,1117,1118,1119,1120,1121,1122,1123,1124,1125,1126,1127,1128,1129,1130,1131,1132,1133,1134,1135,1136,1137,1138,1139,1140,1141,1142,1143,1144,1145,1146,1147,1148,1149,1150,1151,1152,1153,1154,1155,1156,1157,1158,1159,1160,1161,1162,1163,1164,1165,1166,1167,1168,1169,1170,1171,1172,1173,1174,1175,1176,1177,1178,1179,1180,1181,1182,1183,1184,1185,1186,1187,1188,1189,1190,1191,1192,1193,1194,1195,1196,1197,1198,1199,1200,1201,1202,1203,1204,1205,1206,1207,1208,1209,1210,1211,1212,1213,1214,1215,1216,1217,1218,1219,1220,1221,12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All side dimensions shall be verified by the Contractor on site prior to commencing any works.

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SCHEDULE OF ACCOMMODATION

Unit 1:	Non Food Retail	351 sept (3,794 sept) GEA
	Non Food Retail	358 sept (4,178 sept) GEA
Unit 2:	Non Food Retail	113 sept (1,248 sept) GEA
	Non Food Retail	115 sept (1,340 sept) GEA
Units 3,4&5:	Retail	1,925 sept (20,720 sept) GEA
	Mezzanine	1,496 sept (16,000 sept) GEA
	Retail	2,019 sept (21,736 sept) GEA
	Mezzanine	1,575 sept (16,962 sept) GEA
Unit 6:	Non Food Retail	3,330 sept (35,000 sept) GEA
	Non Food Retail	3,340 sept (35,546 sept) GEA

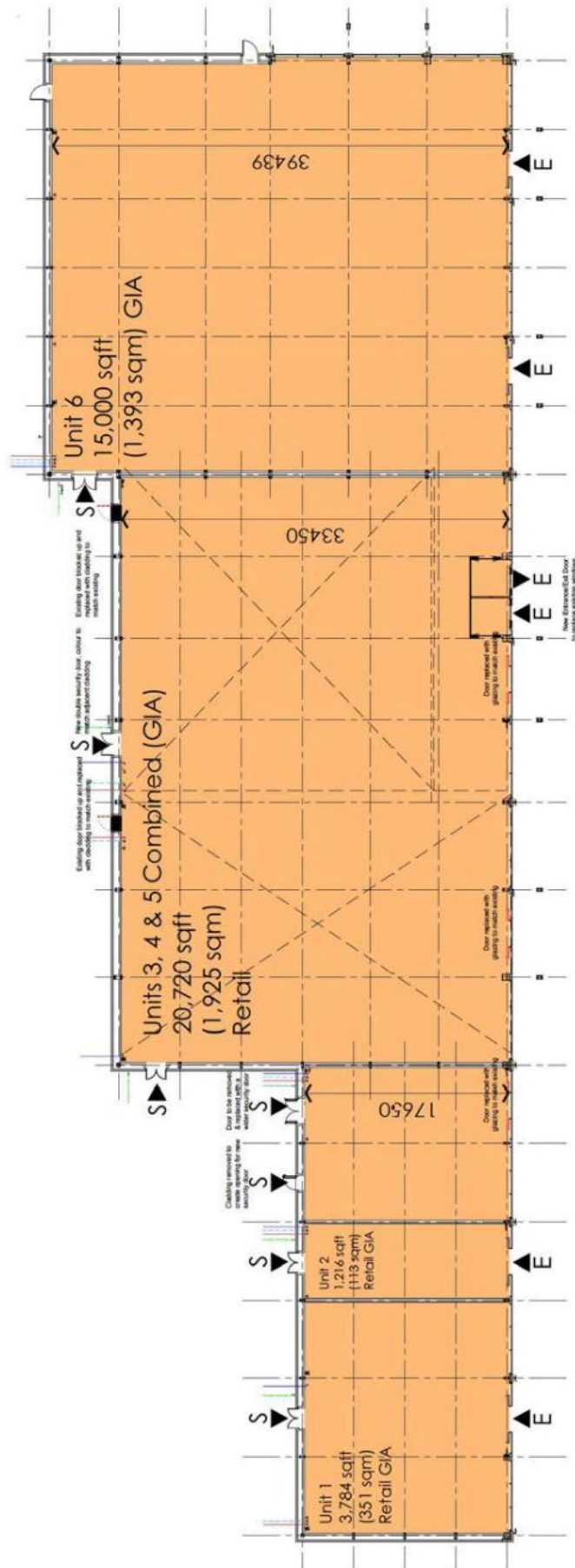
Revision	Change	Effective Date	By
A	Q14 and Q15A updated with key	20.03.18	EO
B	Indicative services added	05.09.19	EO
C	Units 1&2 layout amended	07.05.20	AT
D	Units 3,4&5 combined	11.03.21	NP

Scale	1:200 @ A1
Status	PL
Drawn by	EG
Date	01.05.18
Client	

Project	Gateway 44, Parkhouse Industrial Estate
Drawing Description	Proposed Ground Floor GA
Drawing No.	18005 PL02
Rev.	E



Hill Quays, 5 Jordan Street, Manchester, M15 4PY



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Materials

1. Rough stone cladding
2. Glass curtain walling
3. Merlin Grey (RAL 180 40 05 R5 18825) composite cladding panel roof
4. Signage
5. Columns, Anthracite (RAL 7016)
6. Anthracite (RAL 7016) shopfront frames
7. Fire exit doors
8. Canopy Colour as roof
9. Service Doors
10. Vertical silver composite cladding
11. Horizontal silver composite cladding

11/03/21	100
28/03/21	600
28/03/21	600
28/03/21	600
28/03/21	600
08/05/18	600
08/05/18	600
08/05/18	600
08/05/18	600
08/05/18	600
08/05/18	600

Revision	A	First Issue
Scale	1:500@A1	
Status	PL	
Drawn by	EG	
Date	08/05/18	
Client	Carlisle City Council	

Project
Gateway 44, Parkhouse Industrial Estate

Drawing Description
Proposed Elevations

Drawing No. 18005 PL08

Rev. F

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18005 PL08

18005 PL08

18005 PL08

18005 PL08

18005 PL08

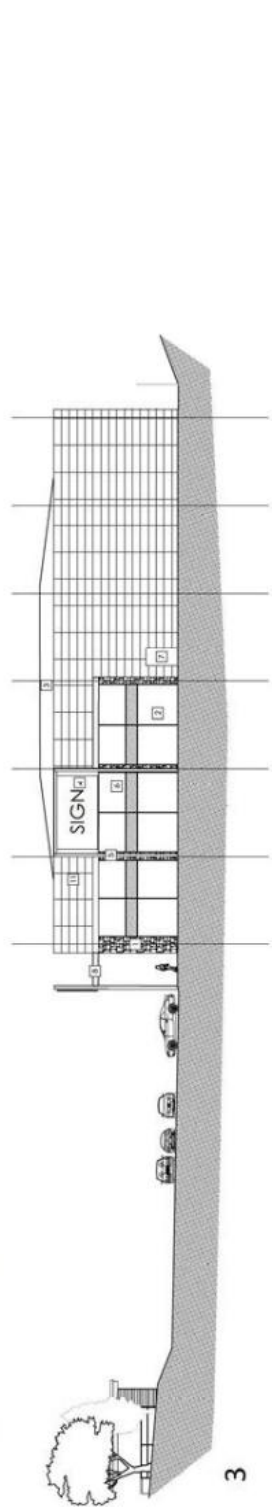
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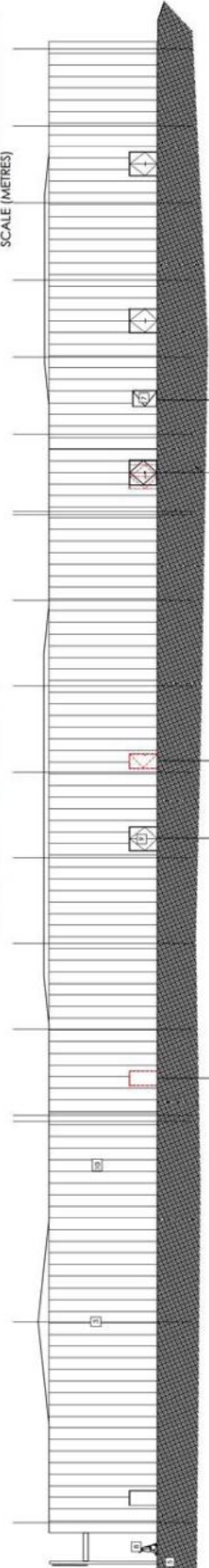
RETAIL TERRACE - UNIT 1-6

DRIVE THRU COFFEE SHOP



SCALE (METRES)

RETAIL TERRACE - UNIT 1-6



Planning & Retail Statement

Gateway 44 Retail Park, Parkhouse, Carlisle

**Planning Application for the Variation of
Conditions 2, 4 & 5 of Planning Permission:
18/0693**

**Application by
Carlisle City Council**

Planning & Retail Statement

Gateway 44 Retail Park, Parkhouse, Carlisle



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Appendix 1 Map detailing the Primary Catchment Area of the Proposal

1. Introduction

Background

- 1.1 This Statement has been prepared by Savills (UK) Limited on behalf Carlisle City Council (the '**Applicant**') (as advised by Chancerygate Ltd) in respect of a planning application in respect of land known as Gateway 44 Retail Park, at Parkhouse in Carlisle (the '**Site**') to enable the occupation of vacant floorspace at the Site. The Site is located within the administrative boundary of Carlisle City Council (the '**Council**').
- 1.2 On 17 May 2019, the Council granted planning permission at the Site for the erection of retail floorspace and drive-thru, associated works including access/ highway works, provision of parking spaces and landscaping (App Ref: 18/0693) (the '**2019 Permission**'). The 2019 Permission was then implemented in accordance with its terms and the development was subsequently completed in October 2020.
- 1.3 The 2019 Permission was granted subject to 21 conditions of approval. Insofar as relevant to this application, Conditions 4 & 5 state:
4. *There shall be no amalgamation of units 4, 5 or 6 inclusive with any other unit in the development without approval of the local planning authority.*
5. *Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), the permitted Class A1 retail floorspace in Units 1-6 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.*

- 1.4 Also of relevance is Condition 2, which contains a list of the approved plans which the development is required to be in accordance with.

The Site & Surroundings

- 1.5 As provided above, Gateway 44 Retail Park is a newly developed commercial location for retail and service uses to the north of Carlisle. At present, the floorspace at the Site is configured as follows:

Unit	Occupier	Total Size (GIA)
Unit 1	Connection Flooring	351 sq. m
Unit 2	Vacant	113 sq. m
Unit 3	Vacant	232 sq. m
Unit 4	Vacant	728 sq. m
Unit 5	Vacant	929 sq. m
Unit 6	Wren Kitchens	1,393 sq. m
Unit 7	Costa Coffee	167 sq. m

Table 1.1 – Floorspace Configuration

- 1.6 The Retail Park is located to the north of the urban area of Carlisle in an employment area known as Parkhouse. It is situated on Parkhouse Road with frontage to the A689(w). The A689(w) provides the site with direct access to the M6 motorway via Junction 44. The A689(w) connects the M6 on the north side of Carlisle to the A595 trunk route west to Workington, Whitehaven and West Cumbria, resulting in this area of Parkhouse becoming a key gateway location, with motorway access north and south and A Road access east and west. The Site is within easy pedestrian reach from both residential areas and businesses, as well as in close proximity to bus stops that serve the wider area.
- 1.7 The surrounding Parkhouse area is now a well-established motor trade location with a number of main franchise car showroom operators having a presence including Lexus, Toyota, Vauxhall and Volvo, as well as being home to an extensive number of office occupiers on Parkhouse Business Park.
- 1.8 The Site is a short distance from Kingstown Retail Park and the Kingstown Industrial Estate to the south.

The former is a well-established out of centre retail destination with occupiers including B&M Bargains, Marks & Spencer Simply Food, Next Home, Hobbycraft and Argos with Homebase and PC World to the rear. Kingstown Retail Park is located within a wider commercial area including an Asda and Premier Inn hotel.

- 1.9 It follows that the application site forms part of the urban area of Carlisle and the surrounding land uses are characterised by commercial development including retail, leisure and employment development. It is considered that the application site is well connected to and easily accessible to users of the surrounding area and has good transport links that connect the site to the wider City and surrounding areas.

Structure of this Statement

- 1.10 In order to comprehensively assess the proposed development against the relevant planning policies, the remaining sections of this Statement are structured as follows:

Section 2.0	The Proposal
Section 3.0	The Sequential Test
Section 4.0	The Impact Test
Section 5.0	Other Development Management Considerations

- 1.11 We set out in **Section 6.0** our Summary and Conclusions that the proposed development accords with the development plan and all other material considerations.

2. The Proposal

- 2.1 This application seeks planning permission for the variation of Conditions 2, 4 & 5 of the 2019 Permission, in order to amalgamate the current Units 3, 4 & 5 to create a single retail unit measuring 1,925 sq. m at ground floor level¹. The application also seeks permission to allow the sale of an increased range of non-food products, as well as the ancillary sale of food and drink products.
- 2.2 The proposal is made in order to facilitate occupation of the amalgamated unit by a national multiple discount retailer, Home Bargains. The proposed revised layout of the floorspace at the Site is shown on Drawing Reference: 18005-PL-01-M – ‘Proposed Site Plan’.
- 2.3 In line with the proposed retailer’s successful approach to trading this store format in other locations, the new store at Junction 44 will comprise approximately 70% (i.e. 1,347 sq. m) of floorspace dedicated to the sale and display of non-food products, with the remaining 30% (i.e. 578 sq. m) being for the sale and display of ancillary food and drink products.
- 2.4 The application also proposes to vary the following conditions of approval on the 2019 Permission:
- Condition 2 – to revise the location and number of entrance doors to the amalgamated unit according to the tenant’s requirements.
 - Condition 4 – to allow the amalgamation of the approved floorspace to provide a unit with a sufficient footprint to meet the proposed occupier’s requirements
 - Condition 5 – to enable the sale of the proposed occupier’s full product range from the ground floor of the enlarged unit.
- 2.5 Given that the Local Planning Authority’s reasons for including Conditions 4 & 5 on the 2019 Permission relate to the need to protect town centres from the impacts of inappropriate out of centre development, this Statement reassesses the proposal in relation to the two national retail policy tests; being the Sequential and

¹ Home Bargains do not require the approved mezzanine floorspace, which will remain extant.

Impact Tests. The proposed assessment is undertaken on the basis of the proposed range of goods that will be sold from the Site.

2.6 Due to the proposed change in the nature of the retail goods which can be sold from the Retail Park, we have also updated the Transport Assessment submitted as part of the application for the 2019 Permission, in order to account for any changes in vehicular trip rates to the Site. As there have been no other significant changes to the adopted development plan since the grant of the 2019 Permission, it follows that all other elements of the proposal remain acceptable.

2.7 We request that the following replacement conditions be imposed on any forthcoming decision notice, in order to ensure that the sale of goods from the Site remains appropriately restricted and the impact upon Carlisle City Centre is managed appropriately:

"i) There shall be no amalgamation of the floorspace hereby approved by the application without the prior written consent of the Local Planning Authority.

ii) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), the retail floorspace with the exception of Units 3 - 5 shown on Drawing Reference 18005-PL-01-M 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.

iii) The retail floorspace at ground floor within Units 3-5 shown on Drawing Reference 18005-PL-01-M hereby approved may be used for the sale of any non-food retail goods and a maximum of up to 30% (578 sq. m) of the ground floorspace may be used for the retail sale of food and drinks.

iv) Any floorspace at mezzanine level within Units 3-5 shall be limited to the sale of goods set out at Condition ii) above."

Planning & Retail Statement

Gateway 44 Retail Park, Parkhouse, Carlisle



3. The Sequential Test

Introduction

- 3.1 The statutory requirement at s38(6) of the Planning and Compulsory Purchase Act 2004 (the '**Act**'), requires that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 3.2 The starting point for the consideration of a proposal is an assessment against the development plan. If a development accords with the plan, and it is up-to-date, then the decision should be to grant planning permission unless material considerations indicate otherwise. The National Planning Policy Framework (the '**NPPF**') is a material consideration, but it does not change the statutory basis on which planning decisions are made.
- 3.3 Paragraph 86 of the NPPF and Policy EC6 of the Local Plan requires the application of the sequential test to planning applications for main town centres that are not in an existing centre or are not in accordance with an up to date development plan. The objective of the sequential test is to ensure that relevant town centre and then edge of centre sites are assessed in terms of their availability and suitability, before concluding whether a development proposal on an out of centre site satisfies the sequential test.

Methodology of the Sequential Test

- 3.4 Paragraph 87 of the NPPF requires Applicants and Local Planning Authorities to demonstrate flexibility in terms of format and scale of proposed developments. This is explained at Paragraph 010 of the Planning Practice Guidance ('**PPG**') entitled 'Retail and Town Centres', as follows:
- With due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered?
 - Is there scope for flexibility in the format and / or scale of the proposal?
 - If there are no suitable sequentially preferable locations, the sequential test is passed.

3.5 If there are no available sites in a relevant centre which are suitable to accommodate the development proposed, then alternative sites (i.e. edge and out of centre sites) can be considered. Suitable sites must be sites which are available at the time of the assessment and which are appropriate for the given proposal. Appropriate sites include available sites that can accommodate the proposal with regard to the need to demonstrate a flexible approach to the proposed development concerned.

3.6 Paragraph 011 and 012 of The Guidance provide local planning authorities with guidance on the commercial realities of applying the sequential test and state:

‘Use of the sequential test should recognise that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations.’

‘The sequential test seeks to deliver the Government’s “town centre first” policy. However as promoting new development on town centre locations can be more expensive and complicated than building elsewhere local planning authorities need to be realistic and flexible in terms of their expectations.’ (Savills’ emphasis)

3.7 There have been a series of recent decisions which provide binding authority and guidance on the correct application of the sequential test, including the matters of how flexibility and commercial realities should be approached. The key points arising from the decisions are that:

1. The purpose of the exercise is directed to what an applicant is proposing; not to some reduced or reinvented proposal which the Local Planning Authority might seek to substitute for it which is for something less than that sought by the applicant.
2. There is no requirement in policy to disaggregate elements of a proposal.
3. Applying the suitability element of the sequential test means asking whether an alternative site is suitable for the development proposed by the applicant. The relevant question is whether there is

a site that is suitable within or on the edge of a relevant town centre that could accommodate the proposal for which the developer seeks planning permission.

- 3.8 As the application site is in an 'out-of-centre' location, we have undertaken an assessment of relevant centres to ascertain whether they contain any sites which are available and suitable for the proposed development.

Scope of the Assessment

- 3.9 This proposal seeks permission for the variation of conditions on the 2019 Permission, in order to allow the sale of an increased range of goods from a new unit (measuring 1,925 sq. m) created by the amalgamation of existing floorspace at the Retail Park to enable occupation by a discount variety retailer. In this case, the unit will be occupied by Home Bargains.

- 3.10 As the proposal is being led by demand from a discount variety retailer seeking additional representation in the Carlisle, which sells both food and non-food goods – the physical and operational requirements of the retailers are of significance and must be taken into account when applying the sequential test. It is not viable to exclude any of the core products from being sold at the retail unit as this would fail to provide the full offer which customers have come to know and expect and therefore preclude the retailer from successfully operating the required business model. It would also constitute 'disaggregation' which is not a process that can be undertaken when policies are applied to a proposal.

- 3.11 From the above, the operational requirements include the following fundamental characteristics:

1. The ability to offer for sale its entire product range of bulky and non-bulky comparison goods, in addition to ancillary food and drink products;
2. A store with access to designated customer car parking immediately adjacent to the unit, allowing for ease of transport of goods to customer vehicles;
3. A store with a sales area located entirely at ground floor level, given the demonstrably inefficient nature of multi-level store formats; and

4. Dedicated servicing arrangements, typically via a rear service yard, which allows access for HGVs to load and unload goods at the site without disruption or interference.

3.12 The above are standard operational requirements of a national multiple discount variety retailer. Without these components, the proposed operation would not be able to operate as a viable business. It follows that any alternative site would need to meet the above requirements in order to be considered suitable to accommodate the proposal, noting the requirement to consider flexibility.

Principal Catchment Area

3.13 As provided above, this application arises as a result of the proposed retailer's requirement for a new store in Carlisle. The majority of products sold by a discount retailer do not lend themselves to an operation that will draw from a wide catchment area – whilst the store offers a mix of convenience and comparison goods items for sale, it primarily serves a type of shopping trip that is based on 'convenience'- for which customers will only travel a short distance. It is now well-established that customers typically shop at their closest retail locations for the type of goods that would be sold under the proposed operation; particularly in urban areas like Carlisle and the residential areas that the proposed retail operation would principally serve.

3.14 The objective of the sequential test is to ensure that a 'town centre first' approach to retail development is taken, by requiring that applicants first assess whether relevant town centre sites (and edge of centre sites) are available and suitable to accommodate the proposal. A centre can only be considered 'relevant' if it meets the same market requirements that the proposal is intended to meet, and in this case will serve the same catchment area which the proposal is intended to serve. Providing a store outside of the identified catchment area would not meet the intended market requirement. In large urban areas like Carlisle, it is common for retailers to have multiple store portfolios serving different catchment areas. This in itself is evidenced by discount variety store retailers in the City, including B&M, which has a portfolio of stores serving the central, northern, southern and western areas of the City; and Poundland, which has multiple stores serving the central and southern areas of the City. Those operations exist in a

complementary fashion to meet the shopping requirements of residents in Carlisle. The proposal is no different than that well-established retail provision within the City.

- 3.15 Based the nature of the proposal as described above and the existing retail offer in the immediate vicinity, the primary catchment for the proposal has been based on a five minute drive-time isochrone from the Site. A plan showing the extent of the anticipated primary catchment is contained at **Appendix 1**. Although an element of sales from 'linked trips' would occur from customers of the adjacent 'bulky goods' operations, the principal catchment of the proposed operation would be drawn from a more local area.
- 3.16 It follows that adopted centres which fall outside the proposal's principal catchment area cannot be considered to be suitable alternative sites, as such a centre would not meet the same market requirement as the proposal is intended to meet to serve residential areas to the north of Carlisle. Within that catchment area, the only are:
1. Kingstown Road Local Centre; and
 2. Scotland Road Local Centre.
- 3.17 The above Local Centres in the principal catchment each provide a small-scale shopping and service function, with small units typically ranging in size between 20 – 150 sq. m. They serve immediate local catchments and typically contain small convenience stores, off licenses, laundrettes, betting shops and hot food takeaways. Whilst there are vacant units available to be occupied, there is no prospect that proposed development could be accommodated within such a small amount of floorspace, even if multiple units were combined.
- 3.18 Accordingly, these centres are not of a sufficient scale to accommodate the proposed development, and on that basis there are no available sites within them which could be considered suitable to accommodate the proposal. Available sites within Carlisle City Centre are not suitable to accommodate the proposal, given that they are unable to meet the identified need for a discount variety retailer within the catchment area.

Conclusions

- 3.19 The assessment undertaken to inform this Statement demonstrates that there are no available sites in relevant centres that are suitable for the proposed development. The assessment has been undertaken in a proportionate and appropriate way which reflects the scale of the retail operation proposed and the market that it will serve.
- 3.20 The application site is easily accessible by a range of modes of transport and forms part of an existing and established location for retailing in Carlisle and is accessible to users of adjacent commercial areas. It is therefore well placed to attract trade from the existing shopping locations in close proximity to the site and promote sustainable and linked trips with surrounding residential and commercial areas.
- 3.21 The proposal offers genuine opportunities for sustainable and linked shopping trips to take place as well as linked trips with surrounding residential and commercial land uses (e.g. a trip between home and work or on a lunch-break).
- 3.22 In light of the above, we conclude that there are no suitable and available alternative sites which could accommodate the proposal, which therefore complies with Policy EC6 of the Local Plan and Paragraph 86 of the NPPF.

4. The Impact Test

Introduction

- 4.1 The Paragraph 89 of the NPPF states that planning applications for town centre developments that exceed 2,500 sq. m, or any proportionate, locally set floorspace threshold, which are not in an existing centre and not in accordance with an up to date development plan, are to be accompanied by an assessment of the potential impact of the development. Policy EC6 of the Local Plan confirms that the local impact threshold for retail uses in Carlisle's administrative area is 500 sq. m for comparison floorspace and 1,000 sq. m for convenience floorspace.
- 4.2 As this application proposes the sale of an increased range of goods from the approved floorspace, an update to the impact assessment undertaken as part of the application for the 2019 Permission has been undertaken. This assessment is extremely robust, given that it takes into account the impact of the proposal on top of the already accounted for 'bulky goods' impact of the floorspace (both ground and mezzanine floor levels) and therefore effectively double counts impact from the two types of retail operations that could be accommodated at the floorspace. This also means that, if the mezzanine floorspace were to subsequently be constructed and used for the sale of bulky goods, that impact has already been taken into account.
- 4.3 It should be noted that no account has been made of the proposed sale of food and drinks from the floorspace, given that this will occur from a limited amount of the floorspace within the amalgamated unit (i.e. 578 sq. m) which falls below the impact threshold for convenience goods contained at Policy EC6. In any event, and given the scale of floorspace proposed and the locations of the main convenience goods retailers in the City and in particular the north of the City, any impacts would be imperceptible.
- 4.4 As detailed in the application for the 2019 Permission, there have been a series of recent planning permissions for residential development granted in respect of land located within the vicinity of the site, which are at various stages of progression. These include:

1. Outline planning permission granted in January 2017 for the erection of up to 300 dwellings on land at Harker Industrial Estate, Kingmoor Park, circa 250m to the north of the site (Application Reference 15/0812);
2. Reserved matters permission granted in March 2019 for the redevelopment of land at Greymoorhill for 190 dwellings, circa 250m to the south of the site (Application Reference: 19/0245 & 19/0247).

- 4.5 The proposed development will meet some of this additional demand for retail facilities and will therefore, not exclusively divert expenditure currently flowing to defined centres in the area or existing operators.
- 4.6 Irrespective of the locationally specific demand of the proposal, we have undertaken a comprehensive assessment of impact on nearby defined centres to ensure that any significant adverse impacts are properly considered.

Methodology

- 4.7 Paragraph 90 of the NPPF sets out that a proposal should only be refused where a proposal has a significant adverse impact on centres. Paragraph 017 of the PPG requires that:

*“The impact test will need to be undertaken in a **proportionate and locally appropriate way, drawing on existing information where possible.**” (Savills’ emphasis)*

- 4.8 Built within the application of the impact assessment is an understanding that the scale and format of a development proposal will result in different levels of impact in in different areas, based on a number of factors. The question is not whether there will be an impact, but whether that impact is likely to be significant.
- 4.9 When assessing the economic impact of a proposed development, it is now well established that ‘like affects like’. Paragraph 015 of the PPG states:

'As a guiding principle impact should be assessed on a like-for-like basis in respect of that particular sector (e.g. it may not be appropriate to compare the impact of an out of centre DIY store with small scale town-centre stores as they would normally not compete directly). Retail uses tend to compete with their most comparable competitive facilities.'

4.10 The key impacts for consideration are set out at Paragraph 89 of the Framework and are as follows:

1. 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; and
2. The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).

4.11 Whilst the previous Section undertook the sequential assessment on the basis of a limited catchment area owing to the characteristics of the particular type of retailing proposed, the requirements of the impact test are different. Given that the assessment of impact relates to the effect of the proposed development upon existing stores, there exists potential for impact to occur upon centres outside the catchment area for the proposal.

4.12 As a result, we have considered the impact of the proposal upon Carlisle City Centre as part of our assessment. Given the location and trading characteristics of the adopted District and Local Centres in the retail hierarchy, the proposal does not have the potential to impact upon the existing pattern of trade in these areas.

4.13 In the remainder of this Section we assess the impact of the development in respect of each of the separate criteria listed above.

Impact on Existing, Committed and Planned Public and Private Sector Investment

4.14 In terms of the potential for the development to result in an adverse impact upon existing, committed or planned investment in Carlisle's adopted centres, the application for the 2019 Permission included an assessment of two sites, namely:

1. Lowther Street Car Park site; and
2. The Morton site, which is allocated for a new District Centre.

4.15 The Lowther Street Car Park site is planned and allocated for a future expansion of the Primary Shopping Area ('**PSA**') of Carlisle City Centre, for which planning permission was granted in 2014 (Ref: 14/0849) and remains extant. Paragraph 3.26 of the Local Plan states that 'the planned expansion will accommodate an additional 18,700 sq. m net Class A1 comparison (non-food) retail floor space over the period to 2030'. Notwithstanding the above, the Car Park site is not located within the PSA of Carlisle City Centre and there is therefore no policy protection afforded to it in impact terms under the terms of the adopted Local Plan or the NPPF. The proposal cannot be objected to on grounds of resulting in an impact on the Lowther Street Car Park commitment.

4.16 In terms of the site Morton that is allocated for a District Centre, the Guidance outlines three key considerations at Paragraph: 016, namely:

1. The policy status of the investment (i.e. whether it is outlined in the development plan);
2. The progress made towards securing the investment (for example if contracts are established); and
3. The extent to which an application is likely to undermine planned developments or investments based on the effects on current/ forecast turnovers, operator demand and investor confidence.

4.17 The planned investment is outlined in the Local Plan at Policy EC4. However, the application proposal cannot be considered to have a significant adverse impact on this investment as:

1. No progress has yet been made to securing the investment. The investment is required to be secured in order to support residential and employment development as part of an urban extension to Carlisle. That development that the District Centre will support does not exist.

2. Further, there is no extant permission for the development and no secured or tendered agreement with a developer to deliver the proposal.
3. The retail schemes in each location will not compete with each other, with Morton serving the south of Carlisle and the proposed operation at Gateway 44 serving the northern areas of the City. They will fulfil materially different roles, with Morton District Centre providing a convenience goods retail offer to serve the urban extension to the south of Carlisle.

4.18 We are not aware of any other planned investment in retail floorspace within centres in the catchment area that the proposal could have any effect on, let alone an impact that is significant. The modest nature of the proposal is not of a scale that could have any significant adverse impacts on planned investment. We therefore conclude that the impact on the first impact criterion cannot be considered to be significantly adverse.

Impact of the Proposal on Town Centre Vitality and Viability

4.19 With regard to the methodology outlined above, the assessment undertaken as part of the application for the 2019 Permission accounted for consumer expenditure on all non-food retail goods – not just ‘bulky goods’. As a result, the tables used in that application are able to be reapplied to assist with the assessment of this proposal, once account is made for:

- a) the turnover of the proposed operation; and
- b) the change in the pattern trade diversion that will occur as a result of the proposed operation (i.e. the result of the floorspace being used for the sale of all non-food goods, rather than ‘bulky goods’ as per the previous assessment).

Turnover of the Proposal

4.20 In order to assess the level of impact on existing retail facilities, an assessment of the likely level of turnover of the proposed discount retail operation is required. Details of this are set out in Table 4.1 below:

4.21 Table 4.1 demonstrates that the comparison goods turnover of the proposed discount retail operation will be approximately £7.97m in 2023. We have utilised Home Bargains' average sales density figures published by Mintel as that is the highest of all of the discount variety retailers' sales densities meaning the assessment of turnover and consequential impact is robust. The turnover of the proposed store is contrasted with the turnover of Carlisle City Centre at 2023 which, as provided below, is estimated at £524m. The proposed operation therefore represents just 1.6% of the total turnover of retailers in Carlisle City Centre.

Gross Internal Area (sq. m)	Net Internal Area (sq. m)	Net Comp Sales Area (sq. m)	Sales Density (£/ sq. m)	Turnover
1,925	1,540	1,078	7,391	£7.97m

Table 4.1 – Turnover of the Proposal

Notes

Net Internal Area calculated as 80% of Gross External Area

Net Comparison Sales Area calculated as 70% of Net Internal Area

Sales Density is taken from Mintel Retail Rankings (April 2020)

Turnover growth rate of 2.8 % from Experian Retail Planner Briefing Note (Feb 2020)

Pattern of Trade Diversion

4.22 The starting point for the assessment of trade diversion is the adjusted turnover of selected stores within the vicinity of the site, taken from Table 14b of the assessment undertaken as part of the application for the 2019 Permission. For ease of reference, these figures are duplicated and consolidated at Table 4.2 below:

Location	Turnover
Carlisle City Centre	£524.31m
Other Kingstown RP stores	£99.25m
St Nicholas Gate RP	£22.12m
Other Retail Park stores	£53.87m

Table 4.2 – Turnover of Retail Locations

4.23 Given that the former Homebase unit at Kingstown Retail Park has now been converted into a B&M Bargains store (with Garden Centre), the above figures have been adjusted at Table 4.3 to take account of that change, in accordance with the assessment undertaken as part of that permission (Ref: 19/0447) (the '**B&M Permission**').

4.24 Given the similarities between the business models and trading characteristics of B&M Bargains and the proposed operation, our assessment of the impact of this proposal duplicates the pattern of trade diversion which the Local Planning Authority accepted was robust for the B&M Permission. It follows that our assessment is entirely based upon reliable existing information (as encouraged by the PPG) and the Local Planning Authority's own pattern of decision-making for recent, similar proposals in the vicinity of the site.

Location	Trade Diverted		Residual Turnover
Carlisle City Centre	20%	£1.35m	£522.96m
Other Kingstown RP stores	30%	£2.03m	£97.22m
St Nicholas Gate RP	15%	£1.02m	£21.09m
Other Retail Park stores	25%	£1.69m	£52.18m
Other	10%	£0.68m	
Total	100%	£6.77m	

Table 4.3 – Trade Diversion of B&M Bargains

4.25 Our assessment, contained at Table 4.4 below, details that the greatest impact of the proposal will be upon other out of centre Retail Park locations in the vicinity of the site, which include retailers which offer the sale of similar produce such as B&M Bargains, Asda, Morrisons, Aldi and Poundland. Given that none of those locations are contained within a defined centre, they are not afforded any policy protection as part of the sequential test and so the trading impact of the proposed operation is not a relevant consideration. The impact upon Carlisle City Centre will be imperceptible at only 0.3%.

Location	Existing Turnover	Trade Diverted		Residual Turnover	Impact
Carlisle City Centre	£522.96m	20%	£1.59m	£521.37m	-0.3%
Other Kingstown RP stores	£97.22m	30%	£2.39m	£94.83m	-2.5%

St Nicholas Gate RP	£21.09m	15%	£1.20m	£19.89m	-5.7%
Other Retail Park stores	£52.18m	25%	£1.99m	£50.19m	-3.8%
Other		10%	£0.80m		
		100%	£7.97m		

Table 4.4 – Impact of the Proposal

- 4.26 The figures provided in Table 4.2 provide a simple, comparative assessment of the trading impact of the proposed operation, which demonstrates that it will have no bearing upon the vitality and viability of Carlisle City Centre. We have not accounted for any circumstantial changes which may have occurred in the interim period since the grant of the 2019 Permission and the B&M Permission (e.g. sales density, turnover, expenditure etc), given that these are minor elements which will not affect the outcome of the assessment.
- 4.27 On the basis of the assessment provided above, it is clear that the proposal is of a type and scale which will not have any impact upon the vitality and viability of any adopted centres in Carlisle. Even if all of the trade from the proposed operation were to be diverted from Carlisle City Centre (which is not reasonable or robust assumption), it would represent an impact of only 1.5%. Under any reasonable assessment, that level of trade diversion cannot result in any significant adverse impacts on the vitality and viability of Carlisle City Centre.

Summary and Conclusion

- 4.28 Given the scale and nature of the proposed development, we conclude the following in terms of the potential impact:
- the proposal will not have any negative impact on any planned public or private sector investment within Carlisle;
 - due to the location and nature of the proposed operation, the proposal does not have the potential to divert trade away from adopted Local or District Centres and therefore will have no impact upon the vitality and viability of these areas; and
 - under any reasonable assessment, it is clear that the proposed development will not result in any significant adverse impacts on the vitality and viability of Carlisle City Centre.

4.29 On that basis, we conclude that the proposal will not result in any significant adverse impacts upon any adopted centres within Carlisle. As a result, the proposal complies with Policy EC 6 of the Local Plan and Paragraph 89 of the NPPF.

5. Other Development Management Considerations

- 5.1 This section considers all other relevant development management considerations with regard to the acceptability of the proposed development.

Transport and Accessibility

- 5.2 As demonstrated in Section 2 above, the application site is highly accessible. It forms part of an existing and established retail and commercial destination which is well related to surrounding residential areas easily accessible by footpaths and cycleways and public and sustainable modes of transport. As the application site forms part of a wider, established commercial destination that provides employment, retail and community floorspace, it provides genuine opportunities for linked trips to occur between the existing and proposed operations.
- 5.3 The propensity for linked trips is higher when existing shopping patterns are taken into account. The area is an established location for both comparison and convenience shopping. Locating the proposal in close proximity to other stores provides an opportunity for customers to combine food and non-food shopping trips, which is to the benefit of consumer choice.
- 5.4 In terms of the transport impacts of the proposal, a Highways Technical Note has been undertaken by AshleyHelme transport consultants as part of this application, which updates the assessment provided as part of the 2019 Permission. The updated assessment provided in the Highways Technical Note demonstrates that:
1. The presence of a single discount variety retailer at a Retail Park has no perceptible impact upon trip generation.
 2. The permitted car parking provision is suitable to accommodate demand based on non-bulky goods occupiers of the units. Given that it is demonstrated that discount retailers have no material impact on peak hour vehicle trip rates, no changes to the permitted parking provision are required to accommodate the proposed development.

3. The proposal is therefore acceptable in line with Policy IP 2 of the Local Plan and Paragraph 109 of the NPPF.

Securing Sustainable Economic Development

- 5.5 The proposal seeks permission to accommodate a new discount variety retail operation within existing floorspace at the Retail Park which has been vacant since the completion of development in 2020. The benefits of securing a tenant for the space reinforces the benefits of job provisions and wage generation which were outlined in the application for the 2019 Permission. The level of employment provided at the site will in fact increase as a result of this application, on the basis that the proposed operation will typically employ more staff than traditional 'bulky goods' retail operators.
- 5.6 The number of jobs created by the proposal is a material benefit which demonstrates that the site will meet objectives in the NPPF to provide a significant contribution to local employment. A range of jobs will be provided from management and supervisor staff level to clerical, administrative and service positions. Retail jobs are socially inclusive by providing the range of jobs in both full and part-time positions. Reducing barriers of entry to employment positions is a key part of the enabling social progress, which is encompassed within the economic and social roles that the planning system performs.
- 5.7 The proposed development is positive economic investment in Carlisle that will secure sustainable economic growth by providing economically beneficial retail facilities that enhance consumer choice and create employment positions and wage generation on both a local and national level. The proposal therefore accords with the overarching objectives of the NPPF to support proposals that secure sustainable economic growth.

6. Summary and Conclusions

6.1 This Statement has been prepared by Savills (UK) Limited on behalf Carlisle City Council in respect of an application to vary conditions on an existing planning permission, which are required in order to facilitate occupation of the vacant floorspace at Gateway 44 Retail Park, in Carlisle, by a discount variety retailer.

Permission is sought to vary the following conditions:

- Condition 2 – to revise the location and number of entrance doors to the amalgamated unit according to the tenant's requirements.
- Condition 4 – to allow the amalgamation of the approved floorspace to provide a unit with a sufficient footprint to meet the intended retailer, Home Bargains', requirements
- Condition 5 – to enable the sale of Home Bargains' – i.e. a discount variety retail operations' – full product range from the ground floor of the enlarged unit.

6.2 Given that the Local Planning Authority's reasons for including Conditions 4 & 5 on the 2019 Permission related to the need to protect town centres from the impacts of inappropriate out of centre development, this Statement assesses the proposal in relation to the two national retail policy tests; being the Sequential and Impact Tests. As there have been no significant changes to the adopted development plan since the grant of the 2019 Permission it follows that all other elements of the proposal remain acceptable.

6.3 Our conclusions are that the proposal:

1. Complies with the sequential test, as there are no sites located in sequentially preferable locations which are both suitable and available to accommodate the proposal.
2. Complies with the impact test, as the proposal would not result in a significant adverse impact upon any centre in Carlisle.

3. The proposal will enhance consumer choice by providing modern retail facilities that will serve a specific catchment area in Carlisle, and in particular the residential and commercial areas to the north of the city.
4. Provides safe and suitable access to the site by sustainable modes of transport. The proposal does not result in any adverse impacts upon the safe operation of the highway network or customer parking at the site.

6.4 We conclude that the evidence submitted with the application demonstrates that full planning permission should be granted in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and the presumption in favour of sustainable development outlined in the NPPF to enable the beneficial sustainable economic regeneration of a vacant site.

Appendix 1

