

Rotherham Metropolitan Borough Council

Town and Country Planning Act 1990	Reference RB2024/0992
	Decision Date 13 September 2024
Rotherham MBC Ms M Hinchcliff Riverside House Main Street Rotherham S60 1AE	
Description and Location Demolition of existing building and erection of pop-up market, commercial/community building, 6 commercial units, fully landscaped area of public realm to create new market square and refurbishment of remaining commercial units at land at Laughton Road Dinnington Rotherham.	

You are hereby notified that your application for **Planning Permission** for the above development was **GRANTED CONDITIONALLY** on 13 September 2024.

Condition(s) imposed:

The Development Management Procedure Order 2015 requires that planning authorities provide written reasons in the decision notice for imposing planning conditions that require particular matters to be approved before development can start. Conditions numbered 05, 07 and 20 of this permission require matters to be approved before development works begin; however, in this instance the conditions are justified because:

- i. In the interests of the expedient determination of the application it was considered to be appropriate to reserve certain matters of detail for approval by planning condition rather than unnecessarily extending the application determination process to allow these matters of detail to be addressed pre-determination.
- ii. The details required under condition numbers 05, 07 and 20 are fundamental to the acceptability of the development and the nature of the further information required to satisfy these conditions is such that it would be inappropriate to allow the development to proceed until the necessary approvals have been secured.'

General

01

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

Reason

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

02

The permission hereby granted shall relate to the area shown outlined in red on the approved location plan and the development shall only take place in accordance with the submitted details and specifications and as shown on the approved plans:

DMP-AHR-B1-ZZ-DR-A-PL006_P2 - (B1) GA Elevations
DMP-AHR-B2-00-DR-A-PL005_P2 - (B2) GA Plans Sections and Elevations
DMP-AHR-B3-ZZ-DR-A-PL013_P1 - B3 GA Elevations and Sections
DMP-AHR-XX-XX-RP-A-PL001_P2 - Design and Access Statement
DMP-OOB-ZZ-00-D-L-000020-P04-Boundary Treatment Strategy
DMP-OOB-ZZ-00-D-L-000040-P04-Landscaping Planting Strategy
DMP-OOB-ZZ-00-D-L-000050-P03-Proposed Site Sections Landscaping
DMP-OOB-ZZ-00-D-L-000002-P05-Site Plan
DMP-OOB-ZZ-00-D-L-000500-P02-Hardworks Details Sheet 1
DMP-OOB-ZZ-00-D-L-000501-P02-Hardworks Details DMP-OOB-ZZ-00-D-L-000511-P02-Softworks Details
DMP-OOB-ZZ-00-D-L-000531-P02-Furniture Details 1
DMP-OOB-ZZ-00-D-L-000532-P02-Furniture Details 2
00.23131-ACE-00-ZZ-DR-C-1000-P3-Drainage Plan
00.23131-ACE-00-ZZ-DR-C-2390-P6- Vehicle Tracking
00.23131-ACE-00-ZZ-DR-C-1010-P1- Impermeable Area Plan 00.23131-ACE-00-ZZ-DR-C-1000-P3-Drainage Plan
00.23131-ACE-00-ZZ-DR-C-1031-P1-Private Drainage Details- Sh.1
00.23131-ACE-00-ZZ-DR-C-1032-P1-Private Drainage Details- Sh.2

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 be in accordance with the details provided in the submitted application form/approved plans.

The development shall thereafter be carried out in accordance with these details, unless otherwise agreed in writing with the Local Planning Authority.

Reason

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

04

Retail units 02-06 shall only be used for a use within Use Class E:(a) and for no other purposes within Class E.

Reason

The primary shopping frontage site is not considered suitable for an unrestricted E as required by the Local Plan and NPPF.

Construction Management Plan

05

Prior to any work commencing on site (including demolition), a Construction Environmental Management Plan (CEMP) shall be provided to the Local Planning Authority. The plan shall describe in detail the actions that will be taken to minimise adverse impacts on occupiers of nearby properties by effectively controlling:

- Noise & vibration arising from all construction and demolition related activities - Contractors and site staff are expected to use the best practical means to minimise noise on site. Regard shall be had to the guidance detailed in BS5228 2009: 'Noise and Vibration Control on Construction Sites'.
- Dust arising from all construction and demolition related activities - Contractors and site staff are expected to use the best practical means to minimise dust on site. Regard shall be had to the guidance detailed in Institute of Air Quality Management- Guidance of the assessment of dust from demolition and construction 2014.
- Artificial lighting used in connection with all construction related activities and security of the construction site - Contractors and site staff are expected to use the best practical means to minimise light nuisance on site. Regard shall be had to the guidance detailed in the Institute of Lighting Professionals - Guidance Note 01/21 – Reduction of Obtrusive Light.

The CEMP to be submitted shall be in report format and as a minimum is to include the following details as specified in the subheadings below:

- Program and Phasing Details
 - Site layout
 - Operational hours
 - Expected duration of demolition and construction work phases
- Site Management
 - Contact details of site manager for public liaison purposes
 - Complaints procedure - Roles and responsibilities
- Routes for Construction Traffic
 - Routes to be used for access onto site and egress
 - One way systems
 - Haul routes (onsite and delivery)
- Site Access, Storage and Movement of Materials
 - Delivery access point details
 - Location details of storage areas
 - Delivery times of materials and plant
- Dust, Debris and Mud
 - Screening and hoarding
 - Preventative measures
 - Dust suppression measures
 - General and machinery
 - Wheel wash facilities
 - Road sweeping facilities
 - Covering of dusty stockpiles
 - Vehicles carrying dusty loads
 - Dust monitoring
 - Boundary checks
 - Monitoring of weather including wind speed and direction, dry conditions etc
- Noise and Vibration Control
 - Silencing of vehicles, plant and machinery
 - Mitigation measures for noisy operations
 - Operational hours
 - One way systems
 - Vehicle reverse alarms
 - Leaflet drops to noise sensitive premises

- Artificial Lighting
 - Hours of operation of the lighting
 - Location and specification of all of the luminaires
 - Level of maintained average horizontal illuminance for the areas that needs to be illuminated
 - Predicted vertical illuminance that will be caused by the proposed lighting when measured at windows of any properties in the vicinity
 - Measures that will be taken to minimise or eliminate glare and stray light arising from the use of the lighting that is caused beyond the boundary of the site
- Waste Management
 - Waste storage
 - Waste collection
 - Recycling
 - Waste removal

Reason

To safeguard the amenities of the occupiers of nearby properties and promote sustainable development.

Landscapes

06

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

Reason

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

07

No work or storage on the site shall commence until all the trees/shrubs to be retained have been protected by the erection of a strong durable 2 metre high barrier fence in accordance with BS 5837:2012 Trees in Relation to Design, Demolition and Construction - Recommendations This shall be positioned in accordance with details to be submitted to and approved by the Local Planning Authority*. The protective fencing shall be properly maintained and shall not be removed without the written approval of the Local Planning Authority until the development is completed. There shall be no alterations in ground levels, fires, use of plant, storage, mixing or stockpiling of materials within the fenced areas.

Reason

To ensure the trees/shrubs are protected during the construction of the development

Amenity

08

The new units hereby approved (excluding the market stalls and existing units on site) shall only be open to customers between the hours of 08:00hrs and 23:00hrs Mondays to Sundays.

Reason

In the interest of neighbouring amenity.

09

Prior to the occupation of any units for the purposes of operating a food business or serving hot food an Odour Impact Assessment Report shall be submitted in writing to the Local Planning Authority. The Assessment shall be approved in writing by the Local Planning Authority prior to occupation. The report shall:

- Determine the potential of adverse impact on neighbouring premises from the odours associated with the proposed extract equipment
- Detail the necessary odour mitigation measures that are required to ensure the occupiers of the nearby sensitive premises are not adversely affected by odours associated with the proposed extraction equipment.
- Details of an odour abatement system should include; positioning and design of extraction equipment; manufacturers details of the equipment proposed including odour abatement techniques; odour dispersion modelling as necessary to predict impact at sensitive receptors; detailed plans of the odour abatement system including external location of flues and ventilation termination points.

If odour levels predicted in the report are unacceptable, it may be necessary to specify mitigation measures as conditions of consent.

Reason

To safeguard the amenities of the occupiers of nearby properties.

10

No noise generating plant including mechanical ventilation, refrigeration, air conditioning/air handling and 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 noise assessment and 1/3 octave frequency analysis with appropriate corrections for acoustic features and shall detail any mitigation measures, physical or operational to avoid any significant adverse impact on surrounding noise sensitive premises.

Reason

To safeguard the amenities of the occupiers of nearby properties.

Land Contamination

11

Following demolition works and prior to above ground works commencing, a Phase II Intrusive Site Investigation should be undertaken to assess potential geotechnical issues and the geoenvironmental conditions at the site to confirm the nature, presence and extent of potential contamination across the site and the risk it presents to human health. The investigation and subsequent risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

The above works shall be conducted in line with guidance document 'Land Contamination Risk Management' (October 2020) and predecessor guidance 'Model Procedures for the Management of Land Contamination, CLR 11 (Environment Agency, 2004) and BS10175:2011+A2 2017 (BSI, 2017)

Reason

To ensure the safe occupation of the site in accordance with Policy SP54 of the Rotherham Local Plan and paragraph numbers 189 and 190 of the National Planning Policy Framework.

12

Prior to above ground works commencing and subject to the findings of item 1 above, a Remediation Method Statement shall be provided and approved by this Local Authority prior to any remediation works commencing on site. The approved Remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. The Local Authority must be given two weeks written notification of commencement of the remediation scheme works.

Reason

To ensure the safe occupation of the site in accordance with Policy SP54 of the Rotherham Local Plan and paragraph numbers 189 and 190 of the National Planning Policy Framework.

13

If during development works unexpected significant contamination is encountered, the local planning authority shall be notified in writing immediately. Any requirements for remedial works shall be submitted to and approved in writing by the Local Authority. Works thereafter shall be carried out in accordance with an approved Method Statement.

Reason

To ensure the safe occupation of the site in accordance with Policy SP54 of the Rotherham Local Plan and paragraph numbers 189 and 190 of the National Planning Policy Framework.

14

If subsoil/topsoil is required to be imported to site for the public realm area/areas of soft landscaping, then these soils will need to be tested at a rate and frequency to be agreed with the Local Authority to ensure they are free from contamination.

Reason

To ensure the safe occupation of the site in accordance with Policy SP54 of the Rotherham Local Plan and paragraph numbers 189 and 190 of the National Planning Policy Framework.

15

Following completion of any remedial/mitigation works a Validation Report should be forwarded to the Local Authority for review and comment. The Validation Report shall include details of the remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the validation report together with the necessary documentation detailing what waste materials have been

removed from the site. The site shall not be brought into use until such time as all validation data has been approved by the Local Authority.

Reason

To ensure the safe occupation of the site in accordance with Policy SP54 of the Rotherham Local Plan and paragraph numbers 189 and 190 of the National Planning Policy Framework.

16

Details of measures to facilitate the provision of gigabit-capable full fibre broadband for the development hereby approved, including a timescale for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason

In accordance with Local Plan Policy SP61 'Telecommunications' and Chapter 10 of the NPPF

Highways

17

Before the development is brought into use, that part of 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

In the interest of sustainable drainage.

Lighting

18

Details of the proposed lighting to building and public square shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interest of the character of the area and public safety.

Shutters

19

All shutter shall be internal as per the approved plans and no additional external shutters shall be mounted to the retails units.

Reason

In the interest of the character of the area.

Archaeology

20

No development, 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.

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.

Informative(s)

01

You should note that the Council's Neighbourhood Enforcement have a legal duty to investigate any complaints about noise or dust which may arise during the construction phase. 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 reducing general disturbance by restricting the hours that operations and deliveries take place, minimising dust and preventing mud, dust and other materials being deposited on the highway.

02

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.

03

The South Yorkshire Police Architectural Liaison Officer has recommended that the development be built to Secured by Design standards. www.securedbydesign.com They have recommended the following:

- Lighting
 - o The entrances into the development should be well lit and offer as much natural surveillance to the street scene as possible, to standard BS 5489, as should stairwells and lift lobbies.
 - o The public realm spaces should also be well lit, to avoid any dark areas or shadowing.

- o Care must be taken when planting trees that they do not hinder lighting or CCTV columns.
- Security of Building
 - o All entrance doors/fire exits and windows into the development should comply with Secured by Design standards.
 - o All entrance and exits should be well monitored with CCTV.
 - o Care must be taken to use Vehicle Mitigation solutions to limit access near the development, especially where a vehicle could pick up speed.

04

With regard to condition 08 (Odour Impact Assessment Report), the report must be carried out by competent person/s and in line with current best practice and guidance. Applicants are referred to guidance provided by IAQM: Guidance on the Assessment of Odour for Planning (version 1.1 July. 2018). Useful guidance is provided by DEFRA – Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (2005). (This guidance was officially withdrawn in 2017 but remains a useful reference point).

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.



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) 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

Standing Advice valid from 1st January 2023 until 31st December 2024