

Storrs Bridge Lane, Loxley - TPO Objection Note

Sheffield City Council Tree Preservation Order No 439 (2020)

1.0 Introduction: Site, Survey and Planning Context

- 1.1 This 'Objection Note' has been prepared by Tyler Grange Group Ltd (TG) in relation to TPO No 439 (2020).
- 1.2 Centred on grid reference SK294899, the site is located to the south of Loxley Road (B6077), off Storrs Bridge Lane, Sheffield, S6 6SX. The site is accessed from Storrs Bridge Lane to the north and from a farm track off Rowell Lane in the east.
- 1.3 A BS5837:2012 tree quality survey of the site was carried out in October 2019. It consisted of a ground level visual assessment. No invasive investigations or climbing inspections were undertaken; however, signs of substantial defect or disease were recorded.
- 1.4 The developed area of the site is relatively level with a number of discreet areas of former and operational industrial uses; interconnected by a series of non-adopted roadways and bridges. The disused and semi derelict buildings are predominantly associated with the former Hepworth Claypit Factory site which was operational until the 1990's including a furnace, refractory works and storage units. The buildings are largely in a state of disrepair and there is evidence of some anti-social behaviour, notably fly-tipping and graffiti within the site.
- 1.5 Tree cover comprises a network of established woodland areas and regenerative canopy coverage. The site is characterised by pockets and boundary tracts of woodland tree cover with scattered emergent stock also present throughout the site, with more limited, younger and self-seeded tree cover present across the previously developed / former industrial portions of the internal areas of the site. A steep wooded slope is present in the south of the site and a more gentle slope and mill pond are located in the north.
- 1.6 A hybrid planning application for the proposed demolition of existing buildings and structures, provision of a residential led mixed-use development that will deliver up to 300 dwellings, reinstatement works, site remediation, green infrastructure, landscaping and associated infrastructure with vehicular access from Loxley Road submitted in detail, has been submitted to Sheffield City Council (ref. 0/01301/OUT).
- 1.7 The planning application was submitted on 23rd April 2020. A preliminary Arboricultural Impact Assessment was prepared by Tyler Grange Group Ltd (TG) to accompany the submission (document ref. 1290/R01a, dated February 2020).

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- 1.8 The Decision Notice, dated 17th September 2020 confirmed that the planning application had been refused, but loss of protected trees was not specifically cited.

2.0 Objections to Tree Preservation Order No 439 (2020): Procedure and Methodology

Timing

- 2.1. The TPO was made on 6th October 2020. This was made after the planning application was determined. The AIA report submitted with the planning application did not include the TPO in its baseline as it was not in existence at the time of the BS5837 tree quality survey, the assessment of impacts or for the duration of the determination period.
- 2.2. The Officers Report, uploaded to the Sheffield City Council website on 8th September 2020 states that *“there are number of protected trees on the site subject to a TPO”* adding that the proposed tree losses detailed within the AIA report are *“considered unacceptable from both a tree protection and landscape view”*.
- 2.3. Such comments, referring to the removal of protected trees were queried, as they were not protected at the time of the planning submission or determination and may have prejudiced the determination of the planning application without allowing an opportunity for a revised assessment of potential tree losses to be undertaken in the context of the wider TPO.

Consistency with Wider Site

- 2.4. In terms of consistency of the TPO in the context of the wider site there are issues to raise in terms of the selection of which trees to protect and which that have been selected for inclusion within the TPO as follows.
- 2.5. TPO W1 is a linear belt of highway trees, although only one side of the roadside stock has been protected. The western side of the highway includes additional roadside trees which have not been included within the TPO. Classifying the W1 area as ‘woodland’ should also be reviewed given the context and arrangement of the highway trees within W1. These represent a linear belt of trees rather than a stand of woodland tree cover.
- 2.6. The wider southern woodland backdrop and eastern extents of the wider woodland enclosure bounding the site have also not been protected under the recent TPO. The southern backdrop of woodland trees is arguably more prominent than the internal areas of the site that have been protected by the TPO; however, the wider surrounding woodland encompassing the site to the east and south has not been deemed suitable for protection.

TEMPO Methodology

- 2.7. Paragraph 198 of the Town and Country Planning Act 1990 states that *“If it appears to a local planning authority that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area, they may for that purpose make an order with respect to such trees, groups of trees or woodlands as may be specified in the order.”* (TG emphasis).

- 2.8. When deciding whether an Order is appropriate, authorities are advised to take into consideration what 'amenity' means in practice. 'Amenity' is not defined in law, so authorities need to exercise judgment when deciding whether it is within their powers to make an Order. National Guidance, Paragraph: 007 Reference ID: 36-007-20140306, states that *"Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public"*.
- 2.9. National Guidance, Paragraph: 008 Reference ID: 36-008-20140306 notes that *"Public visibility alone will not be sufficient to warrant an Order. The authority is advised to also assess the particular importance of an individual tree, of groups of trees or of woodlands by reference to its or their characteristics including size and form, future potential as an amenity, rarity, cultural or historic value, contribution to, and relationship with, the landscape and contribution to the character or appearance of a conservation area"*.
- 2.10. To take the above factors into account when reviewing new TPOs, it is understood that Sheffield City Council would typically review prospective trees by way of an inspection undertaken by an Arboriculturist from the Parks and Countryside Trees and Woodlands service for general condition and suitability for protection, and that a 'Tree Evaluation Method for Preservation Orders (TEMPO)' assessment would be carried out prior to serving an Order.
- 2.11. TEMPO, developed by Forbes-Laird Arboricultural Consultancy, is designed as a field guide to decision-making. It has been utilised by a number of Local Planning Authorities to stand as a record that a systematic assessment has been undertaken when justifying the placement of a new TPO, or reviewing the suitability of an existing TPO.
- 2.12. Taking each TEMPO criteria in turn, the following observations have been noted:
- Condition: The TEMPO guidance describes 'Fair' condition as *"Trees which have defects that are likely to adversely affect their prospects; their health is satisfactory, though intervention is likely to be required. It is not expected that such trees will reach their full age and size potential or, if they have already done so, their condition is likely to decline shortly, or may already have done so"*. For groups of trees, the TEMPO guidance states that the *'average condition should be considered'*. It is therefore determined that the 'Fair' rating appropriately describes the trees covered by the TPO given the site's current condition and the naturalised context of the trees under review. The trees are not in obvious decline, nor in notably good health on average. Under the TEMPO scoring this would provide a score of 3 points.
 - Retention Span: It is worth considering the 'do nothing' scenario should the site's tree cover continue to naturalise and eventually decline, as a result of over shading, degradation of understorey or ground flora, canopy conflicts, lack of disease monitoring, and competition for light, nutrients and water. The trees exhibit a collective condition of no better than moderate form and vitality. It could be argued that the remaining longevity and future contribution could be reduced to 20-40 years, or lower in some areas of the site to 10 – 20 years where degradation and naturalisation is more advanced. The trees associated with W1 are not significant trees in the local surroundings in terms of maturity, character or screening function, and are not particularly suitable in terms of their proximity to the road. Under the TEMPO scoring this would provide scores of 1 or 2 points.

- Relative Public Visibility: The TPO tree stock is located upon private land but is visible from a number of public footpaths that traverse the site, although the visibility is restricted to the immediate surroundings given the presence and extent of adjoining woodland and the intervening derelict-built form. The woodlands W2, W3, W4, W5 and W6 provide a degree of visual enclosure to on-site public receptors but their visibility is more restricted in the wider landscape context owing to the surrounding topographical arrangement and proximity. Under the TEMPO scoring this would provide scores of 3 or 4 points.
 - Relative Public Visibility: The trees are not of particularly good form, rare or unusual. The trees do not have identifiable historic, commemorative or particular habitat importance beyond that of a typical woodland habitat in a settled context given their condition and location, nor are the TPO trees on average classified as veteran or ancient specimens. Under the TEMPO scoring this would provide a score of 1 point.
- 2.13. Following the above stages, trees must have accrued 9 or more points to qualify for further assessment under the TEMPO methodology. Working through the commentary and associated point scoring set out above, the judgement results in only 8 points being scored and the trees would not qualify for consideration to be protected. Assuming the upper scoring is applied, where the trees are deemed to be 'large' and 'clearly visible to the public', with an average retention span of 20-40 years rather than 10-20 years, a score of 10 points is obtained.
- 2.14. The next section of the TEMPO methodology is designed to award points based on three levels of identified threat to the trees concerned. In accordance with the TEMPO guidance, planning department receives an application for outline planning consent on the site where the trees stand, there is deemed to be a 'Foreseeable threat to tree' and under the TEMPO scoring this would provide a score of 3 points.
- 2.15. In conclusion, the points scored can be argued as being either 9 points in total, with the trees not meriting a TPO, or at best 13 points, where the TPO is considered defensible, but where the trees have failed to convincingly qualify under all sections of the assessment. A score of 13 would not warrant the highest scoring available (16+ points) and as a result is not considered to 'definitely merit a TPO' in accordance with the TEMPO guidance.
- 2.16. It is our professional opinion that the TPO should be reviewed, as consideration of the TEMPO methodology suggests that the TPO in its current form as an arrangement of arbitrary woodland blocks does not warrant the formal protection currently being afforded.

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