



SHEFFIELD CITY COUNCIL

Planning & Highways Committee Report

Report of: Head of Planning

Date: June 20th 2023 (tbc)

Subject: 28 Tapton House Road, Sheffield, S10 5BY

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

Summary: To seek confirmation of Tree Preservation Order No. 466

Reasons for Recommendation

To protect trees of visual amenity value to the locality

Recommendation

Tree Preservation Order No.466 should be confirmed unmodified.

Background Papers:

- A) Tree Preservation Order No.466 and map attached.
- B) Tree Evaluation Method for Preservation Orders (TEMPO) assessment attached.
- C) Images of the tree

Category of Report: OPEN

CITY GROWTH SERVICE

REPORT TO PLANNING & HIGHWAYS COMMITTEE

Tree Preservation Order No. 466
28 Tapton House Road, Sheffield, S10 5BY

TREE PRESERVATION ORDER NO. 466

1.0 PURPOSE

1.1 To seek confirmation of Tree Preservation Order No.466

2.0 BACKGROUND

2.1 Tree Preservation Order No.466 ('the Order') was made on the 5th of January 2023 to protect three pine trees which stands within the curtilage of 28 Tapton House Road. A copy of the Order, with its accompanying map, is attached as Appendix A.

2.2 On the 1st of December 2022 the Council received a section 211 notice, submitted by a property management company who manage the property at number 28, giving notice of removal of the three trees. The notice was submitted erroneously, as the property is not located within a conservation area, sitting as it does directly adjacent but just outside of the Broomhill Conservation Area. As a desktop- based inspection of the trees revealed them to be prominent, it was deemed prudent to carry out a site assessment to determine their amenity value and to determine whether it would be expedient in the interest of amenity to make the trees subject to an Order.

2.3 The trees were subsequently inspected by Vanessa Lyons, Community Tree Officer on the 14th of December 2022. The inspection revealed three mature pine trees standing in a line directly adjacent to the boundary wall and highway at 28 Tapton House Road. The trees are large, mature, free of any notable outward defects and very prominent on the street scene. Images of the trees can be found at Appendix C.

2.4 A Tree Evaluation Method for Preservation Orders (TEMPO) assessment was conducted on the 14th of November 2022 and the trees were scored with 19 points respectively which indicated that a TPO was defensible. Having regard to this score, it was therefore deemed expedient in the interests of amenity to make the trees subject to an Order. A copy of the TEMPO assessment can be found at Appendix B.

2.5 On the 8th of March 2023, the Council received an application for consent under a Tree Preservation Order (reference 23/00793) submitted by the same property management company who had submitted the section 211 notice. This application sought consent to remove the pine tree closest to the junction with Tapton Crescent and Tapton House road, one of the three trees which

are subject to the protection of the Order. Consent to fell the protected tree was refused on the grounds that removal of the tree would detrimentally impact upon the amenity of the area, and that no reason had been supplied giving justification as to why the tree needed removing.

2.6 Objections.

No duly made objections to the TPO have been received.

3.0 VISUAL AMENITY ASSESSMENT

Visibility: Three mature pine trees oak of large stature which sit in a prominent position relative to the highway, and which are an important element of the local street scene.

Condition: The trees are in good condition with no notable outward defects.

Retention span: The trees have an estimated retention span of 20-40 years. During the inspection of the trees, it was noted that the adjacent wall, to which the trees are closely situated, was subject to cracking at the site of the corner most tree. As conflict with the wall could potentially impact upon the tree's suitability for retention, one of the Council's engineers was asked to inspect the wall and comment on the likely cause and severity of damage. They concluded that root growth may have caused a portion of the wall to be lifted, but that the damage was low in severity, with the alignment of the wall still being vertical. They assessed that the damage could be fixed via repointing the cracked areas, and that this could be achieved with the trees in situ, as below groundwork in the form of excavation would be unnecessary.

Other factors: The trees were granted additional points as being part of a group of trees important for their cohesion. This reflects the fact that the uniformity of the group in terms of size and stature adds to their presence and amenity value.

Expediency: Immediate. The tree was subject to a section 211 notice, which, while submitted erroneously, did indicate the imminent removal 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.466 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 objections have been received in respect of the Order.

8.0 RECOMMENDATION

8.1 Recommend Provisional Tree Preservation Order No.466 be confirmed.

Michael Johnson, Head of Planning,

June 20th 2023

Appendix A. Tree Preservation Order No. and map

Tree Preservation Order

Town and Country Planning Act 1990
The Tree Preservation Order No 466 (2023)
28 Tapton House Road, Sheffield S10 5BY

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 466 (2023) – 28 Tapton House Road, Sheffield S10 5BY.

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 5TH JANUARY 2023

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


DUTY 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>
T1	Pine (Pinus sp.)	SK 32820 87035
T2	Pine (Pinus sp.)	
T3	Pine (Pinus sp.)	

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)

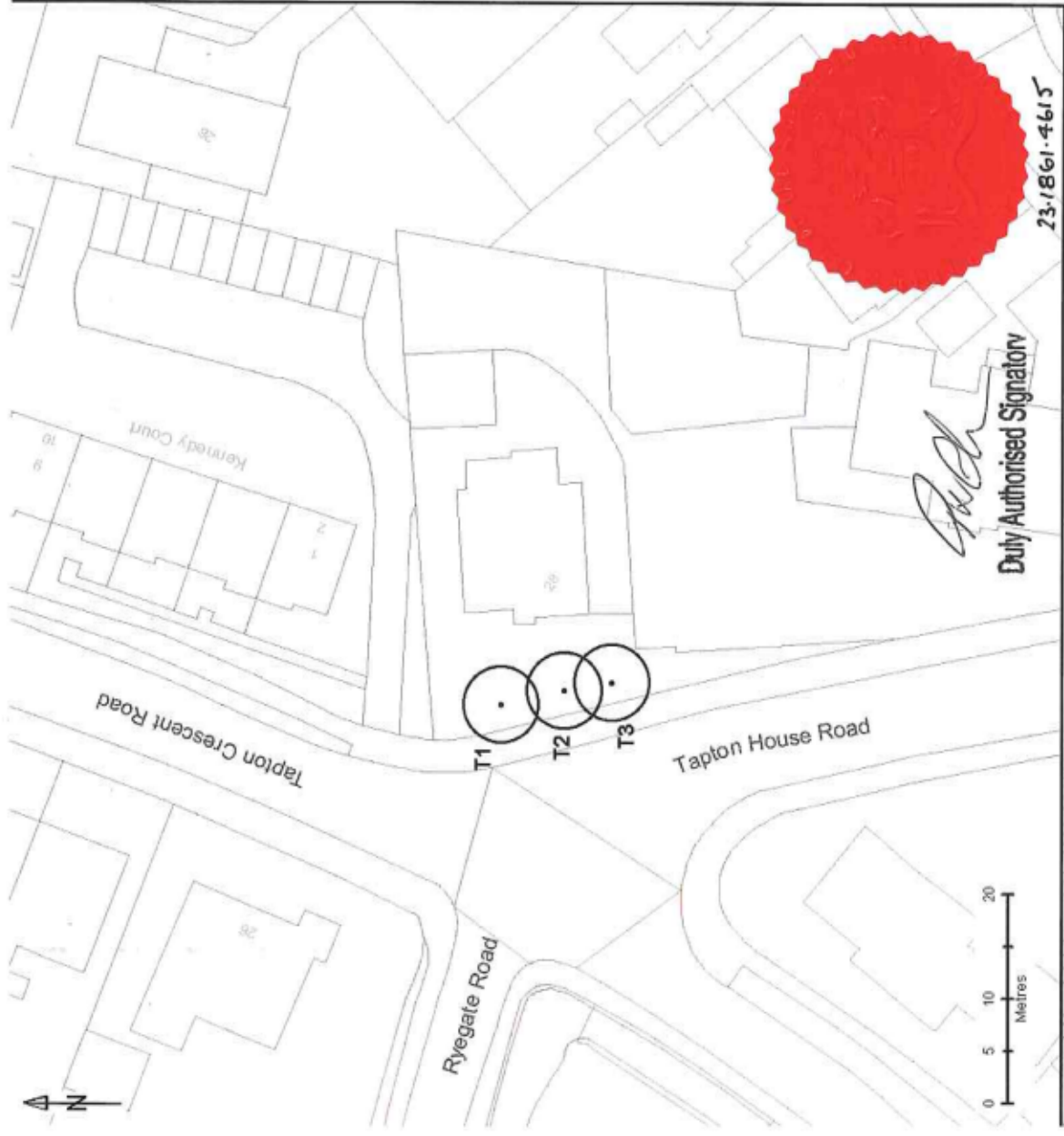
<i>Reference on map</i>	<i>Description (including number of trees of each species in the group)</i>	<i>Situation</i>
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Woodlands

(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
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	Sheffield City Council Parks & Countryside Service
TREE PRESERVATION ORDER No. 466	
Drawing No. A4/808/466	
Site address 28 Tapton House Road, Sheffield, S10 5BY	
Scale: 1:500 @ A4	
Drawn by MB	Date: 19/12/2022
Trees specified individually (circled in black on the plan)	
T1 Pine (<i>Pinus sp.</i>) T2 Pine (<i>Pinus sp.</i>) T3 Pine (<i>Pinus sp.</i>)	
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 32820 87035 Measurements shown approximately	



Appendix B. Tree Evaluation Method for Preservation Orders (TEMPO) assessment
**TREE EVALUATION METHOD FOR PRESERVATION
ORDERS - TEMPO**

SURVEY DATA SHEET & DECISION GUIDE

Date: 14.12.22	Surveyor: Vanessa Lyons
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Tree details	
TPO Ref 466	Tree/Group T1, T2,T3 Species: Pine
Owner (if known):	Location: 28 Tapton House Rd, Sheffield S10 5BY

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*

<p>Score & Notes :</p> <p>3. No visible outward defects. Trees have slightly suppressed crowns, as is normal of trees growing near each other. Some encroachment to building but could be remedied through pruning. Minor damage to wall. Streetview images show this</p>

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*

<p>Score & Notes</p> <p>2. Conservative estimate.</p>

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 |

<p>Score & Notes</p> <p>5. Very prominent on the street scene and visible from Ryegate, Tapton Crescent and Tapton House Road.</p>
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- 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

4.

- 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

Score & Notes

5. The landowner, erroneously believing the trees to be within the Broomgrove Conservation Area, has served a section 211 notice stating their intention to remove the trees.

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

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:

19

Decision:

Trees definitely merit a TPO

Appendix C. Images of the tree



Image of the tree taken from Google Streetview, looking from directly opposite 28 Tapton House Road



Photo of the trees taken from near the bottom of Tapton House Road, indicating their visibility and prominence



Photo taken from Google street view showing their prominence from Tapton Crescent Road.