



## SHEFFIELD CITY COUNCIL Planning & Highways Committee Report

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**Report of:** Director of City Growth Service

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**Date:** 25<sup>th</sup> June 2019

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**Subject:** Tree Preservation Order No. 430  
Trees in front garden at 10 Stumperlowe Hall Road S10 3QR

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**Author of Report:** Sam Thorn, Urban and Environmental Design Team

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**Summary:** To report objections and to seek confirmation of Tree Preservation Order Nr. 430

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### Reasons for Recommendation

To protect trees of visual amenity value to the locality

**Recommendation** Tree Preservation Order Nr. 430 should be confirmed

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**Background Papers:** A) Tree Preservation Order Nr. 430 and map attached  
B) TEMPO assessment attached  
C) Objections received 7<sup>th</sup> & 8<sup>th</sup> February 2019  
D) Response to Objections  
E) Planning Officer's Delegate Report

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**Category of Report:** OPEN

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## REGENERATION & DEVELOPMENT SERVICES

### REPORT TO PLANNING & HIGHWAYS COMMITTEE

25<sup>th</sup> JUNE 2019

#### TREE PRESERVATION ORDER NR.430

10 STUMPERLOWE HALL ROAD, SHEFFIELD S10 3QR

#### 1.0 PURPOSE

1.1 To seek confirmation of Tree Preservation Order Nr. 430.

#### 2.0 BACKGROUND

2.1 Tree Preservation Order Nr. 430 was made on 10<sup>th</sup> January 2019 to protect trees in the front garden of 10 Stumperlowe Hall Road, Sheffield S10 3QR. A copy of the order with its accompanying map is attached as Appendix A.

2.2 Trees on this site are considered to be under threat because of proposed development works.

2.3 A Tree Evaluation Method for Preservation Orders (TEMPO) assessment was carried out prior to the Order being made, and trees were inspected by an Arboriculturist from the Parks and Countryside's *Trees and Woodlands Service* for general condition and suitability for protection. A copy of the TEMPO assessment is attached as Appendix B. The trees were found to be in good order, of significant amenity value to the local area and consequently suitable for protection according to the TEMPO criteria. Officers therefore considered it expedient in the interests of public amenity to make the Tree Preservation Order.

#### 3.0 OBJECTIONS

3.1 An objection to the TPO was received by email from the applicant, Mr Charles Tordoff, on 8<sup>th</sup> February 2019. Alongside this objection, the Arboriculturist who provided the original tree report as part of the current planning application also lodged an objection. The Council's Legal Services Officer acknowledged Mr Tordoff's objection by email on 8<sup>th</sup> February 2019. The full text of these objections is attached as Appendix C. An objection to the TPO was received by email from the applicant, Mr Charles Tordoff, on 8<sup>th</sup> February 2019. Alongside this objection, the Arboriculturist who provided the original tree report as part of the current planning application also lodged an objection. The Council's Legal Services department acknowledged Mr Tordoff's objection by email on 8<sup>th</sup> February 2019. The full text of these objections is attached as Appendix C. A full response from the Council's Planning Services department is attached as Appendix D.

3.2 The conclusions of the objection and the Council's response are summarised in the following paragraphs:

### 3.3 Objection

Two of the four trees protected by the TPO are not strong enough specimens to justify legal protection. They were assigned BS5837 retention category C1 (Unremarkable trees of very limited merit.) According to the applicant's Arboriculturist, both trees 'exhibit numerous large deadwood branches as a result of lateral suppression by the adjacent trees (past and present) that have competed for light resources. Their stability is at least in part dependent upon their neighbouring trees, as they grow within a row along the site's north edge. Those neighbouring trees are particularly low quality Lawson cypress trees which cannot be felt to merit TPO as they were not protected following the TEMPO assessment. The removal of these neighbouring Lawson Cypress would increase the vulnerability of the two Larch to being windblown (TPO trees T3 and T4).

#### Response

*All trees on site were assessed according to the TEMPO methodology, which is the recognised arboriculture industry standard. Of the 21 trees on site, 4 of these were considered to be strong enough specimens to warrant protection. Their visual amenity, life-expectancy and contribution to the character of the areas were deemed significant. A copy of this assessment is attached.*

*The officer from the Parks' Woodland Team who carried out the original assessment returned to site on 17<sup>th</sup> May 2019 to carry out a second assessment. On both visits, both T3 & T4 were scored as Category B specimens and Mr Coe's original classification as category can be disputed for the following reasons...*

- *The dead wood can be easily removed and is a result of shade from neighbouring trees rather than a significant defect which cannot be addressed and which has an impact on the health and longevity of the life.*
- *The trees are early mature specimens which, if managed appropriately, will grow for many more years than the 10 years as is attributed to category C specimens.*
- *It is agreed that removing the neighbouring trees may have an impact on both these trees from wind loading but these trees (Lawson Cypress) should not need to be removed if the site is to remain as a garden*

A copy of the Cascade chart for tree quality assessment from BS5837 is included as appendix E. The relevant columns re lifespan and defects/maintenance are circled with a dashed thick black line for the category B scores of SCC. Category C trees, as identified by John Coe, are circled using a solid thin grey line

### 3.4 Objection

The serving of this TPO was late in the determination process and the issue of trees, and their contribution to the site, were not highlighted at an earlier stage in the planning process. Trees were not raised as part of the previous scheme's refusal.

### Response

*Although not explicitly identified as a reason for refusal of the first application, trees were highlighted as being of significance by the fact that a tree report was required as part of the first application. This report identified the trees as being Category C which generally means that trees are of low quality and retention cannot be justified. The Officer dealing with this application took this at face value.*

*In refusing the first application (referenced 17/03139/FUL) the officers report sets out 'whilst it is accepted that the trees that are to be lost are of lower quality, they do still add to the leafy green character of the area and the trees that are to be retained would not appear as prominent within the street scene, being located behind the new dwellinghouse.*

*It is considered that, on balance the proposed development would have an adverse impact upon the character and appearance of the area, due to the siting, scale and massing of the proposed dwellinghouse and the loss of the open planted area.' A copy of the delegated report is attached as Appendix F*

*A tree report was then requested as part of the second application (referenced 18/02685/FUL) which highlighted their continued importance in determining the application. This was provided by the applicant on 29<sup>th</sup> November 2018. The trees were again identified in the revised report as being 'Retention Category C'; however the table at Appendix A of the Tree Report indicated that the condition of several of the trees was good, both physiologically and structurally which raised questions re the of the findings*

*The second application received a large number of objections, many of which highlighted the loss of the trees as a key complaint.*

*In order to address these objections and establish the importance of trees, the Planning Officer dealing with the application consulted the Urban & Environmental Design Team in December 2018.*

*Specialist arboricultural input was provided by a Tree Officer from SCC's Parks & Woodlands' Tree Team. Both Officers visited the site together to make a detailed assessment. The consultation period was interrupted by the Christmas break, meaning Officers weren't able to meet until early January.*

#### 4.0 EQUAL OPPORTUNITIES IMPLICATIONS

4.1 There are no equal opportunities implications.

#### 5.0 ENVIRONMENTAL AND PROPERTY IMPLICATIONS

5.1 There are no property implications.

5.2 Protection of the trees detailed in Tree Preservation Order Nr. 430 will benefit the visual amenity of the local environment.

## 6.0 FINANCIAL IMPLICATIONS

6.1 There are no financial implications.

## 8.0 LEGAL IMPLICATIONS

8.1 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. In addition, where it appears to the local authority to be necessary in connection with granting planning permission, it shall be its duty to make a TPO to either give effect to those conditions or otherwise (sections 197 and 198, Town and Country Planning Act 1990).

8.2 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.

8.3 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.

8.4 A local authority may only confirm an order after considering any representations made in respect of that order. The representations received in respect of Tree Preservation Order No.430 are detailed in this report, alongside an officer response to the points raised.

## 9.0 RECOMMENDATION

9.1 Recommend Tree Preservation Order Nr. 430 be confirmed.

Colin Walker  
Chief Planning Officer

17<sup>th</sup> June 2019

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