



## SHEFFIELD CITY COUNCIL

### Planning & Highways Committee Report

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**Report of:** Director of City Futures

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**Date:** 11<sup>th</sup> October 2022

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**Subject:** Tree Preservation Order No. 455  
St Marys Roman Catholic Church Hall, Pack Horse Lane,  
Sheffield S35 3HY

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

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**Summary:** To seek confirmation of Tree Preservation Order No. 455

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**Reasons for Recommendation**

To protect a tree of visual amenity value to the locality

**Recommendation**

Tree Preservation Order No. 455 should be confirmed unmodified.

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**Background Papers:**

- A) Tree Preservation Order No.455 and map attached.
- B) Tree Evaluation Method for Preservation Orders (TEMPO) assessment attached.
- C) Images of the trees

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**Category of Report:** OPEN

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## CITY GROWTH SERVICE

### REPORT TO PLANNING & HIGHWAYS COMMITTEE

**11<sup>th</sup> October 2022**

St Marys Roman Catholic Church Hall, Pack Horse Lane, Sheffield S35 3HY  
TREE PRESERVATION ORDER NO. 455

#### 1.0 PURPOSE

1.1 To seek confirmation of Tree Preservation Order No.455

#### 2.0 BACKGROUND

Tree Preservation Order No.455 ('the Order') was made on 19<sup>th</sup> May 2022 to protect four trees at St Mary's Roman Catholic Church Hall, Pack Horse Lane, Sheffield S35 3HY. A copy of the Order, with its accompanying map, is attached as Appendix A.

2.1 T1, T2, T3 and T4 (as described in the Order) are four mature trees consisting of a purple beech, a lime, and two sycamores, which are located within the curtilage of St Mary's Roman Catholic Church. The purple beech stands to the front of the site, adjacent to the front boundary with Mortomley Lane. The two sycamore and the lime form a linear feature to the north-west boundary of the site.

2.2 The site is subject to an outline planning application (22/01111/OUT) regarding the demolition of existing buildings and the construction of two dwellings. The site is also within an Area of Special Character, and the trees are part of the distinct character of the site. Plans supplied with the outline proposal show the intended removal of the three trees to the rear of the site (four trees were marked on the plan, though there are in fact only three). The beech to the front of the site was earmarked for retention. The trees are not within a conservation area, and so are not subject to any measure of protection.

Guidance published within the most recent iteration of the government's National Planning Policy Framework states that opportunities must be taken to ensure that existing trees are incorporated within developments, while guidance from the Trees and Design Action Group (a not-for-profit and apolitical collaborative forum) indicates that where existing trees are removed and replaced, even with robust mitigation, it can take up to 25 years to match the benefits provided by the existing trees. The size of the trees in question means that they can be seen from some distance from the site, and their presence forms a green screen which acts to soften the nature of the built environment in which they reside. Therefore, their retention is desirable. Given this, a landscape officer within the Council, responsible for commenting

on the outline application, requested that the trees be inspected and that their suitability for protection by TPO be assessed.

2.3 Vanessa Lyons inspected the trees on the 5<sup>th</sup> May 2022, with a view to determining their suitability for protection. A Tree Evaluation Method for Preservation Orders (TEMPO) assessment was carried out and the trees to the rear of the site were assessed as scoring 14 points respectively. The beech to the front of the site, while not earmarked for removal was also inspected and considered for protection within the TPO, as it was felt that the tree would be vulnerable during the construction phase. This tree also scored 14 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 make a TPO.

2.4 Objections  
There are no objections.

### 3.0 VISUAL AMENITY ASSESSMENT

3.1 Visibility: The beech tree (T1) stands to the front of the site, is of a reasonably large size and is clearly visible from Mortomley Lane, which is a busy road bisecting the High Green area. The sycamore and lime (T2, T3 and T4) are all large stature trees to the rear of the church, and are partially visible above the roof of the church from the public vantage points of Mortomley Lane, Pack Horse Lane and Bellamy Court.

Condition and form of the trees: The condition of all of the trees was assessed as fair. The form of T1 suggest that at some point the tree has been heavily pruned and re-grown, however it is in reasonable condition and at the time of inspection of good vitality. Ivy and vegetation at the bases of T2, T3 and T4 precluded a thorough basal inspection, though a historic wound to the base of T4 was discernible. There was evidence of past pruning, small amounts of deadwood, and historic branch loss commensurate with trees of this age, but no visible outward defects which would indicate that the trees would not live to a reasonable age for their species. T2 in particular has an aesthetically pleasing, large, open crown.

Future potential as an amenity: A conservative estimate of the lifespan of the trees was given at 20-40 years, meaning that if retained, the trees will bring a good degree of amenity to the area for many years to come.

Other factors: The tree did not score additional points in this area (which considers rarity of species, historical association etc) though it can be considered that the presence of large canopy, mature trees such as these contribute to the local landscape which is designated as an Area of Special Character. The trees are part of the distinct character of the site and are likely a remnant from a time when the area had a more rural feel.

3.3 Expediency: T2, T3 and T4 were earmarked for removal to facilitate a new development, as indicated within outline planning application number 22/01111/OUT. The trees are not within a conservation area. T1 was not indicated as being removed within the outline planning application, however it was considered that the tree would be vulnerable to either removal or damage during any future construction phase, and that it should therefore be considered for protection alongside the other 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.454 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.

#### 8.0 RECOMMENDATION

8.1 Recommend Provisional Tree Preservation Order No.455 be confirmed.

Michael Johnson, Head of Planning

30.09.22

Appendix A. Tree Preservation Order No. 455 and map attached.

**Tree Preservation Order**  
**Town and Country Planning Act 1990**  
**The Tree Preservation Order No 455 (2022)**  
**St Marys Roman Catholic Church Hall, Pack Horse Lane, Sheffield S35 3HY**

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 455 (2022) – St Marys Roman Catholic Church Hall, Pack Horse Lane, Sheffield S35 3HY.

**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 19<sup>TH</sup> MAY 2022

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

  
DUTY AUTHORISED SIGNATORY

22/1701/5818



## 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	Purple beech ( <i>Fagus sylvatica</i> 'Purpurea')	SK 34227 97593
T2	Sycamore ( <i>Acer pseudoplatanus</i> )	
T3	Common lime ( <i>Tilia × europaea</i> )	
T4	Sycamore ( <i>Acer pseudoplatanus</i> )	

#### 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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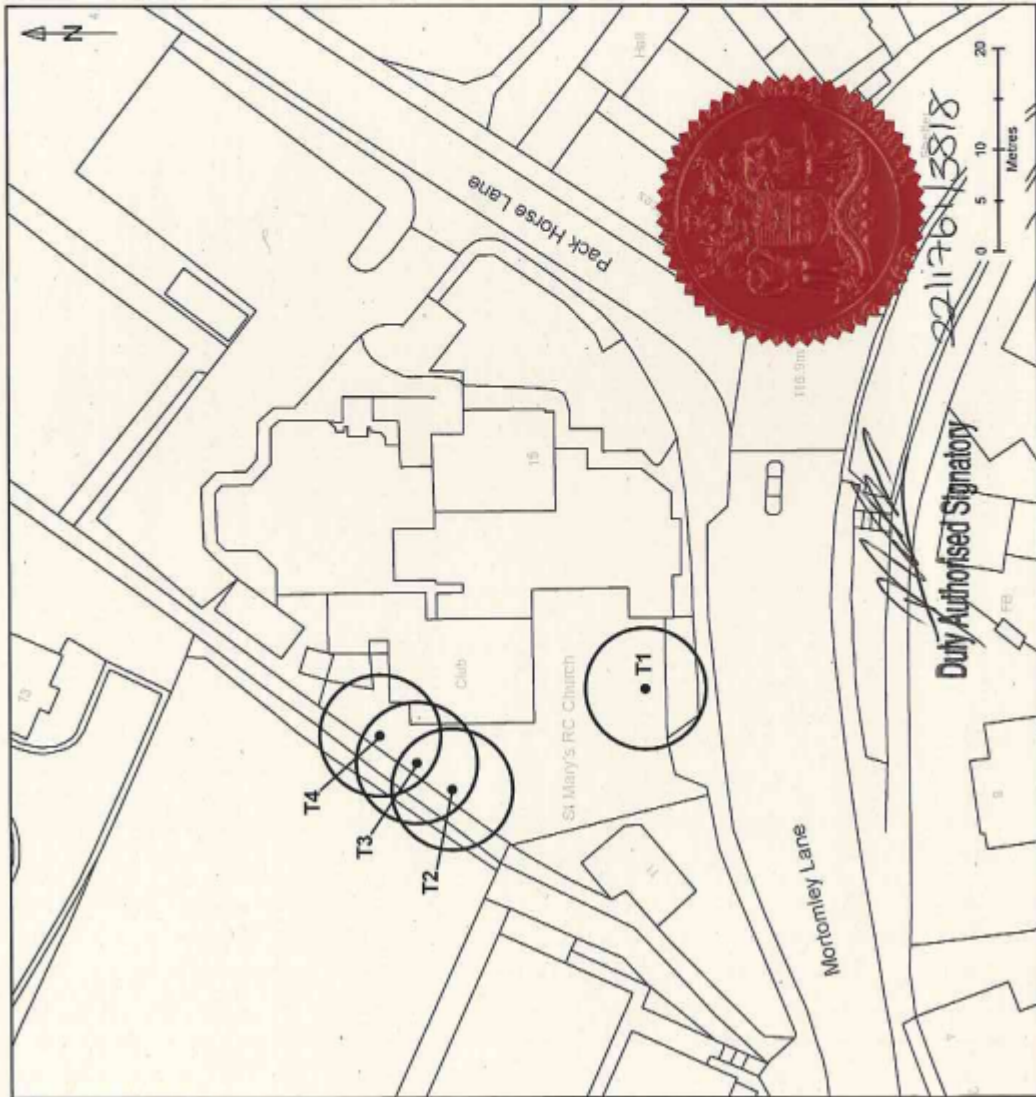
#### Woodlands

(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	Sheffield City Council
<b>TREE PRESERVATION ORDER</b> No. 455	
Drawing No. A4/808/455	
Site address St Marys Roman Catholic Church Hall Pack Horse Lane Sheffield S35 3HY	
Scale: 1:500 @ A4	
Drawn by MB	Date: 13/05/2022
Trees specified individually (circled in black on the plan)	
T1 Purple beech ( <i>Fagus sylvatica</i> 'Purpurea') T2 Sycamore ( <i>Acer pseudoplatanus</i> ) T3 Common lime ( <i>Tilia x europaea</i> ) T4 Sycamore ( <i>Acer pseudoplatanus</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 34227 97593 Measurements shown approximately	



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## Appendix B. TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

### SURVEY DATA SHEET & DECISION GUIDE

Date: 05.05.22	Surveyor: Vanessa Lyons
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<b>Tree details</b> TPO Ref 455	Tree/Group T1, T2, T3, T4 Species: T1- Purple beech, T2 Sycamore, T3 Lime, T4 Sycamore
Owner (if known):	Location: St Marys Roman Catholic Church Hall, Pack Horse Lane S35 3HY

### 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. Ivy and epicormic restricted full basal inspection of T2-T4.**

**Historic wound at base of T4. Good wound wood present, Internal wood hard, no evidence FFB.**

#### Score & Notes

**2.**

#### Score & Notes

**5**

- 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.**

**Could argue for 3 here based on age of trees and habitat/ historic association- however no direct evidence at present of historical links**

**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. Outline planning application stating removal of T2-T4.**

**T1 earmarked for retention but could come under pressure during development process.**

**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:**

**14**

**Decision:**

TPO defensible

Appendix C. Images of the trees



Image of T2, T3 and T4, partially visible on the right, above the roof of the church. Image taken from Google streetview from the vantage point of Pack Horse Lane.



T1 Beech, taken from Mortomley Road.T2 in background.





T2 Sycamore. Taken from within the church grounds. T4 visible behind.





T3. Lime. Taken from within the church grounds.





T4. Sycamore. Taken from underneath the tree.





T2, T3 and T4, taken from entrance to church grounds.