

UNIT 1 SPRINGFIELD RETAIL PARK, NEWCASTLE ROAD, TRENT VALE  
PROPINVEST SPRINGFIELD LIMITED PARTNERSHIP. 348/190

Members may recall that at its meeting on 10 July 2012, the Planning Committee, having determined what comments to make to the City Council concerning an application (reference SOT/53546/VAR) for planning permission to remove condition 7 of planning permission SOT/28087 with respect to Unit 1, Springfield Retail Park, also resolved to ask the Secretary of State to use his powers under Section 100 of the Town and Country Planning Act to modify a planning permission (reference SOT/46524) granted by the City Council in January 2007, so as to restrict the use of the subdivided unit referred to in the application to non-food retailing only.

Members may also recall that when the original planning permission was granted in 1992 the City Council attached the following condition restricting the use of the premises.

"The non-food retail uses hereby approved shall be confined to the sale of materials for the repair or improvement of the fabric of buildings, furniture, car park and other floor coverings, electrical or gas goods, garden supplies, motor vehicles or caravans and motor accessories or equipment only and for no other purpose within Class A1 of the schedule to the Town and Country (Use Class) Order 1987 or any subsequent re-enactment thereof".

In January 2008 the City Council in granting an application to form a mezzanine floor within the same building attached a condition stating that no more than 10% of the sales area of the extended store is to be used for the display and retailing of ancillary non bulky goods such as soft furnishings and textiles.

It appears to your officer that by asking the Secretary of State to modify the permission so as to restrict the use of the unit to non-food retailing the Borough Council may have been unduly cautious in its request and that it would be more appropriate to ask the Secretary of State to impose a condition similar to the one which the City Council imposed in 1992, as modified by the 2008 condition, bearing in mind the absence of a case that demonstrates that such uses would not have an unacceptable impact on the vitality and viability of Newcastle Town Centre and on existing or planned invested in the town centre and the absence of any evidence that such retail uses could not be accommodated within a sequentially preferable site within or on the edge of Newcastle Town Centre.

**RECOMMENDATION**

**That officers be now authorised to write to the Secretary of State asking that he use his powers under Section 100 to modify planning permission SOT/46524 so as to include a condition restricting the use of the unit in the same manner as was done in the 1992 permission, whilst allowing for no more than 10% of the sales areas of the building to be used for the display and retailing of ancillary non-bulky goods such as soft furnishings and textiles.**