



SHEFFIELD CITY COUNCIL

Planning & Highways Committee Report

Report of: Head of Planning

Date: 6th December 2022

Subject: Tree Preservation Order No. 457

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

Summary: To seek confirmation of Tree Preservation Order No. 457

Reasons for Recommendation

To protect trees of visual amenity value to the locality

Recommendation

Tree Preservation Order No. 457 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) Objections

Category of Report: OPEN

Head of Planning

REPORT TO PLANNING & HIGHWAYS COMMITTEE

6th December 2022

Quarry Hill Cottage, Wood Royd Road, Deepcar, S36 2TA

TREE PRESERVATION ORDER NO. 457

1.0 PURPOSE

- 1.1 To seek confirmation of Tree Preservation Order No.457

2.0 BACKGROUND

- 2.1 Tree Preservation Order No.457 ('the Order') was made on 4th August 2022 to protect three sycamore trees located on land adjacent to Quarry Hill Cottage, Wood Royd Road, Deepcar. A copy of the Order, with its accompanying map, is attached as Appendix A.
- 2.2 T1 and T2 (as described in the Order) are positioned adjacent to the boundary of the land and Wood Royd Road. T3 is slightly set back from the roadside and stands adjacent to a track which connects the land to the highway at Wood Royd Road. Images of the trees can be seen at Appendix C.
- 2.3 On the 29th of June 2022, a Landscape Officer within the Council requested that trees on the site be assessed for their suitability for protection under a Tree Preservation Order, following from receipt of a pre-application concerning creation of five dwelling houses on the land. An arboricultural report supplied with the pre-application listed eighteen individual trees on the land, and four groups of trees. All the trees, excluding the three sycamores, were assessed as being Category C quality: the report indicating these trees as being of relatively low amenity or quality. The three sycamores were classified as Category B, which was stated to mean trees of good quality and value and with a significant life expectancy. The pre-application indicated that several of the lower quality trees, and two of the three sycamores would require removal to facilitate the development. As the trees are not within a Conservation Area, they have no form of protection, and it was therefore deemed expedient to assess the suitability of all of the trees on site for protection under a Tree Preservation Order.
- 2.4 In response to this request, Vanessa Lyons inspected the trees on the 1st of July 2022 and conducted a Tree Evaluation Method for Preservation Orders (TEMPO) assessment. The trees on site which were evaluated as being suitable for protection were the three sycamores. They were scored with 13 points respectively which provided a recommendation for protection. It was therefore deemed expedient in the interest of amenity to make an order. A summary of the TEMPO can be found in Appendix B.

2.5 The land adjacent to Quarry Hill Cottage was also subject to a full planning application submitted on the 15th of July, reference 22/02662/FUL which regards the erection of a garage and workspace. This application looks unlikely to necessitate removal of the protected trees. The application is currently pending a decision.

2.6 Objections.

One duly made objection to the TPO was received by the Council on 24th of August 2022. A copy of the objection can be seen at Appendix D. The author states that there are no concerns with regards the making of an Order to protect T1 and T2, but that they wish to object to the making of an Order with respect to T3. The reason is that following advice from Planning Officers, the pre-application was amended to contain less dwellings, but that T3 would still be problematic in standing within the footprint of one building. The author noted that the area was not subject to any special terms, nor in a Conservation Area, and also states that that the pre-application in question has now been “shelved”.

While the local area is not in a Conservation Area, the land is subject to a pre-application which indicated the potential removal of several trees which are assessed as providing good levels of amenity to the area, and which have no other form of protection. Were a planning application to be made, the Council would be under its duty to ensure that, whenever it is deemed appropriate, planning conditions are used to provide for tree preservation and planting. The Council is also under a further duty to make Orders in respect of trees where it appears necessary in connection with the grant of permission.

The objection also notes that T3 stands close to overhead power lines and will be periodically subject to pruning to clear the lines by Northern Power Grid, and that were the tree to be struck by lightning and fall, it would hit the power cables with catastrophic results.

T3 does stand close to a power line and subsequently has been pruned to provide clearance to said lines, this work being the responsibility of Northern Power Grid in their position as a statutory undertaker. It can be expected that the tree will be periodically pruned by Northern Power Grid to maintain safe clearance. This work will not be hampered by the TPO, the work being exempt from the need for the Local Authority's consent, as defined within the Town and Country Planning (Tree Preservation) (England) Regulations 2012. It is the opinion of the assessing officer that the existing pruning does not overly impact upon the amenity of the tree, the level of pruning being relatively minimal and confined to select branches. It is likely that any necessary future pruning will involve periodic removal of regrowth and should therefore be of limited detriment to the tree. Although concerns around lightning strike are noted, the eventuality of this is seen as very unlikely, lightning being more likely to strike the tallest object in the vicinity, of which this tree, situated halfway up a hill, is not.

3.0 VISUAL AMENITY ASSESSMENT

Visibility: Three large, mature sycamores, two of which are situated directly adjacent to the boundary of the land with Wood Royd Road, and one which is slightly set back. All three trees are therefore visible to the public from the highway, and partially visible from select residences. The most complete view from the highway is of T3, this standing in an area clear of other vegetation, as it is adjacent to a track that links the property with the highway. T1 and T2 are partially obscured by vegetation, though were this to be removed to facilitate landscaping, the trees would become even more prominent on the street scene than they already are.

Condition: Due to surrounding vegetation, it was not possible to conduct a full inspection of the bases of each tree. However, at the time of inspection, the trees were in leaf and displaying good overall vigour. No notable defects were seen. This concurs with the findings of an arboricultural report which was commissioned for the purposes of the pre-application.

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

Expediency: Foreseeable threat, the trees being subject to a pre-application which indicted the removal of two of the three trees. As the trees do not stand within a Conservation Area, they have no formal form of protection.

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.45 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. One objection has been received in respect of the Order and is addressed at section 2.6.
- 8.0 RECOMMENDATION
- 8.1 Recommend Provisional Tree Preservation Order No.457 be confirmed.

Michael Johnson, Head of Planning,

25th November 2022

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

Tree Preservation Order
Town and Country Planning Act 1990
The Tree Preservation Order No 457 (2022)
Quarry Hill Cottage, Wood Royd Road, Deepcar, S36 2TA

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 457 (2022) – Quarry Hill Cottage, Wood Royd Road, Deepcar, S36 2TA.

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 4TH AUGUST 2022

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


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	Sycamore (<i>Acer pseudoplatanus</i>)	SK 28098 98109
T2	Sycamore (<i>Acer pseudoplatanus</i>)	
T3	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>

Groups of trees




(within a solid red line on the map)

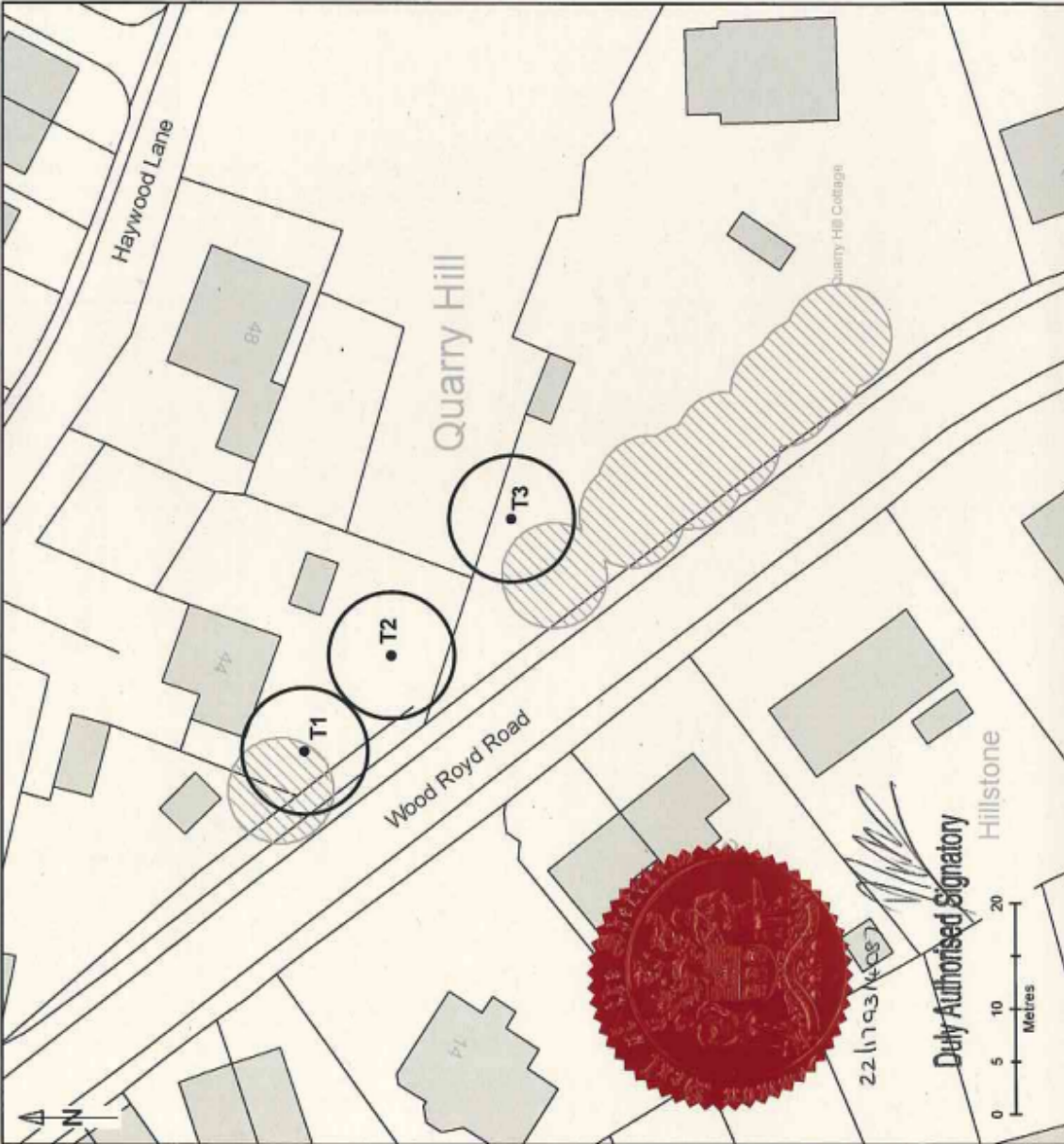
<i>Reference on map</i>	<i>Description (including number of trees of each species in the group)</i>	<i>Situation</i>

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	
TREE PRESERVATION ORDER No. 457	
Drawing No. A4/808/457	
Site address Quarry Hill Cottage Wood Royd Road, Deepcar Sheffield S36 2TA	
Scale: 1:500 @ A4	
Drawn by MB	Date: 05/07/2022
<div style="display: flex; justify-content: space-around;"> <div>  <p>Trees specified individually (circled in black on the plan)</p> </div> <div>  <p>Trees which are not included in the TPO</p> </div> </div>	
T1 Sycamore (Acer pseudoplatanus) T2 Sycamore (Acer pseudoplatanus) T3 Sycamore (Acer pseudoplatanus)	
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 28098 98109 Measurements shown approximately	



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

SURVEY DATA SHEET & DECISION GUIDE

Date: 01.07.22	Surveyor: Vanessa Lyons
Tree details TPO Ref 457 Owner (if known):	
Tree/Group 3x sycamore Species: Sycamore Location: Quarry Hill Cottage, Wood Royd Road, Deepcar	

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*

Score & Notes :

**3. Not able to assess trees fully, due to slope and vegetation.
Tree survey from AWA states trees in good condition and notes them as category B**

Score & Notes

2. Conservative estimate.

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. Trees are large, current view obscured somewhat by other vegetation. Reasonable to assume some of this will be removed during development leaving protected trees in more exposed setting

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. Though if classified as a group, 4 could be argued here. Trees form a cohort of mature sycamore, of similar age and stature.**

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. Pre-application received, implementation of which would necessitate removal of trees.

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 trees



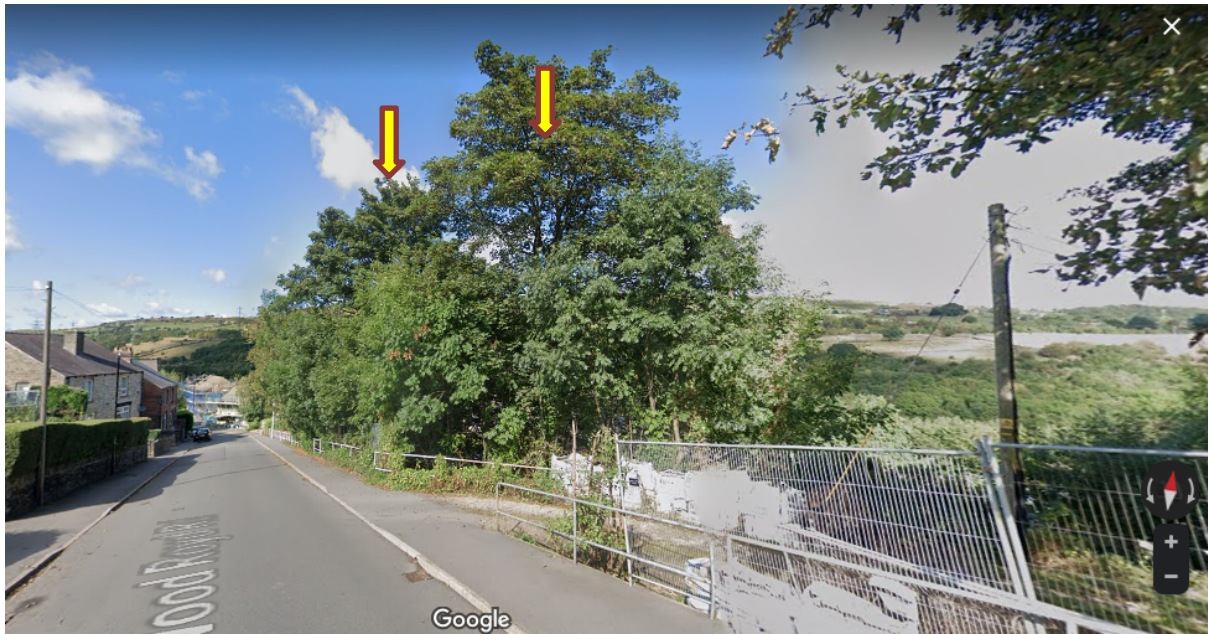
T1, partially obscured by lower quality, young trees, taken looking north-east from Wood Royd Road.



T2, partially obscured by lower quality vegetation, taken looking north-east from Wood Royd Road



T3, shown looking west from within the curtilage of Quarry Hill Cottage.



T1 and T2 shown from Wood Royd Road looking north-west. Image taken from Google Streetview.



T2 and T3 shown from Wood Royd Road looking north-east. Image taken from Google Streetview.

Appendix D. Objection Letter.

Received by RBS

9 SEP 2022

August 24th 2022

Ref: LS/RC/2838013

Dear Team,

I write with regard to the associated TPO #457 and would like to respectfully make an appeal against 'T3', as illustrated on your accompanying drawing #A4/808/457.

My reasons are two fold and are not anti-tree in any way, quite the contrary.

Firstly, I recently submitted, via an Architect, a pre-planning application [REDACTED] on the westerly portion of our land, resulting in positivity but which has now been shelved.

The initial submission was altered to accommodate a reduced number of dwellings to create a more discerning and acceptable development following a summary by the Planning Officer [REDACTED]

[REDACTED] However, T3, a self seeded Sycamore of significant scale, clashes with one of the proposed positions of a dwelling that was carefully situated to balance the development. Further, it has been established that the location is not subject to any special terms, nor is it in an area on conservation.

T1 and T2 are of no concern.

The second point, of more importance in terms of risk, is that T3 stands precariously close to a number of live overhead powerlines that supply several homes including ours, and are managed by Northern PowerGrid. They have an obligation to ensure adequate clearance of lines to avoid the occurrence of dangerous incidents. Indeed, a visit was scheduled for August 23rd 2022 (ref: 220728-002308), but was abandoned just minutes before it was scheduled to begin. Perhaps they saw the TPO notices!

In my opinion, if this tree was to be struck by lightning or was subject to other storm damage or subsequent rot that could cause any part of it to fall onto the lines at any point in time, the results could be catastrophic, affecting several dwellings and causing unnecessary expense.

It is hoped that careful consideration could be given in respect of this particular tree and the potential risk it poses.

Respectfully

[REDACTED]

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