



SHEFFIELD CITY COUNCIL

Planning & Highways Committee Report

Report of: Director of City Growth Service

Date: 26/02/2019

Subject: Tree Preservation Order No. 425 (529 Fulwood Road, Sheffield S10 3QB)

Author of Report: Nathan McWhinnie, Urban and Environmental Design Team

Summary: To seek confirmation of Tree Preservation Orders No. 425

Reasons for Recommendation

To protect a tree of visual amenity value to the locality

Recommendation

Tree Preservation Order No. 425 should be confirmed unmodified.

Background Papers:

A) Tree Preservation Order No. and map attached.
B) Tree Evaluation Method for Preservation Orders (TEMPO) assessment attached.

Category of Report: OPEN

TREE PRESERVATION ORDER NO. 425 529 FULWOOD ROAD, SHEFFIELD S10 3QB

1.0 PURPOSE

1.1 To seek confirmation of Tree Preservation Order No. 425

2.0 BACKGROUND

2.1 A member of the public contacted the Council and asked that officers consider making a Tree Preservation Order to protect a mature oak tree at the rear of the property. Officers were informed there was a possibility that the tree could be removed to facilitate future development.

2.2 A Tree Evaluation Method for Preservation Orders (TEMPO) assessment was carried out prior to making the Order. The tree was found to be suitable for protection according to the assessment. It was therefore considered expedient to make a Tree Preservation Order to protect the tree.

2.3 Tree Preservation Order No.425 was made on 1st October 2018. A copy of the order with its accompanying map is attached as Appendix A.

2.4 No objections to the order have been received.

3.0 VISUAL AMENITY ASSESSMENT

3.1 The tree forms a significant part of the landscape and skyline as part of a scattered group of large mature oaks in several neighbouring gardens. It is visually prominent from the streets behind Fulwood Road and is considered to contribute to the visual amenity value of the area.

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.425 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.425.

8.0 RECOMMENDATION

- 8.1 Recommend Tree Preservation Order No.425 be confirmed.

Colin Walker, Chief Planning Officer

26th February 2019

Tree Preservation Order

Town and Country Planning Act 1990

The Tree Preservation Order No 425 (2018)

529 Fulwood Road, Sheffield, S10 3QB

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 425 (2018) – 529 Fulwood Road, Sheffield, S10 3QB

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

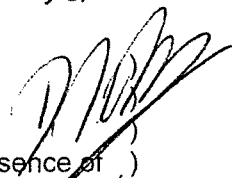
3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions 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 1st October 2018

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


David Jellars



Page
18.1118.4886

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	Quercus robur (English Oak)	OS Grid Reference: SK 431086385515

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:

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

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TREE SCHEDULE

○ Trees specified individually. (Encircled in black on the plan)

T1 Quercus species

Trees specified by reference to an area - None

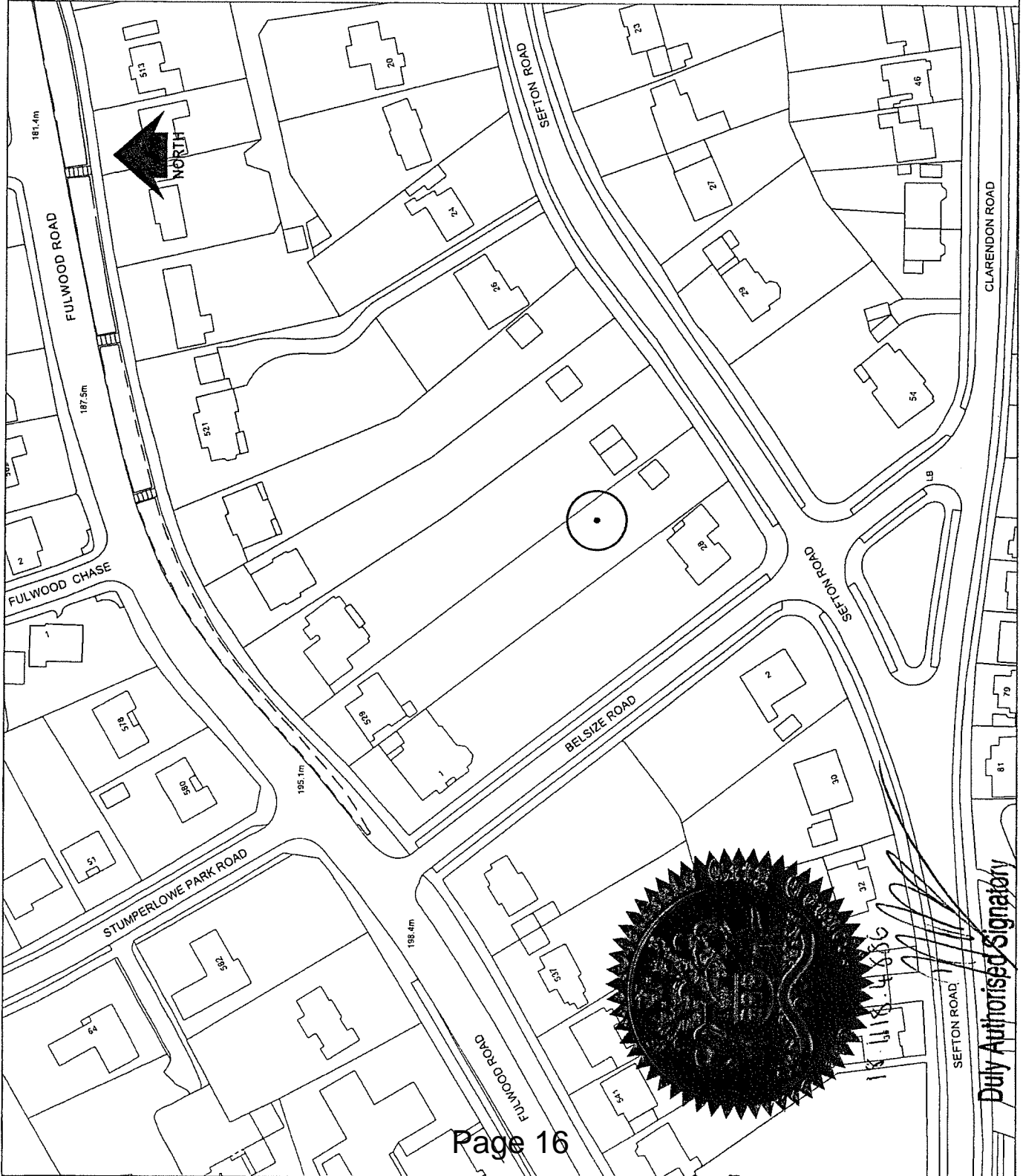
Trees specified by reference to a group - None

Trees specified by reference to a woodland - None

SK 431086 385515

(Measurements shown approximate)

SHEFFIELD CITY COUNCIL	
PLACE	
PLANNING SERVICE CITY GROWTH	
TITLE:	
TREE PRESERVATION ORDER	
No. 425	
TITLE:	
529 FULWOOD ROAD	
SHEFFIELD S11	
SCALE:	
1:1250@ A4	
Drawn by:	Checked by:
KH	
Date:	19/09/2018
Drawing No:	
A4/UED/808/425	



Duty Authorised Signatory

18/11/18 14:36

TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO):

SURVEY DATA SHEET & DECISION GUIDE

Date: 30/8/18	Surveyor: Nathan McWhinnie
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Tree details		
TPO Ref:	Tree/Group No:	Species: Oak
Owner (if known): Mrs Lesley Thomas		
Location: 529 Fulwood Road		

Part 1: Amenity assessment

a) Condition & suitability for TPO:

Refer to Guidance Note for definitions

- 5) Good Highly suitable
- 3) Fair Suitable
- 1) Poor Unlikely to be suitable
- 0) Dead/Dying?Dangerous Unsuitable

<p>Score & Notes 3 – Good vitality, but has lost a large limb at some point – 15-20 years ago? Strong callus response around cavity. Not considered a hazard. Ca. 70cm DBH</p>
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* Relates to existing context and is intended to apply to severe irremediable defects only

b) Remaining longevity (in years) & suitability for TPO:

Refer to 'Species Guide' section in Guidance Note

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

<p>Score & Notes 4 – as a conservative estimate</p>

* 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; refer to Guidance Note

- 5) Very large trees, or large trees that are prominent landscape features Highly suitable
- 4) Large trees, or medium trees clearly visible to the public Suitable
- 3) Medium trees, or larger trees with limited view only Just suitable
- 2) Small trees, or larger trees visible only with difficulty Unlikely to be suitable
- 1) Young, v. small, or trees not visible to the public, regardless of size Probably unsuitable

<p>Score & Notes 3 – visible from Belsize Road and particularly from Sefton Road</p>
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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 arboricultural features, or veteran trees
- 4) Members of groups of trees 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

<p>Score & Notes 1</p>
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Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify; refer to Guidance Note

- 5) Known threat to tree
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only
- 0) Tree known to be an actionable nuisance

<p>Score & Notes 3 – new owners plan to build at this spot in the garden. Former owner believes the plan was to fell the tree, but the new owner says they don't want to remove the tree, though they do want to prune it.</p>
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Part 3: Decision guide

- Any 0 Do not apply TPO
- 1-6 TPO indefensible
- 7-10 Does not merit TPO
- 11-14 TPO defensible
- 15+ Definitely merits TPO

<p>Add Scores for Total: 14</p>

<p>Decision: TPO defensible</p>

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