

# Rotherham Metropolitan Borough Council

<b>Town and Country Planning Act 1990</b>	Reference RB2023/1318
	Decision Date 14 November 2023
Taylor Tuxford Associates M Tuxford 10 Flash Lane Bramley Rotherham S66 1TY	
Description and Location Demolition of existing buildings and the erection of a replacement community building at Winthrop Gardens And Tea Rooms Second Lane Wickersley Rotherham.	

You are hereby notified that your application for **Planning Permission** for the above development was **GRANTED CONDITIONALLY** on 14 November 2023.

## **Condition(s) imposed:**

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 location plan and the development shall only take place in accordance with the submitted details and specifications and as shown on the approved plans -

- Site Location Plan 21/3290/001/C
- Block Plan 21/3290/009/A
- Proposed Site Layout 21/3290/008/B
- Proposed Site Layout Plan 21/3290/004 /C
- Proposed Elevations with existing Atrium Building 21/3290/007/B
- Proposed Floor Layout Plan 21/3290/006/B
- Proposed Elevations 21/3290/005/C
- Existing Floor Layout Plans 21/3290/003/C
- Existing Site Layout Plan 21/3290/002/C

### Reason

To define the permission and for the avoidance of doubt.

03

The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing Atrium building on site.

Reason

In order to ensure a satisfactory appearance in the interests of visual amenity.

04

Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no extension or alteration of the new building, permitted under Part 7, Classes A of The Town and Country Planning (General Permitted Development) Order 2015 shall be carried out without the prior written approval of the Local Planning Authority.

Reason

So that further alterations and extensions can be controlled by the Local Planning Authority in order to protect the Green Belt.

05

Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no erection or construction of ancillary buildings, permitted under Part 12, Classes A (a) of The Town and Country Planning (General Permitted Development) Order 2015 shall be carried out without the prior written approval of the Local Planning Authority.

Reason

So that further buildings can be controlled by the Local Planning Authority in order to protect the Green Belt.

06

Before the café building hereby approved is first brought into use all the buildings shown to be demolished on the block plan (the existing covered seating area, café, store and curiosity corner) shall be demolished and wholly removed from the site.

Reason

In the interest of protecting the Green Belt

07

Before the development is brought into use, the new car parking spaces within the site to be used by vehicles shall be properly 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.

All to the satisfaction of the Local Planning Authority and 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.

08

Before the development is brought into use the car parking area 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

No noise generating plant including mechanical ventilation or refrigeration/air conditioning, extraction plant shall be installed in any part of the development until full and precise details have been submitted to and approved in writing by the Local Planning Authority. The details shall include a BS4142:2014 +A1:2019 noise assessment and 1/3 octave frequency analysis with appropriate corrections for acoustic features and shall detail any mitigation measures, physical or operational to achieve no more than 0dB(A) above the prevailing background levels, outside the boundary of the nearest noise sensitive property during the quietest measured period.

**Reason**

To safeguard the amenities of the occupiers of nearby properties in accordance with Local Plan Policy SP52 and parts 12 & 15 of the NPPF.

10

No above ground development shall commence until details of the foul, surface water and land drainage systems and all related works necessary to drain the site have been submitted to and approved by the Local Planning Authority. These works shall be carried out concurrently with the development and the drainage system shall be operating to the satisfaction of the Local Planning Authority prior to the occupation of the development.

**Reason**

To ensure that the development can be properly drained in accordance with Local Plan Policies

11

Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

**Reason**

To ensure that the development can be properly drained in accordance with Local Plan Policies

Informative

Drainage –

1. Flood resilience should be duly considered in the design of the new building/s or renovation. Guidance may be found in BRE Digest 532 Parts 1 and 2, 2012 and BRE

Good Building Guide 84. Further advice can be obtained with regards to how to prepare a flood plan and what the EA flood warnings mean at <https://flood-warning-information.service.gov.uk/warnings>

2. Surface water drainage plans should include the following:

- Rainwater pipes, gullies and drainage channels including cover levels.
- Inspection chambers, manholes and silt traps including cover and invert levels.
- Pipe sizes, pipe materials, gradients and flow directions.
- Soakaways, including size and material.
- Typical inspection chamber / soakaway / silt trap and SW attenuation details.
- Site ground levels and finished floor levels.

3. Surface Water Discharge From Brownfield Site:

There should be no increase in surface water discharge from the site to existing sewers / watercourses. On site surface water attenuation will therefore be required if drained areas to existing sewers / watercourses are to be increased.

A 30% net reduction to existing peak discharge (up to a 1/100 yr storm + 40% CC) will be required if the site is being re-developed. A full justification will be required where the development cannot achieve the 30% betterment on the existing run-off rate.

4. On Site Surface Water Management:

The site is required to accommodate rainfall volumes up to 1 in 100 year return period (plus climate change) whilst ensuring no flooding to buildings or adjacent land.

The applicant will need to provide details and calculations including any below ground storage, overflow paths (flood routes), surface detention and infiltration areas etc. to demonstrate how the 100 year + 40% CC rainfall volumes will be controlled and accommodated.

Where cellular storage is proposed and is within areas where it may be susceptible to damage by excavation by other utility contractors, warning signage should be provided to inform of its presence. Cellular storage and infiltration systems should not be positioned within highway.

Guidance on flood pathways can be found in BS EN 752.

5. A Flood Risk Assessment (FRA) should be provided for the proposed development site, in accordance with the NPPF. Where the site is at risk of flooding (Fluvial and Pluvial), details of place of refuge/evacuation should be considered and sign up to the Environment Agency Flood Warning Service.

6. All Micro Drainage calculations and results must be submitted in .MDX format, to the LPA. (Other methods of drainage calculations are acceptable)

7. If the development is proposing to make a new highway drainage connection to an existing highway drainage system, detailed CCTV surveys and modelling of the existing highway drainage system will be required to determine the capability to accept additional flow. Discharge will be limited to greenfield run-off rates.

8. Any SuDS/Drainage system installed must not be at the detriment to the receiving watercourse or ground (infiltration), so managing the quality of the run-off to must be incorporated into any design in accordance with CIRIA 753 The SuDS Manual. The design of flow control devices should, wherever practicable, include the following features:

- a) Flow controls may be static (such as vortex flow controls or fixed orifice plates) or variable (such as pistons or slide valves);
- b) Controls should have a minimum opening size of 100 mm chamber, or equivalent;
- c) A bypass should be included with a surface operated penstock or valve; and
- d) Access should be provided to the upstream and downstream sections of a flow control device to allow maintenance.

9. For major developments, the LPA is required to ensure there are suitable ongoing maintenance arrangements over the lifetime of the development (see NPPF paragraph 169, page 48). Options for SuDS adoption and maintenance include:

- a) Adoption by Water and Sewerage Company (WSC) - The developer may enter into a section 104 agreement (Water Industry Act 1991) with the local WSC.
- b) Private Maintenance Arrangement.

Provide all drainage management and maintenance plans for the lifetime of the development, which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime (e.g. signed Section 104 agreement).

10. Whereby a private maintenance arrangement is proposed and the development is unlikely to remain under single ownership or within a single curtilage over its lifetime a condition will require a satisfactory legal agreement to be drawn up to provide for inspection and maintenance of the proposed surface water drainage scheme. This legal agreement is required BEFORE the first occupation of any dwelling or building on the site. Over the lifetime of the development an agreement must include the following:

- a) A detailed operational maintenance plan;
- b) Physical access arrangements for maintenance, and establishment of legal rights of access in perpetuity, prior to the commencement of any phase of the development;
- c) A financial revenue plan clearly setting out how funding for maintenance is to be raised over the lifetime of the development;
- d) A whole life cost analysis for capital maintenance over the lifetime of the development. Any values should be based on the current HM Treasury Present Value (PV) Discount Rate. Assumptions about the expected useful life of materials should be included in any such analysis; and
- e) Details of financial surety to ensure long-term maintenance and capital maintenance costs of apparatus. It is for the developer to demonstrate that a suitable financial underwriting arrangement is in place.

### **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.

Please read the attached NOTES carefully.

A handwritten signature in black ink, appearing to read 'N. Hancock', written in a cursive style.

N Hancock  
Head of Planning and Building Control

## NOTES

1. THIS FORM RELATES TO PLANNING CONTROL ONLY.  
Where planning permission is granted and an application has also been made under the Building Regulations a separate communication will be sent to you giving notice of the Council's decision and **WORK MUST NOT BE COMMENCED BEFORE SUCH DECISION HAS BEEN RECEIVED**. Any other statutory consent necessary must be obtained from the Council or other appropriate authority.

### **Party Wall Act 1996**

2. You are advised to take account of the Party Wall Act 1996 insofar as the carrying out of development affecting or in close proximity to the boundary with adjoining property is concerned.
3. **Appeals to the Secretary of State**
  - If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
  - If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice: **UNLESS**
  - this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice [reference], if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.\*
  - this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.\*
  - this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.\*
  - this is a decision to refuse express consent for the display of an advertisement, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.\*
  - Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.  
If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
  - The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
  - The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
  - If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate

([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. [Further details are on GOV.UK](https://www.gov.uk).

- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.
4. **Purchase Notices**
- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
  - In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
5. If permission to develop land is refused or granted subject to conditions, whether by the Council or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted he may serve on the Council a purchase notice requiring the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
6. In certain circumstances a claim for compensation may be made against the Council where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which compensation is payable are set out in Part V of the Town and Country Planning Act 1990.

**Discharge/compliance of condition**

Please note that under regulation 11(D) of the Town and Country Planning (fees for applications and deemed applications) (amendment) (England) Regulations 2008, a fee is chargeable of £116 per request (or £34 where the related planning permission was for extending or altering a dwelling house) for the discharge and/or compliance with a condition. To avoid any unnecessary cost we would recommend that you submit all the required information for discharge of conditions in one application as the fee is payable per request.

Rotherham Metropolitan Borough Council  
Development Management  
Planning Regeneration & Transport Services  
Riverside House  
Main Street  
Rotherham S60 1AE Telephone: (01709) 382121





The Coal  
Authority

**Development Low Risk Area - Standing Advice**

*The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.*

*Further information is also available on the Coal Authority website at:*

*[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)*

*Standing Advice valid from 1<sup>st</sup> January 2023 until 31<sup>st</sup> December 2024*