

**REPORT TO THE PLANNING REGULATORY BOARD
TO BE HELD ON THE 21 FEBRUARY 2019**

The following applications are submitted for your consideration. It is recommended that decisions under the Town and Country Planning Act 1990 be recorded as indicated.

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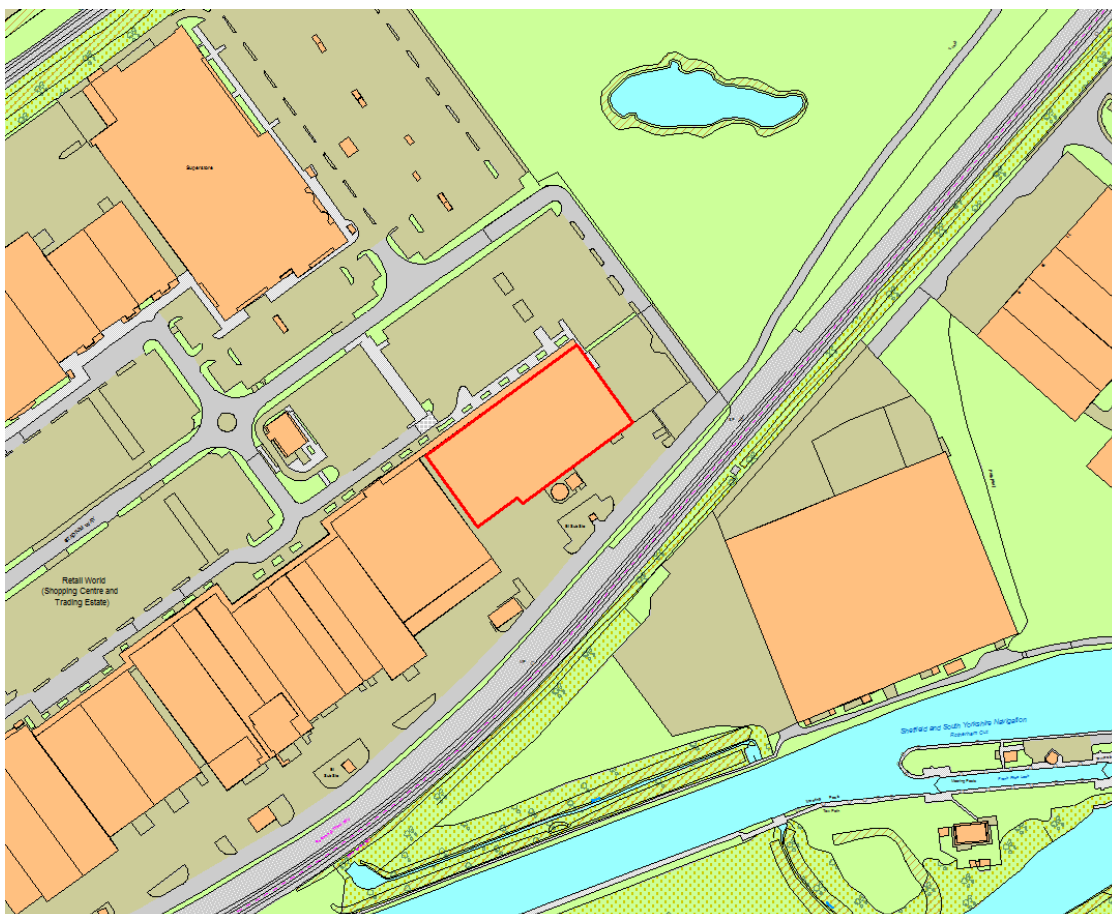
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REPORT TO THE PLANNING REGULATORY BOARD TO BE HELD ON THE 21 FEBRUARY 2019

The following applications are submitted for your consideration. It is recommended that decisions under the Town and Country Planning Act 1990 be recorded as indicated.

Application Number	RB2018/1118
Proposal and Location	Installation of mezzanine floorspace, Unit 41, Stadium Way, Parkgate.
Recommendation	Grant subject to conditions

This application is being presented to Planning Board as the proposal is a major development and does not fall within the scheme of delegation.



Site Description & Location

The site comprises of Unit 41 which lies in the southern half of the Retail World shopping complex off Stadium Way to the south of Parkgate.

Background

The most relevant site history can be summarised as follows:

RB1999/0737 which granted permission on 4 December 2000 (the 2000 permission) for the "Erection of 3 retail units and formation of car parking area".

Condition 5 of this permission states 'None of the retail units, hereby approved, shall be sub-divided into units of less than 929 sqm. or altered so as to create additional floorspace within the unit unless otherwise agreed in writing with the Local Planning Authority'.

It should be noted that since 2006 the installation of a mezzanine floor for retail purposes with a floor area in excess of 200 sqm. requires planning permission.

Proposal

This is a full planning application which seeks permission to allow for a first floor mezzanine floor of 3680sqm within the existing building to be used for open A1 retail purposes. No changes to the external appearance of the unit are proposed and the existing external footprint of the building will remain unchanged.

To support the application a Planning Statement including a sequential test, a Transport Assessment and Travel Plan have also been submitted. These will be considered in more detail below.

Development Plan Allocation and Policy

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham's Local Plan together with the Sites and Policies Document which was adopted on 25 June 2018.

The site has an out of centre retail park allocation in the Local Plan, although this is not classed as a town centre. The southern section of the site lies within a known surface water flood risk area.

For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS12 Managing Change in Rotherham's Retail and Service Centres

Sites and Policies Document:

SP23 Out-of-Centre Retail Parks and Other Out-of-Centre Developments

Other Material Considerations

National Planning Practice Guidance (NPPG) - On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning practice guidance documents cancelled when this site was launched.

National Planning Policy Framework: The revised NPPF came into effect on July 24th 2018. It states that "Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise."

The Local Plan policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application.

Publicity

The application has been advertised by way of site notice (19 July 2018) and letters to neighbouring units (19 July 2018). No representations have been received.

Consultations

Streetpride (Transportation Infrastructure Service) – no objections subject to conditions

Planning Policy – no objections to revised sequential test

Neighbourhoods (Environmental Health) – no objections

Streetpride (Drainage) – no objections

Appraisal

Where an application is made to a local planning authority for planning permission.....In dealing with such an application the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations. - S. 70 (2) TCPA '90.

If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise - S.38 (6) PCPA 2004.

The main considerations in the determination of the application are:

- Principle and policy considerations
- Highway Safety
- Other issues

Principle and policy considerations

At 3,680sqm the proposal represents a significant increase in the retail floorspace in this location. The site is within an existing retail park which is not a defined town, district or local centre and as such is in an out of centre location.

Both the NPPF and Local Plan Policy CS12 requires that the proposed development would need to satisfy the sequential approach and, as the floorspace is above 500sqm, an impact assessment is also required.

Policy SP23 clarifies that planning permission for the expansion of existing out-of-centre facilities or new out-of-centre retail development will not be supported unless the proposal satisfies the requirements of Core Strategy Policy CS12.

When the application was initially submitted it was not supported by a sequential test in support of the application. At officers' request, the applicant subsequently submitted a sequential test which indicates that the sequential analysis has not identified any sequentially preferable locations. The impact assessment confirms that the impact on Rotherham Town Centre and Parkgate District Centre will be limited and there will be no material impact on any other location.

The sequential test refers to assessment of sites at Rotherham Town Centre and Parkgate District Centre, however no information is provided in appendix 2 regarding Parkgate. However, the applicant has confirmed that this is because there are no vacant units of an appropriate size to accommodate the space required. The Council's Planning Policy Team have subsequently confirmed that the sequential and impact test policy requirements have been satisfied.

However, it is considered that a condition to restrict any future subdivision of the unit at a later date should be imposed. This would prevent the creation of smaller units which might compete with and be detrimental to Parkgate and Rotherham centres. This would tie in with the sequential test which was looking at alternative sites to meet the quantum of the proposed scheme and not something that could be disaggregated.

Highway Safety

The Transportation Unit indicate that the Transport Assessment has considered the likely traffic impact of various scenarios at the Stadium Way/A633 Roundabout in the design year 2023 i.e. the baseline traffic, with mezzanine development containing class A1 retail and D2 leisure and with mezzanine development containing class A1 retail.

The modelling results confirm that the development will not have a significantly detrimental impact on the operation of the roads in the vicinity of the site.

A car parking accumulation study for the whole retail site has been carried out in previous TA's for other developments on the retail park. Given the low potential impact of the development on parking demand (<4%) this falls within the excess capacity demonstrated previously. Cycle parking is to be provided.

The site has good footway provision linking with the local area and pedestrian crossing facilities on the A633. Public transport is good as the site borders the A633 corridor with bus services every few minutes. The tram-train terminus at the site enhances accessibility and encourages interchange with local rail facilities.

Overall it is considered that the development will have a minimal impact on the total traffic generated by the retail park and no material adverse road safety impact is expected. In these circumstances, the proposal can be supported in highway/transportation terms subject to conditions including a Travel Plan as well as cycle parking.

Other issues

As indicated above there are no changes to the external appearance of the unit and it is not considered to have any impact on the surroundings in terms of visual amenity, noise or drainage. The Council's Environmental Health and Drainage team have raised no objections.

Conclusion

Following the submission of an acceptable sequential test and retail impact statement, the principle of the proposal for a mezzanine floor is considered acceptable. There are no highway safety concerns and the proposal does not have any visual changes on the external appearance of the building. The proposal is recommended for approval subject to conditions.

Conditions

01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason

In order to comply with the requirements of the Town and Country Planning Act 1990.

02

The permission hereby granted shall relate to the area shown outlined in red on the approved site plan and the development shall only take place in accordance with the submitted details and specifications as shown on the approved plans (as set out below) (Drawing numbers site plan/block plan A0-01 Rev A, A01-02 Rev B, A01-03 Rev A, retail statement)(received 27.09.18, 28.11.18).

Reason

To define the permission and for the avoidance of doubt.

03

The mezzanine floor hereby approved to Unit 41 shall not be sub-divided or operated as a separate unit at any point in the future without the prior written consent of the Local Planning Authority.

Reason

The sequential test has been assessed on the basis of alternative sites rather than smaller units in order to safeguard the vitality and viability on the town centre in line with the general guidance within the NPPF.

04

Before the proposed development is brought into use, a final Travel Plan shall have been submitted to and approved by the Local Planning Authority. The plan shall include clear and unambiguous objectives, modal split targets together with a programme of implementation, monitoring, validation and regular review and improvement. The Local Planning Authority shall be informed of and give prior approval in writing to any subsequent improvements or modifications to the Travel Plan following submission of progress performance reports as time tabled in the monitoring programme. For further information please contact the Transportation Unit (01709) 822186.

Reason

In order to promote sustainable transport choices.

05

Prior to the development being brought into use, details of secure cycle parking within the vicinity of the entrance to the building shall be submitted to and approved by the Local Planning Authority and the approved facilities shall be provided throughout the life of the development.

Reason

In order to promote sustainable transport choices.

Informatives

01

The granting of this planning permission does not authorise any signage to be erected related to the development. Such signage is controlled by the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and a separate application for advertisement consent may be required

POSITIVE AND PROACTIVE STATEMENT

During the determination of the application, the Local Planning Authority worked with the applicant to consider what amendments were necessary to make the scheme acceptable. The applicant agreed to amend the scheme so that it was in accordance with the principles of the National Planning Policy Framework.