



SHEFFIELD CITY COUNCIL

Planning & Highways Committee Report

Report of: Head of Planning

Date: June 20th 2023

Subject: Ranfall, 15 Ranmoor Park Road, Sheffield, S10 3GX

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

Summary: To seek confirmation of Tree Preservation Order No. 468

Reasons for Recommendation

To protect trees of visual amenity value to the locality

Recommendation

Tree Preservation Order No.468 should be confirmed unmodified.

Background Papers:

- A) Tree Preservation Order No.468 and map attached.
- B) Tree Evaluation Method for Preservation Orders (TEMPO) assessment attached.
- C) Images of the trees
- D) Ranmoor Conservation Area Statement of Special Interest
- E) Objections

Category of Report: OPEN

Tree Preservation Order No. 468

TREE PRESERVATION ORDER NO. 468

1.0 PURPOSE

1.1 To seek confirmation of Tree Preservation Order No.468

2.0 BACKGROUND

- 2.1 Tree Preservation Order No.468 ('the Order') was made on the 19th of January 2023 to protect a lime tree which stands within the curtilage of Ranfall, 15 Ranmoor Park Road. Standing within the Ranmoor Conservation Area, the tree is already protected to a limited extent by Section 211 of the Town and Country Planning Act 1990. A copy of the Order, with its accompanying map, is attached as Appendix A.
- 2.2 On the 29th of November 2022 the Council received a section 211 (reference 22/04282/TCA) giving notice of the removal of a lime tree at Ranfall, 15 Ranmoor Park Road. Ranfall is a complex of apartments created by the subdivision, and addition of dwellings to a large house, originally built in 1871. Although most of the grounds around Ranfall serve as communal areas, the lime tree is situated within a section of the grounds that serves as a private garden to apartment number 1. The section 211 notice, which contained no reference as to why the tree was to be removed, was submitted by a property management company on behalf of the owner of apartment 1.
- 2.3 The tree was subsequently inspected by Vanessa Lyons, Community Tree Officer on the 5th of January 2023. The inspection revealed a mature lime of large stature, being approximately 25m in height, with a diameter of 102cm (this equating to a circumference of 3.2m). The presence of ivy which extends into the canopy prevented an inspection of the main branch unions, however no major outward defects were noted on the visible parts of the tree and the overall health and condition of the tree was noted as being good. The canopy contained some deadwood, but of an amount and size which is usual for the species. The tree had been pruned in the past, to address issues of encroachment to the house. Images of the tree can be seen at Appendix C.
- 2.4 The tree is located to the south of the dwelling, adjacent to a summer house which was a later addition to the apartment, consent for the structure having been granted in 2006. During the visit, the owner of apartment 1 was present, and he stated that he wished to remove the tree due to issues of shade and seasonal debris which affected the summerhouse. Concern was also expressed regarding potential proximity of the tree's roots to the sewer, which runs through the front of the property, though no evidence of any damage was presented.

- 2.5 While estimation of a tree's age from the size of its stem is an inexact science, the girth of the tree suggests an approximate age of around 100 years for a tree of this species. It was therefore part of any gardens which accompanied the house before it was sub-divided into flats. The Ranmoor Conservation Area Statement of Special Interest, which can be found at Appendix D, states that landscape design and historic planting of private gardens makes an important contribution to the special character of the Conservation Area, referencing villas which, like Ranfall, are south facing, overlooking terraces and lawns planted with trees and shrubs. It is the opinion of the assessing officer that the tree therefore contributes to the special nature of the conservation area, and that despite its relatively limited public visibility, its good condition, age and long potential retention span makes its removal due to issues of shade undesirable.
- 2.6 A Tree Evaluation Method for Preservation Orders (TEMPO) assessment was conducted on the 5th of January 2023 and the lime tree was scored with 18 points, 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 tree subject to an Order. A copy of the TEMPO assessment can be found at Appendix B.
- 2.7 On the 12th of January 2022 an application for consent under a Tree Preservation Order was submitted by the property management company acting on behalf of Ranfall residents. The application (reference 23/00101/TPO) sought consent to prune the tree by 30%, for reasons of shading of the summer house, veranda, and top balcony of the apartments on the east side of Ranfall House. Consent was granted, as healthy and structurally sound trees of this species are judged as capable of tolerating crown reductions of 30% of leaf volume. The works were therefore seen as reasonable, and the pruning a compromise, which would see the tree retained, but some amelioration of shading achieved.
- 2.8 The Council issued its decision notice giving consent to the work on 7th March 2023. The decision notice specifically states that the Council consents to a 30% canopy reduction equating to no more than a 12% reduction of overall branch length. The decision notice also states this work should be carried out in accordance with British Standard 3998 (Tree work – Recommendations, published by BSI).
- 2.9 BS 3998 states that a 30% reduction is not, as is sometimes assumed by the public, a reduction of overall tree height by 30% but instead is equivalent to an approx. 12% reduction in overall branch length (i.e., radial distance). A 30% reduction in overall tree height is a level of pruning which would amount to destruction of the tree as an amenity. This clarification was added, as the quality of information that was provided with the application suggested that arboricultural advice had not informed the process, and it was therefore deemed prudent to remove any possible ambiguity regarding the level of pruning for which consent was being given.

2.10 Following the decision notice being issued, communication was received from a resident of a neighbouring property, expressing concern that the TPO would prevent maintenance of the tree, which had dropped branches in his garden. The TPO does not prevent maintenance, rather it requires that work which is not exempt is made subject to an application for consent. With regards the dropping of branches, the photo provided with the email showed a dead branch. The shedding of deadwood is a normal occurrence for a tree, and an exception in the 2012 TPO regulations allows for the removal of dead branches from a tree without prior notice or consent.

2.11 Objections.

Two objections were received, both outside of the statutory 28-day time frame. One was from an arboricultural consultant engaged on behalf of the property company who manage Ranfall. A second was submitted by the director of Ranfall Residents Limited. Though outside of the 28-day time frame, the inclusion of both has been permitted and copies of both can be seen at Appendix E.

A summary of the main points is as below:

- There are 13 properties immediately surrounding the tree, the majority being opposed to the TPO, the tree causing stress to those in the immediate vicinity and being barely visible to those further away.
- The tree extends too close to Ranfall House numbers 1-5 and 40 Ranmoor Crescent
- It sheds branches and debris and poses a risk.
- The tree drops sticky residue and casts shade.
- there is no public position from which it can be fully seen.
- It has no particular value to wildlife or historical association that elevates its amenity value.
- The reasons given for its protection amount to no more than it being partially visible and it being alive.

2.12 In response:

The tree was inspected by a council arboricultural officer, and an arboricultural consultant engaged by the property management agency. Neither party reported evidence of a defect which would determine the tree as posing a hazard. It is assumed that the shedding of branches refers to deadwood, a natural occurrence, for which there is a straightforward remedy (i.e., their removal).

2.13 The assertion that the tree is too close to adjacent buildings is an opinion. The tree has space with which to grow to its full size over the course of an estimated 100 years of existence, and not come into contact with the fabric of Ranfall. Were it to do so, an application seeking consent to prune the tree to mitigate said contact would be deemed as reasonable.

2.14 It is accepted that the tree is of limited public visibility, offers no special habitat and cannot be stated to be historically significant. However, the tree is in good condition, of long potential retention span, of some public visibility, and can be considered as contributing to the character of the conservation area. These are all elements of amenity that government guidance ("Tree Preservation

Orders and Trees in Conservation Areas”) requires be considered when assessing the amenity of a tree and its suitability for protection. In considering these elements, the tree was found to provide sufficient amenity for its retention and it was therefore considered expedient in the interests of amenity to protect the tree by making the Order.

- 2.15 Removal on the grounds of shade and seasonal debris, despite being seen as undesirable, do not provide sufficient reasons as to why a tree should not be protected by way of TPO nor would they provide a landowner with a reason to remove a tree protected by a TPO if they are a minor inconvenience (and not an actionable nuisance).

3.0 VISUAL AMENITY ASSESSMENT

Visibility: A mature lime of approximately 25 m height of limited public view, visible from within the grounds of Ranfall by multiple occupants.

Condition: A tree in good condition with no major visible defects.

Retention span: At an estimated 100 years of age the tree has a potential retention span of a further 40-100 years.

Contribution to the conservation area: Lacking public open space, the gardens of Ranmoor are considered as making an important contribution to the conservation area. The tree is old and forms an important element of a garden described as being typical of said character of the conservation area, forming part of a lawn bounded by shrubs and trees, overlooked by a terrace and a south facing villa.

Expediency: Immediate. The tree was subject to a section 211 notice which stated the intention to remove the tree.

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.468 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 The test for confirmation is whether it would be expedient in the interests of amenity to do so (the same test for making the order in the first instance). Neither 'amenity' or 'expedient' are defined in law. The government guidance (Tree Preservation Orders and trees in conservation areas') is also clear on this point. Members are however asked to note that what is expedient is described by the guidance primarily in terms of risk and it is not necessary for this risk to be immediate. The guidance does not state that an obligation to maintain a tree could prove so onerous so as to make it inexpedient to make or confirm a TPO.
- 7.5 Members are not being asked to consider whether to grant consent for the carrying out of works to the tree; there is no such application before them. The Council has already determined an application for consent per the process described at paragraphs 2.7 to 2.9 of this report. Consent was granted (albeit conditionally). There is a statutory right to appeal that decision – even a decision where consent is given – within 28 days of the decision being made. This right was not exercised.
- 7.6 Instead, two objections to the Order were subsequently received, both being made outside of the Council's stated objection period. The Council chose to accept the objections in the circumstances. The Council may only confirm the Order after considering any representations made in respect of it. If the Order is confirmed, its existence does not prevent further applications for works.
- 7.8 Paragraph 90 of the government's guidance states that an authority is advised, when considering an application for consent to works to a protected tree, to assess the likely impact on the amenity value of the tree or woodland and the impact of the proposal on the amenity of the area. The authority is further advised to consider, in light of this assessment, whether or not the proposal is justified "having regard to the reasons and additional information put forward in support of it". This paragraph appears to suggest that there may be scope to take into account other factors such as maintenance – it is however only applicable where an application for consent to carry out works has been made and the amenity impact of those works is deemed acceptable.

7.8 Any decision in respect of consent may subsequently be appealed via the Planning Inspectorate. This route represents the appropriate recourse where there is dissatisfaction with the Council's decision as to whether and how works may be carried out to a protected tree.

8.0 RECOMMENDATION

8.1 Recommend Provisional Tree Preservation Order No.468 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 468 (2023)
15 Ranmoor Park Road, Sheffield S10 3GX

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 468 (2023) – 15 Ranmoor Park Road, Sheffield S10 3GX.

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 19TH JANUARY 2023

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


David Jellins
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	Lime (<i>Tilia</i> sp)	SK 31831 86372

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)

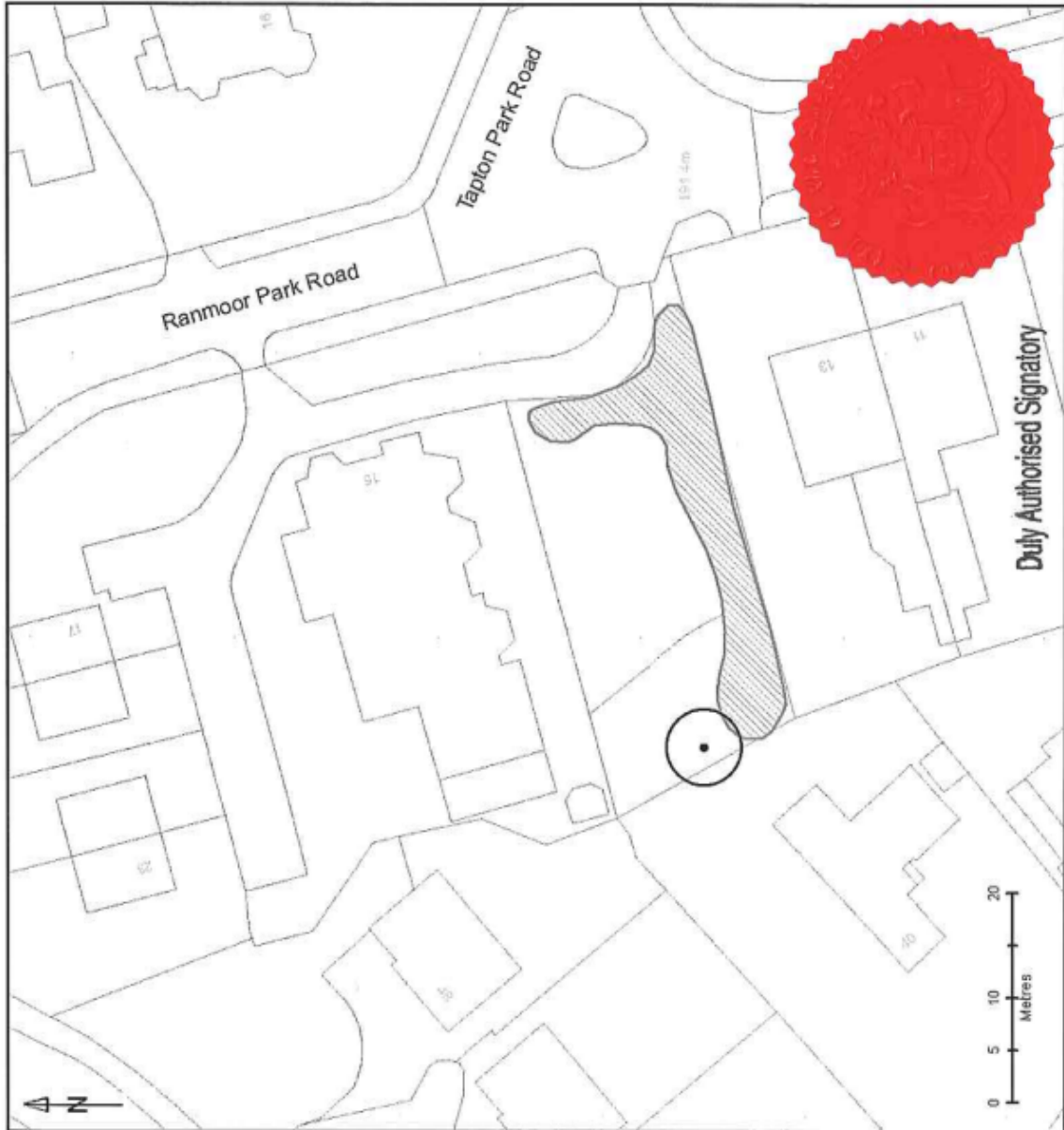
<i>Reference on map</i>	<i>Description (including number of trees of each species in the group)</i>	<i>Situation</i>
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Woodlands

(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. 468	
Drawing No. A4/808/468	
Site address Ranfall, 15 Ranmoor Park Road, Sheffield, S10 3GX	
Scale: 1:500 @ A4	
Drawn by MB	Date: 06/01/2023
 Trees specified individually (circled in black on the plan)	 Trees which are not included in the TPO
T1 Lime (<i>Tilia sp</i>) (Tree directly adjacent to the western corner of property number 1)	
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 31831 86372 Measurements shown approximately	



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Duty Authorised Signatory

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

SURVEY DATA SHEET & DECISION GUIDE

Date: 05.01.23	Surveyor: Vanessa Lyons
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Tree details TPO Ref 468 Owner (if known):	Tree/Group T1 Location: Ranfall, 15 Ranmoor Park Road, Sheffield, S10 3GX	Species: Tilia
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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*

<p>Score & Notes :</p> <p>5</p> <p>Good example of a lime- no major outward defects. Large stature (102dbh) and of good overall form.</p>
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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>4. Tree is in a garden large enough to contain it, there is no indication the tree will not reach the maximum age for its species.</p>
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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

<p>Score & Notes</p> <p>2. Limited view from Ranmoor Park Road and Tapton Park Road, partial view from Ranmoor Cliffe Road and Ranmoor Crescent. Visible from flats within Ranfall and neighbouring properties.</p>

- 4) Large trees, or medium trees clearly visible to the public Suitable
- 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

- 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

Score & Notes

2. Tree not exceptional, though of better quality than would merit 1 point (indifferent form)

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 Section 211 notice reference 22/04282/TCA to fell

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:

18

Decision:

Definitely merits TPO

Appendix C. Images of the tree



Photograph of the tree taken looking towards number 1 Ranfall, the edge of which is just out of shot to the right.



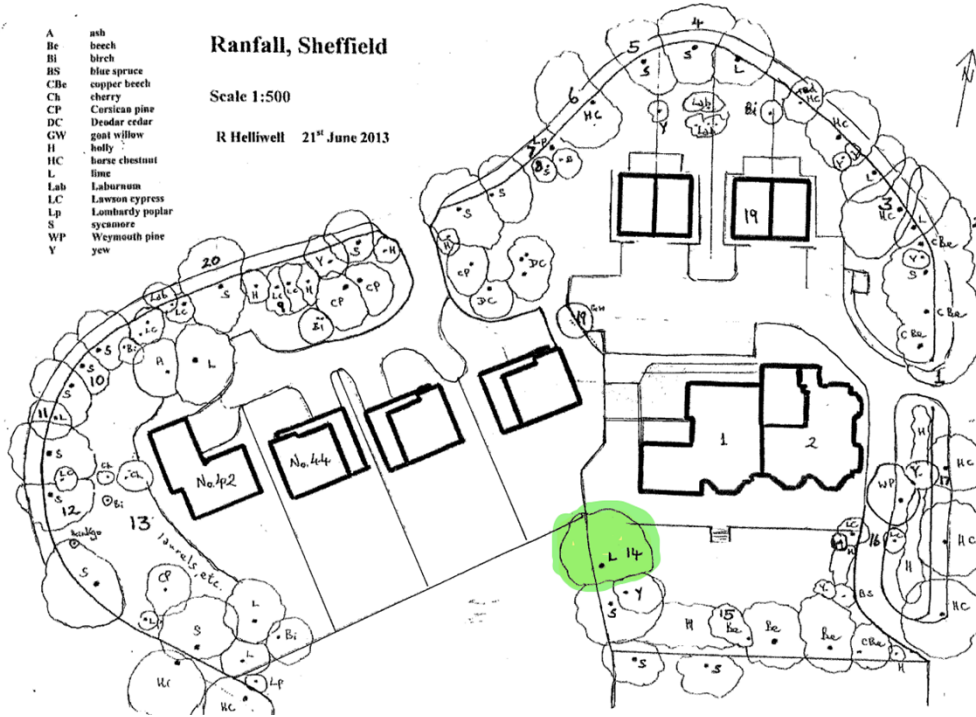
Image taken from Google Streetview, of the view of the tree from Ranmoor Crescent.

- A ash
- Be beech
- Bl birch
- BS blue spruce
- CBe copper beech
- Ch cherry
- CP Corsican pine
- DC Deciduar cedar
- CW goat willow
- H holly
- HC horse chestnut
- L lime
- Lab Laburnum
- LC Lawson cypress
- Lp Lombardy poplar
- S sycamore
- WP Weymouth pine
- Y yew

Ranfall, Sheffield

Scale 1:500

R Helliwell 21st June 2013



Location of the tree relative to the original house at Ranfall (now apartments number 1 and 2)

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