



SHEFFIELD CITY COUNCIL Planning & Highways Committee Report

Report of: Director of City Growth Service

Date: 30 November 2021

Subject: Tree Preservation Order No. 438,
1 Archer Drive, Sheffield, S8 0LB

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

Summary: To seek confirmation of Tree Preservation Order No. 438

Reasons for Recommendation

To protect a group of trees of visual amenity value to the local residents

Recommendations

Tree Preservation Order No. 438 should be confirmed unmodified.

Background Papers:

- A) Tree Preservation Order No. 438 & map attached.
 - B) Tree Evaluation Method for Preservation Orders (TEMPO) assessment attached.
 - C) Revised site plan
 - D) Extracts from objection received to the Order
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Category of Report: OPEN

CITY GROWTH SERVICE

REPORT TO PLANNING & HIGHWAYS COMMITTEE

30th November 2021

TREE PRESERVATION ORDER NO. 438

1 ARCHER DRIVE, SHEFFIELD, S8 0LB

1.0 PURPOSE

1.1 To seek confirmation of Tree Preservation Order No. 438.

2.0 BACKGROUND

2.1 A TPO covering the whole site was originally made on 24th June 2020 to protect the trees across the entire plot. The order was requested by residents and a local Councillor following the redevelopment of the site as there was a perceived threat to the trees being removed by the new lease-holder. These trees are deemed to provide significant amenity value in the local landscape and are of particular value to the immediate residents, offering a clear visual buffer to the retail unit below. It was therefore considered expedient in the interests of amenity to make the order and protect the trees. A copy of the order, with its accompanying map, is attached as Appendix A and C.

2.2 A condition inspection of the trees was carried out by Sheffield City Council's Tree Officer at the time, Leonie Kapadia, Dip. Arb. The trees were found to be in good health when inspected and had no obvious health and safety reasons requiring major intervention which would negate the trees' contribution to the amenity of the locality. A TEMPO assessment was carried out following the inspection which confirmed their value and supported their protection (see Appendix B).

2.3 Due to staff changes within the Urban & Environmental Design Team and the onset of the Covid pandemic, the original order was not referred to the committee with a recommendation that it be confirmed. The six-month period given for the Council to confirm the order (which converts it from temporary to permanent status) lapsed, meaning the order expired and therefore a second order was required to be made if the trees were to continue to be protected.

2.4 In the time taken to make a second order ('the Order'), the Officer undertaking assessments of the trees had changed, and a second assessment of the site was deemed necessary. In reviewing the plot, Peter Simpson, MICFor MArborA revised the extent of the Order so as not to include the newly planted trees within the car park or those specimens along the boundary with Archer Drive. This was due in part to the fact that they had been recently planted as part of the development so had very limited amenity value but also were not in danger of being removed as part of the redevelopment of the plot. Only the established belt along the southern boundary (see Appendix C) was included on the basis that these trees provide the strongest visual and public amenity, particularly for those residents facing on to the plot. The new Order was made on 1st July 2021 and the consultation period has now ended, allowing the Council to make the Order permanent.

- 2.5 No objections to the Order were received within the period given for objections and representations, which ended on 5th August 2021. However, one objection has been received from a local resident by e-mail on 19th November 2021 (Appendix D for relevant extracts) stating a number of concerns relating to the size and density of the woodland belt. The objection did not include any input from a qualified arborist and none of the claims were backed up with photographic evidence.
- 2.6 The existence of a TPO does not prevent tree removals or pruning works to be carried out where necessary, in most cases it simply requires that an application be submitted and consideration given as to whether and how such works should be carried out. With this in mind, the order is recommended for confirmation on the basis that it is still considered expedient that the trees should benefit from the protection of the order in the interests of amenity.
- 3.0 VISUAL AMENITY ASSESSMENT
- 3.1 As a group, the trees offer significant visual amenity to the residents on Archer Road, providing invaluable cover and screening from the adjacent retail unit.
- 3.2 The TEMPO assessment produced a clear recommendation for statutory protection through a TPO.
- 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.438 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 objections and representations which were duly made in respect of that order. None were received within the period given for such in accordance with the Town and Country Planning (Tree Preservation) (England) Regulations 2012. The regulations state that objections and representations must be made within the given period for the authority to treat them as duly made, however the authority may decide to treat an objection made outside of that period as duly made if it is satisfied that the objection could not reasonably have been expected within the given period.
- 8.0 RECOMMENDATION
- 8.1 Recommend Provisional Tree Preservation Order No.438 be confirmed.

Michael Johnson, Chief Planning Officer

19th November 2021