



## SHEFFIELD CITY COUNCIL Planning & Highways Committee Report

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**Report of:** Director of Development Services

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**Date:** 14 February 2017

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**Subject:** Tree Preservation Order No. 412  
Land at Hastings Road and Abbeydale Road

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**Author of Report:** Jack Foxall, Urban and Environmental Design Team

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**Summary:** To seek confirmation of Tree Preservation Order  
Nr. 412

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**Reasons for Recommendation**

To protect trees of visual amenity value to the locality

**Recommendation**

Tree Preservation Order Nr. 412 should be confirmed  
unmodified.

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**Background Papers:** A) Tree Preservation Order Nr. 412 and map attached.  
B) Objection letter attached.

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**Category of Report:** OPEN

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## REGENERATION & DEVELOPMENT SERVICES

### REPORT TO PLANNING & HIGHWAYS COMMITTEE 14<sup>th</sup> FEBRUARY 2017

#### TREE PRESERVATION ORDER NR.412 Land at Hastings Road and Abbeydale Road

##### 1.0 PURPOSE

1.1 To seek confirmation of Tree Preservation Order Nr. 412.

##### 2.0 BACKGROUND

2.1 Tree Preservation Order Nr. 412 was made on 25<sup>th</sup> August 2016, on trees at land at Hastings Road and Abbeydale Road. A copy of the order with its accompanying map is attached as Appendix A.

2.2 Planning permission had been granted for housing development at this site (reference 13/04204/RG3), subject to conditions. One of those conditions states that, unless otherwise indicated on the approved plans for the development, no tree, shrub or hedge shall be removed from the site or pruned without the prior written approval of the Local Planning Authority.

2.3 This condition was intended to secure the retention and protection of the majority of the trees along the Hastings Road and Abbeydale Road highway boundaries, as well as several additional trees within the interior of the site.

2.4 A Tree Evaluation Method for Preservation Orders (TEMPO) assessment was carried out prior to serving the Order, and trees were inspected by an Arboriculturist from the Parks and Countryside Trees and Woodlands service for general condition and suitability for protection. These trees were found to be in good order and of significant amenity value to the local area.

2.5 The site had previously been owned and managed by the Council, ensuring that its trees were adequately protected and managed. Tree Preservation Order Nr. 412 was made to ensure these trees would benefit from the protection offered by a TPO after the site had been sold by the Council.

##### 3.0 OBJECTIONS

3.1 A letter objecting to the TPO was received from Mr P. Morton on 25<sup>th</sup> September 2016. Mr Morton is resident at 56 Hastings Road and the trees protected by the TPO are adjacent to the eastern boundary of this property. The full text of this objection is attached as Appendix B.

3.2 The grounds for objection are reproduced below:

*'These trees have been neglected by the school and council over many years and all have branches hanging over my property.'*

*'I have had to trim all these trees since I bought the property in 1983.'*

Mr Morton also stated that:

*'I brought my objections to your John Stonard and he tells me that T1 is still on council land and not on the land sold to Avant Homes and shouldn't have been put on the preservation order.'*

And also that:

*'I can understand all the other trees been put under the preservation order to protect them from the builders that bound Hastings and Abbeydale Road but T1-T7 will have a path put in by the builders between their properties and the trees.'*

#### 4.0 RESPONSE TO OBJECTIONS

- 4.1 In response to Mr Morton's comments regarding the condition of trees, their current condition and amenity value is considered sufficient to warrant TPO protection. Approval from the Council is required for work to trees protected by a TPO, but this would not prevent maintenance of trees in line with good arboricultural practice. Work is permitted to dead or dangerous TPO protected trees without prior approval, although the Council advises giving five days' notice of intended work except in an emergency.
- 4.2 In response to Mr Morton's comment that tree T1 should not be protected as it is on land still owned by the council, this tree is on Council owned land. A significant part of the value of trees on the boundary with 56 Hastings Road is as an intact group forming a landscape feature. T1 is an important component of the integrity of this group, so has been included within the TPO to ensure the whole group is protected, despite being in council ownership.
- 4.3 In response to Mr Morton's comment regarding the presence of a path between new houses and trees, this is also correct. This arrangement of a strip of open space with a footpath around housing continues round the whole site boundary, within which TPO protected trees are located. However, the protected trees included within the TPO are close to new residential properties, particularly where the open space is narrowest adjacent to 56 Hastings Road. The significant amenity value of these trees is considered sufficient to warrant TPO protection now that the site is a privately owned residential development, despite the existence of this boundary open space.

## 5.0 EQUAL OPPORTUNITIES IMPLICATIONS

5.1 There are no equal opportunities implications.

## 6.0 ENVIRONMENTAL AND PROPERTY IMPLICATIONS

6.1 Sycamore tree T1 is located on Council owned and managed land. Its inclusion within the TPO means that any intended tree works, including those proposed by the Council itself, will need to be approved so that they may be carried out. The exception to this would be where the trees are dead or dangerous, as stated in paragraph 4.1.

6.2 Protection of the trees detailed in Tree Preservation Order Nr. 412 will benefit the visual amenity of the local environment.

## 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 those 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 wilful 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. As objections and representations were duly made in respect of Tree Preservation Order 412, the local authority is required to consider them.

8.6 Government guidance issued by the Department for Communities and Local Government recommends that local authorities establish non-statutory procedures to demonstrate that their decisions at the confirmation stage are taken in an even-handed and open manner. The consideration of objections and representations about the TPO by the Planning and Highways

Committee facilitates this.

9.0 RECOMMENDATION

- 9.1 Having considered the objections to the order, that Tree Preservation Order Nr. 412 be confirmed because it appears to the authority to be necessary for the preservation of trees by giving effect to conditions attached to a planning permission.

Flo Churchill  
Interim Head of Planning

14 February 2017

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