

Report of the Director of Planning and Regeneration Service

ITEM NO. SUBJECT

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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

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ROTHERHAM METROPOLITAN BOROUGH COUNCIL PLANNING REGULATORY BOARD

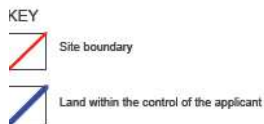
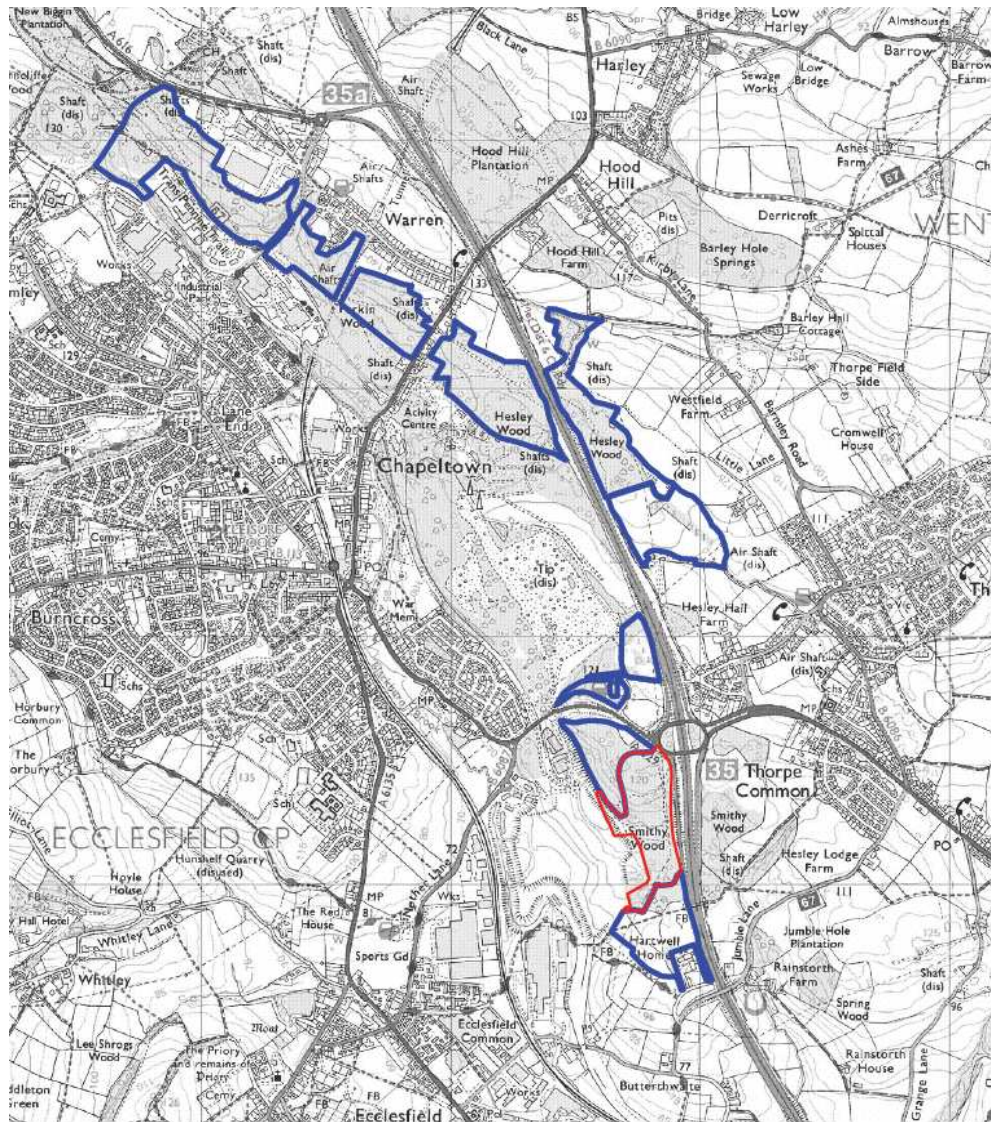
PLANNING AND REGENERATION SERVICE

REPORT TO COMMITTEE
28TH JANUARY 2016

Item 1

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




 M1 J35 Motorway Services
 Site Location Plan

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 etc.

Rotherham MBC has been re-consulted on the above planning application submitted to Sheffield City Council amended information was supplied by 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
 - 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

Members may recall that Sheffield City Council were informed in April 2014 that RMBC raised objections to the original proposal due to what was considered to be a 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. Additional information has now been submitted which is why we have been re-consulted.

Site Description & 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 internal circulation 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 this is an outline application and 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 and 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 is also proposing other mitigation / compensation, which includes the following:

- 88ha of woodland to be subject of 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: 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 (Tree Service Manager): Has raised concerns and reservations regarding the proposals due to the adverse impact this may have on local amenity and, in particular the direct loss of ancient woodland and the subsequent adverse impact this may have on remaining ancient woodland in both the short and long term.

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 is inappropriate development. As the decision maker Sheffield CC will have to look at the policy implications of this and balance the need and economic benefits of this proposal against the loss of ancient woodland and potential impact on habitats to consider if very special circumstances exist to outweigh the harm to the Green Belt and any other harm. 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 in Rotherham on traffic levels, visual amenity and the general environment and to consider the additional information that has been submitted most notably that which is contained within the strategic benefits plan.

Whilst it is not for this Authority to assess need, it is of note that the Department of Transport (Circular 02/13) on MSAs places an emphasis on smaller, more compact and more frequent MSAs. At paragraph B6 it states the Highways Agency recommends that the maximum distance between motorway service areas should be no more than 28 miles or 30 minutes driving time. It is of note that there is approximately 27.4 miles between Woodall Services (between J30 and 31) and Woolley Edge Services (between J38 and J39) which, without any traffic problems would take approximately 33 minutes. This is clearly on the cusp of acceptability in terms of distance but outside the recommended driving times even in favourable conditions. This is

much worse during peak times when the journey time between the service areas far exceeds 30 minutes. However, 'need' in itself does not form an absolute and this is just one consideration when determining the application.

It is also noted that the facilities which a service area would be expected to provide to justify signing from the motorway are that they should be open 24 hours a day, 365 days a year, free parking for up to 2 hours minimum, free toilets, shower and washing facilities for HGV drivers, hot drinks and food available between 8am and 8pm, fuel 24 hours a day, access for the disabled and access to a cash operated telephone.

As part of the application the applicant has provided information on the consideration of 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 although it is recognised that this site would seem to be the only possible location for a new motorway service area within the area that is not compliant with recommended travel time.

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, particularly in those areas adjacent to the site. Although, the supporting documents state that Extra will also consider partnering with other appropriate local agencies that Sheffield City Council may recommend to

maximise the number of people who feel able to access the opportunities available. It is therefore difficult to assess how many jobs residents of Rotherham will obtain at this stage. A similar initiative with RMBC would be beneficial.

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 as 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.

The main issue for RMBC and that to which an objection was originally raised is that the proposal will involve the direct loss of approximately 5.47 hectares of the Sheffield side of Smithy Wood, designated as semi natural ancient woodland. Ancient woodlands are irreplaceable and their removal is contrary to national and local planning policy unless the need for, and benefits of the development in that location clearly outweigh the loss.

Semi-natural ancient woodlands have an intrinsic value of being irreplaceable, as discussed at paragraph 118 of the NPPF and there should not be a graduated approach to the quality of semi-natural ancient woodlands as this ignores the evaluation that the NPPF gives.

The current standing advice from Natural England and the Forestry Commission within the document 'What Planning Authorities should consider for developments near ancient woodland and veteran trees' under the sub-section 'Avoid, reduce or compensate for the impacts' states:

"Planning authorities and developers should start by looking for ways to avoid the development affecting ancient woodland or veteran trees e.g. by redesigning the scheme. In assessing development proposals, planning authorities must decide on the weight to be given to ancient woodland and veteran trees in individual cases.

If the planning authority decides to grant planning permission in line with the National Planning Policy Framework, it should seek appropriate mitigation or compensation from the developer. As ancient woodland and veteran trees are irreplaceable, discussions on compensation should not form part of the assessment of the merits of the development proposal.

The planning authority should use planning conditions or obligations to secure these mitigation or compensation measures and subsequent ecological monitoring.”

The Tree Service Manager has stated that at present it appears 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. As a result the reduction of ancient woodland on the Sheffield side of Smithy Wood should be considered to have an adverse impact on the integrity of the wider woodlands, including that within RMBC. For this reason, and the loss of an “irreplaceable habitat” it is difficult to support the application in principle. However, if the benefits in terms of road safety, jobs etc. outweigh the damage that building a MSA would cause, the proposed compensation package will need careful consideration.

The question really is does the identified need for the new motorway service area outweigh the loss of the ancient woodland, and if so is the package of mitigation and compensation adequate to offset the loss of what is an irreplaceable natural resource.

It is noted that the creation of 2 new woodlands, including 8.97 hectares within the administrative boundary of RMBC to the south of Hesley Wood, and the funding for and pro-active management of approximately 88ha of existing woodland adjacent to the M1 will no doubt provide some benefits to the environment and local residents in the future and this would be welcomed.

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 they agree that it is not clear whether the ecology survey work and impact assessment has considered the extent of Smithy Wood that is within RMBC. However, they consider that the reduction of ancient woodland on the Sheffield side of Smithy Wood should be considered to have an adverse impact on the integrity of the wider woodlands, including that within RMBC. The applicant disagrees with this and suggests that the two areas of ancient woodland, which are bisected by the Motorway and associated northbound and southbound slip roads, do not have any relationship with each other and should be seen as two separate entities.

Additionally assessing the current quality of ancient woodland does not consider the regenerative capacity of these ‘downgraded areas’. Ancient woodlands are complex ecological entities and a botanical assessment of indicator species should not be used to downgrade large areas (78%) of Semi-natural ancient woodland that would be lost.

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. Whilst it is recognised that a significant mitigation and compensation package has been offered it is considered that this does not outweigh the loss of irreplaceable ancient woodland and habitat and there is a clear disagreement about how the impact on the ancient woodland on the Rotherham side of the motorway is affected.

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, these 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 the 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. Whilst the mitigation and compensation being offered by the applicant are welcomed, there does not appear to have been any evaluation of the impact on Smithy Wood that is within RMBC and as such it is considered that RMBC should raise objections to the proposal.

Item 2

Proposed Tree Preservation Order No 4 2015 – at The Brecks Beefeater and Travel Inn, East Bawtry Road, Brecks, Rotherham, S65 3JG



RECOMMENDATION:

That Members confirm the serving of Tree Preservation Order No. 4 (2015) with regard to various trees subject of this report, situated within the curtilage of The Beefeater Inn, East Bawtry Road, Brecks, Rotherham, S65 3JG under Section 198 and 201 of the Town and Country Planning Act 1990.

Background

The Council received an enquiry from an adjacent landowner in June 2015 regarding possible future work to be carried out to a number of unprotected trees along the northern boundary of the Brecks Beefeater Hotel site in Brecks. The Council's Tree Services Manager visited the area and an initial inspection indicated the site contained trees that appeared to meet all the criteria for inclusion within a new Tree Preservation Order. It was recommended that the trees concerned should be at least as a holding measure, protected as they were not subject to any existing Tree Preservation

Order nor were they within a Conservation Area. As such a TPO was placed on the trees and notifications were sent out.

A Local Planning Authority may make a TPO if it appears expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area. When confirming the TPO the LPA is required to take into account all duly made objections and representations and the TPO may be confirmed either:

1. Without modification, or
2. Subject to modifications as they consider expedient, or
3. Not to confirm the TPO

The decision on confirmation should be made within 6 months from the date the Order was made, otherwise a new Order has to be served.

In the interim and to ensure the trees are safeguarded a new TPO (ref. No. 4 2015) was placed on the site on 19 August 2015 and all interested parties notified. As the land to the north has been subject to multiple and conflicting land ownership records from the Land Registry, additional notifications took place on 12th November 2015.

Following this one objection was subsequently received.

Objections received

An objection to the making of this order was received from Stephen Waterson (Arboriculturist employed Whitbread Group PLC the owners of Brecks Public House and Premier Inn), dated 21 October 2015.

The objection can be summarised as follows:

- An alternative Tree Survey has been submitted with regard to the advice in "Tree Preservation Orders; A Guide to the Law and Good Practice (2006)".

This has taken into account the following guidance :-

i. Visibility: the extent to which the trees or woodlands can be seen by general public

ii. Individual impact: the mere fact that a tree is publicly visible will not itself be sufficient to warrant a Tree Preservation Order. The LPA should also assess the tree's particular importance by reference to its size and form, its future potential and any special factors such as its rarity, value as a screen or contribution to the character or appearance of a conservation area.

iii. Wider impact: the significance of the trees in their local surroundings should also be assessed, taking into account how suitable they are to their particular setting, as well as the presence of other trees in the vicinity.

- A visual tree inspection was carried out on 11 October 2015. This concludes that the Council's TEMPO assessment has inflated individual tree and tree group scores resulting in an unjustified decision to serve a Tree Preservation Order on trees that are of very limited amenity value.

The survey details provided include 1No. Horse Chestnut, 7No. Hawthorn, 10No. Field Maple and 1No. Sycamore. With the exception of Sycamore T6 trees T1 – T5, T7 – T13 and G1 contain significant defects, are of inferior quality or have a relatively short term life expectancy. It would seem entirely reasonable therefore to anticipate these trees would only remain viable for 0 to 10+ years.

Using the TEMPO approach all trees with the exception of the Sycamore T6 received cumulative scores ranging between 6 and 9 well below the level of 12 at which point a TPO is considered defensible.

- An alternative study was also submitted.

Appraisal

The objection to the order would appear to be based on a detailed survey of the 13 individual trees and the single group of trees, together with individual TEMPO scores for each tree and the tree survey categories in accordance with BS 5837 Trees in Relation to Design, Demolition and Construction. The results of the survey, together with a comparison of the score given by the Council's Tree Service Manager, are indicated in the following table.

Tree Number	Species	Estimated remaining contribution	Amenity category utilising BS 5837 classifications	Objectors TEMPO cumulative figure	Council Individual TEMPO figure
T1	Horse Chestnut	5–10	C1	8	5
T2	Hawthorn	10+	C2	9	11 (12)*
T3	Field Maple	10+	B1	9	6
T4	Hawthorn	10+	C2	9	11 (12)*
T5	Hawthorn	10+	C2	9	11 (12)*
T6	Sycamore	20+	B2	12	12
T7	Field Maple	10+	C2	8	8
T8	Hawthorn	10+	C2	9	9
T9	Hawthorn	0-10	U	6	5
T10	Hawthorn	0-10	U	6	8
T11	Field	10+	C1	9	8

	Maple				
T12	Field Maple	10+	C1	9	8
T13	Hawthorn	10+	C1	8	11 (12)*
G1	Field Maple x 5	0-10	U	6	6

* A score of 12 is given if the retention span is evaluated as 20+ years

The original evaluation was completed for the trees as a 'group' rather than individually and the scores given as an average for all the trees concerned. The initial inspection was also undertaken outside of the site boundaries and a detailed assessment of each tree's condition was not possible at that time. As a result, it is accepted that due to the reduced condition of some of the trees concerned and their limited future prospects, the original evaluation has resulted in a higher average figure compared with individual evaluations of each tree concerned. Indeed, in response to the objection each tree has been individually evaluated and the reassessment score for each tree / group is given within the above table. This indicates that only T6 clearly achieves a score of 12 indicating a Tree Preservation Order is defensible. However, T2, T4, T5 and T13 achieve 11 points, almost qualifying for protection.

The loss of all the trees from the site would no doubt result in a significant loss of amenity and associated screening, particularly to the residents of nearby properties who overlook the site, as well as any associated environmental benefits. At present, the Council is not aware of any evidence to indicate the owners intentions to remove them or not. Indeed, if the owner provides an assurance that there is no intention to remove any of the trees unless this is, or becomes necessary due to their reduced condition, the future prospects of the trees would not be under threat. However, without this assurance it is felt that at the least the better amenity trees with reasonable future prospects should be protected. This includes the 4 Hawthorns as it is possible their retention span could be over 20 years rather than less than 20 years. Therefore, it is recommended that the Order is confirmed with modification to only include T2, T4, T5, T6 and T13.

Conclusions

Collectively, the trees are a significant landscape feature and provide valuable and important amenity and their retention will help to preserve the character of the Brecks pub and the surrounding area.

However, in this instance evidence has been provided to substantiate the reasons not to confirm the Order as it stands. The Council is content that the objection to the Order has been carefully considered and the Order has been made in accordance with Government guidelines. It is therefore recommended that the Order is confirmed with modification as detailed above and a minor modification to the site location plan.