

Rotherham Metropolitan Borough Council

Town and Country Planning Act 1990	Reference RB2025/0526
	Decision Date 03 July 2025
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Description and Location Creation of all wheels bike track at Grass land park area Magna Lane Dalton Rotherham.	

You are hereby notified that your application for Planning Permission for the above development was **GRANTED CONDITIONALLY** on 03 July 2025.

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 03 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 04 are fundamental to the acceptability of the development and the nature of the further information required to satisfy these conditions is such that it would be inappropriate to allow the development to proceed until the necessary approvals have been secured.

01
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 location plan A4, site plan SK1, proposed elevations SK0, proposed projection image)(received 16 April 2025).

Reason

To define the permission and for the avoidance of doubt.

Surfacing materials

03

No above ground development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted or samples of the materials have been left on site, and the details/samples have been approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details/samples.

Reason

To ensure that appropriate materials are used in the construction of the development in the interests of visual amenity and in accordance with Local Plan Policies and the NPPF.

Highways/Environmental Health

04

Prior to any works commencing on site a Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. 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
 - o Site layout
 - o Operational hours
 - o Expected duration of demolition and construction work phases
- Site Management
 - o Contact details of site manager for public liaison purposes
 - o Complaints procedure - Roles and responsibilities
- Routes for Construction Traffic
 - o Routes to be used for access onto site and egress
 - o One way systems
 - o Haul routes (onsite and delivery)
- Site Access, Storage and Movement of Materials
 - o Delivery access point details
 - o Location details of storage / loading / unloading of materials / plant areas
 - o Parking / turning facilities for construction staff / deliveries
 - o Location of site compound
 - o Delivery times of materials and plant
 - o Car parking facilities for construction staff
- Dust, Debris and Mud
 - o Screening and hoarding
 - o Preventative measures
 - o Dust suppression measures
 - o General and machinery
 - o Wheel wash facilities
 - o Road sweeping facilities
 - o Covering of dusty stockpiles
 - o Vehicles carrying dusty loads
 - o Dust monitoring
 - o Boundary checks

- o Monitoring of weather including wind speed and direction, dry conditions etc
- Noise and Vibration Control
- o Silencing of vehicles, plant and machinery
- o Mitigation measures for noisy operations
- o Operational hours
- o One way systems
- o Vehicle reverse alarms
- o Leaflet drops to noise sensitive premises
- Artificial Lighting
- o Hours of operation of the lighting
- o Location and specification of all of the luminaires
- o Level of maintained average horizontal illuminance for the areas that needs to be illuminated
- o Predicted vertical illuminance that will be caused by the proposed lighting when measured at windows of any properties in the vicinity
- o 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
- o Waste storage
- o Waste collection
- o Recycling
- o Waste removal

Reason

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

Drainage

05

Above ground development shall not be begun until details of the foul and surface water 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 site is connected to suitable drainage systems and to ensure that full details thereof are approved by the Local Planning Authority before any works begin and in accordance with Policy CS25 of the Local Plan.

Landscaping

06

Before the development is brought into use, a Landscape scheme along with final boundary treatment, showing location and types of landscape and boundary treatment, shall be submitted for approval by the Local Planning Authority. The Landscape scheme should be prepared in accordance with RMBC Landscape Design Guide (April 2014) and shall be implemented in the next available planting season and maintained to ensure healthy establishment. Any plants dying, removed or destroyed within five years of planting shall be replaced the following planting season.

Reason

To ensure the tree works are carried out in a manner which will maintain the health and appearance of the trees in the interests of the visual amenities of the area and in accordance with the Local Plan.

07

Prior to any above ground works, details of measures to be incorporated to discourage access to the site by off road vehicles and motorbikes shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented prior to the first use of the site.

Reason

To reduce the opportunities for anti-social behaviour on site and limit the impact on amenity of neighbouring properties in accordance with Local Plan Policy SP52.

Informatives

01

Biodiversity Net Gain

Unless an exception or a transitional arrangement applies¹, the effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition)” that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan in respect of this permission would be Rotherham MBC. Failure to submit a Biodiversity Gain Plan prior to the commencement of development will lead to formal enforcement action being considered, which could be in the form of a Temporary Stop Notice (that will require all development on site to stop, for a period of 56 days).

Biodiversity Gain Plan

The biodiversity gain plan must include/accompanied by:

- (a) information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;
- (b) the pre-development biodiversity value of the onsite habitat;
- (c) the post-development biodiversity value of the onsite habitat;
- (d) any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development;
- (e) any biodiversity credits purchased for the development;
- (f) any information relating to irreplaceable habitat making up onsite habitat
- (g) information about steps taken or to be taken to minimise any adverse effect of the development on, and arrangements for compensation for any impact the development has on the biodiversity of, any irreplaceable habitat⁴ present within the onsite baseline.
- (h) any additional information requirements stipulated by the secretary of state.

The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was

approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

1. do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
 2. in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.
- Listed exemptions from Statutory BNG and transitional arrangements can be found at Biodiversity net gain: exempt developments - GOV.UK (www.gov.uk)
 - The Statutory Biodiversity Gain Plan template can be found at <https://www.gov.uk/government/publications/biodiversity-gain-plan>
 - Minimum legal requirements for the Biodiversity Gain plan can be found at [https://www.legislation.gov.uk/ukpga/2021/30/schedule/14#:~:text=paragraph%2015\).-,Biodiversity%20gain%20plan,-14](https://www.legislation.gov.uk/ukpga/2021/30/schedule/14#:~:text=paragraph%2015).-,Biodiversity%20gain%20plan,-14)
 - Irreplaceable habitats for the purposed of Biodiversity Net Gain are defined by Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024. A full list of irreplaceable habitats can be found at <https://www.legislation.gov.uk/uksi/2024/48/schedule/made>
 - Additional information required is outlined by Articles 37C(2) [Non Phased] 37C(4) [Phased] of The Town and Country Planning (Development Management Procedure) (England) Order 2015 and may be subject to the nature of your application <https://www.legislation.gov.uk/uksi/2015/595#:~:text=Additional%20content%20of%20plan>
 - Where a Habitat Management and Monitoring Plan is required: <https://publications.naturalengland.org.uk/publication/5813530037846016>

02

Nature conservation protection under UK and EU legislation is irrespective of the planning system and the applicant should therefore ensure that any activity undertaken, regardless of the need for any planning consent, complies with the appropriate wildlife legislation. If any protected species are found on the site then work should halt immediately and an appropriately qualified ecologist should be consulted. For definitive information primary legislative sources should be consulted.

Furthermore, vegetation removal should be undertaken outside of the bird breeding season, March to September inclusive. If any clearance work is to be carried out within this period, a nest search by a suitably qualified ecologist should be undertaken immediately preceding the works. If any active nests are present, work which may cause destruction of nests or, disturbance to the resident birds must cease until the young have fledged.

03

Except in case of emergency, no operations shall take place on site other than between the hours of 0800 to 1800 hours Monday to Friday and between 0900 to 1300 hours on Saturdays. There shall 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 Planning Authority shall be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

Drainage

04

Surface Water Discharge From Greenfield Site:

The total surface water discharge from greenfield sites should be limited to green field run- off rates - up to 1 in 100 years storm + climate change. On site surface water attenuation will be required.

If the greenfield run-off for a site is calculated at less than 2 l/s/ha then a minimum of 2l/s can be used (subject to approval from the LPA)

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.

POSITIVE AND PROACTIVE STATEMENT

During the determination of the application, the Local Planning Authority worked with the applicant to consider what amendments were necessary to make the scheme acceptable. The applicant agreed to amend the scheme so that it was 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.

- 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, Deemed applications, Requests and Site Visits) (England) (Amendment) Regulations 2023, a fee is chargeable of £298 per request (or £86 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



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 Mining Remediation Authority on 0345 762 6846 or if a hazard is encountered on site call the emergency line 0800 288 4242.

Further information is also available on the Mining Remediation Authority website at: [Mining Remediation Authority - GOV.UK](https://www.mra.gov.uk)

Standing Advice valid from 1st January 2025 until 31st December 2026



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