

Planning Services
Development Management
Town Hall
Chesterfield
Derbyshire
S40 1LP

9th October 2020

Dear Mr Stockton,

Tree Preservation Order 351 Langhurst Road (2020)

With regards to the above mentioned Tree Preservation Order and your recent objection by email on the 18th September 2020.

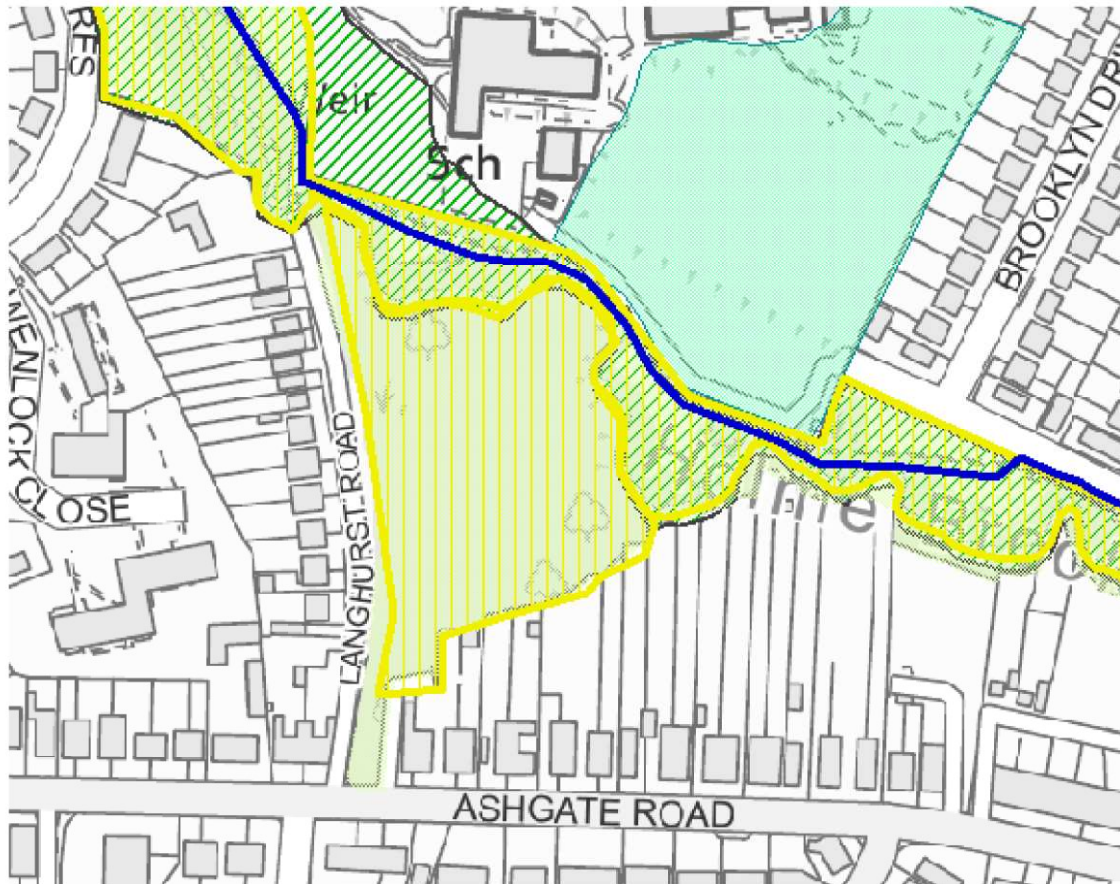
You object to the Order in its current form on the following points to which I have responded along with Alan Morey, (Chesterfield Borough Council, Strategic Planning & Key Sites Manager) who has responded to your objection focusing on the Local Plan and development of the site:

The site at Langhurst Road has been historically been in the local plan as an area to be developed for housing. This order would in its current form stop this or reduce its viability.

The intention is to develop the site with improvements to Langhurst Road and the junction of Langhurst Road and Ashgate Road along with housing, the majority being bungalows and maybe a small mix of flats sold on a part buy part rent ownership basis. From discussions with the Council there is a shortage of such properties in the borough. You believe the benefits to the community of such a scheme far outweighs the loss of some poor quality trees which are nearing the end of their lifespan due to the nature of the ground which they are growing in and the effects of disease (ash die back).

Regardless of the position in previous local plans, any application submitted now would, under Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990, need to be determined in accordance with the current adopted development plan, unless material considerations indicate otherwise. The development plan for the borough is the

Chesterfield Borough Local Plan 2018-2035. The Local Plan clearly identifies the site as open space and as part of a Green Wedge on the policies map (the yellow stripes, below).



Chesterfield Borough Local Plan 2018-2035

Under policy CLP15 development proposals should not harm the character and function of the Green Wedge, the purpose of which is to:

- maintain open areas between parts of settlements within the urban area of Chesterfield to prevent them from merging;
- provide a 'Green Lung', penetrating from open countryside into an urban area;
- support recreational purposes which allow access from urban areas to the countryside and, where appropriate, contains informal and formal outdoor recreational facilities;
- maintain the existing or influence the form and direction of urban development.

Development of this site would contradict the purposes of the Green Wedge and conflict with the Local Plan.

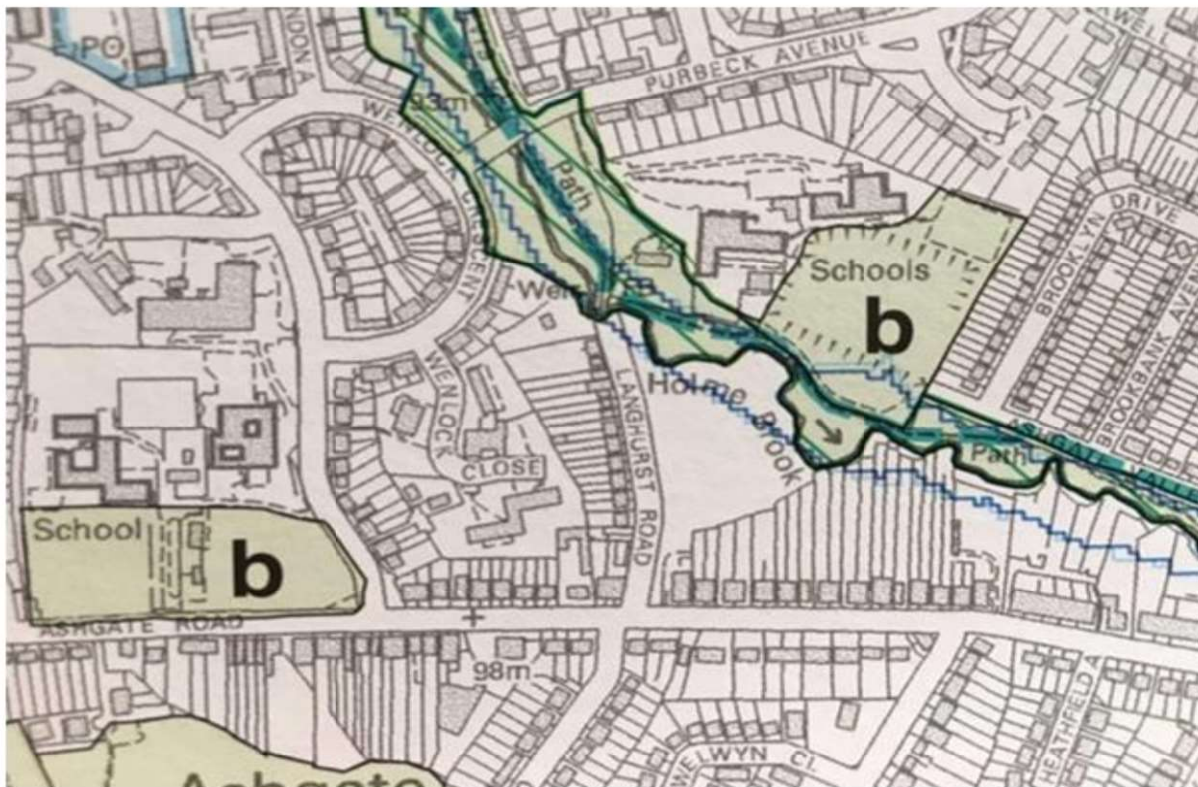
Whilst noting the reference to flats and bungalows, the Local Plan does not identify this as a specific shortage and, even if this were the case, there is no evidence to suggest that such a need is local to this area or could not be provided on other sites that are in accordance with the Local Plan. Further, shared ownership is not a form of affordable housing that is in particular demand in Chesterfield (the adopted plan only seeks 1 in 10 affordable units as shared ownership to reflect the low demand for this tenure). The borough is able to identify a five year supply of deliverable housing sites as required by the NPPF.

I would not therefore consider that these issues could be afforded any significant weight as material considerations that might outweigh the adopted planning policy.

For the sake of clarity, previous Local Plans, including the 1996 Chesterfield Borough Local Plan, the 2006 Replacement Chesterfield Local Plan, the consultation on the Sites and Boundaries DPD (2012) and the draft Local Plan (2017) have been checked. The site does not appear to have been specifically allocated for housing, or included as a site for consultation, in any of those plans. In the 1996 Local Plan it was included within an area identified as 'primarily residential' but was not named as a specific housing site, and this designation was not carried through to later Plans'.



Chesterfield Borough Local Plan – 1996



Replacement Chesterfield Borough Local Plan – 2006



Sites and Boundaries Development Plan Document; Issues and Options Consultation – 2012



Draft Chesterfield Borough Local Plan (for consultation purposes) – 2017. Showing proposed Green Wedge designation.

Furthermore, to answer your final point, there is no evidence to suggest that the trees on the site are coming to the end of their lifespan due to the nature of the ground and Ash dieback. It is accepted that there are some trees of poor quality and condition, but this is a natural occurrence in a woodland setting as each tree competes for nutrients, water and light. Natural succession will occur, and it is inevitable that the more dominant species will take over and natural regeneration replace lost species. There is also no evidence that Ash dieback is having any effect on the tree cover and current advice is that any infected trees should not be removed unless they are a significant risk.

The site was used as a waste tip for pottery waste and ash up until the early 1900,s with more recent tipping of spoil in the late1970,s early 1980. The site was cleared of tree's in the late 1970 and the trees which are there now are self-set pioneer species no older than 50 years.

In response your objection on the point that the land was used as a waste tip for pottery waste and ash then it would have also been used for various other uses in the past and it is clear the trees have taken advantage of the poor ground conditions. I have visited the site and there is no evidence to suggest that the made-up ground is detrimental to the tree's health or long-term growth or stability. The current situation is that the land is covered by trees which are of various sizes, species and

age. It may be the case that some of the trees are no more than 50 years in age but there are also trees that are younger and older creating a multi aged small woodland.

A woodland Preservation Order safeguards the woodland as a whole unit and trees which are planted or grow naturally within the woodland area after the TPO is made are also protected by the TPO so that the natural generation is continued.

As responsible developers you are willing to compromise and as stated in the consultant's correspondence you would be happy to form a wildlife corridor along the Holmebrook boundary of the site.

Finally, there is already a wildlife corridor along Holme Brook which provides a natural setting and a continuation of river corridor habitat so there is no need to form or add to the existing riverside vegetation. Tree Preservation Orders are served if the Local Planning Authority believe there is a risk of the trees being cut down or pruned in ways which would have a significant impact on the amenity of the area and in this situation, the LPA believes that the trees are at risk generally from development pressures. The protection of trees by a precautionary TPO is therefore considered expedient so that the Council has control over any future proposals to fell or prune the trees.

At the present time no planning application has been submitted to the Council to develop the land but if one is received, the proposals and layout will be considered through the normal planning process and a decision made on the information provided and the affects the development will have on the protected trees within the woodland Order and the Local Plan green wedge.

I hope this answers your points raised in objecting to the Order and if I can be of further assistance please do not hesitate to contact me.

Regards

Steve Perry
Tree Officer (Planning)