



SHEFFIELD CITY COUNCIL

Planning & Highways Committee Report

Report of: Director of Development Services

Date: 22nd December 2015

Subject: Tree Preservation Order

Author of Report: Julie Watson, Urban and Environmental Design

Summary: To report an objection and to seek confirmation of Tree Preservation Order Nr. 405 at land adjacent to 155 Psalter Lane Sheffield.

Reasons for Recommendations

To protect trees in the interests of the amenity of the local environment.

Recommendations

Tree Preservation Order Nr. 405 should be confirmed unmodified.

Background Papers:

- A) Tree Preservation Order 405 (includes Order plan)
- B) General Location Plan
- C) TEMPO evaluation (T10)
- D) Objection received 19th August 2015

Category of Report: OPEN

REPORT TO PLANNING AND HIGHWAYS COMMITTEE

22nd December 2015

TREE PRESERVATION ORDER NR. 405

155 Psalter Lane, SHEFFIELD. S11 8UY

1.0 PURPOSE OF REPORT

1.1 To seek confirmation of Tree Preservation Order Nr. 405.

2.0 BACKGROUND

2.1 Tree Preservation Order Nr. 405 was served on 16th July 2015 to protect a pair of two Sycamore Trees in the front garden of land adjacent to 155 Psalter Lane, Sheffield. In the interests of ensuring that all parties affected by the order were informed, Sheffield City Council served this order to surrounding houses. A copy of the Order is attached as Appendix A, and a general location plan as Appendix B.

2.2 In May 2015 a planning application for a single dwelling house on this previously vacant plot adjacent to 155, Psalter Lane was received. The recommendation from the Landscape Officer was to refuse the application because of the significant encroachment of a proposed retaining wall and hard surfacing within the Root Protection Area [RPA] of the 2 trees on the originally submitted layout plan.

2.3 The two Sycamores trees were considered to have significant visual amenity value and are an important element in the character of the streetscene on Psalter Lane. These particular trees were deemed to be under threat from the proposed development above and therefore a decision was taken to serve a Tree Preservation Order to secure their retention.

2.4 A Tree Evaluation Method for Preservation Orders (TEMPO) assessment was carried out on site by the Landscape Officer together with an Arboriculturalist from the Parks and Countryside's Trees and Woodlands service prior to serving the Order, and is attached as Appendix C. This assessment produced a clear recommendation for protection on amenity grounds.

2.5 With regard to the separate issue of the Planning Application, negotiations between the Applicant and the Planning Officer resulted in a revised proposal being submitted in November 2015 which realigned the proposed vehicular access to avoid the RPAs of the trees. The application was consequently approved but with a condition to submit proposed tree protection measures including construction methodology to demonstrate how the tree roots would be protected.

2.6 Whilst it may be considered that there has been sufficient change in the development proposals to protect the trees, they will remain at risk of damage during the course of the construction process. The presence of a TPO strengthens the hand of the Planning Authority in the establishment of acceptable construction practices to ensure long term health of the trees. It also ensures that due process is secured to protect the trees into the future should owners of the property ~~Page 10~~ make any changes that could threaten their viability.

3.0 OBJECTIONS TO TREE PRESERVATION ORDER

3.1 An objection to the TPO was received from Fowler Sandford on behalf of their Client, the Sheffield Bluecoat and Mount Pleasant Educational Foundation, on 19th August 2015. The Foundation is the applicant in the planning application referred to in this report. The full text of this objection is attached as Appendix D.

4.0 GROUNDS FOR OBJECTIONS AND OFFICER RESPONSE

4.1 The key objection raised is considered below and followed with a response:

4.2 OBJECTION: *“The Order, and in particular the inclusion of the western tree T2, is in our opinion an unreasonable restriction on the design process. It will impede negotiations and potentially frustrate the agreement of a considered and balanced proposal that gives due regard to the protection of the wooded nature of the area whilst permitting the development of the plot to meet an acknowledged housing shortage”*

4.3 RESPONSE: The City Council Landscape Officer and Tree Officer have assessed the two trees as worthy of protection under the industry standard TEMPO assessment scheme. BS 5837 [2012] defines the Root Protection Areas as the minimum area around a tree deemed to contain sufficient roots and rooting volume to maintain the tree’s viability, and where the protection of the roots and soil structure is treated as a priority. Any consequent constraints on the proposed development to protect RPAs are essential to guarantee the long term survival of the trees.

The two trees have developed in close proximity and the form of their joint crown reflects this. Their amenity value, consequently, depends on their retention as a pair and a significant loss of form would result if one of the two were felled.

It has been stated in the objection that *“the initial advice we have received is that it will be feasible to form vehicular access at the north-western corner of the site without damaging the trees.”* The constraint imposed by the protection of the trees is therefore not preventing acceptable development on the site and, indeed, a planning application has been approved [Planning Application no. 15/01646/FUL on 13th November 2015]. A TPO can exist alongside the granting of planning permission, and the Council’s consideration of whether a TPO is necessary is a duty imposed by the Town and Country Planning Act 1990.

5.0 EQUAL OPPORTUNITIES IMPLICATIONS

5.1 There are no equal opportunities implications.

6.0 ENVIRONMENTAL AND PROPERTY IMPLICATIONS

6.1 Environmental Implications.

Preservation of these trees will ensure that their amenity value will continue to benefit the area and control can be exercised over their future management. Protection of the trees is consistent with the Council’s policies to protect and enhance the City’s green environment.

6.2 Property Implications

It has been demonstrated that the Order does not prevent reasonable development of the property.

7.0 FINANCIAL IMPLICATIONS

7.1 There are no financial implications.

8.0 LEGAL IMPLICATIONS

8.1 A local authority has a duty to ensure that, where appropriate, adequate provision is made for the preservation or planting of trees when granting planning permission for any development. This may be achieved by the imposition of conditions.

8.2 Where it appears to the local authority to be necessary in connection with granting planning permission, it shall be its duty to make a Tree Preservation Order (TPO) to either give effect to conditions or otherwise (sections 197 and 198, Town and Country Planning Act 1990).

8.3 A TPO may prohibit the cutting, topping, lopping or uprooting of the trees which are the subject of the order. It may also prohibit the willful damage or destruction of those trees. Any person who contravenes a TPO shall be guilty of an offence and liable to receive a fine of up to £20,000.

8.4 A local authority may choose to confirm a TPO it has made. If an order is confirmed, it will continue to have legal effect until such point as it is revoked. If an order is not confirmed, it will expire and cease to have effect 6 months after it was originally made.

8.5 A local authority may only confirm an order after considering any representations made in respect of that order. One representation, which objects to the making of Tree Preservation Order No.405, has been received.

9.0 RECOMMENDATIONS

9.1 Following considerations of the objection reported, Tree Preservation Order Nr 405, 155 Psalter Lane, should be confirmed unmodified.

Tree Preservation Order
Town and Country Planning Act 1990
The Tree Preservation Order No 405 (2015)
Land adjacent to 155 Psalter Lane, Sheffield, S11 8UY

The Sheffield City Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

1. This Order may be cited as Tree Preservation Order No 405 (2015) – Land adjacent to 155 Psalter Lane, Sheffield, S11 8UY

Interpretation

2. (1) In this Order “the authority” means the Sheffield City Council.
(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—
(aa) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
(bb) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,
any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 16th July, 2015

EXECUTED AS A DEED)
By Sheffield City Council)
whose common seal was)
hereunto affixed in the presence of)



Duly Authorised Signatory

15 | 451 | 1542

SCHEDULE

Specification of trees

Trees specified individually

(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Acer pseudoplatanaus (Sycamore)	OS Grid Ref: SK 4330 3853
T2	Acer pseudoplatanaus (Sycamore)	

Trees specified by reference to an area

(within a dotted black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
	None	

Groups of trees

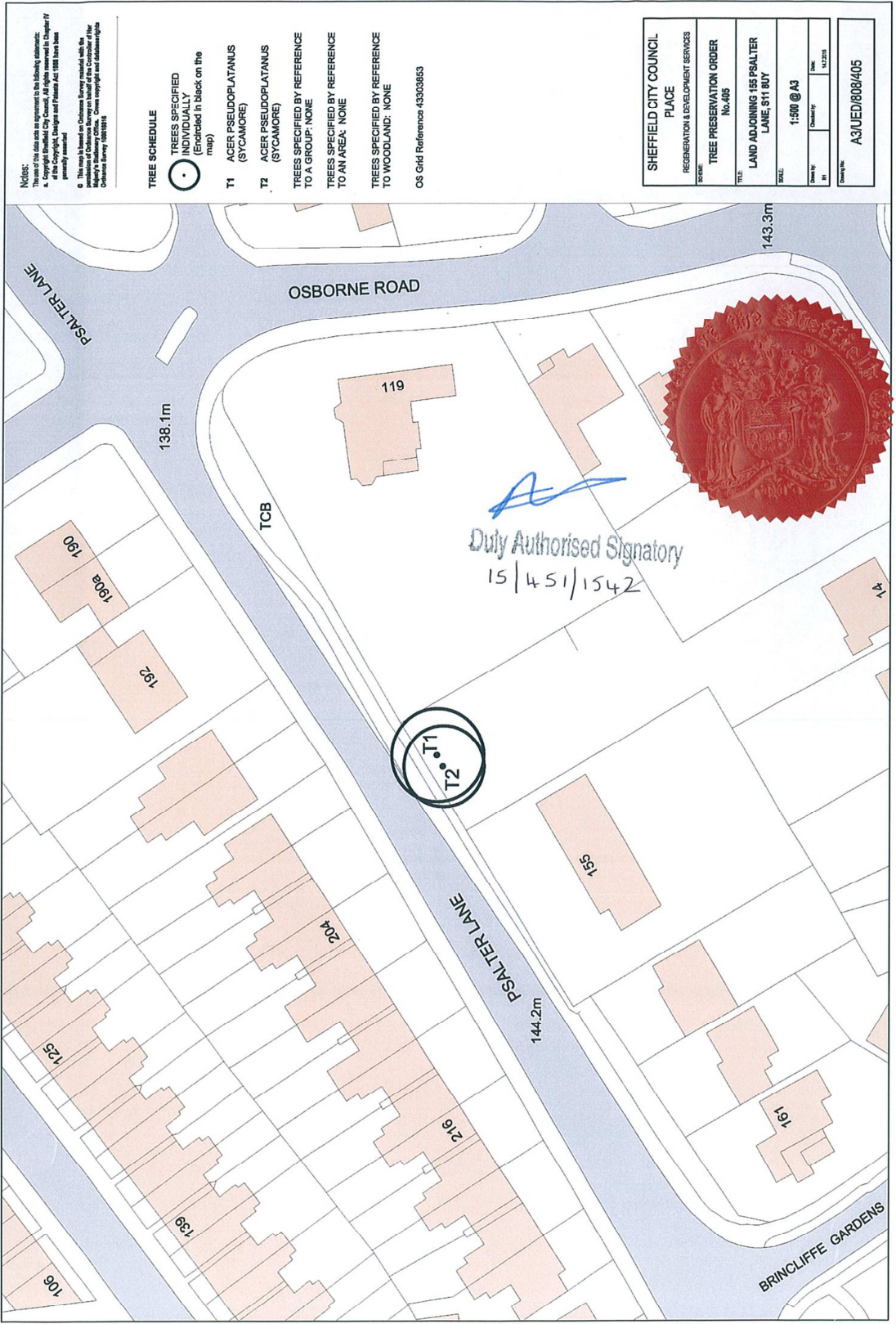
(within a broken black line on the map)

<i>Reference on map</i>	<i>Description (including number of trees of each species in the group)</i>	<i>Situation</i>
	None	

Woodlands

(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
	None	



Notes:
 The use of this data is subject to the following conditions:
 1. This data is the property of the City of Sheffield and is not to be used for any other purpose without the prior written consent of the City of Sheffield.
 2. This data is not to be used for any purpose other than that for which it was originally prepared.
 3. This data is based on Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. Copyright © Crown Copyright / Ordnance Survey 10001916.

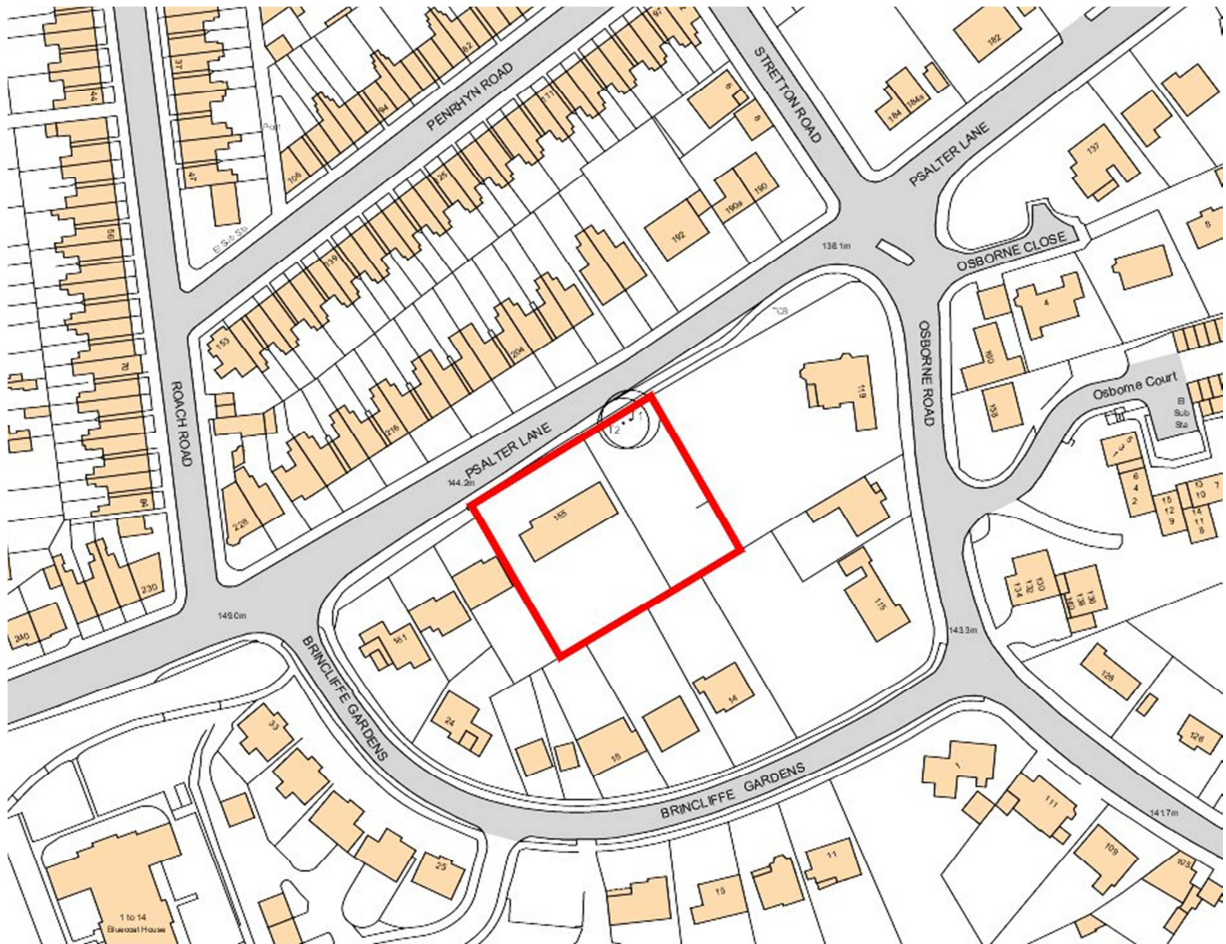
- TREE SCHEDULE**
- TREES SPECIFIED INDIVIDUALLY (Included in black on the map)
 - T1 ACER PSEUDOPLATANUS (SYCAMORE)
 - T2 ACER PSEUDOPLATANUS (SYCAMORE)
 - TREES SPECIFIED BY REFERENCE TO A GROUP: NONE
 - TREES SPECIFIED BY REFERENCE TO AN AREA: NONE
 - TREES SPECIFIED BY REFERENCE TO WOODLAND: NONE
- OS Grid Reference 43303663

SHEFFIELD CITY COUNCIL	
PLACE	
REGENERATION & DEVELOPMENT SERVICES	
ORDER	
TREE PRESERVATION ORDER	
No.405	
TITLE	LAND ADJOINING 155 PSALTER LANE, S11 8UY
SCALE	1:500 @ A3
Drawn by	Checked by
Date	Date
Drawn No.	A3/UEB/808/405

APPENDIX B

GENERAL LOCATION PLAN

155, Psalter Lane



TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: **07.07.15** Surveyor: **SAM THORN + JEZ PLATT**

Tree details
 TPO Ref (if applicable): _____ Tree/Group No: **2** Species: **SYCAMORE**
 Owner (if known): **POSSIBLY BLUECOATS** Location: **LAND ADJACENT TO 155 PSALTER LANE**
BUT NOT CONFIRMED.

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

- 5) Good Highly suitable
- 3) Fair/satisfactory Suitable
- 1) Poor Unlikely to be suitable
- 0) Dead/dying/dangerous* Unsuitable

* Relates to existing context and is intended to apply to severe irremediable defects only

Score & Notes **5** VERY GOOD FORM + NO SIGN OF DISEASE

b) Retention span (in years) & suitability for TPO

- 5) 100+ Highly suitable
- 4) 40-100 Very suitable
- 2) 20-40 Suitable
- 1) 10-20 Just suitable
- 0) <10* Unsuitable

* Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

Score & Notes **5** 80-100 YEAR OLD TREES WITH PLENTY OF YEARS AHEAD. NO MAJOR DEFECTS EXCEPT + GOOD HEALTH. ASSESSMENT OF BASE + CROWN

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- 5) Very large trees with some visibility, or prominent large trees Highly suitable
- 4) Large trees, or medium trees clearly visible to the public Suitable
- 3) Medium trees, or large trees with limited view only Suitable
- 2) Young, small, or medium/large trees visible only with difficulty Barely suitable
- 1) Trees not visible to the public, regardless of size Probably unsuitable

Score & Notes **4** BOTH TREES HIGHLY VISIBLE FROM HIGHWAY + SURROUNDING HOUSES

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)
- 1) Trees with poor form or which are generally unsuitable for their location

Score & Notes **1**

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- 5) Immediate threat to tree inc. s.211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

Score & Notes CURRENT PROPOSALS WILL IMPACT ON THE RPA + LEAD TO THE LOSS OF THESE TREES

Part 3: Decision guide

- Any 0 Do not apply TPO
- 1-6 TPO indefensible
- 7-11 Does not merit TPO
- 12-15 TPO defensible
- 16+ Definitely merits TPO

Add Scores for Total:

20

Decision:

TPO

8 St James Street
Sheffield S1 1XN
Tel: 0114 275 1441
Fax: 0114 275 4580
www.fowlersandford.com

**Fowler
Sandford**
Chartered Surveyors

Our Ref : MDH/PS/V 5873
Your Ref : LS/RC/72836

19 August 2015

By e mail : richard.cannon@sheffield.gov.uk

Legal Services Department
Legal & Governance
Sheffield City Council
Town Hall
Pinstone Street
Sheffield
S1 2HH

Dear Sirs,

**LAND ADJACENT TO 155 PSALTER LANE, SHEFFIELD S11 8UY
TREE PRESERVATION ORDER NO. 405**

We refer to your letter dated 16 July 2015, and addressed to the Sheffield Bluecoat & Mount Pleasant Educational Foundation, a copy of which has been forwarded to this firm as Surveyors to the Foundation. Our client is a Charity registered under no. 529351.

We note the reasons for making the Order and accept that they make a contribution to the areas environmental character.

As we suspect you are aware it is the Foundation's intention to develop the site with a single dwellinghouse – application no. 15/01646/FUL – subject to securing the grant of planning consent. It is intended, as part of this scheme, to retain the two trees the subject of the Order which are situated on the northern boundary of the site and will not unduly shade the proposed new dwelling.

However, irrespective of the size and configuration of the new dwelling, it will of course be necessary to secure vehicular access to the site. The plot is elevated above the highway which will require the construction of a ramped driveway to the site.

The initial advice we have received is that it will be feasible to form vehicular access at the north-western corner of the site without damaging the trees. However, in view of the level changes, the yet unknown nature of the soil and the close spacing of the trees, further investigations may well be required. The Order, and in particular the inclusion of the western tree T2, is in our opinion an unreasonable restriction on the design process. It will impede negotiations and potentially



RICS Registered Valuers
Regulated by RICS

Partners: **N.R.B. Robinson** FRICS **M.D. Holmes** BSc (Hons) MRICS **J.N. Robinson** BSc (Hons) MRICS
Associates: **A.J. Bruce** BSc (Hons) MRICS **J.A. Swann** BSc (Hons) MRICS


Fowler Sandford LLP is a limited liability partnership registered in England and Wales under number OC 392226.
Registered office: 8 St James Street, Sheffield S1 1XN
Fowler Sandford LLP uses the word 'partner' to refer to a member of Fowler Sandford LLP

frustrate the agreement of a considered and balanced proposal that gives due regard to the protection of the wooded nature of the area whilst permitting the development of the plot to meet an acknowledged housing shortage.

In light of the foregoing we wish to object to the making of the Order.

Could we please ask you to acknowledge receipt of this letter. Thank you.

Yours faithfully,


FOWLER SANDFORD

This page is intentionally left blank