



SHEFFIELD CITY COUNCIL

Planning & Highways Committee Report

Report of: Director of Development Services

Date: 30th August 2016

Subject: Tree Preservation Order

Author of Report: Julie Watson, Urban and Environmental Design

Summary: To seek confirmation of Tree Preservation Order Nr. 407 at land to the rear of 183 to 273 Greystones Rd Sheffield.

Reasons for Recommendations

To protect trees in the interests of the amenity and biodiversity of the local environment.

Recommendations

Tree Preservation Order Nr. 407 should be confirmed unmodified.

Background Papers: A) Tree Preservation Order 407 (includes Order plan)
B) General Location Plan
C) TEMPO evaluation (T10)

Category of Report: OPEN

REPORT TO PLANNING AND HIGHWAYS
COMMITTEE

30th August 2016

TREE PRESERVATION ORDER NR. 407

land to the rear of 183 to 273 Greystones Rd SHEFFIELD. S11 7BT

1.0 PURPOSE OF REPORT

1.1 To seek confirmation of Tree Preservation Order Nr. 407.

2.0 BACKGROUND

2.1 Tree Preservation Order Nr. 407 was served on 8th March 2016 to protect a group of trees to the rear of the property at 183 Greystones Rd. In the interests of ensuring that all parties affected by the order were informed, Sheffield City Council served this order to all surrounding dwellings and attached it to lighting columns opposite the site on Greystones Road and opposite Hornby Court. A copy of the Order is attached as Appendix A, and a location plan as Appendix B.

2.2 At the end of 2015 a Pre-Application enquiry was received followed by a full planning application in March 2016; both showing an arrangement of 10 dwellings that would have seriously compromised the survival of mature trees on the rear site boundary. The recommendation from the Landscape Officer was to refuse the application because of the encroachment of the proposed buildings into the Root Protection Area [RPA] of the tree group in question. An earlier Planning Application in 2014 for 4 dwellings had been approved.

2.3 The tree group comprises a mix of Ash, Beech, Cherry, Holly and Sycamore of mixed ages. They are visible from Greystones Road and Greystones Close and are part of the former gardens of the large traditional stone house, outbuildings and cottages on Greystones Road. In addition they have been identified as a valuable badger habitat.

2.4 A Tree Evaluation Method for Preservation Orders (TEMPO) assessment was carried out on site by the Landscape Officer together with a Tree Officer from the Parks and Countryside's Trees and Woodlands service, and is attached as Appendix C. This assessment produced a clear recommendation for protection on amenity and ecological grounds.

2.5 The tree group was deemed to be under threat from the proposed development above and therefore it was considered expedient that a Tree Preservation Order should be made to secure their retention in the interests of amenity.

3.0 OBJECTIONS TO TREE PRESERVATION ORDER

3.1 No objections to the proposed TPO have been received.

4.0 EQUAL OPPORTUNITIES IMPLICATIONS

4.1 There are no equal opportunities implications.

5.0 ENVIRONMENTAL AND PROPERTY IMPLICATIONS

5.1 Environmental Implications.

Preservation of these trees will ensure that their amenity value will continue to benefit the area and control can be exercised over their future management. Protection of the trees is consistent with the Council's policies to protect and enhance the City's green environment.

5.2 Property Implications

It has been demonstrated that the Order does not prevent reasonable development of the property.

6.0 FINANCIAL IMPLICATIONS

6.1 There are no financial implications.

7.0 LEGAL IMPLICATIONS

7.1 A local authority has a duty to ensure that, where appropriate, adequate provision is made for the preservation or planting of trees when granting planning permission for any development. This may be achieved by the imposition of conditions.

7.2 Where it appears to a local authority that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area, they may for that purpose make a Tree Preservation Order (TPO) (section 198, Town and Country Planning Act 1990).

7.3 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 willful 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.

7.4 A 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.

7.5 A local authority may only confirm an order after considering any representations made in respect of that order. No such representation has been received.

8.0 RECOMMENDATIONS

8.1 It is recommended that Tree Preservation Order Nr 407, land to the rear of 183 to 273 Greystones Rd., should be confirmed unmodified.

Tree Preservation Order

Town and Country Planning Act 1990

The Tree Preservation Order No 407 (2016)

Land to the rear of 183 to 273 Greystones Road, Sheffield, S11 7BT

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 407 (2016) – Land to the rear of 183 to 273 Greystones Road, Sheffield, S11 7BT

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—
(aa) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
(bb) 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 this 8th March 2016

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

[Handwritten Signature]
Duly 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>
	None	

Trees specified by reference to an area

(within a dotted black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
G1	Fraxinus Excelsior (Ash) 11 No. Fagus Sylvatica (Beech) 12 No. Prunus sp. (Cherry) 5 No. Ilex Aquifolium (Holly) 2 No. Acer Pseudoplatanus (Sycamore) 3 No.	OS Grid Ref: SK 3217 8534 As shown on the plan A3/UED/808/407

Groups of trees

(within a broken black 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>
	None	

Woodlands

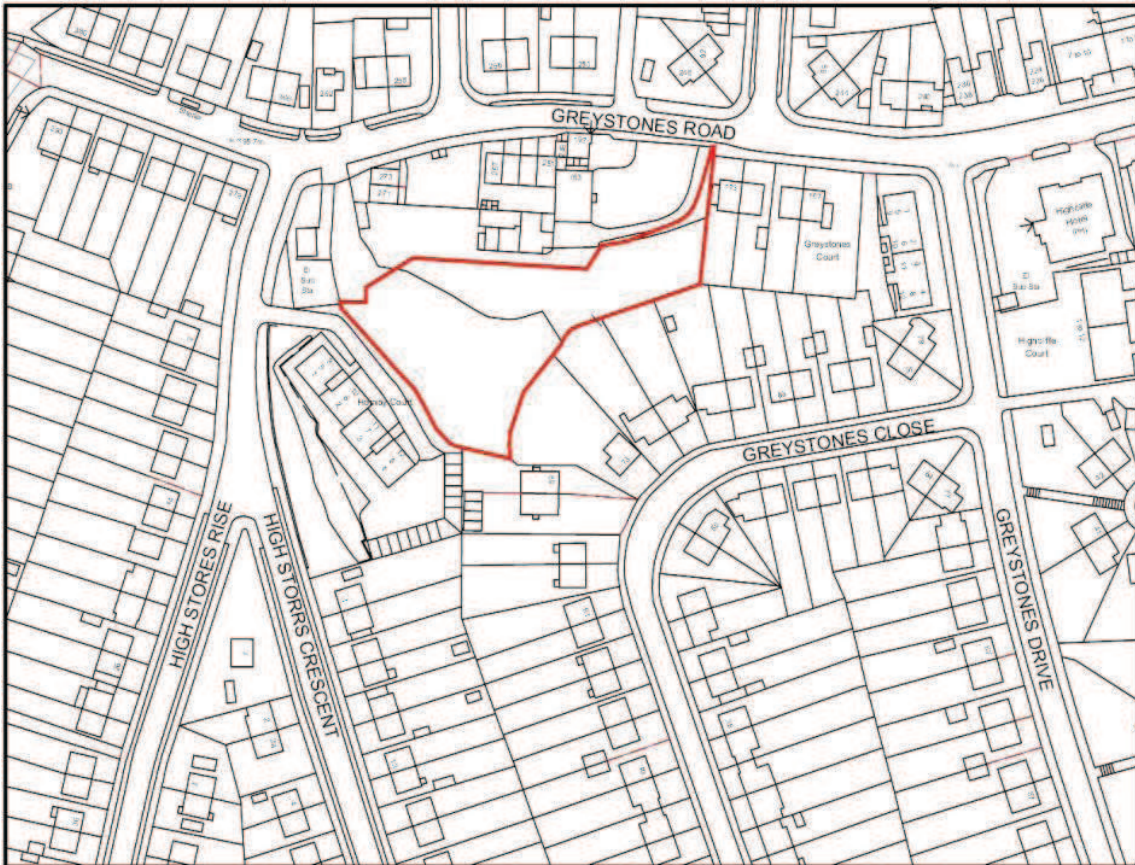
(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
	None	

APPENDIX B

GENERAL LOCATION PLAN

Land to the rear of 183 to 273 Greystones Road



TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 11/2/16 Surveyor: Julie Watson & Leonie Kapadia

Tree details
TPO Ref (if applicable): Tree/Group No: G1 Species: Valies, Ash, Beech, Sycamore, Cherry.
Owner (if known): Location: land to the rear of 183-273 Greystones Road.

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

MIX

a) Condition & suitability for TPO; where trees in good or fair condition have poor form, deduct 1 point

- 5) Good Highly suitable
- 3) Fair 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

Score & Notes
3

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

Score & Notes
5

c) Relative public visibility & suitability for TPO

* Consider realistic potential for future visibility with changed land use

will become more visible with new housing development

- 5) Very large trees with some visibility, or prominent large trees
- 4) Large trees, or medium trees clearly visible to the public
- 3) Medium trees, or large trees with limited view only
- 2) Young, small, or medium/large trees visible only with difficulty
- 1) Trees not visible to the public, regardless of size

- Highly suitable
- Suitable
- Suitable
- Barely suitable
- Probably unsuitable

Score & Notes
3

d) Other factors

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

All trees within designated badger habitat

- 5) Principal components of arboricultural features, or veteran trees
- 4) Tree groups, or 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)

Score & Notes
3

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

Planning application for 10 dwellings received.

- 5) Immediate threat to tree
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

Score & Notes
3

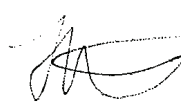
Part 3: Decision guide

- 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:
17

Decision:
Group TPO

proposed.

 3/3/16

Leonie Kapadia
03/03/16

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