

**REPORT TO THE PLANNING REGULATORY BOARD TO BE HELD ON THE
10 JANUARY 2019**

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

INDEX PAGE

RB2018/1451 Erection of 42 No. dwellinghouses at land at former Rothwell Grange Broom Valley Road Broom for RMBC	Page 7
RB2018/1747 Erection of toilet block to side & single storey extension to front at 131 Bawtry Road Wickersley for Mr Baker	Page 21
RB2018/1857 Variation of conditions 02 (approved plans), 05 (phasing) and 08 (access/egress arrangement) imposed by RB2016/1454 at former Pithouse West Site, land North of Rother Valley Country Park Mansfield Road Aston for Gullivers Valley Ltd	Page 28
RB2018/1859 Variation of conditions 02 (approved plans), 05 (phasing) and 08 (access/egress arrangement) imposed by RB2016/1455 at former Pithouse West Site, land North of Rother Valley Country Park Mansfield Road Aston for Gullivers Valley Ltd	Page 55

REPORT TO THE PLANNING REGULATORY BOARD TO BE HELD ON THE 10 JANUARY 2019

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

Application Number	RB2018/1451
Proposal and Location	Erection of 42 dwellinghouses at Rothwell Grange, Broom Valley Road, Broom
Recommendation	Grant subject to conditions



Recommendation

A) That the developer provides a satisfactory Legal Agreement for the purposes of securing the following:

- Financial contribution of £17,204.88 towards the improvement of existing green space, in particular for the provision of children's equipped play at a site to be agreed with green spaces team.
- Financial contribution of £21,000 towards sustainable transport measures.

B) Consequent upon securing such an agreement, the Council resolves to grant planning permission for the proposed development subject to the relevant conditions.

This application is being presented to Planning Board as it does not fall within the scheme of delegation being classed as a Major development.

Site Description & Location

The application site consists of the site of the former Rothwell Grange Centre on Broom Valley Road. The original brick built structure was of single storey and two storey construction and has recently been demolished as it had been vacant for a significant period of time, had fallen into a state of disrepair and had become surplus to requirements.

The surrounding area is predominantly residential in nature and there are traditional two storey local authority properties on Oxley Grove to the north and on the opposite side of Broom Valley Road. Oxley Grove rises from Broom Valley Road with properties to the rear of the site lying at a higher level than the application site.

Directly adjacent to the site on Broom Valley Road is a three storey building comprising of retail units at ground floor with residential above. To the south west and directly to the rear of the site are 3 storey apartments which lie at a higher level than the application site. An existing tarmac footpath runs along the southern boundary of the site and provides pedestrian access between Broom Valley Road, the neighbouring blocks of apartments and Guest Road to the west. A number of mature trees lie along the line of the footpath.

Background

RB2018/0221 – Application to determine whether prior approval was required for the method of demolition – Granted March 2018

The development is Community Infrastructure Levy (CIL) liable. CIL is generally payable on the commencement of development though there are certain exemptions, such as for Affordable Housing. This scheme is a wholly affordable housing scheme and is therefore exempt from CIL.

Proposal

This application seeks permission for residential development of the site to form 42 dwellings.

The proposed layout involves 2no. 3 storey blocks of apartments which have an irregular shape and splaying away from the frontage block facing Broom Valley Road. It also proposes 2no. two storey apartment blocks sitting alongside the three storey blocks fronting Broom Valley Road. The two storey blocks provide 4no. maisonettes per block and the three storey apartment blocks each contain 14no. 1 and 2 bedroom apartments. In addition a two storey building is proposed within the southern area of the site which will comprise of 6no. hillside apartments. Each apartment will be provided with level access due to the change in land levels.

Both of the first floor apartments in the two storey blocks have balconies at first floor level and all apartments at first and second floor in the three storey block have private balconies from the living area.

The design of the buildings is modern and the proposed materials seek to provide a striking appearance comprising of light and dark brick, fibre cement cladding and pitched roofs with grey fibre cement tiles. Fenestration is regular and some small balconies are proposed. The hillside apartments are a unique design with level access from both the front and rear of the site by utilising on site levels which rise to the rear of the site.

Vehicular access to the proposed development will be from Oxley Grove with pedestrian access from both Broom Valley Road and Oxley Grove. The existing footpath which runs along the southern boundary of the site is retained as are three mature trees along this boundary. Car parking is provided within the site and 43 car parking spaces are proposed.

Design and Access Statement

This document concludes that there would be no significant detrimental impact upon the surrounding residents through loss of outlook or impact on privacy due to the generous space between adjacent houses and building heights. The statement considers that the massing, scale and overall appearance will complement existing buildings and make a positive contribution to the setting and wider community. In summary it is concluded that the proposed development has responded to the site characteristics whilst accepting the need to provide an important overall improvement to the area and provision of affordable homes.

Affordable Housing Statement

This document confirms that the proposed development is wholly affordable with properties offered both for rent and intermediate tenures.

Tree Survey

This statement concludes that six individual trees around Rothwell Grange could be impacted on by the development proposals. Two of the trees (Trees 1 and 2) are included in the lowest retention category (C) because they are small, insignificant or have limited future prospects. Four of the trees (Trees 3 to 6) are included in the second highest retention category (B) because they are large, prominent trees in the local landscape, are in good health and have good future prospects. Tree 6 is growing on neighbouring land but is close enough that it could be affected by development, depending on the layout. It is recommended that Trees 3 and 4 are pruned to provide clearance of the neighbouring buildings irrespective of development proposals.

South Yorkshire Mining Advisory Service Report

This document concludes that the site should not be affected by deep mining subsidence and no considerations around the potential for historic shallow coal mining are expected for this land. It recommends that future development should include a watching brief for features related to the Mexborough Rock Sandstone with foundations designed as necessary.

Development Plan Allocation and Policy

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham's Local Plan together with the Sites and Policies Document which was adopted by the Council on the 27th June 2018.

The application site is allocated for residential purposes in the Local Plan. For the purposes of determining this application the following policies are considered to be of relevance:

Local Plan policy(s):

CS3 'Location of New Development'
CS6 'Meeting the Housing Requirement'
CS7 'Housing Mix and Affordability'
CS14 'Accessible Places and Managing Demand for Travel'
CS20 'Biodiversity and Geodiversity'
CS28 'Sustainable Design'
CS33 'Presumption in Favour of Sustainable Development'
SP11 'Development in Residential Areas'
SP26 'Sustainable Transport for Development'
SP37 'New and Improvements to existing greenspace'
SP55 'Design Principles'
SP56 'Car Parking Layout'
SP62 'Safeguarding Community Facilities'

Other Material Considerations

South Yorkshire Residential Design Guide.

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 /Sites and Policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application.

Publicity

The application has been advertised by way of site notice, press notice and letters to individual neighbouring properties.

No representations have been received.

Consultations

RMBC - Children and Young Peoples Service (School Admissions) has confirmed that as the scheme is 100% affordable housing, no contribution is sought.

RMBC – Transportation and Highway Design

RMBC - Environmental Health has raised no objections

RMBC - Affordable Housing Officer) has confirmed that the scheme is 100% affordable housing

SouthYorkshire Archaeological Service has confirmed that there are no archaeological implications.

Sheffield Area Geology Trust has confirmed that there will be no impact from the proposed development on geological assets.

NHS (Primary Care) has confirmed that there is enough capacity to cover residents of this housing development.

Appraisal

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

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

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

The main considerations in the determination of the application are:

- Principle of development
- Design, scale and appearance
- General Amenity
- Highway safety
- Provision of Greenspace
- Affordable Housing

Principle of development

The application site is allocated for residential purposes within the Local Plan and lies within an area surrounded by existing residential properties. The site is a windfall site and although it is not allocated specifically in the Local Plan, it has become surplus to requirements and lies within a residential area. The development of the site will contribute to the provision of housing in the Borough and the use is consistent with the character of the surrounding area.

Furthermore, it is noted that at the heart of the NPPF, and as supported by Core Strategy Policy CS33 'Presumption in Favour of Sustainable Development', there is a presumption in favour of sustainable development, and planning permission that accords with the development plan should be approved without delay. It is considered

that the site would be in a sustainable location given its close proximity to existing housing, facilities, services and local public transport.

SP62 'Safeguarding Community Facilities' states that:

"Development involving the loss of existing sports and recreational buildings will only be permitted where:

- a. An assessment has been undertaken which has clearly shown them to be surplus to requirements; or
- b. The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c. The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

A statement has been submitted in support of the application which states that:

"The former care home known as Rothwell Grange was closed when the two new 'super' care homes were constructed by the Council. The two new large care homes were built in the north and south of the Borough (Lord Hardy Court, Green Rise, Rawmarsh and Davies Court Care Home, Coronation Avenue, Dinnington) resulting in the Council providing adequate alternative provision of this service in respect of this policy. Therefore there is justification that the policy has been met in this instance."

Given that the provision of care home facilities has been provided elsewhere in the borough and in a sustainable location, it is considered that equivalent or better provision has been made and there is no overall loss of facilities as a result of the redevelopment of this site.

Based on the above, in principle, the residential development of the site is considered to be acceptable.

Design, scale and appearance

The NPPF notes at paragraph 56 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." 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." Paragraph 17 further states planning should always seek to secure a high standard of design.

The South Yorkshire Residential Design Guide aims to provide a robust urban and highway design guidance. It promotes high quality design and development which is sensitive to the context in which it is located.

Policy CS21 states new development will be required to safeguard and enhance the quality, character, distinctiveness and amenity value of the Borough's landscapes. In addition policy CS28 indicates that proposals for development should respect and enhance the distinctive features of Rotherham. They should develop a strong sense of place with well-designed buildings. Development proposals should be

responsive to their context and be visually attractive as a result of good architecture and appropriate landscaping. Moreover it states design should take all opportunities to improve the character and quality of an area and the way it functions. Core Strategy Policy CS6 'Meeting the Housing Requirement' further states that: "Housing development will be expected to make efficient use of land while protecting and enhancing the character of the local area."

Policy SP55, states: "all forms of development are required to be of high quality, incorporate inclusive design principles, create decent living and working environments and positively contribute to the local character and distinctiveness of an area and the way it functions. This policy applies to all development proposals including alterations and extensions to existing buildings".

The site is considered to be a prominent one on a thoroughfare into Rotherham town centre. It had two active road frontages and an opportunity to become a landmark development within the locality. The surrounding area varies in terms of design of properties and there are existing three storey buildings both adjacent to the site and to the rear (existing flats). There are also two storey properties on the opposite side of Broom Valley Road. The building which occupied the site was utilitarian in its design and the majority of the surrounding properties comprise of Local Authority housing stock constructed from red brick work.

The proposed layout is unconventional in terms of the angle of the blocks of apartments in relation to Broom Valley Road, however, it seeks to make the most efficient use of the site which is constrained by levels which rise away from Broom Valley Road and by the presence of existing flats to the west. There is access provided into the site is from both Broom Valley Road and Oxley Grove with an access road running through the site and giving access to internal parking spaces.

The materials are modern in design and comprise of a mix of brickwork and fibre cement cladding. The positioning of the large three storey blocks which sit diagonally on the site will allow for active frontages facing both Broom Valley Road and Oxley Grove which is considered to be an important aspect of the development. Furthermore, it will provide a strong elevation when viewing the site from Broom Valley Road travelling north. The cladding of the building will be visible from this elevation and will give a striking a modern appearance of the building whilst retaining the large expanses of brickwork which will allow the building to assimilate with the existing features.

The use of some two storey development on the site frontage will break up the massing of the three storey development along Broom Valley Road. The buildings fronting Broom Valley Road are also positioned close to the road to give a strong architectural frontage to the site. The use of regular fenestration in the elevations facing onto Broom Valley Road will also provide a domestic scale to the buildings and allows the design to integrate with the traditional buildings which surround it. The use of brickwork in the elevations along Broom Valley Road will also assist in integrating the new development into the street scene whilst acknowledging that the buildings are of a more modern scale and design. The frontage buildings are also afforded with more traditional pitched roof and eaves to the road design, again to incorporate the design of the neighbouring buildings.

The hillside apartments building will to some extent be less visible from the street scene and this building utilises a more contemporary design with gable features and raised

balcony features from the front. These units make use of the levels on site to provide accessible accommodation and are considered to sit in an appropriate part of the site, not only making effective use of land but also allowing a more contemporary building to be incorporated into the development without having a significant impact on the existing street scene.

The dwellings meet the minimum standards for external amenity set out in the South Yorkshire Residential Design Guide. The amenity space is in the form of balconies and areas of communal amenity space around the apartments which is proposed to be soft landscaped. In addition the proposed dwellings and apartments meet the internal spacing standards set out in the South Yorkshire Residential Design Guide.

Overall, it is considered that the development makes efficient use of the land and that the density of development achieved is appropriate for this urban part of Rotherham. The proposed materials, design and form of the proposed development is considered to be acceptable particularly bearing in mind the varied form of the surrounding area. Furthermore, the site is currently vacant and its reuse is considered to contribute to the regeneration of the area and vastly improve its appearance within the area. Therefore, in conclusion it is considered that the proposed development accords with the above mentioned policies.

General Amenity issues

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.

The site is surrounded by existing residential properties, the closest been to the west on Guest Place (in the form of a three storey block of apartments) and to the east on the opposite side of Broom Valley Road. The proposed development meets the minimum separation distances set out in the South Yorkshire Residential Design Guide which aim to protect privacy and prevent overshadowing of existing dwellings. It is acknowledged that although the site was previously occupied by a building which was used as a residential care home, the level of activity on the site will be increased as a result of the development. However, it is not considered that this would be of a level which would be materially detrimental to neighbouring residents.

Overall, the minimum separation distances are achieved both to existing residential properties surrounding the site and within the site between the proposed residential properties. It is therefore considered that the development accords with the above mentioned policies and would not result in a materially detrimental impact to existing residents and will ensure a good standard of amenity for new residents.

Transportation issues

Policy CS14 and Policy SP26, guide how accessibility should be addressed through development, whilst ameliorating travel behaviour. Policy SP26, states “as a priority, the proposals make adequate arrangements for sustainable transport infrastructure; promoting sustainable and inclusive access to the proposed development by public transport, walking and cycling, including the provision of secure cycle parking, and other non-car transport and promoting the use of green infrastructure networks where appropriate”.

Provision of Greenspace

Local Plan Policy SP37 sets out a requirement for new and improvements to Greenspace required as a result of new residential development. It requires the provision of additional Greenspace which will be applicable to residential developments over 35 dwellings.

Due to the constraints of the site and the desire to upgrade an existing well located and well utilised park, the Greenspaces Team have recommended a financial contribution in lieu of on-site provision of play equipment. This would be used, along with other funding already identified for provision of children's equipped play at a local park within 280m of the application site.

There are communal areas of open space within the site and these areas are proposed to be soft landscaped. The site is also within walking distance (280m) of existing provision of open space and the Greenspaces Team are currently finalising the location in which the financial contribution will be spent to improve children's play facilities.

Affordable Housing

As indicated above the scheme is for the provision of a fully Affordable Housing development. The site is also currently within Council ownership, it is also considered necessary that a planning condition is attached to the permission in order to safeguard the affordable housing on the site in perpetuity.

Conclusion

Having regard to the above it is considered that the proposed residential development represents an acceptable form of development within a residential area and that the proposed dwellings by virtue of their layout, scale and design along with the associated landscaping, would not be detrimental to the overall character of the area.

It is further considered that the new dwellings would not have any undue detrimental impact in terms of overdominating building form or loss of privacy due to overlooking, by either the current occupiers of adjacent occupiers or future occupiers of the proposed dwellings.

Furthermore it is considered that adequate provision has been made for parking for the proposed dwellings such that it is not considered that the development will result in any impact on highway safety.

Overall, it would represent an acceptable and appropriate form of development on this sustainable site that is allocated for residential purposes and would be in compliance with the requirements detailed within the Local Plan and the advice within the NPPF and NPPG. In respect of other material considerations raised it is recommended that planning permission be granted subject to the signing of the relevant Legal Agreement and the suggested conditions set out below.

Conditions

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

Reason

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

02

The permission hereby granted shall relate to the area shown outlined in red on the approved site plan and the development shall only take place in accordance with the submitted details and specifications as shown on the approved plans (as set out below)

Drawing numbers

- Site Plan as Proposed (BS003) (Rev A)
- Housetype A - Ground Floor Plan as Proposed (BS101)(Rev A)
- Housetype A - First Floor Plan as Proposed (BS102) (Rev A)
- Housetype B - Ground Floor Plan as Proposed (BS201) (Rev B)
- Housetype B - First Floor Plan as Proposed (BS202)(Rev B)
- Housetype C- Ground Floor Plan as Proposed (BS301)(Rev A)
- Housetype C- First Floor Plan as Proposed(BS302)(Rev A)
- Housetype C- Second Floor Plan as Proposed(BS307)(42 Units) (Rev A)

- Housetype A - Elevations as Proposed(BS401)
- Housetype B - Elevations as Proposed(BS402)(Rev A)
- Housetype C - Elevations as Proposed (1 of 2)(BS405) (42 Units) (Rev A)
- Housetype C - Elevations as Proposed (2 of 2)(BS406) (42 Units) (Rev A)

Received December 2018

Reason

To define the permission and for the avoidance of doubt

03

Before the development is brought into use, a detailed landscape scheme shall be submitted to, and approved in writing by, the Local Planning Authority. 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.

04

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

Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity.

05

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 CS7 of the Core Strategy and the provisions of the NPPF.

06

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.

07

Before development is brought into use there details shall be submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the dwellings are occupied.

Reason

In the interests of the visual amenity of the area and in the interest of the amenity of future residents.

08

The development shall not be brought into use 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 surface water run-off to equivalent brownfield rates (i.e. minimum of 30% reduction in flows based on existing flows and a 1 in 1 year return period);
- 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
- A maintenance plan including responsibility for the future maintenance of drainage features and how this is to be guaranteed for the lifetime of the development.

Reason

To ensure that the development can be properly drained in accordance with the South Yorkshire Interim Local Guidance for Sustainable Drainage Systems for Major Applications

09

When the proposed access has been brought into use, the existing access shall be permanently closed and the footway/kerbway reinstated in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason

In the interests of road safety.

10

Before the development is brought into use, that part of the site to be used by vehicles shall be constructed with either;

- a/ a permeable surface and associated water retention/collection drainage, or;
- b/ an impermeable surface with water collected and taken to a separately constructed water retention/discharge system within the site.

The area shall thereafter be maintained in a working condition.

Reason

To ensure that surface water can adequately be drained and to encourage drivers to make use of the parking spaces and to ensure that the use of the land for this purpose will not give rise to the deposit of mud and other extraneous material on the public highway in the interests of the adequate drainage of the site and road safety.

11

Before the development is brought into use the car parking area shown on the Proposed Site 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.

12

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 brought into use.

Reason

No details having been submitted they are reserved for approval.

13

Prior to the commencement of works a Construction Traffic Management Statement shall be submitted to and approved in writing by the Council and the approved statement shall be adhered to throughout the construction period. The Statement shall provide for; Vehicle routing / storage / loading / unloading of materials / plant; and car parking facilities for the construction staff.

Reason

In the interest of highway safety.

Informatives

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.

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	RB2018/1747
Proposal and Location	Erection of toilet block to side & extension to front at 131 Bawtry Road, Wickersley
Recommendation	Grant subject to conditions

This application is being presented to Planning Board due to the number of objections received.



Site Description & Location

The site to which this application relates comprises of an existing two storey commercial premises at the junction of Bawtry Road (Service Road) and Green Lane and is covered in grey cladding to the front elevation and rendered to the side with a twin pitched slate tiled roof. The property at ground floor has been extended with a single storey part glazed / part clad front addition with balcony and outdoor seating area above. To the front is an existing tiled forecourt which is owned by the applicant and used as an additional outdoor seating area. To the west lies a detached property used for part residential / part A3 purposes, with the property to the rear (off Green Lane) comprising of a single retail unit.

Background

- RB2003/0653 - Change of use to coffee shop/Bistro with hot food takeaway – Granted 30/05/2003
- RB2005/1238 - Formation of raised external seating area to front – Granted 19/08/2005
- RB2013/1167 - Demolition of existing single storey front extension & erection of two storey front extension – Granted 23/10/2013
- RB2013/1481 - Erection of single storey front extension incorporating 1st floor balcony seating area – Granted 13/12/13
- RB2014/0284 - Display of 1 No. internally illuminated fascia box sign & 1 No. non-illuminated side fascia sign – Granted 13/05/14
- RB2018/1299 – Erection of toilet block to side and canopy to front – Granted Conditionally 04/10/2018

Proposal

This is a full application for the erection of a single storey front and side extension. The proposed side extension is located on the eastern elevation and has a rectangular footprint extending to 5.3m in length and projecting 3.6m from the side elevation. At its highest point the extension is 2.8m and incorporates a flat roof. The extension will be used as a toilet block and will only be accessible internally from the host property. Externally, it will be constructed from the same grey cladding as the main property.

The proposed front extension projects 5.5m from the front elevation of the ground floor and 3.7m from the first floor balcony and extends across the entire width (12.3m). The frame will be constructed from aluminium and powder coated in grey whilst the roof will be constructed from clear triple ply sheeting and walls are primarily glazed. One metre high planters are also proposed along the front and side elevations which will be constructed from timber and sprayed to match the grey colour of the frame

Development Plan Allocation and Policy

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham's Local Plan together with the Sites and Policies Document which was adopted by the Council on the 27th June 2018.

The application site is allocated for as Wickersley District Centre in the Local Plan. For the purposes of determining this application the following policies are considered to be of relevance:

Local Plan policy(s):

CS28 Sustainable Design
SP19 Development within Town, District and Local Centres
SP55 Design Principles

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

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

Publicity

The application has been advertised by way of a site notice along with individual neighbour notification letters to adjacent properties. 12 letters of representation have been received, including one from Wickersley Parish Council. The main points raised are as follows:

- The previously approved application was for what was described as a ‘winter canopy’ extending 3 metres beyond the front of the building. What is now proposed is a permanent structure extending 3.7 metres in front of the existing building which will dominate and overshadow the surrounding retail units and look out of place and visually intrusive in such a prominent location.

1 request to speak has been received from Wickersley Parish Council

Consultations

RMBC Environmental Health raise no objections to the proposed development.

RMBC Transportation acknowledges that patronage could increase as a result of proposed development and in turn has the potential to increase demand for parking, however this increase is not considered to be material or result in an unacceptable impact on highway safety.

Appraisal

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

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

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

The main considerations in the determination of the application are:

- 1) Principle of Development
- 2) The character and appearance of the host property and its setting in the streetscene
- 3) Impact on Amenity

Principle of Development

The site is located within a wider allocation for Wickersley District Centre wherein Policy SP19 'Development within Town, District and Local Centres' states that uses falling within A3 use classes (restaurants and cafes) are acceptable. In this instance planning permission was granted in 2003 for the change of use of the site to an A3 use and has been utilised as such since this time.

The proposed development does not seek to alter the use of the site, simply to provide additional floorspace to support the use. As such it is considered that the proposal is acceptable in principle and accords with the provisions of Policy SP19.

The character and appearance of the host property and its setting in the streetscene

Policy SP55 'Design Principles' states: "All forms of development are required to be of high quality, incorporate inclusive design principles, create decent living and working environments, and positively contribute to the local character and distinctiveness of an area and the way it functions. This policy applies to all development proposals including alterations and extensions to existing buildings."

This approach is echoed in National Planning Policy in the NPPF.

The NPPF at paragraph 124 states: "Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities." Paragraph 130 adds: "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, taking into account any local design standards or styles in plans or supplementary planning documents."

In addition policy CS28 'Sustainable Design' indicates that proposals for development should respect and enhance the distinctive features of Rotherham and design should take all opportunities to improve the character and quality of an area and the way it functions.

Planning permission was recently granted for a single storey side extension and canopy to the front elevation of the property. This application seeks permission for the same extension to the side and an extension to the front to provide additional seating area.

The proposed side extension is located within a prominent location on the corner of Bawtry Road (service road) and Green Lane. Concerns were previously raised by local residents that it would appear visually obtrusive given its flat roof and lack of windows. The extension has been designed to reflect its functional use as a toilet block and is therefore modest in scale and whilst it is acknowledged that the design is utilitarian in appearance the street scene is made up of a mix of properties that vary in design and use class. Immediately to the south is a traditional 50's style hipped roof property with bay windows, whilst to the north is the three horseshoes PH which is a large imposing building having a mock Tudor design. The property to the west, on Green Lane is a single storey flat roof building with a large shop front and signage.

Having regard to the above it is considered that the proposed extension would not appear at odds within this varied street scene and whilst the applicant has indicated that it will be clad in the same grey cladding as the host property it is considered that a condition should be attached to any approval requiring samples of the materials to be submitted given the front elevation of the property is clad and the side elevation is rendered..

Turning to the proposed front extension, this will extend 5.5m from the front elevation of the ground floor and 3.7m from the first floor balcony and extend across the entire width (12.3m) of the host property. It will be constructed from an aluminium frame and incorporate large areas of glazing to the side elevations. Planters are also proposed along the three elevations which will be constructed from wood but painted in grey to match the frame and host property. Double glazed doors are shown in the front elevation and a single door within the eastern elevation.

The design and appearance of this extension reflects the modern appearance of the host property and will be powder coated in the same grey colour as the cladding used in the front elevation. The large areas of glazing are considered to continue the appearance of the glass balustrade around the first floor balcony and whilst it is acknowledged that its entire projection will bring the building line forward of any other properties within the area, it will only occupy the existing raised patio area which often accommodates tables and chairs whilst retaining an adequate width public footpath, similar to that of the Three Horses PH to the east.

Having regard to all of the above it is considered that the proposed extension will alter the appearance of the front elevation of the property; however it has been sympathetically designed and as such will not appear at odds with the property or within the street scene. Accordingly, it is considered that the proposed extensions are considered to positively contribute to the local character and distinctiveness of an area and accord with the provisions of Policies SP55 'Design Principles' and CS28 'Sustainable Design', together with paragraph 124 of the NPPF.

Impact on Amenity

Paragraph 127(f) of the NPPF states planning decisions should ensure that development creates places with a high standard of amenity for existing and future users.

Policy CS27 'Community Health and Safety' states: "Development will be supported which protects, promotes or contributes to securing a healthy and safe environment and minimises health inequalities." It further states that: "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."

Policy SP52 'Pollution Control' states: "Development proposals that are likely to cause pollution, or be exposed to pollution, will only be permitted where it can be demonstrated that mitigation measures will minimise potential impacts to levels that protect health, environmental quality and amenity."

The proposed front extension has been designed to provide an additional dining area to the existing use. An outdoor seating area has been used for some considerable time in the same location to which the front extension relates without resulting in any complaints in terms of noise. Nevertheless a condition was previously approved on the application for a winter canopy restricting the hours of use to 23:00. The reason for this condition was due to the nature of the canopy, having retractable sides and therefore having the potential for noise emanating from the site late at night when the outdoor area would not normally have been in use.

This application seeks permission for an extension which incorporates a solid structure. This structure will provide an acoustic barrier and protect the amenity of local residents and businesses and given there are no hours of operation restrictions on the host property it is not considered that a condition is necessary in this instance.

Accordingly, it is considered that the proposed development would not give rise to any significant impact on adjacent occupiers by way of noise nuisance and therefore the development complies with the requirements of Policies CS27 Community Health and Safety' and SP52 Pollution Control.

Conclusion

Having regard to the above it is concluded that the proposed development represents an acceptable form of development in this locality that will be in keeping with its character and appearance and would not adversely affect the amenity of neighbouring residents or highway users. Accordingly, for the reasons outlined in this report the development would comply with relevant national and local planning policies and is subsequently recommended for approval subject to conditions

Conditions

01

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

Reason

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

02

The permission hereby granted shall relate to the area shown outlined in red on the approved site plan and the development shall only take place in accordance with the submitted details and specifications as shown on the approved plans (as set out below)

- Location and Site Plan
- Existing and Proposed Elevations – Dwg No. 6

Reason

To define the permission and for the avoidance of doubt.

03

No above ground development shall take place until details of the materials to be used in the construction of the proposed extensions 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

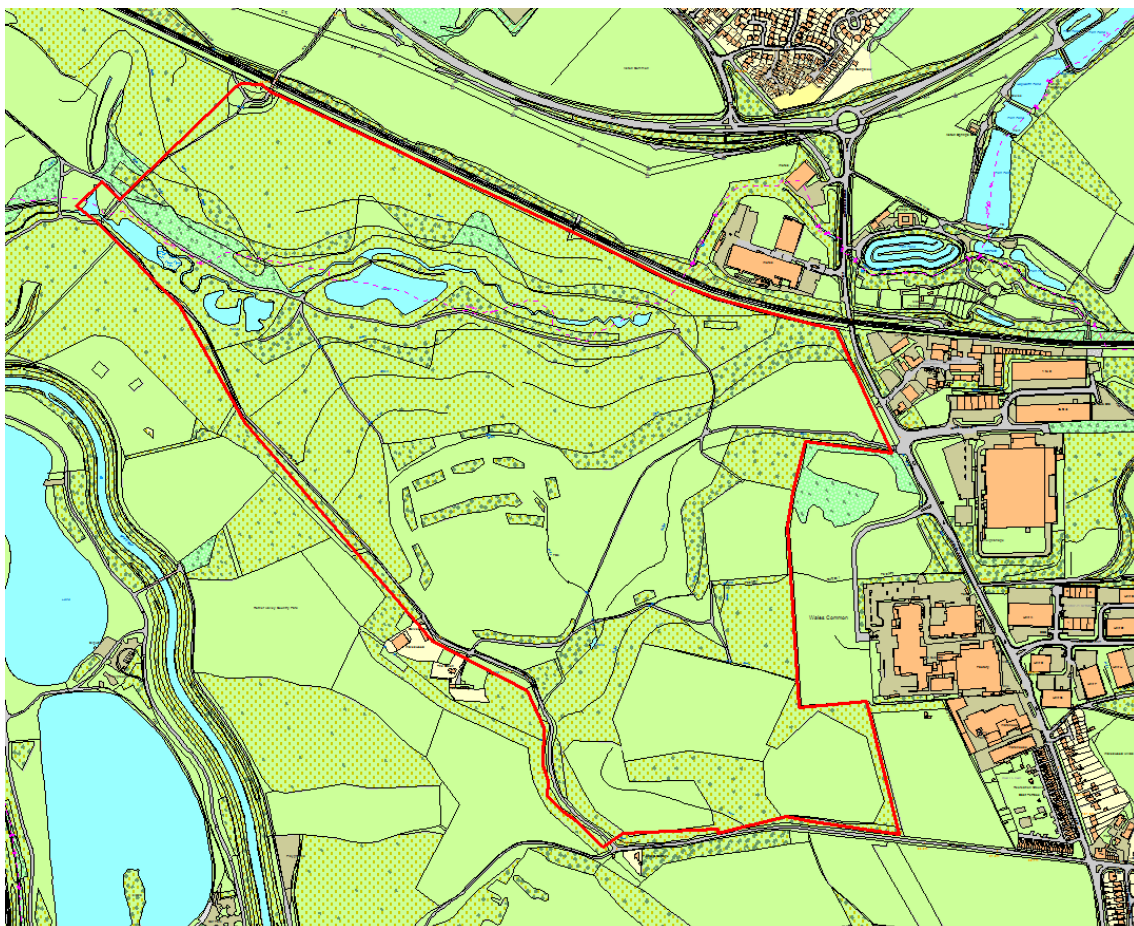
To ensure that appropriate materials are used in the construction of the development in the interests of visual amenity and in accordance with Core Strategy Policy CS28 'Sustainable Design.'

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	RB2018/1857
Proposal and Location	Variation of conditions 02 (approved plans), 05 (phasing) and 08 (access/egress arrangement) imposed by RB2016/1454 former Pithouse West Site, land north of Rother Valley Country Park Mansfield Road Aston
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 subject to the National Planning Casework Unit not calling in the application for determination, 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 at the request of the Chairman and Vice Chairman of the Planning Board.



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.

The relevant applications to this application are –

RB2016/1454 - 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

RB2016/1455 - 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

Both planning 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 in relation to RB2016/1455 also because the level of out of centre uses in an out-of-centre location. The applications were not called-in, and planning permission was granted on 27th March 2017. Both permissions have been implemented on site.

Proposal

The application is submitted under Section 73 of the Town and Country Planning Act, to vary the conditions below on the original permission RB2016/1454 –

Condition 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”*

Condition 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.”

Condition 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.”

This proposal seeks permission to re-position the Wilderness Hotel accommodation block outside the zone of influence of a mine shaft identified since investigation works have commenced on site. This requires the building to be moved 35m to the west of its original location.

The application seeks to amend the vehicular egress/access point onto Mansfield Road. The approved scheme showed separate access egress points onto Mansfield Road, and this proposal seeks to unify these into one single point of egress/access which also includes pedestrian the access.

Therefore an amendment to the MasterPlan to show the amended location of the building and the new access arrangement is proposed, and also amendments to the Building Location Plan to show the new proposed location of the hotel.

The application also includes very minor amendments to the approved phasing plan.

The original planning application was submitted with an Environmental Statement (ES) as the proposal was considered to be EIA development. This application has been submitted with a Planning Statement which includes addendums to the relevant parts of the original ES which are affected by the proposed amendments. These are summarised below –

Transportation -

The approved scheme included a dedicated 'in' road off the west side of the A618 and a separate 'out' road onto the west side approximately 50m south of the 'in' road.

The original Transport Assessment predicts there to be no material impact on the operation of the highway network. The proposed amendments to the access generates no additional traffic movements. The simplified arrangement including the removal of the in-site vehicle crossing point would provide simpler, smoother traffic movements. Combined with the smaller scale of the access confined within the footprint of the approved access arrangement, there will be no additional negative environmental effects. It would, in fact provide a (albeit small) reduction in the environmental impact of the access compared to the approved access. The smaller scale, simpler operation and quicker construction means the proposed amended access proactively reduces its impact on climate and reduces its exposure to the risk of adverse climatic events.

Ecology-

The only proposed alteration that will not sit within an area of currently permitted development is the Wilderness Hotel, which is proposed to be relocated 35m to the west. However, this proposed alteration represents a benefit over the existing permission, the result of which is to further remove the Wilderness Hotel from the nearby waterbody (referred to as 'P6' within the submitted EIA).

Under the proposals, the Wilderness Hotel will be located in the same habitat as the currently permitted Hotel and therefore does not alter the impacts of the development as assessed under the original EIA.

However, the increase in buffer to P6 is beneficial, as this further reduces any risk of disturbance to bird species, particularly Bittern (*Botaurus stellaris*) that utilise the waterbody. As such, this proposed amendment to the location of the Wilderness Hotel is considered to be beneficial, though this change is not so significant as to alter the conclusions of the previously approved EIA.

As a result of the limited scope of the works proposed, no additional direct or indirect effects on habitats or fauna are anticipated as a result of the proposed amendments and therefore the current Ecological Impact Assessment remains valid for this application under Section 73 of the Planning Acts.

It is therefore considered that the current proposals to amend the extant permission are unlikely to have any effect in respect of ecology.

Ground Conditions-

The proposed re-siting of the Wilderness Hotel is to ensure that the building lies outside the zone of influence of nearby mine shafts. Such changes minimise any risk arising from collapse within nearby shafts. In conclusion, the development alterations minimise the geotechnical risks associated with mine shaft collapse and present no likelihood of significant environmental effects occurring as a result of the alterations. The road changes have no effects. The changes are satisfactory in all other geotechnical/ environmental and land quality respects.

Development Plan Allocation and Policy

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham's Local Plan together with the Sites and Policies Document (adopted on 27th June 2018) which replaces the Unitary Development Plan (UDP) that has now been superseded.

The application site is within the Green Belt within the Local Plan. For the purposes of determining this Section 73 application the following policies are considered to be of relevance:

Core Strategy policy(s):
CS20 Biodiversity and Geodiversity
CS27 Community Health and Safety

The Sites and Policies Document policy(s):
SP33 Conserving and Enhancing the Natural Environment
SP54 Contaminated and Unstable Land

Other Material Considerations

Council's Car Parking Standards.

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. It was last updated on 17th September 2018.

National Planning Policy Framework: The NPPF came into effect on July 24th 2018 (replacing the original 2012 version). It sets out the Government's planning policies for England and how these should be applied. It sits within the plan-led system, stating at paragraph 2 that "Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise" and that it is "a material consideration in planning decisions".

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

Publicity

The planning application was advertised in the press and on site and the occupiers of neighbouring properties were notified by letter.

No objections have been received. Councillor Watson has confirmed that he considers the application to be acceptable.

Consultations

- RMBC – Transportation Infrastructure Service: No objections
- Highways England – No objections
- RMBC - Landscape Design: At the time of writing the report no response had been received.
- RMBC – Trees and Woodlands: At the time of writing the report no response had been received.
- RMBC – Drainage: No objections
- RMBC – Ecologist: No objections
- RMBC – Environmental Health : No objections
- South Yorkshire Archaeological Service (SYAS): At the time of writing the report no response had been received.
- Severn Trent Water: At the time of writing the report no response had been received.
- Yorkshire Water: At the time of writing the report no response had been received.
- Environment Agency: No objections
- Historic England: At the time of writing the report no response had been received.
- Natural England: At the time of writing the report no response had been received.
- Network Rail: No objections
- South Yorkshire Mining Advisory Service (SYMAS): No objections
- Coal Authority : No objections
- CPRE: At the time of writing the report no response had been received.
- Sheffield and Rotherham Wildlife Trust: At the time of writing the report no response had been received.

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 principle of the development in this Green Belt location was established by the grant of planning permissions RB2016/1454 and RB2016/1455 on 27th March 2017. Since this decision date the Local Plan has been adopted by the Council, and the NPPF has been updated. It is considered that new policies within the Local Plan and the NPPF that would now be used to assess the acceptability of the principle of the development are in line with those used to assess the original application, and that there is no significant amendments to policy which would need to be taken into consideration. It is noted that Local Plan Policy CS11 'Tourism and the Visitor

Economy' is still relevant and still supports a comprehensive, regional scale leisure and tourist attraction north of Rother Valley Country Park compatible with its location within the Green Belt.

With this in mind the main issues to take into consideration in the determination of the application are –

- Highway safety
- Ecology and biodiversity
- Ground conditions
- Planning obligation

Highway safety

The approved access on to Mansfield Road showed two separate points of egress/access, one for 'in' traffic and the other for the 'out' traffic. The amended access combines both into one point of access. The proposed amended access is in the same location on Mansfield Road as the approved access (in).

The Transportation Unit have assessed the proposal and the addendum to the ES submitted in support of the application along with further information received during the course of the application and have confirmed that the amended access is acceptable in principle in terms of highway safety.

In addition to this it is considered that the proposed amendment would not have any greater impact on the environment than that approved, in reality the simplified access arrangement would actually have a slightly lesser of an impact.

The proposed new access arrangements are therefore considered acceptable.

Ecology and Biodiversity

The main impact on Ecology and Biodiversity is the re-siting of the Wilderness Hotel, which is proposed to be located 35m west of its approved location. The Wilderness Hotel is within close proximity to Pond 6 which is known to be utilised by Bittern which is a protected species. The re-siting of the hotel results in it actually moving further away from the pond so to allow an increase in the buffer between the pond and the built development.

Local Plan Policies CS20 'Biodiversity and Geodiversity' and SP33 'Conserving and Enhancing the Natural Environment' aim to conserve and enhance existing and create new features of biodiversity value.

The addendum to the original ES concludes that as the building is to be moved further away from the pond there are no adverse effects arising from the re-siting of the hotel in terms of Ecology/Biodiversity. With the above in mind it is considered that the re-siting of the Wilderness Hotel is acceptable.

It is not considered that the amended access arrangements have any significant impacts on Ecology/Biodiversity.

Ground Conditions

The amendment to the location of the Wilderness Hotel has been sought due to the location of a mine shaft that has been identified on site. The amended location is

outside the zone of influence of the mine shaft therefore minimising any risk arising from collapse within nearby mine shafts at the request of the Coal Authority.

The Coal Authority have been consulted on the application and have stated that as the building is proposed to be located outside of the zone of influence of the nearby shaft they have no objections to the amendments.

Local Plan policies CS27 'Community Health and Safety' and SP54 'Contaminated and Unstable Land' state that where land is known to be or suspected to have adverse ground conditions caused by unstable land, development proposals should.... demonstrate there is no significant harm, or risk of significant harm, to human health.

The re-siting of the building out of the zone of influence is considered to reduce the risk of harm, and is therefore considered to be in accordance with the relevant policy.

Planning obligation

The original planning application was submitted with a Unilateral Undertaking which linked it to a concurrent planning application for the theme park element of 'Gullivers Valley', the purpose of the obligation was to prevent the development outside the theme park main area, including hotels and lodges, being developed prior to the theme park being brought into use. Such development would not be appropriate in isolation from the leisure development on the site, and the applicant completed a Unilateral Undertaking that would link the two applications and control the development by way of a phasing plan.

With respect to this planning application, and the concurrent application RB2018/1859, it is now considered that the condition requiring the development to be progressed in accordance with a conditioned phasing plan is an acceptable and appropriate means of securing the relevant phases of the development. There is therefore no supplementary obligation required with this application.

The phasing plan previously approved is to be amended to include two very small areas of variation to omit an area of trees, and to include the access in the first phase. These amendments are considered acceptable.

Conclusion

It is considered that the minor amendments proposed are acceptable and in compliance with policies in the Local Plan and the NPPF. The revised access details are acceptable and after assessing the ES addendums submitted in support of the application it is considered that the amendments are not considered to have any significant impacts on the environment. Overall the scheme is considered to be in accordance with the Local Plan and with the policies in the NPPF.

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, it is recommended that planning permission be granted for the proposed development subject to the following conditions

Conditions

General

01

The permission hereby granted shall relate to the area shown outlined in red on the approved site plan and the development shall only take place in accordance with the submitted details and specifications as shown on the approved plans (as set out below)

- 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-2F dated 21/11/2018
- Building Location Plan – GV-NLP-01D dated 23/11/2018
- 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 Location Plan - GV-WH-LOC-01A - dated 28/11/2018
- 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
- Vehicle Tracking Analysis - 70046487-ATR-001 P01-October 2018
- General Arrangement - 70046487-GA-001 P03 - December 2018
- Section 278 Works, Visibility Plan – 70046487-GA-005 Rev P03
- Site Clearance - 70046487-GA-004_P02-December 2018
- Kerbs, Edgings, Footways & Pavements - 70046487-RP-001_P03-December 2018
- Surface Water Drainage and Construction Plan - 70046487-RP-002_P02-December 2018
- Cross Sections and Long Sections - 70046487-RP-003_PO2- December 2018
- Typical Cross Sections - 70046487-SD-001_PO2- October 2018
- Standard Construction Details - 70046487-SD-002_P01 -October 2018
- New Road Layout Plan, Traffic Signals and Road Markings -70046487-TS-001_P02 December 2018

Reason

To define the permission and for the avoidance of doubt.

02

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 the NPPF and the Local Plan.

03

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 the NPPF and the Local Plan.

04

The development shall be implemented in accordance with details included on the Phasing Plan Drawing Name Figure 5.7 – Phasing date 19/01/2017 submitted with this application unless otherwise agreed in writing by the Local Planning Authority.

Reason

In accordance with the submitted information regarding ecological implications at the site, and to prevent the hotel accommodation outside the theme park main area being developed prior to the theme park being brought into use in accordance with policies in the NPPF and Local Plan.

05

The approved details of the Construction Management Plan as submitted in application RB2018/0373 shall be implemented in respect of Phase 1. Prior to the commencement of development within each phase thereafter, 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 for each phase.

Reason

To define the permission and for the avoidance of doubt.

06

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 the Local Plan.

Highways

07

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.

08

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.

09

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.

10

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.

11

The approved details of the Travel Plan as submitted in application RB2017/1791 shall be implemented throughout the lifetime of the development.

Reason

In the interests of promoting sustainable travel.

12

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.

Drainage

13

The approved Drainage details as submitted in application RB2018/0544 shall be implemented in respect of Phase 1. Prior to the commencement of development within each phase thereafter, a surface water drainage scheme for that 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) shall be 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.
- Timescales for implementation.

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

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 the NPPF and the Local Plan.

14

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 the Local Plan.

15

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 the Local Plan.

16

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.

17

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

18

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.

19

The approved details in the Ecological Mitigation and Management Plan as submitted in application RB2017/1791 shall be implemented in respect of Phase 1. Prior to the commencement of development within each phase thereafter, 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 for each phase.

Reason

In order to promote the biodiversity of the site in accordance with the NPPF and the Local Plan.

Land contamination and ground conditions

20

The approved ground condition details as submitted in applications RB2018/0544 & RB2018/0874 shall be implemented in respect of Phase 1. Prior to the commencement of development within each phase thereafter, 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 for each scheme.

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.

21

The approved details as submitted in application RB2018/0874 shall be implemented in respect of Phase 1. Within each phase thereafter, subject to Condition 20, 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.

22

The approved details as submitted in application RB2018/0874 shall be implemented in respect of Phase 1. Within each phase thereafter 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.

23

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.

24

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.

25

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.

Archaeology

26

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

27

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 the NPPF and the Local Plan.

28

The approved advanced planting details submitted in application RB2017/1791 shall be implemented as below -

- 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 NPPF and Local Plan.

29

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 the Local Plan

30

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 the Local Plan.

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 the 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 Plicatata "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

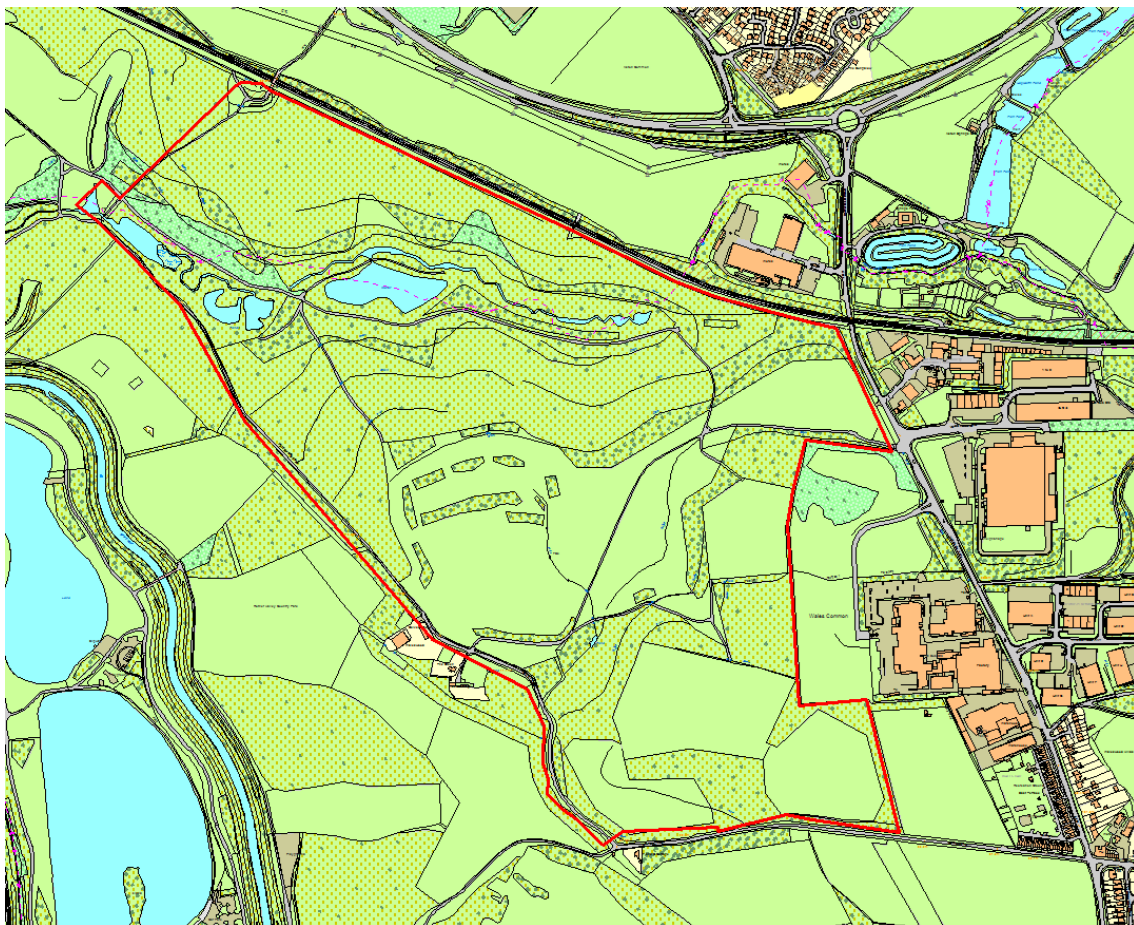
The granting of this planning permission does not authorise any signage to be erected related to the development. Such signage is controlled by the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and a separate application for advertisement consent may be required. For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

Whilst the applicant did not enter into any formal 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	RB2018/1859
Proposal and Location	Variation of conditions 02 (approved plans), 05 (phasing) and 08 (access/egress arrangement) imposed by RB2016/1455 former Pithouse West Site, land north of Rother Valley Country Park Mansfield Road Aston
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 subject to the National Planning Casework Unit not calling in the application for determination, 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 at the request of the Chairman and Vice Chairman of the Planning Board.



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.

The relevant applications to this application are –

RB2016/1454 - 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

RB2016/1455 - 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

Both planning 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 in relation to RB2016/1455 also because the level of out of centre uses in an out-of-centre location. The applications were not called-in, and planning permission was granted on 27th March 2017. Both permissions have been implemented on site.

Proposal

The application is submitted under Section 73 of the Town and Country Planning Act, to vary the conditions below on the original permission RB2016/1455 –

Condition 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)
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*

RB2016/1455(Continued)

- *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) “*

Condition 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.”

Condition 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.”

This proposal seeks permission to re-position the Adventure Park Main Entrance Block Building outside the zone of influence of a mine shaft identified since investigation works have commenced on site. This requires the building to be rotated clockwise approx. 60-70 degrees and moved due east by approximately 67m.

The application seeks to amend the vehicular egress/access point onto Mansfield Road. The approved scheme showed separate access egress points onto Mansfield Road, and this proposal seeks to unify these into one single point of egress/access which also includes pedestrian the access.

Therefore an amendment to the MasterPlan to show the amended location of the building and the new access arrangement is proposed, and also amendments to the Building Location Plan to show the new proposed location of the building.

The application also includes very minor amendments to the approved phasing plan.

The original planning application was submitted with an Environmental Statement (ES) as the proposal was considered to be EIA development. This application has been submitted with a Planning Statement which includes addendums to the relevant parts of the original ES which are affected by the proposed amendments. These are summarised below –

Transportation -

The approved scheme included a dedicated 'in' road off the west side of the A618 and a separate 'out' road onto the west side approximately 50m south of the 'in' road.

The original Transport Assessment predicts there to be no material impact on the operation of the highway network. The proposed amendments to the access generates no additional traffic movements. The simplified arrangement including the removal of the in-site vehicle crossing point would provide simpler, smoother traffic movements. Combined with the smaller scale of the access confined within the footprint of the approved access arrangement, there will be no additional negative environmental effects. It would, in fact provide a (albeit small) reduction in the environmental impact of the access compared to the approved access. The smaller scale, simpler operation and quicker construction means the proposed amended access proactively reduces its impact on climate and reduces its exposure to the risk of adverse climatic events.

Ecology-

As a result of the limited scope of the works proposed within this application, no additional direct or indirect effects on habitats or fauna are anticipated as a result of the proposed amendments and therefore the current Ecological Impact Assessment remains valid for this application under Section 73 of the Planning Acts. It is therefore considered that the current proposals to amend the extant permission are unlikely to have any effect in respect of ecology.

Ground Conditions-

The proposed re-siting of the Adventure Park Main Entrance Block Building is to ensure that the building lies outside the zone of influence of nearby mine shafts. Such changes minimise any risk arising from collapse within nearby shafts. In conclusion, the development alterations minimise the geotechnical risks associated with mine shaft collapse and present no likelihood of significant environmental effects occurring as a result of the alterations. The road changes have no effects. The changes are satisfactory in all other geotechnical/ environmental and land quality respects.

Development Plan Allocation and Policy

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham's Local Plan together with the Sites and Policies Document (adopted on 27th June 2018) which replaces the Unitary Development Plan (UDP) that has now been superseded.

The application site is within the Green Belt within the Local Plan. For the purposes of determining this Section 73 application the following policies are considered to be of relevance:

Core Strategy policy(s):
CS20 Biodiversity and Geodiversity
CS27 Community Health and Safety

The Sites and Policies Document policy(s):
SP33 Conserving and Enhancing the Natural Environment
SP54 Contaminated and Unstable Land

Other Material Considerations

Council's Car Parking Standards.

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. It was last updated on 17th September 2018.

National Planning Policy Framework: The NPPF came into effect on July 24th 2018 (replacing the original 2012 version). It sets out the Government's planning policies for England and how these should be applied. It sits within the plan-led system, stating at paragraph 2 that "Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise" and that it is "a material consideration in planning decisions".

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

Publicity

The planning application was advertised in the press and on site and the occupiers of neighbouring properties were notified by letter.

No objections have been received.

Consultations

- RMBC – Transportation Infrastructure Service: No objections
- Highways England – No objections
- RMBC - Landscape Design: At the time of writing the report no response had been received.
- RMBC – Trees and Woodlands: At the time of writing the report no response had been received.
- RMBC – Drainage: No objections
- RMBC – Ecologist: No objections
- RMBC – Environmental Health : No objections
- South Yorkshire Archaeological Service: At the time of writing the report no response had been received.

- Severn Trent Water: At the time of writing the report no response had been received.
- Yorkshire Water: At the time of writing the report no response had been received.
- Environment Agency: No objections
- Historic England: At the time of writing the report no response had been received.
- Natural England: At the time of writing the report no response had been received.
- Network Rail: No objections
- SYMAS: No objections
- Coal Authority : No objections
- CPRE: At the time of writing the report no response had been received.
- Sheffield and Rotherham Wildlife Trust: At the time of writing the report no response had been received.

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 principle of the development in this Green Belt location was established by the grant of planning permissions RB2016/1454 and RB2016/1455 on 27th March 2017. Since this decision date the Local Plan has been adopted by the Council, and the NPPF has been updated. It is considered that new policies within the Local Plan and the NPPF that would now be used to assess the acceptability of the principle of the development are in line with those used to assess the original application, and that there is no significant amendments to policy which would need to be taken into consideration. It is noted that Local Plan Policy CS11 'Tourism and the Visitor Economy' is still relevant and still supports a comprehensive, regional scale leisure and tourist attraction north of Rother Valley Country Park compatible with its location within the Green Belt.

With this in mind the main issues to take into consideration in the determination of the application are –

- Highway safety
- Ecology and biodiversity
- Ground conditions
- Other matters
- Planning obligation

Highway safety

The approved access on to Mansfield Road showed two separate points of egress/access, one for 'in' traffic and the other for the 'out' traffic. The amended access

combines both into one point of access. The proposed amended access is in the same location on Mansfield Road as the approved access (in).

The Transportation Unit have assessed the proposal and the addendum to the ES submitted in support of the application along with further information received during the course of the application and have confirmed that the amended access is acceptable in principle in terms of highway safety.

In addition to this it is considered that the proposed amendment would not have any greater impact on the environment than that approved, in reality the simplified access arrangement would actually have a slightly lesser impact.

The proposed new access arrangements are therefore considered acceptable.

Ecology and Biodiversity

The re-siting of the Adventure Park Main Entrance Block Building is not considered to have any significant detrimental impact on ecology due to its location within the site.

The addendum to the original ES concludes that the re-siting of the building is not likely to have any adverse effects in terms of Ecology/Biodiversity. With the above in mind it is considered that the re-siting of the Adventure Park Main Entrance Block Building is acceptable.

It is not considered that the amended access arrangements have any significant impacts on Ecology/Biodiversity.

Ground Conditions

The amendment to the location of the Adventure Park Main Entrance Block Building has been sought due to the location of a mine shaft that has been identified on site. The amended location is outside the zone of influence of the mine shaft therefore minimising any risk arising from collapse within nearby mine shafts at the request of the Coal Authority.

The Coal Authority have been consulted on the application and have stated that as the building is proposed to be located outside of the zone of influence of the nearby shaft they have no objections to the amendments.

Local Plan policies CS27 'Community Health and Safety' and SP54 'Contaminated and Unstable Land' state that where land is known to be or suspected to have adverse ground conditions caused by unstable land, development proposals should.... demonstrate there is no significant harm, or risk of significant harm, to human health.

The re-siting of the building out of the zone of influence is considered to reduce the risk of harm, and is therefore considered to be in accordance with the relevant policy.

Other matters

Whilst not for consideration in this application a Non Material Amendment to the Main Entrance Building has previously been approved under application RB2018/0489, and these amended plan reference numbers are also to be included in the condition to consolidate the permission and for ease of reference.

Planning obligation

The original planning application was submitted with a Unilateral Undertaking which linked it to a concurrent planning application for the theme park element of 'Gullivers Valley', the purpose of the obligation was to prevent the development outside the theme park main area, including hotels and lodges, being developed prior to the theme park being brought into use. Such development would not be appropriate in isolation from the leisure development on the site, and the applicant completed a Unilateral Undertaking that would link the two applications and control the development by way of a phasing plan.

With respect to this planning application, and the concurrent application RB2018/1857, it is now considered that the condition requiring the development to be progressed in accordance with a conditioned phasing plan is an acceptable and appropriate means of securing the relevant phases of the development. There is therefore no supplementary obligation required with this application.

The phasing plan previously approved is to be amended to include two very small areas of variation to omit an area of trees, and to include the access in the first phase. These amendments are considered acceptable.

Conclusion

It is considered that the minor amendments proposed are acceptable and in compliance with policies in the Local Plan and the NPPF. The revised access details are acceptable and after assessing the ES addendums submitted in support of the application it is considered that the amendments are not considered to have any significant impacts on the environment. Overall the scheme is considered to be in accordance with the Local Plan and with the policies in the NPPF.

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. 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, it is recommended that planning permission be granted for the proposed development subject to the following conditions

Conditions

General

01

The permission hereby granted shall relate to the area shown outlined in red on the approved site plan and the development shall only take place in accordance with the submitted details and specifications as shown on the approved plans (as set out below)

- Extent of Theme Park Application –GV-TPASA-002 dated 03/01/2017

- Amended Masterplan – GV-MP-2F dated 21/11/2018
- 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-AD-MB-EL-01A dated 21/11/2018
- Adventure Park Main Building Site Context Plan – GV-AD-MB-SCMP-01
- Adventure Park Main Building Roof Plan – GV-AD-MB-R-PL-01A dated 21/11/2018
- Main Entrance Building – elevations GV-MEB-BW-EL01C dated 19/03/2018
- Main Entrance Roof Plan – GV-MEB-PL-01C dated 19/03/2018
- 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-NLP01D dated 23/11/2018
- Fencing Plan GV-FE-PL 01 dated 03/02/2017
- Areas indicated to be subject to previous opencast mining (Drawing No. SH03053.05)
- Vehicle Tracking Analysis - 70046487-ATR-001_P01-October 2018
- General Arrangement - 70046487-GA-001_P03- December 2018
- Section 278 Works, Visibility Plan – 70046487-GA-005 Rev P03
- Site Clearance - 70046487-GA-004_P02-December 2018
- Kerbs, Edgings, Footways & Pavements - 70046487-RP-001_P03-December 2018
- Surface Water Drainage and Construction Plan - 70046487-RP-002_P02-December 2018
- Cross Sections and Long Sections - 70046487-RP-003_PO2- December 2018
- Typical Cross Sections - 70046487-SD-001_PO2- October 2018
- Standard Construction Details - 70046487-SD-002_P01 -October 2018
- New Road Layout Plan, Traffic Signals and Road Markings -70046487-TS-001_P02 December 2018

Reason

To define the permission and for the avoidance of doubt.

02

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 the NPPF and the Local Plan.

03

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 the NPPF and the Local Plan.

04

The development shall be implemented in accordance with details included on the Phasing Plan Drawing Name Figure 5.7 – Phasing date 19/01/2017 submitted with this application unless otherwise agreed in writing by the Local Planning Authority.

Reason

In accordance with the submitted information regarding ecological implications at the site, and to prevent the hotel accommodation outside the theme park main area being developed prior to the theme park being brought into use in accordance with policies in the NPPF and Local Plan.

05

The approved details of the Construction Management Plan as submitted in application RB2018/0375 shall be implemented in respect of Phase 1. Prior to the commencement of development within each phase thereafter, 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 for each phase.

Reason

To define the permission and for the avoidance of doubt.

06

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 the Local Plan.

Highways

07

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.

08

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.

09

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.

10

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.

11

The approved details of the Travel Plan as submitted in application RB2017/1792 shall be implemented throughout the lifetime of the development.

Reason

In the interests of promoting sustainable travel.

12

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.

13

The theme park elements of the proposed development as approved within Phase 1 shall only be open from 09:30 hours (every day).

Reason

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

Drainage

14

The approved Drainage details as submitted in application RB2018/0546 shall be implemented in respect of Phase 1. Prior to the commencement of development within each phase thereafter, a surface water drainage scheme for that 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) shall be 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.
- Timescales for implementation.

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

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 the NPPF and the Local Plan.

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 the Local Plan.

16

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 the Local Plan.

17

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.

18

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

19

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.

20

The approved details in the Ecological Mitigation and Management Plan as submitted in application RB2017/1792 shall be implemented in respect of Phase 1. Prior to the commencement of development within each phase thereafter, 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 for each phase.

Reason

In order to promote the biodiversity of the site in accordance with the NPPF and the Local Plan.

Land contamination and ground conditions

21

The approved ground condition details as submitted in applications RB2018/0546 & RB2018/0873 shall be implemented in respect of Phase 1. Prior to the commencement of development within each phase thereafter, 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 for each scheme.

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.

22

The approved details as submitted in application RB2018/0874 shall be implemented in respect of Phase 1. Within each phase thereafter, subject to Condition 21, 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.

23

The approved details as submitted in application RB2018/0873 shall be implemented in respect of Phase 1. Within each phase thereafter 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.

24

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.

25

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.

26

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.

Archaeology

27

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

28

The approved advanced planting details submitted in application RB2017/1792 shall be implemented as below -

- 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 NPPF and Local Plan.

29

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 the Local Plan

30

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 the Local Plan.

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 the 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.

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 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 (*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

Whilst the applicant did not enter into any formal 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.