



SHEFFIELD CITY COUNCIL

Planning & Highways Committee Report

Report of: Director of City Growth Service

Date: 31st October 2018

Subject: Tree Preservation Order No.422
1Tylney Road, Sheffield S2 2RX

Author of Report: Jez Platts, Urban and Environmental Design Team

Summary: To seek confirmation of Tree Preservation Orders No. 422

Reasons for Recommendation

To protect a tree of visual amenity value to the locality

Recommendations Tree Preservation Orders No. 422 should be confirmed.

Background Papers: A) Tree Preservation Orders No. 422 and map attached
B) Tree Evaluation Method for Preservation Orders (TEMPO) assessment for TPO 422.

TREE PRESERVATION ORDER NO. 422
1 TYNLEY ROAD, SHEFFIELD, S2 2RX

1.0 PURPOSE

1.1 To seek confirmation of Tree Preservation Order No. 422.

2.0 BACKGROUND

2.1 Tree Preservation Order No.422 was made on 23rd August 2018 to protect a Cherry tree located at the junction of Stafford Road and Seabrook Road in the rear garden of 1 Tynley Road. A copy of the order with its accompanying map is attached as Appendix A.

2.2 The tree was under possible threat of removal as a section 211 Notice proposing works to remove the tree was received.

2.3 A condition inspection of the tree was carried out by myself and Jerry Gunton, Tree Manager Sheffield City Council's, Trees and Woodlands Team. The tree was found to be in normal health when inspected and no significant defects or obvious health and safety reasons requiring major intervention were found. A TEMPO assessment which supported the protection of the tree was carried out following the inspection.

2.4 No objections to the order have been received.

3.0 VISUAL AMENITY ASSESSMENT

3.1 The Cherry is seen as being visually prominent and of significant amenity value when viewed from Stafford Road and Seabrook Road. It is considered to contribute to the visual amenity value of the Norfolk Road conservation area and locality because of its prominent frontage location.

3.2 A Tree Evaluation Method for Preservation Orders (TEMPO) assessment was carried out by the Planning Tree Officer and Tree Manager, Trees and Woodlands Team and is attached as Appendix B. The assessment produced a clear recommendation for protection.

4.0 EQUAL OPPORTUNITIES IMPLICATIONS

4.1 There are no equal opportunities implications.

5.0 ENVIRONMENTAL AND PROPERTY IMPLICATIONS

5.1 There are no environmental and property implications based on the information provided.

5.2 Protection of the tree detailed in Tree Preservation Order No.422 will benefit the visual amenity of the local environment.

6.0 FINANCIAL IMPLICATIONS

6.1 There are no financial implications.

7.0 LEGAL IMPLICATIONS

7.1 A local authority may make a Tree Preservation Order (TPO) where it appears that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area (section 198, Town and Country Planning Act 1990).

7.2 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.

7.3 The 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.

7.4 A local authority may only confirm an order after considering any representations made in respect of that order. No such representations have been received in respect of Tree Preservation Order No.422.

8.0 RECOMMENDATION

8.1 Recommend Provisional Tree Preservation Order No.422 be confirmed.

Rob Murfin, Chief Planning Officer

31st October 2018

Tree Preservation Order
Town and Country Planning Act 1990
The Tree Preservation Order No 422 (2018)
1 Tylney Road, Sheffield, S2 2RX

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 422 (2018) – 1 Tylney Road, Sheffield, S2 2RX

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—
 - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - (b) 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 23rd August 2018

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

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	Prunus Species (Cherry)	OS Grid Reference: SK436632 386533

Trees specified by reference to an area

(within a dotted red line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
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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>
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Woodlands

(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
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NOTES / REVISIONS:

Notes:

The use of this data acts as agreement to the following statements:
 a. Copyright Sheffield City Council. All rights reserved in Chapter IV of the Copyright, Designs and Patents Act 1988 have been generally asserted
 © This map is based on Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. Crown copyright and database rights Ordnance Survey 100018816 2018

TREE SCHEDULE

• Trees specified individually, (Encircled in black on the plan)

T1 Prunus Species (Cherry)

Trees specified by reference to an area - None

Trees specified by reference to a group - None

Trees specified by reference to a woodland - None

SK 436632 386533

Measurements shown approximate

SHEFFIELD CITY COUNCIL	
PLACE	
PLANNING SERVICE CITY GROWTH	
TREE PRESERVATION ORDER	
No. 422	
1 TYLNEY ROAD	
SHEFFIELD	
SCALE: 1:1250 @ A4	
Drawn by: HT	Checked by:
Date: 17/08/2018	
Drawing No: A4/JED/808/422	



TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 14-8-18	Surveyor: Jez Platts / Jerry Gunton
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Tree details		
TPO Ref (if applicable):	Tree/Group No:	Species: Cherry
Owner (if known):	Location:	

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 |

Score & Notes	Better than fair condition as defects (poor pruning) does not affect their prospects.
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* Relates to existing context and is intended to apply to severe irremediable defects only

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 |

Score & Notes	4
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* 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

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
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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
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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	5
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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:	18
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Decision:	T.P.O
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