

**PLANNING BOARD
19th December, 2019**

Present:- Councillor Sheppard (in the Chair); Councillors Atkin, D. Cutts, M. Elliott, Jarvis, McNeely, Sansome, Short, Steele, John Turner, Walsh and Williams.

Apologies for absence:- Apologies were received from Councillors Bird and Tweed.

The webcast of the Planning Meeting can be viewed at:-

<https://rotherham.public-i.tv/core/portal/home>

58. DECLARATIONS OF INTEREST

Councillor Walsh declared a Personal Interest in TPO 2019/08 (Proposed Tree Preservation Order, Ulley Recreation Ground, Poynton Way, Ulley) as he had liaised extensively with Ulley Parish Council and several residents. He would neither speak or vote on this matter.

59. MINUTES OF THE PREVIOUS MEETING HELD ON 21ST NOVEMBER, 2019

Resolved:- That the minutes of the previous meeting of the Planning Regulatory Board held on Thursday, 21st November, 2019, be approved as a correct record of the meeting.

60. DEFERMENTS/SITE VISITS

There were no site visits or deferments recommended.

61. DEVELOPMENT PROPOSALS

Resolved:- (1) That, on the development proposals now considered, the requisite notices be issued and be made available on the Council's website and that the time limits specified in Sections 91 and 92 of the Town and Country Planning Act 1990 apply.

In accordance with the right to speak procedure the following people attended the meeting and spoke about applications listed below:-

- Demolition of existing dwellinghouse and erection of 8 No. apartments at land rear of 26 St. Albans Way, Wickersley (RB2019/1279)

Mrs. M. Godfrey, on behalf of Wickersley Parish Council (Objector)

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- Change of use to mixed use of a house in multiple occupation with an ancillary office (use class Sui Generis) at 106 Broom Lane, Broom, Rotherham (RB2019/1332)

Mr. B. Keegan (Applicant)
Mr. K. Spafford (Objector)
Mrs. I. Spafford (Objector)

- Proposed back-up electricity generation facility, Old Doncaster Road, Wath upon Dearne (RB2019/1549)

Mr. G. White (Applicant)
Ms. C. Clark (Objector)

- Application to vary condition 01 (approved plans to allow installation of roof lights and rooms in the roofspace) and to vary condition 06 (no roof lights shall be inserted in roof slope) as imposed by RB2018/1841 at Plot 1, 56 Goose Lane, Wickersley (RB2019/1575)

Mr. Mitchell (Objector)
Mr. D. Bowser on behalf of the Gill Close and Haycroft Residents Association (Objector)

(2) That applications RB2019/1244, RB2019/1279, RB2019/1332, RB2019/1549 and RB2019/1575 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report.

(3) That, subject to the signing of the related legal agreements, application RB2019/1350 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report.

(4) That application RB2019/1468 be granted subject to the following amended condition:-

No. 3

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.

62. PROPOSED TREE PRESERVATION ORDER NO. 6 2019 - NEW HOUSE, MOORGATE GROVE, ROTHERHAM

Consideration was given to a report of the Assistant Director of Planning, Regeneration and Transport concerning the proposed confirmation and serving of a Tree Preservation Order without modification with regard to the Lime tree and 2 Sycamore trees which were the subject of this report, situated on land at New House, Moorgate Grove, Broom Valley, Rotherham, under Section 198 and 201 of the Town and Country Planning Act 1990.

The 3 trees were protected by Moorgate Conservation Area.

A Section 211 Notice to carry out works to fell a Lime tree and a Sycamore tree and to prune a Sycamore tree were submitted under application reference RB2019/0948. The intended pruning work was to leave a tree of 15m height and 12m crown spread. The applicant stated that the trees overlapped the house and caused shade and damp and allowed squirrels to enter the roof.

It was considered the proposed work would adversely affect their appearance and result in a loss of amenity to the conservation area. As such, a Tree Preservation Order was placed on the trees under a new TPO No. 2 2019 on 18th July, 2019 and all interested parties notified.

The report detailed the objections to the making of this Tree Preservation Order and also made reference to the overshadowing caused by the trees, damage to a boundary wall, overhanging branches that would impede the use of driveway and the feeling that TPOs deterred owners from maintaining their trees.

The report detailed the comments by the Tree Service Manager who had considered the objections raised and concluded that the trees were of good quality and provided an excellent level of amenity to the local area. Two of the trees required pruning works to alleviate encroachment onto the property.

The objections to the Order had been carefully considered and that the Order had been made in accordance with Government guidelines.

Resolved:- (1) That the report be received and its contents noted.

(2) That the serving of Tree Preservation Order No. 6, 2019, be confirmed without modification with regard to the Lime tree and 2 Sycamore trees subject of this report, situated on land at New House, Moorgate Grove, Broom Valley, Rotherham under Section 198 and 201 of the Town and Country Planning Act 1990.

63. TREE PRESERVATION ORDER NO. 8 2019 - ULLEY RECREATION GROUND, POYNTON WAY, ULLEY

Consideration was given to a report of the Assistant Director of Planning, Regeneration and Transport concerning the proposed confirmation and serving of a Tree Preservation Order with modification with regard to the Sycamore (as opposed to a Norway Maple) which was the subject of this report, situated at Ulley Recreation Ground, Poynton Way, Ulley, Rotherham, under Section 198 and 201 of the Town and Country Planning Act 1990.

On 10th July, 2019, Ulley Parish Council applied under a Six Weeks Notice of intent application to fell 2 No. Sycamore trees within Ulley Conservation Area at Ulley Recreation Ground. The Parish Council considered that the trees needed to be felled for safety reasons.

The Council's Tree Officer inspected the trees and considered that the eastern most tree was in poor health with limited future prospects and, therefore, the felling of the tree was acceptable.

In terms of the western most tree, whilst it had suffered some minor storm damage, it was not considered detrimental to the overall health of the tree and warranted protection.

7 letters in support of the Tree Protection Order had been submitted.

The report detailed the objections made by Anderson Tree Care, appointed by Ulley Parish Council, to the making of this Tree Preservation Order who felt that the TPO had been very badly served with the plan insufficiently accurate, the identification of the tree incorrect and that the TPO was not justified; the Tree Evaluation Method for Preservation Orders (TEMPO) system was not a system of amenity valuation and had it been applied properly the tree would not have reached TEMPO's protection justification-threshold.

In accordance with the right to speak procedure, 2 objectors attended the meeting and spoke about this proposed Order.

The report detailed the comments by the Tree Service Manager who had considered the objections raised. It was accepted that the species of the tree had been mis-identified and would be updated if the TPO was confirmed. However, it did not alter the appropriateness of the TPO as the tree still provided excellent levels of amenity and inadequate justification had been provided for its removal.

The location of the Sycamore tree to be protected was accurately marked on the TOP plan and, given the linear formation of the tree row, there could be no confusion as to the tree selected.

It was industry standard to use TEMPO; currently there was no widely recognised alternative and misuse was subjective.

No evidence of damage to the property had been presented/suggested. The crown was within 2m of the property, however, an acceptable clearance could be maintained through appropriate pruning.

The tree was a community asset of significant amenity value that passed the Council's criteria for protection.

The tree on site was of good quality and provided a good level of amenity to the local area. The objections to the Order have been carefully considered and considered that the Order had been made in accordance with Government guidelines. In this instance, it was recommended that the Order be confirmed following modification by way of identifying the tree as a Sycamore as opposed to a Norway Maple.

Resolved:- (1) That the report be received and its contents noted.

(2) That the serving of Tree Preservation Order No. 6, 2019, be confirmed following modification by way of identifying the tree as a Sycamore as opposed to a Norway Maple at Ulley Recreation Ground, Poynton Way, Ulley, Rotherham, under Section 198 and 201 of the Town and Country Planning Act 1990.

64. PROPOSED TREE PRESERVATION ORDER NO. 9 2019 - 11 CHURCH CORNER, LAUGHTON-EN-LE-MORTHEN, ROTHERHAM

Consideration was given to a report of the Assistant Director of Planning, Regeneration and Transport concerning the proposed confirmation and serving of a Tree Preservation Order without modification with regard to the Pine tree which is the subject of this report, situated on land within the curtilage of 11 Church Corner, Laughton-en-le-Morthen, Rotherham under Section 198 and 201 of the Town and Country Planning Act 1990.

The Pine tree was protected by Laughton-en-le-Morthen Conservation Area.

A Section 211 Notice to carry out works to fell the Pine tree was submitted under application reference RB2019/1272. The tree was in a good condition with no significant defects and no evidence found to suggest it was causing damage to structures.

It was considered that the felling of the tree would result in a loss of amenity to the Conservation Area. As such, a Tree Preservation Order was placed on the tree under a new TPO No. 9 2019 on 19th September, 2019 and all interested parties notified.

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The report detailed the objection to the making of this Tree Preservation Order and also made reference to it only being 2 points over the Tree Evaluation Method for Preservation orders (TEMPO), the tree was unsafe, public visibility, expediency and nearby trees.

No right to speak request had been received.

The report detailed the comments by the Tree Service Manager who had considered the objections raised and concluded that the tree was of good quality with no significant defects and no evidence found to suggest it was causing damage to structures. The tree was visible from the road side and adjacent public spaces and provided good levels of public amenity.

The objections to the Order had been carefully considered and that the Order had been made in accordance with Government guidelines.

Resolved:- (1) That the report be received and its contents noted.

(2) That the serving of Tree Preservation Order No. 9, 2019, be confirmed without modification with regard to the Pine tree situated on land within the curtilage of 11 Church Corner, Laughton-en-le-Morthen, Rotherham under Section 198 and 201 of the Town and Country Planning Act 1990.

65. UPDATES

There were no updates to report.

66. DATE OF NEXT MEETING

Resolved:- That a further meeting be held on Thursday, 16th January, 2020, commencing at 9.00 a.m.