



SHEFFIELD CITY COUNCIL

**Planning & Highways
Committee Report**

Report of: Director of City Growth Service

Date: 23 April 2019

Subject: Tree Preservation Order No.426
36 Thornsett Road, Sheffield S7 1NB

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

Summary: To seek confirmation of Tree Preservation Orders No. 426

Reasons for Recommendation

To protect two trees of visual amenity value to the locality

Recommendations Tree Preservation Orders No. 426 should be confirmed.

Background Papers: A) Tree Preservation Orders No. 426 and map attached
B) Tree Evaluation Method for Preservation Orders (TEMPO) assessment for TPO 426.

TREE PRESERVATION ORDER NO. 426
36 THORNSETT ROAD, SHEFFIELD, S7 1NB

1.0 PURPOSE

1.1 To seek confirmation of Tree Preservation Order No. 426.

2.0 BACKGROUND

2.1 Tree Preservation Order No.426 was made on 16th October 2018 to protect a Beech tree and Sycamore tree located in the rear garden of 36 Thornsett Road. A copy of the order with its accompanying map is attached as Appendix A.

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

2.3 I conducted a condition inspection of the trees and found both trees to be in normal health. No significant defects and obvious health and safety reasons requiring major intervention were found. A TEMPO assessment was carried out following the inspection and supported the protection of the trees.

2.4 No objections to the order have been received.

3.0 VISUAL AMENITY ASSESSMENT

3.1 The Beech & Sycamore trees are seen as being visually prominent and of significant amenity value when viewed from Sharrow Lane and Huntingdon Crescent. They are considered to contribute to the visual amenity value of the Nether Edge conservation area.

3.2 A Tree Evaluation Method for Preservation Orders (TEMPO) assessment was carried out by the Planning Tree Officer 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 trees detailed in Tree Preservation Order No.426 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.426.

8.0 RECOMMENDATION

- 8.1 Recommend Provisional Tree Preservation Order No.426 be confirmed.

Rob Murfin, Chief Planning Officer

18th December 2018

Tree Preservation Order

Town and Country Planning Act 1990

The Tree Preservation Order No 426 (2018)

36 Thornsett Road & Sharrow Lane, Sheffield S7 1NB

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 426 (2018) – 36 Thornsett Road & Sharrow Lane, Sheffield S7 1NB

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 17th October 2018

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



SARAH BENNETT

Duty Based Signatory



18 OCT 2018

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	Sycamore (Platanus)	OS Grid Reference: SK436632 386533
T2	Beech (Fagus)	

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>

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>

Woodlands

(within a continuous black line on the map)

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



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 Sycamore
 T2 Beech

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		
SCHEME: TREE PRESERVATION ORDER No. 426		
TITLE: 36 THORNSETT ROAD SHEFFIELD		
SCALE: 1:1250 @ A4		
Drawn by: HT	Checked by:	Date: 05/10/2018
Drawing No: A4/UED/808/426		

SB Bennett
 SARAH BENNETT
 Duly Authorised Signatory



18. 1133. 4979

TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO):

SURVEY DATA SHEET & DECISION GUIDE

Date: 12/9/18	Surveyor: Jez Platts
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Tree details		
TPO Ref:	Tree/Group No:	Species: Beech & Sycamore
Owner (if known):		
Location: Rear garden of 36 Thornsett 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 – Both crowns have full vitality. Beech is twin-stemmed with a fair union.</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</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 4 – large trees visible from Sharrow Lane and Huntingdon</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>

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 5 – section 211 notice received</p>

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: 17</p>
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<p>Decision: Definitely merits TPO</p>

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