

Report of the Director of Planning, Regeneration and Culture Service

**ITEM NO.    SUBJECT**

1            File Ref: RB2015/1379

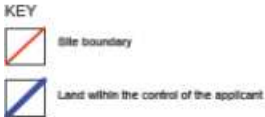
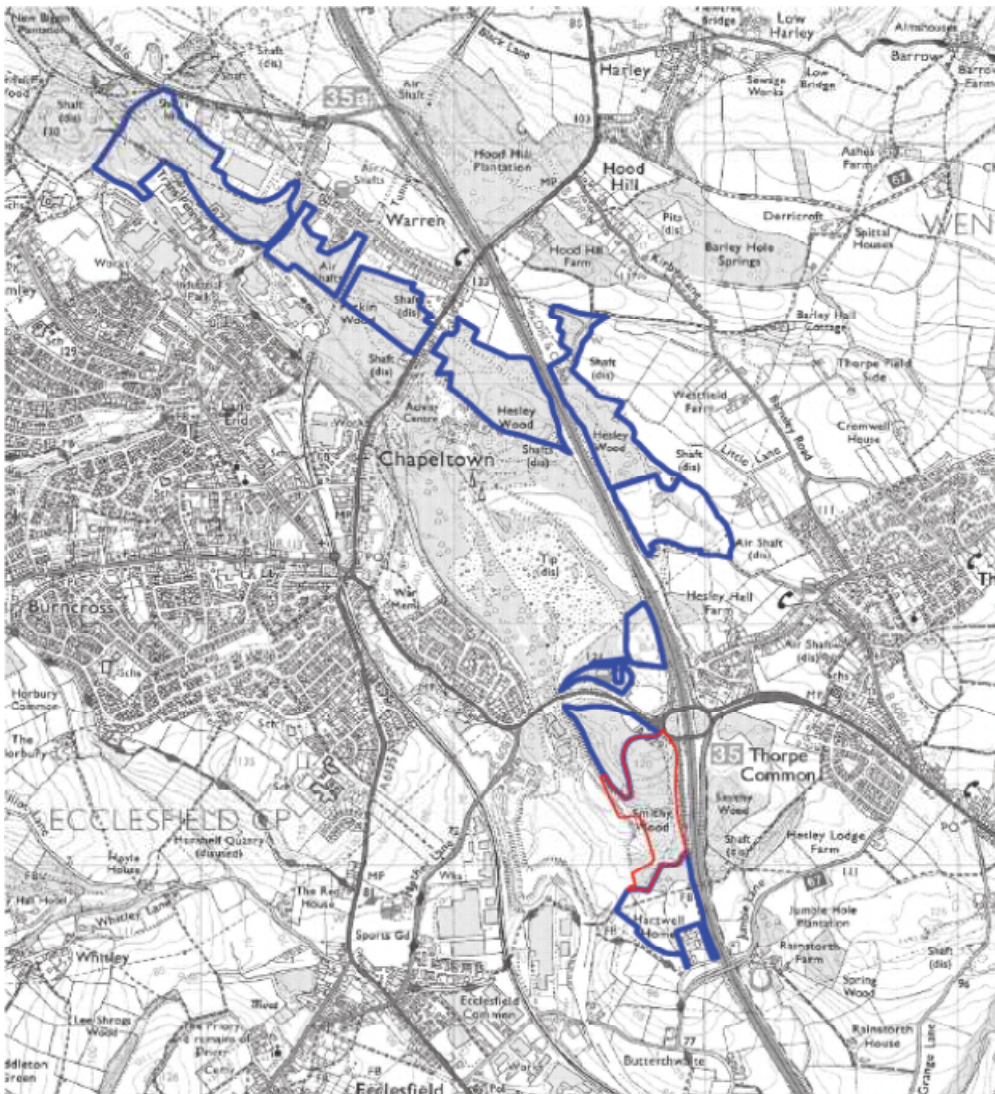
Courtesy Consultation for erection of a motorway service area including proposed facilities building, hotel, filling station, parking facilities for all vehicles, access and circulation internal roads, structured and natural landscaping with outside picnic space and dog walking area, associated infrastructure and earthworks (Town and Country Planning (EIA) Regulations 2011 Schedule 2 proposal) at Smithy Wood, Cowley Hill (Adjoining Junction 35 of M1 Motorway), Sheffield for Extra Motorway Service Area Group

2            Proposed Tree Preservation Order No 2 2015 – at land at 16 Turner Lane, Whiston, S60 4HY

Item 1

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**Courtesy Consultation for erection of a motorway service area including proposed facilities building, hotel, filling station, parking facilities for all vehicles, access and circulation internal roads, structured and natural landscaping with outside picnic space and dog walking area, associated infrastructure and earthworks (Town and Country Planning (EIA) Regulations 2011 Schedule 2 proposal) at Smithy Wood, Cowley Hill (Adjoining Junction 35 of M1 Motorway), Sheffield for Extra Motorway Service Area Group**



## **Recommendation:**

That Sheffield City Council be informed that the Council raise objections to the proposal due to the detrimental impact of the development on the ecology of Smithy Wood which is within Rotherham and the visual impact of the woodland clearing on views from the Borough.

## **Background**

This is a 'courtesy' consultation as required due to the close proximity of Rotherham Borough to the application site. RMBC are invited to provide SCC with comments on the application and the impact of the proposal on Rotherham in terms of such planning related issues as the environment, flooding, traffic and the vitality / viability of Rotherham town centre.

Rotherham MBC has been re-consulted on the above planning application submitted to Sheffield City Council after Sheffield City Council received amended information from the applicant, which includes:

- An addendum to the previously submitted Environmental Statement which covers
  - Ecology
  - Transport
  - Landscape
  - Noise
  - Drainage
  - Air quality
- Supplementary Planning Statement, which includes, amongst other things:
  - Advice from Counsel on interpretation of Circular 02/2013
  - Economic Impact Assessment
  - Employment Strategy
  - Job Creation Summary
  - Strategic Benefits Plan
  - Employment and Training Charter
  - Forestry Commission Assessment Guide Table
  - Two CGIs showing the indicative design of the facilities building
  - Woodland Ownership Plans
- Strategic Benefits Plan
- Engagement Report
- Updated Economic Development, Regeneration, Employment and Skills Report
- Technical Briefing Note

Sheffield City Council were informed in April 2014 that RMBC raised objections to the proposal due to the detrimental impact of the development on the ecology of Smithy Wood which is within Rotherham and the visual impact of the woodland clearing on views from the Borough, particularly from Thorpe Hesley, Wentworth and Kimberworth.

## **Site Description and Location**

The site is located north of Sheffield City Centre, adjacent to Junction 35 of the M1 motorway and directly adjacent to the Motorway Corridor. The administrative

boundary of Rotherham MBC is to the east of the site on the opposite side of the Motorway at Thorpe Hesley.

The site covers an area of approximately 10.76ha with the settlements of Chapeltown to the north-west, Ecclesfield to the south-west and Thorpe Common to the east. Rotherham town centre is located approximately 6km to the south-east.

The site is predominantly semi-mature woodland of varying quality, ranging from areas of established woodland dominated by mature trees, to regenerating areas of younger trees. An overhead line runs north to south across the site. In addition the site, in part, overlays ground previously disturbed by former mine working and includes several areas of spoil tips.

The site is irregular in shape, following the boundary of the motorway slip-road to the east and extending southwards to the edge of the woodland, demarcated by a timber fence. To the west, the boundary is mainly defined by a severe change in level between the woodland and Smithy Wood Business Park. The northern boundary of the site is demarcated by an area of woodland that sits to the south of the A629 'Cowley Hill'.

The site is at the southernmost tip of a local ridgeline that runs to the east of Chapeltown. Within the site, the land is lowest at the south-west corner raising in a north-east direction adjacent the motorway junction and the A629.

## **Proposal**

The application submitted to Sheffield City Council is seeking outline planning permission for the erection of a Motorway Service Area (MSA) including a proposed facilities building, hotel, petrol filling station, parking facilities for all vehicles, access and circulation internal roads, structured and natural landscaping with outside picnic space and dog walking area, associated infrastructure and earthworks.

The proposal comprises the following:

- Access and internal roads
- Earthworks
- Amenity Building
  - Approximately 3000 sq. metres of food court and ancillary retail
  - Toilet and shower facilities
  - Staff areas
- Petrol Filling Station
- Parking facilities for
  - 532 light vehicles
  - 64 HGV spaces
  - 13 coach spaces
  - 15 caravan spaces
  - 15 motorcycle spaces
- Hotel: 80 bedrooms
- Structured and natural landscaping that works with the contours of the site incorporating outside picnic space and dog walking area.

The applicant has indicated that once up and running it is likely that the proposal would employ between 250 – 300 full time equivalent jobs.

No elevation plans have been submitted as appearance is one of the matters reserved for later consideration.

A Planning Statement, Design and Access Statement, Environmental Impact Assessment, Sustainability Statement and Economic Report have been submitted to Sheffield City Council as part of the application.

The applicants are now also proposing to create two new woodland areas as part of the scheme. One area to the south of the application which falls within Sheffield occupies 6.96 hectares and it is proposed to relocate semi-mature, young and sapling oak trees from the application site onto this site. A series of interconnected and open 'rides' will be defined within this area.

The second area is to the south of Hesley Wood within the administrative boundary of RMBC. This area covers some 8.97 hectares and will be planted up with nursery grown sapling trees of local provenance and of similar composition to the adjacent woodlands. Once the young trees are established the woodland will be subject to minimal intervention and no public access will be encouraged. This is aimed at encouraging the development of a dense canopy / shrub layer, abundant deadwood and minimal human disturbance, of benefit solely to wildlife.

In addition to the above the applicant are also proposing other mitigation / compensation, which includes the following:

- Over 70ha (including 48.46ha of ancient woodland) of existing woodlands (Thornccliffe, Parkin and Hesley Woods and the remainder of Smithy Wood south-west) to be subject to a long term conservation management plan;
- Woodland management objectives and prescriptions to be secured by a specially created body of stakeholders;
- Broad woodland management objectives to increase the ecological diversity and recreational opportunities;
- The re-instatement of long rotation coppice management, where appropriate;
- The nomination of an Ecological Clerk of Works to ensure the necessary legal provisions and habitat creation objectives are met during the construction phase; and
- A series of compensatory habitat provisions targeted at specific groups / taxa and species in order to ensure the continued ecological functionality of the site for all receptors.

## **Consultations**

Streetpride (Transportation and Highways): Have indicated that the development is unlikely to have a material adverse impact on highways in the Rotherham.

Planning Policy: Have stated that the additional evidence addresses the need for the MSA and the alternative sites considered and is deemed acceptable. They also note that the proposed development will create a number of jobs should it proceed, and that given its location then there are likely to be job opportunities for the borough's residents.

Streetpride (Trees and Woodlands): Have the same concerns as those detailed by the consultant Ecologist.

Neighbourhoods (Air Quality): Have stated that there is likely to be a small increase in levels of air pollution.

Neighbourhoods (Environmental Health): Envisage no significant loss of amenity by virtue of noise, air quality or land pollution impact on the residents of Rotherham.

Consultant Ecologist (Doncaster): States that the development proposals would still have an adverse impact on the extent and quality of ancient and priority woodland habitats on the Rotherham side of Smithy Woods, which is contrary to national and local planning policy

## **Appraisal**

The site is within Sheffield's Green Belt and it will be up to Sheffield CC to assess the need, the loss of ancient woodland and whether the need and economic benefits outweigh any environmental impacts, such as the loss of some ancient woodland and potential impact on habitats. Furthermore, Sheffield as the determining authority will ultimately assess the development against the National Planning Policy Framework and Sheffield's adopted Development Plan.

This report has come back to Members to determine whether or not the proposed development within the Sheffield side of Smithy Wood would have an impact on traffic levels, visual amenity and the general environment of the Borough's residents and land and to consider the additional information that has been submitted.

Whilst it is not for this Authority to assess need it is of note that the Department of Transport on MSAs places an emphasis on smaller, more compact and more frequent MSAs. It refers to the 15 mile spacing as a minimum but this is qualified by the statement that it should be "a desirable aim from the transport point of view that spacing should be not much more than 30 miles".

It is also of note that the facilities which a service area would be expected to provide to justify signing from the motorway are parking, free toilets, picnic areas, fuel 24 hours a day and access for the disabled.

It should be noted that the applicant has considered alternative sites for the development, two of which are within Rotherham.

The first is land at J33 which has extant planning permission for a five storey 200 bedroom hotel and 350 parking spaces, landscaping and access road, with travel lodge, diner / restaurant and petrol filling station. As there are ongoing issues to resolve regarding access to this site there are concerns whether the extant plans are deliverable, as such the site has been discounted. Whilst the site is not within the Green Belt, it is considered that the broad reasoning for discounting the site is acceptable.

The second discounted site is land south-west of J35. The applicant's submitted assessment of alternative sites notes that "this is a mixture of farmland and wooded areas. As noted above, part of this quadrant has been identified as a site which should be safeguarded for residential development post 2028" It goes on to note that due to the proximity of nearby housing at Thorpe Hesley, there are likely to be local visual impacts. Development here would require a lesser amount of loss of ancient woodland; however other archaeological issues are identified. It concludes that it

would appear that the south-west quadrant has less potential for adverse impact than the south-east quadrant.

It is considered that the site is not an acceptable alternative location in this instance due to its close proximity to existing and potential residential development which would cause increased visual amenity issues and potentially more noise and general disturbance issues on residents of Thorpe Hesley.

Notwithstanding the above, it is for Sheffield CC to assess the need and alternative locations.

It is noted that should the development be brought forward it is likely some of the 300+ jobs it would create will be available to people living within the Rotherham area.

In terms of impact on the Borough's highway network it is noted that the only difference from the original Transport Assessment, which the Council's Transportation Unit were satisfied with is the signalisation of the motorway junction. This is unlikely to lead to any problems such as additional queuing. The junction will perform more efficiently than without the signals. Therefore, the Council's Transportation Unit have stated that they can see no reason to change our stance on highway grounds, and as such it is considered that the impact on the Borough's highway network will be negligible.

In terms of air quality impact of the proposal it is likely there will be a small increase in levels of air pollution, particularly nitrogen dioxide, in the area adjacent to the slip road to J35 of the M1 at Thorpe Hesley.

As RMBC do not currently employ an Ecologist, we have engaged the services of a consultant ecologist (from Doncaster Council) to consider the additional information. They have indicated that from the submitted information it is not clear whether the ecology survey work and impact assessment has considered the extent of Smithy Wood that is within RMBC, which is also ancient woodland and a local wildlife site. The reduction of ancient woodland should be considered to have an adverse impact on the integrity of the wider woodlands, including that within RMBC.

In light of the above and together with the woodland clearing required to facilitate the development it is considered that the proposal would have an adverse impact on the extent and quality of ancient and priority woodland habitats within the Rotherham section of Smithy Wood, which is contrary to national and local planning policy. Smithy Wood is bisected by the motorway but the habitat quality and green infrastructure provision of the entire woodland resource is significant. The reduction in area and quality of one element of Smithy Wood should be considered to have an adverse impact on the wider woodland resource. Compensatory planting of new woodland can not adequately mitigate for loss of irreplaceable habitat.

It is noted that the developer is proposing to create a larger woodland area within RMBCs administrative boundary at Hesley Wood which is to the north-east of the application site and north of Smithy Wood within Rotherham as a mitigation / compensation measure. The improved woodland at Hesley Wood is recognised and welcomed and would ultimately be a benefit to Rotherham, but given its distance from the application site and the Rotherham section of the ancient woodland at Smithy Wood, it is unlikely to outweigh the adverse impact the development would have on the habitats at Smithy Wood within Rotherham.

In addition, the applicant has carried out an exercise whereby a number of locations within Rotherham were visited and photos taken of views out of the Borough towards the area of Smithy Wood where the MSA will be sited. Although no elevation drawings have been submitted as part of this outline application it is considered that the extent of woodland clearing that is to take place would have an impact on views from the Borough. It is noted that the applicant is proposing some replanting as part of a mitigation / compensation package, but at present no plans / viewpoints have been put forward to show how it will help screen the views for the MSA from within the Borough and therefore this is still a concern. However, it may be overcome should the application proceed to a detailed submission, where further details would be available.

## Conclusion

Having regard to the above it is concluded that the impact of the development on Rotherham will be detrimental in terms of impact on the ecology of Smithy Wood that is within Rotherham and the visual impact of the woodland clearing on views out of the Borough. As such it is considered that RMBC should raise objections to the proposals.

### Item 2

**Proposed Tree Preservation Order No 2 2015 – at land at 16 Turner Lane, Whiston, S60 4HY**



### RECOMMENDATION:

**That Members confirm the serving of Tree Preservation Order No. 2 (2015), at land at 16 Turner Lane, Whiston, Rotherham, S60 4HY under Sections 198 and 201 of the Town and Country Planning Act 1990.**



## Background

A six weeks' notice application was submitted in April 2015 (ref: RB2015/0505) to fell a Silver Birch Tree within Whiston Conservation Area.

The Council's Tree Service Manager inspected the tree and reported that the tree met the requirements to be protected by a new Tree Preservation Order. It is noted that outwardly the tree was in reasonably good condition despite some severe and inexpert pruning carried out in 2001. It is clearly visible in the street scene and its removal will result in an adverse impact on amenity and the character of the Conservation Area. The problems of shading that was reported by the owner of the property to the front appeared minor and no evidence had been submitted to substantiate the reasons to fell it due to disturbance to the surface of the driveway and the front boundary wall.

As such, a new Tree Preservation Order was made in June 2015 and placed on the Silver Birch detailed above under a ref: No. 2 2015. All interested parties were notified and objections have subsequently been received.

## Objections

The objection to the making of this order was received from the applicant Mr. Bruty-Brown dated 20 August 2015.

The main parts of the objection appear to be as follows:

- The Order was made outside the 6 weeks' notice of intent
- Damage to driveway and stone boundary wall
- Threat to property, 3m from front door and further pruning will not suffice
- Other trees in the street have been removed for the same reason
- Conservation is about protection and restoration of cultural heritage – removal of tree will help towards the streets original historical state

## Councils Tree Service Managers Report

The Trees Services Manager has considered the objection raise and in response states:

### 1. The Order was made outside the 6 weeks' notice of intent

A six weeks' notice of intent to fell the Silver Birch tree concerned was submitted on 28 April 2015. The notice expired on 9 June 2015. If a Tree Preservation Order is justified in the interests of amenity a new Order should preferably be made within six weeks of the date of the notice. The expiration of six weeks notification period does not prevent the Local Authority from including tree(s) in a new Order. However, because the applicant is informed in an acknowledgement letter that the proposed work may proceed if they have not been contacted at the end of the 6 weeks notification period, the future prospects of the tree and the amenity it provides will be at risk until the Order is served.

### 2. Damage to driveway and stone boundary wall

An inspection confirms there is evidence of disturbance to the block paved driveway at the property and the 1.1m high old stone boundary wall. At present the extent of the

disturbance appears minor and no evidence has been submitted to implicate the tree as the main cause of damage or a significant contributing factor and show that the driveway and wall cannot be repaired without removing the tree. In addition, it is noted that there is a well maintained 2m high Beech hedge behind the wall and its involvement with the current difficulties cannot be ruled out at this stage.

### 3. Threat to property, 3m from front door and further pruning will not suffice

The tree is positioned 4.15m and 5.25m from the porch and front elevation of the property respectively. Its branch spread is 5m north, 5.5m south, 4m west and 5.5m east as indicated on the attached diagram. The lowest overhanging branches are 2.15m above ground level over the driveway and there appears to be adequate clearance between the tree branches and the apex of the porch and gutter of the dwelling of approximately 2m and 1 to 1.5m respectively.

Despite its proximity to the dwelling it does not appear to be causing serious difficulties of shading. If retained a small amount of pruning to provide adequate height clearance above the driveway e.g. 2.5m may be required at this time. In addition it appears minor pruning may also be possible in the future to maintain adequate clearance from the roof of the porch and the dwelling.

### 4. Other trees in the street have been removed in the past for the same reason

It is accepted that other trees have been removed but not for the sole reason of a threat to the property and where they met all the criteria for inclusion within a TPO.

Previous notifications in the area have been as follows.

RB2001/1112 – Notification to fell a Sycamore tree at 15 The Green. The loss of this tree was accepted as it was beginning to outgrow the limited space and contain existing defects that would limit its future prospects. For these reasons, it did not meet all the criteria for inclusion within a TPO.

RB2006/1009 – Notification to fell one conifer and two sycamore trees at 14 Turner Lane. The future prospects of the Sycamores were likely to be limited due to their close proximity to adjacent property with existing defects and in-expert pruning. The Cypress contributes to overall amenity but it does not provide valuable and important amenity. For these reasons none of the trees concerned met all the criteria for inclusion within a new Tree Preservation Order to prevent their removal.

RB2009/1125 - Notification to fell a Weeping Willow tree at 4 Turner Lane. The loss of this tree had been accepted as part of a previous application for an extension to the property RB2009/0816.

RB2011/1018 - Notification to fell 2 Sycamore trees at 12-14 Turner Lane – not supported Tree Preservation Order made.

### 5. Conservation is about protection and restoration of cultural heritage – removal of tree will help towards the streets original historical state

A Conservation Area is an area of special interest, the character of which should be preserved or improved for local benefit. Trees often contribute to the overall character of a Conservation Area and their removal may be harmful to the character of the area

even when there is good reason to remove them. For this reason it is important to maintain a diverse range of species and age of trees to help maintain a good level of amenity and associated benefits. It is accepted that the tree concerned is a relatively recent addition to the street scene. Indeed, discussions with Mrs Bruty-Brown reveal it was planted by a relative in the past. However, removing it to replicate a historical view of the street does not help to preserve the overall character of Whiston Conservation Area.

### Conclusions

No evidence has been provided to substantiate the reasons not to confirm the Order.

It is therefore considered that the main objections to the Order have been carefully assessed and the Order has been made in accordance with Government guidelines. In this instance, it is recommended the Order is confirmed without modification.