

GULLIVERS VALLEY (ROTHERHAM) LOCAL DEVELOPMENT ORDER 2017

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1. CITATION, COMMENCEMENT AND APPLICATION

- (1) This Order shall be cited as the Gullivers Valley (Rotherham) Local Development Order 2017 and comes into force on [insert date]. Unless specified otherwise, references to “this order” and “the order” shall be construed accordingly.
- (2) This Order shall apply to land within the extent of each area shown on the attached site plan, hereafter this land shall be referred as “the site”. The site comprises several areas, labelled Areas A - D. The extent of each Area is shown on the attached site plan.
- (3) This Order shall have continuing effect until such time as the use of the site for the purposes assembly, leisure, accommodation, entertainment and/or amusement of the public in accordance with planning permission reference numbers RB2016/1454 and RB2016/1455 (or any subsequent amendment or grant of permission for related purposes) permanently ceases.
- (4) Nothing in this Order shall prejudice the application of deemed permissions set out in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent amendment, revision or re-enactment of the Town and Country Planning (General Permitted Development) Orders or The Town and Country Planning (Use Classes Order) 1987 (as amended).

2. INTERPRETATION

For the purposes of this Order, the following terms and definitions shall apply. The definitions given refer to the enactments in force at the time of making and shall not be varied by any subsequent revocation, enactment or re-enactment or alterations to the provisions of any order, scheme, regulations or other instrument made under or confirmed by a public general, local or private Act of Parliament:

“the 1960 Act” means the Caravan Sites and Control of Development Act 1960(c);

“the 1990 Act” means the Town and Country Planning Act 1990;

“Amusement park” means an enclosed area of open land, which is principally used as a funfair or otherwise for the purposes of providing public entertainment by means of mechanical amusements and side-shows;

“Building” is given the same meaning as that in Section 336 of the Town and Country Planning Act 1990 (as amended).

“caravan” has the same meaning as for the purposes of Part 1 of the 1960 Act (caravan sites)(b);

“caravan site” means land on which a caravan is stationed for the purpose of human habitation and land which is used in conjunction with land on which a caravan is so stationed;

“Construction Phase” means the period in which between 10% and 50% of the gross external floor area (GEFA) approved by planning permission reference no.s RB2016/1454 and RB2016/1455 respectively have been built. The construction phase ends when the 50% of the approved Gross External Floor Area has been constructed.

“Development” is given the same meaning as that described in Section 55 of the Town and Country Planning Act 1990 (as amended).

“erection”, in relation to buildings, includes extension, alteration, or re-erection;

“enlargement” in relation to buildings does not include alterations to roof tiles, guttering, fascias, barge boards and other minor roof details which result the roof overhanging the external wall of the building.

“existing”, in relation to any building or any plant or machinery or any use, means existing before the carrying out, in relation to that building, plant, machinery or use, of development described in this Order;

“ground level” means the level of the surface of the ground immediately adjacent to the building or plant or machinery in question or, where the level of the surface of the ground on which it is situated or is to be situated is not uniform, the level of the highest part of the surface of the ground adjacent to it.”

“huts, booths or stalls” includes buildings or structures similar to huts, kiosks, booths or stalls;

“licensed motorised vehicle” means a mechanically propelled vehicle requiring an entitlement to drive administered by the Driver and Vehicle Licencing Agency (UK) falling within Categories AM through to Category D (inclusive).

“machinery” includes any structure or erection in the nature of machinery;

“plant” includes any structure or erection in the nature of plant;

“Post-construction phase” means the period after which the development hereby approved has first been taken into use and 50% of the gross external floor area (GEFA) approved by planning permission reference no.s RB2016/1454 and RB2016/1455 respectively has been constructed.

“private way” means a right of way not maintainable at the public expense;

“Public highway” has the same meaning as in section 329 of the Highways Act 1980 such that it refers to any “highway maintainable at the public expense” and includes a highway which by virtue of section 36 of the Highways Act is so defined as a highway;

“operational purposes” means the purposes of carrying on the functions of Gullivers Theme Parks Ltd or any subsequent operator for the purposes of an amusement park or any other use falling within category C1 (hotels etc) and/or D2 (assembly and leisure) of The Town and Country Planning (Use Classes Order) 1987 (as amended) and/or any subsequent re-enactment of the Use Classes Order;

“the Use Classes Order” means the Town and Country Planning (Use Classes) Order 1987 (as amended) or any subsequent re-enactment of the Use Classes Order;

“The Site” means the land shown edged red as identified and attached to this Order.

3. PERMITTED DEVELOPMENT

Subject to the provisions of this Order planning permission is hereby deemed to be granted for development of land as described in the attached Schedules, subject to any relevant exception, limitation or condition specified.

- 1) The developer shall maintain a register of all development undertaken in reliance on the provisions of this Order (hereafter 'the register'). The register shall be made available for inspection by the Council within 28 days of a request in writing being received by the developer from the Council.

- 2) This Order does not apply to any development where:-
 - i) with the exception of developments referred to in Schedule 1 of this Order, the development hereby permitted would be within 5 metres of the boundary of the site;

 - ii) with the exception of developments referred to in Schedule 1 of this Order, the development hereby approved would be within 5 metres of a public highway;

 - iii) the development would be situated within any part of Area D.

 - iv) the development would be carried out contrary to any of the conditions listed on the planning decision notices attached to planning application reference no's RB2016/1454 and RB2016/1455 as attached to this Order at Annex 1 and Annex 2.

SCHEDULE 1

PERMITTED DEVELOPMENTS RIGHTS: GENERAL – APPLYING TO LAND AND BUILDINGS WITHIN AREAS A, B and C.

Class A - Fences, gates, walls and means of enclosure

Permitted Development under Schedule 1, Class A of this Order

A. The erection, maintenance, improvement or other alteration of a fence, gate, wall, stiles or other means of enclosure where carried out in compliance with conditions listed at A.1 c).

Development not permitted

A.1 Development is not permitted by Schedule 1, Class A of this Order if:-

- a) the height of the fence, gate, wall, stile or other means of enclosure to be erected, maintained, improved or altered would exceed 3 metres;
- b) any fence, gate or wall erected in Area C to be erected exceeds 2 metres in height and would be constructed of materials other than green coloured paladin style fencing.

Conditions

- c) Where appropriate, ground level 'cut outs' shall be included within fences erected in order to allow species such as Hedgehog to move freely through the site. All such cut-outs shall be a minimum of 13cm x 13cm in dimension and spaced appropriately in accordance with best practice.

Class B - Lighting

Permitted Development under Schedule 1, Class B of this Order:-

B. The provision, alteration or improvement of lighting within the site for the purposes of security, crowd control, safety, information and displays.

Development not permitted

B.1 Development is not permitted by Schedule 1, Class B of this Order if:-

- a) the height of the lighting provided, improved or altered in Areas A and B would exceed 6 metres;
- b) the height of the lighting provided, improved or altered in Area C would exceed 3 metres.

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Permitted Development under Schedule 1, Class C of this Order:-

C. Development consisting of –

- (a) The installation, alteration or replacement of solar photovoltaics, ground source heat pumps, heat recovery systems, biomass boilers or solar thermal equipment.*
- (b) The installation, alteration or replacement of a container used for heating purposes for the storage of oil or liquid petroleum gas.*
- (c) The installation, alteration or replacement of a septic tank or sewage package treatment plant;*

Development not permitted

C.1 Development is not permitted by Schedule 1, Class C if:-

- a) the height of the container, boiler to be installed, altered or replaced would exceed 5 metres;
- b) in the case of or solar equipment affixed to the roof of an existing building, the development would protrude more than 0.30 metres beyond the plane of the slope of an existing roof slope when measured from the perpendicular with the external surface of the original roof;
- c) any container installed, altered or replaced for the purposes of holding liquids fuels, oils or gases does not have secondary containment to hold 110% of the capacity of the container;
- d) the installations under this Order would generate more electricity than is required to serve the on-site needs of the developments approved by planning application reference no's RB2016/1454 and RB2016/1455 and/or would result in energy being generated and sold for use by any third party;
- e) the installation, alteration or replacement of any septic tank or sewage package treatment plant fails to comply with The General Binding Rules; Environment Agency Discharge Consent; Environmental Permitting Regulations and relevant British Standard or their subsequent replacement document (whichever apply and remain in force at the time of the development being commenced).
- f) the installation, alteration or replacement of any ground source heat pump requires but has not obtained, the appropriate Permit(s) under the Coal Industry Act 1994 (or any subsequent enactment or re-enactment) to grant permission to enter, intersect or disturb mines, mine workings or shafts.

Class D - Private ways

Permitted Development under Schedule 1, Class D of this Order:-

D. Development consisting of:-

- (a) works required for the laying out and construction of, or maintenance or improvement of a private way.*
- (b) the formation or construction of a walkway, bridge, boardwalk or deck.*

Development not permitted

D.1 Development is not permitted by Schedule 1, Class D. (a) if:-

- a) the private way provided under this class will be accessible to members of the public by means of licensed motorised vehicle.

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SCHEDULE 2

PERMITTED DEVELOPMENTS RIGHTS: CONSTRUCTION PHASE

Development is permitted in the manner described below by virtue of Schedule 2 of this Order during the construction phase of the approved resort development. Construction phase is given the same meaning as that set out in Chapter 2 (interpretation) of this Order.

PART 1

Development within Areas A and B of the site

Class A – buildings

Permitted Development under Schedule 2, Part 1, Class A of this Order:-

A. Development consisting of –

- (a) The erection, enlargement, improvement or other alteration of a building (including the installation, alteration or replacement of a chimney, flue or soil and vent pipe).*
- (b) The provision of any swimming or other pool for the purposes of sport and recreation.*
- (c) The erection of huts, booths, kiosks, stalls or marquees.*
- (d) The extension, alteration or replacement of any existing huts, booths or stalls.*

Development not permitted

A.1 Development is not permitted by Class A if:-

- a) as a result of the works, the total area of ground covered by buildings within the boundaries of Areas A-B, as defined on the attached plan, would exceed 110% of the gross external floor area of the development approved by planning permission reference RB2016/1455;
- b) the chimney, flue or soil and vent pipe installed, altered or replaced would exceed the highest part of the roof of the building it is affixed to by more than 1.5 metres;
- c) In the case of the erection of a building or structure in Area A, that building or structure would exceed 15 metres above ground level;
- d) In the case of the erection of a building or structure in Area B, that building or structure would exceed 25 metres above ground level;

- e) In the case of an extension, alteration or replacement of an existing building or structure situated in Area A, that building or structure would as a result exceed 15 metres above ground level or exceed the height of the roof of the existing building or structure, whichever is the greater; or

- f) In the case of an extension, alteration or replacement of an existing building or structure situated in Area B, that building or structure would as a result exceed 25 metres above ground level or exceed the height of the roof of the existing building or structure, whichever is the greater.

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Permitted Development under Schedule 2, Part 1, Class B of this Order:-

B. The provision, improvement or other alteration of plant, machinery, mechanical apparatus and appliances.

Development not permitted

B.1 Development is not permitted by Class B if:-

- a) the height of the plant, machinery, mechanical apparatus or appliances to be provided, improved or altered would be situated within Area A and would exceed 15 metres;
- b) the height of the plant, machinery, mechanical apparatus or appliances to be provided, improved or altered would be situated within Area B and would exceed 25 metres.

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PART 2

Development within Area C of the site

Class A – buildings

Permitted Development under Schedule 2, Part 2, Class A of this Order:-

A. Development consisting of –

- (a) The erection of a building or structure;*
- (b) the enlargement, improvement or other alteration of a building or structure approved by planning permission reference number RB2016/1454;*
- (c) The erection of huts; kiosks; booths; stalls; operational, service or maintenance buildings; and marquees.*

Development not permitted

A.1 Development is not permitted by Class A if:-

- a) as a result of the works, the gross external floorspace of the new buildings which are provided under this Class within the boundaries of Area C, would exceed 300sqm in total;
- b) In the case of an erection of a new building, the eaves height of that building would exceed 3.5 metres above ground level or the gross external floorspace of the building or structure erected exceeds 30 square metres in total; or
- c) In the case of extension, improvement or alteration of an existing building or structure approved under planning permission reference RB2016/1454, the eaves height of that building or structure would, as a result, exceed 3.5 metres above ground level; or
- d) In the case of an extension to an existing building or structure approved under planning permission reference RB2016/1454, the GEFA of the building or structure so extended would exceed 133% of the GEFA of the original building;
- e) In the case of the erection of a replacement building or structure originally approved under planning permission reference RB2016/1454, the GEFA area of the replacement building or structure erected would exceed 133% of the original building.

- f) The marquee(s) erected would exceed a gross external floor area of 650 square metres;
- g) It would result in a marquee erected under this class being sited on the land for more than 90 days in total during any calendar year.

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SCHEDULE 3

Permitted developments rights: Post-Construction Phase

Development is permitted in the manner by virtue of Schedule 2 of this Order described below during the post-construction phase of the resort development. 'Post construction phase' is given the same meaning as that set out in Chapter 2 (interpretation) of this Order.

PART 1

Development within Areas A and B of the site

Class A – buildings

Permitted Development under Schedule 3, Part 1, Class A of this Order:-

A. Development consisting of –

- (a) The erection, enlargement, improvement or other alteration of a building (including the installation, alteration or replacement of a chimney, flue or soil and vent pipe).*
- (b) The provision of any swimming or other pool for the purposes of sport and recreation.*
- (c) The erection of huts, booths, kiosks, stalls or marquees.*
- (d) The extension, alteration or replacement of any existing huts, booths or stalls.*

Development not permitted

A.1 Development is not permitted by Class A if:-

- a) as a result of the works, the total area of ground covered by buildings within the boundaries of Areas A and B, as defined on the attached plan, would exceed 33% of the gross external floor area of the development approved by planning permission reference number RB2016/1455;
- b) the chimney, flue or soil and vent pipe installed, altered or replaced would exceed the highest part of the roof of the building it is affixed to by more than 1.5 metres;
- c) In the case of the erection of a building or structure in Area A, that building or structure would exceed 15 metres above ground level;

- d) In the case of the erection of a building or structure in Area B, that building or structure would exceed 25 metres above ground level;
- e) In the case of an extension, alteration or replacement of an existing building or structure situated in Area A, that building or structure would as a result exceed 15 metres above ground level or exceed the height of the roof of the existing building or structure, whichever is the greater; or
- f) In the case of an extension, alteration or replacement of an existing building or structure situated in Area B, that building or structure would as a result exceed 25 metres above ground level or exceed the height of the roof of the existing building or structure, whichever is the greater; or

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Permitted Development under Schedule 3, Part 1, Class B of this Order:-

B. The provision, improvement or other alteration of plant, machinery, mechanical apparatus and appliances.

Development not permitted

B.1 Development is not permitted by Class B if:-

- a) the plant, machinery, mechanical apparatus or appliances to be provided, improved or altered would be situated within Area A and would exceed 15 metres in height; or
- b) the plant, machinery, mechanical apparatus or appliances to be provided, improved or altered would be situated within Area B and would exceed 25 metres in height.

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PART 2

Development within Area C of the site

Class A – buildings

Permitted Development under Schedule 3, Part 2, Class A of this Order:-

B. Development consisting of –

- (a) The erection of a building or structure;*
- (b) the enlargement, improvement or other alteration of a building or structure approved by planning permission reference number RB2016/1454;*
- (c) The erection of huts; kiosks; booths; stalls; operational, service or maintenance buildings; and marquees.*

Development not permitted

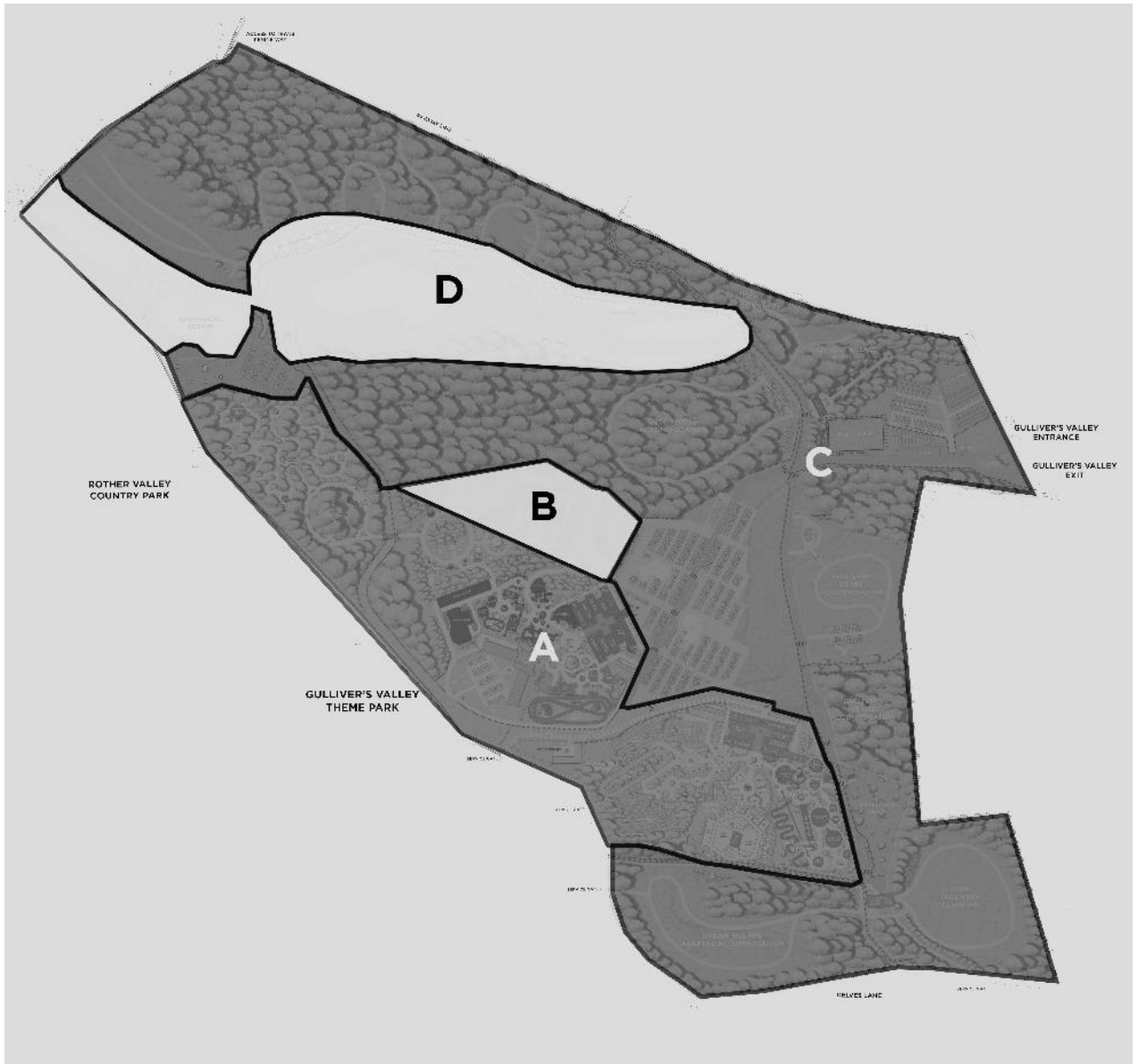
A.1 Development is not permitted by Class A if:-

- a) In the case of an erection of a building or multiple buildings, the gross external floor area of the building(s) or structure(s) which are provided under this Class and situated within Area C would exceed a total of 300sq. metres;
- b) In the case of an erection of a building, the eaves height of the building erected would exceed 3.5 metres above ground level and the gross external floor area of the building or structure erected would exceed a total of 30 square metres;
- c) In the case of extension, improvement or alteration of an existing building or structure, the eaves height of that building or structure would, as a result of the works, exceed 3.5 metres above ground level; or
- d) In the case of an extension to an existing building or structure, the gross external floor area of the building or structure so extended would exceed 133% of the in GEFA of the original building or structure;
- e) In the case of the erection of a replacement building or structure, the gross external floor area of the replacement building or structure erected would exceed 133% in GEFA of the original building or structure.

- f) The marquee(s) erected would exceed a gross external floor area of 650 sq metres;
- g) It would result in a marquee erected under this class being sited on the land for more than 90 days in total during any calendar year.

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LOCATION AND AREA PLAN:



Not to Scale