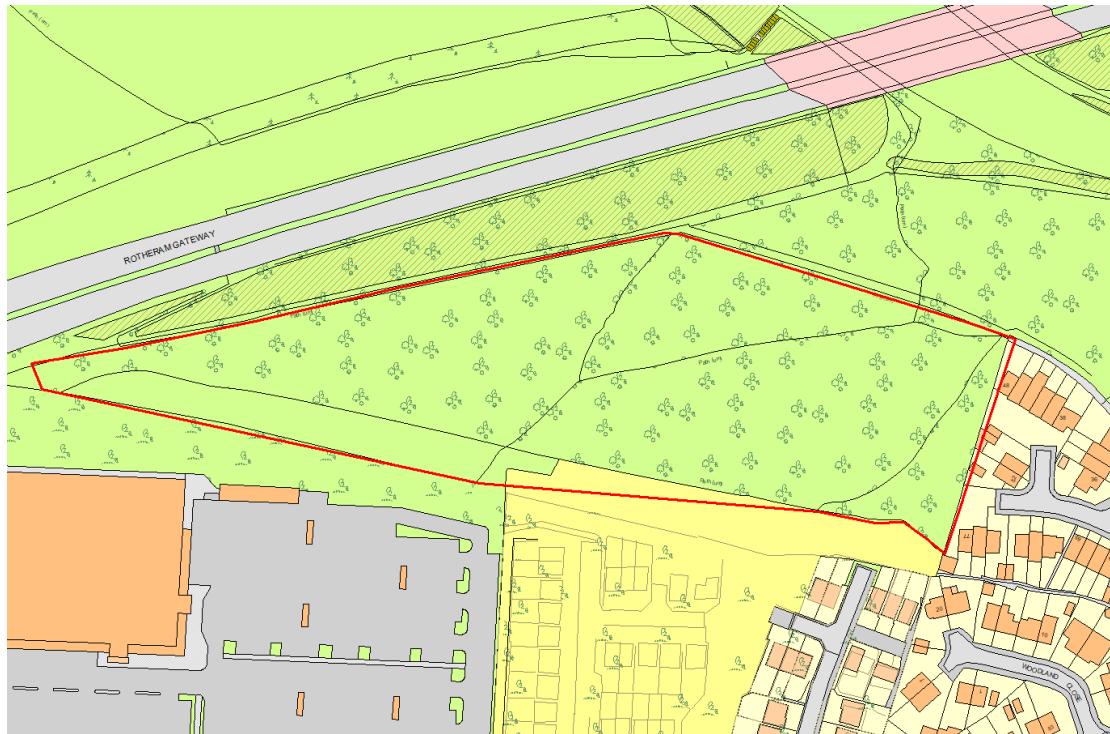


<b>Application Number</b>	RB2021/0598 <a href="https://rotherham.planportal.co.uk/?id=RB2021/0598">https://rotherham.planportal.co.uk/?id=RB2021/0598</a>
<b>Proposal and Location</b>	Felling of trees protected by TPO No. 3 2016, land West of Blue Mans Way, Catcliffe
<b>Recommendation</b>	That consent be granted conditionally

This application is being presented to Planning Board due to the number of objections received.



### Site Description & Location

The application site comprises a total of approximately 2.66 ha (6.56 acres) of land located off Blue Mans Way Catcliffe. The site is currently an area of informal greenspace, which contains semi mature trees. The site is bounded to the north/north-west by the Sheffield Parkway A630, and to the south is a Morrisons supermarket and a new Barratt Housing estate which is currently half complete.

To the east of the site are residential properties located off Blue Mans Way which currently form part of the western edge of Catcliffe whilst to the north east is a further area of open land, allocated for Green Space purposes.

The site contains many trees that are protected by TPO No. 3 2016, following a previous application to develop the site for housing.

### Background

RB2014/1342 - Outline application for the erection of up to 64 dwellinghouses with details of access – REFUSED. Allowed at appeal 08/02/2017.

RB2017/1570 - Application to fell & prune various trees protected by RMBC Tree Preservation Order No. 3 2016 - GRANTED CONDITIONALLY

RB2021/0042 - Application to undertake works to a trees protected by RMBC Tree Preservation Order No.3, 2016 – REFUSED for the following reason:

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The trees form a woodland that has been judged to provide significant amenity to the local area. The felling of the trees to carry out an archaeological survey will see a significant proportion of the amenity removed and not replaced. As a result, the works will not be in the interests of the trees' health or the local area's amenity.

RB2021/0037 – Erection of 76 dwellings and associated access and landscaping – undetermined

### **Proposal**

The associated planning application for the erection of 76 dwellings (also on the agenda – RB2021/0037) will require the removal of substantial areas of trees protected by TPO No. 3 2016 and would be considered separately.

The current TPO application to fell a smaller, though still substantial, number of trees has been submitted to clearly establish the location of mining constraints on the site in the form of a 'high wall' that is a consequence of previous open cast coalmining on the site. This in turn will establish which properties require deeper 'pile' foundations, and would not affect the overall layout proposed on the site under the planning application. The developer would not sign the S106 agreement related to the planning application until the costs involved in foundation construction are more clearly established.

### **Development Plan Allocation and Policy**

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham's Local Plan together with the Sites and Policies Document which was adopted by the Council on the 27th June 2018.

The application site was allocated for Urban Greenspace purposes in the former Unitary Development Plan (UDP), however, the adopted Sites and Policies Document removed the site from the Urban Greespace and allocates it for Residential Use (allocated site H100). For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policies:

CS20 'Biodiversity and Geodiversity'

CS21 'Landscape'

CS22 'Green Space'

## **Other Material Considerations**

National Planning Practice Guidance (NPPG) (as revised)

National Planning Policy Framework: The revised NPPF came into effect in February 2019. It sets out the Government's planning policies for England and how these should be applied.

The Local Plan policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application.

## **Publicity**

The application was advertised by way neighbour notification letter and objections have been received from the occupiers of 8 local properties as well as from the Sheffield and Rotherham Wildlife Trust.

The local objectors state that the site provides a valuable green space to local residents and that it promotes wildlife and is home to a wide array of species such as many species of bird, badges, foxes, hedgehogs, squirrels and bats and a wide selection of flowers, shrubs and trees. There is also extensive concern that the woodlands removal will exacerbate existing flooding and further put in danger the existing gardens and homes. The objectors also point out that the woodland will be helping with reducing air and noise pollution from the A630.

Sheffield and Rotherham Wildlife state that:

"We understand that due to its allocation, housing is likely to be granted on this site. However, we have had correspondence (including evidence) from immediate neighbours and a local naturalist who have highlighted a number of issues so we would like to make the following points:

1. The amenity value of the woodlands to the local residents.
2. The presence of hedgehogs.
3. The presence of a pond - this should be retained or replaced and subject to on-going management. The ecologist could not access all of the site, so it may have been missed.
4. There are plenty of birds present (recorded by the neighbours and there are presence of old nests) and the site has the potential to support Blackbird, Song Thrush, Long-tailed Tit, Blackcap, Garden Warbler, Carrion Crow, Magpie, Chaffinch, Greenfinch and Goldfinch. Therefore, there needs to be a planning condition of no woodland clearance in the bird breeding season should permission be granted.
5. Brooks Ecology have helpfully used UKHab in anticipation of a Biodiversity Net Gain assessment, but this application does not include the actual assessment. This is important given the proposed removal of woodland (even though it is young and in poor condition). We would like to see this to ensure a measurable no net loss of biodiversity in line with NPPF policies. If no net loss cannot be achieved on site, then woodland nearby or Catcliffe Flash.

6. If the development is granted, we would like to see the ecology report recommendations.
7. The woodland will be acting as a pollution buffer to the existing residents from the A630.
8. There are existing drainage issues at Catcliffe.
9. If granted, RMBC and the developer should do all they can to create a footpath to Morrisons to enable sustainable active travel.
10. If granted, will there be access to the remaining woodland strip to existing and new residents?
11. If granted, this woodland strip should remain dark with no street lighting illuminating it.”

There are 2 Rights to Speak from local residents as well as one from the applicant.

## **Consultations**

RMBC - Trees and Woodlands: No objections subject to condition.

## **Appraisal**

The site consists of a young woodland that appears to have developed from scrub land to now contain a small mix of species including willow, hawthorn, birch, apple and some oak that in parts achieve heights of 8-10 metres. The site forms part of the green corridor along the Parkway. The site is also identified with the Council's Local Plan as an area suitable for residential development and has previously been granted planning permission for development in 2017. Indeed, in the appeal decision the Inspector noted that:

“Because expediency is commonly a factor in a local planning authority’s decision to make a TPO the presence of such an Order, particularly when it relates to a woodland group rather than to individual trees, is not of itself an indicator that all of the trees within the order are of a high quality.

The standard tool for undertaking an objective assessment of the condition and value of trees is by means of an arboricultural survey carried out in accordance with BS5837:2012. The survey undertaken by Wardell Armstrong was carried out in accordance with that guidance. Wardell Armstrong found only 6 individual trees that should be separately classified and that the rest of the trees on the site comprised dense scrub of low amenity value.

My own observations are that, with the exception of the 6 trees separately identified in the survey, all the trees are of relatively consistent species mix, age, spacing and condition. Based on these observations I accept Mr Popplewell’s evidence that there is no meaningful variation in the quality of the trees across the site, that the scrub has no particular arboricultural merit and that all scrub areas have similar future prospects. In particular, although some more recent regeneration has taken place following the clearance of a strip along the southern edge of the woodland, there is no significant distinction, in terms of the amenity value or quality of the trees, between that part of the site proposed for development and that which would be retained as green space.

In these circumstances I consider that I have sufficient information before me to conclude that the removal of substantial blocks of trees within the area proposed for built development would not result in unacceptable harm to the amenity value of the site and that the development of up to 64 dwellings at the density envisaged is acceptable in principle. Since no significant distinction, in terms of the amenity value and quality of the trees, can be drawn between the two parts of the site I also consider it appropriate that any outline permission should be tied by means of a condition to the Parameters Plan. Together with the obligations in the UU, this would help to ensure that the interventions necessary to secure the establishment of a more mixed and sustainable woodland on the retained land are secured.”

The Inspector concluded that the proposal would not have an unacceptable effect on the amenity value of the woodland area protected under the TPO.

The works will see approximately one third of the existing woodland removed to aid exploratory works to locate the former mine's high wall so that suitability for development can be ascertained.

Such an application is unusual as requests to remove protected trees in order to investigate the possibility of development would normally be refused, as the tree(s) would be permanently lost without gaining the potential ‘benefits’ provided by the new development. However, this site has already been confirmed as suitable for development, and in effect the trees have already been assessed as suitable for removal (at least in part) as a result of that appraisal. Indeed, if the related planning application is approved then all of the trees that would be removed under the TPO application, to allow for the exploratory works to take place, would need to be removed as part of the planning application.

The applicants have indicated that if the planning application is not granted then the TPO application works would not be implemented, and that if Members indicate that they are disposed to grant the planning application, and this TPO application is also approved, they would carry out the works accordingly. They have also confirmed that should the development for the housing, if approved, not subsequently take place (whilst this is unlikely), they would replant any trees as necessary, and a condition is recommended that would require this to take place so that the woodland can recover from the extensive works as quickly as possible.

In terms of the objections raised by local residents and the Sheffield and Rotherham Wildlife Trust, these will have been addressed as part of the planning application which as noted above proposes more trees to be felled overall, and is being considered beforehand on this agenda.

## **Conclusion**

In view of the above, it is recommended that should Members be disposed to grant planning permission for the related planning application, then the TPO application be granted, subject to a condition relating to replacement planting.

## **Conditions:**

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If the redevelopment of the site does not commence within 18 months of the date of this permission, replacement tree planting will be carried out in line with a scheme to be submitted to and approved by the Local Planning Authority. The scheme will:

- Be prepared to a minimum scale of 1:200.
- Detail what ground preparation is required to provide a suitable growing environment following the highwall exploratory works.
- Detail the extent of the area to be planted.
- A planting plan and schedule detailing the proposed species, siting, quality and size specification, and planting distances.
- The programme for implementation.

Reason:

To ensure the interests of protecting the visual amenity of the area, contributing to the quality and character of Rotherham's environment, air quality and adapting to and mitigating climate change in accordance with Rotherham's Core Strategy Policies CS3: Location of New Development, CS19: Green Infrastructure, CS20 Biodiversity and Geodiversity, Policy CS21 Landscape, Policy CS28 Sustainable Design.

## **Informatives**

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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.