



SHEFFIELD CITY COUNCIL

Planning & Highways Committee Report

Report of: Head of Planning

Date: 8th November 2022

Subject: Tree Preservation Order No. 458
41 St Andrews Road, Nether Edge, Sheffield, S11 9AL

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

Summary: To seek confirmation of Tree Preservation Order No. 458

Reasons for Recommendation

To protect trees of visual amenity value to the locality

Recommendation

Tree Preservation Order No. should be confirmed unmodified.

Background Papers:

- A) Tree Preservation Order No. and map attached.
- B) Tree Evaluation Method for Preservation Orders (TEMPO) assessment attached.
- C) Images of the tree
- D) Appraisal of the Nether Edge Conservation Area

Category of Report: OPEN

CITY GROWTH SERVICE

REPORT TO PLANNING & HIGHWAYS COMMITTEE

8TH November 2022

41 St Andrews Road, Nether Edge, Sheffield, S11 9AL

TREE PRESERVATION ORDER NO. 458

1.0 PURPOSE

1.1 To seek confirmation of Tree Preservation Order No.458

2.0 BACKGROUND

2.1 Tree Preservation Order No.458 ('the Order') was made on 28th July 2022 to protect a pine tree which stands within the garden of 41 St Andrews Road. A copy of the Order, with its accompanying map, is attached as Appendix A.

2.2 T1 (as described in the Order) is positioned to the west of the house, in the front garden adjacent to the boundary with St Andrews Road. As such the tree is very visible and forms a prominent part of the street scene. An image of the tree can be seen at Appendix C. The tree is located within the Nether Edge Conservation Area, so is already protected to a limited extent by Section 211 of the Town and Country Planning Act 1990.

2.3 The tree is the subject of a section 211 notice (reference 22/02305/TCA) received on 17th June 2022. The notice stated the intended removal of the tree due to its implication in cracking and lifting to the driveway to which it is directly adjacent.

2.4 In response to the section 211 notice, Tree Service manager Jerry Gunton inspected the tree on the 28th July 2022 with a view to determining whether the removal of the tree was appropriate. He found that the tree is healthy with no major outward defects, barring the loss of its central leader. He felt this had occurred some years previously, cause unknown, and that the central stem is now being replaced by upward growth of other lateral branches. He observed that the drive near the base of the tree is cracked and lifting, but there was no indication that further investigative work had taken place, such as lifting of the broken slabs, to ascertain how close the roots are to the surface of the drive and whether the drive can be made good with the tree in situ. It is therefore deemed possible that an engineering solution exists which would see the drive repaired, and the tree retained.

Given this, it was the opinion of the assessing officers that there is insufficient evidence at this time to suggest that tree removal is the only option. The tree is healthy, visually prominent and contributes to the character of the conservation area, and therefore its retention is desirable. It was therefore

deemed expedient in the interest of amenity to make the tree subject to a Tree Preservation Order.

2.5 On 28th July 2022 Vanessa Lyons conducted a Tree Evaluation Method for Preservation Orders (TEMPO) assessment. The tree scored 15 points producing a clear recommendation for protection. A summary of the TEMPO can be found in Appendix B.

2.6 Objections.

No duly made objections have been received.

3.0 VISUAL AMENITY ASSESSMENT

Visibility: The tree has high public visibility, standing directly adjacent to St Andrews Road, a main road in and out of the Nether Edge area.

Condition: The trees appear in reasonable condition, though not of entirely typical form for its species due to the loss of a central leader.

Longevity: The tree has an estimated 20–40-year retention span, meaning it will provide good amenity to the local area for many years to come.

Contribution to the conservation area: Local authorities must pay attention to the desirability of preserving or enhancing the appearance of the conservation area. In an appraisal of the Nether Edge conservation area, included in Appendix D, trees are noted as being a defining feature of the area, with garden trees forming a perfect foil to the layout of formal houses within the area.

Expediency: The tree is subject to a section 211 notice signalling the intention of the homeowner 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.458 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.458 be confirmed.

Michael Johnson, Head of Planning,

28th October 2022

Appendix A. Tree Preservation Order No. and map

Tree Preservation Order
Town and Country Planning Act 1990
The Tree Preservation Order No 458 (2022)
41 St Andrew's Rd, Nether Edge, Sheffield S11 9AL

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 458 (2022) – 41 St Andrew's Rd, Nether Edge, Sheffield S11 9AL.

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 28th JULY 2022

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


David Selkis
DUTY AUTHORISED SIGNATORY



2022/07/28

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 species)	SK 33635 85136

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)

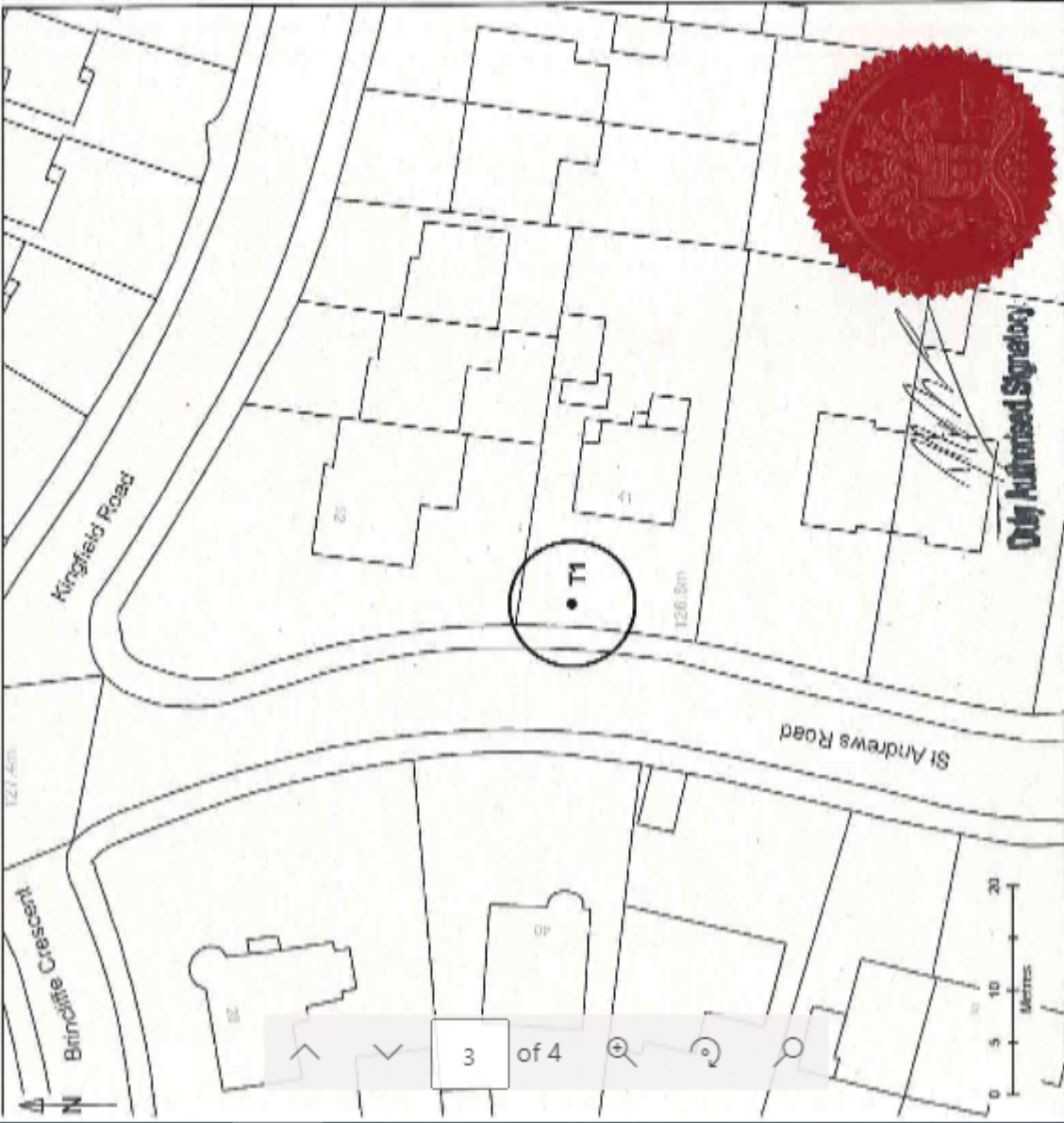
<i>Reference on map</i>	<i>Description (including number of trees of each species in the group)</i>	<i>Situation</i>
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Woodlands

(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 
TREE PRESERVATION ORDER No. 458	
Drawing No. A4/808/458	
Site address 41 St Andrew's Rd, Nether Edge, Sheffield S11 9AL	
Scale: 1:500 @ A4	
Drawn by MB	Date: 28/07/2022
Trees specified individually (circled in black on the plan)	
	
T1 Pine (Pinus species)	
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 33635 85136 Measurements shown approximately	



27/11/22 / 4585

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Need varied order to include here

Appendix B. Tree Evaluation Method for Preservation Orders (TEMPO) assessment

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 28.07.22	Surveyor: Vanessa Lyons
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Tree details TPO Ref 458 Owner (if known):	Tree/Group T1 Location: 41 St Andrew's Road	Species: Pine
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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

Score & Notes :

3. Tree has lost top at some point in past and lateral branches have taken over as leader.

Damage to driveway (reason for section 211). No investigative work done to see if this can be remedied with tree in situ, though drive is thick, so likely it could be re-levelled.

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

2

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 |
| 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 |

Score & Notes

4. Prominent on street.

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. Not perfect form, however tree is not outgrowing location

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

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:

15

Decision:

TPO defensible

Appendix C. Images of the tree



Image of tree facing south on St Andrews Road. Image taken from Google Street view.



Image of tree facing north on St Andrews Road. Image taken from Google Street view.



Image of damage to drive.



Image of tree taken from opposite 41 St Andrews Road.