



SHEFFIELD CITY COUNCIL

Planning & Highways Committee Report

Report of: Director of City Growth Service

Date: 12th September 2023

Subject: Tree Preservation Order No. 470

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

Summary: To seek confirmation of Tree Preservation Order No. 470

Reasons for Recommendation

To protect a tree of visual amenity value to the locality

Recommendation

Tree Preservation Order No. 470 should be confirmed unmodified.

Background Papers:

- A) Tree Preservation Order No.470 and map attached.
 - B) Tree Evaluation Method for Preservation Orders (TEMPO) assessment attached.
 - C) Images of the tree
 - D) Broomhill Conservation Area Appraisal
 - E) Objection
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Category of Report: OPEN

CITY GROWTH SERVICE

REPORT TO PLANNING & HIGHWAYS COMMITTEE

Tree Preservation Order No. 470
423 Glossop Road, Sheffield, S10 2PR

TREE PRESERVATION ORDER NO. 470

1.0 PURPOSE

1.1 To seek confirmation of Tree Preservation Order No.470

2.0 BACKGROUND

- 2.1 Tree Preservation Order No.470 ('the Order') was made on the 16th of March 2023 protect a lime tree which stands within the curtilage of 423 Glossop Road. The tree is located within the Broomhill Conservation Area and so 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 Planning permission (ref. 22/03074/FUL) has been granted at this site for the construction of a small extension to the rear of the house. A condition of the permission is the retention (and sensitive pruning) of the lime which is the subject of Order 470. The lime tree stands within several metres of the rear of the house, in a small, raised garden area. Adjacent to this is a second lime tree situated in a small carparking area - this second lime is not included in the Order.
- 2.3 In plans submitted with the planning application, both trees were shown as either being retained, or removed and replaced. An accompanying tree survey recommended removal and replacement but also stated that retention, subject to the trees being pruned to facilitate the development, was also an option. In e-mail communication, the planning officer was asked by the applicant for their view as to whether removal and replacement, or retention of the trees would be preferred by the Council.
- 2.4 Following discussion between Council planning, landscape and ecology officers, it was determined that retention of the trees should be feasible during the construction phase and would be the favoured outcome, given the habitat for wildlife that the trees offer, and their contribution to the amenity of the Broomhill conservation area, being trees that are publicly visible and prominent on the street scene. It was noted that the tree closest to the house is included in an appraisal of the Broomhill conservation area where it is listed as a prominent tree (see map excerpt in Appendix C).
- 2.5 When granting planning permission authorities have a duty to ensure, whenever appropriate, that planning conditions are used to provide for tree preservation and planting. Orders should be made in respect of trees where it

appears necessary in connection with the grant of permission (whether for giving effect to such conditions or otherwise). As officers were considering conditioning retention of the trees in conjunction with the granting of consent for application 22/03074/FUL, Vanessa Lyons, Community Tree Officer, was asked to inspect the trees to determine their quality and suitability for retention, and subsequently for their protection under an Order, the benefit of an Order at this point being to add weight to any condition seeking retention of the tree, and ensure the tree was fully considered during the construction phase.

- 2.6 The trees were inspected on the 10th of March 2023 and assessed using the Tree Evaluation Method for Preservation Orders (TEMPO). The lime within the carpark – which is not included in the TPO - was assessed as being of impaired form and condition, having had its upper canopy removed at some point in its past, which had re-grown in an asymmetric manner, with cavities at crown break. Due to the tree's condition and its location within an inhospitable environment (a tarmacked carpark) it was determined that the tree had a limited future retention span. Subsequently the tree was assessed as being of insufficient quality to be considered for retention, with removal of the tree and a condition seeking two-for-one replacement being deemed as a more appropriate response.
- 2.7 The tree within the rear garden of the property – which is included in the TPO - was assessed as being of higher quality. Though near to the house, and also heavily pruned in the past, the tree had re-grown a large canopy, displaying good vigour, and which could be seen from a distance and at multiple locations along Glossop Road. The tree was scored with 13 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.
- 2.8 Objections.

One duly made objection to the TPO was received, which can be found at Appendix E. The objection was submitted by an arboricultural consultant working on behalf of the owners of 423 Glossop Road. The salient points of the objection are:

- The tree does not have sufficient amenity to warrant an Order
- It has outgrown its position.

In response

- The tree is considered as having sufficient amenity value to justify protecting with a TPO per the details of the TEMPO assessment detailed at paragraph 2.7.
- Retention of the tree will not prevent construction of the proposed extension (retention of the tree being one of the options proffered by the same arboricultural consultant in his communication with the applicant).

- The tree is not causing any damage to the adjacent structure (the house at 423 Glossop Road).
- Although the tree is close to the house and some of the canopy is in contact with it, this is rectifiable by pruning. The amount of pruning to be carried out has been specified by the Council as part of a condition attached to planning permission ref. 22/03074/FUL (itself based on a method statement submitted by the arboricultural consultant).

3.0 VISUAL AMENITY ASSESSMENT

Visibility: A mature lime of reasonably large stature, standing directly adjacent to a public footpath linking Glossop and Clarkehouse Road, and from which the tree can be seen almost in its entirety. Prominent within the street scene of Glossop Road, the tree can be seen from a distance both up and down the road, visible to the large numbers of people who use the busy road on a daily basis. See images of the trees at Appendix C.

Condition: The presence of ivy covering the stem and major branch unions prevented a thorough inspection of the tree's condition, though the upper canopy appears healthy. The tree was estimated as being in reasonable condition.

Retention span: The tree is close (within 4 metres) of the house at 423 Glossop Road, and at the time of inspection some of the upper canopy was in contact with the property, though this was remediable with relatively minor pruning. Despite its proximity, the tree has been able to grow to its large size without causing damage to the house, and it was estimated by landscape officers that the tree could be retained during the extension that was proposed to the rear of the house. Given this, it was estimated that the tree had a likely retention span of approximately 20 years.

Contribution to the conservation area: The tree is listed as a prominent tree within the Broomhill Conservation Area appraisal. A copy of the appraisal can be found at Appendix D, and an excerpt from the map that lists the tree can be found at Appendix C.

Other factors: The tree gained no additional points for other factors.

Expediency: Foreseeable threat to the tree. The tree was initially under consideration for removal, and once retained, at risk of potential damage during the construction phase.

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.470 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). Further, the local authority is under a duty to make such TPOs as appear to be necessary in connection with the grant of planning permission, whether for giving effect to conditions for the preservation of trees attached to such permission or otherwise.
- 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. One objection has been received in respect of the Order.
- 8.0 RECOMMENDATION
- 8.1 Recommend Provisional Tree Preservation Order No.470 be confirmed.

Michael Johnson, Head of Planning,

12th September 2023

Appendix A. Tree Preservation Order No. 470 and map

Tree Preservation Order

Town and Country Planning Act 1990
The Tree Preservation Order No 470 (2023)
423 Glossop Road, Sheffield S10 2PR

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 470 (2023) – 423 Glossop Road, Sheffield S10 2PR.

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 16TH MARCH 2023

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


PATRICK HUGH CHISHOLM
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 | Tilia x europaea (Common lime) | SK 33843 86821 |

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> |
|-------------------------|--------------------|------------------|
|-------------------------|--------------------|------------------|

Groups of trees



(within a solid red line on the map)

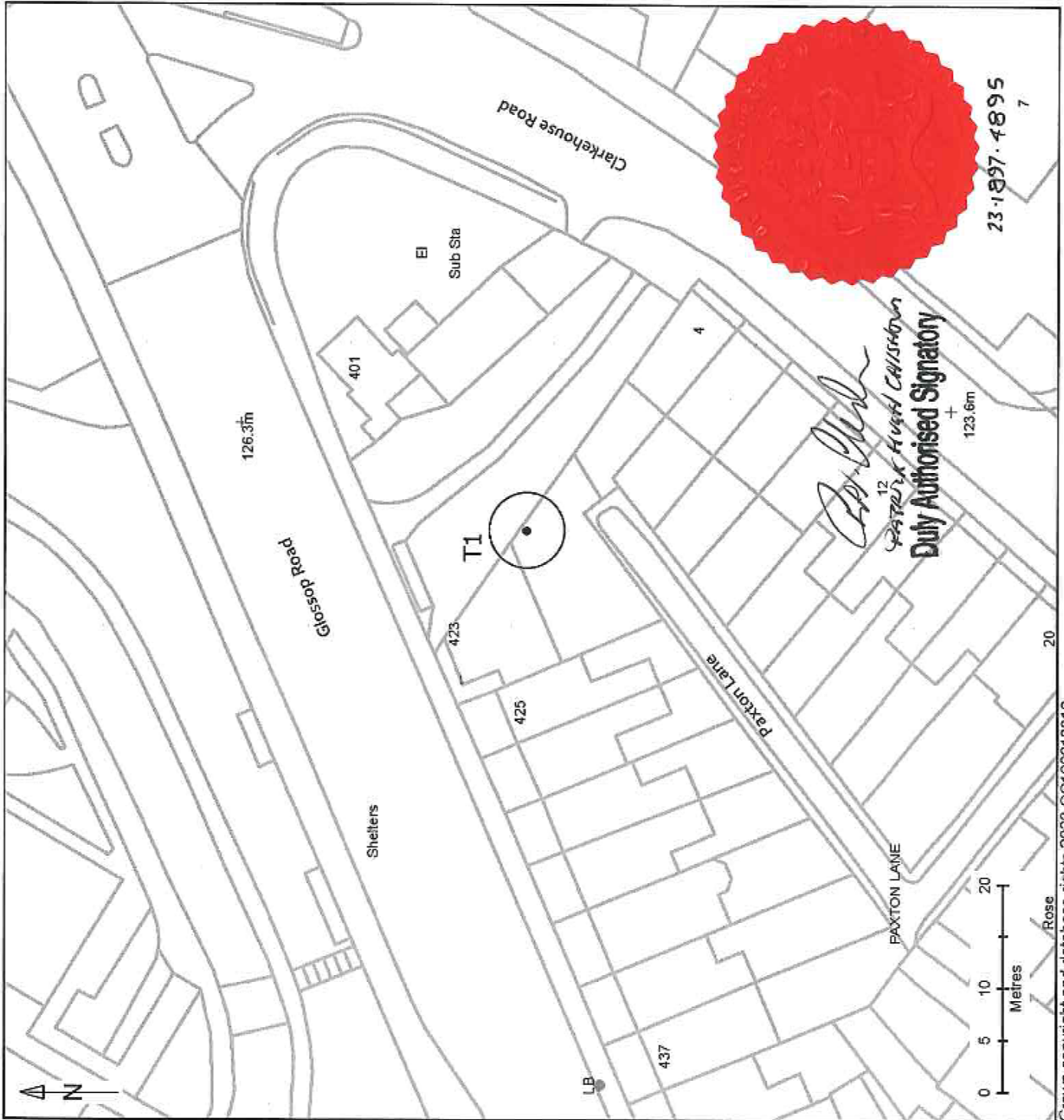
| <i>Reference on map</i> | <i>Description (including number of trees of each species in the group)</i> | <i>Situation</i> |
|-------------------------|---|------------------|
|-------------------------|---|------------------|

Woodlands

(within a continuous black line on the map)

| <i>Reference on map</i> | <i>Description</i> | <i>Situation</i> |
|-------------------------|--------------------|------------------|
|-------------------------|--------------------|------------------|

| | |
|---|--|
| Sheffield City Council Parks & Countryside Service | Sheffield City Council  |
| TREE PRESERVATION ORDER No. 470 | |
| Drawing No. A4/808/470 | |
| Site address 423 Glossop Road Sheffield S10 2PR | |
| Scale: 1:500 @ A4 | |
| Drawn by MB | Date: 13/03/2023 |
|  | Trees specified individually (circled in black on the plan) |
| | T1: <i>Tilia x europaea</i> (Common lime) |
| | 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 33843 86821 |
| | Measurements shown approximately |



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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

- 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

1. Likely pollarded/ topped in past. Listed as notable tree on CA appraisal.

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

3 . Planning application reference 22/03074/FUL. Developer has asked for advice re retention of tree. Tree will require protecting during construction

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:

13

Decision:

TPO defensible

Appendix C. Images of the tree



Google Streetview, looking uphill on Glossop Road



Google Streetview, tree as viewed approaching on Glossop Road



The tree with the second lime (to be removed) to the immediate left. Image taken from Clarkehouse Road



Tree as viewed from the public footpath joining Glossop to Clarkehouse Road. Tree is to the right in the second image.



Tree (on right) from Paxton Lane

Excerpt taken from a map of notable trees, taken from the Broomhill Conservation Area Appraisal. Tree marked with red arrow.



Appendix E. Objection.

Anderson Tree Care Ltd
Garden Cottage, Park Street
Barlborough, Chesterfield
Derbyshire, S43 4TJ
01246 570 044
info@andersontreecare.co.uk
www.andersontreecare.co.uk



[REDACTED]

March 10th 2023.

[REDACTED]

**Lime tree at 423 Glossop Road,
Broomhill, Sheffield, S10 2PR.**

Thanks for getting in touch again and forwarding me the e-mail from Jacob George the Planning Officer, to which I shall respond. [REDACTED] also sent it me this morning. For ease of reference I've copied the pertinent parts below:

Further to my previous email, I have been in discussion with the Tree Officers today and it is felt that the trees should be retained. T2, in particular, is a large specimen which has strong amenity value in contributing to the character of the area.

It is not felt that pollarding T2, as suggested, would represent a desirable outcome, as it could potentially take decades for the tree canopy to return to its current size. Simply erecting tree protection fencing does not provide confidence that the root protection area (RPA) of the tree would not be harmed during the construction works.

As such, we would ask for more information on the tree and how it will be protected during construction. We would ask that some ivy be removed to further inspect the condition of the tree at the base, and to allow for the trunk to be measured to inform the best estimate of the RPA. The RPAs should be plotted on the site plan. There also needs to be more investigation of potential bat roost features.

With the tree more fully surveyed, we would then request a detailed method statement for how the extension would be constructed to avoid harm to the tree. This would involve setting out detail of the groundworks required in the vicinity of the RPA, and how the canopy would be treated to facilitate the two-storey extension. Pollarding is not supported, and we would recommend that your arboriculture consultant look at options for a crown lifting and potential sympathetic canopy reduction instead.

These details are required before determination, as we fundamentally need to establish whether the extension is compatible with the retention of this tree.

I'm not acquainted with Jacob, I don't know if he's new in post but I hope he doesn't think I'm being overly familiar.

Anyway, he states that I suggested T2 could be pollarded. I did not suggest that I suggested that T2 should be removed, and T1 could be pruned in the manner often dismissed as a "toilet brush job."

In case it's not obvious I don't like that idea, hence my suggestion that both trees were removed and replaced, which is far and away the best way of ensuring the site makes a contribution to the landscape of the Conservation Area into the future. Pollarding is really more severe than the pruning I suggested and I'm fully aware that it really is a practice that



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should not be undertaken on established trees. Nonetheless if as in this case, T1 is a lapsed-pollard; one that was previously pollarded, it might be looked upon more sympathetically.

Apart from that I would take issue with the idea that it might take many decades for the tree canopy to be restored. Firstly we don't want the tree to grow back to be the same size; it's already too big for its position, and secondly trees grow back much more quickly than Jacob suggests. In fact new trees can grow quite rapidly. I'm quite smug about some of the trees I've planted in Sheffield; here's one I planted in 2001:

<https://goo.gl/maps/LeE7WefYiS6jvPBk7>

The idea that trees don't grow very fast is widespread and wrong. In fact the project on Dunkeld Road in the above Google image, featured in the Sheffield tree dispute and at least one of the trees we planted in 2001 was removed because it had become too large. Having worked in Sheffield for over 40 years I fairly regularly come across trees I planted in streets (I was directly employed by SCC in the 80s) that it's hard to believe aren't more than 40 years old. In fact now I come to think of it, in 1983 I planted 10 Italian Alders alongside the City Hall, if Jacob's a local he might remember them, but they were removed in 2004 partly because they were too large and partly because the area was remodelled. One of the Alders was 50 feet tall! The only London Plane left in front of Cole Brothers is one I planted at the same time; that's been pruned and is still enormous.

That aside, Jacob then asks for more information and implies that the tree should be "fully surveyed." I'm not entirely sure what he means by this; precisely what information does he require? We've got the trees' dimensions and condition, and we can see that they're growing in less than ideal conditions. And it's entirely obvious that the proposed building project cannot be undertaken without intruding into both trees' RPAs. If he's suggesting something like tree root investigation using radar technology (I'm being serious here, this does exist) then I'd simply say that neither tree is sufficiently important to justify such expense.

I could, well "we" could, prepare a method statement detailing special construction methods but nothing is going to alter the fact that both trees are far too close to the existing building. I suppose we could install some ground protection over T1's RPA but this would not alter the fact that the ground in which it grows is already seriously compromised. Realistically we cannot do anything here, even maintenance of the existing building, without causing some harm to tree 1, and equally obviously even if we were doing nothing here I would still be recommending the removal of tree 2 as it's entirely outgrown its position. Incidentally it was never suitable for its position and why it's not been removed before now is a mystery to me.

Jacob describes T2 as having "strong amenity value" which is a topic I discussed at some length in my report. I should point out here that until I undertook my survey all involved regarded there to be only a single tree; nobody had noticed that there are two trees. A tree that occasioned nothing more than a casual glance really can't be described as having "strong amenity value." And that is to overlook the Government guidance that says "visibility alone will not be sufficient to warrant an Order." I should point out here that I pass this site fairly regularly and had never noticed either tree until asked to undertake this report.

The ultimate test here is whether either tree deserves protection with a TPO, which in my opinion they don't. Although Sheffield's Tree Officers have not developed their own

“structured system of amenity valuation” (as required by the Government Guidance) they do sometimes use a system called TEMPO. This is very easy to manipulate so I’ve filled in the TEMPO-pro-forma, which is appended.

For the avoidance of doubt and because of my poor handwriting, here are my scores and reasoning:

1. The trees are in satisfactory condition so score 3 points.
2. The trees could live for many years with appropriate regular pruning but this would require repeating at least every 20 years and probably in as little as 7 years. (They could be scored as zero for having “clearly outgrown their context” but that would be rather harsh.) Score 1 point.
3. They’re only medium trees but clearly visible to any member of the public that actually looks at them. Score 4 points.
4. Both trees are unsuitable for their location. They’re common Limes and just about the worst possible species for such a position. So score -1 point.

This give a total of 7 so the TEMPO process stops there.

I really don’t think there’s much more to be said about the situation.

Summary.

My best advice remains to remove both trees and replant. Severely pruning tree 1 and removing tree 2 is an option but not one I’d particularly like. The best long-term enhancement of the Conservation Area will be brought about by planting something better.

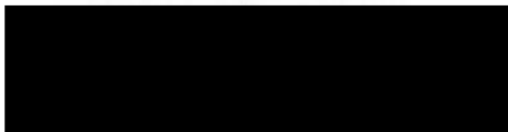
Jacob’s suggestion that either tree has strong amenity value does not fit with the Government’s guidance on what is meant by a tree’s amenity value.

I cannot see what is meant by a “fuller survey,” or what further pertinent information might be revealed. I really doubt whether tree-root-radar would be practical and also don’t consider it reasonable for such a small project. (NPPF paragraph 044.)

If we opt for the remove-tree-2-and-prune-tree-1 option then ground protection and a tree protection method statement would be reasonable, although I would remind all concerned that a successful outcome would not be guaranteed. Resources could probably be more productively spent replanting.

I hope this is helpful.

Yours sincerely,



Enclosure: TEMPO data sheet and decision guide.

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