REPORT TO THE PLANNING REGULATORY BOARD TO BE HELD ON THE 17 JULY 2014

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.

INDEX PAGE

RB2014/0605

Details of Phase 1 (external floor area 3985 sqm) erection of 5 No. retail units (matters reserved by Outline RB2013/0915) at land at Great Eastern Way, Parkgate for Gregory Projects Ltd. & Ronald Hull Jnr Ltd.	Page 49
RB2014/0749 Application to vary Condition 01 (extend opening hours between 00:00 Monday to 23:00 hours Saturday) imposed by RB2013/1267 (Continuation of use of supermarket and a nonfood retail unit with variation to Condition 01 (opening times) imposed by RB2012/1336 to increase the opening hours to customers between 00:00 hours Monday to 22:00 hours Saturday & 08:00 to 18:00 hours on Sunday with delivery times to remain the same as previously approved under RB2012/1336 (0700-2200 Monday to Saturday and 0800-1800 Sunday) at Asda Stores Ltd., Taylors Lane, Parkgate for Asda Stores Ltd.	

REPORT TO THE PLANNING REGULATORY BOARD TO BE HELD ON THE 17 JULY 2014

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	RB2014/0605
Proposal and	Details of Phase 1 (external floor area 3985 sqm) erection of 5
Location	No. retail units (matters reserved by Outline RB2013/0915) Land
	at Great Eastern Way, Parkgate, S62 6JG
Recommendation	Grant subject to conditions



Site Description & Location

The application site comprises of a part of the site of a former car showroom on the corner of Great Eastern Way and Broad Street in Parkgate. This is a reserved matters application following approval of an outline application for the whole of the site. The site has a triangular shape and has been cleared following the demolition in recent years of all buildings associated with the car showroom and is now surrounded by hoardings which provide screening from the street. The site is relatively level.

Parkgate town centre lies directly to the north and north west whilst on the opposite corner of Broad Street (also to the west) is the more modern retail complex comprising of a small Asda supermarket, Farmfoods frozen food store and a flooring store. To the north and north east are a number of industrial units off Lloyd Street and to the east is a car showroom further along Great Eastern Way. To the south are the retail warehouse units on Foundry Retail Park. The main Parkgate Shopping Centre lies approximately 0.5 km to the south.

The town centre of Parkgate to the north and west comprises mainly of retail premises in traditional small scale shop units predominantly in old buildings and terraced properties. By comparison, the Asda, Farmfoods and flooring store are more modern buildings being constructed around 2002. Similarly the retail units on Foundry Retail Park are large warehouse type structures of a modern design.

Background

RB1987/1017 – Excavation and reworking of surface materials – Withdrawn

RB1993/0324 – Display of several illuminated signs – Granted Conditionally

RB1996/0068 – Erection of 4 flagpoles and 3 bill poster hoardings – Granted

RB2002/0129 – Erection of a building to form a car repair clinic – Granted Conditionally

RB2004/1270 – Change of use to A1 Retail – Withdrawn

RB2007/0317 – Display of various illuminated signs – Granted

RB2008/0278 – Display of various illuminated and non illuminated signs – Refused

Members may recall the outline planning application for this site being presented in 2013. Outline planning permission was granted under reference RB2013/0915 for the erection of 5 retail units comprising discount foodstore (1,537 sqm), 2no. A1 retail units (653 sqm and 1858sqm), bulky goods unit (1394sqm) and an A5 unit (232sqm) (Total floor area of 5673 sqm.)

Environmental Impact Assessment

The proposed development falls within the description contained at paragraph 10 (b) of Schedule 2 to the 2011 Regulations and meets the criteria set out in column 2 of the table in that Schedule. However the Council as the relevant Local Planning Authority, having taken into account the criteria set out in Schedule 3 to the 2011 Regulations, is of the opinion that the development would not be likely to have significant effects on the environment by virtue of factors such as its nature, size or location.

Accordingly the authority has adopted the opinion that the development for which planning permission is sought is not EIA development as defined in the 2011 Regulations.

Proposal

This is a reserved matters application which seeks permission for Phase I of a retail development relating to approximately two thirds of the site of the outline permission and comprises of four retail units. The proposed development comprises of a row of four units, three of which are large units and one is a small hot food takeaway unit.

The sizes of the units are consistent with the outline permission and comprise of the following:

- Unit 1: Discount foodstore with a gross floor area of 1,537 sqm and 1000 sqm net sales area:
- Unit 2: Non Food Retail Unit with gross floor area of 652:
- Unit 3: Non Food Retail Unit (Bulky goods) with gross floor area of 1,394 sqm;
- Unit 4: Hot Foot Takeaway Unit with gross floor area of 232sqm.

Development Plan Allocation and Policy

The site is allocated for Mixed Use in the Unitary Development Plan and is defined as MU13. The area specific text in Chapter 6 of the UDP states that the following uses will be acceptable within this Mixed Use Area B1, D1 and D2.

EC5 Mixed Use Areas T6 Location and Layout of Development

Other Material Considerations

National Planning Policy Framework: The NPPF came into effect on March 27th 2012 and replaced all previous Government Planning Policy Guidance (PPGs) and most of the Planning Policy Statements (PPSs) that existed. It states that "Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision.

The NPPF states that "due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."

The Unitary Development 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 and press notice. In addition individual letters have been sent to neighbouring properties. No representations have been received.

Consultations

Streetpride (Transportation Unit) – No objection subject to conditions;

Streetpride (Landscape Team) – No objection subject to conditions;

Neighbourhood and Adult Services (Environmental Health)- No objection subject to conditions

Environment Agency – No objection subject to conditions;

Architectural Liaison Officer – No objection.

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.

Paragraph 14 of the NPPF states that: "At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - -any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole: or
 - specific policies in this Framework indicate development should be restricted."

The main considerations in the determination of this application are:

- Principle
- Design, Scale and Visual Amenity
- Highway Safety
- Landscape Design

Principle

The principle of retail development on this site has been established by the outline planning permission to which this reserved matters application relates. This reserved matters application seeks approval for the reserved matters which are appearance, scale, layout and landscaping as access was formally considered at the outline stage. The reserved matters application seeks to develop approximately two thirds of the site (i.e. Phase I) and the development is consistent with the outline permission. There are no implications in terms of the principle of the development.

Design, Scale, Layout and Impact on Visual Amenity

Paragraphs 56 and 57of the NPPF state that:

"The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people... It is important to plan positively for the achievement of high quality and inclusive design for

all development, including individual buildings, public and private spaces and wider area development schemes."

In addition Policy ENV3.1 of the UDP requires development to make a positive contribution to the environment by achieving an appropriate standard of design.

The application site lies within an area which immediately consists of a number of industrial type buildings to the north whilst to the south of the site on the opposite side of Great Eastern Way are the retail warehouse units on Foundry Retail Park. These units consist of large scale utilitarian buildings predominantly profile clad with the exception of the CSL building which is of a modern and much higher quality appearance. On the opposite side of Broad Street is the small retail park consisting of three retail units. These units are of a smaller scale and consist of both brickwork and cladding to the elevations.

The proposed units are very similar in style and scale to those on the adjacent retail park with a mixture of cladding, glazing and brickwork to the elevations. The layout of the units is somewhat constrained by the size of the site and the position of the access on Great Eastern Way. The layout provides the main elevation towards the car park and Great Eastern Way itself. However, amended plans secured through the application process show that an element of glazing (albeit glazing look like panels) have been wrapped around the corner of Unit 1 to provide a higher quality appearance on to Broad Street. There are also high level windows along the length of the elevation facing Broad Street. It is considered that this treatment along Broad Street is important given that the site also sits on a prominent and important corner and is a key route into Rotherham with a significant amount of passing traffic. The appearance of the corner of Unit 1 is considered to be much improved from the previously proposed elevations which consisted simply of a wraparound element of white render. Although the glazing will not allow views into the store and the main entrance remains on the elevation facing the car park, it does provide a more legible elevation and more of a shop front type appearance.

The front elevations of the building are characterised by large glazed entrances and doors shop fronts and the rear elevation has brickwork to the lower part of the elevation with cladding on the upper section. It is considered that the inclusion of different materials will add visual interest and help to break up the otherwise large expanse of profiled cladding. Overall, the proposed development is considered to represent an appropriate scale of building and design which would sit in an acceptable manner with the surrounding built form. It is therefore considered that the scale and design of the proposed development accords with the NPPF and UDP Policy ENV3.1.

Highway Safety

Paragraph 32 of the NPPF states that:

"All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure:
- safe and suitable access to the site can be achieved for all people; and

• improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.

Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."

UDP Policy T6 refers to the location and layout of development and requires regard to be had to:

- "(i) land-uses are consolidated within existing commercial centres and settlement patterns which are already well served by transport infrastructure,
- (ii) major trip generating land-uses, such as major employment, leisure, retail and high density residential developments, are located in close proximity to public transport interchanges and service corridors,
- (iii) the development of sites which cause unacceptable traffic congestion on motorways, and local approach roads and trunk roads is avoided,
- (iv) development patterns, where appropriate, provide opportunities for living close to places of work, and
- (v) a range of services and facilities are available in villages and local centres with safe and convenient access for pedestrians, cyclists and people with disabilities.

In addition, the detailed layout of development should have regard to accessibility by private car, public transport, service vehicles, pedestrians and cyclists and people with disabilities."

The proposed access to the site was approved at outline stage and the layout submitted under the reserved matters application is consistent with that approved layout. In addition, the number of car parking spaces accords with the Council's maximum standards.

The site is also within a sustainable location with good access to a range of modes of transport and is located on the edge of Parkgate Town Centre where linked trips by shoppers are likely to take place. A pedestrian access straight onto Broad Street is proposed to encourage this and also provides convenient access to adjacent bus stops (which are to be upgraded – this is secured by a contribution in a Section 106 Agreement attached to the outline permission).

Overall, it is considered that the principle of the access into the site is already established. The site lies within a sustainable location and the level of car parking within the site is appropriate. The development therefore accords with UDP Policy T6, the Council's Maximum car parking standards and paragraph 32 of the NPPF.

Conclusion

In conclusion, the principle of a retail development on this site is established by the previous outline permission. The design, scale and layout of the development are considered to be acceptable given its location in close proximity to other similar scale and format retail parks. The principle of the access to the site was established at outline stage and the level of car parking and internal layout is considered to be appropriate and accord with the Council's maximum car parking standards. Similarly the landscaping of the site is considered to be of a high quality to enable the screening and softening of the buildings.

Overall, it is considered that the proposed development accords with the above mentioned policies.

Conditions

01

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)

Dwg 12516-100 Rev E Dwg 12516-101 Rev D Dwg 12516-OPTION 2 Dwg 12516-103 Rev B Dwg 12516-104 Rev A Dwg V12516 L01 Rev C

(Received 2 July 2014)

Reason

To define the permission and for the avoidance of doubt.

02

Landscaping of the site as shown on the approved plan shall be carried out during the first available planting season after commencement of the development. Any plants or trees which within a period of 5 years from completion of planting die, are removed or damaged, or that fail to thrive shall be replaced within the next planting season. Assessment of requirements for replacement planting shall be carried out on an annual basis in September of each year and any defective work or materials discovered shall be rectified before 31st December of that year.

Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.1 'Development and the Environment', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

03

No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted or samples of the materials have been left on site, and the details/samples have been approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details/samples.

Reason

To ensure that appropriate materials are used in the construction of the development in the interests of visual amenity and in accordance with UDP Policy ENV3.1 'Development and the Environment'.

04

All cooking fumes shall be exhausted from the building via a suitable extraction and/or filtration system. This shall include discharges at a point not less than one metre above

the highest point of the ridge of the building or any such position as may be agreed in writing by the Local Planning Authority prior to the commencement of the development. The extraction/filtration system shall be maintained and operated in accordance with the manufacturer's specifications, details of which shall be submitted to and approved by the Local Planning Authority prior to installation and it shall thereafter be operated effectively during cooking. All systems shall take into account the document 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems' published by DEFRA January 2005.

Reason

So as to ensure correct dispersion of cooking odours to avoid disamenity to the locality and in accordance with UDP Policy ENV3.7 'Control of Pollution'.

05

Prior to the occupation of the building, details of the siting of a litter bin to the forecourt or within building and arrangements for emptying shall be submitted to and approved in writing by Local Planning Authority. The approved details shall be implemented prior to the first occupation of the unit.

Reason

In the interests of visual amenity and to reduce the problem of litter and in accordance with UDP Policy ENV3.7 'Control of Pollution'.

Informatives

Throughout the construction phases of development and except in cases of emergency, no operation that is likely to give rise to noise nuisance or loss of amenity shall take place on site other than between the hours of 0800 to 1800 Monday to Friday and between 0800 to 1300 on Saturdays. Operations which give rise to noise nuisance shall not be carried out on Sundays, Public Holidays or outside normal weekday working hours.

At times when operations are not permitted work shall be limited to maintenance and servicing of plant or other work of an essential or emergency nature. The Local Planning Authority shall be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

Throughout the construction phases of development all machinery and vehicles employed on the site shall be fitted with effective silencers of a type appropriate to their specification and at all times the best practicable means shall be employed to prevent or counteract the effects of noise emitted by

vehicles, plant, machinery or otherwise arising from on-site activities.

Throughout the construction phases of development all vehicles reversing warning alarm systems shall be operated in accordance with a specification submitted to and agreed in writing by the Local Planning Authority prior to commencement of development.

At all times, effective means shall be employed to prevent and counteract the effects of audible warning alarms to nearby noise sensitive receptors. No audible warning alarm shall exceed the ambient noise level in the working location by more than 5dBA.

At all times during the carrying out of development authorised or required under this permission, effective means shall be employed to minimise dust. Such measures shall include water bowsers, sprayers whether mobile or fixed, or similar equipment, upward pointing exhausts, wind fences, landscaping bunds, stockpile dampening, aerodynamic shaping of stockpiles to prevent dust lift off, regulating the speed of vehicles, hard covering of roadways and other steps as are appropriate.

Effective steps shall be taken by the operator to prevent the deposition of mud, dust and other materials on the adjoining public highway caused by vehicles visiting and leaving the site. Any accidental deposition of dust, slurry, mud or any other material from the site, on the public highway shall be removed immediately by the developer.

POSITIVE AND PROACTIVE STATEMENT

Whilst the applicant did not enter into any pre application discussions with the Local Planning Authority, the proposals were in accordance with the principles of the National Planning Policy Framework and did not require any alterations or modification.

Application Number	RB2014/0749
Proposal and Location	Application to vary Condition 01 imposed by RB2012/1336 to increase the opening hours to customers by 1 extra hour on Saturdays from 22:00 to 23:00 with delivery times to remain the same as previously approved (0700-2200 Monday to Saturday and 0800-1800 Sunday) for Asda at Taylors Lane, Parkgate. S62 6EE.
Recommendation	Grant subject to conditions



Site Description & Location

The application site is adjacent to a roundabout junction which connects to Taylors Lane and Broad Street in Parkgate. The site lies to the north west of the roundabout and lies to the south of the main prime shopping area of Parkgate. The site occupies a total area of approximately 0.84 hectares. There are two main vehicular accesses into the site, a left-only in and left-only out on Broad Street to the east and an unrestricted access to Taylors Lane to the south.

The application site consists of an Asda (formerly Netto) Supermarket and there is also a Farmhouse frozen food store with an associated car park connected to the north of the Asda site. The supermarket has an L-shape and is sited in a broadly commercial location. However, there are some residential properties that share a boundary with the site, directly to the north-east.

Background

The relevant planning history of the site relates to the following applications:

RB2000/1446 - Erection of a supermarket and a non-food retail unit - Granted conditionally

RB2012/1336 – variation to Condition 16 (opening times) imposed by RB2000/1446 to increase the opening hours to customers and deliveries on Monday to Saturday from 07:00 and 20:00 to 07:00 and 22:00 hours – granted conditionally.

RB2013/1267 — Continuation of use of supermarket and a non-food retail unit with variation to Condition 01 (opening times) imposed by RB2012/1336 to increase the opening hours to customers between 00:00 hours Monday to 22:00 hours Saturday & 08:00 to 18:00 hours on Sunday with delivery times to remain the same as previously approved under RB2012/1336 (0700-2200 Monday to Saturday and 0800-1800 Sunday) – granted conditionally

Proposal

This application proposes a variation to the previously approved opening hours to allow an additional hour of use of the supermarket from 22:00 to 23:00 on Saturday night. There is no increase in the hours for deliveries.

The existing condition which controls opening hours states:

The use hereby permitted shall only be open to customers between 07:00 hours Monday to 22:00 hours Saturday & 08:00 to 18:00 hours on Sundays. Deliveries to the site shall remain the same as previously approved under RB2012/1336 and shall be between 0700-2200 Mondays to Saturdays and 0800-1800 hours on Sundays.

The proposed new wording of the condition would be:

The use hereby permitted shall only be open to customers between 07:00 hours Monday to 23:00 hours Saturday & 08:00 to 18:00 hours on Sundays. Deliveries to the site shall remain the same as previously approved under RB2012/1336 and shall be between 0700-2200 Mondays to Saturdays and 0800-1800 hours on Sundays.

The applicant has indicated the additional hour of use is for part of ASDA's continual commitment to improve their service, they seek to ensure that their stores can operate efficiently and effectively whilst providing the services and facilities that are requested by their customers.

Development Plan Allocation and Policy

The site is allocated for Industrial and Business purposes in the UDP, although the site has had a retail function for many years.

The relevant UDP policies are:

ENV3.1 'Development and Environment' ENV3.7 'Control of Pollution'

RET1.1 'Shopping Environment'

Other Material Considerations

National Planning Policy Framework: The NPPF came into effect on March 27th 2012 and replaced all previous Government Planning Policy Guidance (PPGs) and most of the Planning Policy Statements (PPSs) that existed. It states that "Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision.

The NPPF states that "due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."

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

Publicity

Neighbouring properties were notified in writing on 02 June 2014 and a site notice was erected on 03 June 2014. One representation has been received which can be summarised as follows:

No objections as the existing use can not be heard and causes no disturbance.

Consultations

Streetpride (Transportation and Highways Unit) – no objections Neighbourhoods (Environmental Health) – No objections subject to delivery hours remaining the same.

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 of the application are as follows:

- Impact of increased hours on the amenity of surrounding uses.
- Impact on highway safety.

Impact of increased hours on the amenity of surrounding uses.

The ASDA supermarket is detached from the other buildings in the area, and although there are some residential properties to the north-east of the site, they are approximately 5 metres from the nearest gable side and 50metres to the front elevation.

Paragraph 123 of the NPPF indicates that planning Policies and Decisions should aim to:

- Avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- Mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise in new developments;
- Recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established..."

In this instance, it is recognised that the supermarket has become an established use over the years. The residential properties to the north of the site lie within an area allocated for retail in the UDP and adjacent a main road with other uses within Parkgate centre that operate to and beyond 2200 hours. The supermarket has 24 hour use throughout the week and it is considered that the additional hour of use between 22:00 to 23:00 on a Saturday night would not give rise to any additional ambient noise that would give rise to any increase in disturbance to the residential properties to the north.

No increase in the hours of deliveries are proposed (an element which is considered to potentially have a materially greater impact on the residential properties to the north east) and this will remain the same as previously approved in 2012.

It is therefore considered that the additional hour of operation would conform to the guidance in the NPPF and policies ENV3.7 'Control of Pollution' and ENV3.1 'Development and Environment' of the Unitary Development Plan.

Impact on highway safety.

The Transportation Unit have not raised any objections to the proposal from a highway safety perspective.

There are no changes to the external appearance of the store or any additional changes to the operational working of the business.

Conclusion

Although there are some residential properties to the north-east of the site, these properties face away from the main entrance and it is not considered that the additional impact of hour of use from 22:00 to 23:00 would be materially detrimental to these occupiers in a predominantly commercial location. There are a number of evening and night uses in the Parkgate area and this use will cause any additional disturbance.

The Transportation Unit have not raised any objections to the proposal from a highway safety perspective.

There are no changes to the external appearance of the store or any additional changes to the operational working of the business.

On this basis the application is therefore recommended for approval subject to the amended condition.

Conditions

01

The use hereby permitted shall only be open to customers between 07:00 hours Monday to 23:00 hours Saturday & 08:00 to 18:00 hours on Sundays. Deliveries to the site shall remain the same as previously approved under RB2012/1336 and shall be between 0700-2200 Mondays to Saturdays and 0800-1800 hours on Sundays.

Reason

In the interests of the amenities of the occupiers of nearby dwellings and in accordance with UDP Policy ENV3.7 'Control of Pollution'.

02

The 1115 square metre building shall be used for the sale of food and convenience goods only and for no other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987.

Reason

To prevent the foodstore that would serve the local community from being used for a non-food retail warehouse.

POSITIVE AND PROACTIVE STATEMENT

Whilst the applicant did not enter into any pre application discussions with the Local Planning Authority, the proposals were in accordance with the principles of the National Planning Policy Framework and did not require any alterations or modification.