



SHEFFIELD CITY COUNCIL

Planning & Highways Committee Report

Report of: Director of City Growth Service

Date: 13th September 2022

Subject: Tree Preservation Order No. 453
17 Lyndhurst Road, Sheffield, S11 9BJ

Author of Report: Vanessa Lyons, Community Tree Officer (Planning)

Summary: To seek confirmation of Tree Preservation Order No. 453

Reasons for Recommendation

To protect a tree of visual amenity value to the locality

Recommendation Tree Preservation Order No. 453 should be confirmed unmodified.

Background Papers:

- A) Tree Preservation Order No.453 and map attached.
- B) Tree Evaluation Method for Preservation Orders (TEMPO) assessment attached.
- C) Images of the woodland
- D) Appraisal of the General Character of the Nether Edge Conservation Area.

Category of Report: OPEN

CITY GROWTH SERVICE

REPORT TO PLANNING & HIGHWAYS COMMITTEE

13th September 2022

17 Lyndhurst Road, Sheffield, S11 9BJ
TREE PRESERVATION ORDER NO. 453

1.0 PURPOSE

1.1 To seek confirmation of Tree Preservation Order No.453

2.0 BACKGROUND

2.1 Tree Preservation Order No.453 ('the Order') was made on 12th May 2022 to protect W1 a broadleaf woodland, at 17 Lyndhurst Road, Sheffield, S11 9BJ. A copy of the Order, with its accompanying map, is attached as Appendix A.

2.2 W1 (as described in the Order) is a small broadleaf woodland consisting primarily of elm, ash cherry and sycamore. The woodland covers a plot of land situated between 17 and 27 Lyndhurst Road, on a site which was reputedly used as an allotment garden, and which is within the Nether Edge Conservation Area. Running alongside the boundary with Lyndhurst Road for approximately 60m, the woodland is small, yet has a significant presence within the street scene.

2.3 In December 2021 concerns were raised by a member of the public regarding a discrete access which had been created from the rear garden of 17 Lyndhurst Road, into the adjacent woodland. This was followed by a further complaint in April 2022, stating that builders who were involved in construction work at number 17 had used the access to drive heavy plant machinery into the woodland, and that they had felled several trees, the inference being that this had been done without first notifying the Local Planning Authority of their intention to do so by submitting a section 211 notice (as would ordinarily be required where there is proposal to remove trees within a conservation area).

2.4 The site was, at that time, also subject to a pre-application enquiry, which signalled the intention to remove a large number of trees from the site to facilitate development. No consent was given by the Council at any point for the removal of any trees from the site, either pursuant to a proposal for development or any separate procedure following notification. The issue was referred to Planning Enforcement, who opened a live case, and who requested a joint visit of the site, with a Tree Officer, to assess the damage done to the trees, and to consider the suitability of the site for a TPO.

2.5 A joint visit was conducted by Vanessa Lyons and a member of the Planning Enforcement Team on the 3rd of May 2022. An inspection of the woodland revealed:

- Multiple small trees had been removed from the rear of the site. Provisions in section 211 of the Town and Country Planning Act requires that people notify the Local Planning Authority, using a 'section 211 notice', 6 weeks before carrying out certain work, unless an exemption applies. The trees were of a size which meant they were not exempt from the need for notice to be given of their removal, and no notice had been submitted.
- Damage to mature trees had occurred in the form of branch loss, stem wounding and root severance, likely from contact with heavy plant machinery which had been driven through the woodland.
- Heavy plant machinery and stored construction materials and construction debris were present in the woodland during the visit. They were compressing the ground around the trees in a manner creating on-going and potentially lethal damage to the root systems of the trees.

2.6 Present during the meeting was the site manager. It was drawn to his attention that trees protected by being within a conservation area had been removed without prior notification and were being damaged through collision with heavy plant machinery, and through compaction caused by storage of materials and the passage of vehicles. It was requested that he remove the debris and materials and close the gap in the boundary to prevent further access of machinery to the woodland.

2.7 A Tree Evaluation Method for Preservation Orders (TEMPO) assessment was carried out by Vanessa Lyons on 9th May 2022, who scored the woodland with 15 points. A summary of the TEMPO can be found in Appendix B. The assessment produced a clear recommendation for protection, and it was therefore considered expedient in the interests of amenity to protect the woodland by making a TPO.

2.8 Objections:

No objections have been received.

3.0 VISUAL AMENITY ASSESSMENT

3.1 Visibility: The woodland runs alongside the boundary with Lyndhurst Road for approximately 60 metres, and therefore is very publicly visible, being a prominent part of the street scene. The woodland is also visible from houses on Chelsea Road, to the rear of the site. An image of the woodland, as seen from Lyndhurst Road is included in Appendix C.

3.2 Size and form: The woodland contains a mix of mature, early mature and young trees of variable condition. The overall condition of the woodland at the time of inspection was deemed as reasonable. The deterioration and loss of some trees, predominantly within the centre of the woodland, is anticipated, due to the compaction which has occurred in the rooting area, and which may result in a slow decline of those specimens over time. Additionally, the

presence of young ash and elm within the wood, both of which are prone to diseases, may preclude these trees from reaching maturity. However, the woodland category's purpose is to safeguard a woodland as a whole. So, while some trees may lack individual merit, all trees within the woodland that merit protection are protected and made subject to the same provisions and exemptions. Certainly, the making of a TPO would not stand in the way of appropriate maintenance of the woodland, which, in complying with the duty of care placed upon tree owners, would include identifying and considering any risks posed by their trees (such as deterioration in health due to root damage) and managing those risks in a reasonable and proportionate way.

- 3.3 A selection of larger, more mature trees fronts the boundary with Lyndhurst Road, including several sycamores, whose stature adds to the prominence of the woodland from this vantage point. These trees appeared in reasonable condition. No close inspection of the base of these trees was possible, due to the prevalence of ivy, which is regarded as a natural component of the UK woodland. Ivy provides excellent habitat for a range of birds and insects, and is not parasitic on the tree, gaining water and nutrients from the ground. Therefore, its presence is considered normal and not a detriment to the trees' current condition. Removal of the ivy, to prevent excess wind loading of the canopy, and to facilitate inspection of the trunk of the tree may be something that the owner of the site wishes to consider as part of their on-going maintenance of the woodland.
- 3.4 Future potential as an amenity: A conservative estimate of the lifespan of trees in the wood was given at 20-40 years. However, the growth of new trees will mean that the actual lifespan of the wood far exceeds this, offering amenity to the area for many years to come.
- 3.5 Contribution to the character of the conservation area: The Local Planning Authority has a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. An appraisal of the nature of the Nether Edge Conservation Area can be found attached at Appendix D. The document defines Nether Edge as a Victorian and Edwardian suburb, with trees being "a defining feature of the area" and with "the extensive tree canopy contributing to the distinctively shaded character of the area." While many of the trees that are considered an integral part of the conservation area are those found lining the streets and standing in front gardens, the woodland also greatly contributes to the leafy nature of the area.
- 3.6 Finally, the wood offers a variety of ecosystem benefits to the occupants of the road, and is vital habitat, in a heavily built area, for numerous birds, insects and animals.
- 3.7 Expediency: The woodland was given a score of 15 points as part of the TEMPO assessment, indicating that it was considered that the trees were under immediate threat and therefore expedient to make a TPO in order to protect them. This assessment of expediency was arrived at due to the on-going degradation of the protected trees within the woodland, through

unlawful felling of trees, damage to trees through compaction and impact from heavy machinery and heaping of materials in the rooting area of the trees.

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.453 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 planning 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 planning 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 planning authority may only confirm an Order after considering any representations made in respect of that order. No objections have been received.

8.0 RECOMMENDATION

8.1 Recommend Provisional Tree Preservation Order No.453 be confirmed.

Michael Johnson, Head of Planning

2nd September 2022

Appendix A. Tree Preservation Order No.453 and map attached.

Tree Preservation Order
Town and Country Planning Act 1990
The Tree Preservation Order No 453 (2022)
17 Lyndhurst Road, Sheffield S11 9BJ

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 453 (2022) – 17 Lyndhurst Road, Sheffield S11 9BJ.

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 12th MAY 2022

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

David Sellers
Authorised Signatory



SCHEDULE

Specification of trees

Trees specified individually

(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
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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 solid red line on the map)

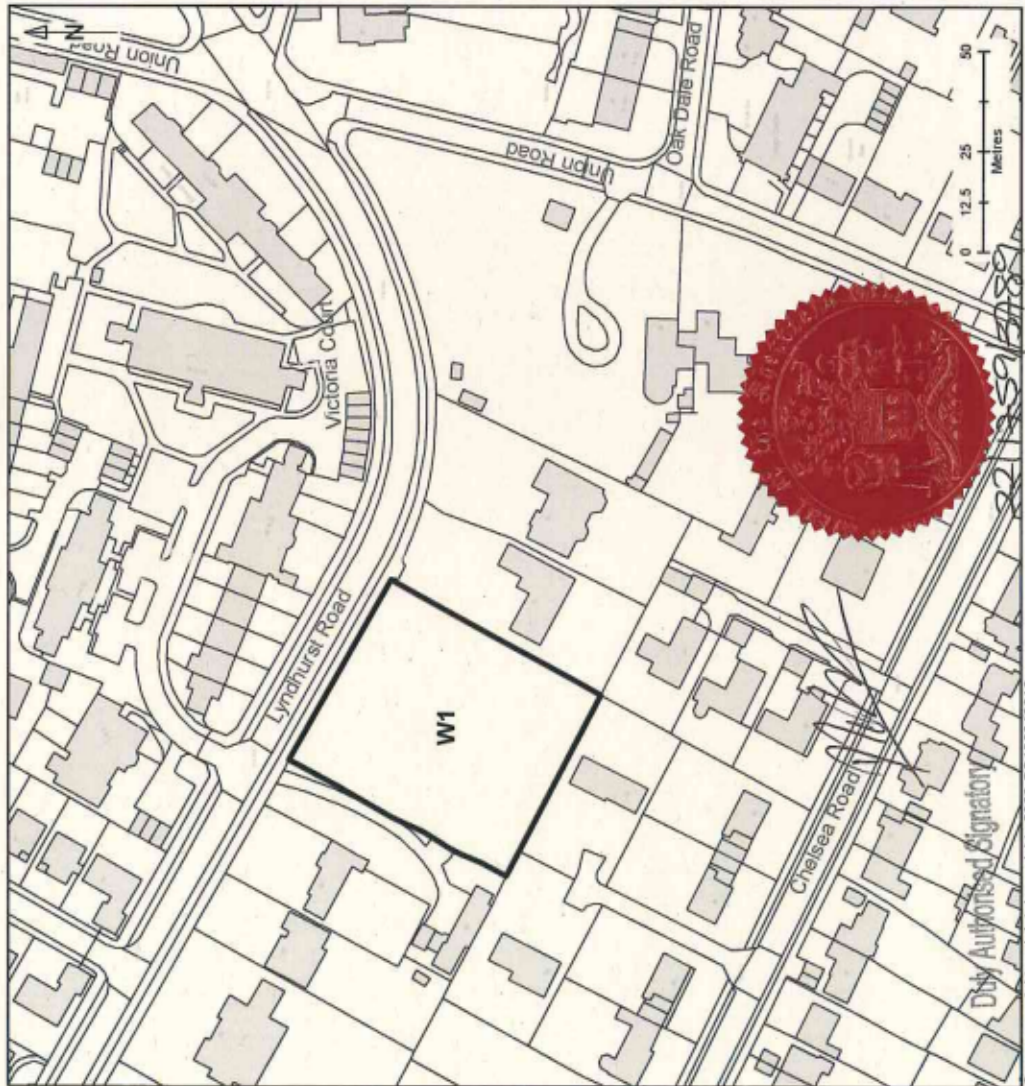
<i>Reference on map</i>	<i>Description (including number of trees of each species in the group)</i>	<i>Situation</i>
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Woodlands

(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
W1	Broadleaf woodland (mainly elm, ash, cherry and sycamore)	SK 33624 84800

Sheffield City Council Parks & Countryside Service	
TREE PRESERVATION ORDER No. 453	
Drawing No. A4/UEJ/808/453	
Site address Land adjacent 17 Lyndhurst Road, Sheffield, S11 9BJ	
Scale: 1:1,250 @ A4	
Drawn by MB	Date: 10/05/2022
<input type="checkbox"/> Trees specified by woodland (outlined in black on the plan)	
W1 - Broadleaf woodland (mainly elm, ash, cherry and sycamore)	
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 33624 84800 Measurements shown approximately	



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Appendix B TEMPO

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 09.05.22	Surveyor: Vanessa Lyons
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Tree details TPO Ref 453 Owner (if known):	Tree/Group W1 Location: land adjacent 17 Lyndhurst Road, Nether Edge	Species: Mixed broadleaf
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REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

- | | |
|--------------------------|-------------------------|
| 5) Good | Highly suitable |
| 3) Fair/satisfactory | Suitable |
| 1) Poor | Unlikely to be suitable |
| 0) Dead/dying/dangerous* | Unsuitable |

** Relates to existing context and is intended to apply to severe irremediable defects only*

b) Retention span (in years) & suitability for TPO

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

**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

- | | |
|--|-----------------|
| 5) Very large trees with some visibility, or prominent large trees | Highly suitable |
| 4) Large trees, or medium trees clearly visible to the public | Suitable |

Score & Notes :

3. Trees of mixed age and species. Predominantly young ash and elm interspersed with some mature elm and mature sycamore

Score & Notes

2

Score & Notes

4. The wooded plot is adjacent to Lyndhurst Road

- 3) Medium trees, or large trees with limited view only Suitable
- 2) Young, small, or medium/large trees visible only with difficulty Barely suitable
- 1) Trees not visible to the public, regardless of size Probably unsuitable

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

Score & Notes

1

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal members of groups 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 (inc. those of indifferent form)
- 1) Trees with poor form or which are generally unsuitable for their location

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- 5) Immediate threat to tree inc. s.211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

Score & Notes

5. Unlawful felling and damage to trees has already occurred. Spoil from adjacent development being dumped in woodland, damaging rooting area.

Part 3: Decision guide

- Any 0 Do not apply TPO
- 1-6 TPO indefensible
- 7-11 Does not merit TPO
- 12-15 TPO defensible
- 16+ Definitely merits TPO

Add Scores for Total:

15

Decision:

TPO defensible

Appendix C. Images of woodland.



Image 1. Felling of young ash trees, some with a diameter exceeding 100mm



Image 2. Damage to an elm, likely from collision with plant machinery. See also compaction of ground from vehicles.



Image 3. Level changes in the rooting area of protected trees, caused by heaping of construction spoil within the woodland.



Image 4. Google maps image of the woodland, looking from the direction of 17 Lyndhurst Road



Image 5. Google maps image of the woodland, looking from the direction of 27 Lyndhurst Road

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