

PLANNING REGULATORY BOARD

Date:- Thursday, 16 February 2017 Venue:- Town Hall, Moorgate Street,
Rotherham. S60 2TH
Time:- 9.00 a.m. for Site Visit
10.10 a.m. for Meeting

AGENDA

1. To consider whether the press and public should be excluded from the meeting during consideration of any part of the agenda.
2. To determine any items which the Chairman is of the opinion should be considered as a matter of urgency.
3. Apologies for absence (substitution)
4. Declarations of Interest (Page 1)
(A form is attached and spares will be available at the meeting)
5. Minutes of the previous meeting held on 26th January, 2017 (herewith) (Pages 2 - 6)
6. Deferments/Site Visits (information attached) (Pages 7 - 8)
7. Visit of Inspection (report herewith) (Pages 9 - 126)

RB2016/1454 Page 10
RB2016/1455 Page 70
8. Development Proposals (report herewith) (Pages 127 - 178)
9. Updates
10. Date of next meeting - Thursday 9 March 2017

Membership of the Planning Board 2016/17

Chairman – Councillor Atkin
Vice-Chairman – Councillor Tweed
Councillors Andrews, Bird, D. Cutts, M. S. Elliott, Ireland, Jarvis,
Khan, Price, Sansome, R.A.J. Turner, Walsh and Whysall.



SHARON KEMP,
Chief Executive.

ROTHERHAM METROPOLITAN BOROUGH COUNCIL

PLANNING BOARD

MEMBERS' DECLARATION OF INTEREST

Your Name (Please PRINT):-

Meeting at which declaration made:-

Item/Application in which you have an interest:-

Date of Meeting:-

Time Meeting Started:-

Please tick (√) which type of interest you have in the appropriate box below:-

1. Disclosable Pecuniary

2. Personal

Please give your reason(s) for you Declaring an Interest:-

(Please continue overleaf if necessary)

N.B. It is up to a Member to determine whether to make a Declaration. However, if you should require any assistance, please consult the Legal Adviser or Democratic Services Officer prior to the meeting.

Signed:-

(When you have completed this form, please hand it to the Democratic Services Officer.)

PLANNING BOARD
Thursday, 26th January, 2017

Present:- Councillor Atkin (in the Chair); Councillors Andrews, Bird, D. Cutts, M. S. Elliott, Jarvis, Price, Sansome, Tweed and Walsh; together with Councillor Short (as substitute for Councillor R.A.J. Turner).

Apologies for absence were received from Councillors Ireland, Khan, R.A.J. Turner and Whysall.

53. DECLARATIONS OF INTEREST

(1) Councillor Andrews declared a personal interest in application RB2016/0806 (Partial demolition and refurbishment of an existing unlisted building within Aston Conservation Area and the erection of 4 No. dwellinghouses at 165 Worksop Road, Aston for Mr. and Mrs. R. Brittain) because of her membership of a group of people who are opposed to the proposed route of the HS2 high-speed railway line through South Yorkshire. Councillor Andrews left the meeting and took no part in the Planning Board's debate on this matter and did not vote.

(2) Councillor M. S. Elliott declared a personal interest in application RB2016/0806 (Partial demolition and refurbishment of an existing unlisted building within Aston Conservation Area and the erection of 4 No. dwellinghouses at 165 Worksop Road, Aston for Mr. and Mrs. R. Brittain) because of his opposition to the proposed route of the HS2 high-speed railway line through South Yorkshire. Having declared that personal interest, Councillor M. S. Elliott decided to remain in the meeting, participated in the debate on this matter and voted.

(3) Councillor Atkin declared a personal interest in application RB2016/1620 (Application to vary conditions 02 (approved plans) and 03 (materials) imposed by RB2015/0671 at 8 Wath Wood Drive, Wath upon Dearne for Mr. J. Ransforth) because of the perception of some members of the public in the local area that Councillor Atkin has previously had an association with a representative of the applicant. Councillor Atkin vacated the Chair, left the meeting and took no part in the Planning Board's debate on this matter and did not vote. The Vice-Chair, Councillor Tweed, assumed the Chair whilst the Planning Board determined this application for planning permission.

(4) Councillor Sansome declared a personal interest in application RB2016/1620 (Application to vary conditions 02 (approved plans) and 03 (materials) imposed by RB2015/0671 at 8 Wath Wood Drive, Wath upon Dearne for Mr. J. Ransforth) because of his involvement in a road safety matter affecting the A633 Warren Vale Road, as referred to in statements from objectors to this application. Councillor Sansome left the meeting and took no part in the Planning Board's debate on this matter and did not vote.

(5) Councillor M. S. Elliott declared a personal interest in the item concerning the Courtesy Consultation from Bassetlaw District Council (Minute No. 57 below refers) because his daughter lives in a residential area situated near to the site of the proposed development in the Gateford Park area of Worksop. Councillor M. S. Elliott took no part in the Planning Board's debate on this matter and did not vote.

54. MINUTES OF THE PREVIOUS MEETING HELD ON 5TH JANUARY, 2017

Resolved:- That the minutes of the previous meeting of the Planning Regulatory Board held on Thursday, 5th January, 2017, be approved as a correct record for signature by the Chairman.

55. DEFERMENTS/SITE VISITS

There were no site visits nor deferments recommended.

56. DEVELOPMENT PROPOSALS

Resolved:- (1) That, on the development proposals now considered, the requisite notices be issued and be made available on the Council's website and that the time limits specified in Sections 91 and 92 of the Town and Country Planning Act 1990 apply.

In accordance with the right to speak procedure, the following people attended the meeting and spoke about the applications shown below:-

- Partial demolition and refurbishment of an existing unlisted building within Aston Conservation Area and the erection of 4 No. dwellinghouses at 165 Worksop Road, Aston for Mr. and Mrs. R. Brittain (RB2016/0806)

Mr. A. Northcote (agent for the applicant)
Mrs. J. Shimwell (objector)
Mrs. E. Plummer (objector)
Mrs. L. Kelly (objector)
Mr. R. Bladen (objector)
Mr. C. Plummer (objector)
Mr. P. Maxfield (objector)
Mr. B. Mears (objector)
Ward Councillor R. Taylor (objector)

- Application to vary conditions 02 (approved plans) and 03 (materials) imposed by RB2015/0671 at 8 Wath Wood Drive, Wath upon Dearne for Mr. J. Ransforth (RB2016/1620)

Mrs. B. Hallatt (objector)
Statement read out on behalf of Mr. and Mrs. J. Horsfield (objectors)

(2) That applications RB2016/0961 and RB2016/1620 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report.

(3) That application RB2016/1569 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report and to the following additional condition and the informative:-

The development shall not begin until a scheme for the provision of affordable housing across the whole of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme. The scheme shall include: (i) The arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing; and (ii) The occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing and the means by which such occupancy shall be enforced.

Reason

The development of the application would not be acceptable without the provision of all of the dwellings being affordable in accordance with Policy CS4 and CS7 of the Core Strategy and the provisions of the NPPF.

Informative

INF 11A Control of working practices during construction phase (Close to residential)

It is recommended that the following advice is followed to prevent a nuisance/ loss of amenity to local residential areas. Please note that the Council's Neighbourhood Enforcement have a legal duty to investigate any complaints about noise or dust. If a statutory nuisance is found to exist they must serve an Abatement Notice under the Environmental Protection Act 1990. Failure to comply with the requirements of an Abatement Notice may result in a fine of up to £20,000 upon conviction in Rotherham Magistrates' Court. It is therefore recommended that you give serious consideration to the below recommendations and to the steps that may be required to prevent a noise nuisance from being created.

(i) Except in case of emergency, operations should not take place on site other than between the hours of 08:00 – 18:00 Monday to Friday and between 09:00 – 13:00 on Saturdays. There should be no working on Sundays or Public Holidays. 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 should be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

(ii) Heavy goods vehicles should only enter or leave the site between the hours of 08:00 – 18:00 on weekdays and 09:00 – 13:00 Saturdays and no such movements should take place on or off the site on Sundays or Public Holidays (this excludes the movement of private vehicles for personal transport).

(iii) Best practicable means shall be employed to minimise dust. Such measures may include water bowsers, sprayers whether mobile or fixed, or similar equipment. At such times when due to site conditions the prevention of dust nuisance by these means is considered by the Local Planning Authority in consultations with the site operator to be impracticable, then movements of soils and overburden shall be temporarily curtailed until such times as the site/weather conditions improve such as to permit a resumption.

(iv) Effective steps should 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.

(4) That application RB2016/0806 be refused for the reason set out in the submitted report.

(i) (Councillor Andrews declared a personal interest in application RB2016/0806 (Partial demolition and refurbishment of an existing unlisted building within Aston Conservation Area and the erection of 4 No. dwellinghouses at 165 Worksop Road, Aston for Mr. and Mrs. R. Brittain) because of her membership of a group of people who are opposed to the proposed route of the HS2 high-speed railway line through South Yorkshire. Councillor Andrews left the meeting and took no part in the Planning Board's debate on this matter and did not vote).

(ii) (Councillor M. S. Elliott declared a personal interest in application RB2016/0806 (Partial demolition and refurbishment of an existing unlisted building within Aston Conservation Area and the erection of 4 No. dwellinghouses at 165 Worksop Road, Aston for Mr. and Mrs. R. Brittain) because of his opposition to the proposed route of the HS2 high-speed railway line through South Yorkshire. Having declared that personal interest, Councillor M. S. Elliott decided to remain in the meeting, participated in the debate on this matter and voted).

(iii) (Councillor Atkin declared a personal interest in application RB2016/1620 (Application to vary conditions 02 (approved plans) and 03 (materials) imposed by RB2015/0671 at 8 Wath Wood Drive, Wath upon Dearne for Mr. J. Ransforth) because of the perception of some members of the public in the local area that Councillor Atkin has previously had an association with a representative of the applicant. Councillor Atkin vacated the Chair, left the meeting and took no part in the Planning Board's debate on this matter and did not vote. The Vice-Chair, Councillor

Tweed, assumed the Chair whilst the Planning Board determined this application for planning permission).

(iv) (Councillor Sansome declared a personal interest in application RB2016/1620 (Application to vary conditions 02 (approved plans) and 03 (materials) imposed by RB2015/0671 at 8 Wath Wood Drive, Wath upon Dearne for Mr. J. Ransforth) because of his involvement in a road safety matter affecting the A633 Warren Vale Road, as referred to in statements from objectors to this application. Councillor Sansome left the meeting and took no part in the Planning Board's debate on this matter and did not vote).

57. COURTESY CONSULTATION - RESERVED MATTERS APPLICATION FOR THE APPROVAL OF THE LAYOUT, SCALE APPEARANCE AND LANDSCAPING FOLLOWING OUTLINE APPLICATION 14/00431/OUT - ERECTION OF 261 DWELLINGS INCLUDING OPEN SPACE AND ASSOCIATED SERVICE INFRASTRUCTURE FOR BASSETLAW DISTRICT COUNCIL

Consideration was given to a report of the Assistant Director of Planning, Regeneration and Structure concerning the courtesy consultation from the Bassetlaw District Council about the reserved matters application for the approval of the Layout, Scale, Appearance and Landscaping following Outline Application 14/00431/OUT – Erection of 261 dwellings including open space and associated service infrastructure on an area of land to the north of Churchill Way in the Gateford Park area of Worksop.

Resolved:- (1) That the report be received and its contents noted.

(2) That Bassetlaw District Council be informed that this Council raises no objection to the submitted application for planning permission.

(Councillor M. S. Elliott declared a personal interest in the above item because his daughter lives in a residential area situated near to the site of the proposed development. Councillor M. S. Elliott took no part in the Planning Board's debate on this matter and did not vote).

58. UPDATES

Members were informed that the applications for planning permission in respect of the Gulliver's Theme Park would be considered at a meeting of the Planning Board to be held during February, 2017, with Members making a visit of inspection to the application site prior to the meeting.

ROTHERHAM METROPOLITAN BOROUGH COUNCIL**PLANNING BOARD****DEFERMENTS**

- Planning applications which have been reported on the Planning Board Agenda should not be deferred on request without justification.
- Justification for deferring a decision can arise from a number of matters:-
 - (a) Members may require further information which has not previously been obtained.
 - (b) Members may require further discussions between the applicant and officers over a specific issue.
 - (c) Members may require a visit to the site.
 - (d) Members may delegate to the Director of Service the detailed wording of a reason for refusal or a planning condition.
 - (e) Members may wish to ensure that an applicant or objector is not denied the opportunity to exercise the “Right to Speak”.
- Any requests for deferments from Members must be justified in Planning terms and approved by the Board. The reason for deferring must be clearly set out by the Proposing Member and be recorded in the minutes.
- The Director of Planning Regeneration and Culture or the applicant may also request the deferment of an application, which must be justified in planning terms and approved by the Board.

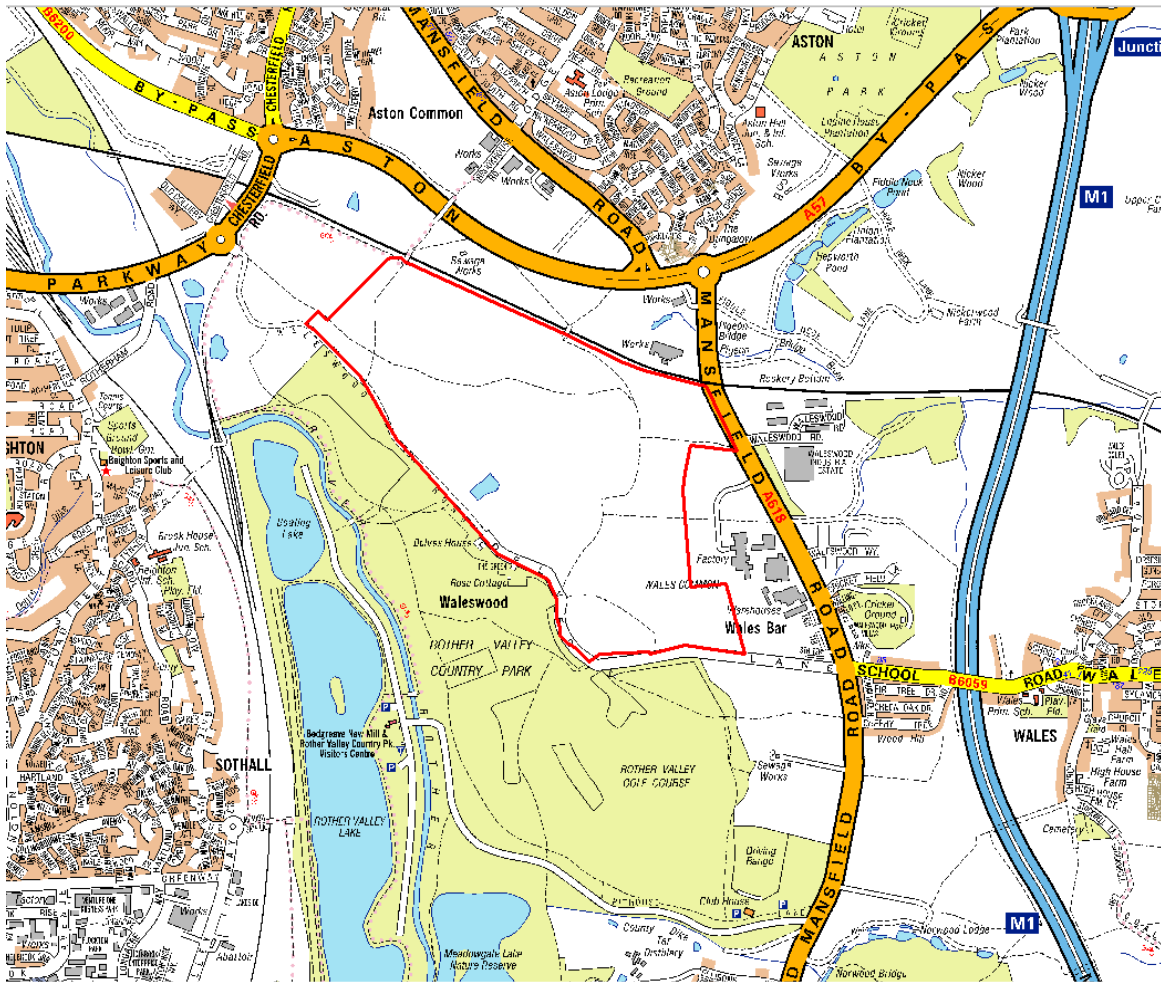
SITE VISITS

- Requests for the Planning Board to visit a site come from a variety of sources:- the applicant, objectors, the Parish Council, local Ward Councillors, Board Members or sometimes from the Director of Planning Regeneration and Culture.
- Site visits should only be considered necessary if the impact of the proposed development is difficult to assess from the application plans and supporting information provided with the officer's written report; if the application is particularly contentious or the application has an element that cannot be adequately expressed in writing by the applicant or objector. Site visits can cause delay and additional cost to a project or development and should only be used where fully justified.
- The reasons why a site visit is called should be specified by the Board and recorded.
- Normally the visit will be programmed by Democratic Services to precede the next Board meeting (i.e. within three weeks) to minimise any delay.
- The visit will normally comprise of the Members of the Planning Board and appropriate officers. Ward Members are notified of visits within their Ward.
- All applicants and representees are notified of the date and approximate time of the visit. As far as possible Members should keep to the schedule of visits set out by Committee Services on the Board meeting agenda.
- Normally the visit will be accessed by coach. Members and officers are required to observe the site directly when making the visit, although the item will be occasioned by a short presentation by officers as an introduction on the coach before alighting. Ward Members present will be invited on the coach for this introduction.
- On site the Chairman and Vice-Chairman will be made known to the applicant and representees and will lead the visit allowing questions, views and discussions. The applicant and representees are free to make points on the nature and impact of the development proposal as well as factual matters in relation to the site, however, the purpose of the visit is not to promote a full debate of all the issues involved with the application. Members must conduct the visit as a group in a manner which is open, impartial and equitable and should endeavour to ensure that they hear all points made by the applicant and representees.
- At the conclusion of the visit the Chairman should explain the next steps. The applicant and representees should be informed that the decision on the application will normally be made later that day at the Board meeting subject to the normal procedure and that they will be welcome to attend and exercise their "Right to Speak" as appropriate.

SITE VISIT (Approximate time on site - 9.20 a.m.)

Application Number	RB2016/1454
Proposal and Location	Change of use of land to leisure resort including themed accommodation and glamping facilities; formation of access, circulation roads, car parking and landscaping; and erection of 2 themed hotels, 12 lodges, services buildings, community building, ecology centre, camp reception building, entrance feature, resort check in building, security hut and boundary fencing at land off Mansfield Road, Wales
Recommendation	<p>A. That the application be referred to the Secretary of State (National Planning Casework Unit) under the Town and Country Planning (Consultation)(Direction) 2009, being inappropriate development in the Green Belt.</p> <p>B That the applicant completes a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the following:</p> <ul style="list-style-type: none"> • The linking of the two related planning applications (RB2016/1454 and RB2016/1455) by way of an agreed phasing plan. <p>C That subject to the National Planning Casework Unit not calling in the application for determination, and to the satisfactory signing of the Unilateral Undertaking, the Council resolves to grant permission for the proposed development subject to the conditions set out in the report.</p>

This application is being presented to Planning Board as it does not fall within the Scheme of Delegation for major operations.



Site Description & Location

The application site formerly comprised the Pithouse West/Brookhouse Colliery Site which endured a long coal mining history from approximately 1930 until the 1980's. During that period underground coal mining was served by a main colliery with associated coke ovens and colliery spoil disposal was known to have occurred over a large area of the site. Following this the site was then subject to extensive opencast coal mining until approximately 1986 when the site was restored.

The site is located to the north of Rother Valley Country Park. It is bounded by commercial premises on Mansfield Road (A618) to the east; by Waleswood Road (a public footpath), and Delves Lane to the south/south western, and the Sheffield to Lincoln railway line forms the northern boundary. The site extends to the north west as far as the existing definitive bridleway which links Rother Valley to Aston.

The application site is approximately 98.4 hectares in size, it has an undulating manmade topography and contains grassland, woodland, ponds and two brooks, The site contains a number of existing Rights of Way across the site, and is adjacent to the route of the Trans Pennine Trail.

The nearest residential properties to the application site are located on Delves Lane, consisting of Fauconberg and Conyers Cottage, Rose Cottage, The Green, and Delves House.

The site can be seen in varying degrees from surrounding settlements, Swallownest and Aston to the north, Beighton to the west, Wales to the east and Killamarsh to the south.

Background

The site formed part of the Pithouse West/Brookhouse Colliery site.

Planning permission was granted on the overall site for extraction of coal opencast methods was granted in 1988 (RB1987/1360). A subsequent application to excavate & transport colliery shale from the site was also granted in 1988 (RB1988/1453). A further permission to carry out opencast operations on a smaller part of the overall site was granted in 1991 (RB1990/1621) and a permission on part of the site to deposit 250,000 cubic metres of surplus rock and overburden arising from the Mosborough Parkway Contract (Phase 3A) to be incorporated into the opencast backfilling was granted in 1992 (RB1992/1212).

Following the restoration of the former Pithouse West opencast colliery site, outline planning permission for the 'YES Project' was granted conditionally with a S106 agreement on 29/01/2007 (reference RB2005/0237). The full description of the development was:

Outline application for proposed leisure/tourism development (use class D2 & C1) comprising themed entertainment leisure facilities; resort hotel; spa & health facility; conference and convention centre; exhibition centre, 3 star and 4 star hotels; Xtreme sports centre with indoor & outdoor facilities; second indoor sports facility; hi-tech outdoor golf driving/target range; ancillary use class A3/A4 and retail facilities; medical management and staff facilities; new access; car parking; rail station; coach & bus termini; strategic landscaping and footpath network

RB2010/0097 –this was a renewal of the above application RB2005/0237 and was granted conditionally with a revised s106 agreement on 08/12/2010.

Both applications were referred to the Secretary of State, following resolutions to grant planning permission, by the Council due to the development being within the Green Belt, and due to the level of retail use in an out of centre location. The applications were not called-in, and planning permission was granted. This permission has now lapsed.

In relation to the current applications for Gullivers Valley, formal pre-application discussions took place between the applicant and the Council, which included local exhibitions and meetings that the applicant undertook with the general public/local Parish Councils. The initial boundary to the site was reduced to exclude approximately 29 hectares of land to the west of the current application site. In addition, the proposed means of access was altered from a point off the existing roundabout on Chesterfield Road (close to the Elmwood Farm public house), to a proposed access off Mansfield Road. The applicant undertook further publicity in respect of the revised proposals.

In addition, at the pre-application stage the applicants agreed a Scoping Opinion with the Council in respect of the required contents of the Environmental Statement that was to be submitted with the planning application.

A separate planning application (RB2016/1455) has been submitted at the same time as this application. It seeks full planning permission for: "Proposed theme park comprising of themed leisure facilities; indoor leisure attractions; a 40m observation tower; a pet resort; supporting restaurants/food outlets; ancillary retail facilities; themed hotel, boundary fencing, new access; car parking and landscaping." Should permission be granted for the two separate applications they would need to be linked via a S106 legal agreement.

Proposal

Two applications have been submitted for the overall site. This application seeks full planning permission for the change of use of land to leisure resort including themed accommodation and glamping facilities; formation of access, circulation roads, car parking and landscaping; and erection of 2 themed hotels, 12 lodges, services buildings, community building, ecology centre, camp reception building, entrance feature, resort check in building, security hut and boundary fencing

The second application – subject to a separate report on this agenda, is for the theme park itself (RB2016/1455)

The overall resort will be a year-round theme park aimed at 2-13 year olds. The buildings and facilities included within this application will be developed to provide complimentary facilities to the main theme park use and include:

- Two family hotels with up to 144 bedrooms, one with a Spa, Fitness Centre and wedding chapel (the Wild West and Wilderness Hotels).
- 12 holiday lodges, 2 group camping buildings and 10 woodland lodges and up to 300 pitches for the siting of guest accommodation.
- Check in block, and Camp Gully's Main Building.
- Glamping camp site with up to 100 pitches.
- Ecology and education centre.
- Car Parking
- Staff and Service Area to include Service and Facilities buildings and Security Hut.
- Main Entrance Feature.
- Community Building.

These will be within the following areas of the resort – Adventurers Village, Wilderness Resort, Camp Gulliver's Glamping and Dream Village and Gullivers Glade and the Gears Accommodation.

The Adventurers Village will comprise the Wild West Hotel (up to 84 bedrooms with reception lounge and bar/restaurant); Wild West Lodges (up to 30 pitches for accommodation of static caravans); Lost World Lodges (up to 75 pitches for accommodation of static caravans); and the Community Building (a facility for community events during the day and evenings.)

The Wilderness Resort will comprise of the Wilderness Spa Hotel and Wedding Chapel, (this will have up to 60 bedrooms, reception, bar, spa, wedding chapel, gift shop and children's play room) and will have a green roof to respond to the environment); 10 four bed roomed timber constructed Woodland Lodges, and 60 pitches for static caravans; the Ecology Centre (which will include a forest classroom, toilets shop and refreshments close to the outdoor gym facility).

Camp Gullivers Glamping and Dream Village, set towards the southern boundary of the site it will feature 100 glamping pitches which will be a mixture of safari tents, yurts and tepees as well as two dormitory blocks for school/community groups. The Dream Village will provide up to 50 pitches to facilitate themed accommodation fulfilling the definition of a caravan where seriously and terminally ill children together with children with special needs will be given cost free respite weeks in specially designed accommodation. There will be a reception building with bar and restaurant facilities, and an outdoor play area.

Gullivers Glade and the Gears Accommodation – these are sited to the eastern boundary of the site and will provide 50 and 35 pitches for mobile accommodation respectively.

Staff and Service Areas - these will be located to the north of the main entrance into the site and will consist of four buildings and a compound together with a staff parking area. A security hut will be located by the barriers into the site.

Up to 9400sqm of buildings would be constructed as part of this application, together with a further 10200sqm of buildings rides and supporting infrastructure within the theme park areas. Most structures would not exceed 10-15m in height, although Gulliver's castle would be 20m high, some rides would be 25m high and the observation tower would be 40m high (these are considered under the separate application for the theme park).

The completed development as a whole is anticipated to attract 21,000 to 25,000 visitors per week during the peak season and 10,000 visitors a week during the remainder of the year, apart from special events such as bonfire night and Christmas.

Construction is anticipated to extend over a 12-15 year period. The construction has been divided into 5 phases as below –

- Phase 1 Years 1-3 - Main entrance and access roads, theme park hub + core parking
- Phase 2 Years 4-6 - Lilliput Castle Hotel, Ecology Centre/Forest Classroom, Glamping, Camp Gully's + staff facilities, stores, compound + parking
- Phase 3 Years 7-9 - Events field, Lost World + Wilderness lodges (phase 1), additional core parking, Gulliver's Gears/Glade hub + farm park
- Phase 4 Years 10-12 - Wild West village, hotel + lodges, Lost World lodges (phase 2), Gulliver's Gears + accommodation, Dream Village
- Phase 5 Years 13-15 - Wilderness Hotel + lodges (phase 2), Adventurer's Park, Gulliver's Glade + accommodation

Normal opening hours of the theme park element (subject to the separate application) are proposed to be 10:00 to 17:00. There would be no opening time restrictions for the developments outside of the theme park areas (hotels/lodges etc).

The proposed vehicular access comprises a new access junction off the A618 Mansfield Road. Access is proposed from a ghost island priority junction with separate entry and exit points. The proposed layout gives priority to inbound traffic in order to minimise the risk of queuing or delays on the public highway.

The whole site would have a total of 1,728 car parking spaces, 330 cycle spaces and 27 coach/bus spaces.

There are a number of existing rights of way crossing the site which have been incorporated within the scheme. No diversions or closures of public rights of way will be required. In addition, a number of courtesy footpaths have been provided within the scheme which will be available for use during daylight hours. These additional trails will be sympathetically created to complement the contours of the resort and its surroundings. The site is on the Trans Pennine Trail, and there are also various off-road cycle paths running through the Rother Valley Park and the surrounding area.

A 'car-free' environment will be promoted around the site where families can explore around on foot or by bicycle and the proposals includes a cycle hire facility to help people get around the resort. In addition, a 'land train' will be provided to link the core attractions throughout the site.

The application was submitted with an Environmental Statement (ES) as the proposal is considered to be EIA Development. The supporting documentation contained within the ES is summarised below -

Air Quality – This states that the main concern during construction is the potential for fugitive dust emissions to affect nearby receptors, giving rise to nuisance due to soiling, or to health risks. There are, however, few sensitive receptors close to the site, comprising less than ten residential properties, and no such receptors adjoining the routes likely to be used by construction traffic.

The risk of nuisance due to soiling is predicted to be low for all activities except earthworks, which would be medium, whilst health risk is predicted to be low across all activities. Dust mitigation would be adopted as part of the Construction Environmental Management Plan (CEMP).

An air pollution damage cost calculation has been carried out, and mitigation would be provided to at least this value. This will include measures to restrain trip generation and encourage the use of sustainable modes, as set out in the Travel Plan. The air quality effects are therefore not anticipated to be significant.

Ecology – This chapter states that construction of the development would have a negligible effect on designated sites and a slight effect on retained habitats within the site. Potential effects on fauna, mainly due to disturbance, would be moderate in relation to breeding birds and over-wintering bittern, minor for badger, other mammals and amphibians, and slight for all other species. None of these effects are considered to be significant.

It states that the CEMP would include a range of safeguards to protect habitats and fauna, such as the designation of fenced no-go areas around retained habitats such as the Pigeon Bridge Brook. In addition, specific provisions would be adopted to protect reptiles (including controlled clearance and prior surveys), breeding birds (prior surveys or timing of clearance to avoid the nesting season) and bittern (work close to pond P6 restricted to the summer months only).

The proposed masterplan aims to protect the most important habitats within the site, notably the brook, most of the plantation woodlands and parts of the semi-improved grassland. A 10m wide buffer zone would be maintained along the brook, and the two proposed road crossings would use existing culverts. A 30m wide buffer zone would be maintained around the pond used by over-wintering bittern. An Ecological Mitigation and Management Plan would provide the framework for a range of enhancements, such as over-sowing of grasslands with wildflower mix, scrub clearance, thinning of plantations and provision of nesting features and hibernacula.

It states that the effect on birds is predicted to be slight, but potentially significant, due to the conservation status of some of the species and the potential for habitat loss and disturbance. Of particular note is the loss of grassland used by nesting skylark and the disturbance risk to bittern, although the latter would be confined to the winter months, when levels of activity within the development are low. The effects on all other species would be slight, except for reptiles, which would be minor, and none would be significant.

Flood Risk and Drainage – This states that during the construction phase a range of temporary drainage and pollution control measures would be implemented as part of the CEMP, such that the residual hydrological, surface water quality and groundwater effects would be negligible.

It states that the development amounts to a fundamental change in the use of what is currently a greenfield site, which in the absence of mitigation could give rise to major effects on surface water hydrology and quality, whilst the effects on groundwater would remain negligible. Since the impermeable nature of the material used to backfill the site precludes the use of infiltration, the surface water drainage strategy seeks to adapt the existing network of drainage ditches, with additional attenuation provided in the form of swales and basins, prior to discharge to the Pigeon Bridge Brook at existing runoff rates.

Foul drainage would be provided by connection to the adjoining Yorkshire Water system, subject to capacity tests to determine any need for upgrades.

Ground Conditions – this states that potential effects during the construction phase are predicted to comprise moderate to major effects on site workers in the event that contaminated soils or unstable mining features are encountered and disturbed in an uncontrolled manner; minor effects due to the risk of accidental spillages; and negligible effects due to the removal of in-situ geology. Further site investigations, chemical testing of soils and groundwater, and geotechnical surveys, would be carried out to confirm the presence of any contamination or mining features, and appropriate remediation and construction strategies would be implemented if necessary. The latter would include a soils strategy that aims to retain and re-use all excavated material within the site. The CEMP will include pollution control measures and worker protection in line with current requirements. With the adoption of these measures, the residual effects would be negligible to none.

Potential effects on completion comprise a moderate to major effect on structures due to possible ground instability; minor to moderate effects on building materials due to soil sulphates and pH, and on future visitors, guests and employees due to ground gas; and minor effects due to soil contamination from spillage. Mitigation would include provisions to ensure the safe storage and handling of potential contaminants such as fuels; testing of soils to determine sulphate and pH levels, and design of foundations and buried services to resist damage if necessary; design of structures to take account of potential instability,

and watching brief to detect any signs of damage; and gas monitoring to allow an up-to-date risk assessment, and design of buildings to exclude ground gas if necessary. With the adoption of these measures, the residual effects would be negligible to none.

Landscape and Views – This states that the development would involve a fundamental change to the character of the site, which would initially give rise to a moderate adverse effect, due to the combined impact of woodland clearance, construction activity and the emergence of the first built features. The Rother Valley Reclaimed Woodland character area, which covers most of the site, would experience a similar level of effect. As existing and proposed planting matures, however, the effect would decrease to minor adverse, with replacement woodland reducing the overall area of woodland loss from 14% to 9%.

The effect on the Rother Valley Country park is predicted to be minor beneficial, due to enhanced recreational opportunities and orientation. There would initially be a negligible adverse effect on National Character Area 38, which would disappear over time. There would be no effects on the Rother Valley Floor character area or the setting of the Aston and Wales conservation areas.

Residential receptors at Delves Lane and Wales Bar would initially experience major adverse effects, becoming moderate adverse on completion, due to the prominence of the Lilliput Castle Hotel and theme park hub. Residents on the western edge of Wales would initially experience moderate adverse effects, becoming minor adverse over time, for similar reasons. Residential receptors to the north of the site, at Swallownest and Aston Common, and at Sothall, to the west, would initially experience minor adverse effects, becoming negligible on completion.

A similar level of effect would be experienced by users of the Rother Valley Country Park, Sustrans routes 6 and 67, the Cuckoo Way and the A57. All other receptors would experience either neutral effects (at Killamarsh and Norwood) or no effect (at Beighton and the Woodhouse Washlands Nature Reserve.) The initial effects on properties at Wales Bar and Delves Lane would be significant, but their significance would be lost as landscaping matures.

Noise – This states that construction noise emissions are likely to be highest during earthworks, concreting and road construction, giving rise to levels that exceed the 65dB(A) threshold by 1-3dB at the nearest sensitive receptors (Delves Lane). However, these levels would be intermittent and of limited duration, amounting to a minor effect. Noise associated with construction traffic would give rise to negligible effects. Noise controls will be adopted as part of the CEMP, and may include the use of acoustic screens and quietest practicable working methods, together with limits on working hours. Modelling indicates that mitigated noise levels would be well below the threshold, amounting to a negligible residual effect.

It states that the overall noise levels from the operational site are predicted to remain well below the sleep disturbance threshold (55dB) at the nearest receptors. Noise from sound systems and plant/machinery would be controlled so as to provide a comfortable environment for visitors and not to exceed background levels at the site boundary, e.g. through the detailed design of rides and siting of equipment. Implementation of the Travel Plan would seek to restrain car trips and the associated noise emissions. All of the noise effects are predicted to be of no more than negligible significance.

Transport – This states that the level of construction traffic is predicted to amount to around 40 vehicles per day. It would use the main site entrance, which would be constructed first, routing to/from the arterial road network via the A618/A57. This volume of traffic will have no more than a negligible effect on junction capacity and driver delay. The effects on pedestrians and cyclists would be negligible to slight, mainly due to the increased number of HGVs. A traffic management plan would form part of the CEMP, including provisions such as designated HGV routes

It states that during the operational phase of the development traffic from the completed development would give rise to annual average daily traffic (AADT) flows of 397 vehicles (two-way). The increase over baseline flows in 2028 would be greatest on the A618 (Mansfield Road) to the north of the site entrance (2.1%), and to the north of the A57 priority junction (1.7%). The increase on all other links would be below 1%, whilst there would be no measurable effect on the M1. The impact on driver delay is predicted to be slight to moderate at the A57/A618 roundabout and the A57/A618 priority junction, and slight at all other assessed junctions, including M1 Junction 31.

There would be negligible effects on severance, pedestrian delay, and amenity. Whilst none of these effects are considered to require mitigation, a Travel Plan will include measures to encourage the use of sustainable modes, whilst junction capacity in the surrounding area would benefit from improvements under separate consideration by RMBC.

The application was also supported by the following –

Design and Access Statement – This document describes and explains the design principles used by the applicants. It states that the site will be the first Gulliver's in the UK to encompass all of their major family entertainment elements in one location. It states that a key consideration is how the theme park and other elements and features of the long term proposals can be accommodated without significant negative effects on the existing landscape.

It states that the vehicular access is taken off Mansfield Road, and that existing Public Rights of Way across the site have been incorporated into the scheme without the need for diversions.

Statement of Community Involvement – This document outlines the public consultation that the applicants have entered into with the local communities prior to the submission of the planning application. Two rounds of consultation were undertaken in October 2015 (in respect of the initial proposal which included additional land to the west and an access off Chesterfield Road) and August 2016 (relating to latest scheme). This took the form of stake holder meetings with local councillors, businesses and organisations. A dedicated website for the project supported by social media on facebook and twitter, and public exhibitions were held in Aston, Wales, Beighton and Rotherham Town centre. Leaflet drops and publicity in local newspapers, websites, radio and television was also undertaken.

The consultation resulted in over 700 responses from the public and interested parties, raising the following comments:

1 Positive Comments – fully in favour of the development, can't wait for it to open.

2 Positive Comments with Traffic Concerns – generally think the development is a good idea, however have some concerns over the road network.

3 Traffic Concerns – have concerns on the amount of traffic on the roads already and what the development will add.

4 General Concerns – assorted concerns including wildlife, noise, house prices, bridleways, etc.

5 Negative – do not think the development is a good idea.

6 Job Requests – people looking for employment both during development and also once operational.

7 Supply Chain – local companies looking to supply the development or partnership opportunities.

8 Timeline and Application Enquires – people asking for more details on the proposals and timelines of the planning process.

The Statement of Community Involvement indicates that the scheme layout was refined to take account of comments received.

Sustainability Appraisal -This includes details of economic, social and environmental benefits which demonstrate that the proposal constitutes sustainable development.

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 'saved' policies from the Unitary Development Plan (UDP) (noted in Appendix B of the Core Strategy). The Rotherham Local Plan 'Publication Sites and Policies' was published in September 2015.

The application site is allocated as 'Green Belt' in the UDP. In addition, the Rotherham Local Plan 'Publication Sites and Policies' document also allocates the site for Green Belt purposes on the Policies Map. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS4 Green Belt

CS11 Tourism and the Visitor Economy

CS12 Managing Change in Rotherham's retail and service centres

CS14 Accessible Places and Managing Demand from Travel

CS19 CS Green Infrastructure

CS20 Biodiversity and Geodiversity

CS21 Landscape

CS23 Valuing the Historic Environment

CS24 Conserving and Enhancing the Water Environment

CS25 Dealing with Flood Risk

CS27 Community Health and Safety

CS28 Sustainable Design

CS30 Low Carbon & Renewable Energy Generation

CS33 Presumption in Favour of Sustainable Development

Unitary Development Plan 'saved' policy(s):

EC6.4 Tourism and Visitor Developments and the Environment

ENV2 Conserving the Environment

ENV2.8 Settings and Curtilages of Listed Buildings

ENV2.12 Development adjacent to Conservation Areas
ENV3.2 Minimising the Impact of Development
ENV3.4 Trees Woodlands and Hedgerows
ENV3.7 Control of Pollution
ENV4.3 Unstable Land
ENV4.4 Contaminated Land
T7 Public Rights of Way

The Rotherham Local Plan 'Publication Sites and Policies - September 2015':

None relevant.

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 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 Core Strategy/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 planning application was advertised in the press and on site (12 site notices were erected around the site and in local communities) as a departure from the Unitary Development Plan and as affecting the setting of various listed buildings. In addition, the occupiers of neighbouring properties were notified by letter.

22 letters of objection have been received, the contents are summarised below –

- Why must more open land be sacrificed, it is currently enjoyed by locals via footpaths, bridleways and national cycle network.
- The scheme allows the Council to obtain cash quickly.
- The proposal is not beneficial for the area, and without merit
- For years the site has been used for open cast mining and the noise and dirt that was associated with that, a theme park is not wanted by locals.
- Do not consider that adequate studies and investigations have been carried out, with regards to traffic, noise pollution, and ones that have been submitted appear tokenistic, and incorrect.

- The local roads are already very congested, and extremely busy in rush hour
- The site is surrounded by housing estates, not a good location for a theme park.
- The environmental impact and increased traffic is not in the interest of the local area.
- Delves Lane appears to be used as a service road to be used by lorries and waggons all times of the day/night.
- Jobs created will be low paid, minimal seasonal work.
- There is a lack of faith in the organisation to bring attention to detail, and to engage with the local community.
- How do pedestrians and cyclists access the site, it is very difficult to cross safely due to volume, speed and size of traffic, especially for people gaining access from the Aston area, will an additional pedestrian refuge islands be provided along with extending and upgrading the existing footpaths to accommodate cyclists.
- The road is very narrow under the bridge, how will it be widened?
- Why has the entrance been moved from the roundabout close to the Elmwood Farm pub? This would be a much better entrance/exit. Surely tests for contamination could be carried out to verify if pollution exists.
- During summer months Mansfield Road can be at a standstill from A57 roundabout/Mansfield Road junction right down to Rother Valley entrance, the new proposed entrance will cause mayhem.
- When the M1 is blocked commuters use the A57 and Mansfield Road as a diversion route .
- There will be noise, light and air pollution.
- Construction traffic will not be able to go under the railway bridge due to the height restriction.
- No account has been taken of traffic through Wales and Kiveton, and proposed housing in the area.
- The entrance/exit is dangerous, being on a brow of a hill and opposite the entrance of an Industrial Estate, on a very busy road.
- Numerous accidents have occurred close to the site of the proposed entrance resulting in fatalities.
- Planning Board Members should visit the site to evaluate the arguments and not rely on documents.
- The proposal has not been well publicised.
- If properties are devalued, compensation should be paid.
- The site has previously been used for a heavy industrial use – mining on a 24 hour a day basis 5.5 days a week, then for open cast mining before it was restored.
- Working people should be given the opportunity of a job.
- It is encouraging that the existing ponds and reed bed areas will be retained and utilised as an ecology area.
- The site has returning wintering bitterns since 2002. A raised viewing platform would be beneficial to enable viewing of the reed bed areas.
- Will people be stopped using the Public Rights of Way?
- Wildlife should be preserved and enhanced.
- In experience, it is seen that as a result of such developments Skylark will cease to breed on the site. Efforts should be made to protect the species.
- Measures should be taken throughout the development to enhance wildlife, and small wildlife ponds could be created near to buildings

- The land adjacent to the application site is used for industrial use, with further land allocated for industrial use, there are concerns regarding the mixture of family cars and HGVs on the road.
- The application site is lower than adjoining land off Mansfield Road and so drainage implications may exist if future development has not been factored in.
- The adjacent industrial land could be used on a 24 hour basis, which has noise and lighting implications. The proposal shows the glamping area in close proximity to this land

Wales Parish Council supports the application as it will bring much needed jobs for local people and other economic benefits, including increased trade for local businesses. A number of residents have expressed concern at the main entrance to the development being off Mansfield Road. The developer has extensive experience of managing traffic in and out of its theme parks, and Wales Parish Council understands that this aspect of the application will be carefully addressed by the Borough Council's highway engineers as part of the planning process.

Aston-cum-Aughton Parish Council have registered their full support for the regional scale leisure and tourist attraction, which would provide direct and indirect benefits. It would provide employment for local people, and benefit for local businesses.

A response has been received from some Sheffield Ward Members, who request that sufficient and clear signage is provided so that traffic does not enter Beighton Village off the A57, looking for the park entrance. If this is the case there are no objections.

Two further letters have been received from local residents who do not object to the proposals.

The applicant and one local resident have requested the right to speak at the Meeting.

Consultations

RMBC - Transportation and Highways Design - Notes that the revised Transportation Assessment (TA) concludes that the development traffic is unlikely to have a material adverse impact on the surrounding highway network, including J31 of the M1 Motorway, and the conclusions of the TA are accepted. In reaching this view the Transportation Unit has taken into account the fact that the theme park traffic will be seasonal and for the most part off peak, or in other words outside the morning peak and at weekends and during school holidays.

The Transportation Unit notes that funding for a Council scheme to introduce additional capacity at the A57/A618 and A57/B6053/B6200 junctions has formal agreement in order to facilitate development of Pit House West and Vector 31 development. This work is expected to commence early in February 2017 and will address existing problems of congestion and delay in these locations and provide additional capacity for future developments. In brief, the work involves alterations to the A618 north/A57 junction including the provision of a signal controlled pedestrian crossing of the A57 at this location. The existing roundabout at A57/A618 will be signal controlled. In addition to the above, the operation of the existing traffic signals at the Delves Lane junction with Mansfield Road will be reviewed with a view to improving traffic flow at this crossroads. Whilst it is not considered that these works are essential to make the current scheme acceptable, they will clearly improve the situation.

With regard to the proposed site access arrangement at A618 Mansfield Road, a revised layout has been submitted which incorporates recommendations outlined in a Stage 1 Safety Audit. This arrangement is acceptable in principle subject to detailed design considerations as part of a S278 Agreement.

The Transportation Unit notes that the existing vehicular accesses to the site from Delves Lane are to be used in emergencies only, although the cutting back of some vegetation will be required to render these usable by vehicles.

Access for pedestrians/cyclists along the A57/A618 between Aston/ Swallownest is far from ideal although there is an alternative route via Brookhouse Road and a Public Bridleway which is part of the Trans Pennine Trail. Whilst not an all weather route, this is considered to be a safer route for pedestrians and is suitable for use by wheelchair users. A separate footway adjacent the site access road from Mansfield Road is to be provided and an entrance barrier indicated on the Masterplan will remain in the upright position when visitors are arriving. In addition, a Travel Plan has been submitted and subject to further details is considered to be acceptable. These matters, and others such as the surfacing of vehicular areas and layout of appropriate parking, can be controlled by way of suitable conditions.

Highways England - They state that the proposed development is approximately 2km to the south west of junction 31 of the M1. A range of facilities are proposed to be contained within the complex, including indoor leisure attractions, family hotels, outdoor (camping) accommodation, a spa and fitness centre, an outdoor education centre and retail facilities.

The outcomes of the M1 J31 operational assessments that have been undertaken (and to which we can now reach agreement in relation to there being no material impact on the safe and efficient operation of the Strategic Road Network) have been founded on the A618 Growth Corridor Project improvement scheme being in place and removing the current occurrence of issues at M1 Junction 31 that occur because of downstream local network issues. As such to ensure that the outcomes that have been assessed are those that will be achieved, it is proposed that a condition relating to these improvements be attached to the permission.

South Yorkshire Passenger Transport Executive (SYPTTE) – Welcome the development, bringing jobs and tourism into the area, however note that accessibility to the site is poor in terms of the number and frequency of bus services. The preferred option would be a bus which comes into the site with stopping facilities, and the installation of information screens in staff areas to provide real time travel information. The developer must introduce measures to encourage and support the use of sustainable transport.

RMBC - Trees Service Manager – Notes that in principle there are no objections to the application subject to relevant conditions. The site contains various trees/woodlands, shrubs and hedgerows, general details of which are included in the submitted details. Generally there are 15 extensive pockets of plantation woodland being of a similar age and subject to a similar planting regime. Although the plantations comprise a good mix of native species, they comprise densely planted trees that are subsequently young and drawn. Collectively, they contribute to overall amenity and provide associated environmental and wildlife benefits. The importance of the trees/woodlands will no doubt increase and they mature and develop into attractive landscape features as was no doubt

intended when the land was originally restored. For this reason, their retention and careful management is desirable wherever possible.

The development will involve the loss of some of the existing trees/ woodlands, shrubs and hedges and this appears unavoidable to accommodate the scale of the proposed development. According to the submitted details in total 14% of the plantation area would be lost including the majority of plantation PL15, whilst plantation woodland PL4 and PL6 – PL9 are to be partially lost. This would be reduced to a net loss of 9% once replacement planting becomes established. This will result in a partial loss of woodland planting, amenity and associated benefits at least in the short term. However, the retention of the remaining areas of trees/woodlands should continue to provide a reasonably good level of amenity that should increase as the trees mature, particularly if they are managed sensitively in the future in accordance with good arboricultural / silvicultural / ecological practice. Indeed, this should also increase the quality of the remaining woodland in amenity and ecological terms in the medium to long term as indicated in the submitted details. In addition, it is noted that new tree, shrub and hedge planting is proposed as part of a landscape master plan for the development and this is welcomed to help provide future amenity and associated benefits.

The Tree Service Manager notes that it is unclear how the development will be undertaken to minimise any adverse impacts on the future prospects of any retained trees, shrubs and hedges. Therefore, it is recommended that a planning condition is included with any consent requesting the submission of an Arboricultural Method Statement.

The Tree Service Manager adds that at present it is unclear how the retained trees will be maintained in the medium to long term to ensure they develop into meaningful and sustainable woodland(s) and landscape features as intended when they were originally planted. This is important to ensure the necessary resources are allocated, as part of a development's overall financial planning. Therefore, it is recommended that a planning condition is included with any consent requesting the submission of a detailed tree/woodland management plan in accordance with industry good practice for consideration and approval.

RMBC - Landscape Design – The Landscape Unit notes that the Landscape and Visual Impact Assessment LVIA has been carried out using appropriate methodology and in line with current best practice guidance. The location of viewpoints were agreed with the applicant's landscape consultants prior to assessment work being carried out, and informed by zone of theoretical visibility study (zTV). The Landscape Unit confirm that it generally agrees with the findings of the LVIA in respect of the potential magnitude and significance of landscape and visual effects.

The LVIA predicts that “landscape effects would range from moderate adverse on site, moderate to minor adverse in relation to the Rother Valley Local Character Area (LCA) Reclaimed Woodland and minor beneficial/no noticeable effect in the context of other identified landscape receptors.” The main effects will relate to the farmland within the site, which will be lost to development. The applicant proposes mitigation measures which aim to safeguard and strengthen the remaining woodland structure planting on the site, which is a key characteristic of the LCA, and will offer wider enhancement.

Overall, these potential landscape effects are not considered to be significant in Environmental Impact Assessment terms. The retention of the majority of the existing woodland and the siting of the accommodation and leisure facilities within the wooded lower lying areas, along with the inclusion of further landscape mitigation, will result in a minor adverse effect upon the completion of all phases after 15 years.

The LVIA describes the visual effects in detail; however it would appear that there are only minor glimpse views possible of the wider leisure and accommodation facilities within the wooded valley. This is largely due to the topography and existing wooded areas providing screening. Overall, the visual effect for the elements of the development to which this application relates is considered negligible upon completion of all phases after 15 years. The theme park rides & buildings, and in particular the observation tower ride, are the tallest features of the development (up to 40m). The existing woodland blocks and topography offer screening and contribute to minimising the visual effects considerably with effects ranging from 'Moderate adverse' effects reducing to 'Minor adverse' over time for Residents on the western edge of Wales, to Minor adverse effects becoming Negligible on completion for residential receptors to the north & west of the site, (Swallownest, Aston Common, and Sothall).

A similar level of effect would be experienced by users of the Rother Valley Country Park, Sustrans routes 6 and 67, the Cuckoo Way and the A57. The greatest effects would be experienced by residential receptors on Delves Lane & Wales Bar, the potential visual effects during construction being Major adverse reducing to Moderate adverse upon completion due to the prominence of the Lilliput Castle Hotel and theme park hub. The initial effects on properties at Wales Bar and Delves Lane would be significant, but upon completion (+15years) the effects would no longer be considered significant as the structural landscaping matures.

Given the site character and the context of the wider leisure accommodation development within the existing wooded valley it is important that the architecture reinforces and enhances this character. The Landscape Unit asks that consideration be given to the use of green roofs particularly in areas where the buildings are proposed to have a woodland/ natural or ecological theme. This could also help to mitigate the loss of grassland habitat across the development, reduce heat loss and delay surface water runoff.

Opportunities for advanced structure planting should also be explored, particularly along Delves Lane, and that the entrance landscaping of the development is carefully considered to further mitigate any close range adverse visual impacts. In addition planting phases should be grouped to help mitigate and provide screening as early as possible to minimise landscape and visual effects. The larger scale Strategic Landscape Masterplan now provided identifies locations of retained vegetation and proposed locations for key planting / landscape types. More detailed landscape proposals can be secured via the planning condition.

RMBC - Ecologist – Is satisfied that the Ecological report is a good and proper record of what is on the site, and subject to the agreed further work to be secured via conditions raises no objections. He considers that the bird data in the report is acceptable and that existing records have been thoroughly analysed. Wintering birds are of high important at the site due to the presence of annual over-wintering bittern.

RMBC - Drainage – No objections subject to recommended conditions.

Environment Agency – No objections subject to recommended conditions to ensure that the proposal does not pose an unacceptable risk to the environment.

RMBC - Public Rights of Way– Has no objections to the proposals. Notes that none of the existing Public Rights of Way that cross the site would be affected by the proposed development and as such no formal closure orders would be required. The PROW team welcomes the retention of courtesy paths across the site where public access will be retained by the applicant, and the provision for access for all at the site. Management arrangements for controlling access is welcomed

Historic England – Notes that this large application site lies within the setting of a number of designated heritage assets including the Church of St Mary the Virgin, (Beighton) Grade II* listed and the Church of St John the Baptist, Grade II* listed. Historic England has no objections in principle to the proposed development, however they note the theme park will comprise of a number of substantial structures including a 20 metre high fairytale castle, 25 metre high rides and a 40m high observation tower.

Historic England has had regard to the information submitted by the applicant and notes that, whilst glimpses of the observation tower may be possible from a number of listed buildings, they consider the proposed family entertainment theme park will result in negligible harm to the significance of the listed buildings. They confirm that they support the proposed development.

RMBC - Contaminated Land – Notes that the proposed redevelopment of the site will consist of a commercial (leisure)/residential (overnight accommodation) end use with a number of buildings and structures being constructed to support this use. The application site has been subject to a significant industrial past including a colliery and both underground and opencast mining. Colliery spoil disposal, slurry ponds and a railway line have also occupied the site. Although the site has been restored to a public open space, site investigations are now required to ensure the site is suitable for the proposed commercial/residential (in parts) end use. Based on the information available it is considered there is potential for contamination to exist at the site which could impact on human health and the environment which may need to be addressed. These can be addressed by way of suitable planning conditions.

RMBC - Environmental Health – Raises no objections in terms of the impact of the development on nearby residents subject to the relevant informatives. In terms of impact on air pollution, no objections are raised subject to the provision of a Travel Plan, to include a designated car parking area within the main car park for electric and low emission vehicle parking, within which a number of electric vehicle re-charging points shall be installed and made available for visitors; use of workplace pooled low emission vehicles for all off site trips; use of electric vehicles for on site operational works. These are all set out in the applicant's Air Quality Assessment.

Natural England - Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

South Yorkshire Archaeology Service – Raise no objections subject to condition.

Network Rail – Raise no objection with reference to the protection of the railway subject to requirements to be met. They go on to state that given the size and proximity of the

development in relation to the railway they considered that there may be significant impacts on both Kiveton Bridge and Woodhouse railway stations. They therefore request that a contribution is sought from the developer towards station facility improvements.

South Yorkshire Police – Note that all buildings should be built to Secure by Design standards and all car parks should be to Safer Parking Standards.

South Yorkshire Mining Advisory Service (SYMAS) – Raise no objections subject to the development being carried out in accordance with the Phase 1 Geo-Environmental Study, which sets out the various issues to be addressed by way of the mining legacy for the area and indicates what measures will be taken to competently address those issues.

Yorkshire Water – Raise no objections subject to relevant conditions.

Coal Authority – Raise no object subject to relevant conditions requiring investigation of the mine entries, the 'high wall' and shallow coal mine workings and carry out any required remediation. Building over or within the influencing distance of a mine entry or 'high wall' will only be permissible when expert advice allows a suitable engineering design to be developed and agreed to take account of all the relevant safety and environmental risk factors including gas and mine-water.

Campaign to Protect Rural England (CPRE) - Acknowledge that a commercial tourism and recreation development is an appropriate use of Green Belt land in principle, provided that it does not harm the openness of the Green Belt or the purpose of including the land within it. In this context they are pleased that the applicant has limited built development to a portion of the site, particularly leaving the wooded and wetland areas largely unaffected. In designing this scheme the applicant has clearly sought to be sensitive to the landscape, and CPRE consider it to be much more appropriate than previous proposals for the site.

Sheffield and Rotherham Wildlife Trust – Do not object to the application however have made numerous comments. They state that they are largely impressed by the attitude of Gulliver's in showing willingness to work with the landscape, to preserve the best area of the site for wildlife and to manage the areas that will not be subject to intense development. Access will also be maintained for public rights of way for people who currently enjoy the site as a green space. Gulliver's are also keen to include environmental education as part of the proposal. The ecological surveying and management of the site to secure the long term ecological future of the site is welcomed.

The Trust notes that it should still be recognised that this is a major development in a green space within the green belt that currently provides habitat for a range of biodiversity, especially birds. Local birders have recorded over 100 species of birds using the site, making it one of the best sites for birds in Rotherham. Detailed comments are submitted which focus on recognising this importance, the potential impacts on the birds and ensuring that appropriate level of mitigation, compensation, monitoring and long term management are put in place.

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 issues to take into consideration in the determination of the application are –

- The principle of the development in this Green Belt location.
- The inclusion of main town centre uses in this out of town location.
- Transportation issues.
- Design and visual appearance.
- Drainage and flood issues.
- Landscape.
- Ecology.
- General amenity issues (noise, dust and air quality).
- Geotechnical and contamination issues.
- Heritage issues.
- Other matters
- Planning obligation.

The principle of the development in this Green Belt location

The application site is allocated as Green Belt land within the adopted Rotherham Unitary Development Plan. The National Planning Practice Guidance (NPPF) states that the Government attaches great importance to Green Belts, and that once they have been defined, local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access, to provide opportunities for outdoor sport and recreation, to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged or derelict land.

Core Strategy Policy CS4 Green belts states that land within Rotherham's Green Belt will be protected from inappropriate development as set out in national planning policy. The NPPF states at paragraph 89 that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. It then sets out exceptions to this, and these include "provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it."

Whilst some of the proposed development could be argued to provide appropriate facilities for outdoor recreation, the majority does not, such as the proposed hotels. In any event, the provision of the significant built form on the site would not preserve the openness of the Green Belt and would conflict with the purposes of including land within the Green Belt, including the safeguarding of the countryside from encroachment. As such, the proposal represents inappropriate development in the Green Belt and very special circumstances need to be demonstrated to overcome the harm caused. In terms of the other purposes for including land within the Green Belt, the development as a whole is not considered to be appropriate to be located within an urban area, and the development would not lead to urban sprawl, nor would it lead to neighbouring towns merging into one another.

Paragraph 87 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 goes on to state that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

In this instance, Core Strategy Policy CS11 'Tourism and the Visitor Economy' states: "The Council recognises the contribution that tourism can make to sustainable economic development and job creation. The Council will support development proposals for hotels, conference centres, leisure-related tourism facilities, transport facilities, camping and caravanning sites and visitor accommodation in appropriate locations. Proposals focused on the borough's canals and rivers will be supported where they can be delivered safely and in line with relevant flood risk policy.

Tourism and visitor developments will be supported which;

- a. improve the quality and offer of Rotherham's visitor economy
- b. improve the image and perception of Rotherham and promote the borough as a visitor destination
- c. attract investment to the local area and increase job creation
- d. increase the skills base in tourism associated areas
- e. enhance and conserve the borough's urban and rural heritage, and utilize existing or replacement buildings wherever possible, particularly outside of existing settlements
- g. are consistent with town centre regeneration objectives
- h. enhance the character and role of Rotherham's country parks, including the provision of appropriate additional recreation, leisure and tourist facilities.

The Council will support proposals for a comprehensive, regional scale leisure and tourist attraction north of Rother Valley Country Park compatible with its location within the Green Belt.

In considering the appropriateness of the location of proposed tourism and visitor developments regard will be had to the proximity to existing and connectivity with other visitor attractions, destinations and amenities, particularly by public transport, walking and cycling."

The supporting text to CS11 notes that: "5.4.32 In addition to existing facilities, in 2011 the Council granted outline planning permission for a regional leisure and tourist attraction. If delivered, the development, adjacent to Rother Valley Country Park, would provide a mix of themed leisure and recreation experiences, and contribute to Rotherham's local economy by attracting visitors and creating new employment opportunities."

UDP Policy EC6.4 Tourism and Visitor Developments and the Environment states that all such proposals shall be assessed against the capacity of the area to cope with the pressures generated and will be required to demonstrate, amongst other things, that they respect the form character and setting of any settlement involved; do not conflict with policies to conserve the natural environment and heritage; conform with policies for transport and public transport and conflict with surrounding land uses is minimised. Many of these issues are addressed in the report below.

The proposed development (in association with the theme park proposals submitted under planning application RB2016/1455) is therefore considered to comply with Core Strategy Policy CS11.

In addition, paragraph 18 of the NPPF states that the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of low carbon future. Paragraph 19 of the NPPF also adds that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

The economic benefits of the proposed development are both direct and indirect benefits. The proposal will positively contribute to the local economy and tourism opportunities with a diverse range of job opportunities created both within the construction and operational phases, and will create up to 125 full time jobs and 325 part time jobs. The proposal will attract tourists to Rotherham which would be beneficial for the local economy.

It is therefore considered that the reasons above should be given significant weight when considering the application, and that they amount to very special circumstances which outweigh the potential harm to the Green Belt by reason of inappropriateness, and other harm.

The proposal is therefore considered to comply with policies within the NPPF and Core Strategy Policy CS4.

The inclusion of main town centre uses in this out of town location.

The proposal includes uses which are classed as main town centre uses in the NPPF in the form of retail, leisure, entertainment facilities and recreation uses, restaurants, bars and tourism developments including hotels. Paragraph 24 of the NPPF states that local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.

Paragraph 26 of the NPPF states that when assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq m). This should include assessment of:

- 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
- the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five

years, the impact should also be assessed up to ten years from the time the application is made

Core Strategy Policy. CS12 Managing Change in Rotherham's retail and service centres has a similar aim to the NPPF, however it identifies a lower locally set threshold for the need for an Impact Assessment of 500sqm of retail, leisure or office development.

In this regard it is considered that the proposal is for a large regional scale tourist development, and all the proposed elements are required to be located within the same site to provide the offer as proposed. The retail, food outlets and hotels are ancillary and complementary to the tourist development site as a whole, and are not considered to be destinations in their own right. It is considered that the individual uses could not be disaggregated, and furthermore the application site is identified as a location for such a regional scale tourist development. It is therefore considered that the sequential test can be satisfied and that the proposal is unlikely to have a significant adverse impact on factors listed above.

The Town and Country Planning (Consultation)(Direction) 2009 requires applications that include retail, leisure or office use with a floor space exceeding 5,000 means in an out of centre location to be referred to the Secretary of State as a departure, as occurred with the YES project. However in respect of this application (which primarily consists of hotel and other forms of accommodation) the threshold is not reached.

Transportation issues

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.

Core Strategy Policy CS14 Accessible Places and Managing Demand for Travel aims to make places more accessible and to change travel behaviour. It states that development should be in an accessible location and should enable walking and cycling to be used. Employers should adopt Travel Plans to promote sustainable travel. It states that larger developments should be supported by Transport Assessments.

The application was supported by a Transport Assessment as part of the Environmental Statement which considered the potential traffic and transport effects associated with the proposed development.

It indicates that highway access to the site will be provided via a junction with the A618 Mansfield Road with separate entrance and exit points. There have been numerous objections to the application stating that the access is dangerous as it is in close proximity to other road junctions, on a hill and that the road narrows underneath the railway bridge, along with numerous accidents, some fatal, that have occurred in this vicinity on Mansfield Road in the past. Since the submission of the application the applicants have been

requested to carry out and submit a Stage 1 Road Safety Audit for the proposed access arrangements at Mansfield Road.

This Audit raised issues that have been accepted by the applicant and designed into the scheme to provide an amended access design. Whilst it is noted that accidents have previously occurred on Mansfield Road, the submitted Road Safety Audit, and subsequent amended access arrangements indicate that the access is acceptable for the proposed development in highway safety terms.

Numerous objections state that the development would be better accessed off the existing roundabout on Chesterfield Road to the north west of the site. Prior to the submission of the planning application this access had been under consideration by the applicant. However, as a result of comments received at the pre-application public consultation on the development proposals and information gained during Gulliver's due diligence exercise that identified potential ground contamination on the site, Gulliver's submitted the planning application based on a smaller site area excluding approximately 29 hectares close to the roundabout. This excluded area is outside the planning application site.

In relation to capacity issues, the existing traffic on the surrounding highway network has been assessed along with traffic growth and the predicted development traffic to establish the likely impact of the proposed development traffic on the surrounding road network. Since the submission of the application the applicant has undertaken further analysis work at the request of the Local Planning Authority in relation to Rotherham's roads, and Highways England in relation to the Strategic Road Network, the M1 and specifically Junction 31.

The further assessment work shows the impact of the development traffic, whilst having regard to proposed highway improvement measures on the A57 corridor which the Council intends to commence in early February 2017. This assessment concludes that the development traffic is unlikely to have a material adverse impact on the surrounding highway network, including Junction 31 of the M1 Motorway. This takes account of the fact that the theme park traffic will be seasonal and for the most part off peak ie. outside the AM peak, and at weekends and during school holidays.

Objections have been received to the planning application on the grounds of existing congestion along, and within the vicinity of, Mansfield Road. Many have highlighted problems with queuing traffic from the A57 to Rother Valley, problems accessing/egressing residential drives on Mansfield Road, and delays at the Delves Lane traffic lights. Many also raise problems with congestion around the site when there is an incident on the motorway causing much more traffic than normal to use the local road network. These objections state that traffic situation would be made worse by the proposed development.

However it must be noted that the Council scheme, which will incorporate highway improvement measures on the A57 corridor, will address existing problems of congestion and delay by providing additional capacity at the A57/A618 junctions, thereby facilitating development of the application site and Vector 31 development sites which is close by. In brief, the work involves alterations to the A618 north/A57 junction including the provision of a signal controlled pedestrian crossing of the A57 at this location and co-ordinating this junction with the existing roundabout at A57/A618 which is to be signalised. In addition to the above, the operation of the existing traffic signals at the Delves Lane junction with Mansfield Road will be reviewed with a view to improving traffic flow at this crossroads.

The A57/Chesterfield Road/B6200/B6053 Roundabout has been modelled and this shows continuing growth of queuing due to background traffic growth.

The Gulliver's development traffic has only a marginal negative effect on this junction though white line improvements to this junction are intended to be commenced in the next few weeks and would be completed prior to the development being brought into use.

With regards to motorway traffic using local road networks in the event of an accident/closure, this is not on a regular basis and is likely to happen on all local road networks close to the motorway. It is not an issue to be considered as part of the determination of this planning application.

It is also noted that objections have been received on the grounds of service accesses being shown off Delves Lane. It has been confirmed by the applicant that all servicing will be via the main entrance off Mansfield Road, and that the access points from Delves Lane would only be used in the case of an emergency. This can be secured by planning condition.

With regards to sustainable access, public transport provision to the site is considered to be fair, there is one bus service that has a weekday daytime frequency of 3 per hour in each direction, reducing to 2 per hour on Saturday and 1 per hour on Sunday. The developer will provide a facility for a bus provider to enter the site and drop off if they so wish, and other methods to promote sustainable development would be included within a Travel Plan.

Network Rail has made a request for a financial contribution for station improvements to both Kiveton Bridge and Woodhouse Stations as part of the development proposal. The applicant has noted that both railway stations are unmanned and have a limited service available on Sundays, no trains until after 2pm. They also note that the stations have limited bus services available to serve the proposed development and are located too far away to walk to and from. They also state that evidence from their existing three parks shows that a limited number of visitors travel by train. For these reasons the Local Planning Authority consider that such a financial contribution is not necessary to make the development acceptable.

Paragraph 75 of the NPPF states that policies should protect and enhance public rights of way and access, and UDP Policy T7 states that The Council will safeguard, maintain promote and, where appropriate, create footpaths, cycleways and bridle ways as a means of serving the community. With regards to access for pedestrians/cyclists along the A57/A618 between the site and Aston/Swallownest, this is far from ideal although there is an alternative route via Brookhouse Road and a Public Bridleway which is part of the Trans Pennine Trail. Whilst not an all weather route, this is considered to be a safer route for pedestrians and is suitable for use by wheelchair users. A separate footway adjacent the site access road from Mansfield Road is to be provided.

The whole of the development has been planned to ensure that the exact definitive lines of existing public rights of way are incorporated, and all remain open during the development phases. Additionally, the developer promotes an "access for all" approach and they aim to make footpaths and cycle ways within the site wheelchair friendly wherever safe to do so.

It is therefore considered that the Transport Assessment and its Addendum, along with the Stage 1 Road Safety Audit, indicate that the proposal is acceptable from a highway

safety and transportation aspect, and meets the aims of policies in the NPPF, Core Strategy Policy CS14 and UDP Policy T7.

Design and visual appearance

Paragraph 56 of the NPPF states 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.

Core Strategy Policy CS28 Sustainable Design states that proposals for development should respect and enhance the distinctive features of Rotherham. They should develop a strong sense of place with a high quality of public realm and well designed buildings within a clear framework of routes and spaces. Development proposals will be expected to secure sustainable design and construction, ensuring the flexibility and adaptability of new development and increasing the energy and water efficiency of buildings.

Policy CS30 Low Carbon & Renewable Energy Generation states that developments should seek to reduce carbon dioxide emissions through the inclusion of measures, minimising energy requirements through sustainable design and construction and incorporating low carbon and renewable energy sources.

This application seeks permission for the use of this large site as a theme park with associated hotels, lodges and glamping. The applicant is Gulliver's and the proposal is for an attraction aimed at 2 to 13 year olds, the theme park will include rides, attractions, soft play areas centred on themed areas around a main fairy-tale castle. The proposal includes the erection of up to 20,000sqm of buildings to be constructed on the site, most of which would not exceed 10-15m in height, although Gulliver's Lilliput Castle would be 20m high and some rides would be 25m and an observation tower of 40m high is proposed and would be the tallest building on the site. The theme park area will include approximately 40 rides and attractions within 5 key ride areas, as well as a number of stalls, booths and catering buildings.

The application site has a varied landscaped with a range of different topography, which means that much of the built development can be located on lower parts of the site which cannot readily be seen from outside the site. However there are areas of the proposal which will be seen from local areas and roads.

The design of the buildings proposed differs significantly from any buildings within the area as they are designed in themed areas, to include themes such as fairy tales, the Wild West, wilderness and other children's themes. The buildings use a mixture of materials, and incorporate a large amount of wood and natural materials. The majority of building materials are neutral in colour, however some of the feature buildings are more brightly coloured dependent on the theme.

Whilst the design of the proposal does not enhance the distinctive features of Rotherham, it is considered that this themed regional scale leisure development should be assessed as a stand-alone development in design terms taking into account the theme of the whole scheme. Some of the buildings/structures will be visible from outside the site, but generally only from distant views.

The application has been submitted with a Sustainability Appraisal which states that renewable solutions and sustainable building techniques will be incorporated into the project, these will include the use of sustainability sources timber; heat and air source pumps; grey water recycling and other design features to minimise and mitigate impacts of climate change. This shows a commitment to securing sustainable design and construction measures and to reducing carbon dioxide emissions consistent with the aims of Core Strategy Policies CS28 and CS30.

Drainage and flood issues

Paragraph 103 of the NPPF states that when determining planning applications local planning authorities should ensure flood risk is not increased elsewhere.

Core Strategy Policy CS25 Dealing with Flood Risk states that proposals will be supported which ensure that new development is not subject to unacceptable levels of flood risk elsewhere and, where possible achieves reductions in flood risk overall.

Policy CS24 relates to the conservation and enhancement of water environment. This includes the conservation and enhancement of water quality and the ecological value of the water environment, including watercourse corridors. The policy also makes mention of the improvement of water quality through the incorporation of Suitable Urban Drainage Systems (SUDS), or other sustainable drainage techniques.

The Environmental Statement submitted with the application includes a chapter on Flood Risk and Drainage, and A Flood Risk Assessment has been prepared. The site contains several watercourses, and the Pigeon Bridge Brook and associated land drainage and surface water features within the site have all been created as part of the engineering restoration of the former opencast coal site.

The Environmental Statement states that the proposed development would be designed with appropriate foul sewerage and surface water treatment. Pollution prevention measures would be implemented during construction and operation which would prevent polluting materials from entering into the water environment or minimise and remedy the impact if accidental pollution were to occur.

The majority of the application site is located within Flood Zone 1 (less than 0.1% chance of flooding in any year) on the Environment Agencies Flood Maps. A very small section of the site along Pigeon Brook is located within Flood Zone 3, (at a 1% or greater probability of flooding in any year) however this part of the site is not to be developed as part of this application.

The Flood Risk Assessment indicates that surface water runoff from the development will be discharged to the Pigeon Bridge Brook by gravity. Fluvial flooding, groundwater flooding and foul sewerage are not considered as being likely to cause potential effects in either the construction or operational phase.

The Environmental Statement notes that mitigation measures are proposed within the construction phase, with works being controlled by the application of procedures set out in a Construction Environmental Management Plan.

The Environmental Statement states that during the operation of the development sustainable urban drainage (SuDS) techniques for the disposal of surface water run-off have been considered as they mimic natural drainage by using open ditches, swales and basins to convey and store storm water and also to treat the water by removing pollutants.

Foul sewers from the hotels and other buildings will run by gravity to pumping station in the western corner of the site.

A representation has been received on behalf of the adjacent land owner, Vector 31, which is allocated for Industrial and Business Use within the Development Plan. This states that the application site is set at a lower level than their development site, and after assessing the submitted information they have queries if the design concept allows them to discharge further upstream to the watercourse which flows through the application site. The Council's Drainage Engineer has considered the representations put forward and has stated that the Gulliver's development drainage infrastructure is predominantly off-line from the watercourse and will therefore not affect it in any way that would compromise any future upstream development.

It is considered that with appropriate proposed mitigation the development during both the construction and operation phase will not have a significant adverse impact of flooding on the site or elsewhere, or on the hydrology and hydrogeology environment. It is therefore considered that the proposal complies with policies contained within the NPPF as well as Core Strategy Policies CS24 and CS25.

Landscape and visual impact

NPPF paragraph 109 states that the planning system should contribute to and enhance the natural local environment by protecting and enhancing valued landscapes.

Core Strategy Policy CS19 Green Infrastructure states that Rotherham's network of Green Infrastructure Assets, including the Strategic Green Infrastructure Corridors, will be conserved, extended, managed and maintained throughout the borough.

UDP Policy ENV2 Conserving the Environment and ENV 3.2 Minimising the Impact of Development both seek to minimise any adverse impacts of developments on the environment, and aim to protect resources whilst supporting appropriate development.

UDP Policy ENV3.4 Trees Woodlands and Hedgerows seeks to promote and enhance tree, woodland and hedgerow coverage throughout the Borough.

Core Strategy CS21 Landscapes states that new developments will be required to safeguard and enhance the quality, character, distinctiveness and amenity value of the boroughs landscapes.

Whilst the site is within the Green Belt it is noted that is not designated as an Area of High Landscape Value as it is a former restoration site, and much of the landscaping on the site is relatively immature. The undulating land levels have also allowed the development to be designed to ensure that developed areas are located so to minimise visual impacts where possible.

The site and the surrounding river Rother corridor lie within a regionally important strategic Green Infrastructure corridor, the key enhancement opportunities for this Green Infrastructure corridor are to increase linkages between the river and surrounding water and wetland sites, enhancing current recreational opportunities sensitively, and securing the long term management of the Green Infrastructure assets.

The key considerations for landscape and visual effects is how the theme park and other elements and features of the long term proposals can be accommodated without significant negative effects on the existing Landscape Character. The site itself is a low lying restored colliery site (Pithouse West) with a combination of open grassland, wetland and juvenile woodland areas. The site lies within the Landscape Character Area 7, 'Rother Valley Reclaimed Farmland'. The character area is assessed as being of moderate sensitivity to change from development.

The application includes a Landscape Visual Impact Assessment within the Environmental Statement which has been carried out using appropriate methodology, and the agreed viewpoints were informed by zone of theoretical visibility study. The Environmental Statement outlines the impacts of the development both in the construction and operational phase. The impacts during the construction phase are highlighted as being uncharacteristic features such as hoardings and lighting, temporary storage of materials, construction plant and traffic, and site buildings. During the operation phase the impacts would be the loss of landscape features and vegetation, the introduction of new structures and buildings and the introduction of roads, vehicles and lighting.

The Environmental Statement indicates that the development of the site will mainly affect the plateau and wooded ridge parts of the site. Development within the plateau will include the Theme Park where the entrance hub will be 8m high with themed towers of 18m high, and the Lilliput Castle Hotel which will be 20m high, and associated rides mainly up to 15m high, with a small section being up to 25m in height, as well as car parking. Development within the wooded ridge will include the Adventure Theme Park on the highest point with an entrance hub of 8m high and the Observation Tower at 40m high and associated rides within Gulliver's Gears. Other areas of open land will be developed to provide the Wild West Hotel (10m high), the Wilderness Hotel (10m high) and the Ecology Centre.

It goes on to state that the development has been planned around the strong existing woodland structure, and whilst open land would no longer be an element of the landscape, tree loss would be minimised and enhancements would include substantial replacement tree and woodland planting, and areas of wildflower meadows, which will contribute to the character. The net loss of plantation woodland within the development is proposed to be 9%, however mitigation measures will include the planting of approximately 250 trees, enhancement of 0.9 hectares of grassland and the retention/enhancement of 11.5 hectares of scrubland. Whilst this would lead to a partial loss in the short term, the retention of the remaining areas or trees/woodlands should continue to provide a good level of amenity that should increase as the trees mature. It is also noted that new tree, shrub and hedge planting is proposed as part of the landscape masterplan for the site that is welcome to help provide future amenity and associated benefits.

It is considered that the main effects will relate to the farmland within the site, which will be lost to development. The applicant proposes mitigation measures which aim to safeguard and strengthen the remaining woodland structure planting on the site, which is a key characteristic of the Landscape Character Area, and will offer wider enhancement.

Overall, the potential landscape effects are not considered to be significant in Environmental Impact Assessment terms. It is considered that the retention of the majority of the existing woodland and the siting of much of the accommodation and leisure facilities within the wooded lower lying areas, along with the inclusion of further landscape

mitigation, will result in a minor adverse effect upon the completion of all phases after 15 years.

The effects on visual amenity during the construction phase are considered to be greatest within the first phase during the installation of the access road and the Theme Park Hub within the plateau landscape. These changes will be evident in both long distance and close range views. With regards to the operational phase, the development will be visible from different locations, many views from a distance, and in the context of other built elements including A57 and industrial units at Wales Common. The proposed planting will also assist in screening parts of the development in the longer term.

The Environmental Statement states that close-range views of the development will be afforded from properties at Wales Bar and Waleswood as well as some on Delves Lane, primarily in the form of the Lilliput Castle Hotel and the Theme Park Hub, associated rides and infrastructure including landscaping. The Environmental Statement considered that the magnitude of visual change will be high adverse, generating a major adverse effect, although these effects would cease to be significant by year 15.

It is also considered that due to the topography of the site, that existing wooded areas would provide significant screening of the development, to minimise the visual impact of the scheme. Additional to this a condition is recommended to secure advanced structural planting to help mitigate and provide additional screening to minimise landscape and visual impacts. The proposal to incorporate green roofs into the design of buildings in areas where the buildings are proposed to have a wooded/natural or ecological theme is also beneficial and could help mitigate the loss of grassland habitat across the development.

It is therefore considered that the proposal conforms with policies in the NPPF and complies with the aims of UDP Policies ENV2, ENV3.22, ENV3.4 and Core Strategy Policies CS19 and CS21.

Ecology

NPPF paragraph 109 states that the planning system should contribute to and enhance the natural local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity.

Paragraph 118 of the NPPF states that when determining planning application, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles –

- if significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort, compensated for, then planning permission should be refused.
- opportunities to incorporate biodiversity in and around developments should be encouraged

Core Strategy Policy CS20 Biodiversity and Geodiversity states that the Council will conserve and enhance Rotherham's natural environment. Biodiversity and geodiversity resources will be protected and measures will be taken to enhance these resources in terms of nationally and locally prioritised sites, habitats and features and protected and priority species.

The application has been submitted with an Environmental Statement which includes a chapter on Ecology which considers the potential effects on habitats and protected or notable species. The surveys carried out include desktop surveys, habitat surveys and faunal surveys.

The Environmental Statement states that the site contains a number of habitats and important features such as woodland, grassland, scrub, ponds, watercourses/ditches and hedgerows which are all considered to be of local importance. Additionally the habitats on the site could support foraging and commuting bats, badgers, amphibians and reptiles which are considered to be of local importance.

Birds recorded at the site are considered to be of ecological importance include Skylark, Song Thrush, Willow Tit, Linnet, Bullfinch, Reed Bunting and Yellowhammer. Additionally, it is known that Bittern has used the site over the past 10 years, specifically in one large pond with associated reed beds, Pond 6 to the north west of the site. Four nationally scarce species of invertebrates were recorded at the site; both birds and invertebrates are therefore considered to be of County importance.

The Environmental Statement indicates that if the site remains undeveloped the woodlands, scrub areas and watercourses and ponds could adversely impact on habitats due to the lack of management, and importantly the lack of management of the reed beds could have a detrimental effect on the Bittern.

It also states that the construction phase of the proposal is not considered to impact on any Statutory Designated, or Non-Statutory Designated sites, beyond the application site, but it would have an effect on habitats on the site, although such effects would be temporary in nature and unlikely to result in any long-term deterioration of these habitats. The construction activity could affect bats, badgers, other mammals, amphibians, reptiles, invertebrates and birds. Particularly the Bittern could be affected by over winter construction activity in the vicinity of the pond/reed beds to the north having the potential to disturb the species and deter overwintering behaviour at the site. For this reason, constraints on site clearance and development in this area should ensure that there is no activity in this area during the months when the Bittern may be present, this can be achieved by the imposition of a condition.

With regards to the completed development this would lead to the loss of habitats through permanent land take, in addition to operational effects such as recreational pressures as well as noise and light disturbance.

The proposed Masterplan incorporates mitigation measures which include the retention, management and enhancement of key habitats, the safeguarding of watercourses by a 10m no build buffer along the majority of the Pigeon Brook corridor. Additionally, in relation to the Bittern no built development is proposed within 30m of the pond/reed beds where the Bittern is known to overwinter, to minimise any risk of deterring the bird from using the site, and nearby buildings will blend into the landscapes with the use of green roofs.

The Environmental Statement notes that the operational phase of the development is not considered to impact on any Statutory Designated, or Non-Statutory Designated sites beyond the application site. The main impact of the operation effects is considered to be the permanent loss of habitat, together with the anthropogenic effects from areas of built development.

Whilst the proposal will result in the loss of some woodland, grassland and scrub areas, the remaining areas will benefit from ecologically sensitive management, which will be implemented as part of the proposal.

One pond is to be lost as part of the proposal, and the remaining ponds may be subject to increased run off, however they will be retained within a green corridor, with no build buffer zones and managed to increase their overall ecological value. A buffer zone will be created around Pigeon Brook watercourse, however opportunities to increase the length of the watercourse will be sought to the east of the site, along with new reed bed planting in an effort to aid filtration of pollution from offsite sources. Ecological management will also enhance the value of this habitat.

The Environmental Statement proposes that the orchids within the footprint of the development will be relocated to suitable areas of the wildflower grasslands, and will be subject to suitable ongoing management to ensure the species remain on the site in the long term.

Foraging bats can be effected by light spillage from developments, as such spillage into habitat areas should be mitigated for. Lighting on roads could impact badgers, however the use of the site by badgers is considered very low and the large areas of remaining suitable habitat to be retained and enhanced is considered to mitigate any impact.

Other mammals may also be subject to effects such as noise and light disturbance from the development, and amphibians may be affected by the loss in habitat, although habitat to be retained will be enhanced and all such species are likely to be common in the local area.

The proposed development will result in the permanent loss of grass land and small areas of woodland which would reduce the potential areas for nesting and foraging for some species. However the majority of habitat of value is to be retained and enhanced. The theme park is largely located away from the areas of highest value to birds, as such noise is unlikely to have a significant impact on the birds.

The Environmental Statement notes that, in particular Willow Tit will not be adversely affected due to the retention and enhancement of the wooded habitat. Areas of grassland used for nesting Sky lark will be lost, however areas to be retained will be subject to management for the benefit of wildlife, and these areas will be of elevated value to this species.

The bittern is isolated to one pond on the site P6, and the proposal indicates a hotel approximately 30m from this pond. However a band of existing scrub will be retained to screen any recreational disturbance together with the use of green roof and walls on the hotel, will minimise any impact.

Pigeon Brook and the ponds along it have been recorded as supporting four nationally scarce species of invertebrates, however these are to be retained and enhanced to allow such opportunities to be afforded on the site.

In accordance with the submitted Environmental Statement, if planning permission is to be granted a Habitat Management Plan, Biodiversity Enhancement Plan and Ecological

Mitigation and Management Plan should be submitted to ensure that mitigation measures detailed in the Environmental Statement are undertaken.

Representations have been received to the application in regards to ecological issues, they state that they are encouraged the ponds and reed beds are to be retained and enhances, and a request for a raised platform to view the Bittern has been made. The proposal incorporates many measures with the aim of enhancing habitats, and to protect the overwintering site of the Bittern. Whilst the proposal does not include a viewing platform, it does include an Ecology Centre which will increase the knowledge and awareness of the ecological valuable species on the site. Additionally, management, and the provision of additional reed beds is considered to be of a significant ecological benefit to the site, and particularly the over wintering Bittern.

A representation also refers to the protection of Skylarks at the site, it is noted that whilst some of the grass land where they may nest is to be lost, there are significant other areas within the site to be retained and enhanced to enable their ongoing use of the site.

A lengthy representation to the application has been received from Sheffield and Rotherham Wildlife Trust, in which they state that they do not object to the application, although they make a number of comments. They initially state that they have been largely impressed by the attitude of Gulliver's in showing willingness to work with the landscape, to preserve the best areas of the site for wildlife and to manage the areas that will not be subject to intense development, and their keenness to include environmental education as part of the proposal. They welcome the ecological surveying and management of the site to secure the long-term ecological future of the site.

However they note that the site, within the green belt is one of the best sites in Rotherham for birds, and they make detailed comments, mainly focused on recognition of this importance, the potential impacts on birds and ensuring that appropriate level of mitigation, compensation, monitoring and long term management are put in place.

The representation looks at the submitted Environmental Statement in great detail, and addresses and challenges many points made. The full details submitted by the Wildlife Trust have been assessed by the Council's Ecologist who considered that they do not raise any new issues that have not been assessed, and whilst there may be variations of opinions on issues/ methodologies, the Council's Ecologist considers that the submitted information in the Environmental Statement is robust and appropriate and acceptable to allow a full assessment of the application.

The Wildlife Trust have requested that compensation for the loss of habitat be provided as part of this application on the land adjacent to the application site or via a financial contribution to a nearby local wildlife site. In response to this it is noted that the adjacent land is not in the ownership of the applicant and does not form part of the application site. More importantly, it is considered that the proposed development along with proposed management, enhancement and mitigation measures, provides the opportunity for net gain, and even significant net gain on the site for biodiversity. Furthermore, the proposal includes the provision of an Ecology Centre which will be used for educational purposes promoting the biodiversity features of the site. The Local Planning Authority does not consider that such compensation is required to render the proposal acceptable in this regard.

It is therefore considered that the proposal complies with policies set out in the NPPF, and the aims of Core Strategy CS20.

General amenity issues (noise, dust, air pollution)

Paragraph 109 states that the planning system should contribute to and enhance the natural local environment by preventing new developments from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of air or noise pollution.

Paragraph 123 of the NPPF states that planning decisions should avoid noise giving rise to significant impacts on health and quality of life as a result of new development.

Paragraph 24 goes on to state that planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan. Paragraph 125 states that planning decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

UDP Policy ENV3.7 Control of Pollution states that the Council will seek to minimise the adverse effects of nuisance, disturbance and pollution associated with development and transport. Planning permission will not be granted for new development which:

- a) is likely to give rise, either immediately or in the foreseeable future, to noise, light pollution, pollution of the atmosphere, soil or surface water or ground water, or to other nuisances, where such impacts would be beyond acceptable standards, Government Guidance or incapable of being avoided by incorporating preventative or mitigating measures at the time the development takes place, or
- b) would be likely to suffer poor environmental amenity due to noise, malodour, dust, smoke or other polluting effects arising from existing industries.

Core Strategy CS27 Community Health and Safety states that development will be supported which protects, promotes or contributes to securing a healthy and safe environment and minimises health inequalities.

Development should seek to contribute towards reducing pollution and not result in pollution or hazards which may prejudice the health and safety of communities or their environments. Appropriate mitigation measures may be required to enable development.

In respect of noise, the Environmental Statement includes a chapter on noise looking at both the construction and operational phase. This states that the highest noise levels throughout the construction phase would be associated with plant used during earthmoving, concreting and road pavement construction, during fit-out of buildings and rides etc. noise levels would be significantly lower. The nearest noise sensitive properties are on Delves Lane, and the assessment shows that the threshold levels would be exceeded, however the exceedance is of a low magnitude and would equate to a minor adverse effect.

The topography of the site together with the screening present in the wooded areas would assist to mitigate the noise impact. Additionally, construction noise will be controlled through a Construction Environmental Noise Management Plan, which would be agreed by the Local Planning Authority via a planning condition on any permission.

The Environmental Statement states that during the operational phase the noise levels of the rides have been assessed using data from the Milton Keynes Gulliver's site, and other noise from the car park and access road, cooling, heating and extraction equipment as well as general road traffic noise has been assessed. It is noted that the rides are for younger children, and are not 'white knuckle rides' that could cause greater noise levels. The assessment indicates that when taking the worst case scenario the thresholds at the nearest noise sensitive properties are not exceeded.

With regards to road traffic noise the assessment indicates that there will be an increase in sound levels, however this is shown to be negligible.

The Environmental Statement states that music noise will be controlled to be inaudible beyond the boundary, and so no further mitigation is required. Plant noise at the site will be limited by the need to limit the effect on attraction users, so there will be negligible effects.

It is therefore considered that the proposal would not lead to an unacceptable level of noise pollution, and in this regard is in accordance with policies within the NPPF, UDP policy ENV3.7 and Core Strategy Policy CS27.

In respect of air quality, the application site is located 0.5km east of an Air Quality Management Area which incorporates a small number of residential properties in the village of Wales, which was declared in 2003 for exceedance of the annual mean objective for NO₂.

The Environmental Statement indicates that during the construction phase of the development the main potential effects are associated with dust and certain emissions arising from earthworks. As the risk of dust soiling and human health effects would be greater than negligible, site specific mitigation will need to be implemented in order to ensure dust effects from these activities will not be significant. A Dust Mitigation Plan will be included within the Construction Environmental Management Plan to set out practical measures that could be incorporated as part of a best working practice scheme.

During the operational phase the assessments carried out in the Environmental Statement indicate that exceedance of the annual mean air quality objectives are not predicted at any of the existing receptors considered except at School Road in Wales, which is located within the Air Quality Management area.

An Air Quality Assessment and sensitivity analysis have been undertaken as part of the Environmental Statement. An air pollution damage cost assessment was also carried out to provide a basis for quantifying the financial commitment required for off-setting potential development-generated omissions. The total damage cost for the impact of the proposed developments would be addressed by way of appropriate mitigation measures, such as the provision of electric charging points on site, and these measures are to be secured via the submission of a Travel Plan.

A representation has been received on behalf of the adjacent land owner which is allocated for Industrial and Business Use within the Unitary Development Plan. They have identified that the Masterplan proposes camping and lodge based accommodation near to the eastern boundary close to the allocated land. They have stated that the land owner will want to develop the land for industrial use in the future which could involve 24hour usage and industrial processed which could cause noise and light pollution. They

have raised the issue of the potential impact of the industrial uses on park users. They note that the amenity of park users is an important matter, however the adjacent land owners would not wish to have unacceptable limitations imposed on the future users of the site which is already allocated for economic use.

The Environmental Health Section have also raised the issue with the applicants regarding the existing industrial uses close to the eastern boundary of the site for which there are ongoing complaints regarding operational hours and strong and persistent odours that are already occurring close to these areas.

In response, the applicant accepts the proximity of this allocated land and notes that this would be an operational issue for them to address if problems arose in the future. The accommodation is not permanent and so any impact would be short-term and it is not considered that the proposed development would prejudice future developments on the adjacent allocated land.

An objection has been received with regards to potential light pollution from the development. Whilst this issue is not specifically addressed in the Environmental Statement the applicants have states that the theme park normally closes at 17:00, except when special events are held such as Bonfire Night, and so light from this aspect should not cause any significant impact. The remaining area of the application site would be lit to permit safe circulation working within a low level light environment which is not considered to have a significant detrimental impact on surrounding residential amenity.

In conclusion it is considered that the potential pollution from the site, by way of noise and air pollution, during construction an operation can be mitigated against so that the proposal does not cause any adverse effects to the locality in this regard. In this regard the proposal is considered to accord with policies within the NPPF, UDP policy ENV3.7 and Core Strategy Policy CS27.

Geotechnical and contamination issues

Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural local environment by preventing new developments from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil or water pollution or land instability, and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Paragraph 121 states that planning decisions should ensure that the site is suitable for its new use taking into account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation.

UDP Policy ENV4.3 Unstable Land states that the Council will liaise with relevant informed agencies, having regard to the question of potential ground instability, with particular regard to coal mining subsidence. Where conditions of instability are suspected, the council will require prospective developers to demonstrate that such circumstances have been thoroughly investigated where appropriate, remedial steps incorporated into schemes which are being promoted.

UDP Policy ENV4.4 Contaminated Land states that where land may have been contaminated as a result of a previous use, is proposed for development the Council will need to be satisfied that the nature and extent of contamination has been assessed and where necessary measures for removal and/or treatment are proposed.

Core Strategy Policy CS27 Community Health and Safety states that development will be supported which protects, promotes or contributes to securing a healthy and safe environment and minimises health inequalities. It goes on to state that when the opportunity arises remedial measures will be taken to address existing problems of land contamination or land stability.

The application site has been subject to a significant industrial past including a colliery and both underground and opencast mining. Colliery spoil disposal, slurry ponds and railway line have also occupied the site. The site has been restored to a public open space, however site investigations are now required to ensure the site is suitable for the proposed development. Additionally site records show a presence of mine entries and a high wall within the application site.

The Environmental Statement looks at the subsurface ground conditions beneath the application site that may potentially impact upon, and be impacted by, the proposed development. This includes an assessment of general ground conditions, the presence of contamination and the possibility of mining instability.

The assessments in the Environmental Statement outline the impacts on ground conditions during the construction and operational phase. During the construction phase the Construction Environmental Management Plan will cover issues to mitigate loss of soils/natural strata through excavations, to avoid the introduction due to accidental spillages, and measures to protect construction workers during excavation into contaminated soil.

Measures to protect construction workers during excavation/treatment of unstable mining features will be incorporated into a method statement and watching brief to be agreed with the Local Planning Authority via a condition.

During the operational phase of the development measures will be taken to avoid the introduction of soil contamination due to accidental spillages, to mitigate against the degradation of building materials due to soil sulphates and low pH, to mitigate any risks due to unstable ground, and to mitigate any risks due to ground gas.

The measures included within the submission correctly outline the various issues to be covered by way of the mining legacy of the site, and any potential contamination. It indicates that measures will be in place to address the concerns to safeguard the development, users, general public and neighbours from any potential hazards.

Taking into account the Construction Environmental Management Plan proposed and the conditions that will be attached to any permission to look at any features that may be a legacy from previous mining operations at the site, it is considered that the proposal complies with the policies within the NPPF and UDP policy ENV3.7, ENV4.3, ENV4.4 and Core Strategy policy CS27.

Heritage issues

In determining this application it is a legal requirement to have special regard to the desirability of preserving the listed buildings or their settings (section 66 (1), of the Planning (Listed Buildings and Conservation Areas Act 1990).

Paragraph 128 of the NPPF states that when determining applications Local Planning Authorities should require any applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. Where a site on which development is proposed includes or has potential to include heritage assets with archaeological interest, Local Planning Authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

UDP Policy ENV2.8 Setting and Curtilages of Listed Buildings states that “The Council will resist development which detrimentally affect the setting of a listed building or are harmful to its curtilage structures in order to preserve its setting and historical context.”

UDP Policy ENV2.12 Development adjacent to Conservation Areas states that special regard will be had to the effect a development can have on the Conservation Areas and, if necessary, modifications to ameliorate the effect will be required before approval is given.

Core Strategy CS23 Valuing the Historic Environment states that Rotherham’s historic environment will be conserved, enhanced and managed.

The application site is very large, and whilst it is not located adjacent to any Listed Buildings or Conservation Areas, it is considered to be located within the setting of a number of designated heritage assets, and has been advertised as affecting the setting of some of these assets.

The proposal as a whole will comprise of a number of substantial structures including a 20m high fairy-tale castle, 25m high rides and a 40m high observation tower. The application includes an assessment of the designated heritage assets potentially affected by the proposal. From these it is noted that whilst glimpses of the observation tower may be possible from a number of listed buildings it is considered that the proposal as a whole will result in negligible harm to the significance of the Listed Buildings.

With regards to Archaeology, there has been an extensive amount of open-casting at the site, however it is understood that this did not extend to the whole site. In undisturbed areas, heritage features may survive and there is some potential for archaeological features to be recovered, particularly those relating to earlier shallow mining. A condition requiring the submission of an archaeology investigation strategy should be attached to any permission.

With the above in mind it is considered that the proposal complies with the relevant policies in the NPPF, UDP policies ENV2.8 and ENV2.12 and Core Strategy Policy CS23.

Other Matters

27 letters of representation have been received 22 of these raising objections to the planning applications.

Many of the objections are based on transportation issues in relation to the safety of the proposed access location; accidents that have previously occurred in the area; congestion on the local highway network; increased traffic generally; increased traffic when the M1 is closed; the use of Delves Lane for service accesses; pedestrian/cycle access to the site; why the entrance can't be located off Chesterfield Road; will the Public Rights of Way be retained; public land that is enjoyed by locals via footpaths, bridle ways and cycle paths should not be lost; and difficulty egressing driveways on Mansfield Road. All these issues have been addressed in the report above.

One objector questions if the railway bridge will be widened or removed, and another objector has stated that construction traffic will not be able to pass under the bridge. There is no proposal to widen or remove the existing railway bridge. Construction traffic will have to take note of any height restriction as all other road users. A further objector has stated that no account has been taken of road traffic through Wales and Kiveton and proposed housing in the area, however the submitted Transport Assessment took into account background growth for the next 10 years which would include any residential development around these areas and also assessed how much traffic would access Gulliver's from that direction. No material adverse impact was identified in this regard.

With reference to wildlife issues the presence of the Bittern on the site was raised and the retention of the reed beds and ponds was seen as encouraging; the potential for a viewing platform to view the Bittern was requested by one representee; efforts should be made to protect Skylarks on the site; it is stated that wildlife should be preserved and enhanced, and that the environmental impact is not in the interest of the local area. These issues have been addressed in the report.

An objection relating to the impact on amenity of the location of the development close to existing industrial uses, and land allocated for such use has been addressed in the report.

Objections on drainage grounds have been addressed in the report.

Objections on the basis of noise, dust, air quality and light pollution have been addressed in the report. An objector has stated that site has been used for opencast mining for years and the associated noise and dust associated with that is not wanted. Issues of noise and dust during the construction and operational phase are outlined in the report and it is considered with recommended mitigation measures the proposal is acceptable. An objection regarding the holding of fireworks and lights shows has been raised. These are likely to occur only on special occasions such as Bonfire Night, and as such are not considered to cause any significant adverse impacts to the amenity of surrounding residential areas.

Objections have been received stating that the jobs created will be low paid, and seasonal work, however another comment has been received stating that working people should be given the opportunity of a job. The report clearly identifies that the proposal will bring many jobs to the area, both directly and indirectly which will be advantageous to Rotherham's economy as a whole.

Objections have been received stating that the proposal is not beneficial to the area being surrounded by housing estates, and is without merit, and not wanted by locals. They state that there is a lack of faith in the organisation to bring attention to detail. The report

addresses a wide range of issues in relation to the siting of the proposal and its acceptability.

Objections state that the proposal has not been publicised, and that there has been a lack of engagement with the community. The report outlines the community consultation carried out by the applicants prior to the submission of the application in the Statement of Community Involvement, which is considered to be an acceptable level. Additionally the Local Planning Authority advertised the application in the press, 12 site notices were posted in local areas, and the occupiers of neighbouring properties were notified by letter.

Objections have stated that the supporting information submitted is incorrect, however the Local Planning Authority does not consider this to be the case.

An objector states that the access has been changed from Chesterfield Road due to contamination being identified, this should be addressed. Whilst not part of this planning application it is noted that the Council has appointed Waterman Infrastructure and Environment Ltd who will be undertaking ground investigations to better understand the ground conditions, starting in February.

An objector states that Planning Board Members should visit the site to evaluate the arguments put forward and should not rely on documents. The Planning Board Members are to visit the site prior to the Planning Board Meeting.

Other matters that have been raised state that the scheme allows the Council to obtain cash quickly and that compensation should be paid if properties are devalued. These are not material planning consideration to be considered as part of this planning application,

Planning Obligation

In order to prevent development approved under RB2016/1454 (relating to the development outside of the main theme park area, including the hotels and lodges) being developed out prior to the theme park being brought into use, as such development would not be appropriate in isolation from the leisure development on the site, the applicant has completed a Unilateral Undertaking that would link the two applications and control the development by way of a phasing plan.

Conclusion

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, and that means approving development proposals that accord with the development plan without delay.

Core Strategy Policy CS33 Presumption in Favour of Sustainable Development also states that when considering development proposals the Council will take a positive approach that reflects the above NPPF paragraph.

The proposed development is considered to constitute inappropriate development within the Green Belt, however very special circumstances are considered to exist due to the economic benefits of the development in terms of increased local employment opportunities and the increase in numbers of tourists and visitors to Rotherham. Such a

comprehensive, regional scale leisure and tourist attraction is also specifically supported by Core Strategy Policy CS11 Tourism and the Visitor Economy.

The application includes elements of retail, leisure and hotels on this site which is outside of a town centre. However it is not considered that these are destinations in their own right, as they form part of the whole themed resort and could not be disaggregated. For this reason it is also not considered that the proposed development would have an adverse impact on any nearby centres.

The submitted Transportation Assessment with addendums and the Stage1 Road Safety Audit indicate that the proposal and the access to Mansfield Road, are acceptable in highway safety and transportation terms.

It is noted that the design of the proposal will not be in keeping with surrounding built environment as it is a child's theme park with themed buildings and rides. However the buildings where possible outside the theme park itself have been designed to respect the countryside setting in terms of building materials and locations.

The details submitted with the application indicate that the application can be drained effectively and will not be prone to flooding or cause flooding elsewhere.

The proposal has been designed to blend in with the landscape wherever possible using existing woodland areas as screening. It is noted that the development will generally be seen from long distance views, however some closer-views of part of the development site will also be possible from nearby residential areas. A landscape masterplan is proposed to further landscape the development.

The ecological issues of the site have been fully addressed, taking into account its importance for birds, particularly the presence of a wintering Bittern in the reed beds of the ponds in the north of the site. The submission of an Ecological Mitigation and Management Plan will ensure that the ecological interest on the site will where possible, be protected and enhanced through the ecological management of the site.

The application has assessed the potential for noise, dust and air pollution from the site, and it is considered that suitable mitigation measures proposed would mean that no significant adverse impacts would be caused by the development.

The ground conditions in terms of instability from past mining on the site and land contamination have been thoroughly assessed, and with the submission of suitable mitigation measures it can show that the development is acceptable in this regard.

The impact of the development on heritage assets within the vicinity has been assessed, and whilst some aspects of the development, mainly the observation tower may be visible within views of the assets, it is not considered to have a significant detrimental impact on the setting of any heritage assets.

As noted above, the site is within the Green Belt and represents inappropriate development, and as the development relates to the provision of buildings where the floor space to be created is 1,000 square metres or more, the development has to be referred to the National Planning Casework Unit (NPCU) as a Departure under the Town and Country Planning (Consultation)(Direction) 2009.

Subject to the National Planning Casework Unit not calling in the application for determination, and to the satisfactory signing of the Unilateral Undertaking, it is recommended that planning permission be granted for the proposed development subject to the following conditions.

Conditions

General

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)

- Site Location Plan GV-SLP-01A dated 24/10/2016
- Extent of Application site areas GV-SLP-3A Revision A dated 18/11/2016
- MaterPlan GV-MP-2 dated 08/11/2016
- Building Location Plan – GV-NLP dated 05/10/2016
- Areas used for events and fireworks – GV-EFA-001 dated 16/01/2017
- Fencing Plan GV-FE-PL 01 dated 03/02/2017
- Areas indicated to be subject to previous opencast mining (Drawing No. SH03053.05)
- Wilderness Hotel Accommodation Block – elevations GV-WH-EL - dated 26/10/2016
- Wilderness Hotel Main Block elevations GV-WHMB-EL - dated 26/10/2016
- Main Entrance Sign Feature elevations GV-MES-EL - dated 14/10/2016
- Campsite Reception Block – elevations GV-CRB-EL dated 13/10/2016
- Resort Service Building – elevations GV-RS-EL dated 10/10/2016
- Community Building – elevations GV-CB-EL dated 07/10/2016
- Wild West Hotel - elevations GV-WWMB-EL dated 06/10/2016
- Wilderness Lodges – elevations GV-WL-EL dated 03/10/2016
- Dormitory Building – elevations GV-CDB-EL dated 04/10/2016
- Security Hut – elevations GV-SH-EL dated 29/09/2016
- Resort Check in – elevations GV-RCI-EL dated 28/09/2016
- Ecology Centre – elevations GV-EC-EL dated 23/09/2016

Reason

To define the permission and for the avoidance of doubt.

03

The materials to be used in the construction of the external surfaces of any buildings approved shall be as set out in the submitted Design and Access Statement, unless otherwise agreed in writing with the Local Planning Authority.

Reason

To ensure that appropriate materials are used in the construction of the development in the interests of visual amenity and in accordance with Core Strategy Policy CS28 'Sustainable Development.'

04

The development shall incorporate renewable solutions and sustainable building techniques as detailed in paragraph 3.27 of the submitted Sustainability Statement, unless otherwise agreed in writing by the Local Planning Authority.

Reason

To ensure that the development is sustainable in accordance with policies in the NPPF and Core Strategy Policy CS28 Sustainable Design.

05

The development shall be implemented in accordance with details included on the Phasing Plan included within the submitted Environmental Statement at figure 5.7 unless otherwise agreed in writing by the Local Planning Authority.

Reason

In accordance with the submitted information regarding ecological implications at the site.

06

Prior to the commencement of development within each phase a Construction Environmental Management Plan (CEMP), as referred to in the submitted Environmental Statement, shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:

- the overall construction strategy and phasing;
- a schedule of agreed environmental parameters (e.g. noise levels);
- a schedule of relevant policies, standards and guidance;
- management and monitoring protocols, including designated responsibilities and reporting requirements;
- provisions for public liaison, prior notification and handling complaints;
- general housekeeping requirements;
- details of prohibited or restricted operations, including timing and no-go areas;
- details of the vehicular access to the site for construction traffic, temporary signing/traffic management measures during the construction work, a site compound, staff parking and measures to deal with any dust/mud deposited in the adjacent highway by vehicles leaving the site.
- a Construction Waste Management Plan; and
- method statements for environmentally sensitive activities.

The approved details in the plan shall be implemented in accordance with the approved timescales.

Reason

To define the permission and for the avoidance of doubt.

07

The approved fencing on the site, as set out on Fencing Plan GV-FE-PL 01 dated 03/02/2017 shall have the appearance of CDL Eclipse profiled panel system colour green,

details of which were submitted via email on 12/01/2017, unless otherwise agreed in writing by the Local Planning Authority.

Reason

To ensure that appropriate materials are used in the interests of visual amenity and in accordance with Core Strategy Policy CS28 'Sustainable Development.'

Highways

08

Details of the proposed access/egress arrangement, indicated in draft form on plan reference 103688-D-005 Revision C shall be submitted to and approved by the Local Planning Authority and the approved details, shall include, amongst other things, a pedestrian footpath from Mansfield Road to join with the internal footpath network, shall be provided before the development is brought into use.

Reason

In the interests of promoting sustainable travel and highway safety.

09

The access road from A618 Mansfield Road and the main site circulatory roads shall be surfaced in a permanent material eg tarmac, concrete etc. and drained.

Reason

To ensure that surface water can be adequately drained and to ensure that the development will not give rise to the deposit of mud and other extraneous material on the public highway in the interest of road safety.

10

Before the development of each phase is brought into use the car parking area for that phase shown on the approved plan shall be provided, marked out and thereafter maintained for car parking.

Reason

To ensure the provision of satisfactory garage/parking space and avoid the necessity for the parking of vehicles on the highway in the interests of road safety.

11

Vehicular access to the site via Delves Lane shall be for emergency purposes only.

Reason

In the interests of the amenity of nearby residents and highway safety.

12

Any gates or barriers along the proposed access road into the site shall remain open at all times when the Theme Park is open to the public.

Reason

To prevent queuing back into the A618 in the interests of highway safety.

13

Before the development is brought into use a detailed Travel Plan shall be submitted to and approved by the Local Planning Authority. The Plan shall include the proposed trip generation from the revised Transportation Assessment as a baseline. Targets for modal share must be set along with an agreed programme of annual review and reporting to the Local Planning Authority. The Plan shall include details of methods of accessing real time bus information and measures including all the mitigation measures as set out in the Air Quality Assessment submitted with the application. The approved Travel Plan shall thereafter be implemented before the development is brought into use.

Reason

In the interests of promoting sustainable travel.

14

Prior to the development being brought into use the public transport circulation route and drop off/pick up point identified on the Masterplan shall be provided.

Reason

In the interests of promoting sustainable travel.

15

Prior to any of the development hereby approved being brought into use, the A618 Growth Corridor Project improvement scheme shall be constructed and open to traffic in accordance with Rotherham Metropolitan Borough Council drawings 201501/J2J3/TSD002 (date 06/01/2017) and 21501/A618/J4/GEN (dated 30/12/2016), unless otherwise agreed in writing by the Local Planning Authority in consultation with Highways England.

Reason

In the interests of ensuring the safe and efficient operation of the Strategic Road Network.

Drainage

16

Each phase of the development shall not begin until a surface water drainage scheme for the phase, based on sustainable drainage principles an assessment of the hydrological and hydro geological context of the development, and an updated flood risk and drainage strategy (Technical Annex 4 of the Environmental Statement) have been submitted to and approved in writing by the Local Planning Authority. The scheme to be submitted shall include:-

- The utilisation of holding sustainable drainage techniques (e.g. soakaways etc.);
- The limitation of surface water run-off to equivalent greenfield rates (i.e. maximum of 5 litres/second/Ha);
- The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and
- Responsibility for the future maintenance of drainage features.

If infiltration devices are proposed they should not be located in areas of ground impacted by contamination. No surface water shall be discharged to the foul sewer network

Reason

To ensure that the development can be properly drained and prevent unacceptable risk to controlled waters and in order to prevent overloading of the foul sewer network in accordance with UDP Policies ENV3.2 'Minimising the Impact of Development', ENV3.7 'Control of Pollution' and the South Yorkshire Interim Local Guidance for Sustainable Drainage Systems for Major Applications.

17

Surface water from areas likely to receive petrol/oil contamination (e.g. vehicle parking areas) shall be passed through effective oil/grit interceptors prior to discharge to any sewer or watercourse.

Reason

To prevent pollution of any watercourse in accordance with UDP policies ENV3.2 'Minimising the Impact of Development' and ENV3.7 'Control of Pollution'.

18

Details of the proposed means of disposal of foul water shall be submitted to and approved by the Local Planning Authority and the development shall not be brought into use until such approved details are implemented.

Reason

To ensure that the development can be properly drained in accordance with UDP policies ENV3.2 'Minimising the Impact of Development' and ENV3.7 'Control of Pollution'.

19

No development of any swimming pool facility shall take place until details of the disposal and treatment of filter backwash and swimming pool water have been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that the development can be properly drained without damage to the local water environment.

20

Before the development is brought into use appropriate works shall be carried out to provide facilities for the delivery of an adequate water supply.

Reason

In order to protect the existing mains infrastructure and ensure that the site has an adequate supply of water.

Ecology

21

All formal events, such as the display of fireworks, laser shows, music events, shall be held within area A as identified on Drawing No. GV-EFA-001

Reason

To minimise the impact on the bittern and other wildlife outside of the plan area and within the application site.

22

Prior to the commencement of each phase of the development an Ecological Mitigation and Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include full details of all mitigation measures laid out in the submitted Environmental Statement Chapter 7 Ecology pages 44-72 and Technical Annex 3 Ecology, (please refer to informative 01 below). The approved mitigation measures shall be implemented on site in accordance with agreed timescales.

Reason

In order to promote the biodiversity of the site in accordance with Core Strategy policy CS20 'Biodiversity and Geodiversity,' as well as the advice contained within the NPPF.

Land contamination and ground conditions

23

Prior to each phase of development approved by this planning permission no development shall take place until:

- i. A detailed Phase II Intrusive Site Investigation is undertaken to confirm the nature, presence and extent of contamination/mining legacies across the site and off site and the risk it presents to human health, controlled waters, proposed structures and all other receptors, in accordance with details to be submitted to and approved by the Local Planning Authority prior to any site investigation works commencing. The site investigation and detailed risk assessment must be undertaken by competent persons and a written report of the findings must be produced.

The above should be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11', Contaminated Land Science Reports (SR2 -4), CIRIA Special Publication No 32 'Construction Over Abandoned Mine Workings' and where applicable British/EN Standards relating to foundations on compressible made ground and any specific requirements as set out by the Coal Authority.

The site investigation should take account of but not be limited to the following:

- Past site investigation works which suggest that some sources of contamination may have been concealed, removed or redistributed within the site when opencast operations were undertaken.
- The presence of historical slurry ponds within the proposed development area which may exist below the current platform.
- The presence of historical recorded landfill sites which may exist with the development area.
- Any areas on site with high calorific value contamination.
- A thorough investigation of the ground gassing regime.

Potential fugitive gas emissions and/or oxygen depletion within deep excavation or confined spaces will be an issue across the majority of the site associated with shallow coal/coal workings, mine entries, opencast backfill, colliery spoil material and any buried structures – evidence of future monitoring regimes and safe working practices must be provided along with proposed mitigation measures to safeguard development and end users.

- The site in the past has had acid mine (ochre) drainage issues which require further investigation. A series of culverts are in position at the site together with reed bed filtration which play an important part for any ochre discharges.
 - Made ground / Former Opencast Backfill - Accurate detail as to the nature of made ground/backfill material which is expected, along with competent remediation strategies specific to each structure or phase of development. Subsequent reports should cover aspects such as – levels of re-engineering works required to provide adequate development platforms with competent bearing capacities; piling designs; foundation design in areas that span underground former high walls.
 - Coal - Any areas where coal may still be present at shallow depth (as outlined by Phase I studies), future site investigations must detail what, if any, mitigation/remedial measures are required such as: bearing capacity if close to foundations; spontaneous combustion mitigation; stabilisation works to prevent void migration of old underground workings. Supporting evidence must also be provided of the required Coal Authority permissions/approvals of any such investigations, treatment or design specifics.
 - Buried Structures - Mitigation measures and/or remediation details should be provided for areas where buried structures are either encountered or expected (as identified in Phase I) associated with the former colliery, coke works, slurry lagoons, settling ponds, railways and related infrastructure.
 - Geological - Regarding any geological issues that Phase I studies outline may be an issue, such as geological faulting or fissuring of sandstone bedrock that may have been exacerbated by past mining activities, specific details should illustrate that issues have been adequately investigated and treated as required.
 - Mine Entries (Recorded) - Mitigation measures and/or remediation details must be provided to safeguard future development and end users from any known mine entry which may impact upon it. Supporting evidence must be provided of the required Coal Authority permissions/approvals of any treatment/design/stand-off specifics.
 - Mine Entries (Un-recorded) - Evidence of adequate investigation and/or 'watching' briefs should be provided for future development in areas of natural ground, particularly where coal may be at shallow depth. Appropriate measures must be taken to safeguard future development and end users from any mine entry encountered and supporting evidence must be provided of the required Coal Authority permissions/approvals of any treatment/design/stand-off specifics.
 - Part II Colliery Spoil Tip (Mines & Quarries Tips Act 1969) - Any development that encroaches or interferes with the classified colliery tip and associated land from the applicant shall ensure that sound stability and drainage of the material is maintained and suitable precautions are taken with regard to spontaneous combustion/burning/expansive material issues which will depend on the site specific content of the tipped material. Information should be provided of any mitigation requirements for issues around chemically aggressive compounds such as those associated with burnt colliery shale (red shale) to ensure safe construction.
- ii. The results of the site investigation and the detailed risk assessment referred to in (i) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken, will need to be provided.
- iii. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (ii) are complete and

identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action will need to be provided.

The scheme shall be implemented as approved.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters because the site is located on a secondary A aquifer and within the proximity of Pigeon Bridge Brook, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. In addition, to ensure that stability risks from past mining legacy and associated geological and/or shallow geotechnical issues to future structures and users of the land and neighbouring land are minimised.

24

Subject to Condition 23, where remediation measures are shown to be necessary in the Phase II Report, development shall not commence until a Remediation Statement demonstrating how the site will be made suitable for the intended use has been submitted to, and approved in writing by, the Local Planning Authority. The site must not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation. The approved Remediation works shall be carried out in accordance with the findings identified within the Phase II Intrusive Investigation Report and under a full quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. The Local Planning Authority must be given two weeks written notification of commencement of the remediation works.

Reason

To protect controlled waters because the site is located on a secondary A aquifer and within the proximity of Pigeon Bridge Brook and to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. In addition, to ensure that stability risks from past mining legacy and associated geological and/or shallow geotechnical issues to future structures and users of the land and neighbouring land are minimised.

25

Gas contamination - Subject to the findings of the Phase II Intrusive Investigation Report and prior to development commencing, if gas protection measures are required for any new builds then details of the gas protection measures to be installed shall be submitted to and approved by the Local Planning Authority and the approved details shall be implemented before that part of the development is brought into use. Verification of the gas protection measures will be recorded and presented in the format of a validation report.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

26

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason

To protect controlled waters because the site is located on a secondary A aquifer and within the proximity of Pigeon Bridge Brook and to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

27

If subsoils/topsoils are required to be imported to site for any phase of development for remedial works/areas of soft landscaping, then these soils will need to be tested at a rate and frequency to be agreed with the Local Planning Authority to ensure they are free from contamination. The results of testing will need to be presented in the format of a Validation Report.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

28

No occupation of each phase of development shall take place until a Verification Report, demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation, has been submitted to and approved by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved. The Verification Report shall provide all necessary documentation in relation to structural engineering assurances.

Reason

To protect controlled waters because the site is located on a secondary A aquifer and within the proximity of Pigeon Bridge Brook and to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. In addition, to ensure that stability risks from past mining legacy and associated geological and/or shallow geotechnical issues to future structures and users of the land and neighbouring land are minimised.

29

Prior to the commencement of development a scheme of intrusive site investigations shall be submitted to and approved by the Local Planning Authority. The scheme shall include details of:

- locating the 'high wall' associated with the former surface (opencast) workings and the shallow workings;
- The submission of a report of findings arising from the intrusive site investigations;
- The submission of a scheme of remedial works for approval; to include any foundation designs which may be required for building over the high wall, and the shallow workings; a remediation strategy for the mine entries, including any foundation designs which may be required for building over the mine entries or within influencing distance of them;

The development shall subsequently be carried out in accordance with the approved scheme.

Reason

To ensure that the exact situation regarding the coal mining legacy issues on the site are fully taken into account to ensure that stability risks from past mining legacy and associated geological and/or shallow geotechnical issues to future structures and users of the land and neighbouring land are minimised.

Archaeology

30

No development of areas outside former opencast mining (as indicated on Drawing No. SH03053.05, or as defined by subsequent ground investigations) including any demolition and groundworks, shall take place until the applicant, or their agent or successor in title, has submitted a Written Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation and this has been approved in writing by the Local Planning Authority. The WSI shall include:

- The programme and method of site investigation and recording.
- The requirement to seek preservation in situ of identified features of importance.
- The programme for post-investigation assessment.
- The provision to be made for analysis and reporting.
- The provision to be made for publication and dissemination of the results.
- The provision to be made for deposition of the archive created.
- Nomination of a competent person/persons or organisation to undertake the works.
- The timetable for completion of all site investigation and post-investigation works.

Part B (pre-occupation/use)

Thereafter the development shall only take place in accordance with the approved WSI and the development shall not be brought into use until the Local Planning Authority has confirmed in writing that the requirements of the WSI have been fulfilled or alternative timescales agreed.

Reason:

To ensure that any archaeological remains present, whether buried or part of a standing building, are investigated and a proper understanding of their nature, date, extent and

significance gained, before those remains are damaged or destroyed and that knowledge gained is then disseminated.

Landscaping

31

Details of the proposed green roof on the Wilderness Hotel Building shall be submitted to and approved in writing by the Local Planning Authority. The submission shall include details of and responsibilities for post-installation maintenance, including replacement of any areas that fail to establish, for a minimum period of 2 years. The approved details shall be implemented prior the building first being brought into use.

Reason

To adequately appraise the efficiency, suitability and maintenance of the green roof technology in accordance with UDP Policy UTL3.3 'Energy Conservation' and UTL3.4 'Renewable Energy'.

32

Before any above groundworks commence on site, details of a scheme of advance planting to provide screen planting to site boundaries and structure planting along access roads and associated with key entrances and junctions, as indicated on the approved illustrative landscape Masterplan (Ref 722/101D, 722/102D, 722/103D, 722/104D), shall be submitted to and approved in writing by the Local Planning Authority. The said planting shall thereafter be implemented in accordance with the approved details:

- i. Prior to the first occupation of the part or phase of development to which the screen relates: or
- ii. In accordance with an implementation timetable agreed in writing with the Local Planning Authority.

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. 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', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

33

Prior to the first occupation of each phase of development a detailed landscape scheme relating to that phase (excluding those areas within the fenced off theme park) shall be submitted to and approved in writing by the Local Planning Authority. The detailed landscape scheme shall have regard to the Illustrative Landscape Masterplan (Ref 722/101D, 722/102D, 722/103D, 722/104D) approved under this consent and shall be prepared to a suitable scale (1:500, 1:200) and shall clearly describe the following :

- The extent of any changes to existing ground levels, where these are proposed.
- Any constraints in the form of existing or proposed site services, or visibility requirements.
- The positions, design, materials and type of any boundary treatment to be erected.

- A planting plan and schedule detailing the proposed species, siting, quality and size specification, and planting distances.
- A written specification for ground preparation and soft landscape works.
- The programme for implementation.
- Written details of the responsibility for maintenance and a schedule of operations, including replacement planting, that will be carried out for a period of 5 years after completion of the planting scheme.

Tree planting within key public realm areas, such as main public car parks, main public entrances, and main public circulation routes, shall comprise advanced nursery stock. As a minimum the trees shall be prepared, supplied and transplanted in accordance with B.S. 4043.

The planting shall thereafter be implemented in accordance with the approved landscape scheme and in accordance with the appropriate standards and codes of practice within a timescale agreed, in writing, by the Local Planning Authority.

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', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

34

A landscape management plan, an Arboricultural Method Statement in accordance with BS 5837 Trees in Relation to Design, Demolition and Construction, and a detailed 10 year woodland management plan, including long term management objectives, responsibilities and maintenance schedules for all landscape, woodland and public realm areas, shall be submitted to and approved by the Local Planning Authority prior to the completion or first occupation of the part or phase of development to which it relates, whichever is the sooner. The management plan shall be prepared in accordance with industry best practice, by a suitably qualified and experienced professional (Arboricultural/ Forestry Consultant/ Ecology/ Landscape Architect) and thereafter be carried out in accordance with the agreed management plan.

Reason

To ensure the trees are protected during the construction of the development in the interests of amenity and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

The Development Management Procedure Order 2015 requires that planning authorities provide written reasons in the decision notice for imposing planning conditions that require particular matters to be approved before development can start. Conditions numbered 06, 16, 22, 23, 29 and 30 of this permission require matters to be approved before development works begin; however, in this instance the conditions are justified because:

- i. In the interests of the expedient determination of the application it was considered to be appropriate to reserve certain matters of detail for approval by planning condition rather than unnecessarily extending the application determination process to allow these matters of detail to be addressed pre-determination.
- ii. The details required under condition numbers 06, 16, 22, 23, 29 and 30 are fundamental to the acceptability of the development and the nature of the further

information required to satisfy these conditions is such that it would be inappropriate to allow the development to proceed until the necessary approvals have been secured.'

INFORMATIVES

01 Ecology

Whilst not an exhaustive list the Ecological Mitigation and Management Plan should include the following -

- Details of how future wintering bird surveys (collected either by local bird groups or the applicant's ecologist) will be undertaken in order to assess the success of management regimes on wintering birds (particularly Bittern), with future management regimes reviewed and guided by the results of winter bird surveys. The survey methodology shall firstly be approved by the Local Planning Authority and include any recommendations for mitigation when necessary. The survey shall be undertaken in accordance with the approved methodology and the survey results and recommendations shall be submitted to and approved in writing by the Local Planning Authority. The approved recommendations shall be implemented in accordance with the approved timescales.
- Details of how a survey for the presence of badger activity will be undertaken within the relevant phase area, and what mitigation measures shall be implemented if badger activity is identified.
- Details of a habitat management plan, produced in accordance with the general principles for habitat management as set out in Gulliver's Valley Ltd. Proposed Development of Gulliver's Valley Resort Rotherham. Environmental Statement Technical Annex 3 Ecology dated October 2016, which shall include provision for an annual review with the Local Planning Authority and provide the framework for a range of enhancements, such as over-sowing of grasslands with wildflower mix, scrub clearance, thinning of plantations and provision of nesting features and hibernacula, unless as otherwise agreed in writing.
- Details of a biodiversity enhancement plan within each phase.
- Details of a 10 metre no build buffer zone along the Pigeon Brook as detailed in paragraph 7.57 of the submitted Environmental Statement.
- Details of a 30 metre no build buffer zone around Pond P6 as detailed in paragraph 7.58 of the submitted Environmental Statement.
- An indication that no building work shall take place within the north of the site, within the vicinity of Pond P6, between the months of November and June, in order to safeguard nesting Bittern. In the event that monitoring surveys confirm that this species has left the site before the end of this period, construction works can begin in advance of July at the expressed permission of Local Planning Authority. Gates shall be erected to ensure no construction traffic can enter the area as detailed in paragraph 7.96 of the submitted Environmental Statement

- Details of the retention of the existing scrub, between pond P6 and the Wilderness Hotel and Ecology Centre, as detailed in paragraph 7.85 of the submitted Environmental Statement, shall be submitted to the Local Planning Authority for approval. The approved screening shall be provided/retained on site prior to the first use of the Ecology Centre or Wilderness Hotel.

02 Control of working practices during construction phase

It is recommended that the following advice is followed to prevent a nuisance/ loss of amenity to local residential areas. Please note that the Council's Neighbourhood Enforcement have a legal duty to investigate any complaints about noise or dust. If a statutory nuisance is found to exist they must serve an Abatement Notice under the Environmental Protection Act 1990. Failure to comply with the requirements of an Abatement Notice may result in a fine of up to £20,000 upon conviction in Rotherham Magistrates' Court. It is therefore recommended that you give serious consideration to the below recommendations and to the steps that may be required to prevent a noise nuisance from being created.

(i) Except in case of emergency, operations should not take place on site other than between the hours of 08:00 - 18:00 Monday to Friday and between 09:00 - 17:00 on Saturdays. There should be no working on Sundays or Public Holidays. 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 Council's Neighbourhood Enforcement team should be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

(ii) Heavy goods vehicles should only enter or leave the site between the hours of 08:00 - 18:00 on weekdays and 09:00 - 17:00 Saturdays and no such movements should take place on or off the site on Sundays or Public Holidays (this excludes the movement of private vehicles for personal transport).

(iii) Best practicable means shall be employed to minimise dust. Such measures may include water bowsers, sprayers whether mobile or fixed, or similar equipment. At such times when due to site conditions the prevention of dust nuisance by these means is considered by the Local Planning Authority in consultations with the site operator to be impracticable, then movements of soils and overburden shall be temporarily curtailed until such times as the site/weather conditions improve such as to permit a resumption.

(iv) Effective steps should 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. Any lorries loaded with loose materials entering or leaving the site shall be securely and effectively sheeted.

(v) 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 noise emitted by vehicles, plant, machinery or otherwise arising from on-site activities, shall be minimised in accordance with the guidance provided in British Standard 5228: Code of practice for noise and vibration control on construction and open sites.

03 South Yorkshire Fire and Rescue

(i) Access for appliances should be in accordance with Approved Document B, Volume 2, part B5, Section 16.

(ii) Water supplies should be in accordance with Approved Document B, Volume 2, part B5 section 15.

04 Yorkshire Water

The existing water main which passes the site, does not have sufficient capacity to serve this proposed development. Therefore some substantial off-site works will be required in order to serve this development. Given an evident commitment to the development by a developer, the Company will negotiate with them to resolve the situation. Any works will require time for investigation, design and implementation and will be subject to agreements and investment authorisation. For further information and advice, the Distribution Asset Manager should be contacted, by letter, at the following address: Service Delivery (Water Network Assets - South), C/o Yorkshire Water, Morrison Utilities Yarra Park Industrial Estate Station Road Ecclesfield Sheffield S35 9YR.

05 Environment Agency

(i) FLOOD RISK

The submitted flood risk assessment states that no built development will be sited within flood zones 2 or 3, therefore we have no objection to this development on flood risk grounds.

Pigeon Bridge Brook is not a main river, therefore any proposed alterations or obstructions to the channel will require the prior formal consent of the LLFA i.e. Rotherham MBC. Whilst the proposed hotel is not shown to be within the floodplain, we advise that floor levels of the proposed hotel should be set above any threshold of flooding that could be caused by blockage or proposed alterations to the watercourse.

(ii) WASTE

If any waste is to be used onsite, the applicant will be required to obtain the appropriate waste exemption or permit from us. We are unable to specify what exactly would be required if anything, due to the limited amount of information provided.

If any controlled waste is to be removed off site, then the site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably permitted facility.

The Environmental Protection (Duty of Care) Regulations 1991 for dealing with waste materials are applicable for any off-site movements of wastes. The developer as waste producer therefore has a duty of care to ensure all materials removed go to an appropriate permitted facility and all relevant documentation is completed and kept in line with regulations.

For any further advice the applicant is advised to contact the Environment Management team at the Templeborough Office on 03708 506 506 or refer to guidance on their website <https://www.gov.uk/government/organisations/environment-agency>.

The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The Environment Agency recommends that developers should refer to our:

- Position statement on the Definition of Waste: Development Industry Code of Practice and;
- Our website at www.gov.uk for further guidance.

06 Network Rail

All surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property. In the absence of detailed plans all soakaways must be located so as to discharge away from the railway infrastructure. The following points need to be addressed:

1. There should be no increase to average or peak flows of surface water run off leading towards Network Rail assets, including earthworks, bridges and culverts.
2. All surface water run off and sewage effluent should be handled in accordance with Local Council and Water Company regulations.
3. Attenuation should be included as necessary to protect the existing surface water drainage systems from any increase in average or peak loadings due to normal and extreme rainfall events.
4. Attenuation ponds, next to the railway, should be designed by a competent specialist engineer and should include adequate storm capacity and overflow arrangements such that there is no risk of flooding of the adjacent railway line during either normal or exceptional rainfall events.

Fail Safe Use of Crane and Plant

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

Excavations/Earthworks

All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rail's infrastructure or railway land.

Security of Mutual Boundary

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

Fencing

Because of the nature of the proposed developments Network Rail consider that there will be an increased risk of trespass onto the railway. The Developer must provide a suitable trespass proof fence adjacent to Network Rail's boundary (minimum approx. 1.8m high) and make provision for its future maintenance and renewal. Network Rail's existing fencing / wall must not be removed or damaged.

Method Statements/Fail Safe/Possessions

Method statements may require to be submitted to Network Rail's Asset Protection Project Manager for approval prior to works commencing on site. This should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. "possession" which must be booked via Network Rail's Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks. Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for Network Rail approval.

Bridge Strikes

Applications that are likely to generate an increase in trips under railway bridges may be of concern to Network Rail where there is potential for an increase in 'Bridge strikes'. Vehicles hitting railway bridges cause significant disruption and delay to rail users and in this instance we would have concerns if large vehicles related to the construction of the site were arrive via Mansfield Road which has a railway bridge with a 15' 6" height restriction. Consultation with the Asset Protection Project Manager is necessary to understand if there is a problem. If required there may be a need to fit bridge protection barriers which may be at the developer's expense.

Encroachment

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the

operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

Trees/Shrubs/Landscaping

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below and these should be added to any tree planting conditions:

Acceptable:

Birch (Betula), Crab Apple (Malus Sylvestris), Field Maple (Acer Campestre), Bird Cherry (Prunus Padus), Wild Pear (Pyrs Communis), Fir Trees – Pines (Pinus), Hawthorne (Cretaegus), Mountain Ash – Whitebeams (Sorbus), False Acacia (Robinia), Willow Shrubs (Shrubby Salix), Thuja Plicatat "Zebrina"

Not Acceptable:

Acer (Acer pseudoplatanus), Aspen – Poplar (Populus), Small-leaved Lime (Tilia Cordata), Sycamore – Norway Maple (Acer), Horse Chestnut (Aesculus Hippocastanum), Sweet Chestnut (Castanea Sativa), Ash (Fraxinus excelsior), Black poplar (Populus nigra var, betulifolia), Lombardy Poplar (Populus nigra var, italica), Large-leaved lime (Tilia platyphyllos), Common lime (Tilia x europea)

A comprehensive list of permitted tree species is available upon request.

Lighting

Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Detail of any external lighting should be provided as a condition if not already indicated on the application.

Access to Railway

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development. In particular access over the

railway bridges along the northern boundary of the site must remain clear and unobstructed at all times both during and after construction work.

Children's Play Areas/Open Spaces/Amenities

Children's play areas, open spaces and amenity areas must be protected by a secure fence along the boundary of one of the following kinds, concrete post and panel, iron railings, steel palisade or such other fence approved by the Local Planning Authority acting in consultation with the railway undertaker to a minimum height of 1.8 metres and the fence should not be able to be climbed.

Network Rail is required to recover all reasonable costs associated with facilitating these works.

07 Coal Authority

Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. In the event that you are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at:

<https://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property>

Building over or within the influencing distance of a mine entry (shaft or adit) can be dangerous and has the potential for significant risks to both the development and the occupiers if not undertaken appropriately. The Coal Authority would draw your attention to our adopted policy regarding new development and mine entries:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

08 Caravan Sites and Control of Development Act 1960

Any caravan and camping facilities provided on the site shall comply with the relevant licencing requirements of the Caravan Sites and Control of Development Act 1960.

09 Public Rights of Way

The developer should temporarily close all necessary public rights of way within the site to ensure public safety where relevant. Such temporary closures can be carried out for a 6 month period and the Council's Public Rights of Way team require 1 month's notice of any such proposed closure.

10 South Yorkshire Police

All buildings should be built to Secure by Design standards, to include PAS 24; 2016 doors and windows to all hotels and lodges, and all car parks should be to Safer Parking Standards.

11 Signage

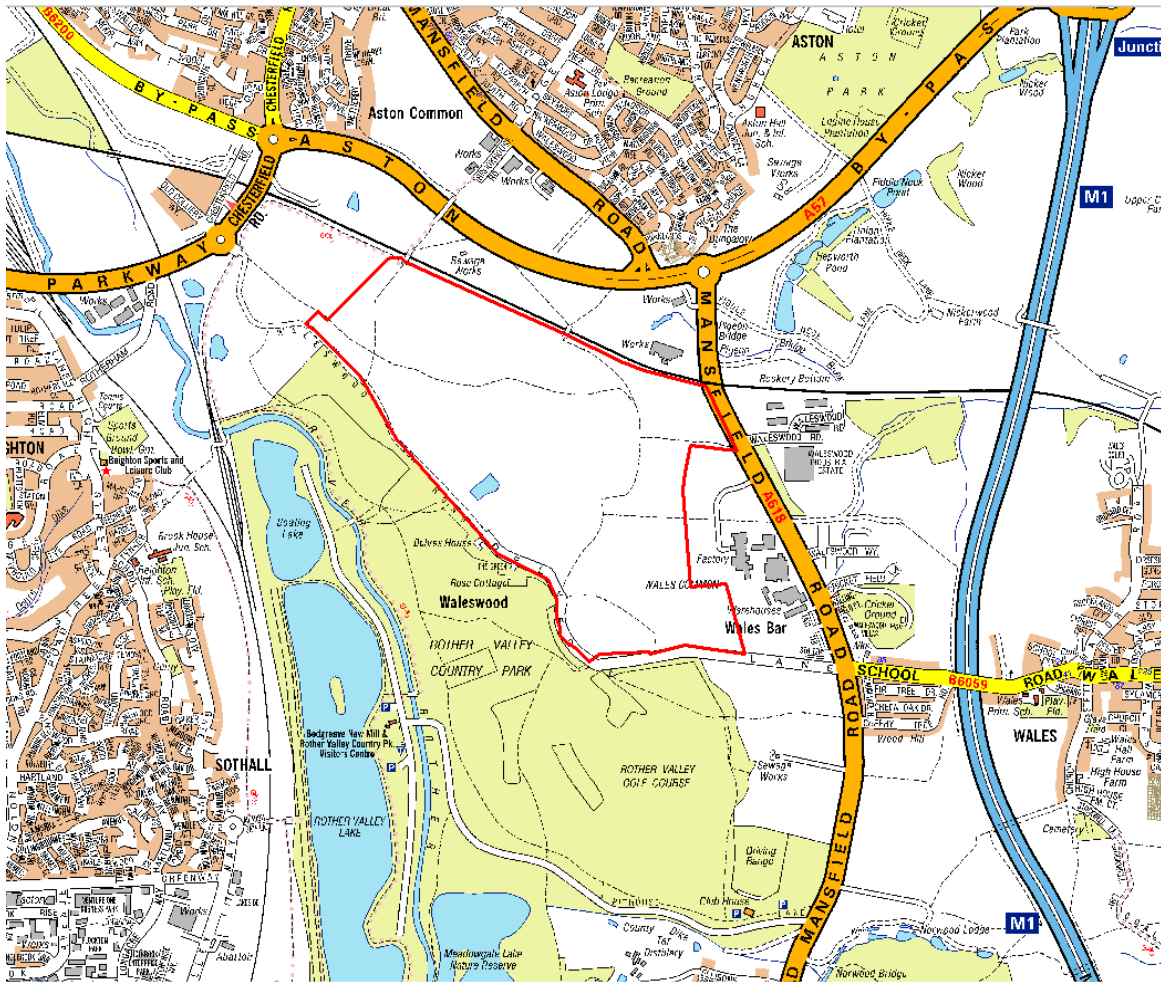
The granting of this planning permission does not authorise any signage to be erected related to the development. Such signage is controlled by the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and a separate application for advertisement consent may be required. For signs required to direct visitors to the site that are located in the Public Highway (Tourist signs) please refer to the Council's document "Providing Traffic Signs to Tourist Destinations – Code of Practice, Policy and Application Form".

POSITIVE AND PROACTIVE STATEMENT

The applicant and the Local Planning Authority engaged in pre application discussions to consider the development before the submission of the planning application. The application was submitted on the basis of these discussions, or was amended to accord with them. It was considered to be in accordance with the principles of the National Planning Policy Framework.

Application Number	RB2016/1455
Proposal and Location	Proposed theme park comprising of themed leisure facilities; indoor leisure attractions; a 40m observation tower; a pet resort; themed hotel, two main entrance buildings, facility building supporting restaurants/food outlets; ancillary retail facilities; boundary fencing, new access; car parking and landscaping at land off Mansfield Road, Wales
Recommendation	<p>A. That the application be referred to the Secretary of State (National Planning Casework Unit) under the Town and Country Planning (Consultation)(Direction) 2009, being inappropriate development in the Green Belt and exceeding 5000sqm floorspace limit for retail, leisure or office use in an out of centre location.</p> <p>B. That the applicant completes a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the following:</p> <ul style="list-style-type: none"> • The linking of the two related planning applications (RB2016/1454 and RB2016/1455) by way of an agreed phasing plan. <p>C. That subject to the National Planning Casework Unit not calling in the application for determination, and to the satisfactory signing of the Unilateral Undertaking, the Council resolves to grant permission for the proposed development subject to the conditions set out in the report.</p>

This application is being presented to Planning Board as it does not fall within the Scheme of Delegation for major operations.



Site Description & Location

The application site formerly comprised the Pithouse West/Brookhouse Colliery Site which endured a long coal mining history from approximately 1930 until the 1980's. During that period underground coal mining was served by a main colliery with associated coke ovens and colliery spoil disposal was known to have occurred over a large area of the site. Following this the site was then subject to extensive opencast coal mining until approximately 1986 when the site was restored.

The site is located to the north of Rother Valley Country Park. It is bounded by commercial premises on Mansfield Road (A618) to the east; by Waleswood Road (a public footpath), and Delves Lane to the south/south western, and the Sheffield to Lincoln railway line forms the northern boundary. The site extends to the north west as far as the existing definitive bridleway which links Rother Valley to Aston.

The application site is approximately 98.4 hectares in size, it has an undulating manmade topography and contains grassland, woodland, ponds and two brooks, The site contains a number of existing Rights of Way across the site, and is adjacent to the route of the Trans Pennine Trail.

The nearest residential properties to the application site are located on Delves Lane, consisting of Fauconberg and Conyers Cottage, Rose Cottage, The Green, and Delves House.

The site can be seen in varying degrees from surrounding settlements, Swallownest and Aston to the north, Beighton to the west, Wales to the east and Killamarsh to the south.

Background

The site formed part of the Pithouse West/Brookhouse Colliery site.

Planning permission was granted on the overall site for extraction of coal opencast methods was granted in 1988 (RB1987/1360). A subsequent application to excavate & transport colliery shale from the site was also granted in 1988 (RB1988/1453). A further permission to carry out opencast operations on a smaller part of the overall site was granted in 1991 (RB1990/1621) and a permission on part of the site to deposit 250,000 cubic metres of surplus rock and overburden arising from the Mosborough Parkway Contract (Phase 3A) to be incorporated into the opencast backfilling was granted in 1992 (RB1992/1212).

Following the restoration of the former Pithouse West opencast colliery site, outline planning permission for the 'YES Project' was granted conditionally with a S106 agreement on 29/01/2007 (reference RB2005/0237). The full description of the development was:

Outline application for proposed leisure/tourism development (use class D2 & C1) comprising themed entertainment leisure facilities; resort hotel; spa & health facility; conference and convention centre; exhibition centre, 3 star and 4 star hotels; Xtreme sports centre with indoor & outdoor facilities; second indoor sports facility; hi-tech outdoor golf driving/target range; ancillary use class A3/A4 and retail facilities; medical management and staff facilities; new access; car parking; rail station; coach & bus termini; strategic landscaping and footpath network

RB2010/0097 –this was a renewal of the above application RB2005/0237 and was granted conditionally with a revised s106 agreement on 08/12/2010.

Both applications were referred to the Secretary of State, following resolutions to grant planning permission, by the Council due to the development being within the Green Belt, and due to the level of retail use in an out of centre location. The applications were not called-in, and planning permission was granted. This permission has now lapsed.

In relation to the current applications for Gulliver's Valley, formal pre-application discussions took place between the applicant and the Council, which included local exhibitions and meetings that the applicant undertook with the general public/local Parish Councils. The initial boundary to the site was reduced to exclude approximately 29 hectares of land to the west of the current application site. In addition, the proposed means of access was altered from a point off the existing roundabout on Chesterfield Road (close to the Elmwood Farm public house), to a proposed access off Mansfield Road. The applicant undertook further publicity in respect of the revised proposals.

In addition, at the pre-application stage the applicants agreed a Scoping Opinion with the Council in respect of the required contents of the Environmental Statement that was to be submitted with the planning application.

A separate planning application (RB2016/1454) has been submitted at the same time as this application. It seeks full planning permission for: "Change of use of land to leisure resort including themed accommodation and glamping facilities; formation of access, circulation roads, car parking and landscaping; and erection of 2 themed hotels, 12 lodges, services buildings community building, ecology centre, camp reception building, entrance feature, resort check in building and security hut and boundary fencing." Should permission be granted for the two separate applications they would need to be linked via a S106 legal agreement.

Proposal

Two applications have been submitted for the overall site. The overall resort will be a year-round theme park aimed at 2-13 year olds. This application relates to approximately 30 hectares which is approximately 30% of the overall site area and would include –

- Themed leisure facilities, to include Gulliver's Valley Theme Park and Gulliver's Adventure Park.
- Indoor Leisure attractions, to include Splash Zone, Nerf Zone and Play Zone, retail facilities, café, play areas and entertainment venue.
- Two entrance buildings
- A family hotel (Lilliput Castle Hotel)
- A pet resort
- A community and fitness centre
- Car parking
- 40m high observation tower
- Facility Building

The Theme Park would provide over 40 rides and attractions, which will generally be below 10m in height, however a few rides will exceed this height, with a maximum of 25m. The Main Street entrance will see the main hub building which will provide the indoor attractions to include the Splash Zone, Nerf Zone, Play Zone and the Activity Zone with catering facilities and shop. The Lilliput Castle Hotel will provide a family venue with up to 100 bedrooms as well as forming the main catering hub for the park, there will be a reception area, bar and children's play room.

The Adventure Park entrance building will be two storey in height and will consist of hub facilities including motoring heritage museum, indoor climbing centre, craft centre, cookery school Party Zone and Party rooms, a children's nursery and catering facilities.

The Adventure Park will provide themed rides and attractions in Gulliver's Gear, Farm Park, Gulliver's Glade to include outdoor activities such as climbing, high ropes, archery and adventure trails.

The 40 m high observation tower is to be situated to the south eastern corner of the Adventure Park, this will be the tallest structure on the site.

A Pet Resort will provide a range of facilities including a rumpus room, sick bay, stables, pet kitchen, shop and reception. It will also include outdoor activity, stables yard and exercise area for pets.

The completed development as a whole is anticipated to attract 21,000 to 25,000 visitors per week during the peak season and 10,000 visitors a week during the remainder of the year, apart from special events such as bonfire night and Christmas.

Construction is anticipated to extend over a 12-15 year period. The construction has been divided into 5 phases as below –

- Phase 1 Years 1-3 - Main entrance and access roads, theme park hub + core parking
- Phase 2 Years 4-6 - Lilliput Castle Hotel, Ecology Centre/Forest Classroom, Glamping, Camp Gully's + staff facilities, stores, compound + parking
- Phase 3 Years 7-9 - Events field, Lost World + Wilderness lodges (phase 1), additional core parking, Gulliver's Gears/Glade hub + farm park
- Phase 4 Years 10-12 - Wild West village, hotel + lodges, Lost World lodges (phase 2), Gulliver's Gears + accommodation, Dream Village
- Phase 5 Years 13-15 - Wilderness Hotel + lodges (phase 2), Adventurer's Park, Gulliver's Glade + accommodation

Normal opening hours of the theme park element (subject to the separate application) are proposed to be 10:00 to 17:00. There would be no opening time restrictions for the developments outside of the theme park areas (hotels/lodges etc).

The proposed vehicular access comprises a new access junction off the A618 Mansfield Road. Access is proposed from a ghost island priority junction with separate entry and exit points. The proposed layout gives priority to inbound traffic in order to minimise the risk of queuing or delays on the public highway.

The whole site would have a total of 1,728 car parking spaces, 330 cycle spaces and 27 coach/bus spaces.

There are a number of existing rights of way crossing the site which have been incorporated within the scheme. No diversions or closures of public rights of way will be required. In addition, a number of courtesy footpaths have been provided within the scheme which will be available for use during daylight hours. These additional trails will be sympathetically created to complement the contours of the resort and its surroundings. The site is on the Trans Pennine Trail, and there are also various off-road cycle paths running through the Rother Valley Park and the surrounding area.

A 'car-free' environment will be promoted around the site where families can explore around on foot or by bicycle and the proposals includes a cycle hire facility to help people get around the resort. In addition, a 'land train' will be provided to link the core attractions throughout the site.

The application was submitted with an Environmental Statement (ES) as the proposal is considered to be EIA Development. The supporting documentation contained within the ES is summarised below in respect of the theme park element of the overall site -

The theme park elements would be developed in parallel with other parts of the scheme and across all phases, occupying the central area of the site and including the main access. The effects associated with the theme park will comprise a proportion of those for the overall development; for example, theme park traffic is estimated to amount to around

80% of the total, and would therefore account for a similar proportion of the associated effects.

Since the development has been designed and assessed as a whole, including mitigation measures such as the surface water drainage strategy, it is not always meaningful to disaggregate the effects of the theme park in isolation.

However, the following comments can be made:

- Air Quality: The effects would be less than those for the overall scheme, which are predicted to be negligible and not significant.
- Ecology: The Theme Park area occupies the central part of the site, away from the sensitive habitats associated with the Pigeon Bridge Brook. This area would therefore have no effect on bittern and substantially less effect on amphibians and invertebrates than the overall scheme. Its effects would otherwise be similar to, but proportionately less than, those reported above.
 - Flood Risk and Drainage: The theme park elements would have similar effects to the overall scheme, and would form part of the same surface water drainage strategy, although their level of significance would be less.
 - Ground Conditions: Since the Theme Park site shares the characteristics of the overall site in terms of geotechnical conditions and contamination risk, the associated effects would be the same as for the overall scheme.
 - Landscape and Views: The theme park elements will be located on the most prominent part of the site and include some of the largest structures, and will therefore account for much of the effect on site character and the highest levels of impact on receptors at Delves Lane, Wales Bar, Aston Common and Sothall.
 - Noise: Since the theme park elements would be the source of most operational noise, as well as most of the traffic, their effects would be the same as predicted for the overall development.
 - Transport: The theme park elements would account for around 80% of the development traffic, and therefore a broadly similar proportion of the predicted effects. The Transport Assessment states that the level of construction traffic is predicted to amount to around 40 vehicles per day. It would use the main site entrance, which would be constructed first, routing to/from the arterial road network via the A618/A57. This volume of traffic will have no more than a negligible effect on junction capacity and driver delay. The effects on pedestrians and cyclists would be negligible to slight, mainly due to the increased number of HGVs. A traffic management plan would form part of the CEMP, including provisions such as designated HGV routes

It states that during the operational phase of the development traffic from the completed development would give rise to annual average daily traffic (AADT) flows of 397 vehicles (two-way). The increase over baseline flows in 2028 would be greatest on the A618 (Mansfield Road) to the north of the site entrance (2.1%), and to the north of the A57 priority junction (1.7%). The increase on all other links would be below 1%, whilst there would be no measurable effect on the M1. The impact on driver delay is predicted to be slight to moderate at the A57/A618 roundabout and the A57/A618 priority junction, and slight at all other assessed junctions, including M1 Junction 31.

There would be negligible effects on severance, pedestrian delay, and amenity. Whilst none of these effects are considered to require mitigation, a Travel Plan will include measures to encourage the use of sustainable modes, whilst junction capacity in the

surrounding area would benefit from improvements under separate consideration by RMBC.

The application was also supported by the following –

Design and Access Statement – This document describes and explains the design principles used by the applicants. It states that the site will be the first Gulliver's in the UK to encompass all of their major family entertainment elements in one location. It states that a key consideration is how the theme park and other elements and features of the long term proposals can be accommodated without significant negative effects on the existing landscape.

It states that the vehicular access is taken off Mansfield Road, and that existing Public Rights of Way across the site have been incorporated into the scheme without the need for diversions.

Statement of Community Involvement – This document outlines the public consultation that the applicants have entered into with the local communities prior to the submission of the planning application. Two rounds of consultation were undertaken in October 2015 (in respect of the initial proposal which included additional land to the west and an access off Chesterfield Road) and August 2016 (relating to latest scheme). This took the form of stake holder meetings with local councillors, businesses and organisations. A dedicated website for the project supported by social media on facebook and twitter, and public exhibitions were held in Aston, Wales, Bighton and Rotherham Town centre. Leaflet drops and publicity in local newspapers, websites, radio and television was also undertaken.

The consultation resulted in over 700 responses from the public and interested parties, raising the following comments:

- 1 Positive Comments – fully in favour of the development, can't wait for it to open.
- 2 Positive Comments with Traffic Concerns – generally think the development is a good idea, however have some concerns over the road network.
- 3 Traffic Concerns – have concerns on the amount of traffic on the roads already and what the development will add.
- 4 General Concerns – assorted concerns including wildlife, noise, house prices, bridleways, etc.
- 5 Negative – do not think the development is a good idea.
- 6 Job Requests – people looking for employment both during development and also once operational.
- 7 Supply Chain – local companies looking to supply the development or partnership opportunities.
- 8 Timeline and Application Enquires – people asking for more details on the proposals and timelines of the planning process.

The Statement of Community Involvement indicates that the scheme layout was refined to take account of comments received.

Sustainability Appraisal -This includes details of economic, social and environmental benefits which demonstrate that the proposal constitutes sustainable development.

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 'saved' policies from the Unitary Development Plan (UDP) (noted in Appendix B of the Core Strategy). The Rotherham Local Plan 'Publication Sites and Policies' was published in September 2015.

The application site is allocated as 'Green Belt' in the UDP. In addition, the Rotherham Local Plan 'Publication Sites and Policies' document also allocates the site for Green Belt purposes on the Policies Map. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS4 Green Belt

CS11 Tourism and the Visitor Economy

CS12 Managing Change in Rotherham's retail and service centres

CS14 Accessible Places and Managing Demand from Travel

CS19 CS Green Infrastructure

CS20 Biodiversity and Geodiversity

CS21 Landscape

CS23 Valuing the Historic Environment

CS24 Conserving and Enhancing the Water Environment

CS25 Dealing with Flood Risk

CS27 Community Health and Safety

CS28 Sustainable Design

CS30 Low Carbon & Renewable Energy Generation

CS33 Presumption in Favour of Sustainable Development

Unitary Development Plan 'saved' policy(s):

EC6.4 Tourism and Visitor Developments and the Environment

ENV2 Conserving the Environment

ENV2.8 Settings and Curtilages of Listed Buildings

ENV2.12 Development adjacent to Conservation Areas

ENV3.2 Minimising the Impact of Development

ENV3.4 Trees Woodlands and Hedgerows

ENV3.7 Control of Pollution

ENV4.3 Unstable Land

ENV4.4 Contaminated Land

T7 Public Rights of Way

The Rotherham Local Plan 'Publication Sites and Policies - September 2015':

None relevant.

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 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 Core Strategy/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 planning application was advertised in the press and on site (12 site notices were erected around the site and in local communities) as a departure from the Unitary Development Plan and as affecting the setting of various listed buildings. In addition, the occupiers of neighbouring properties were notified by letter.

22 letters of objection have been received, the contents are summarised below –

- Why must more open land be sacrificed, it is currently enjoyed by locals via footpaths, bridleways and national cycle network.
- The scheme allows the Council to obtain cash quickly.
- The proposal is not beneficial for the area, and without merit
- For years the site has been used for open cast mining and the noise and dirt that was associated with that, a theme park is not wanted by locals.
- Do not consider that adequate studies and investigations have been carried out, with regards to traffic, noise pollution, and ones that have been submitted appear tokenistic, and incorrect.
- The local roads are already very congested, and extremely busy in rush hour
- The site is surrounded by housing estates, not a good location for a theme park.
- The environmental impact and increased traffic is not in the interest of the local area.
- Delves Lane appears to be used as a service road to be used by lorries and waggons all times of the day/night.
- Jobs created will be low paid, minimal seasonal work.
- There is a lack of faith in the organisation to bring attention to detail, and to engage with the local community.
- How do pedestrians and cyclists access the site, it is very difficult to cross safely due to volume, speed and size of traffic, especially for people gaining access from the Aston area, will an additional pedestrian refuge islands be provided along with extending and upgrading the existing footpaths to accommodate cyclists.
- The road is very narrow under the bridge, how will it be widened?
- Why has the entrance been moved from the roundabout close to the Elmwood Farm pub? This would be a much better entrance/exit. Surely tests for contamination could be carried out to verify if pollution exists.
- During summer months Mansfield Road can be at a standstill from A57 roundabout/Mansfield Road junction right down to Rother Valley entrance, the new proposed entrance will cause mayhem.
- When the M1 is blocked commuters use the A57 and Mansfield Road as a diversion route .

- There will be noise, light and air pollution.
- Construction traffic will not be able to go under the railway bridge due to the height restriction.
- No account has been taken of traffic through Wales and Kiveton, and proposed housing in the area.
- The entrance/exit is dangerous, being on a brow of a hill and opposite the entrance of an Industrial Estate, on a very busy road.
- Numerous accidents have occurred close to the site of the proposed entrance resulting in fatalities.
- Planning Board Members should visit the site to evaluate the arguments and not rely on documents.
- The proposal has not been well publicised.
- If properties are devalued, compensation should be paid.
- The site has previously been used for a heavy industrial use – mining on a 24 hour a day basis 5.5 days a week, then for open cast mining before it was restored.
- Working people should be given the opportunity of a job.
- It is encouraging that the existing ponds and reed bed areas will be retained and utilised as an ecology area.
- The site has returning wintering bitterns since 2002. A raised viewing platform would be beneficial to enable viewing of the reed bed areas.
- Will people be stopped using the Public Rights of Way?
- Wildlife should be preserved and enhanced.
- In experience, it is seen that as a result of such developments Skylark will cease to breed on the site. Efforts should be made to protect the species.
- Measures should be taken throughout the development to enhance wildlife, and small wildlife ponds could be created near to buildings
- The land adjacent to the application site is used for industrial use, with further land allocated for industrial use, there are concerns regarding the mixture of family cars and HGVs on the road.
- The application site is lower than adjoining land off Mansfield Road and so drainage implications may exist if future development has not been factored in.
- The adjacent industrial land could be used on a 24 hour basis, which has noise and lighting implications. The proposal shows the glamping area in close proximity to this land

Wales Parish Council supports the application as it will bring much needed jobs for local people and other economic benefits, including increased trade for local businesses. A number of residents have expressed concern at the main entrance to the development being off Mansfield Road. The developer has extensive experience of managing traffic in and out of its theme parks, and Wales Parish Council understands that this aspect of the application will be carefully addressed by the Borough Council's highway engineers as part of the planning process.

Aston-cum-Aughton Parish Council have registered their full support for the regional scale leisure and tourist attraction, which would provide direct and indirect benefits. It would provide employment for local people, and benefit for local businesses.

A response has been received from some Sheffield Ward Members, who request that sufficient and clear signage is provided so that traffic does not enter Beighton Village off the A57, looking for the park entrance. If this is the case there are no objections.

Two further letters have been received from local residents who do not object to the proposals.

The applicant and one local resident have requested the right to speak at the Meeting.

Consultations

RMBCTransportation and Highways Design - Notes that the revised Transportation Assessment (TA) concludes that the development traffic is unlikely to have a material adverse impact on the surrounding highway network, including J31 of the M1 Motorway, and the conclusions of the TA are accepted. In reaching this view the Transportation Unit has taken into account the fact that the theme park traffic will be seasonal and for the most part off peak, or in other words outside the morning peak and at weekends and during school holidays.

The Transportation Unit notes that funding for a Council scheme to introduce additional capacity at the A57/A618 and A57/B6053/B6200 junctions has formal agreement in order to facilitate development of Pit House West and Vector 31 development. This work is expected to commence early in February 2017 and will address existing problems of congestion and delay in these locations and provide additional capacity for future developments. In brief, the work involves alterations to the A618 north/A57 junction including the provision of a signal controlled pedestrian crossing of the A57 at this location.

The existing roundabout at A57/A618 will be signal controlled. In addition to the above, the operation of the existing traffic signals at the Delves Lane junction with Mansfield Road will be reviewed with a view to improving traffic flow at this crossroads. Whilst it is not considered that these works are essential to make the current scheme acceptable, they will clearly improve the situation.

With regard to the proposed site access arrangement at A618 Mansfield Road, a revised layout has been submitted which incorporates recommendations outlined in a Stage 1 Safety Audit. This arrangement is acceptable in principle subject to detailed design considerations as part of a S278 Agreement.

The Transportation Unit notes that the existing vehicular accesses to the site from Delves Lane are to be used in emergencies only, although the cutting back of some vegetation will be required to render these usable by vehicles.

Access for pedestrians/cyclists along the A57/A618 between Aston/ Swallownest is far from ideal although there is an alternative route via Brookhouse Road and a Public Bridleway which is part of the Trans Pennine Trail. Whilst not an all weather route, this is considered to be a safer route for pedestrians and is suitable for use by wheelchair users. A separate footway adjacent the site access road from Mansfield Road is to be provided and an entrance barrier indicated on the Masterplan will remain in the upright position when visitors are arriving. In addition, a Travel Plan has been submitted and subject to further details is considered to be acceptable. These matters, and others such as the surfacing of vehicular areas and layout of appropriate parking, can be controlled by way of suitable conditions.

Highways England – They state that the proposed development is approximately 2km to the south west from junction 31 of the M1. A range of facilities are proposed to be contained within the complex, including indoor leisure attractions, family hotels, outdoor

(camping) accommodation, a spa and fitness centre, an outdoor education centre and retail facilities.

The outcomes of the M1 J31 operational assessments that have been undertaken (and to which we can now reach agreement in relation to there being no material impact on the safe and efficient operation of the Strategic Road Network) have been founded on the A618 Growth Corridor Project improvement scheme being in place and removing the current occurrence of issues at M1 Junction 31 that occur because of downstream local network issues. As such to ensure that the outcomes that have been assessed are those that will be achieved, it is proposed that a condition relating to these improvements be attached to the permission.

South Yorkshire Passenger Transport Executive (SYLTE) – Welcome the development, bringing jobs and tourism into the area, however note that accessibility to the site is poor in terms of the number and frequency of bus services. The preferred option would be a bus which comes into the site with stopping facilities, and the installation of information screens in staff areas to provide real time travel information. The developer must introduce measures to encourage and support the use of sustainable transport.

RMBC -Trees Service Manager – Notes that in principle there are no objections to the application subject to relevant conditions. The site contains various trees/woodlands, shrubs and hedgerows, general details of which are included in the submitted details. Generally there are 15 extensive pockets of plantation woodland being of a similar age and subject to a similar planting regime. Although the plantations comprise a good mix of native species, they comprise densely planted trees that are subsequently young and drawn. Collectively, they contribute to overall amenity and provide associated environmental and wildlife benefits. The importance of the trees/woodlands will no doubt increase and they mature and develop into attractive landscape features as was no doubt intended when the land was originally restored. For this reason, their retention and careful management is desirable wherever possible.

The development will involve the loss of some of the existing trees/ woodlands, shrubs and hedges and this appears unavoidable to accommodate the scale of the proposed development. According to the submitted details in total 14% of the plantation area would be lost including the majority of plantation PL15, whilst plantation woodland PL4 and PL6 – PL9 are to be partially lost. This would be reduced to a net loss of 9% once replacement planting becomes established. This will result in a partial loss of woodland planting, amenity and associated benefits at least in the short term. However, the retention of the remaining areas of trees/woodlands should continue to provide a reasonably good level of amenity that should increase as the trees mature, particularly if they are managed sensitively in the future in accordance with good arboricultural / silvicultural / ecological practice. Indeed, this should also increase the quality of the remaining woodland in amenity and ecological terms in the medium to long term as indicated in the submitted details. In addition, it is noted that new tree, shrub and hedge planting is proposed as part of a landscape master plan for the development and this is welcomed to help provide future amenity and associated benefits.

The Tree Service Manager notes that it is unclear how the development will be undertaken to minimise any adverse impacts on the future prospects of any retained trees, shrubs and hedges. Therefore, it is recommended that a planning condition is included with any consent requesting the submission of an Arboricultural Method Statement.

The Tree Service Manager adds that at present it is unclear how the retained trees will be maintained in the medium to long term to ensure they develop into meaningful and sustainable woodland(s) and landscape features as intended when they were originally planted.

This is important to ensure the necessary resources are allocated, as part of a development's overall financial planning. Therefore, it is recommended that a planning condition is included with any consent requesting the submission of a detailed tree/woodland management plan in accordance with industry good practice for consideration and approval.

RMBC - Landscape Design – The Landscape Unit notes that the Landscape and Visual Impact Assessment LVIA has been carried out using appropriate methodology and in line with current best practice guidance. The location of viewpoints were agreed with the applicant's landscape consultants prior to assessment work being carried out, and informed by zone of theoretical visibility study (ztv). The Landscape Unit confirm that it generally agrees with the findings of the LVIA in respect of the potential magnitude and significance of landscape and visual effects.

The LVIA predicts that “landscape effects would range from moderate adverse on site, moderate to minor adverse in relation to the Rother Valley Local Character Area (LCA) Reclaimed Woodland and minor beneficial/no noticeable effect in the context of other identified landscape receptors.” The main effects will relate to the farmland within the site, which will be lost to development. The applicant proposes mitigation measures which aim to safeguard and strengthen the remaining woodland structure planting on the site, which is a key characteristic of the LCA, and will offer wider enhancement.

Overall, these potential landscape effects are not considered to be significant in Environmental Impact Assessment terms. The retention of the majority of the existing woodland and the siting of the accommodation and leisure facilities within the wooded lower lying areas, along with the inclusion of further landscape mitigation, will result in a minor adverse effect upon the completion of all phases after 15 years.

The LVIA describes the visual effects in detail; however it would appear that there are only minor glimpse views possible of the wider leisure and accommodation facilities within the wooded valley. This is largely due to the topography and existing wooded areas providing screening. Overall, the visual effect for the elements of the development to which this application relates is considered negligible upon completion of all phases after 15 years. The theme park rides & buildings, and in particular the observation tower ride, are the tallest features of the development (up to 40m). The existing woodland blocks and topography offer screening and contribute to minimising the visual effects considerably with effects ranging from 'Moderate adverse' effects reducing to 'Minor adverse' over time for Residents on the western edge of Wales, to Minor adverse effects becoming Negligible on completion for residential receptors to the north & west of the site, (Swallownest, Aston Common, and Sothall).

A similar level of effect would be experienced by users of the Rother Valley Country Park, Sustrans routes 6 and 67, the Cuckoo Way and the A57. The greatest effects would be experienced by residential receptors on Delves Lane & Wales Bar, the potential visual effects during construction being Major adverse reducing to

Moderate adverse upon completion due to the prominence of the Lilliput Castle Hotel and theme park hub. The initial effects on properties at Wales Bar and Delves Lane would be significant, but upon completion (+15years) the effects would no longer be considered significant as the structural landscaping matures.

Given the site character and the context of the wider leisure accommodation development within the existing wooded valley it is important that the architecture reinforces and enhances this character. The Landscape Unit asks that consideration be given to the use of green roofs particularly in areas where the buildings are proposed to have a woodland/ natural or ecological theme. This could also help to mitigate the loss of grassland habitat across the development, reduce heat loss and delay surface water runoff.

Opportunities for advanced structure planting should also be explored, particularly along Delves Lane, and that the entrance landscaping of the development is carefully considered to further mitigate any close range adverse visual impacts. In addition planting phases should be grouped to help mitigate and provide screening as early as possible to minimise landscape and visual effects. The larger scale Strategic Landscape Masterplan now provided identifies locations of retained vegetation and proposed locations for key planting / landscape types. More detailed landscape proposals can be secured via the planning condition.

RMBC - Ecologist – Is satisfied that the Ecological report is a good and proper record of what is on the site, and raises no objections subject to recommended conditions.

RMBC - Drainage – No objections subject to recommended conditions.

Environment Agency – No objections subject to recommended conditions to ensure that the proposal does not pose an unacceptable risk to the environment.

RMBC - Public Rights of Way – Has no objections to the proposals. Notes that none of the existing Public Rights of Way that cross the site would be affected by the proposed development and as such no formal closure orders would be required. The PROW team welcomes the retention of courtesy paths across the site where public access will be retained by the applicant, and the provision for access for all at the site. Management arrangements for controlling access is welcomed

Historic England – Notes that this large application site lies within the setting of a number of designated heritage assets including the Church of St Mary the Virgin, (Beighton) Grade II* listed and the Church of St John the Baptist, Grade II* listed. Historic England has no objections in principle to the proposed development, however they note the theme park will comprise of a number of substantial structures including a 20 metre high fairytale castle, 25 metre high rides and a 40m high observation tower.

Historic England has had regard to the information submitted by the applicant and notes that, whilst glimpses of the observation tower may be possible from a number of listed buildings, they consider the proposed family entertainment theme park will result in negligible harm to the significance of the listed buildings. They confirm that they support the proposed development.

RMBC - Contaminated Land – Notes that the proposed redevelopment of the site will consist of a commercial (leisure)/residential (overnight accommodation) end use with a

number of buildings and structures being constructed to support this use. The application site has been subject to a significant industrial past including a colliery and both underground and opencast mining. Colliery spoil disposal, slurry ponds and a railway line have also occupied the site. Although the site has been restored to a public open space, site investigations are now required to ensure the site is suitable for the proposed commercial/residential (in parts) end use. Based on the information available it is considered there is potential for contamination to exist at the site which could impact on human health and the environment which may need to be addressed. These can be addressed by way of suitable planning conditions.

RMBC - Environmental Health – Raises no objections in terms of the impact of the development on nearby residents subject to the relevant informatives. In terms of impact on air pollution, no objections are raised subject to the provision of a Travel Plan, to include a designated car parking area within the main car park for electric and low emission vehicle parking, within which a number of electric vehicle re-charging points shall be installed and made available for visitors; use of workplace pooled low emission vehicles for all off site trips; use of electric vehicles for on site operational works. These are all set out in the applicant's Air Quality Assessment.

Natural England - Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

South Yorkshire Archaeology Service – Raise no objections subject to condition.

Network Rail - Raise no objection with reference to the protection of the railway subject to requirements to be met. They go on to state that given the size and proximity of the development in relation to the railway they considered that there may be significant impacts on both Kiveton Bridge and Woodhouse railway stations. They therefore request that a contribution is sought from the developer towards station facility improvements.

South Yorkshire Police – Note that all buildings should be built to Secure by Design standards and all car parks should be to Safer Parking Standards.

South Yorkshire Mining Advisory Service (SYMAS) – Raise no objections subject to the development being carried out in accordance with the Phase 1 Geo-Environmental Study, which sets out the various issues to be addressed by way of the mining legacy for the area and indicates what measures will be taken to competently address those issues.

Yorkshire Water – Raise no objections subject to relevant conditions.

Coal Authority – Raise no object subject to relevant conditions requiring investigation of the mine entries, the 'high wall' and shallow coal mine workings and carry out any required remediation. Building over or within the influencing distance of a mine entry or 'high wall' will only be permissible when expert advice allows a suitable engineering design to be developed and agreed to take account of all the relevant safety and environmental risk factors including gas and mine-water.

Campaign to Protect Rural England (CPRE) - Acknowledge that a commercial tourism and recreation development is an appropriate use of Green Belt land in principle, provided that it does not harm the openness of the Green Belt or the purpose of including the land within it. In this context they are pleased that the applicant has limited built development to a portion of the site, particularly leaving the wooded and wetland areas largely unaffected.

In designing this scheme the applicant has clearly sought to be sensitive to the landscape, and CPRE consider it to be much more appropriate than previous proposals for the site.

Sheffield and Rotherham Wildlife Trust – Do not object to the application however have made numerous comments. They state that they are largely impressed by the attitude of Gulliver's in showing willingness to work with the landscape, to preserve the best area of the site for wildlife and to manage the areas that will not be subject to intense development. Access will also be maintained for public rights of way for people who currently enjoy the site as a green space. Gulliver's are also keen to include environmental education as part of the proposal. The ecological surveying and management of the site to secure the long term ecological future of the site is welcomed.

The Trust notes that it should still be recognised that this is a major development in a green space within the green belt that currently provides habitat for a range of biodiversity, especially birds. Local birders have recorded over 100 species of birds using the site, making it one of the best sites for birds in Rotherham. Detailed comments are submitted which focus on recognising this importance, the potential impacts on the birds and ensuring that appropriate level of mitigation, compensation, monitoring and long term management are put in place.

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 issues to take into consideration in the determination of the application are –

- The principle of the development in this Green Belt location.
- The inclusion of main town centre uses in this out of town location.
- Transportation issues.
- Design and visual appearance.
- Drainage and flood issues.
- Landscape.
- Ecology.
- General amenity issues (noise, dust and air quality).
- Geotechnical and contamination issues.
- Heritage issues.
- Other matters
- Planning obligation.

The principle of the development in this Green Belt location

The application site is allocated as Green Belt land within the adopted Rotherham Unitary Development Plan. The National Planning Practice Guidance (NPPF) states that the Government attaches great importance to Green Belts, and that once they have been

defined, local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access, to provide opportunities for outdoor sport and recreation, to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged or derelict land.

Core Strategy Policy CS4 Green belts states that land within Rotherham's Green Belt will be protected from inappropriate development as set out in national planning policy. The NPPF states at paragraph 89 that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. It then sets out exceptions to this, and these include "provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it."

Whilst some of the proposed development could be argued to provide appropriate facilities for outdoor recreation, the majority does not, such as the proposed hotels. In any event, the provision of the significant built form on the site would not preserve the openness of the Green Belt and would conflict with the purposes of including land within the Green Belt, including the safeguarding of the countryside from encroachment. As such, the proposal represents inappropriate development in the Green Belt and very special circumstances need to be demonstrated to overcome the harm caused. In terms of the other purposes for including land within the Green Belt, the development as a whole is not considered to be appropriate to be located within an urban area, and the development would not lead to urban sprawl, nor would it lead to neighbouring towns merging into one another.

Paragraph 87 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 goes on to state that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

In this instance, Core Strategy Policy CS11 'Tourism and the Visitor Economy' states: "The Council recognises the contribution that tourism can make to sustainable economic development and job creation. The Council will support development proposals for hotels, conference centres, leisure-related tourism facilities, transport facilities, camping and caravanning sites and visitor accommodation in appropriate locations. Proposals focused on the borough's canals and rivers will be supported where they can be delivered safely and in line with relevant flood risk policy.

Tourism and visitor developments will be supported which;

- a. improve the quality and offer of Rotherham's visitor economy
- b. improve the image and perception of Rotherham and promote the borough as a visitor destination
- c. attract investment to the local area and increase job creation
- d. increase the skills base in tourism associated areas
- e. enhance and conserve the borough's urban and rural heritage, and utilize existing or replacement buildings wherever possible, particularly outside of existing settlements
- g. are consistent with town centre regeneration objectives
- h. enhance the character and role of Rotherham's country parks, including the provision of appropriate additional recreation, leisure and tourist facilities.

The Council will support proposals for a comprehensive, regional scale leisure and tourist attraction north of Rother Valley Country Park compatible with its location within the Green Belt.

In considering the appropriateness of the location of proposed tourism and visitor developments regard will be had to the proximity to existing and connectivity with other visitor attractions, destinations and amenities, particularly by public transport, walking and cycling.”

The supporting text to CS11 notes that: “5.4.32 In addition to existing facilities, in 2011 the Council granted outline planning permission for a regional leisure and tourist attraction. If delivered, the development, adjacent to Rother Valley Country Park, would provide a mix of themed leisure and recreation experiences, and contribute to Rotherham's local economy by attracting visitors and creating new employment opportunities.”

UDP Policy EC6.4 Tourism and Visitor Developments and the Environment states that all such proposals shall be assessed against the capacity of the area to cope with the pressures generated and will be required to demonstrate, amongst other things, that they respect the form character and setting of any settlement involved; do not conflict with policies to conserve the natural environment and heritage; conform with policies for transport and public transport and conflict with surrounding land uses is minimised. Many of these issues are addressed in the report below.

The proposed development (in association with the theme park proposals submitted under planning application RB2016/1455) is therefore considered to comply with Core Strategy Policy CS11.

In addition, paragraph 18 of the NPPF states that the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of low carbon future. Paragraph 19 of the NPPF also adds that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

The economic benefits of the proposed development are both direct and indirect benefits. The proposal will positively contribute to the local economy and tourism opportunities with a diverse range of job opportunities created both within the construction and operational phases, and will create up to 125 full time jobs and 325 part time jobs. The proposal will attract tourists to Rotherham which would be beneficial for the local economy.

It is therefore considered that the reasons above should be given significant weight when considering the application, and that they amount to very special circumstances which outweigh the potential harm to the Green Belt by reason of inappropriateness, and other harm.

The proposal is therefore considered to comply with policies within the NPPF and Core Strategy Policy CS4.

The inclusion of main town centre uses in this out of town location.

The proposal includes uses which are classed as main town centre uses in the NPPF in the form of retail, leisure, entertainment facilities and recreation uses, restaurants, bars and tourism developments including hotels. Paragraph 24 of the NPPF states that local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.

Paragraph 26 of the NPPF states that when assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq m). This should include assessment of:

- 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
- the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.

Core Strategy Policy. CS12 Managing Change in Rotherham's retail and service centres has a similar aim to the NPPF, however it identifies a lower locally set threshold for the need for an Impact Assessment of 500sqm of retail, leisure or office development.

In this regard it is considered that the proposal is for a large regional scale tourist development, and all the proposed elements are required to be located within the same site to provide the offer as proposed. The retail, food outlets and hotels are ancillary and complementary to the tourist development site as a whole, and are not considered to be destinations in their own right. It is considered that the individual uses could not be disaggregated, and furthermore the application site is identified as a location for such a regional scale tourist development. It is therefore considered that the sequential test can be satisfied and that the proposal is unlikely to have a significant adverse impact on factors listed above.

The Town and Country Planning (Consultation)(Direction) 2009 requires applications that include retail, leisure or office use with a floor space exceeding 5,000 square metres in an out of centre location to be referred to the Secretary of State as a departure, as occurred with the YES project. In this instance the application exceeds the threshold and would be referred to the National Casework Unit as a departure.

Transportation issues

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.

Core Strategy Policy CS14 Accessible Places and Managing Demand for Travel aims to make places more accessible and to change travel behaviour. It states that development should be in an accessible location and should enable walking and cycling to be used. Employers should adopt Travel Plans to promote sustainable travel. It states that larger developments should be supported by Transport Assessments.

The application was supported by a Transport Assessment as part of the Environmental Statement which considered the potential traffic and transport effects associated with the proposed development.

It indicates that highway access to the site will be provided via a junction with the A618 Mansfield Road with separate entrance and exit points. There have been numerous objections to the application stating that the access is dangerous as it is in close proximity to other road junctions, on a hill and that the road narrows underneath the railway bridge, along with numerous accidents, some fatal, that have occurred in this vicinity on Mansfield Road in the past. Since the submission of the application the applicants have been requested to carry out and submit a Stage 1 Road Safety Audit for the proposed access arrangements at Mansfield Road. This Audit raised issues that have been accepted by the applicant and designed into the scheme to provide an amended access design. Whilst it is noted that accidents have previously occurred on Mansfield Road, the submitted Road Safety Audit, and subsequent amended access arrangements indicate that the access is acceptable for the proposed development in highway safety terms.

Numerous objections state that the development would be better accessed off the existing roundabout on Chesterfield Road to the north west of the site. Prior to the submission of the planning application this access had been under consideration by the applicant. However, as a result of comments received at the pre-application public consultation on the development proposals and information gained during Gulliver's due diligence exercise that identified potential ground contamination on the site, Gulliver's submitted the planning application based on a smaller site area excluding approximately 29 hectares close to the roundabout. This excluded area is outside the planning application site.

In relation to capacity issues, the existing traffic on the surrounding highway network has been assessed along with traffic growth and the predicted development traffic to establish the likely impact of the proposed development traffic on the surrounding road network. Since the submission of the application the applicant has undertaken further analysis work at the request of the Local Planning Authority in relation to Rotherham's roads, and Highways England in relation to the Strategic Road Network, the M1 and specifically Junction 31.

The further assessment work shows the impact of the development traffic, whilst having regard to proposed highway improvement measures on the A57 corridor which the Council intends to commence in early February 2017. This assessment concludes that the development traffic is unlikely to have a material adverse impact on the surrounding highway network, including Junction 31 of the M1 Motorway. This takes account of the

fact that the theme park traffic will be seasonal and for the most part off peak ie. outside the AM peak, and at weekends and during school holidays.

Objections have been received to the planning application on the grounds of existing congestion along, and within the vicinity of, Mansfield Road. Many have highlighted problems with queuing traffic from the A57 to Rother Valley, problems accessing/egressing residential drives on Mansfield Road, and delays at the Delves Lane traffic lights. Many also raise problems with congestion around the site when there is an incident on the motorway causing much more traffic than normal to use the local road network. These objections state that traffic situation would be made worse by the proposed development.

However it must be noted that the Council scheme, which will incorporate highway improvement measures on the A57 corridor, will address existing problems of congestion and delay by providing additional capacity at the A57/A618 junctions, thereby facilitating development of the application site and Vector 31 development sites which is close by. In brief, the work involves alterations to the A618 north/A57 junction including the provision of a signal controlled pedestrian crossing of the A57 at this location and co-ordinating this junction with the existing roundabout at A57/A618 which is to be signalised. In addition to the above, the operation of the existing traffic signals at the Delves Lane junction with Mansfield Road will be reviewed with a view to improving traffic flow at this crossroads. The A57/Chesterfield Road/B6200/B6053 Roundabout has been modelled and this shows continuing growth of queuing due to background traffic growth. The Gulliver's development traffic has only a marginal negative effect on this junction though white line improvements to this junction are intended to be commenced in the next few weeks and would be completed prior to the development being brought into use.

With regards to motorway traffic using local road networks in the event of an accident/closure, this is not on a regular basis and is likely to happen on all local road networks close to the motorway. It is not an issue to be considered as part of the determination of this planning application.

It is also noted that objections have been received on the grounds of service accesses being shown off Delves Lane. It has been confirmed by the applicant that all servicing will be via the main entrance off Mansfield Road, and that the access points from Delves Lane would only be used in the case of an emergency. This can be secured by planning condition.

With regards to sustainable access, public transport provision to the site is considered to be fair, there is one bus service that has a weekday daytime frequency of 3 per hour in each direction, reducing to 2 per hour on Saturday and 1 per hour on Sunday. The developer will provide a facility for a bus provider to enter the site and drop off if they so wish, and other methods to promote sustainable development would be included within a Travel Plan.

Network Rail has made a request for a financial contribution for station improvements to both Kiveton Bridge and Woodhouse Stations as part of the development proposal. The applicant has noted that both railway stations are unmanned and have a limited service available on Sundays, no trains until after 2pm. They also note that the stations have limited bus services available to serve the proposed development and are located too far away to walk to and from. They also state that evidence from their existing three parks shows that a limited number of visitors travel by train. For these reasons the Local

Planning Authority consider that such a financial contribution is not necessary to make the development acceptable.

Paragraph 75 of the NPPF states that policies should protect and enhance public rights of way and access, and UDP Policy T7 states that The Council will safeguard, maintain promote and, where appropriate, create footpaths, cycleways and bridle ways as a means of serving the community. With regards to access for pedestrians/cyclists along the A57/A618 between the site and Aston/Swallownest, this is far from ideal although there is an alternative route via Brookhouse Road and a Public Bridleway which is part of the Trans Pennine Trail. Whilst not an all weather route, this is considered to be a safer route for pedestrians and is suitable for use by wheelchair users. A separate footway adjacent the site access road from Mansfield Road is to be provided.

The whole of the development has been planned to ensure that the exact definitive lines of existing public rights of way are incorporated, and all remain open during the development phases. Additionally, the developer promotes an “access for all” approach and they aim to make footpaths and cycle ways within the site wheelchair friendly wherever safe to do so.

It is therefore considered that the Transport Assessment and its Addendum, along with the Stage 1 Road Safety Audit, indicate that the proposal is acceptable from a highway safety and transportation aspect, and meets the aims of policies in the NPPF, Core Strategy Policy CS14 and UDP Policy T7.

Design and visual appearance

Paragraph 56 of the NPPF states 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.

Core Strategy Policy CS28 Sustainable Design states that proposals for development should respect and enhance the distinctive features of Rotherham. They should develop a strong sense of place with a high quality of public realm and well designed buildings within a clear framework of routes and spaces. Development proposals will be expected to secure sustainable design and construction, ensuring the flexibility and adaptability of new development and increasing the energy and water efficiency of buildings.

Policy CS30 Low Carbon & Renewable Energy Generation states that developments should seek to reduce carbon dioxide emissions through the inclusion of measures, minimising energy requirements through sustainable design and construction and incorporating low carbon and renewable energy sources.

This application seeks permission for the use of this large site as a theme park with associated hotels, lodges and glamping. The applicant is Gulliver's and the proposal is for an attraction aimed at 2 to 13 year olds, the theme park will include rides, attractions, soft play areas centred on themed areas around a main fairy-tale castle. The proposal includes the erection of up to 20,000sqm of buildings to be constructed on the site, most of which would not exceed 10-15m in height, although Gulliver's Lilliput Castle would be 20m high and some rides would be 25m and an observation tower of 40m high is proposed and would be the tallest building on the site. The proposal includes

approximately 40 rides and attractions within 5 key ride areas, as well as a number of stalls, booths and catering buildings.

The application site has a varied landscaped with a range of different topography, which means that much of the built development can be located on lower parts of the site which cannot readily be seen from outside the site. However there are areas of the proposal which will be seen from local areas and roads.

The design of the buildings proposed differs significantly from any buildings within the area as they are designed in themed areas, to include themes such as fairy tales, the Wild West, wilderness and other children's themes. In general the buildings use a mixture of materials, and incorporate a large amount of wood and natural materials. The majority of building materials are neutral in colour, however within the theme park area itself there are more brightly coloured features proposed.

Whilst the design of the proposal does not enhance the distinctive features of Rotherham, it is considered that this themed regional scale leisure development should be assessed as a stand-alone development in design terms taking into account the theme of the whole scheme. Some of the buildings/structures will be visible from outside the site, but generally only from distant views.

The application has been submitted with a Sustainability Appraisal which states that renewable solutions and sustainable building techniques will be incorporated into the project, these will include the use of sustainability sources timber; heat and air source pumps; grey water recycling and other design features to minimise and mitigate impacts of climate change.

This shows a commitment to securing sustainable design and construction measures and to reducing carbon dioxide emissions consistent with the aims of Core Strategy policy CS28 and CS30.

Drainage and flood issues

Paragraph 103 of the NPPF states that when determining planning applications local planning authorities should ensure flood risk is not increased elsewhere.

Core Strategy Policy CS25 Dealing with Flood Risk states that proposals will be supported which ensure that new development is not subject to unacceptable levels of flood risk elsewhere and, where possible achieves reductions in flood risk overall.

Policy CS24 relates to the conservation and enhancement of water environment. This includes the conservation and enhancement of water quality and the ecological value of the water environment, including watercourse corridors. The policy also makes mention of the improvement of water quality through the incorporation of Suitable Urban Drainage Systems (SUDS), or other sustainable drainage techniques.

The Environmental Statement submitted with the application includes a chapter on Flood Risk and Drainage, and A Flood Risk Assessment has been prepared. The site contains several watercourses, and the Pigeon Bridge Brook and associated land drainage and surface water features within the site have all been created as part of the engineering restoration of the former opencast coal site.

The Environmental Statement states that the proposed development would be designed with appropriate foul sewerage and surface water treatment. Pollution prevention measures would be implemented during construction and operation which would prevent polluting materials from entering into the water environment or minimise and remedy the impact if accidental pollution were to occur.

The application site in respect of the proposed theme park itself is located within Flood Zone 1 (less than 0.1% chance of flooding in any year) on the Environment Agencies Flood Maps. The Flood Risk Assessment indicates that surface water runoff from the development will be discharged to the Pigeon Bridge Brook by gravity. Fluvial flooding, groundwater flooding and foul sewerage are not considered as being likely to cause potential effects in either the construction or operational phase.

The Environmental Statement notes that mitigation measures are proposed within the construction phase, with works being controlled by the application of procedures set out in a Construction Environmental Management Plan.

The Environmental Statement states that during the operation of the development sustainable urban drainage (SuDS) techniques for the disposal of surface water run-off have been considered as they mimic natural drainage by using open ditches, swales and basins to convey and store storm water and also to treat the water by removing pollutants. Foul sewers from the hotel and other buildings will run by gravity to pumping station in the western corner of the site.

A representation has been received on behalf of the adjacent land owner, Vector 31, which is allocated for Industrial and Business Use within the Development Plan. This states that the application site is set at a lower level than the adjacent land, and after assessing the submitted information they have queries if the design concept allows them to discharge further upstream to the watercourse which flows through the application site. The Council's Drainage Engineer has considered the representations put forward and has stated that the Gulliver's development drainage infrastructure is predominantly off-line from the watercourse and will therefore not affect it in any way that would compromise any future upstream development.

It is considered that with appropriate proposed mitigation the development during both the construction and operation phase will not have a significant adverse impact of flooding on the site or elsewhere, or on the hydrology and hydrogeology environment. It is therefore considered that the proposal complies with policies contained within the NPPF as well as Core Strategy Policies CS24 and CS25.

Landscape and visual impact

NPPF paragraph 109 states that the planning system should contribute to and enhance the natural local environment by protecting and enhancing valued landscapes.

Core Strategy Policy CS19 Green Infrastructure states that Rotherham's network of Green Infrastructure Assets, including the Strategic Green Infrastructure Corridors, will be conserved, extended, managed and maintained throughout the borough.

UDP Policy ENV2 Conserving the Environment and ENV 3.2 Minimising the Impact of Development both seek to minimise any adverse impacts of developments on the environment, and aim to protect resources whilst supporting appropriate development.

UDP Policy ENV3.4 Trees Woodlands and Hedgerows seeks to promote and enhance tree, woodland and hedgerow coverage throughout the Borough.

Core Strategy CS21 Landscapes states that new developments will be required to safeguard and enhance the quality, character, distinctiveness and amenity value of the boroughs landscapes.

Whilst the site is within the Green Belt it is noted that is not designated as an Area of High Landscape Value as it is a former restoration site, and much of the landscaping on the site is relatively immature.

The undulating land levels have also allowed the development to be designed to ensure that developed areas are located so to minimise visual impacts where possible.

The site and the surrounding river Rother corridor lie within a regionally important strategic Green Infrastructure corridor, the key enhancement opportunities for this Green Infrastructure corridor are to increase linkages between the river and surrounding water and wetland sites, enhancing current recreational opportunities sensitively, and securing the long term management of the Green Infrastructure assets.

The key considerations for landscape and visual effects is how the theme park and other elements and features of the long term proposals can be accommodated without significant negative effects on the existing Landscape Character. The site itself is a low lying restored colliery site (Pithouse West) with a combination of open grassland, wetland and juvenile woodland areas. The site lies within the Landscape Character Area 7, 'Rother Valley Reclaimed Farmland'. The character area is assessed as being of moderate sensitivity to change from development.

The application includes a Landscape Visual Impact Assessment within the Environmental Statement which has been carried out using appropriate methodology, and the agreed viewpoints were informed by zone of theoretical visibility study. The Environmental Statement outlines the impacts of the development both in the construction and operational phase. The impacts during the construction phase are highlighted as being uncharacteristic features such as hoardings and lighting, temporary storage of materials, construction plant and traffic, and site buildings. During the operation phase the impacts would be the loss of landscape features and vegetation, the introduction of new structures and buildings and the introduction of roads, vehicles and lighting.

The Environmental Statement indicates that the development of the site will mainly affect the plateau and wooded ridge parts of the site. Development within the plateau will include the Theme Park where the entrance hub will be 8m high with themed towers of 18m high, and the Lilliput Castle Hotel which will be 20m high, and associated rides mainly up to 15m high, with a small section being up to 25m in height, as well as car parking. Development within the wooded ridge will include the Adventure Theme Park on the highest point with an entrance hub of 8m high and the Observation Tower at 40m high and associated rides within Gulliver's Gears. Other areas of open land will be developed to provide the Wild West Hotel (10m high), the Wilderness Hotel (10m high) and the Ecology Centre.

It goes onto state that the development has been planned around the strong existing woodland structure, and whilst open land would no longer be an element of the landscape, tree loss would be minimised and enhancements would include substantial

replacement tree and woodland planting, and areas of wildflower meadows, which will contribute to the character.

The net loss of plantation woodland within the development is proposed to be 9%, however mitigation measures will include the planting of approximately 250 trees, enhancement of 0.9 hectares of grassland and the retention/ enhancement of 11.5 hectares of scrubland. Whilst this would lead to a partial loss in the short term, the retention of the remaining areas or trees/woodlands should continue to provide a good level of amenity that should increase as the trees mature. It is also noted that new tree, shrub and hedge planting is proposed as part of the landscape masterplan for the site that is welcome to help provide future amenity and associated benefits.

It is considered that the main effects will relate to the farmland within the site, which will be lost to development. The applicant proposes mitigation measures which aim to safeguard and strengthen the remaining woodland structure planting on the site, which is a key characteristic of the Landscape Character Area, and will offer wider enhancement.

Overall, the potential landscape effects are not considered to be significant in Environmental Impact Assessment terms. It is considered that the retention of the majority of the existing woodland and the siting of much of the accommodation and leisure facilities within the wooded lower lying areas, along with the inclusion of further landscape mitigation, will result in a minor adverse effect upon the completion of all phases after 15 years.

The effects on visual amenity during the construction phase are considered to be greatest within the first phase during the installation of the access road and the Theme Park Hub within the plateau landscape. These changes will be evident in both long distance and close range views. With regards to the operational phase, the development will be visible from different locations, many views from a distance, and in the context of other built elements including A57 and industrial units at Wales Common. The proposed planting will also assist in screening parts of the development in the longer term.

The Environmental Statement states that close-range views of the development will be afforded from properties at Wales Bar and Waleswood as well as some on Delves Lane, primarily in the form of the Lilliput Castle Hotel and the Theme Park Hub, associated rides and infrastructure including landscaping. The Environmental Statement states that the magnitude of visual change will be high adverse, generating a major adverse effect, although these effects would cease to be significant by year 15.

It is also considered that due to the topography of the site, that existing wooded areas would provide significant screening of the development, to minimise the visual impact of the scheme. Additional to this a condition is recommended to secure advanced structural planting to help mitigate and provide additional screening to minimise landscape and visual impacts. The proposal to incorporate green roofs into the design of buildings in areas where the buildings are proposed to have a wooded/natural or ecological theme is also beneficial and could help mitigate the loss of grassland habitat across the development.

It is therefore considered that the proposal conforms with policies in the NPPF and complies with the aims UDP Policies ENV2, ENV3.22, ENV3.4 and of Core Strategy Policies CS19 and CS21.

Ecology

NPPF paragraph 109 states that the planning system should contribute to and enhance the natural local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity.

Paragraph 118 of the NPPF states that when determining planning application, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles –

- if significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort, compensated for, then planning permission should be refused.
- opportunities to incorporate biodiversity in and around developments should be encouraged.

Core Strategy Policy CS20 Biodiversity and Geodiversity states that the Council will conserve and enhance Rotherham's natural environment. Biodiversity and geodiversity resources will be protected and measures will be taken to enhance these resources in terms of nationally and locally prioritised sites, habitats and features and protected and priority species.

The application has been submitted with an Environmental Statement which includes a chapter on Ecology which considers the potential effects on habitats and protected or notable species. The surveys carried out include desktop surveys, habitat surveys and faunal surveys.

The Environmental Statement states that the overall development site contains a number of habitats and important features such as woodland, grassland, scrub, ponds, watercourses/ditches and hedgerows which are all considered to be of local importance. Additionally the habitats on the site could support foraging and commuting bats, badgers, amphibians and reptiles which are considered to be of local importance.

Birds recorded at the site are considered to be of ecological importance include Skylark, Song Thrush, Willow Tit, Linnet, Bullfinch, Reed Bunting and Yellowhammer. Additionally, it is known that Bittern has used the site over the past 10 years, specifically in one large pond with associated reed beds, Pond 6 to the north west of the site. Four nationally scarce species of invertebrates were recorded at the site; both birds and invertebrates are therefore considered to be of County importance.

It is considered that if the site remains undeveloped the woodlands, scrub areas and watercourses and ponds could adversely impact on habitats due to the lack of management, and importantly the lack of management of the reed beds could have a detrimental effect on the Bittern.

It should be noted that this application is for the theme park area only, and as such it excludes the northern part of the site, and is located away from the Pigeon Bridge Brook valley and associated habitats. The Environmental Statement states that the delivery of the theme park elements in isolation would have no effect on the most ecologically sensitive area of the site, however mitigation measures for these aspects are covered in application RB2016/1454 for the remainder of the development site.

The Environmental Statement states that the construction phase of the proposal is not considered to impact on any Statutory Designated, or Non-Statutory Designated sites, beyond the application site, but it would have an effect on habitats on the site, although such effects would be temporary in nature and unlikely to result in any long-term deterioration of these habitats. The construction activity could affect bats, badgers, other mammals, amphibians, reptiles, invertebrates and birds and measures to mitigate these affects are proposed.

With regards to the completed development this would lead to the loss of habitats through permanent land take, in addition to operational effects such as recreational pressures as well as noise and light disturbance.

The Environmental Statement states that the operational phase of the development is not considered to impact on any Statutory Designated, or Non-Statutory Designated sites beyond the application site. The main impact of the operation effects is considered to be the permanent loss of habitat, together with the anthropogenic effects from areas of built development.

It goes onto state that whilst the proposal will result in the loss of some woodland, grassland and scrub areas, the remaining areas will benefit from ecologically sensitive management, which will be implemented as part of the proposal. The orchids within the footprint of the development will be relocated to suitable areas of the wildflower grasslands, and will be subject to suitable ongoing management to ensure the species remain on the site in the long term.

The Environmental Statement indicates that foraging bats can be effected by light spillage from developments, as such spillage into habitat areas should be mitigated for. Lighting on roads could impact badgers, however the use of the site by badgers is considered very low and the large areas of remaining suitable habitat to be retained and enhanced is considered to mitigate any impact. Other mammals may also be subject to effects such as noise and light disturbance from the development, and amphibians may be affected by the loss in habitat, although habitat to be retained will be enhanced and all such species are likely to be common in the local area.

The Environmental Statement indicates that the proposed development will result in the permanent loss of grass land and small areas of woodland which would reduce the potential areas for nesting and foraging for some species. However the majority of habitat of value is to be retained and enhanced. The theme park is largely located away from the areas of highest value to birds, as such noise is unlikely to have a significant impact on the birds. In particular Willow Tit will not be adversely affected due to the retention and enhancement of the wooded habitat. Areas of grassland used for nesting Skylark will be lost, however areas to be retained will be subject to management for the benefit of wildlife, and these areas will be of elevated value to this species.

In accordance with the submitted Environmental Statement, if planning permission is to be granted a Habitat Management Plan, Biodiversity Enhancement Plan and Ecological Mitigation and Management Plan should be submitted to ensure that mitigation measures detailed in the Environmental Statement are undertaken.

A representation has been received which refers to the protection of Skylarks at the site, it is noted that whilst some of the grass land where they may nest is to be lost, there are

significant other areas within the site to be retained and enhanced to enable their ongoing use of the site.

A lengthy representation to the application has been received from Sheffield and Rotherham Wildlife Trust, in which they state that they do not object to the application, although they make a number of comments. They initially state that they have been largely impressed by the attitude of Gullivers in showing willingness to work with the landscape, to preserve the best areas of the site for wildlife and to manage the areas that will not be subject to intense development, and their keenness to include environmental education as part of the proposal. They welcome the ecological surveying and management of the site to secure the long-term ecological future of the site.

However they note that the site, within the green belt is one of the best sites in Rotherham for birds, and they make detailed comments, mainly focused on recognition of this importance, the potential impacts on birds and ensuring that appropriate level of mitigation, compensation, monitoring and long term management are put in place.

The representation looks at the submitted Environmental Statement in great detail, and addresses and challenges many points made. The full details submitted by the Wildlife Trust have been assessed by the Council's Ecologist who considered that they do not raise any new issues that have not been assessed, and whilst there may be variations of opinions on issues/ methodologies it is considered that the submitted information in the Environmental Statement is robust and appropriate and acceptable to allow a full assessment of the application.

The Wildlife Trust have requested that compensation for the loss of habitat be provided as part of this application on the land adjacent to the application site, via a financial contribution to create a local wildlife site. In response to this it is noted that the adjacent land is not in the ownership of the applicant and does not form part of the application site. More importantly, it is considered that the proposed development along with proposed management, enhancement and mitigation measures, provides the opportunity for net gain, and even significant net gain on the site for biodiversity. Furthermore, the proposal includes the provision of an Ecology Centre which will be used for educational purposes promoting the biodiversity features of the site. The Local Planning Authority does not consider that such compensation is required to render the proposal acceptable in this regard.

It is therefore considered that the proposal complies with policies set out in the NPPF, and the aims of Core Strategy CS20.

General amenity issues (noise, dust, air pollution)

Paragraph 109 states that the planning system should contribute to and enhance the natural local environment by preventing new developments from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of air or noise pollution.

Paragraph 123 of the NPPF states that planning decisions should avoid noise giving rise to significant impacts on health and quality of life as a result of new development. Paragraph 24 goes on to state that planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan. Paragraph 125 states that planning decisions should limit the impact of light

pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

UDP Policy ENV3.7 Control of Pollution states that the Council will seek to minimise the adverse effects of nuisance, disturbance and pollution associated with development and transport. Planning permission will not be granted for new development which:

- a) is likely to give rise, either immediately or in the foreseeable future, to noise, light pollution, pollution of the atmosphere, soil or surface water or ground water, or to other nuisances, where such impacts would be beyond acceptable standards, Government Guidance or incapable of being avoided by incorporating preventative or mitigating measures at the time the development takes place, or
- b) would be likely to suffer poor environmental amenity due to noise, malodour, dust, smoke or other polluting effects arising from existing industries.

Core Strategy CS27 Community Health and Safety states that development will be supported which protects, promotes or contributes to securing a healthy and safe environment and minimises health inequalities.

Development should seek to contribute towards reducing pollution and not result in pollution or hazards which may prejudice the health and safety of communities or their environments. Appropriate mitigation measures may be required to enable development.

In respect of noise, the Environmental Statement includes a chapter on noise looking at both the construction and operational phase. This states that the highest noise levels throughout the construction phase would be associated with plant used during earthmoving, concreting and road pavement construction, during fit-out of buildings and rides etc. noise levels would be significantly lower. The nearest noise sensitive properties are on Delves Lane, and the assessment shows that the threshold levels would be exceeded, however the exceedance is of a low magnitude and would equate to a minor adverse effect.

The topography of the site together with the screening present in the wooded areas would assist to mitigate the noise impact. Additionally, construction noise will be controlled through a Construction Environmental Noise Management Plan, which would be agreed by the Local Planning Authority via a planning condition on any permission.

The Environmental Statement states that during the operational phase the noise levels of the rides have been assessed using data from the Milton Keynes Gulliver's site, and other noise from the car park and access road, cooling, heating and extraction equipment as well as general road traffic noise has been assessed. It is noted that the rides are for younger children, and are not 'white knuckle rides' that could cause greater noise levels. The assessment indicates that when taking the worst case scenario the thresholds at the nearest noise sensitive properties are not exceeded.

With regards to road traffic noise the assessment indicates that there will be an increase in sound levels, however this is shown to be negligible.

The Environmental Statement states that music noise will be controlled to be inaudible beyond the boundary, and so no further mitigation is required. Plant noise at the site will be limited by the need to limit the effect on attraction users, so there will be negligible effects.

It is therefore considered that the proposal would not lead to an unacceptable level of noise pollution, and in this regard is in accordance with policies within the NPPF, UDP policy ENV3.7 and Core Strategy Policy CS27.

In respect of air quality, the application site is located 0.5km east of an Air Quality Management Area which incorporates a small number of residential properties in the village of Wales, which was declared in 2003 for exceedance of the annual mean objective for NO₂.

The Environmental Statement states that during the construction phase of the development the main potential effects are associated with dust and certain emissions arising from earthworks. As the risk of dust soiling and human health effects would be greater than negligible, site specific mitigation will need to be implemented in order to ensure dust effects from these activities will not be significant. A Dust Mitigation Plan will be included within the Construction Environmental Management Plan to set out practical measures that could be incorporated as part of a best working practice scheme.

During the operational phase the assessments carried out in the Environmental Statement indicate that exceedance of the annual mean air quality objectives are not predicted at any of the existing receptors considered except at School Road in Wales, which is located within the Air Quality Management area.

An Air Quality Assessment and sensitivity analysis have been undertaken as part of the Environmental Statement. An air pollution damage cost assessment was also carried out to provide a basis for quantifying the financial commitment required for off-setting potential development-generated omissions. The total damage cost for the impact of the proposed developments would be addressed by way of appropriate mitigation measures, such as the provision of electric charging points on site, and these measures are to be secured via the submission of a Travel Plan.

A representation has been received on behalf of the adjacent land owner which is allocated for Industrial and Business Use within the Unitary Development Plan. They have identified that the Masterplan proposes camping and lodge based accommodation near to the eastern boundary close to the allocated land. They have stated that the land owner will want to develop the land for industrial use in the future which could involve 24hour usage and industrial processes which could cause noise and light pollution. They have raised the issue of the potential impact of the industrial uses on park users. They note that the amenity of park users is an important matter, however the adjacent land owners would not wish to have unacceptable limitations imposed on the future users of the site which is already allocated for economic use.

The Environmental Health Section have also raised the issue with the applicants regarding the existing industrial uses close to the eastern boundary of the site for which there are ongoing complaints regarding operational hours and strong and persistent odours that are already occurring close to these areas.

In response, the applicant accepts the proximity of this allocated land and notes that this would be an operational issue for them to address if problems arose in the future. The accommodation is not permanent and so any impact would be short-term and it is not considered that the proposed development would prejudice future developments on the adjacent allocated land.

An objection has been received with regards to potential light pollution from the development. Whilst this issue is not specifically addressed in the Environmental Statement the applicants have stated that the theme park normally closes at 17:00, except when special events are held such as Bonfire Night, and so light from this aspect should not cause any significant impact.

In conclusion it is considered that the potential pollution from the site, by way of noise and air pollution, during construction and operation can be mitigated against so that the proposal does not cause any adverse effects to the locality in this regard. In this regard the proposal is considered to accord with policies within the NPPF, UDP policy ENV3.7 and Core Strategy Policy CS27.

Geotechnical and contamination issues

Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural local environment by preventing new developments from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil or water pollution or land instability, and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Paragraph 121 states that planning decisions should ensure that the site is suitable for its new use taking into account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation.

UDP Policy ENV4.3 Unstable Land states that the Council will liaise with relevant informed agencies, having regard to the question of potential ground instability, with particular regard to coal mining subsidence. Where conditions of instability are suspected, the council will require prospective developers to demonstrate that such circumstances have been thoroughly investigated where appropriate, remedial steps incorporated into schemes which are being promoted.

UDP Policy ENV4.4 Contaminated Land states that where land may have been contaminated as a result of a previous use, is proposed for development the Council will need to be satisfied that the nature and extent of contamination has been assessed and where necessary measures for removal and/or treatment are proposed.

Core Strategy Policy CS27 Community Health and Safety states that development will be supported which protects, promotes or contributes to securing a healthy and safe environment and minimises health inequalities. It goes on to state that when the opportunity arises remedial measures will be taken to address existing problems of land contamination or land stability.

The application site has been subject to a significant industrial past including a colliery and both underground and opencast mining. Colliery spoil disposal, slurry ponds and railway line have also occupied the site. The site has been restored to a public open space, however site investigations are now required to ensure the site is suitable for the proposed development. Additionally site records show a presence of mine entries and a high wall within the application site.

The Environmental Statement looks at the subsurface ground conditions beneath the application site that may potentially impact upon, and be impacted by, the proposed development. This includes an assessment of general ground conditions, the presence of contamination and the possibility of mining instability.

The assessments in the Environmental Statement outline the impacts on ground conditions during the construction and operational phase. During the construction phase the Construction Environmental Management Plan will cover issues to mitigate loss of soils/natural strata through excavations, to avoid the introduction due to accidental spillages, and measures to protect construction workers during excavation into contaminated soil. Measures to protect construction workers during excavation/treatment of unstable mining features will be incorporated into a method statement and watching brief to be agreed with the Local Planning Authority via a condition.

During the operational phase of the development measures will be taken to avoid the introduction of soil contamination due to accidental spillages, to mitigate against the degradation of building materials due to soil sulphates and low pH, to mitigate any risks due to unstable ground, and to mitigate any risks due to ground gas.

The measures included within the submission correctly outline the various issues to be covered by way of the mining legacy of the site, and any potential contamination. It indicates that measures will be in place to address the concerns to safeguard the development, users, general public and neighbours from any potential hazards.

Taking into account the Construction Environmental Management Plan proposed and the conditions that will be attached to any permission to look at any features that may be a legacy from previous mining operations at the site, it is considered that the proposal complies with the policies within the NPPF and UDP policy ENV3.7 ENV4.3, ENV4.4 and Core Strategy policy CS27.

Heritage issues

In determining this application it is a legal requirement to have special regard to the desirability of preserving the listed buildings or their settings (section 66 (1), of the Planning (Listed Buildings and Conservation Areas Act 1990).

Paragraph 128 of the NPPF states that when determining applications Local Planning Authorities should require any applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. Where a site on which development is proposed includes or has potential to include heritage assets with archaeological interest, Local Planning Authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

UDP Policy ENV2.8 Setting and Curtilages of Listed Buildings states that "The Council will resist development which detrimentally affect the setting of a listed building or are harmful to its curtilage structures in order to preserve its setting and historical context."

UDP Policy ENV2.12 Development adjacent to Conservation Areas states that special regard will be had to the effect a development can have on the Conservation Areas and, if necessary, modifications to ameliorate the effect will be required before approval is given.

Core Strategy CS23 Valuing the Historic Environment states that Rotherham's historic environment will be conserved, enhanced and managed.

The application site is very large, and whilst it is not located adjacent to any Listed Buildings or Conservation Areas, it is considered to be located within the setting of a number of designated heritage assets, and has been advertised as affecting the setting of some of these assets.

The proposal as a whole will comprise of a number of substantial structures including a 20m high fairy-tale castle, 25m high rides and a 40m high observation tower. The application includes an assessment of the designated heritage assets potentially affected by the proposal. From these it is noted that whilst glimpses of the observation tower may be possible from a number of listed buildings it is considered that the proposal as a whole will result in negligible harm to the significance of the Listed Buildings.

With regards to Archaeology, there has been an extensive amount of open-casting at the site, however it is understood that this did not extend to the whole site. In undisturbed areas, heritage features may survive and there is some potential for archaeological features to be recovered, particularly those relating to earlier shallow mining. A condition requiring the submission of an archaeology investigation strategy should be attached to any permission.

With the above in mind it is considered that the proposal complies with the relevant policies in the NPPF, UDP policies ENV2.8 and ENV2.8 and Core Strategy Policy CS23.

Other Matters

27 letters of representation have been received 22 of these raising objections to the planning applications.

Many of the objections are based on transportation issues in relation to the safety of the proposed access location; accidents that have previously occurred in the area; congestion on the local highway network; increased traffic; increased traffic when the M1 is closed; the use of Delves Lane for service accesses; pedestrian/cycle access to the site; why the entrance can't be located off Chesterfield Road; will the Public Rights of Way be retained; public land that is enjoyed by locals via footpaths, bridal ways and cycle paths should not be lost; and difficulty egressing driveways on Mansfield Road. All these issues have been addressed in the report above.

One objector questions if the railway bridge will be widened or removed, and another objector has stated that construction traffic will not be able to pass under the bridge. There is no proposal to widen or remove the existing railway bridge. Construction traffic will have to take note of any height restriction as all other road users. A further objector has stated that no account has been taken of road traffic through Wales and Kiveton and proposed housing in the area, however the submitted Transport Assessment took into account background growth for the next 10 years which would include any residential development around these areas and also assessed how much traffic would access Gulliver's from that direction. No material adverse impact was identified in this regard

With reference to wildlife issues the presence of the Bittern on the site was raised and the retention of the reed beds and ponds was seen as encouraging; the potential for a viewing platform was requested; efforts should be made to protect Skylarks on the site; it is stated that wildlife should be preserved and enhanced, and that the environmental impact is not in the interest of the local area. These issues have been addressed in the report.

An objection relating to the impact on amenity of the location of the development close to existing industrial uses, and land allocated for such use has been addressed in the report.

Objections on drainage grounds have been addressed in the report.

Objections on the basis of noise, dust, air quality and light pollution have been addressed in the report. An objector has stated that the site has been used for opencast mining for years and the associated noise and dust associated with that is not wanted. Issues of noise and dust during the construction and operational phase are outlined in the report and it is considered with recommended mitigation measures the proposal is acceptable. An objection regarding the holding of fireworks and lights shows has been raised. These are likely to occur only on special occasions such as Bonfire Night, and as such are not considered to cause any significant adverse impacts to the amenity of surrounding residential areas.

Objections have been received stating that the jobs created will be low paid, and seasonal work, however another comment has been received stating that working people should be given the opportunity of a job. The report clearly identifies that the proposal will bring many jobs to the area, both directly and indirectly which will be advantageous to Rotherham's economy as a whole.

Objections have been received stating that the proposal is not beneficial to the area being surrounded by housing estates, and is without merit, and not wanted by locals. They state that there is a lack of faith in the organisation to bring attention to detail. The report addresses a wide range of issues in relation to the siting of the proposal and its acceptability.

Objections state that the proposal has not been publicised, and that there has been a lack of engagement with the community. The report outlines the community consultation carried out by the applicants prior to the submission of the application in the Statement of Community Involvement, which is considered to be an acceptable level. Additionally the Local Planning Authority advertised the application in the press, 12 site notices were posted in local areas and the occupiers of neighbouring properties were notified by letter.

Objections have stated that the supporting information submitted are incorrect, however the Local Planning Authority does not consider this to be the case.

An objector states that the access has been changed from Chesterfield Road due to contamination being identified, this should be addressed. Whilst not part of this planning application it is noted that The Council has appointed Waterman Infrastructure and Environment Ltd who will be undertaking ground investigations to better understand the ground conditions, starting in February.

An objector states that Planning Board Members should visit the site to evaluate the arguments put forward and should not rely on documents. The Planning Board Members are to visit the site prior to the Planning Board Meeting.

Other matters that have been raised state that the scheme allows the Council to obtain cash quickly and that compensation should be paid if properties are devalued. These are not material planning consideration to be considered as part of this planning application,

Planning Obligation

In order to prevent development approved under RB2016/1454 (relating to the development outside of the main theme park area, including the hotels and lodges) being developed out prior to the theme park being brought into use, as such development would not be appropriate in isolation from the leisure development on the site, the applicant has completed a Unilateral Undertaking that would link the two applications and control the development by way of a phasing plan.

Conclusion

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, and that means approving development proposals that accord with the development plan without delay.

Core Strategy Policy CS33 Presumption in Favour of Sustainable Development also states that when considering development proposals the Council will take a positive approach that reflects the above NPPF paragraph.

The proposed development is considered to constitute inappropriate development within the Green Belt, however very special circumstances are considered to exist due to the economic benefits of the development in terms of increased local employment opportunities and the increase in numbers of tourists and visitors to Rotherham. Such a comprehensive, regional scale leisure and tourist attraction is also specifically supported by Core Strategy Policy CS11 Tourism and the Visitor Economy.

The application includes elements of retail, leisure and hotels on this site which is outside of a town centre. However it is not considered that these are destinations in their own right, as they form part of the whole themed resort and could not be disaggregated. For this reason it is also not considered that the proposed development would have an adverse impact on any nearby centres.

The submitted Transportation Assessment with addendums and the Stage1 Road Safety Audit indicate that the proposal and the access to Mansfield Road, are acceptable in highway safety and transportation terms.

It is noted that the design of the proposal will not be in keeping with surrounding built environment as it is a child's theme park with themed buildings and rides. However the buildings have, where possible, been designed to respect the countryside setting in terms of building materials and locations.

The details submitted with the application indicate that the application can be drained effectively and will not be prone to flooding or cause flooding elsewhere.

The proposal has been designed to blend in with the landscape wherever possible using existing woodland areas as screening. It is noted that the development will generally be seen from long distance views, however some closer-views of part of the development site will also be possible from nearby residential areas. A landscape masterplan is proposed to further landscape the development.

The ecological issues of the site have been fully addressed, taking into account and the submission of an Ecological Mitigation and Management Plan will ensure that the ecological interest on the site will where possible, be protected and enhanced through the ecological management of the site.

The application has assessed the potential for noise, dust and air pollution from the site, and it is considered that suitable mitigation measures proposed would mean that no significant adverse impacts would be caused by the development.

The ground conditions in terms of instability from past mining on the site and land contamination have been thoroughly assessed, and with the submission of suitable mitigation measures it can show that the development is acceptable in this regard.

The impact of the development on heritage assets within the vicinity has been assessed, and whilst some aspects of the development, mainly the observation tower may be visible within views of the assets, it is not considered to have a significant detrimental impact on the setting of any heritage assets.

The site is within the Green Belt and represents inappropriate development, and as the development relates to the provision of buildings where the floor space to be created is 1,000 square metres or more, the development has to be referred to the National Planning Casework Unit (NPCU) as a Departure under the Town and Country Planning (Consultation)(Direction) 2009. Additionally, the application includes retail, leisure or office use with a floor space exceeding 5,000square metres in an out of centre location, and as such also has to be referred to the National Planning Casework Unit for this reason.

Subject to the National Planning Casework Unit not calling in the application for determination, and to the satisfactory signing of the Unilateral Undertaking, it is recommended that planning permission be granted for the proposed development subject to the following conditions.

Conditions

General

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 Location Plan – GV-SLP-02A dated 24/10/2016

- Extent of Theme Park Application –GV-TPASA-002 dated 03/01/2017
- Amended Masterplan – GV-MP-2 dated 08/11/2016
- Extent of application site areas – GV-SLP-3A Revision A dated 18/11/2016
- Areas used for events and fireworks –GV-EFA-001 16/01/2017
- Gulliver’s Valley Castle Hotel – elevations GV-CAS-EL dated 25/10/2016
- Adventure Park Main Entrance Block – elevations GV-AEB-EL dated 20/10/2016
- Main Entrance Building – elevations GV-MEB-EL dated 19/10/2016
- Observation Tower – elevations GV-OT dated 14/10/2016
- Pet Resort – elevations GV-PR-EL dated 12/10/2016
- Facilities Building - elevations GV-FB-EL dated 07/10/2016
- Building Location Plan – GV-NLP1 dated 07/11/2016
- Fencing Plan GV-FE-PL 01 dated 03/02/2017
- Areas indicated to be subject to previous opencast mining (Drawing No. SH03053.05)

Reason

To define the permission and for the avoidance of doubt.

03

The materials to be used in the construction of the external surfaces of any buildings approved shall be as set out in the submitted Design and Access Statement, unless otherwise agreed in writing with the Local Planning Authority.

Reason

To ensure that appropriate materials are used in the construction of the development in the interests of visual amenity and in accordance with Core Strategy Policy CS28 ‘Sustainable Development.’

04

The development shall incorporate renewable solutions and sustainable building techniques as detailed in paragraph 3.27 of the submitted Sustainability Statement, unless otherwise agreed in writing by the Local Planning Authority.

Reason

To ensure that the development is sustainable in accordance with policies in the NPPF and Core Strategy Policy CS28 Sustainable Design.

05

The development shall be implemented in accordance with details included on the Phasing Plan included within the submitted Environmental Statement at figure 5.7 unless otherwise agreed in writing by the Local Planning Authority.

Reason

In accordance with the submitted information regarding ecological implications at the site.

06

Prior to the commencement of development within each phase a Construction Environmental Management Plan (CEMP), as referred to in the submitted Environmental Statement, shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:

- the overall construction strategy and phasing;
- a schedule of agreed environmental parameters (e.g. noise levels);
- a schedule of relevant policies, standards and guidance;
- management and monitoring protocols, including designated responsibilities and reporting requirements;
- provisions for public liaison, prior notification and handling complaints;
- general housekeeping requirements;
- details of prohibited or restricted operations, including timing and no-go areas;
- details of the vehicular access to the site for construction traffic, temporary signing/traffic management measures during the construction work, a site compound, staff parking and measures to deal with any dust/mud deposited in the adjacent highway by vehicles leaving the site.
- a Construction Waste Management Plan; and
- method statements for environmentally sensitive activities.

The approved details in the plan shall be implemented in accordance with the approved timescales.

Reason

To define the permission and for the avoidance of doubt.

07

The approved fencing on the site as set out on Fencing Plan GV-FE-PL 01 dated 03/02/2017 shall have the appearance of CDL Eclipse profiled panel system colour green, details of which were submitted via email on 12/01/2017, unless otherwise agreed in writing by the Local Planning Authority.

Reason

To ensure that appropriate materials are used in the interests of visual amenity and in accordance with Core Strategy Policy CS28 'Sustainable Development.'

Highways

08

Details of the proposed access/egress arrangement, indicated in draft form on plan reference 103688-D-005 Revision C shall be submitted to and approved by the Local Planning Authority and the approved details, shall include, amongst other things, a pedestrian footpath from Mansfield Road to join with the internal footpath network, shall be provided before the development is brought into use.

Reason

In the interests of promoting sustainable travel and highway safety.

09

The access road from A618 Mansfield Road and the main site circulatory roads shall be surfaced in a permanent material eg tarmac, concrete etc. and drained.

Reason

To ensure that surface water can be adequately drained and to ensure that the development will not give rise to the deposit of mud and other extraneous material on the public highway in the interest of road safety.

10

Before the development of each phase is brought into use the car parking area for that phase shown on the approved plan shall be provided, marked out and thereafter maintained for car parking.

Reason

To ensure the provision of satisfactory garage/parking space and avoid the necessity for the parking of vehicles on the highway in the interests of road safety.

11

Vehicular access to the site via Delves Lane shall be for emergency purposes only.

Reason

In the interests of the amenity of nearby residents and highway safety.

12

Any gates or barriers along the proposed access road into the site shall remain open at all times when the Theme Park is open to the public.

Reason

To prevent queuing back into the A618 in the interests of highway safety.

13

Before the development is brought into use a detailed Travel Plan shall be submitted to and approved by the Local Planning Authority. The Plan shall include the proposed trip generation from the revised Transportation Assessment as a baseline. Targets for modal share must be set along with an agreed programme of annual review and reporting to the Local Planning Authority. The Plan shall include details of methods of accessing real time bus information and measures including all the mitigation measures as set out in the Air Quality Assessment submitted with the application. The approved Travel Plan shall thereafter be implemented before the development is brought into use.

Reason

In the interests of promoting sustainable travel.

14

Prior to the development being brought into use the public transport circulation route and drop off/pick up point identified on the Masterplan shall be provided.

Reason

In the interests of promoting sustainable travel.

15

The theme park elements of the proposed development as approved within Phase 1 shall only open from 09.30 hours (every day).

Reason

To minimise traffic on the local highway network during the morning peak hour period.

16

Prior to any of the development hereby approved being brought into use, the A618 Growth Corridor Project improvement scheme shall be constructed and open to traffic in accordance with Rotherham Metropolitan Borough Council drawings 201501/J2J3/TSD002 (date 06/01/2017) and 21501/A618/J4/GEN (dated 30/12/2016), unless otherwise agreed in writing by the Local Planning Authority in consultation with Highways England.

Reason

In the interests of ensuring the safe and efficient operation of the Strategic Road Network.

Drainage

17

Each phase of the development shall not begin until a surface water drainage scheme for the phase, based on sustainable drainage principles an assessment of the hydrological and hydro geological context of the development, and an updated flood risk and drainage strategy (Technical Annex 4 of the Environmental Statement) have been submitted to and approved in writing by the Local Planning Authority. The scheme to be submitted shall include:-

- The utilisation of holding sustainable drainage techniques (e.g. soakaways etc.);
- The limitation of surface water run-off to equivalent greenfield rates (i.e. maximum of 5 litres/second/Ha);
- The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and
- Responsibility for the future maintenance of drainage features.

If infiltration devices are proposed they should not be located in areas of ground impacted by contamination. No surface water shall be discharged to the foul sewer network

Reason

To ensure that the development can be properly drained and prevent unacceptable risk to controlled waters and in order to prevent overloading of the foul sewer network in accordance with UDP Policies ENV3.2 'Minimising the Impact of Development', ENV3.7 'Control of Pollution' and the South Yorkshire Interim Local Guidance for Sustainable Drainage Systems for Major Applications.

18

Surface water from areas likely to receive petrol/oil contamination (e.g. vehicle parking areas) shall be passed through effective oil/grit interceptors prior to discharge to any sewer or watercourse.

Reason

To prevent pollution of any watercourse in accordance with UDP policies ENV3.2 'Minimising the Impact of Development' and ENV3.7 'Control of Pollution'.

19

Details of the proposed means of disposal of foul water shall be submitted to and approved by the Local Planning Authority and the development shall not be brought into use until such approved details are implemented.

Reason

To ensure that the development can be properly drained in accordance with UDP policies ENV3.2 'Minimising the Impact of Development' and ENV3.7 'Control of Pollution'.

20

No development of any swimming pool facility shall take place until details of the disposal and treatment of filter backwash and swimming pool water have been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that the development can be properly drained without damage to the local water environment.

21

Before the development is brought into use appropriate works shall be carried out to provide facilities for the delivery of an adequate water supply.

Reason

In order to protect the existing mains infrastructure and ensure that the site has an adequate supply of water.

Ecology

22

All formal events, such as the display of fireworks, laser shows, music events, shall be held within area A as identified on Drawing No. GV-EFA-001

Reason

To minimise the impact on the bittern and other wildlife outside of the plan area and within the application site.

23

Prior to the commencement of each phase of the development an Ecological Mitigation and Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include full details of all mitigation measures laid out in the submitted Environmental Statement Chapter 7 Ecology pages 44-72 and Technical Annex 3 Ecology, (please refer to informative 01 below). The approved mitigation measures shall be implemented on site in accordance with agreed timescales.

Reason

In order to promote the biodiversity of the site in accordance with Core Strategy policy CS20 'Biodiversity and Geodiversity,' as well as the advice contained within the NPPF.

Land contamination and ground conditions

24

Prior to each phase of development approved by this planning permission no development shall take place until:

i. A detailed Phase II Intrusive Site Investigation is undertaken to confirm the nature, presence and extent of contamination/mining legacies across the site and off site and the risk it presents to human health, controlled waters, proposed structures and all other receptors, in accordance with details to be submitted to and approved by the Local Planning Authority prior to any site investigation works commencing. The site investigation and detailed risk assessment must be undertaken by competent persons and a written report of the findings must be produced.

The above should be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11', Contaminated Land Science Reports (SR2 -4), CIRIA Special Publication No 32 'Construction Over Abandoned Mine Workings' and where applicable British/EN Standards relating to foundations on compressible made ground and any specific requirements as set out by the Coal Authority.

The site investigation should take account of but not be limited to the following:

- Past site investigation works which suggest that some sources of contamination may have been concealed, removed or redistributed within the site when opencast operations were undertaken.
- The presence of historical slurry ponds within the proposed development area which may exist below the current platform.
- The presence of historical recorded landfill sites which may exist with the development area.
- Any areas on site with high calorific value contamination.
- A thorough investigation of the ground gassing regime.

Potential fugitive gas emissions and/or oxygen depletion within deep excavation or confined spaces will be an issue across the majority of the site associated with shallow coal/coal workings, mine entries, opencast backfill, colliery spoil material and any buried structures – evidence of future monitoring regimes and safe working practices must be provided along with proposed mitigation measures to safeguard development and end users.

- The site in the past has had acid mine (ochre) drainage issues which require further investigation. A series of culverts are in position at the site together with reed bed filtration which play an important part for any ochre discharges.
- Made ground / Former Opencast Backfill - Accurate detail as to the nature of made ground/backfill material which is expected, along with competent remediation strategies specific to each structure or phase of development. Subsequent reports should cover aspects such as – levels of re-engineering works required to provide adequate development platforms with competent bearing capacities; piling designs; foundation design in areas that span underground former high walls.
- Coal - Any areas where coal may still be present at shallow depth (as outlined by Phase I studies), future site investigations must detail what, if any, mitigation/remedial

measures are required such as: bearing capacity if close to foundations; spontaneous combustion mitigation; stabilisation works to prevent void migration of old underground workings. Supporting evidence must also be provided of the required Coal Authority permissions/approvals of any such investigations, treatment or design specifics.

- Buried Structures - Mitigation measures and/or remediation details should be provided for areas where buried structures are either encountered or expected (as identified in Phase I) associated with the former colliery, coke works, slurry lagoons, settling ponds, railways and related infrastructure.
- Geological - Regarding any geological issues that Phase I studies outline may be an issue, such as geological faulting or fissuring of sandstone bedrock that may have been exacerbated by past mining activities, specific details should illustrate that issues have been adequately investigated and treated as required.

- Mine Entries (Recorded) - Mitigation measures and/or remediation details must be provided to safeguard future development and end users from any known mine entry which may impact upon it. Supporting evidence must be provided of the required Coal Authority permissions/approvals of any treatment/design/stand-off specifics.
- Mine Entries (Un-recorded) - Evidence of adequate investigation and/or 'watching' briefs should be provided for future development in areas of natural ground, particularly where coal may be at shallow depth. Appropriate measures must be taken to safeguard future development and end users from any mine entry encountered and supporting evidence must be provided of the required Coal Authority permissions/approvals of any treatment/design/stand-off specifics.
- Part II Colliery Spoil Tip (Mines & Quarries Tips Act 1969) - Any development that encroaches or interferes with the classified colliery tip and associated land form the applicant shall ensure that sound stability and drainage of the material is maintained and suitable precautions are taken with regard to spontaneous combustion/burning/expansive material issues which will depend on the site specific content of the tipped material. Information should be provided of any mitigation requirements for issues around chemically aggressive compounds such as those associated with burnt colliery shale (red shale) to ensure safe construction.

ii. The results of the site investigation and the detailed risk assessment referred to in (i) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken, will need to be provided.

iii. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (ii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action will need to be provided.

The scheme shall be implemented as approved.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters because the site is located on a secondary A aquifer and within the proximity of Pigeon Bridge Brook, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. In addition, to ensure that stability risks from past mining legacy and associated geological

and/or shallow geotechnical issues to future structures and users of the land and neighbouring land are minimised.

25

Subject to Condition 24, where remediation measures are shown to be necessary in the Phase II Report, development shall not commence until a Remediation Statement demonstrating how the site will be made suitable for the intended use has been submitted to, and approved in writing by, the Local Planning Authority. The site must not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation. The approved Remediation works shall be carried out in accordance with the findings identified within the Phase II Intrusive Investigation Report and under a full quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. The Local Planning Authority must be given two weeks written notification of commencement of the remediation works.

Reason

To protect controlled waters because the site is located on a secondary A aquifer and within the proximity of Pigeon Bridge Brook and to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. In addition, to ensure that stability risks from past mining legacy and associated geological and/or shallow geotechnical issues to future structures and users of the land and neighbouring land are minimised.

26

Gas contamination - Subject to the findings of the Phase II Intrusive Investigation Report and prior to development commencing, if gas protection measures are required for any new builds then details of the gas protection measures to be installed shall be submitted to and approved by the Local Planning Authority and the approved details shall be implemented before that part of the development is brought into use. Verification of the gas protection measures will be recorded and presented in the format of a validation report.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

27

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason

To protect controlled waters because the site is located on a secondary A aquifer and within the proximity of Pigeon Bridge Brook and to ensure that risks from land

contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

28

If subsoils/topsoils are required to be imported to site for any phase of development for remedial works/areas of soft landscaping, then these soils will need to be tested at a rate and frequency to be agreed with the Local Planning Authority to ensure they are free from contamination. The results of testing will need to be presented in the format of a Validation Report.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

29

No occupation of each phase of development shall take place until a Verification Report, demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation, has been submitted to and approved by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved. The Verification Report shall provide all necessary documentation in relation to structural engineering assurances.

Reason

To protect controlled waters because the site is located on a secondary A aquifer and within the proximity of Pigeon Bridge Brook and to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. In addition, to ensure that stability risks from past mining legacy and associated geological and/or shallow geotechnical issues to future structures and users of the land and neighbouring land are minimised.

30

Prior to the commencement of development a scheme of intrusive site investigations shall be submitted to and approved by the Local Planning Authority. The scheme shall include details of:

- locating the 'high wall' associated with the former surface (opencast) workings and the shallow workings;
- The submission of a report of findings arising from the intrusive site investigations;
- The submission of a scheme of remedial works for approval; to include any foundation designs which may be required for building over the high wall, and the shallow workings; a remediation strategy for the mine entries, including any foundation designs

which may be required for building over the mine entries or within influencing distance of them;

The development shall subsequently be carried out in accordance with the approved scheme.

Reason

To ensure that the exact situation regarding the coal mining legacy issues on the site are fully taken into account to ensure that stability risks from past mining legacy and associated geological and/or shallow geotechnical issues to future structures and users of the land and neighbouring land are minimised.

Archaeology

31

No development of areas outside former opencast mining (as indicated on Drawing No. SH03053.05, or as defined by subsequent ground investigations) including any demolition and groundworks, shall take place until the applicant, or their agent or successor in title, has submitted a Written Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation and this has been approved in writing by the Local Planning Authority. The WSI shall include:

- The programme and method of site investigation and recording.
- The requirement to seek preservation in situ of identified features of importance.
- The programme for post-investigation assessment.
- The provision to be made for analysis and reporting.
- The provision to be made for publication and dissemination of the results.
- The provision to be made for deposition of the archive created.
- Nomination of a competent person/persons or organisation to undertake the works.
- The timetable for completion of all site investigation and post-investigation works.

Part B (pre-occupation/use)

Thereafter the development shall only take place in accordance with the approved WSI and the development shall not be brought into use until the Local Planning Authority has confirmed in writing that the requirements of the WSI have been fulfilled or alternative timescales agreed.

Reason:

To ensure that any archaeological remains present, whether buried or part of a standing building, are investigated and a proper understanding of their nature, date, extent and significance gained, before those remains are damaged or destroyed and that knowledge gained is then disseminated.

Landscaping

32

Details of the proposed green roof on the Wilderness Hotel Building shall be submitted to and approved in writing by the Local Planning Authority. The submission shall include details of and responsibilities for post-installation maintenance, including replacement of any areas that fail to establish, for a minimum period of 2 years. The approved details shall be implemented prior the building first being brought into use.

Reason

To adequately appraise the efficiency, suitability and maintenance of the green roof technology in accordance with UDP Policy UTL3.3 'Energy Conservation' and UTL3.4 'Renewable Energy'.

33

Before any above groundworks commence on site, details of a scheme of advance planting to provide screen planting to site boundaries and structure planting along access roads and associated with key entrances and junctions, as indicated on the approved illustrative landscape Masterplan (Ref 722/101D, 722/102D, 722/103D, 722/104D), shall be submitted to and approved in writing by the Local Planning Authority. The said planting shall thereafter be implemented in accordance with the approved details:

- i. Prior to the first occupation of the part or phase of development to which the screen relates: or
- ii. In accordance with an implementation timetable agreed in writing with the Local Planning Authority.

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. 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', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

34

Prior to the development being brought into use a detailed landscape scheme (excluding those areas within the fenced off theme park) shall be submitted to and approved in writing by the Local Planning Authority. The detailed landscape scheme shall have regard to the Illustrative Landscape Masterplan (Ref 722/101D, 722/102D, 722/103D, 722/104D) approved under this consent and shall be prepared to a suitable scale (1:500, 1:200) and shall clearly describe the following :

- The extent of any changes to existing ground levels, where these are proposed.
- Any constraints in the form of existing or proposed site services, or visibility requirements.
- The positions, design, materials and type of any boundary treatment to be erected.
- A planting plan and schedule detailing the proposed species, siting, quality and size specification, and planting distances.
- A written specification for ground preparation and soft landscape works.
- The programme for implementation.
- Written details of the responsibility for maintenance and a schedule of operations, including replacement planting, that will be carried out for a period of 5 years after completion of the planting scheme.

Tree planting within key public realm areas, such as main public car parks, main public entrances, and main public circulation routes, shall comprise advanced nursery stock. As a minimum the trees shall be prepared, supplied and transplanted in accordance with B.S. 4043.

The planting shall thereafter be implemented in accordance with the approved landscape scheme and in accordance with the appropriate standards and codes of practice within a timescale agreed, in writing, by the Local Planning Authority.

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', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

35

A landscape management plan, an Arboricultural Method Statement in accordance with BS 5837 Trees in Relation to Design, Demolition and Construction, and a detailed 10 year woodland management plan, including long term management objectives, responsibilities and maintenance schedules for all landscape, woodland and public realm areas, shall be submitted to and approved by the Local Planning Authority prior to the completion or first occupation of the part or phase of development to which it relates, whichever is the sooner. The management plan shall be prepared in accordance with industry best practice, by a suitably qualified and experienced professional (Arboricultural/ Forestry Consultant/ Ecology/ Landscape Architect) and thereafter be carried out in accordance with the agreed management plan.

Reason

To ensure the trees are protected during the construction of the development in the interests of amenity and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

The Development Management Procedure Order 2015 requires that planning authorities provide written reasons in the decision notice for imposing planning conditions that require particular matters to be approved before development can start. Conditions numbered 06, 17, 23, 24, 30 and 31 of this permission require matters to be approved before development works begin; however, in this instance the conditions are justified because:

- i. In the interests of the expedient determination of the application it was considered to be appropriate to reserve certain matters of detail for approval by planning condition rather than unnecessarily extending the application determination process to allow these matters of detail to be addressed pre-determination.
- ii. The details required under condition numbers are 06, 17, 23, 24, 30 and 31 fundamental to the acceptability of the development and the nature of the further information required to satisfy these conditions is such that it would be inappropriate to allow the development to proceed until the necessary approvals have been secured.'

INFORMATIVES

01 Ecology

Whilst not an exhaustive list the Ecological Mitigation and Management Plan should include the following -

- Details of how future wintering bird surveys (collected either by local bird groups or the applicant's ecologist) will be undertaken in order to assess the success of management regimes on wintering birds (particularly Bittern), with future management regimes reviewed and guided by the results of winter bird surveys. The survey methodology shall firstly be approved by the Local Planning Authority and include any recommendations for mitigation when necessary. The survey shall be undertaken in accordance with the approved methodology and the survey results and recommendations shall be submitted to and approved in writing by the Local Planning Authority. The approved recommendations shall be implemented in accordance with the approved timescales.
- Details of how a survey for the presence of badger activity will be undertaken within the relevant phase area, and what mitigation measures shall be implemented if badger activity is identified.
- Details of a habitat management plan, produced in accordance with the general principles for habitat management as set out in Gulliver's Valley Ltd. Proposed Development of Gulliver's Valley Resort Rotherham. Environmental Statement Technical Annex 3 Ecology dated October 2016, which shall include provision for an annual review with the Local Planning Authority and provide the framework for a range of enhancements, such as over-sowing of grasslands with wildflower mix, scrub clearance, thinning of plantations and provision of nesting features and hibernacula, unless as otherwise agreed in writing.
- Details of a biodiversity enhancement plan within each phase.
- Details of a 10 metre no build buffer zone along the Pigeon Brook as detailed in paragraph 7.57 of the submitted Environmental Statement.
- Details of a 30 metre no build buffer zone around Pond P6 as detailed in paragraph 7.58 of the submitted Environmental Statement.
- An indication that no building work shall take place within the north of the site, within the vicinity of Pond P6, between the months of November and June, in order to safeguard nesting Bittern. In the event that monitoring surveys confirm that this species has left the site before the end of this period, construction works can begin in advance of July at the expressed permission of Local Planning Authority. Gates shall be erected to ensure no construction traffic can enter the area as detailed in paragraph 7.96 of the submitted Environmental Statement
- Details of the retention of the existing scrub, between pond P6 and the Wilderness Hotel and Ecology Centre, as detailed in paragraph 7.85 of the submitted Environmental Statement, shall be submitted to the Local Planning Authority for approval. The approved

screening shall be provided/retained on site prior to the first use of the Ecology Centre or Wilderness Hotel.

02 Control of working practices during construction phase

It is recommended that the following advice is followed to prevent a nuisance/ loss of amenity to local residential areas. Please note that the Council's Neighbourhood Enforcement have a legal duty to investigate any complaints about noise or dust. If a statutory nuisance is found to exist they must serve an Abatement Notice under the Environmental Protection Act 1990 .Failure to comply with the requirements of an Abatement Notice may result in a fine of up to £20,000 upon conviction in Rotherham Magistrates' Court. It is therefore recommended that you give serious consideration to the below recommendations and to the steps that may be required to prevent a noise nuisance from being created.

(i) Except in case of emergency, operations should not take place on site other than between the hours of 08:00 - 18:00 Monday to Friday and between 09:00 - 17:00 on Saturdays. There should be no working on Sundays or Public Holidays. 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 Council's Neighbourhood Enforcement team should be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

(ii) Heavy goods vehicles should only enter or leave the site between the hours of 08:00 - 18:00 on weekdays and 09:00 - 17:00 Saturdays and no such movements should take place on or off the site on Sundays or Public Holidays (this excludes the movement of private vehicles for personal transport).

(iii) Best practicable means shall be employed to minimise dust. Such measures may include water bowsers, sprayers whether mobile or fixed, or similar equipment. At such times when due to site conditions the prevention of dust nuisance by these means is considered by the Local Planning Authority in consultations with the site operator to be impracticable, then movements of soils and overburden shall be temporarily curtailed until such times as the site/weather conditions improve such as to permit a resumption.

(iv) Effective steps should 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. Any lorries loaded with loose materials entering or leaving the site shall be securely and effectively sheeted.

(v) 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 noise emitted by vehicles, plant, machinery or otherwise arising from on-site activities, shall be minimised in accordance with the guidance provided in British Standard 5228: Code of practice for noise and vibration control on construction and open sites.

03 South Yorkshire Fire and Rescue

(i) Access for appliances should be in accordance with Approved Document B, Volume 2, part B5, Section 16.

(ii) Water supplies should be in accordance with Approved Document B, Volume 2, part B5 section 15.

04 Yorkshire Water

The existing water main which passes the site, does not have sufficient capacity to serve this proposed development. Therefore some substantial off-site works will be required in order to serve this development. Given an evident commitment to the development by a developer, the Company will negotiate with them to resolve the situation. Any works will require time for investigation, design and implementation and will be subject to agreements and investment authorisation. For further information and advice, the Distribution Asset Manager should be contacted, by letter, at the following address: Service Delivery (Water Network Assets - South), C/o Yorkshire Water, Morrison Utilities Yarra Park Industrial Estate Station Road Ecclesfield Sheffield S35 9YR.

05 Environment Agency

(i) FLOOD RISK

The submitted flood risk assessment states that no built development will be sited within flood zones 2 or 3, therefore we have no objection to this development on flood risk grounds.

Pigeon Bridge Brook is not a main river, therefore any proposed alterations or obstructions to the channel will require the prior formal consent of the LLFA i.e. Rotherham MBC. Whilst the proposed hotel is not shown to be within the floodplain, we advise that floor levels of the proposed hotel should be set above any threshold of flooding that could be caused by blockage or proposed alterations to the watercourse.

(ii) WASTE

If any waste is to be used onsite, the applicant will be required to obtain the appropriate waste exemption or permit from us. We are unable to specify what exactly would be required if anything, due to the limited amount of information provided.

If any controlled waste is to be removed off site, then the site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably permitted facility.

The Environmental Protection (Duty of Care) Regulations 1991 for dealing with waste materials are applicable for any off-site movements of wastes. The developer as waste producer therefore has a duty of care to ensure all materials removed go to an appropriate permitted facility and all relevant documentation is completed and kept in line with regulations.

For any further advice the applicant is advised to contact the Environment Management team at the Templeborough Office on 03708 506 506 or refer to guidance on their website <https://www.gov.uk/government/organisations/environment-agency>.

The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The Environment Agency recommends that developers should refer to our:

- Position statement on the Definition of Waste: Development Industry Code of Practice and;
- Our website at www.gov.uk for further guidance.

06 Network Rail

All surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property. In the absence of detailed plans all soakaways must be located so as to discharge away from the railway infrastructure. The following points need to be addressed:

5. There should be no increase to average or peak flows of surface water run off leading towards Network Rail assets, including earthworks, bridges and culverts.
6. All surface water run off and sewage effluent should be handled in accordance with Local Council and Water Company regulations.
7. Attenuation should be included as necessary to protect the existing surface water drainage systems from any increase in average or peak loadings due to normal and extreme rainfall events.
8. Attenuation ponds, next to the railway, should be designed by a competent specialist engineer and should include adequate storm capacity and overflow arrangements such that there is no risk of flooding of the adjacent railway line during either normal or exceptional rainfall events.

Fail Safe Use of Crane and Plant

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

Excavations/Earthworks

All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the

railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rails infrastructure or railway land.

Security of Mutual Boundary

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

Fencing

Because of the nature of the proposed developments Network Rail consider that there will be an increased risk of trespass onto the railway. The Developer must provide a suitable trespass proof fence adjacent to Network Rail's boundary (minimum approx. 1.8m high) and make provision for its future maintenance and renewal. Network Rail's existing fencing / wall must not be removed or damaged.

Method Statements/Fail Safe/Possessions

Method statements may require to be submitted to Network Rail's Asset Protection Project Manager for approval prior to works commencing on site. This should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. "possession" which must be booked via Network Rail's Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks. Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for Network Rail approval.

Bridge Strikes

Applications that are likely to generate an increase in trips under railway bridges may be of concern to Network Rail where there is potential for an increase in 'Bridge strikes'. Vehicles hitting railway bridges cause significant disruption and delay to rail users and in this instance we would have concerns if large vehicles related to the construction of the site were arrive via Mansfield Road which has a railway bridge with a 15' 6" height restriction. Consultation with the Asset Protection Project Manager is necessary to understand if there is a problem. If required there may be a need to fit bridge protection barriers which may be at the developer's expense.

Encroachment

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network

Rail Asset Protection Team. Any unauthorised access to Network Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

Trees/Shrubs/Landscaping

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below and these should be added to any tree planting conditions:

Acceptable:

Birch (Betula), Crab Apple (Malus Sylvestris), Field Maple (Acer Campestre), Bird Cherry (Prunus Padus), Wild Pear (Pyrus Communis), Fir Trees – Pines (Pinus), Hawthorne (Cretaegus), Mountain Ash – Whitebeams (Sorbus), False Acacia (Robinia), Willow Shrubs (Shrubby Salix), Thuja Plicatata "Zebрина"

Not Acceptable:

Acer (Acer pseudoplatanus), Aspen – Poplar (Populus), Small-leaved Lime (Tilia Cordata), Sycamore – Norway Maple (Acer), Horse Chestnut (Aesculus Hippocastanum), Sweet Chestnut (Castanea Sativa), Ash (Fraxinus excelsior), Black poplar (Populus nigra var, betulifolia), Lombardy Poplar (Populus nigra var, italica), Large-leaved lime (Tilia platyphyllos), Common lime (Tilia x europea)

A comprehensive list of permitted tree species is available upon request.

Lighting

Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Detail of any external lighting should be provided as a condition if not already indicated on the application.

Access to Railway

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development. In particular access over the railway bridges along the northern boundary of the site must remain clear and unobstructed at all times both during and after construction work.

Children's Play Areas/Open Spaces/Amenities

Children's play areas, open spaces and amenity areas must be protected by a secure fence along the boundary of one of the following kinds, concrete post and panel, iron railings, steel palisade or such other fence approved by the Local Planning Authority

acting in consultation with the railway undertaker to a minimum height of 1.8 metres and the fence should not be able to be climbed.

Network Rail is required to recover all reasonable costs associated with facilitating these works.

07 Coal Authority

Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. In the event that you are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at:

<https://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property>

Building over or within the influencing distance of a mine entry (shaft or adit) can be dangerous and has the potential for significant risks to both the development and the occupiers if not undertaken appropriately. The Coal Authority would draw your attention to our adopted policy regarding new development and mine entries:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

08 Caravan Sites and Control of Development Act 1960

Any caravan and camping facilities provided on the site shall comply with the relevant licencing requirements of the Caravan Sites and Control of Development Act 1960.

09 Public Rights of Way

The developer should temporarily close all necessary public rights of way within the site to ensure public safety where relevant. Such temporary closures can be carried out for a 6 month period and the Council's Public Rights of Way team require 1 month's notice of any such proposed closure.

10 South Yorkshire Police

All buildings should be built to Secure by Design standards, to include PAS 24; 2016 doors and windows to all hotels and lodges, and all car parks should be to Safer Parking Standards.

11 Signage

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. For signs required to direct visitors to the site that are located in the Public Highway (Tourist signs) please refer to the Council's document "Providing Traffic Signs to Tourist Destinations – Code of Practice, Policy and Application Form".

POSITIVE AND PROACTIVE STATEMENT

The applicant and the Local Planning Authority engaged in pre application discussions to consider the development before the submission of the planning application. The application was submitted on the basis of these discussions, or was amended to accord with them. It was considered to be in accordance with the principles of the National Planning Policy Framework.

**REPORT TO THE PLANNING REGULATORY BOARD TO BE HELD ON THE
16TH FEBRUARY 2017**

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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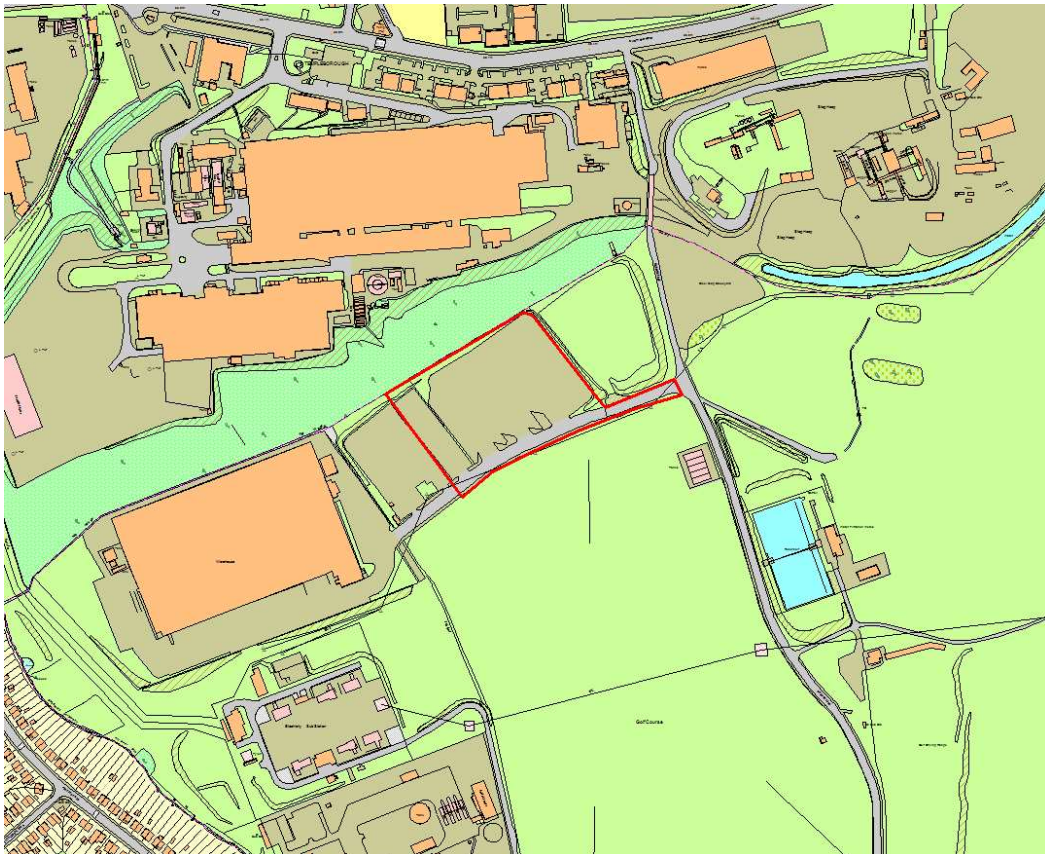
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REPORT TO THE PLANNING REGULATORY BOARD TO BE HELD ON THE 16TH FEBRUARY 2017

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	RB2016/1099
Proposal and Location	Retrospective application for use of land as storage and distribution depot for containerised goods at land off Grange Lane, Brinsworth, Rotherham, S60 5AE for Newell and Wright Transport Ltd.
Recommendation	Grant subject to conditions

This application is being presented to Members of Planning Board due to the number of objections received exceeding 5, as outlined in the Council's Scheme of Delegation.



Site Description & Location

The application site comprises of a large area of hardstanding at the end of Grange Lane on the edge of the Brinsworth and Templeborough areas of the Borough.

The site was formerly part of the former Excel Logistics site who until 2007 occupied the large industrial warehouse building to the west and used the application site for parking of vehicles and for storage of containers. Since Excel Logistics vacated the industrial building, the new occupants MTL have not had any use for the application site.

The site is relatively flat and of a rectangular form, it is accessed to the north from the access road with the MTL warehouse to the west of Grange Lane. The site has palisade fencing and hedges / shrubs around its perimeter and is currently occupied by a number of shipping containers stacked a maximum of 4 high and occupying approximately 50% of the site. There is also a moveable crane on site to move the containers on and off the Lorries.

To the immediate west of the site is a large warehouse building and hardstanding, to the north is an embankment, beyond which is a large industrial site comprising of a number of buildings. To the east / north-east is a further industrial site occupied by Steelphalt and to the south and south-east is Phoenix Golf Course.

Background

The site was originally part of the larger Excel Logistics site which had planning permission for a B8 use. This part of the land was granted permission in 1993 as an extension to the site for vehicle parking and manoeuvring:

RB1993/1198 – Use of land for vehicle parking and manoeuvring area in relation to Excel Logistics warehouse – Granted conditionally – 18/11/1993

Then in 2007 the Excel logistics site was split in 2 and planning permission was granted to use the building (but not this application site) for B1(c) purposes.

RB2007/197 Change of use to light industrial (use Class B1(c)) with ancillary storage & distribution (use class B8)

This effectively split the application site from the large industrial building and land immediately around the building which is now in use by MTL.

Proposal

This application is for the use of land as a storage and distribution depot for containerised goods and has been operational since July 2016.

The site currently comprises of approximately 450 shipping containers, which covers approximately 50% of the site and are stacked a maximum of 4 high in some places (11.7 metres high).

At the time of the applications submission the proposed hours of operation were Monday 07:00 until Saturday 16:00 (24 hours), and 08:00-16:00 on Sundays and Bank Holidays if required. Up to 25 HGVs will access the site in a 24hr period (i.e. 50 HGV two-way flow), with up to 10 HGV's visiting the site at night (i.e. 20 HGV two-way flow).

A noise report has been submitted in support of the application. The assessment and report have been carried out by Hepworth Acoustics. The readings were carried out at two locations; Ferrars Road, Tinsley to the west and Bawtry Road to the south opposite the junction with Grange Lane, close to adjacent residential properties and was carried out during the daytime and night time of 29 November 2016, both with and without any noisy activity. The report states that: "The consultant carrying out the noise surveys was in constant radio contact with the reachstacker operator managing the site.

Running commentary from the site of the activity taking place allowed the precise source/activity of any audible noise from the site to be identified. Importantly, this approach also allowed all extraneous noise to be identified.”

The report further states that at Ferrars Road, “At no time was any noise from the NWT site audible. Noise impact from the site on dwellings in Ferrars Road is therefore considered extremely low and cannot be a significant factor when determining the suitability of the site for the proposals.”

For Bawtry Road the report states: “The main source of noise in the daytime at Location 2 was road traffic on the very busy Bawtry Road (A631). No noise from the NWT site was audible at this location in the daytime due to the level of road traffic noise which was 71-73dB $L_{Aeq,15min}$, with peaks in noise from passing traffic in the range of 82-102dB $L_{Amax,f}$. Background noise levels in the daytime were 57-60dB $L_{A90,15min}$ ” It further states that at night time the main noise source was traffic. It also stated: “Steady noise from fixed plant and equipment and occasional metallic impact/scraping sound at the BOC site were clearly audible throughout the night-time noise survey. During one measurement, a very brief period of higher noise level was noted during a release of air/gas which was clearly attributable to the BOC site. HGVs (engines and tonal and white noise reversing alarms) moving around the western side of the BOC site were also clearly identifiable. Noise from the BOC site at night was in fact higher than that from un/loading and HGV movements at the NWT (application) site.”

The report further states: “Noise from container swapping activities at night was sometimes faintly audible at Location 2, including the sound of the reachstacker engine and the container being lifted off or loaded onto the awaiting HGV. At times when the sound of these activities was audible it was very faint, infrequent, very brief in duration and significantly lower than the prevailing noise climate in the absence of noise from the NWT site. The reachstacker’s tonal warning alarm is used in the daytime only, and was audible at any time.

From our noise measurements and observations we conclude that noise from HGV movements and un/loading activities on the site is at least 10dB below the prevailing background (dB L_{A90}) noise level over a typical 15 minute period in the daytime or night, and was therefore ≤ 34 dB $L_{Aeq,T}$ outside dwellings on Bawtry Road.”

The report concludes by indicating that “the site can be operated without giving rise to unacceptable noise impact at dwellings.” It then states that to ensure that noise associated with the proposed use of the site is minimised the following measures be considered:

- Continue the access arrangement whereby drivers telephone the site operator to gain access to the container storage yard. If feasible MTL should be consulted if they require any HGV access to the site and the same arrangement agreed as far as practicable.
- Containers needing to be loaded at night are continued to be picked in the daytime and stored on the ground and located in a well screened position (relative to dwellings) and as far away from the southern site boundary as possible. Unloaded containers should be stored at a low level and in close proximity to their unloading position.

- Containers unloading during the night should be placed into storage in the daytime only. Careful handling of the containers is vital. The method of container handling employed during the noise surveys should be adopted for all operating hours.
- Where practicable, un/loading noise from the Kalmar reachstacker can be reduced by retro fitting soft landing sensors and rubber dampers on the machines 'twist lock'. This system uses ultrasonic sensors with an adjustable detector length to reduce and control the lift and lowering speed and will reduce noise from containers being lifted to/from storage or a HGV and onto the ground.
- If useful, a Noise Management Action Plan can be agreed with the Council to ensure that noise from the site is controlled, and if necessary requiring regular compliance noise monitoring to check that noise from the site is minimised as far as practicable. Such a plan should also provide a formal procedure for effectively recording, investigating, and managing any complaints and identifying any necessary measures needed to further reduce noise.
- The entry to Grange Lane should be surveyed, and repairs made to the road surface, which should be flat and even to remove any bumps or undulations (to reduce container rattle). Under normal circumstances, carrying out this would be the responsibility of the council or local highways authority.

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 'saved' policies from the Unitary Development Plan (UDP) (noted in Appendix B of the Core Strategy). The Rotherham Local Plan 'Publication Sites and Policies' was published in September 2015.

The application site is allocated for Industrial and Business purposes in the UDP. In addition, the Rotherham Local Plan 'Publication Sites and Policies' document allocates the site for Industrial and Business purposes on the Policies Map. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS 15 'Key Routes and the Strategic Road Network'
CS27 'Community Health and Safety'

Unitary Development Plan 'saved' policy(s):

EC3.1 'Land identified for Industrial and Business Uses'
ENV3.7 'Control of Pollution'
T6 'Location and Layout of Development'

The Rotherham Local Plan 'Publication Sites and Policies - September 2015':

SP1 'Sites Allocated for Development'
SP16 'Land identified for Industrial and Business Uses'

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 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 Core Strategy / Unitary Development Plan / Rotherham Local Plan ‘Publication Sites and Policies - September 2015’ policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application. The emerging policies within the Sites and Policies document (September 2015) have been drafted in accordance with both the NPPF and the Core Strategy but wait testing during Examination in Public. As such the weight given to these policies is limited in scope depending on the number and nature of objections that have been received.

Publicity

The application has been advertised by way of a site notice along with individual neighbour notification letters to neighbouring properties / businesses. Letters from 7 individuals have been received, along with a petition containing 6 signatures. The issues raised are summarised below:

- The number of vehicles entering and leaving Grange Lane has increased dramatically. As these vehicles enter and leave there is a fantastic amount of noise created by the vehicles engine and banging of the containers.
- The Lorries are working 24 hours a day 7 days a week. I have been woken many times during the night at all hours and prevented from getting back to sleep by the soon to arrive next vehicle.
- Newell and Wright have two other depots on Sheffield road which is a non-residential area.
- The combined volume of traffic from both a factory and its employees and now a container haulage company is far too great for such a small access road and is detracting from my enjoyment of my property.
- There is already far too much noise from the factory which also operates 24/7.
- Vehicles struggle to turn into and exit Grange Lane cutting over the pavement causing further noise as they land back on the road.
- The stacking of shipping containers to high level has a detrimental effect on the amenity and a very negative visual impact of the Golf Course. This is due to additional noise of the vehicles in and out of the complex and the locating of the containers as they are stacked.
- There is overshadowing and loss of light to a degree that highway safety is compromised and we have a crossing point near to the junction.
- The road has poor access not suited to these large Lorries as it is narrow and has blind corners and a hidden dip.

- The Lorries run up in large numbers day and night and spoil the amenity of the golf course users and therefore the character of the area is damaged. This will potentially also be deleterious to our business and prosperity.
- This development has been the reason for a high number of complaints from members and visitors to the Golf Course.
- Traffic flow is affected on Bawtry Road with high volume of wide HGV vehicles attempting to turn right onto Grange Lane.
- The constant rattle of HGV container wagons thundering past our homes is causing a disturbance.
- Grange Lane is being used as an overnight vehicle park and rest zone for drivers using the site.
- It is recommended that the operation be limited to an 8am start and an 8pm finish.

6 Right to speak requests have been received, 1 from the applicant and the rest from local residents and businesses.

Consultations

RMBC - Transportation and Highways Design: Have no objections.

RMBC - Environmental Health: Have no objections subject to conditions

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.

It should be noted that the application site, along with the adjoining site and building which is currently occupied by MTL previously operated with no planning restrictions on vehicular movements and hours of operation. In fact the previous occupants of both the application site and the adjoining site which was previously used as a storage and distribution centre, created approximately 200 vehicle movements along Grange Lane per day. Furthermore, the application site itself was used for the storage of containers and vehicles in association with EXCEL Logistics operations.

The current occupants of the building and surrounding land outside of the application site is now occupied by MTL and they do not have any requirement for the application site, and do not create as many vehicle movements as EXCEL Logisitics. Accordingly, MTL have allowed the applicant to occupy the site for their storage and distribution business, involving the siting of storage containers.

The main issues to take into consideration in the determination of the application are –

- The principle of the development

- Impact of development on the character and appearance of the area
- Transportation Issues
- General Amenity Issues

Principle

The application site is allocated within the Council's adopted UDP Proposals Map for Industrial and Business purposes. The site is also proposed to be allocated for Industrial and Business purposes in the Emerging Sites and Policies Document and in line with policy SP1 'Sites Allocated for Development' is identified in Table 5 of the Sites and Policies Document as a site for industrial and business use (E4 (LDF Ref: LDF0023)) that will contribute to meeting requirements set out in the Core Strategy. No objections were received to this allocation during the Sites and Policies Public Consultation and the document is currently going through its Examination in Public.

UDP 'saved' Policy EC3.1 'Land Identified for Industrial and Business Uses' states: "Within areas allocated on the Proposals Map for industrial and business use, development proposals falling within Classes B1, B2 and B8 of the Town and Country Planning (Use Classes) Order, 1987 (as amended) will be acceptable, subject to no adverse effect on the character of the area or on residential amenity, adequate arrangements for the parking and manoeuvring of vehicles associated with the proposed development and compatibility with adjacent existing and proposed land uses."

Emerging policy SP16 'Land identified for Industrial and Business Uses', which when fully adopted will supersede UDP Policy EC3.1 states: "Within areas allocated for industrial and business use on the Policies Map, development proposals falling within Use Classes B1b and B1c, B2 and B8 will be permitted."

The NPPF at paragraph 17 states that planning should encourage the effective use of land by reusing land that been previously developed (brownfield land), provided that it is not of high environmental value.

With regard to the above policies and the proposed use of the site as a storage and distribution depot (use class B8), by virtue of the proposals nature, the character of the surrounding area and history of the site, it would be an acceptable and appropriate use of the land that would fully adhere to the site's land use allocation in both the current UDP and the Emerging Sites and Policies Document. In addition, the proposal has brought into use an existing brownfield land.

Furthermore, given there was no objections to the land use allocation during the public consultation process and the fact that the Sites and Policies Document is currently going through its Examination in Public, moderate weight can be given to the requirements of policy SP16 as it is more in line with the National Planning Policy Framework. Accordingly, the principle of using this site for storage and distribution purposes is acceptable subject to a consideration of the impact of the use on the amenity of local residents.

Visual Impact

The site is located at the end of Grange Lane, which runs north from Bawtry Road and bisects Phoenix Golf Course and Sports Ground which lie to the east and west. Other

industrial sites and buildings are located to the immediate west, north and east of the site with the Golf Course to the south.

The site boundary to the south and west consist of hedges, trees, shrubs and other vegetation, which screens the majority of views of the site from Grange Lane and the access road to the site and MTL. The Golf Course to the south is of an undulated topography which mainly rises up from north to south and does afford some views of the containers from certain parts of the Golf Course. It is considered that although the containers can be seen from some parts of the Golf Course, these views are limited and screened by the boundary treatment at the site and around the Golf Course, in addition the containers would be seen against the backdrop of various industrial and business sites along Sheffield Road to the south, west and east of the site, such as Steelphalt, former Brinsworth Strip Mills, former Sterecycle building and The Magna Centre.

The applicant has indicated that the containers will not be stacked more than 4 high, which equates to approximately 12 metres and which is recommended to be controlled by way of a condition.

It is therefore considered that the visual impact of the containers from the Golf Course, subject to conditions and together with the planting around the site, the character of the immediate surrounding area and land levels would not be significantly detrimental to the visual amenity of the area

Further to the above the nearest residential property on Bawtry Road is approximately 370 metres from the site. Given the distance between the site and the properties, together with the land levels and planting it is considered that the proposed use would not impinge on the outlook from these properties and would not therefore give rise to any visual impact from residential properties.

Transport

The applicant has indicated in correspondence submitted with the application that the initial operation in early July involved the movement of a number of full containers onto the site to facilitate the start of the distribution plan. The site can accommodate approximately 450 containers if stacked a maximum of 4 high. They further state that as the initial stocking surge has now been completed the daily normal routine is up to 25 vehicles in and 25 vehicles out per day (the same lorry), approximately 5 of which may be at night during Monday to Friday and no movements to and from the site after 16:00 hours at Weekends and Bank Holidays. In addition, the applicant states that the moves are on a call off basis and are varied.

Policy CS 15' Key Routes and the Strategic Road Network' states; the Key Route and Motorway network will provide efficient access between the main Rotherham Urban Area, Principal Settlements and the regional and national road network. This will be achieved by, amongst other things, concentrating through traffic on Motorways and 'A' Roads with best use being made of the existing road capacity to enable this.

The Council's Transportation Unit have stated that from the submitted details, it is noted that up to 25 vehicles (HGVs) will visit the site during a normal working day with the same number leaving the site, and whilst these vehicles will be additional to those currently generated by the adjacent occupiers, MTL Advanced Ltd., they will not result in a material adverse impact in highway terms.

The site is located in close proximity to an arterial road (A631 Bawtry Road) which links the M1 Motorway at Junction 34 in the west with Rotherham in the east, resulting in the site being in a sustainable location.

The visibility at the Grange Lane junction with Bawtry Road is limited in the westerly direction by overgrown vegetation in the highway verge, and colleagues have been requested to investigate and take appropriate action.

The parking of vehicles along Grange Lane is not a material consideration in this application, as there are no parking restrictions on either side of Grange Lane. Moreover it is difficult to determine whether the Lorries parked here are coming to and from the site or whether other haulage operators use it for their regulated stops, nevertheless there are no planning restrictions that could be used to prevent the applicants vehicle's or any other vehicle from parking along this public highway.

The issue of HGV Lorries going past properties on Bawtry Road is again a difficult issue to consider as it is difficult to determine whether the Lorries are all coming to and from the site. Bawtry Road is a busy road which links the M1 motorway, at Meadowhall with Rotherham, therefore lorries are constantly on this stretch of road, and there are no highway restrictions on what vehicle can use this road. Similar to the parking of vehicles on a public highway there are no planning restrictions that could be placed on this road or on the applicant preventing them from using this public highway.

The Lorries exiting Grange Lane and entering Bawtry Road are likely to be slow due to the turning manoeuvre, accordingly the majority of noise from Lorries is likely to come from those which being driven at a higher speed up Bawtry Road towards Meadowhall or down Bawtry Road to Rotherham where the road is undulated and would cause containers etc. to make a noise.

It is therefore considered that the proposal does not have a significant impact on the flow or volume of traffic along Grange Lane and Bawtry Road; does not significantly increase the capacity of these roads, and does not give rise to any highway safety issues that would warrant a refusal of this application.

In addition, the site is located within close proximity to an 'A' road (Bawtry Road) and the M1 Motorway at Junction 34; as such the site is within a sustainable location and provides an efficient access between the main Rotherham Urban Area, Principal Settlements and the regional and national road networks.

Amenity issues

Paragraph 17 of the NPPF states development should always seek a good standard of amenity for all existing and future occupants of land and buildings.

Core Strategy Policy CS27 states that: "Development will be supported which protects, promotes or contributes to securing a healthy and safe environment..." Furthermore, 'saved' UDP policy ENV3.7 states: "The Council...will seek to minimise the adverse effects of nuisance, disturbance and pollution associated with development and transport. Planning Permission will not be granted for new development which: (i) is likely to give rise...to noise, light pollution, pollution of the atmosphere...or to other nuisances where such impacts would be beyond acceptable standards, Government

Guidance, or incapable of being avoided by incorporation preventative or mitigating measures at the time the development takes place...”

In respect to the use of the land and the policies and guidance detailed above, the applicant in their supporting information have indicated the proposed hours of operation are Monday 07:00 until Saturday 16:00 (24 hours), and 08:00-16:00 on Sundays and Bank Holidays if required. Up to 25 HGVs will access the site in a 24hr period (i.e. 50 HGV two-way flow), with up to 10 HGV's visiting the site at night (i.e. 20 HGV two-way flow).

Given that the application is retrospective, the Council have received a number of complaints from local residents mainly living on Bawtry Road, opposite its junction with Grange Lane, which are the closest residential properties to the site at approximately 360 metres, regarding the moving of containers on the site and the noise that the operation produces mainly during the late evening and through the night. In addition they have also raised complaints regarding the noise of Lorries and the banging of the containers on the back of the Lorries as they exit and enter Grange Lane and drive along Bawtry Road.

The Council's Environmental Health department have visited the site on several occasions including late evening and during the night in September, October and early November 2016. They have heard the noise from the container and lifter and the bang when the container is attached to the lifter, which although very short in duration is noisy because it is metal on metal. During a late afternoon visit at approximately 18:00 hrs at the end of October they witnessed approximately 7 vehicles going in and 7 vehicles going out, within a one hour period and whilst on the doorstep of a property on the opposite side of Bawtry Road adjacent the junction with Grange Lane, they clearly heard the noise from the container lifter and the metal on metal sound from the container being lifted and then placed on the vehicle and noted that it was clearly audible from the property on Bawtry Road. Therefore if it was clearly audible between 18:00 – 19:00 hrs when there is higher background noise levels from traffic using Bawtry Road etc. it is likely that there is potential for the container noise to be audible in the nearest noise sensitive receptors i.e. the properties on Bawtry Road when road noise levels are lower. .

After being notified of these concerns the applicant commissioned a noise report and also suggested that to minimise noise from site at night any containers needed to be loaded onto HGVs are now picked in the daytime and are made readily available. Unloaded containers are stored at a low level at night and then put into their respective storage location by the day shift. This approach avoids the need to move any containers other than the ones being unloaded and loaded during the night, and reduces noise to a minimum.”

The noise report submitted with the application concludes by indicating that “the site can be operated without giving rise to unacceptable noise impact at dwellings.” It then states that to ensure that noise associated with the proposed use of the site is minimised a number of measures be considered, which are listed in the Proposals section of this report although there was no indication in the report about any requirement to limit noise from vehicles entering and exiting the site and running along Grange Lane and Bawtry Road.

One of the measures outlined in the Noise Report is to reduce noise of containers being moved on site is the retro fitting of soft landing sensors and rubber dampers on the machines 'twist lock' which is subject to a recommended condition along with the implementation of a Noise Management Action Plan. The readings and calculations in the Noise Report state that with a +3dB correction which is added to the specific noise level and then subtracted from the background noise level at night, the sound level from the site is 7dB below the underlying background noise level which would result in minimal noise coming from the site. Environmental Health has indicated that whilst this will not totally eliminate the noise, it would reduce the risk of any noise from the site being excessive. It is noted that if these measures are implemented and the Council continue to receive noise complaints regarding the operations at the site then they would be investigated under the Environmental Protection Act 1990 Statutory Nuisance.

With regard to the noise of vehicles entering and exiting Grange Lane and Bawtry Road in close proximity to residential properties, British Standard 4142 cannot consider noise from road traffic vehicles and therefore cannot be considered as a sound of industrial and / or commercial nature. The only measure available to reduce the impact of the noise from vehicles is by reducing the hours of operation and the number of vehicle movements and the implementation of a Noise Action Plan.

It is noted that the previous occupant of the site (Excel Logistics) generated a larger number of vehicle movements per day as the site was used as a storage and distribution centre for Sainsbury's supermarkets. However, these lorries would have been loaded in an enclosed lorry backed up to the warehouse building and the goods enclosed within the lorry ensuring minimal banging when the lorries moved along Grange Lane and Bawtry Road. Accordingly, the current situation has generated more complaints regarding the noise of Lorries due to the open nature of the lorry and the banging of metal on metal which occurs when the lorry is driving along the immediate road network.

Although the applicant is willing to commit to the implementation of an Action Plan and provide noise reduction measures to the Kalmar reachstacker, the emphasis of these measures relies heavily on the person either in charge of the reachstacker and the person driving the vehicle and this will also only reduce noise levels at the actual site

Currently the site is open 24 hours a day Monday to Friday and reduced hours on Saturdays, Sundays and Bank Holidays.

During the 24 hours operations Monday to Friday residents have had reduced respite from the vehicular movements and container transfers due to the impulsive and impact noise from the vehicles entering and exiting Grange Lane, and the impulsive and impact nature of the noise sources continue to disturb sleep patterns of the nearby residents.

It is therefore considered that whilst the imposition of a condition relating to the retro fitting of sensors and dampers on the lifting equipment will minimise noise generated from the site, the movement of vehicles to and from the site at unsocial hours during the night will continue to have a negative impact on the amenity of neighbouring residents in respect of noise and general disturbance during the night. Accordingly, without a condition limiting the hours of operation at the site and the limit on the number of vehicle movements during that time, the adverse impact on local residents will continue and will be in conflict with paragraph 17 of the NPPF and policies CS27 and ENV3.7 of Rotherham's adopted Core Strategy and UDP respectively.

It is therefore considered reasonable to impose 2 restrictive conditions stating there shall be no vehicle movements into and out of the site or moving of containers on the site or onto any vehicle parked at the site outside the hours of 06:00 and 22:00 Mondays to Fridays and 08:00 – 16:00 Saturdays, Sundays and Bank Holidays, to help minimise noise and general disturbance to local residents at unsocial hours. Furthermore, a limit of 25 HGV movements, 50 in total (25 in and 25 out) is also recommended.

Having regard to the above it is therefore considered that subject to the imposition of conditions requiring the fitting of sensors and dampers within 1 month from the date of any permission; agreeing a Noise Management Action Plan; limiting the hours of operation at the site and limiting the number of vehicles entering and exiting the site, the scheme will not adversely affect the amenity of neighbouring residents and will comply with the NPPF, Core Strategy and UDP.

Conclusion

In conclusion it is considered that subject to the recommended conditions, the proposal will not adversely impact on the visual amenity of the area, the local highway network or the amenity of neighbouring residents. Accordingly, it is considered that the proposed development would be in compliance with the requirements detailed within the relevant paragraphs of the NPPF and adopted policies of the Rotherham Core Strategy and Rotherham UDP. As such the applicant is recommended for approval.

Conditions

01

The shipping containers stored on the site shall not be stacked more than 4 high and not exceed a height of 12 metres above the existing ground level of the site.

Reason

In the interests of the visual amenities of the area and in accordance with Core Strategy Policy CS28 Sustainable Design.

02

There shall be no vehicle movements into or out of the site and no plant / machinery shall be used for the handling of containers except between the hours of 06:00 and 22:00 Mondays to Fridays and 08:00 – 16:00 Saturdays, Sundays and Bank Holidays.

Reason

In the interests of the amenities of the occupiers of nearby dwellings and in accordance with Core Strategy Policy CS27 Community Health and Safety.

03

There shall be no more than 25 HGV movements, 50 in total (i.e. 25 in and 25 out) accessing the site per day between the hours of 06:00 and 22:00 Mondays to Fridays and 08:00 – 16:00 Saturdays, Sundays and Bank Holidays, and there shall be no vehicle movements outside of these hours.

Reason

In the interests of the amenities of the occupiers of nearby dwellings and in accordance

with Core Strategy Policy CS27 Community Health and Safety.

04

Within 1 month from the date of this permission details of the retrofitting of the mitigation measures (sensors and dampers) to the Kalmar reachstacker shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented within a timescale agreed with the Local Planning Authority and they 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 its use.

Reason

In the interests of the amenities of the occupiers of nearby dwellings and in accordance with Core Strategy Policy CS27 Community Health and Safety.

05

Within 3 months of the date of this permission, a Noise Management Action Plan shall be submitted to and agreed in writing with the local planning authority. The Noise Management Action Plan shall include measures to ensure that noise from the site is controlled with regular compliance noise monitoring to check that noise from the site is minimised as far as practicable. The plan shall also provide a formal procedure for effectively recording, investigating, and managing any complaints and identifying any necessary measures needed to further reduce noise.

Reason

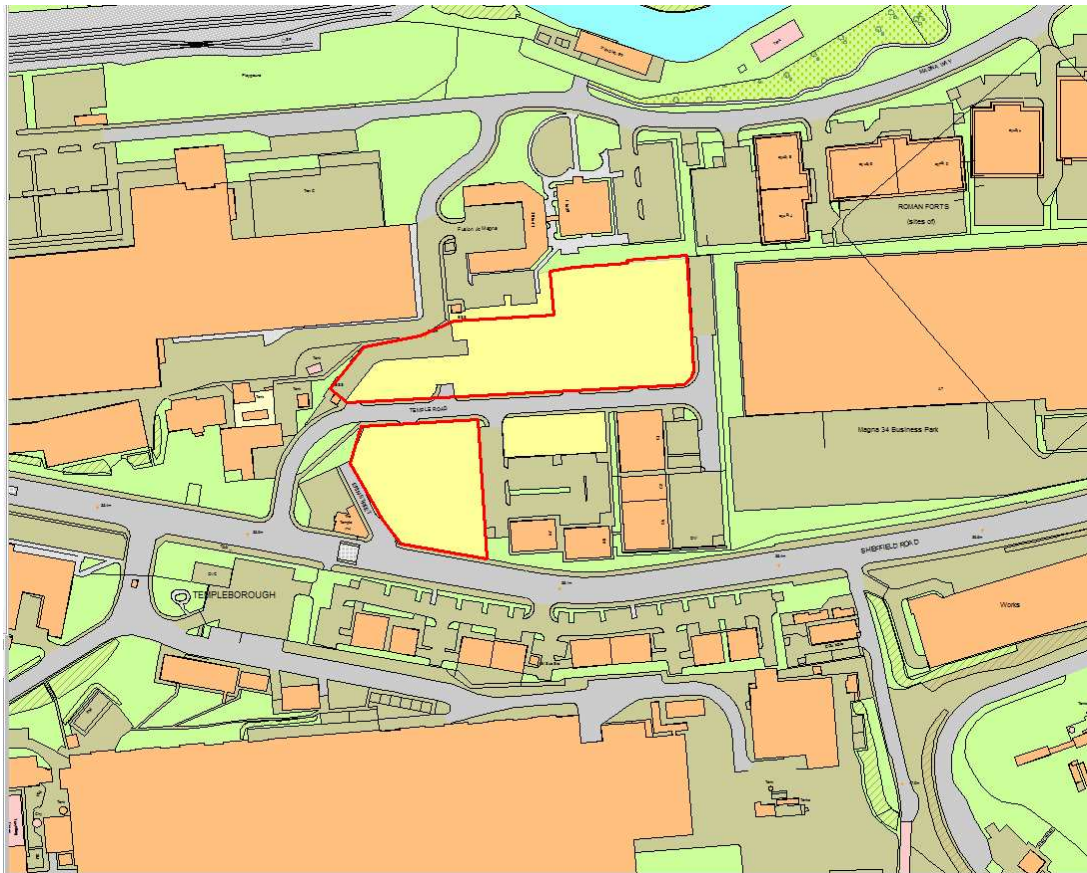
In the interests of the amenities of the occupiers of nearby dwellings and in accordance with Core Strategy Policy CS27 Community Health and Safety.

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	RB2016/1178
Proposal and Location	Erection of 5 no. buildings to form 13 units for use within classes B1(c) (Business), B2 (General Industrial) and B8 (Storage and Distribution), with associated car parking at Magna 34, Sheffield Road, Templeborough, S60 1FG for Jaguar Estates
Recommendation	Refuse

This application is being presented to Planning Board as it does not fall within the Scheme of Delegation for minor operations.



Site Description & Location

The site is located to the north of the A6178 Sheffield Road, in Templeborough.

The site is split by Temple Road which is to the north of Sheffield Road and accesses the existing buildings.

On the southern side of Temple Road is a small flat piece of land that is currently overgrown and unkept. The northern part of the site is a larger parcel of land with has also been left unkept and overgrown.

The site is bounded to the north by commercial units (Fusion at Magna), to the south by Sheffield Road beyond which lies an industrial estate, to the east by Magna 34 Business Park and to the west by the Magna Science and Adventure Park.

Background

There have been several planning applications submitted relating to this site the most recent and relevant of which is:

RB2006/0943 – Erection of 10 buildings to form 20 units for use within class B1 (Business), 8 buildings to form 16 units for use within classes B2 (General Industrial) and B8 (Storage & Distribution) with associated car parking, landscaping with new vehicular access and alteration to existing vehicular access's off Sheffield Road – Granted conditionally – 30 January 2007

It is noted that some of the buildings approved under the 2006 permission have been built out and the remaining could be built out subject to the payment of additional Section 106 monies, although this application is seeking to amend the layout and would prevent the completion of the previous scheme.

Proposal

The application is for the construction of 5 no. buildings to create a total of 13 units for use within classes B1(c), B2 and B8.

The buildings would be formed of 3 terraced buildings and 2 single buildings. One of the terraced buildings would comprise 3 units and the other two would comprise of 4 units.

Unit 1A is one of the single units and is located fronting Sheffield Road, to the west of the existing units built out under the 2006 permission. It will be accessed off Temple Road via a new access; the access will also serve a terraced block of three units (1B / 1C / 1D). The rear elevation of this block will run parallel with Ekin Street.

Unit 2 is the other single unit; this unit will be accessed off Temple Road, with the front elevation facing the car park to the west of the building.

The block containing Units 3A / 3B / 3C / 3D would be sited adjacent Temple Road with its rear elevation running parallel with the carriageway. The final building would comprise Units 3E / 3F / 3G / 3H and be sited to the east of the site at right angle to the aforementioned building. Access to both will be derived from the same access off Temple Road, with car parking and turning facilities to the north the block containing Units 3A to 3D and west of the block containing Units 3E to 3H.

All the buildings will be of a similar appearance and design; they will have shallow pitched roofs approximately 6 – 7 metres high, with the elevations having a similar mix of brickwork, cladding, glazing and roller shutter doors.

The buildings are proposed to be constructed in facing brick with a combination of Microrib & Profiled steel cladding, with a profiled steel roof cladding with areas of photovoltaic panels.

A landscape scheme has been submitted which shows areas of low level shrubs and trees to complement the existing landscaping along Sheffield Road and Temple Road. This includes new shrubs and trees to the rear of Unit 1A and side of Unit 1B adjacent Sheffield Road, the rear of Unit 1B – 1C adjacent Ekin Road; and then to the side of Units 1D, 2 and 3E and the rear of Unit 3A – 3D. Additional landscaping is proposed within the parking areas.

The following documents have been submitted in support of the application:

Travel Plan

The Travel Plan submitted provides an update to the previously approved report under RB2006/0943 and takes into account the changes in the development proposals and provides an update on the current policy position and the existing sustainable transport facilities in the vicinity of the site.

Flood Risk Assessment

The FRA carried out by White Young Green concludes that there is a negligible risk of flooding to the site and the development will have little or no impact on the floodplain of the River Don.

Heritage Assessment

This report, prepared by ArchHeritage in accordance with requirements of English Heritage: Management of Archaeological Projects (Issue 2, 1991) is the final report on the results of the excavations.

The report concludes that: “The excavations have demonstrated that remains of the fort and *vicus* survived the construction of the Templeborough Steelworks during the First World War, but that the remains were localised to some areas and severely truncated.”

Archaeological Assessment

The assessment has been submitted as there is historical evidence of a Roman Fort and *vicus* at Templeborough. It indicates that in 2006 several evaluation trenches were excavated and showed that many of the features identified in earlier excavations had been completely removed by the steelworks’ construction.

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 ‘saved’ policies from the Unitary Development Plan (UDP) (noted in Appendix B of the Core Strategy). The Rotherham Local Plan ‘Publication Sites and Policies’ was published in September 2015.

The application site is allocated for Industrial and Business purposes in the UDP. In addition, the Rotherham Local Plan ‘Publication Sites and Policies’ document allocates the site for ‘Industrial and Business purposes and a new employment site (E12) on the Policies Map. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS3 'Location of New Development'
CS9 'Transforming Rotherham's Economy'
CS21 'Landscapes'
CS23 'Valuing the Historic Environment'
CS25 'Dealing with Flood Risk'
CS27 'Community Health and Safety'
CS28 'Sustainable Design'

Unitary Development Plan 'saved' policy(s):

EC3.1 'Land Identified for Industrial and Business Uses'
ENV3.7 'Control of Pollution'
T6 'Location and Layout of Development'

The Rotherham Local Plan 'Publication Sites and Policies - September 2015':

SP1 'Sites Allocated for Development'
SP16 'Land Identified for Industrial and Business Uses'

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 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 Core Strategy/Unitary Development Plan/Rotherham Local Plan 'Publication Sites and Policies - September 2015' policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application. The emerging policies within the Sites and Policies document (September 2015) have been drafted in accord with both the NPPF and the Core Strategy but wait testing during Examination in Public. As such the weight given to these policies is limited in scope depending on the number and nature of objections that have been received.

Publicity

The application has been advertised by way of two site notices on Sheffield Road and Temple Road, a press notice and letters to neighbouring business. No representations have been received.

The applicant has requested the right to speak.

Consultations

RMBC - Transportation and Highways Design: Have no objections subject to conditions.

RMBC - Landscape Design: Have no objections subject to conditions.

RMBC – Drainage: Have no objections subject to conditions.

RMBC - Ecologist: Have no objections.

RMBC - Land Contamination: Have no objections subject to conditions.

RMBC - Environmental Health: Have no objections.

RMBC - Urban Design: The side and rear elevations of Unit 1a and Unit 1b – 1d are not considered to be part of a well-considered approach to the design of the buildings. It is acknowledged that the buildings should represent the proposed use and must be practical but more could be done with the variation in materials or their application that could achieve more architectural merit, and better compliment adjacent units.

Environment Agency: Have no objections subject to conditions.

South Yorkshire Archaeological Service: Have no objections subject to conditions.

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 issues to take into consideration in the determination of the application are –

- The principle of the development
- Scale, layout and design
- Landscape issues
- General Amenity Issues
- Transportation Issues
- Land Contamination
- Flood Risk and Drainage
- Archaeological issues

Principle

The application site is allocated for industrial and business use within the adopted Rotherham UDP and is also allocated for the same use within the emerging Sites and Policies Document, as well as being a proposed employment site. In this instance the applicant is seeking to construct 5 buildings for use within classes B1(c), B2 and B8. The proposal is therefore considered to be acceptable in land use terms and is in accordance with policy CS9 'Transforming Rotherham's Economy'; 'saved' UDP policy EC3.1 'Land Identified for Industrial and Business Uses' and emerging policy SP16 'Land Identified for Industrial and Business Uses'. The proposal is also in accordance with the policies contained within the NPPF which has a presumption in favour of sustainable development, and aims to build strong, competitive economies. In this regard the proposal is considered to be acceptable in principle.

It is also of note that the application site benefits from an extant permission under RB2006/0943 which was for a similar development for the same uses, albeit of a slightly different layout, with buildings of different sizes, scales, forms and designs to the ones hereby proposed.

Additionally and under Part 3, Class V of the Town and Country Planning (General Permitted Development) Order 2015, as amended an application can be submitted for a flexible permission which allows the unit to be changed to another use under the same permission without the need for a further application within 10 years from the date of the permission. The applicant could therefore use the unit for any of the uses outlined above within 10 years from the grant of planning permission. However, following its continuous use for any single one of the uses for a period of 10 years or more, planning permission would be required for a change of use.

Scale, layout and design

The NPPF at paragraph 17 states planning should always seek to secure high quality design, furthermore paragraph 56 notes: "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." Paragraph 64 adds that: "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions."

In addition to the above policy CS28 'Sustainable Design' of the Council's adopted Core Strategy states: "Proposals for development should respect and enhance the distinctive features of Rotherham. They should develop a strong sense of place with a high quality of public realm and well designed buildings...Development proposals should be responsive to their context and be visually attractive as a result of good architecture...Design should take all the opportunities to improve the character and quality of an area and the way it functions."

The proposal in this instance comprises of the erection of a 5 pitched roof steel framed industrial style warehouse buildings, with external grey cladding, some brickwork and window openings to the front and side in a prominent location on a main arterial road (Sheffield Road) into Rotherham from Junction 35 at Meadowhall, which is seen as one of the "gateways" into the Borough within a predominantly industrial and business area.

The buildings have been laid out with regard to the previously constructed access road (Temple Road) and the underground sewer which bisects the site.

The layout has changed from the previous extant permission (RB2006/0943), so too has the size, scale, form and design of the buildings proposed. The previously approved buildings which could still be built out subject to the payment of additional s106 monies were provided with sloping mono-pitch roofs and constructed with a mix of materials including steel cladding, brickwork, cedar boarding and large glazed sections.

The buildings hereby proposed are all of a similar pitched roof form and would be constructed with a mixture of brickwork, glazing and cladding of varying shades of grey, with car parking to the front accessed off Temple Road.

The buildings would be laid out with one backing onto Sheffield Road, adjacent the existing office buildings built out under RB2006/0943, a further building would back onto Ekin Road, two more would have their side elevations adjacent Temple Road and one would have its rear elevation adjacent Temple Road. There would be some landscaped areas acting as a buffer between the buildings and the roads which they are adjacent to.

The proposed buildings are of no real architectural merit and have been designed and detailed to mirror other similar large industrial / warehouse buildings to the east of the site further along Temple Road, which can be viewed from the application site and together with the application site did form part of a wider development that was approved in 2006.

It is noted that the buildings should represent their end use and must be practical, but given the site's prominent location adjacent a busy arterial road into the Borough at a key "gateway" it is considered that more could be done with the variation in materials and their form, scale and design to achieve more architectural merit with better compliments adjacent units and takes the opportunity to improve the character and quality of the area.

In respect of the buildings which form Unit 2 and Units 3a to 3h, it is considered that on balance, given they are in a less prominent location adjacent an internal access road within the wider development area, with views only accessible from this internal access road and together with the proposed landscaping, are considered to be acceptable. Furthermore, they have been designed so that the prominent elevations (front and side of Unit 2, rear of Unit 3a – 3d) have some interest by using a suitable mix of materials and features.

However, the buildings which form Unit 1 and Unit 1b to 1d are more prominent in the wider surrounding area, as they are sited directly adjacent Sheffield Road. Unit 1 whose rear elevation runs parallel with the road, albeit at a lower level and its side elevation facing west would be highly visible and Unit 1b to 1d whose rear elevation runs parallel with Ekin Street but its side (south facing) elevation would also be prominent when viewed from Sheffield Road.

During the consideration of the application, concerns about the design of the buildings were made to the applicant and some amendments have been made to provide these prominent elevations by using different shades of grey cladding and window features on rear elevations and providing a brick, cladding and glazed band around the side elevations which face Sheffield Road on both buildings. However, it is considered that given their prominence, together with their size, scale, form, design and proposed

materials, Unit 1 and Unit 1b – 1d would result in the introduction of an inappropriate form of development. Furthermore, the proposal for the reasons set out above would result in a development that has not taken the opportunities available to help improve the character and appearance of the immediate surrounding area, and would therefore have a significantly adverse impact on the character and appearance of this prominent “gateway” site.

It is therefore considered that the buildings which are listed as Unit 1 and Unit 1b – 1d would represent an inappropriate form of development, by virtue of their poor form, appearance and design that together with their prominent location would introduce an incongruous feature into the streetscene to the detriment of this prominent “gateway” site.

The proposal would therefore be in direct conflict with NPPF at paragraphs 17 and 56 and policy CS28 ‘Sustainable Design’ of Rotherham’s adopted Core Strategy and as detailed in paragraph 64 of the NPPF the application should be refused for its poor design which fails to take the opportunities available for improving the character and quality of an area and the way it functions.

It is further considered that the applicant’s fall-back position which is to implement the remainder of RB2006/0943 would represent a more appropriate form of development that would help improve the character and appearance of the area.

Landscape issues

The applicant is proposing new areas of landscaping, which would include new low level shrubs and trees to complement the existing landscaping carried out during the construction of the adjacent office units accessed off Temple Road. The new landscaping will consist of landscape strips to the rear and side of the units which front Sheffield Road, Ekin Road and Temple Road, additional landscaping will be provided within the parking areas at the front of buildings to break up the hardstanding.

Precise details of the size and species proposed for the landscaping areas have not been provided at this time. However, the Council’s Landscape Design team are generally satisfied with the level of landscaping proposed as it will complement the existing landscape areas, but have recommended a condition to ensure that a more detailed landscape scheme is submitted for consideration before the site is occupied, so that details of sizes and species can be agreed.

In light of the above it is considered that the proposed level of landscaping would have been acceptable and would comply with the requirements detailed within policy CS21 ‘Landscapes’.

General Amenity issues

The nearest residential properties are approximately 700 metres west of the site within Sheffield’s administrative boundary. The nearest residential properties within Rotherham are approximately 1km north-east of the site. It is also acknowledged that there are other commercial premises in close proximity of the site along Sheffield Road and the wider Templeborough area, and that the site is located close to a number of major arterial traffic routes, namely Sheffield Road and the M1 Motorway.

Having regard to this, it is considered that the proposed development would not result in any significant loss of amenity by virtue of noise pollution due to the sites location. Furthermore, it is considered that the built form of the proposed buildings would not give rise to any amenity issues.

It is therefore considered that there would be no significant loss of amenity by virtue of noise, air quality or land pollution impact and as such the proposal would comply with policy CS27, 'saved' UDP policy ENV3.7 and paragraph 17 of the NPPF.

Transportation Issues

The site will be served off Temple Road, with three new vehicular accesses being created off this internal road to new car parking areas and turning facilities.

The Council's Transportation Unit have indicated that the vehicular accesses are acceptable and would allow for the safe exit of vehicles into Temple Road, while the level of car parking and turning facilities proposed are acceptable and in accordance with the Council's Parking Standards.

Further to the above, although a Transport Assessment has not been submitted, it is considered that the increase of circa 100 trips per day generated from the site would be acceptable.

In light of the above it is considered that the proposal is in accordance with policy CS3 'Location of New Development' and 'saved' UDP policy T6 'Location and Layout of Development', and would therefore be acceptable in Transportation terms, subject to appropriate conditions.

It is noted that the previous approval required the payment of a s106 financial contribution towards the A1 Bus and junction improvements at J34 of the M1. The A1 service no longer runs through Templeborough and the signal works at J34 have been completed. There would therefore be no requirement to require a S106 financial contribution in respect of Highway / Transport improvements.

Land Contamination

Historically the site has been occupied by the Templeborough Steelworks / Rolling Mills dating back to 1916 to approximately 1999. From this date onwards the site was still occupied by a number of disused buildings until approximately 2006. Since then the land has been completely cleared and is open unused land.

As part of past site clearance works it is thought that all of the above and below ground structures associated with the former steel works were demolished as part of previous reclamation works, which included the removal of above and below ground fuel tanks.

Remediation works are thought to have been undertaken in the past as part of the overall reclamation works for the entire site. The details however of past site investigation / remediation works has not been submitted as part of this planning application.

It is considered that despite previous remedial works being undertaken a moderate risk of contamination is likely to exist from potential made ground deposits and associated

ground gases that warrant further site investigation. For this reason if planning permission is granted further site investigation works should be undertaken to assess the nature and extent of contamination in relation to potential risks to human health for the end users of the site and controlled waters.

Remediation works may be required to bring the site back to a suitable condition to be protective of human health for its proposed end use. This would need to be controlled by way of a condition on any planning approval.

Flood Risk and Drainage

The northern part of the site is located within a Flood Zone 2 and as such in line with national guidance and the guidance detailed within policy CS25 a Flood Risk Assessment has been submitted. The Environment Agency have stated that the proposed development will only meet the requirements of the NPPF if the measure(s) as detailed in the Flood Risk Assessment submitted with this application are implemented and secured by way of a planning condition.

In addition to the above it is noted that there is a sewer that crosses the site and the layout has been designed with regard to its location and the required easement. The Council's Drainage Engineer has indicated that the drainage scheme submitted is not satisfactory but can be secured via a condition for a surface water drainage scheme to be submitted before works commence. Accordingly, the application would not give rise to any drainage issues subject to a planning condition.

Archaeological issues

This area was included in a much wider review for the "Templeborough Gateway", by White Young Green in 2004. This included a review of the archaeological potential, undertaken by Northern Archaeological Associates (NAA). The NNA review identified areas of archaeological sensitivity and this proposed development area is within one of these areas. Given this archaeological potential along with the potential for significant remediation, SYAS have recommended that a condition would be required to be attached to any planning permission requesting the submission of a Written Scheme of Investigation (WSI) which sets out a strategy for archaeological investigation and the development shall only take place in accordance with the approved WSI.

Conclusion

Having regard to the above it is concluded that whilst the principle of the proposal is acceptable and the size, scale, form, design and layout of Unit 2, Unit 3a – 3d and Unit 3e – 3h would, on balance, not adversely affect the character or appearance of the area and the whole development would not adversely impact on the highway, flood risk, drainage, land contamination and archaeological issues.

However, the size, scale, form and design of Unit 1 and Unit 1b – 1d, together with the prominent location adjacent a key "gateway" into the Borough, would have a detrimental impact on the character and appearance of the area and fails to take the opportunities available for improving these.

Accordingly, it is considered that the adverse impact of Unit 1 and Unit 1b -1d outweighs the other issues and as such the scheme would be in direct conflict with the NPPF at

paragraphs 17 and 56 and policy CS28 'Sustainable Design' of Rotherham's adopted Core Strategy and as detailed in paragraph 64 of the NPPF the application should be refused for its poor design which fails to take the opportunities available for improving the character and quality of an area and the way it functions. Therefore the application is recommended for refusal for the reasons outlined in this report.

Reason for refusal

01

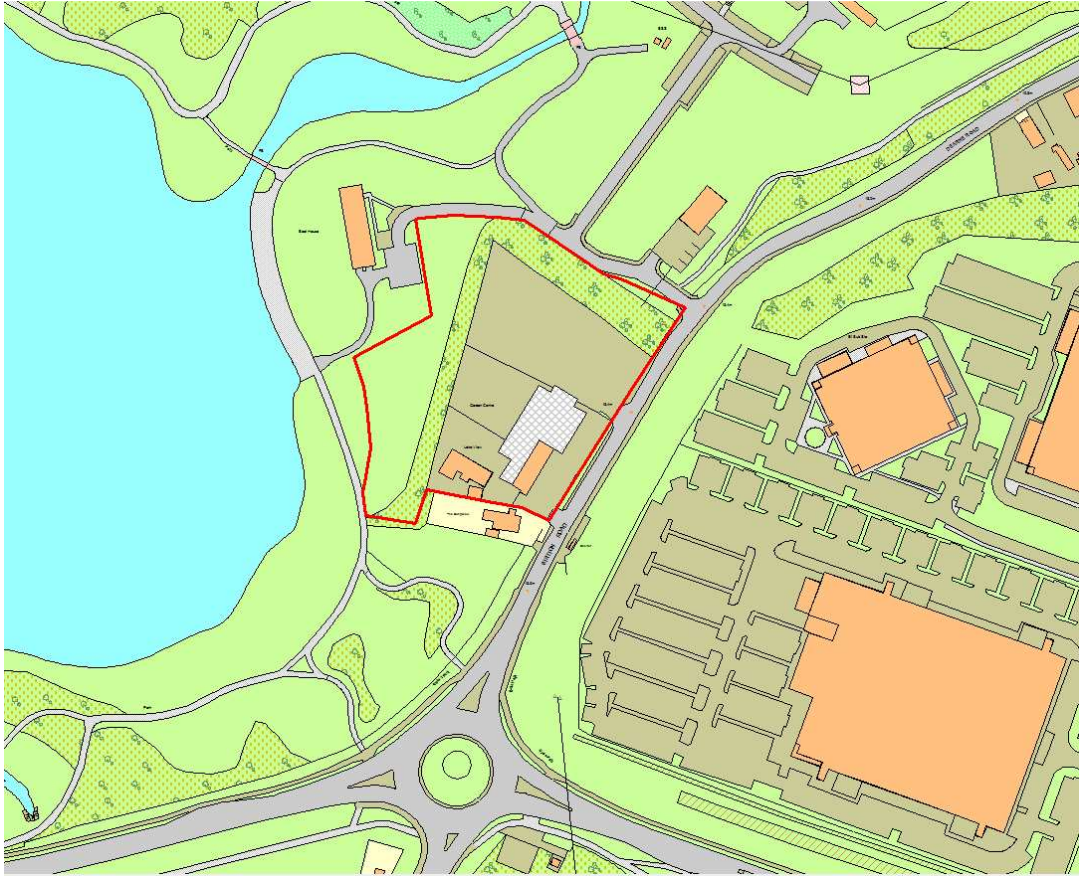
The Council considers that the proposed buildings Unit 1 and Unit 1b – 1d, would by virtue of their design and siting have a poor relationship with the site and surrounding area and would represent a poor form of development that fails to take the opportunities available for improving the character and quality of the area. Furthermore, the aforementioned buildings would by virtue of their design have little regard to the character of adjacent buildings and would introduce an incongruous feature which would detrimentally affect the character and appearance of the area and the visual amenity of the immediate surrounding area given its prominent "gateway" location. The application is therefore in direct conflict with Rotherham's adopted Core Strategy Policy CS28 'Sustainable Design' and the aims of the National Planning Policy Framework and National Planning Policy Guidance.

POSITIVE AND PROACTIVE STATEMENT

The applicant did not enter into any pre application discussions with the Local Planning Authority. Whilst discussions during the determination of the application have identified a possible acceptable alternative to this proposal, the applicant has been unwilling to further amend the scheme. This was not considered to be in accordance with the principles of the National Planning Policy Framework and resulted in this refusal.

Application Number	RB2016/1419
Proposal and Location	Outline Application for the erection of 60 No. dwellinghouses with details of access (comprising of 28 No. apartments in 4 No. blocks of 3 & 4 storey buildings & 32 No. dwellinghouses with associated highways, parking & landscaping) at the former Dearne Valley Garden Centre, Station Road, Wath upon Dearne
Recommendation	<p>A. That the Council enter into an agreement with the developer under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the following:</p> <ul style="list-style-type: none"> • 25% Affordable Housing Provision • Financial contribution towards the provision of primary school places in Wath based on the formula of £2,342 per dwelling, £1,171 per apartment (50% reduction) and no contribution on the affordable units. 50% of the money payable upon 50% occupation with the remaining 50% payable upon 80% occupation. • Financial contribution of £500 per residential unit towards the provision of sustainable transport measures. • Annual payment to The Manvers Lake Trust of £4,077 towards the ongoing management and maintenance of Manvers Lake based on a formula of £0.27 per sq. metre (1.51 hectares). • Establishment of a management company to manage and maintain the on-site landscape and open spaces. <p>B. Consequent upon the satisfactory signing of such an agreement the Council resolves to grant permission for the proposed development subject to the conditions set out in the report.</p>

This application is being presented to Planning Board as it does not fall within the Scheme of Delegation for residential development.



Site Description & Location

The site is located off Station Road on the northern edge of Wath-upon-Dearne, and has an area of approximately 1.5 hectares. The site is bordered by private open space to the north, commercial/industrial buildings along most of its eastern boundary (on the opposite side of Station Road), a detached bungalow with park land to the south and a boat house and lake immediately to the west.

The site was previously used as a garden centre; however this ceased trading some time ago and remnants of the associated buildings and large areas of hardstanding remain on site to date. The site is relatively flat and an existing access is provided in a central location onto Station Road.

The site is currently enclosed by a paladin fence along the north and west boundaries, a brick built wall with railings and gates to the east, along Station Road and a timber fence along the southern most boundary.

Background

The site has the following relevant planning history:

RB2011/1149 - Outline application for the erection of 32 No. dwellings and 4 No. buildings comprising 28 No. apartments including details of access & layout – Withdrawn – 05/10/2011

RB2012/0327 - Outline application for the erection of 32 No. dwellings and 4 No. buildings comprising 28 No. apartments including details of access & layout – Withdrawn 16/05/2012

Proposal

The application seeks outline permission for the erection of 60 No. dwellinghouses with details of access onto Station Road and the internal road layout. All other matters are reserved for future consideration.

An indicative layout has been submitted to demonstrate how the development could be accommodated on site; this consists of 28 apartments in 4 blocks of 3 & 4 storey buildings & 32 dwellinghouses. Areas of landscaping are shown along the northern and western boundaries.

The proposed development would be accessed via 2 separate access points off Station Road and comprise of 3 internal access roads each connecting to form a U shape arrangement.

The application is accompanied by the following supporting documents:

Design & Access Statement provides statements relating to the site and its surroundings, the identification of issues which have influenced the proposals and a site layout covering issues such as pedestrian and vehicular access, integration and permeability, site layout and the relationship between dwellings, pedestrian routes and car parking provision.

The Planning Statement reviews the proposals in light of current local policy and national guidance and concludes that 'there is a strong need for a new residential development with associated hard and soft landscaping; which would provide a contribution towards the councils housing quota and the opportunity to offer a sustainable design different to others already built. The scheme would work harmoniously in its setting and would enhance a local landmark of Wath Lake.'

Affordable Housing Statement confirms that 25% affordable housing provision will be provided within the site. The detail of which will be worked up in accordance with RMBC's requirements.

Transport Statement confirms that the former garden centre generated trips on the local highway network, however these were relatively few during the standard AM and PM network hours. There is a cluster of collisions at the Station Road / Manvers Way roundabout and the site is connected to Wath-upon-Deerne town centre via both footway / cycleway links, and has bus services available directly at its frontage.

Flood Risk Assessment confirms that the site does not now lie within an area shown on flood maps, floor levels will be no lower than 19.3mAOD. There is a risk of shallow flooding on Station Road close to the site.

There will be no safe access and egress to the north of the site in the event of extreme rainfall. Safe vehicular access and egress will be to the south of the site towards Manvers Way and surface water disposal will be to the public combined sewer on Station Road subject to confirmation of the disposal route by drainage survey.

Flood Evacuation Plan provides guidance and suggestions as to what to do both prior to, and in the event of, potential and actual flooding on the site.

Phase 1 Habitat Survey confirms that no badger setts or other badger field signs were identified from the surveyed area. The lake to the west may provide suitable habitat for water voles, otters and crayfish. Works will have no impact upon this water source, hence there will be no impact upon these species should they be present. No otter holts were identified within the site. Buildings were assessed to provide very low roosting potential for bats, however the site provides some potential for bat foraging activity.

Land Contamination Assessment confirms that 'the site has been occupied by houses, railway sidings, a garage and a refuse tip in the past. The current layout appeared between 1996 and 2000. The garden centre closed between 2010 and 2016. Precautions against the effects of past shallow coal mining are not considered to be necessary. No radon precautions are required for new dwellings at the site. Deep made ground and a refuse tip are expected to be present on site. Gas monitoring will be required to determine the gassing regime, however, it would be prudent to allow for Amber 1 gas precautions across the site. An intrusive investigation will be required to test the conceptual site model and provide a risk assessment with respect to contamination and to confirm the ground conditions for a foundation appraisal.'

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 'saved' policies from the Unitary Development Plan (UDP) (noted in Appendix B of the Core Strategy). The Rotherham Local Plan 'Publication Sites and Policies' was published in September 2015.

The application site is allocated for 'Mixed Use' purposes in the UDP. In addition, the Rotherham Local Plan 'Publication Sites and Policies' document also allocates the site for 'Mixed Use' purposes on the Policies Map. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

- CS1 'Delivering Rotherham's Spatial Strategy'
- CS3 'Location of New Development'
- CS7 'Housing Mix and Affordability'
- CS14 'Accessible Places and Managing Demand for Travel'
- CS20 'Biodiversity and Geodiversity'
- CS21 'Landscape'
- CS25 'Dealing with Flood Risk'
- CS27 'Community Health and Safety'
- CS28 'Sustainable Design'
- CS31 'Mixed Use Areas'
- CS33 'Presumption in Favour of Sustainable Development'

Unitary Development Plan 'saved' policy(s):

- HG4.3 'Windfall Sites'
- HG4.8 'Flats, Bed-sitting Rooms and Houses in Multiple Occupation'
- HG5 'The Residential Environment'

ENV3.2 'Minimising the Impact of Development'
ENV3.7 'Control of Pollution'
ENV4.4 'Contaminated Land'

Other Material Considerations

Council's Car Parking Standards (adopted June 2011).

Supplementary Planning Guidance (SPG) Housing Guidance 3: 'Residential Infill Plots.'

South Yorkshire Residential Design Guide (SYRDG).

South Yorkshire Interim Local Guidance for Sustainable Drainage Systems for Major Applications.

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 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 Core Strategy/Unitary Development Plan/Rotherham Local Plan 'Publication Sites and Policies - September 2015' policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application. The emerging policies within the Sites and Policies document (September 2015) have been drafted in accordance with both the NPPF and the Core Strategy but await testing during Examination in Public. As such the weight given to these policies is limited in scope depending on the number and nature of objections that have been received.

Publicity

The application was advertised in the press and by individual letters to neighbouring properties. Site notices were also erected on site. A total of 14 letters of representation has been received, 12 of which are in support and 2 offer objections. The main points are summarised as follows:

Support

- Demonstrated need for additional housing in this area;
- The proposed units represent housing for first time buyers which is a positive;
- The location is attractive, being close to the lake;
- The land should be developed for family housing;

- Finish off Wath lovely. Give the family that owns the place the chance to move forward with their lives;
- It would put some much needed life back to that area;
- The site is a fantastic place for families to live and relax with some great facilities close by.

Objection

- Adversely affect amenity of adjacent property due to overlooking and loss of privacy due to siting of Plots 1 – 6.
- The houses proposed are intrusive as a result of the design under which they run north-south and because living spaces and master bedrooms will face south are designed with large areas of glazing.
- No screening is proposed to mitigate overlooking caused by the design along the southern boundary of the site;
- The access path to the south runs directly adjacent to the adjacent bungalow which will impact on residential amenity and privacy, including an increase in noise and disturbance from pedestrians using the path to access the lake;
- The proposed development would be overbearing and have a negative impact on the amenity of the future residents;
- The proposed development would be car dominated;
- The highways report is misleading and the true statistics for collision data need to be presented to the Council;
- The proposed development would add to pressure on the existing highways and the roundabout, increasing risk of collisions;
- The increase in traffic on the highway at peak times is of significant concern taking into account highway safety concerns raised about collision cluster at the roundabout;
- The proposed development would be affected by flooding and would be highly car dependant;
- There would be a loss of open space;
- The application does not sufficiently address potential impact of the development on the possible habitat of protected species at and around the site;
- The proposed footpath should be routed to come out of the applicant's Southern boundary. Not the Western boundary as currently shown;
- Manvers Lake members and the local community swim in Manvers Lake, the water of which is extremely sensitive to pollution. We wish to see no run off pollution into our lake either during construction or post completion. There are no details of top water drainage shown, and, if drainage comes towards our lake either directly or indirectly we wish to see interceptors and maximum mitigation measures put into place as a condition of any planning consent;
- This development will be extremely attractive to developers with Manvers Lake parkland being so close, and with circa 200 residents projected they will all wish to use this and. It is vital that it is maintained appropriately and in perpetuity. The residents of this development will directly discharge onto our land for dog walking, a short cut to the shops and Wath town centre, and, we hope, many will take part in our activities. However, our maintenance bills are over £40,000 per year and rising. This is paid for by a levy on all the businesses and houses located to the North of Manvers way and by donations from the public. We would like to see a similar obligation as part of the S 106 or CIL to pay a maintenance levy towards our costs similar to that which is paid by the other houses. All the

businesses and Houses to the North of Manvers Way and to the East of the RSPB "Old Moor" site contribute via their Management Company

Following receipt of the objections, the applicant has submitted a rebuttal, which is summarised as follows:

- The back gardens of plots 1-6, have a closed boarded timber boundary fence of 1.8 metres in height; offering privacy. The development falls within the guidelines for the separation distance identified in the SYRDG; offering a garden distance of minimum of 10 metres for the proposed units and guideline separation from existing properties. Similarly after concerns being raised about the southern access path, the decision has been made to re-locate it, south west of its original position, resulting in a new location further from the objector's rear garden boundary.
- The proposal has been designed not to have an 'overbearing nature'. This has been achieved by positioning the apartments so they are set back from the access, off Station Road, and again away from the objector's property. The proposals are similar in scale and size to the other developments that have recently been built across Wath Lake.
- The proposed car parking numbers for the development is in line with the RMBC's parking standard requirements for its scale. Car parking has been provided at a level appropriate for the development.
- There are no "highway safety concerns relating to the development" for the reasons stated in Section 3.1 of the TS (i.e. there should be no change in road safety risk as the number of trips to / from the development site would not materially alter). The road safety data used in Table 2.6 (i.e. STATS19 data) is that used by all levels of government, and is based on factual information reported to the police. Given the traffic generation of the previous use, we consider no further assessment is required of routeing scenarios relating to flooding as these will not be materially different under the proposed development scenario.
- Bats: If all of the survey results, and all of the evaluation, sections 4.3, 4.4. and 4.5. are assessed as a whole, these show that adequate surveys have been undertaken to establish there is no bat roost on site and the level of foraging activity is very low. Therefore the mitigation recommended is restricted to section 5.2. which is a standard clause.
- Great Crested Newts: Please see the section below relating to reptiles, however it is worthy of note that the reptile surveys would also identify any amphibians if they were present. We have been informed and this is recorded within past habitat reports that there is no evidence of Great Crested Newts or amphibians on the site.
- Birds: This is a standard situation during the nesting season.
- Reptiles: Should the area of grassland and ephemeral/short perennial vegetation to the west of the site be cleared during works, it is recommended that reptile surveys are first carried out. We understand that the Habitat 01 report has been approved internally within the council, but if the Local Authority deem the investigation a requirement then we will happily address this.

Consultations

RMBC - Drainage

Originally raised concerns relating to the content of the FRA, however following the submission of a revised document, these concerns have been alleviated and no objections are now raised subject to the imposition of conditions.

RMBC - Education

Have confirmed that the catchment area school is Wath Victoria which has been full on offer day for the last 2 years and is currently oversubscribed by 4 pupils in Reception/FS2. The next nearest two schools are Wath CE and Wath Central which are also both oversubscribed. On this basis a request for a contribution towards the improvement of education facilities in the area is requested.

RMBC - Affordable Housing Officer

Confirms that this development will trigger the Affordable Housing policy of 25% of the units to be brought forwards for affordable housing. This equates to 15 units. The Council may consider apartments but only in whole blocks (no split tenure blocks) as well as 2 or 3 bedroom houses. The preferred tenure is for affordable rent as intermediate tenures have historically not been successful in this location.

RMBC - Transportation and Highways Design

Acknowledges that detail of the access and internal road layout are to be considered as part of this application and based on the evidence contained within the submitted Transport Statement no objections are raised subject to the imposition of conditions.

RMBC - Landscape Design

Confirm that the proposals seek to provide an attractive landscape setting, with planting styles which are considered appropriate for the site context. It is considered that the current scheme has made adequate provision to address earlier concerns. Accordingly no objections are raised subject to the imposition of conditions.

RMBC - Ecologist

Acknowledge that the application is submitted in outline form. Nevertheless regard has been given to the submitted Whitcher Wildlife report which considers the impact of the development on biodiversity within the area. Having regard to the mitigation proposed within this report no objections are raised.

RMBC - Public Rights of Way

Confirm that the site is not affected by any definitive rights of way.

RMBC - Leisure and Green Spaces Manager

Confirm that as almost half of the new properties (28/60) are apartments rather than family homes. It is therefore suggested that the requirement for equipped play is somewhat diminished. Although given that at 800m the nearest existing play area (at Wath Park) is further than we would normally expect, there is also a lot of public open space provided around Manvers Lake providing opportunities for natural play. It would appear sensible therefore for the developer to provide some s106 monies to provide opportunities for play within the area controlled by The Manvers Lake and Dearne Valley Trust Ltd..

RMBC - Land Contamination

Have stated that given the history of the onsite land uses there may be some potential for contamination to exist within the made ground and surface soils at the site. On that basis a number of conditions are recommended should planning permission be granted.

The Environment Agency

Originally objected to the proposed development on the grounds of insufficient information within the submitted FRA. Following the submission of a revised document these objections have been addressed, accordingly no objections are raised subject to the imposition of a condition.

South Yorkshire Archaeological Service

Have confirmed that the area covered by the garden centre has been affected by previous works in the late 19th and early 20th centuries. The first edition OS map (1854) shows the plot as fields, but with the railway line serving the adjacent colliery crossing the northern edge. In the late 19th century, another rail line runs along the western side of the plot. Two rows of terraced houses have been built in the south east corner. From this, it is clear that much of this plot has been heavily disturbed and any archaeological potential is likely to be low. Because of this, SYAS does not consider that any archaeological work is necessary.

Shire Group – Internal Drainage Board

Raises no objections to the proposed development.

South Yorkshire Police Architectural Liaison Officer

Suggest that the development would benefit from being built to Secure by design standards and state that public areas of open space should be well maintained.

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 issues to take into consideration in the determination of the application are –

- The principle of the development
- Transportation Issues
- Drainage and Flood Issues
- Landscape and Ecology
- Geotechnical & land Contamination Issues
- General Amenity Issues

The Principle of Development

The application site is allocated for Mixed Use within the adopted Rotherham Unitary Development Plan, as Mixed Use Area 03. The acceptable uses within this area include C3 Residential. Mixed Use Policy EC5 is not a saved policy in the UDP and has been superseded by Policy CS31 'Mixed Use Areas' which states 'Within Mixed Use

Areas to be shown on the Policies Map accompanying the Sites and Policies document, a variety of land uses will be acceptable'

In this regard, the Sites and Policies document is currently undergoing Independent Examination and is not likely to be adopted until December 2017; therefore the application must be considered against saved policies within the Unitary Development Plan, Core Strategy and guidance contained within the NPPF.

Paragraph 14 of the NPPF notes 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.'

Having regard to this, the proposed development seeks consent for the erection of 60 residential units in the form of dwellings and apartments. Use class C3 is listed within the UDP as an acceptable land use on this site and whilst it is acknowledged that Policy EC5 has been superseded by Policy CS31, the Core Strategy does not detail acceptable uses within each identified mixed use area. Therefore in assessing the proposals it is necessary to consider them in light of guidance contained within paragraph 14 of the NPPF which sets a presumption in favour of sustainable development.

In this regard, the site is located within the Manvers area of the borough where significant regeneration has taken place over the last decade. There are a reasonable range of services and facilities within the area, including shops, and employment opportunities, although these are located beyond a desirable walking distance from the site. There is however a regular bus service nearby on Station Road, providing access to larger settlements with a wide range of jobs, shops, and services/facilities such as Rotherham and Barnsley town centres.

In terms of the proposal itself, it is acknowledged that the application is made in outline only, however the indicative plans and detail contained within the Design and Access Statement suggest that there are potential strategies to improve sustainability which could be implemented in the future build, including passive and active solar design and the installation of green roofs and walls to the apartment blocks. Furthermore, the site layout has been designed to take account of the north south axis and buildings are orientated so that they may take advantage of any solar design strategies. This could be either through harnessing the sun's energy to naturally heat the properties or through the inclusion of photovoltaics and/or solar thermal collectors.

Having regard to the above, it is established that the site is located within a reasonably sustainable location, close to nearby services and public open spaces and has good access to public transport links. The indicative layout has had regard to other sustainable elements such as solar gain and ecological benefits. Furthermore it is not considered that the proposed development would result in any adverse impacts that would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF. The proposed residential development is therefore considered acceptable in principle.

Transportation issues

Core Strategy Policy CS14 'Accessible Places and Managing Demand for Travel,' seeks to focus transport investment on making places more accessible and on changing travel behaviour with accessibility being promoted through (amongst others):

- a. Locating new development in highly accessible locations such as town and district centres or on key bus corridors which are well served by a variety of modes of travel (but principally by public transport).
- b. Enabling walking and cycling to be used for shorter trips.
- f. Adopting car parking policies for vehicles and bicycles in accordance to national guidelines that support and complement public transport and the introduction of sustainable travel modes.
- g. The use of Transport Assessments for appropriate sized developments, taking into account current national guidance on the thresholds for the type of development(s) proposed.

Paragraph 17 to the NPPF further advises that amongst its 12 core land-use principles that planning should: "...actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable."

Paragraph 32 to the NPPF advises that developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment and decisions should take account (amongst others) 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;

Paragraph 34 to the NPPF further seeks to ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

Paragraph 35 to the NPPF advises where practicable, developments should:

- Give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;
- Incorporate facilities for charging plug-in and other ultra-low emission vehicles; and
- Consider the needs of people with disabilities by all modes of transport.

Paragraph 36 to the NPPF concludes that all developments which generate significant amounts of movement should be required to provide a Travel Plan.

Having regard to transportation issues, the application has been accompanied by a Transport Statement (TS) which provides an evaluation of junctions using existing and projected data; traffic accidents in the locality of the site along with likely traffic expected to be generated by the proposed development.

Having regard to the existing access arrangements, the former garden centre had a single point of access off Station Road, and this access is still available. When using the

access, vehicles must cross the footway for which dropped kerbs (and associated tactile paving) are provided.

In order to determine the base traffic flow (prior to development) on the local highway network, two traffic surveys were conducted on Station Road directly outside the site, once between Tuesday 19th and Tuesday 26th July 2011, and at the same location between Friday 9th and Thursday 15th September 2016.

As previously reported, the proposed development would provide up to 60 residential units in place of the recently closed garden centre and would be accessed directly from Station Road.

The tables below identify the number of trips that could be generated by the proposed development during the peak hours and for the full day in comparison to the garden centre function.

Trip Generation of the proposed 60 unit residential development

Land-use	Rate Basis	AM (0800 – 0900hrs)		PM (1700 – 1800hrs)		Weekend (1400-1500)	
		Arr	Dep	Arr	Dep	Arr	Dep
Housing	Per Unit	0.27	0.57	0.56	0.35	0.36	0.37
	60 units	16	34	33	21	22	22
Garden Centre	Table 3.2	14	3	21	48	168	149
Difference		+2	+31	+12	-27	-146	-127

Trip Generation (vehicles) for garden centre (Daily)

Land-use	Rate Basis	Weekday (0700 – 1900hrs)		Weekend(0700 – 1900hrs)	
		Arr	Dep	Arr	Dep
Housing	Per Unit	3.46	3.43	4.33	4.19
	60 units	207	206	260	251
Garden Centre	Table 3.4	220	218	340	338
Difference		-13	-12	-80	-87

The above figures clearly indicate that the proposal would lead to a slight increase in trips on the network during the weekday AM peak hour and show that there would be a reduction in trips during the weekday PM peak hour and during the weekend peaks; therefore overall daily volumes would decrease as a result of the development.

The Council's Transportation Unit have assessed the findings of the TS and in particular the projected trip generation and consider that there will be no negative impacts on congestion or highway capacity as a result of this development, however it is considered that the installation of a shared footway/cycleway, a minimum of 3 metres wide should be provided along the site frontage on Station Road. This, together with the projected trip generation would result in no material change in road safety risk. The development in this regard is therefore considered to comply with the provisions of Core Strategy Policy CS14 'Accessible Places and Managing Demand for Travel and the NPPF.

Having regard to the sustainability benefits of the development, the retail centre of Wath upon Dearne is approximately 1.2km away from the existing garden centre and so is well within the walking and cycling range. This equates to an approximate 15 minute

walk (using general parameters noted in the Guidelines for Providing for Journeys on Foot, IHT 2000). The local centre offers a wide range of services including medical, shopping and civic amenities.

To facilitate such trips, footways are available along both sides of the road adjacent to the site. To the south, the footway turns into a shared cycleway / footway and provides an unbroken connection into Wath upon Dearne along Station Road. Crossing points are in place at the junction of Manvers Way / Station Road. An alternative route is available to / from Wath upon Dearne via an off road cycleway / footway Parallel with Manvers Way and connecting to Moor Road.

In addition, bus services are available directly outside the site at the Station Road bus stops. The services running from these include 3 separate services travelling to Barnsley & Rotherham, along with smaller local and district centres located within the outlying villages. Footways are available to each bus stop, but no formal crossing provision is in place across Station Road.

The proximity to existing bus facilities ensures that the site is well connected to neighbouring town and district centres. Accordingly it is considered that the site scores well in terms of sustainability and therefore complies with Core Strategy Policy CS14 'Accessible Places and Managing Demand for Travel.

Having regard to parking provision within the site, the indicative layout shows an adequate amount relative to the house types and numbers of apartments proposed. Any future application for Reserved Matters will have to accord with the Council's approved minimum parking standards for residential development.

Drainage and flood issues

Core Strategy policy CS25 'Dealing with Flood Risk,' seeks to ensure that new development is not subject to unacceptable levels of flood risk, does not result in increased flood risk elsewhere and, where possible, achieves reductions in flood risk overall. It advises that this should be demonstrated through a sequential approach and having regards to its flood zone allocation as identified via the Environment Agency's flood maps. It should accord with the recommendations set out in the Strategic Flood Risk Assessment and be supported by a detailed Flood Risk Assessment (FRA) having regard to the guidance in both the National Planning Policy Framework (NPPF) and the National Planning Policy Guidance (NPPG).

'Saved' Unitary Development Plan (UDP) Policy ENV3.2 'Minimising the Impact of Development,' further seeks to minimise adverse impact on the environment, including water resources.

With the above in mind, the application is accompanied by a Flood Risk Assessment (FRA) which has been amended during the course of the application to take account of received consultee comments. The Assessment confirms that The Environment Agency's Flood Map for Planning shows the site to lie predominantly within Zone 1 (low flood risk). The site is not at significant risk of potential flooding from any source. A corner of the site lies within Zone 2 but is outside of the development area and sequential testing is considered discretionary.

At present, this report recommends that buildings levels are set at a minimum 19.30 mAOD based on current river modelling data. Minimum building levels may be reviewed when the updated River Dearne flood modelling becomes available later in 2017. There is a risk of localised flooding on Station Road close to the site which will affect pedestrian access and egress in the event of extreme rainfall. Vehicular access and egress, will be possible and this flood risk is not a development constraint

Surface water disposal will be to Wath Lake via a new outfall. Wath Lake was constructed as a balancing pond for existing development in the area. Surface water attenuation storage on the site is not required and discharge will be unrestricted. Foul effluent from the site will discharge to the public combined sewer in Station Road. Foul and surface water drainage, including underground storage, will be offered for adoption by Yorkshire Water.

The details contained within the FRA have been assessed by The Environment Agency and the Council's Drainage Engineers who raise no objections to the proposed development subject to the imposition of conditions restricting building floor levels. The proposed development is therefore considered to be in accordance with Core Strategy Policy CS25 'Dealing with Flood Risk' and Saved UDP Policy ENV3.2 'Minimising the Impact of Development.'

Landscape, Trees & Ecology

With regard to landscape impact Core Strategy policy CS21 'Landscapes,' requires new development to; "...safeguard and enhance the quality, character, distinctiveness and amenity value of the Borough's landscapes by ensuring that landscape works are appropriate to the scale of the development, and that developers will be required to put in place effective landscape management mechanisms including long term landscape maintenance for the lifetime of the development."

'Saved' Unitary Development Plan (UDP) policy ENV3 'Borough Landscape,' recognises the vital importance of maintaining and enhancing the landscape of the Borough and seeks to ensure when considering development or other proposals that full account is taken of their effect on and contribution to the Landscape.

'Saved' UDP policy ENV3.2 'Minimising the Impact of Development,' further seeks to: "minimise adverse impact on the environment... and to conserve and improve its quality."

'Saved,' UDP policy ENV3.4 'Trees, Woodlands and Hedgerows,' additionally seeks to promote and enhance tree, woodland and hedgerow coverage throughout the Borough.

The application has been submitted in outline form only with details of landscaping reserved for future consideration. Nevertheless an indicative layout plan has been submitted which shows how the site could be developed with areas of landscaping along the northern and western boundaries. It is also proposed that all houses would have private rear gardens and their front gardens would have different trees and shrubs on the two main streets to enhance a sense of place. The apartments would have an area of shared external amenity space at the front and a shared private garden at the rear which would then link in with the existing recreational spaces and the lake. Furthermore, the visuals submitted in support of the application show the provision of green roofs and walls.

Having regard to this it is considered that overall the proposals seek to provide an attractive landscape setting, with planting styles which are considered appropriate for the site context. Significant improvement work has been carried out to reclaim and restore the wider Dearne Valley area and to establish semi-natural wetland and woodland habitats in the areas surrounding the site, accordingly it is important that the species proposed for this development continue this theme and provide connectivity to the existing habitats and plant communities.

The applicant has worked with the local planning authority prior to the submission of the application to ensure certain landscape features were secured, these include:

- The provision of min 10m wide landscape buffer to the north and west boundaries
- Meaningful and sustainable tree planting and landscape buffer to site frontage with Station road – 5m width;
- Introduce planting to front gardens of plot to minimise visual impact /dominance of parked cars on driveways;
- Ecological approach to planting design to enhance biodiversity and demonstrate biodiversity gain;
- Consideration given to green roofs /living walls to apartment blocks along with provision of individual growing spaces for gardens/allotments;
- Consideration of future maintenance and management of communal landscape areas;
- Security /safe design of pedestrian linkages to existing local green infrastructure network via Lakeside and Station Road.

It is considered that the current scheme has made adequate provision to incorporate these requirements and the above features are now incorporated within the proposed layout. Having regard to this the development is considered to comply with Core Strategy policy CS21 'Landscapes' and Saved' Unitary Development Plan (UDP) policies ENV3 'Borough Landscape, ENV3.2 'Minimising the Impact of Development' and Saved,' UDP policy ENV3.4 'Trees, Woodlands and Hedgerows'.

With regard to ecological matters Core Strategy policy CS20 'Biodiversity and Geodiversity,' seeks to conserve and enhance Rotherham's natural environment, and protect resources with priority being given over (amongst others) conserving and enhancing populations of protected and identified priority species; protecting them from harm and disturbance; and by promoting recovery of such species populations to meet national and local targets.

The NPPF at paragraph 118 advises when determining planning applications, Local Planning Authorities should aim to conserve and enhance biodiversity by (amongst others) providing opportunities and encouragement to incorporate biodiversity in and around developments.

In support of the application an Extended Phase 1 Habitat Survey has been submitted which provides details of the findings of the survey which was carried out on 19th and 25th August 2015. The report then proceeds to provide an evaluation of the findings followed by various recommendations which include the following:

- Should vegetation be cleared or Building 3 demolished during the nesting season, which extends from March to September each year, it must be preceded by a nesting bird survey carried out by a suitably experienced person no further than a week in advance
- No bats were identified roosting in the buildings on the site. Nevertheless individual bats can seek temporary shelter almost anywhere. Therefore, it is recommended that buildings are demolished with care and in the event a bat is found, it should be covered and protected, work should cease at that location and further advice sought from the undersigned.
- Should the area of grassland and ephemeral/short perennial vegetation to the west of the site be cleared during works, it is recommended that reptile surveys are first carried out. These will involve the laying out of reptile mats to be checked seven times over a period of time in suitable weather conditions, optimally during April, May and September. Should a reptile population be identified, further recommendations will be made.

The Council's Ecologist has assessed the content of the Survey and concurs with the findings that the potential for summer roosting of bats in Building 2 is very low whilst the building was considered to offer no potential for hibernation roosts. The building is of modern brick construction with a flat roof and good pointing which would suggest low potential for roosting bats.

The active bat survey was also conducted alongside Building 2. A surveyor with a bat detector and a static bat recorder which was left overnight were located here. Both were well placed to record any bat activity but no bats emerged from any of the buildings on the site. Furthermore, the conifer hedge to the south is unlikely to offer good foraging since bats are associated with deciduous rather than coniferous trees.

The consultants have however suggested that the demolition of Building 2 should proceed with caution as follows:

5.2. No bats were identified roosting in the buildings on the site. Nevertheless individual bats can seek temporary shelter almost anywhere. Therefore, it is recommended that buildings are demolished with care and in the event a bat is found, it should be covered and protected, work should cease at that location and further advice sought from the undersigned.

Having regard to the above, the Council's Ecologist confirms that the bat survey is appropriate and the assessment and recommendations are acceptable. A biodiversity enhancement strategy will be produced as part of any future proposals for the site and will include measures to protect and promote bats.

Turning to the potential for Great Crested Newts to be present on or adjacent to the site, two ponds are shown within the Extended Phase 1 Habitat Survey. Both are located on the opposite sides of main roads and are located in business parks with significant hard-standings (car-parks) and buildings. Consequently newts would face substantial obstacles in travelling to and from the application site to the ponds. Given the barriers to movement, it is not considered that any newts from the application site would use the ponds to the east.

The Phase 1 report also deals adequately with the issue of newts potentially using the lake. The lake and its surroundings are accessible to members of the public. Large open bodies of water such as this invariably support fish and these predate newts, their

larvae and their eggs. For this reason, fish and newts do not normally occur in the same waterbodies. Waterbodies heavily used by waterfowl (such as this) are also known to be unlikely to be used by newts. The deep water is also likely to be cool/cold for newts. The consultants are aware of these and other reasons why newts are likely to be absent from the lake and I agree with their approach.

The application site itself is bereft of ponds or ditches so any newts on the site will be adults and given the lack of waterbodies and good foraging on the site itself, if they are present, they would be present in low numbers.

In summary, the Council's Ecologist is satisfied that the survey was professionally undertaken and the report is an accurate record and assessment of the ecology on the site. The implementation of mitigation measures outlined in the report will be secured via planning conditions and on that basis the proposals are considered to accord with the provisions of Core Strategy policy CS20 'Biodiversity and Geodiversity,' and guidance contained within the NPPF.

Geotechnical & land Contamination Issues

Saved UDP Policy ENV4.4 'Contaminated Land' states 'Where land that may be contaminated as a result of previous uses, is proposed for development the Council will need to be satisfied that the applicant has:

(i) undertaken investigations to establish the nature and extent of the contamination and its potential effects on the proposed development and/or the occupants thereof, and
(ii) provided details of the measures proposed for the removal and/or treatment of the contamination which will not cause or increase pollution in the environment, particularly to watercourses and ground-water resources. Where permission is granted, such measures will be imposed as planning conditions to be implemented prior to commencement of development or within a timescale agreed with the Council."

The NPPF notes at paragraph 120 that: "Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner."

The NPPF further advises at paragraph 121 that; "Planning policies and decisions should also ensure that:

- the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation;
- after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- adequate site investigation information, prepared by a competent person, is presented."

The application is accompanied by a Phase 1 Geo-Technical and Geo-Environmental Site Investigation Report which provides a history to the site and identifies potential contaminants. The report further considers the expected ground conditions and their

geotechnical properties in order to outline foundation proposals to be made for the proposed residential development.

In terms of background, historically the site has been occupied by houses, railway sidings, a garage, a refuse tip and more recently a garden centre which closed between 2010 and 2016.

The report confirms that due to the various changes in the use of the site it is likely that the made ground is expected to comprise demolition rubble and reworked natural ground, however may contain household waste within the refuse tip. Within made ground it is common to find elevated levels of heavy metals/metalloid or polycyclic aromatic hydrocarbons. If demolition rubble is present on the site there is a risk of asbestos fibres being present. Furthermore, it is also possible that localised petroleum hydrocarbon contamination is present as a result of leakages or spillages from the former garage located on site. The buildings on the site may have contained asbestos containing materials.

Having regard to geotechnical matters, the report confirms that 'the thickness of made ground is unknown at this stage, but could be significant below former buildings, below the slopes along the northern boundary and within the refuse pit. Alluvial ground is expected below the made ground, overlying natural firm sandy clay and mudstone or shale bedrock. Shallow groundwater may be present.

Precautions against the effects of past shallow coal mining are not considered to be necessary.'

The report has been appraised by the Council's Land Contamination Officer who concurs with the findings of the report with regard to the potential for contamination to exist associated with the following sources:

1. Presence of naturally occurring metals within the soils/subsoils/made ground
2. Presence of metals/metalloids within made ground likely to be present at the site (associated with past demolished structures, the refuse tip and railway sidings)
3. Presence of asbestos containing materials within the made ground
4. Presence of Polycyclic Aromatic Compounds (PAHs) and Total Petroleum Hydrocarbons (TPHs) associated with the former garage at the site

Contaminants may be present at the site and for this reason conditions requiring site intrusive investigation works should be imposed to assess for the presence and extent of contamination to confirm the potential risks to the end uses of the site and comply with the provisions of Saved UDP Policy ENV4.4 'Contaminated Land' and guidance outlined in the NPPF.

Issues Raised by Objectors

Two letters of objection have been received from the residents of the adjacent bungalow and the Manvers Lake Trust. Many of the points relating to flood risk, traffic generation and ecology have been addressed in the preceding paragraphs; however the points below consider the remaining issues.

Concerns are raised that the proposed development will adversely affect the amenity of adjacent residents due to the location and orientation of Plots 1 to 6. In this regard it is

important to note that the design, layout and siting of the proposed development is not under consideration and the layout and visuals submitted are for indicative purposes only. Nevertheless, the submitted layout shows the erection of two storey dwellings with rooms in the roofspace approximately 14m from the side elevation of the existing bungalow and providing 10m rear gardens.

In assessing the impact of the proposed development on the amenity of neighbouring residents, regard has been given to the Council's adopted SPG 'Housing Guidance 3: Residential infill plots' which sets out the Council's adopted inter-house spacing standards. The guidance states there should be a minimum of 20 metres between principle elevations and 12 metres between a principle elevation and an elevation with no habitable room windows. In addition, no elevation within 10 metres of a boundary with another residential property should have a habitable room window at first floor.

Further to the above the NPPF at paragraph 17 states planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Having considered the impact of Plots 1 to 6 on the existing bungalow, it is acknowledged that there are habitable room windows in the side elevation of the bungalow and a small scale side extension exists on the elevation facing the proposed development, however the separation distance between the proposed and existing properties is considered to be adequate given the proposed 10m rear garden spaces and domestic scale of the proposed dwellings. It is acknowledged that the indicative layout of the proposed dwellings show the living room located in the rear of the property with large glazed doors into the garden, however the installation of adequate boundary treatment along the shared boundary with the bungalow will prevent any loss of privacy. This detail would be considered should the submission of any Reserved Matters be forthcoming.

With the above in mind, it is therefore considered that the proposed development would not have any significant impact on the existing amenity levels of the occupiers of the neighbouring property. This is because the proposal would not cause any loss of privacy or result in any overshadowing of this neighbouring property or amenity space. As such the proposal would comply with the guidance detailed within the adopted SPG 'Housing Guidance 3: Residential infill plots,' along with the advice within the SYRDG and that contained in the NPPF.

Concerns have also been raised regarding the inclusion of a proposed footpath which was shown on the original indicative layout to extend adjacent to the southernmost apartment block into the Manvers Lake land to the west. This footpath has now been re-sited away from the southern boundary of the adjacent bungalow to provide a more direct link from the apartments to the existing footpath around the lake which will also reduce the potential for any overlooking and increase in noise and disturbance resulting from members of the public using the path.

Further concerns were raised by the Manvers Lake Trust regarding the proposed northern footpath which linked the site with the access road into the lake, which does not benefit from having any footways, this has now been omitted from the scheme altogether and therefore poses no highway safety concerns relating to conflict between pedestrians and vehicles.

Planning Obligations

The Community Infrastructure Regulations 2010 introduced a new legal framework for the consideration of planning obligations and, in particular, Regulation 122 (2) of the CIL Regs states:

"(2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is-

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development;
- (c) fairly and reasonably related in scale and kind to the development."

All of the tests must be complied with and the planning application must be reasonable in all other respects.

This is echoed in Paragraph 204 of the NPPF

Affordable Housing

Core Strategy Policy CS7 'Housing Mix & Affordability) notes at point b. that: "The Council will seek the provision of affordable housing on all housing development according to the targets set out below, subject to this being consistent with the economic viability of the development:

- a. Sites of 15 dwellings or more or developments with a gross site area of 0.5 hectares or more; 25% affordable homes on site."

The applicant has submitted an Affordable Housing Statement in support of the application that confirms that the proposed development will deliver the required 25%. It is proposed that this may comprise of a mixture of 8 houses (2 and 3 bed houses) and 7 apartments (2 bed apartments). At the present time however the application is in outline form only and the details of the house types and tenure would need to be agreed in detail between the future developer of the site and the local authority.

The Council's Affordable Housing Officer has considered the proposal and has confirmed that the Council may consider apartments but only in whole blocks (no split tenure blocks) as well as 2 or 3 bedroom houses.

Education

The site lies within the catchment area for Watch Victoria Primary School, which has been at capacity on offer day for the past 2 years and is currently oversubscribed by 4 pupils in Reception/FS2. The next nearest two schools are Wath Church of England Primary and Wath Central Primary which are both also oversubscribed.

Accordingly, and in accordance with the Council's approved Section106 Education Contributions Policy, a contribution towards primary school provision in the Wath area is requested.

The policy sets the fee for primary school provision of £2,342 per dwelling, £1,171 per apartment (50% reduction) and no contribution on the affordable units. 50% of the money shall be payable upon 50% occupation with the remaining 50% payable upon 80% occupation.

Should the affordable housing offer be delivered as outlined above the amount payable would equate to £80,799.

Public Open Space

The proposed development does not provide any on-site public open space other than the landscaped area to the west of the site. The Council's Green Spaces Officer has confirmed that as almost half of the new properties are apartments rather than family homes, it is therefore considered that the requirement for on site equipped play is somewhat diminished.

Notwithstanding this, there is a significant amount of public open space provided around Manvers Lake providing opportunities for natural play. It is therefore considered that a contribution towards the ongoing management and maintenance of the lake and its surroundings in lieu of any on site provision is the preferred option.

Policy CS22 Green Space states that 'The Council will seek to protect and improve the quality and accessibility of green spaces available to the local community and will provide clear and focused guidance to developers on the contributions expected.'

In this instance, The Manvers Lake Trust currently receive contributions from other developers in the Waterfront Estate which include Strata, Harron Homes and Aldi. This service charge covers maintenance of the lakeside parkland including grass cutting, path maintenance and litter picking etc. The current charge is £0.27 per sq. metre, which based on the application site area of 1.51 hectares would equate to an annual payment of £4,077. It is envisaged that this will be collected via the management company responsible for the maintenance of the on-site open space through individual precepts on properties.

Having regard to the above it is considered that the above obligations meet the criteria set out in a Paragraph 204 of the NPPF and the Community Infrastructure Regulations and are therefore considered to be acceptable.

Conclusion

In summary, the site is located within a sustainable location and has good access to public transport links. The indicative layout has had regard to other sustainable elements such as solar gain and ecological benefit and it is not considered that the proposed development would result in any adverse impacts that would outweigh the benefits when assessed against the policies in the NPPF. The proposed residential development is therefore considered acceptable in principle.

This is an outline planning application with only the principle of the development being established along with the means of access onto Station Road and the internal road layout. It has been demonstrated that the site is within a sustainable location and that acceptable access can be provided into the site to serve a residential development of up to 60 units.

Issues such as drainage / flooding, biodiversity and land contamination matters can be suitably addressed and mitigated through the imposition of the recommended conditions

and it is not considered that the scheme as submitted would adversely affect the amenities of adjacent dwellings.

Overall the scheme is considered to be in accordance with relevant UDP and Core Strategy Policies and the general guidance within the NPPF. Accordingly, the proposed development is recommended for approval subject to the suggested conditions listed below.

Conditions

The Development Management Procedure Order 2015 requires that planning authorities provide written reasons in the decision notice for imposing planning conditions that require particular matters to be approved before development can start. Conditions numbered 2, 4, 5, 8, 15 & 18 of this permission require matters to be approved before development works begin; however, in this instance the conditions are justified because:

- i. In the interests of the expedient determination of the application it was considered to be appropriate to reserve certain matters of detail for approval by planning condition rather than unnecessarily extending the application determination process to allow these matters of detail to be addressed pre-determination.
- ii. The details required under condition numbers 2, 8, 15 & 18 are fundamental to the acceptability of the development and the nature of the further information required to satisfy these conditions is such that it would be inappropriate to allow the development to proceed until the necessary approvals have been secured.'

01

- a. Application for approval of reserved matters must be made within three years of the date of this permission.
- b. The development hereby approved must be begun not later than whichever is the later of the following dates:
 - I. The expiration of five years from the date of this permission; OR
 - II. The expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason

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

02

Before the commencement of the development, details of the layout, scale, appearance and landscaping of the site shall be submitted to and approved by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason

No details of the matters referred to having been submitted, they are reserved for the subsequent approval of the Local Planning Authority.

03

The permission hereby granted shall relate to the area shown outlined in red on the approved site plan as set out below

Location Plan – Dwg No. 002 Rev B

Reason

To define the permission and for the avoidance of doubt.

04

No above ground 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 Policy CS28 'Sustainable Design'.

05

The buildings shall not be occupied until details of a proposed shared footway/cycleway of minimum width 3 metres between points A-B indicated on the attached plan have been submitted to and approved by the Local Planning Authority and the approved details shall be implemented before the first occupation of the development.

Reason

In the interests of highway safety.

06

The proposed site layout shall be designed and constructed in accordance with the South Yorkshire Residential Design Guide.

Reason

In the interests of highway safety

07

Car parking shall be provided in accordance with the Councils minimum car parking standards for new residential development.

Reason

In the interests of highway safety

08

Before the development is commenced road sections, constructional and drainage details shall be submitted to and approved by the Local Planning Authority, and the approved details shall be implemented before the development is completed.

Reason

No details having been submitted they are reserved for approval.

09

The detailed plans to be submitted in accordance with this outline permission shall include a detailed landscape scheme. The landscape scheme shall be prepared to a minimum scale of 1:200 and shall clearly identify through supplementary drawings where necessary:

- The extent of existing planting, including those trees or areas of vegetation that are to be retained, and those that it is proposed to remove.
- The extent of any changes to existing ground levels, where these are proposed.
- Any constraints in the form of existing or proposed site services, or visibility requirements.
- Areas of structural and ornamental planting that are to be carried out.
- The positions, design, materials and type of any boundary treatment to be erected.
- A planting plan and schedule detailing the proposed species, siting, quality and size specification, and planting distances.
- A written specification for ground preparation and soft landscape works.
- The programme for implementation.
- Written details of the responsibility for maintenance and a schedule of operations, including replacement planting, that will be carried out for a period of 5 years after completion of the planting scheme.

The scheme shall thereafter be implemented in accordance with the approved landscape scheme within a timescale agreed, in writing, by the Local Planning Authority.

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 Policy CS21 'Landscape' and UDP Policies ENV3 'Borough Landscape' and ENV3.4 'Trees, Woodlands and Hedgerows'.

10

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. 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 Policy CS21 'Landscape' and UDP Policies ENV3 'Borough Landscape' and ENV3.4 'Trees, Woodlands and Hedgerows'.

11

Applications for the approval of reserved matters shall include details of the sustainable technologies to be used within the development, to include green/brown roofs as part of proposals for SUDS storm water retention and attenuation, energy conservation and biodiversity gain, and a timetable for their implementation.

The proposed green/brown roofs shall cover a minimum of 80% of those parts of the roof shown to be vegetated. The green roof/living wall system shall be substrate based, incorporating a minimum of 80mm settled depth of growing medium. The growing medium shall comply with the FLL Guidelines until such time as the proposed BS EN

standard is published, when this shall apply. The roof shall be designed to provide a minimum of 60% water retention, and the roof / wall vegetation selected to maximise biodiversity.

Full details of the construction, specification, planting and maintenance shall be provided to the Local Planning Authority for approval prior to development commencing on site. The green roof / living wall vegetation shall be maintained for 5 years from the date of completion of the green roof/Living wall, and any failures within that period shall be replaced on an annual basis to the satisfaction of the local authority. The green roof/living wall shall be implemented prior to first occupation of the building.

Reason

To adequately appraise the efficiency, suitability and maintenance of the green roof technology in accordance with Policy CS30 'Low Carbon and Renewable Energy Generation' and UDP Policy UTL3.3 'Energy Conservation' and UTL3.4 'Renewable Energy'.

12

The development hereby approved shall be carried out in full accordance with the recommendations set out on Page 27 of the Extended Phase 1 Habitat Survey Ref No. 150841 dated 19th August 2015 prepared by Whitcher Wildlife Ltd.

Reason

To enhance biodiversity in the area, in accordance with the provisions of CS20 Biodiversity and Geodiversity.

13

Applications for the approval of reserved matters shall be accompanied by a biodiversity enhancement strategy which shall include measures to be implemented to ensure biodiversity is incorporated into the development.

Reason

To enhance biodiversity in the area, in accordance with the provisions of CS20 Biodiversity and Geodiversity.

14

Development shall not begin until a foul and surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the construction details and shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:

- The utilisation of holding sustainable drainage techniques (e.g. soakaways etc.);
- The limitation of any surface water run-off not drained to the lake to equivalent greenfield rates (i.e. maximum of 5 litres/second/Ha);
- The ability to accommodate surface water run-off up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and
- Responsibility for the future maintenance of drainage features.

Reason

To ensure that the development can be properly drained in accordance with UDP Policies ENV3.2 'Minimising the Impact of Development', ENV3.7 'Control of Pollution'

and the South Yorkshire Interim Local Guidance for Sustainable Drainage Systems for Major Applications.

15

Surface water from areas likely to receive petrol/oil contamination (e.g. vehicle parking areas) shall be passed through effective oil/grit interceptors prior to discharge to any sewer or watercourse.

Reason

To prevent pollution of any watercourse in accordance with UDP policies ENV3.2 'Minimising the Impact of Development' and ENV3.7 'Control of Pollution'.

16

Development shall be carried out in accordance with the submitted Flood Risk Assessment to mitigate on and off site flood risk. Floor levels and flood susceptible infrastructure should be a minimum of 19.3m A.O.D.

Reason

To ensure that the development can be properly drained in accordance with UDP Policies ENV3.2 'Minimising the Impact of Development', ENV3.7 'Control of Pollution', and the Environment Agency Flood Maps.

17

Prior to the commencement of development a Phase II Intrusive Site Investigation shall be undertaken and submitted to and approved in writing by the Local Planning Authority. The investigation and subsequent risk assessment shall be undertaken by competent persons and conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and Contaminated Land Science Reports (SR2 -4).

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

18

Prior to the commencement of any remediation works on site, a Remediation Method Statement shall be submitted to and approved in writing by the Local Authority. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters, the site must not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation. The approved Remediation works shall be carried out in accordance with the findings identified within the Phase II Report and under a full quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and

ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

19

In the event that any subsoils / topsoils are required to be imported to site for remedial works, these soils shall be tested at a rate and frequency to be agreed by the Local Planning Authority to ensure they are free from contamination. The results of testing shall be presented in the format of a Validation Report.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

20

Following completion of any remedial/ground preparation works a Validation Report shall be submitted to and approved in writing by the Local Planning Authority. The validation report shall include details of the remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the validation report together with the necessary documentation detailing what waste materials have been removed from the site. The site shall not be brought into use until such time as all validation data has been approved by the Local Authority.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

POSITIVE AND PROACTIVE STATEMENT

The applicant and the Local Planning Authority engaged in pre application discussions to consider the development before the submission of the planning application. The application was submitted on the basis of these discussions, or was amended to accord with them. It was considered to be in accordance with the principles of the National Planning Policy Framework.