



SHEFFIELD CITY COUNCIL

Planning & Highways Committee Report

Report of: Head of Planning

Date: 14th March 2023

Subject: Tree Preservation Order No. 460
20 Totley Hall Croft, Totley, S17 4BE

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

Summary: To seek confirmation of Tree Preservation Order No. 460

Reasons for Recommendation

To protect a tree of visual amenity value to the locality

Recommendation

Tree Preservation Order No. 460 should be confirmed unmodified.

Background Papers:

- A) Tree Preservation Order No. 460 and map attached.
- B) Tree Evaluation Method for Preservation Orders (TEMPO) assessment attached
- C) Images of the tree
- D) Arboricultural Report
- E) Appraisal of the Totley Conservation Area

Category of Report: OPEN

CITY GROWTH SERVICE

REPORT TO PLANNING & HIGHWAYS COMMITTEE

14th March 2023

20 Totle Hall Croft, Totley, S17 4BE

TREE PRESERVATION ORDER NO. 460

1.0 PURPOSE

1.1 To seek confirmation of Tree Preservation Order No.460.

2.0 BACKGROUND

2.1 Tree Preservation Order No.460 ('the Order') was made on 27th October 2022 to protect a sycamore tree which stands within the rear garden of 20 Totle Hall Croft. A copy of the Order, with its accompanying map, is attached as Appendix A.

2.2 T1 (as described in the Order) is positioned against the rear boundary of the garden of 20 Totle Hall Croft and overhangs the neighbouring land to the east. The tree stands within the Totley Conservation Area, so is already protected to a limited extent by Section 211 of the Town and Country Planning Act 1990.

The tree sits in an elevated position in relation to the adjacent land, with ground levels being approximately 1.5m higher on the side of number 20, and the earth being held back by means of a retaining wall. The neighbouring land was formerly Totley Hall Farm and at the time of writing it is under development, with existing buildings being removed and several new buildings being erected. Of these a cart shed stood under the canopy of the tree, and this has been removed to make way for a new building. Planning consent has been granted for the works, reference 18/03187/ FUL and 21/00407/FUL.

2.3 The owner of 20 Totle Hall Croft contacted the Council's planning department in March 2022 regarding demolition of the cart shed on the neighbouring land. The demolition was achieved with use of a mechanised digger and a reduced level dig. This caused partial collapse of the retaining wall holding back the earth on the side of number 20. The landowner stated that this method was not in adherence with that cited in the Arboricultural Method Statement attached to the planning consent, and that they were concerned regarding the potential impact of this upon their tree, with regards to damage to any roots which may have been under the cart shed, and loss of stability to the tree following from earth movement caused by collapse of the wall. The issue was referred to the Council's landscaping team and Planning Enforcement, and the arboricultural consultant employed by the developer attended site to advise on how to address the damage and rebuild the wall.

- 2.4 In subsequent months, further concerns were raised by landowners adjacent to the site regarding potential breaches of planning conditions and the impact of construction work on trees which had been conditioned for retention as part of the planning consent. A site visit was conducted by Vanessa Lyons and the head of Planning Enforcement on 16th August 2022. During the visit it was observed that trees on site had been damaged during construction, that the retaining wall had not been completely rebuilt, and that severed roots, predominantly fine and likely originating from the tree at number 20, were emerging from the soil where the wall had been. Hessian sacking which should have been kept wet and placed over the roots to prevent their desiccation was dry. The tree was inspected from within the curtilage of 20 Totley Hall Croft and found to be a mature sycamore of good condition and structure. The owner of the tree requested that the tree be considered for protection under a Tree Preservation Order to signal to the developers the importance of protecting the tree during ongoing construction work.
- 2.5 Following from the site visit, the owner of the tree submitted to the Council the results of an independent arboricultural assessment which he had commissioned for the tree, and which can be seen at Appendix D. The consultant highlighted the potential for the tree to come under future pressure to be pruned due to perceived issues of nuisance (shade, leaf fall) arising from the tree overhanging the new dwelling. He recommended the tree be TPO'd, to strengthen existing protection that the tree has from being part of the Totley Conservation Area, and so that the protected status of the tree would appear unambiguously during conveyancing enquiries conducted during purchase of the new house.
- 2.6 In response to this Vanessa Lyons conducted a Tree Evaluation Method for Preservation Orders (TEMPO) assessment on 1st September 2022. The tree was scored with 14 points. The assessment produced a clear recommendation for protection, and it was deemed expedient in the interest of amenity to make an order. A record of the TEMPO assessment can be found in Appendix B.

2.7 Objections.

No duly made objections have been received.

3.0 VISUAL AMENITY ASSESSMENT

Visibility: A large tree standing in an elevated position above the adjacent land. The tree can be partially seen from adjacent houses, from Totley Hall Lane, and will be visible to the houses which are being constructed on the site of Totley Hall Farm.

Condition: The tree is a large diameter specimen in good condition with no notable outward defects.

Longevity: A conservative estimate of the trees likely retention span is that of 20-40 years.

Contribution to the conservation area: Local authorities must pay attention to the desirability of preserving or enhancing the appearance of the conservation area. An appraisal of the Totley Conservation Area can be found at Appendix E. This notes that trees are an important feature of the area. The sycamore stands within an area where many of the trees are defined as being notable, with correspondence from a former Council Officer suggesting that it may once have been a “way marking tree”, referring to trees which stood at important junctions and acted as markers in the landscape. Though no direct historic association could be found with regards the tree, it is approximately 100 to 150 years old and one of several mature specimens which line what is now a public footpath. The presence of such a mature tree contributes to the rural nature of the Totley Conservation Area.

Expediency: A dwelling is being erected directly underneath the tree on a construction site where other trees have been damaged because of construction activity and there is concern the tree will be damaged through further works or come under undue future pressure to be pruned in future. It is therefore considered there is a risk that the tree may come to harm in future and that it would be expedient in the interest of amenity to protect it with the Order.

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.460 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.460 be confirmed.

Michael Johnson, Head of Planning

14TH March 2023

Appendix A. Tree Preservation Order No.460 and map

Tree Preservation Order
Town and Country Planning Act 1990
The Tree Preservation Order No 460 (2022)
20 Totley Hall Croft, Totley, S17 4BE

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 460 (2022) – 20 Totley Hall Croft, Totley, S17 4BE.

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

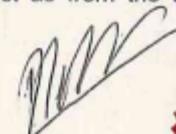
3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions 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.

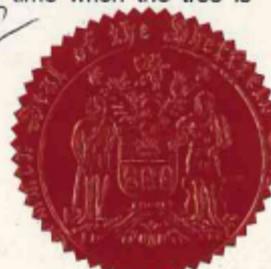
Application to trees to be planted pursuant to a condition

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.

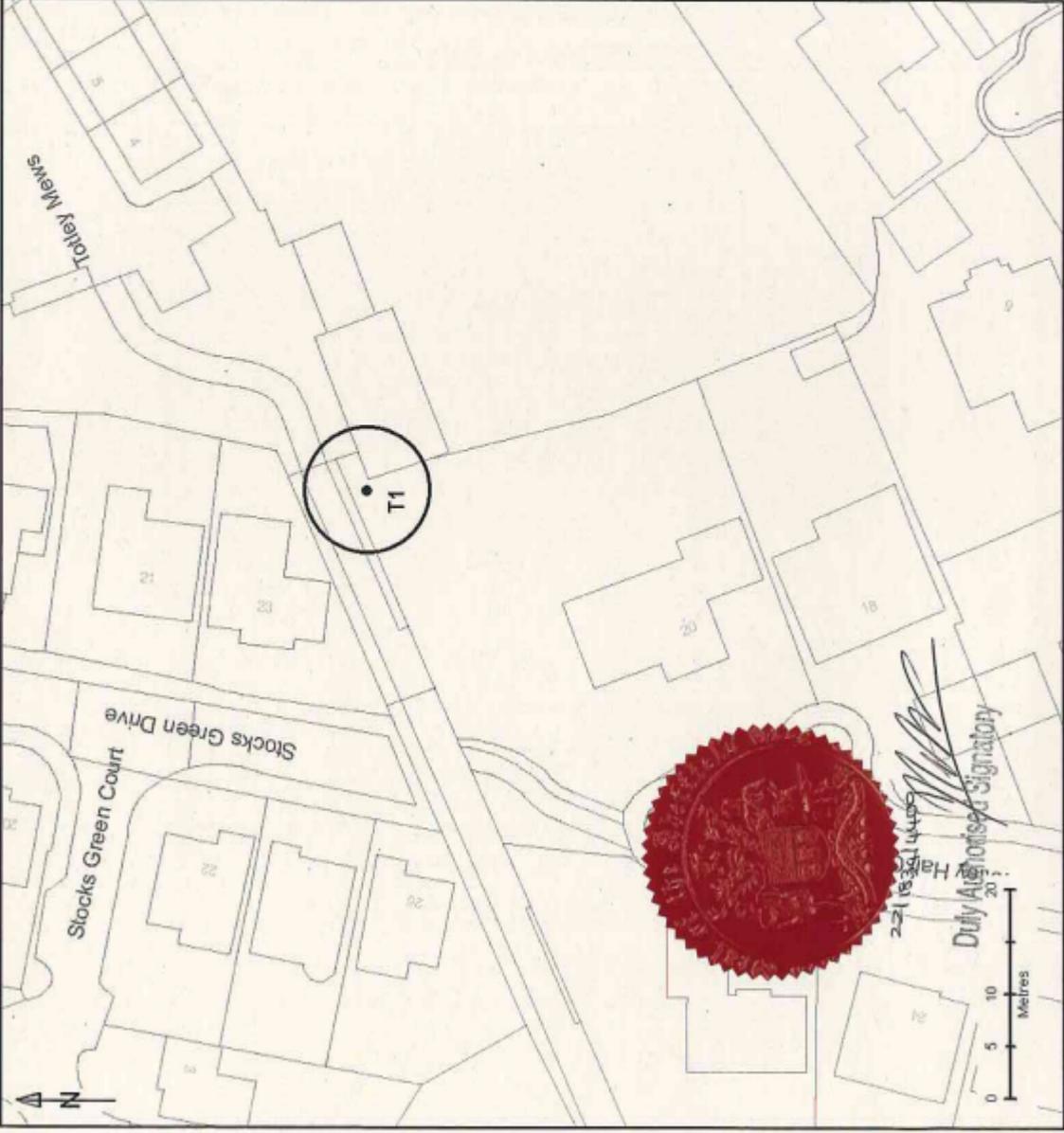
Dated 27th OCTOBER 2022

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


David Selous
DUTY AUTHORISED SIGNATORY



Sheffield City Council Parks & Countryside Service	
TREE PRESERVATION ORDER No. 460	
Drawing No. A4/808/460	
Site address 20 Todley Hall Croft, Totley, Sheffield S17 4BE.	
Scale: 1:500 @ A4	
Drawn by MB	Date: 01/09/2022
 Trees specified indiv/dually (circled in black on the plan)	
T1: 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 30684 79559 Measurements shown approximately	



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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 30684 7955

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

Date: 01.09.22	Surveyor: Vanessa Lyons
Tree details TPO Ref 460	Tree/Group T1 Species: Acer pseudoplatanus Location: 20 Totley Hall Croft, Sheffield, S17 4BE

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 :

5

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

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. Located in an area of “notable trees” (conservation area appraisal) and may be an old way-marking tree. Tree is clearly old and likely has historic significance but lacks written proof of such, hence 1 point, not 3.

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

2. Trees on adjacent construction site have been damaged due to construction activity. Dwelling being erected directly under tree. Concern tree will be damaged during construction/ come under future pressure to be pruned.

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
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Appendix C. Images of the tree



The tree, taken from within the grounds of 20 Totley Hall Croft



View of tree from Totley Farm development site. The tree is above the yellow digger, to the right.

Appendix D. Arboricultural Report

[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

Date 17th August 2022 [Redacted]
Our reference [Redacted] [Redacted] [Redacted]

Dear [Redacted]

Thanks for showing me the situation with your sycamore tree and the adjacent development at the neighbouring Totley Hall Farm site.

You approached me as you were concerned about problems which may arise in future due to the proximity of the new development to your tree.

You were also concerned about works already undertaken within the rooting area of the tree, though at this stage we have agreed that I will not consider these in any detail due to the extent of back-checking of documentation that would be required at time and cost (I have had no prior involvement in this project). I understand some of these works are anyhow subject to possible planning enforcement action.

The tree (T1) is located at the northeast corner of your garden, close to the boundary – which it overhangs by several metres to the east (and by a little less to the north). See Image 1 for tree location. It is a mature sycamore which I estimate is between 130 and 150 years old. It is currently in good condition - with a full and healthy crown, minimal deadwood branches in the canopy, and no signs of any structural concerns. It is a well-balanced tree, with its only asymmetry being the result of its growth favouring the direction of light and space, and its avoiding of the shade and constriction created by adjacent tree canopies. Such 'asymmetry' is of course the nature of a great many trees – such as most woodland edge trees – with the trees' wood structures naturally adapting to strengthen those areas where loading is greatest. It does not require any remedial pruning or other attention.

[Redacted]
[Redacted]

The land to the east – formerly Totley Hall Farm – is under development. I understand from yourself that a new dwelling is proposed beneath the canopy of the tree. I have not accessed the development site or viewed any planning documents in detail, but by your assessment the canopy of T1 will overhang the proposed dwelling by approximately 5 metres – this assessment looks to be broadly correct as viewed from your garden.

I understand that the structure formerly beneath the tree – an old cart shed – was originally proposed for ‘renovation’. I understand further that this renovation was subsequently found to be not possible due to the absence of footings, and a new dwelling construction was therefore proposed and approved. Notwithstanding the many other planning considerations, from an arboricultural perspective it is not sensible or advisable to build a dwelling beneath a tree canopy (particularly with an overhang of 5 m). This is regardless of the previous presence of a non-residential structure beneath.

The reason for this is due to the many nuisance issues and other problems that can arise in such situations, with these typically resulting in future pressure for tree removal or for pruning which is harmful to the tree’s ongoing health.

Such issues include but are not limited to:

- Excessive shading. The new dwelling will be very heavily shaded on its southern and western sides.
- Honeydew falling from the leaves of sycamores and lime trees results in sticky residue on windows, roof tiles and surfaces. This is difficult, costly and frustrating for the householder to clean - and can exacerbate problems such as moss growth on roof tiles (as can shading also).
- Leaf fall. The shedding of leaves and small twigs blocks gutters, resulting in further ongoing maintenance requirements.
- Reception for satellite television can be severely affected by nearby trees, depending upon the site-specific directional requirements for satellite signal.
- Fear of harm or damage by trees. While instances of building damage by tree failure are rare – and harm to persons is far rarer still – it is very common for householders to be fearful of the failure of adjacent trees. Such fears are particularly exacerbated when the tree is in fact directly above the dwelling.

While tree T1 may have some current protection by virtue of being in a Conservation Area, a commonplace and very foreseeable outcome to the situation here is that the above nuisance issues and fears will lead to future occupants creating an irresistible pressure for the local planning authority to permit harmful pruning works to the tree to alleviate concerns. I myself have direct experience of similar cases being taken to planning appeal, with the planning inspector finding that the protected tree could be removed for reasons included in the list above.

It is for these reasons, and in order to avoid future loss of trees intended for retention, that all the above matters are recommended for consideration at planning stage, when assessing suitability of site layout proposals under British Standard *BS5837: 2012 Trees in relation to design, demolition and construction – Recommendations*. Document paragraphs from the standard that are of particular relevance to your tree are 5.2.1 (a) and (b), 5.2.2 (all of), and 5.3.4 (a), (d) and (e).

I understand that the new dwelling will stand taller than the demolished cart shed. As such the roofline will be close to the tree canopy, in particular the long but stable bough that extends east-south-east. No pruning has been proposed or approved via the project's tree documentation. It is my view that the tree should not be pruned. Pruning creates a stress on tree vitality, due to the reduction of photosynthetic capability and the need for wood repair. This tree is already likely to be stressed due to the adjacent development works, which have in part taken place during drought conditions - creating further stress on tree health. I note also that the adjacent development works have included unauthorised deviations from the approved drawings, creating rooting area disturbances beyond those which were expected and beyond those which were assessed as acceptable for tree T1 by the project arboriculturist – though this matter is beyond the scope of this letter's detailed consideration.

You are correct in understanding that the Conservation Area status does provide some protection to this tree, as the local planning authority (LPA) must be provided with 42 days' written notice of any proposed works to the tree (a section 211 notice). It does not however provide such rigorous protection as a Tree Preservation Order, as works can still be carried out to the tree if the local planning authority do not respond within 42 days. Works to a tree covered by Tree Preservation Order are an offence unless carried out with the unambiguous written approval of the LPA (with certain very limited exceptions) – this represents a stronger degree of protection.

A Tree Preservation Order has the additional advantage that it should appear unambiguously in solicitor searches and will therefore provide potential homebuyers with very clear notification that it is a tree that will need to be lived with.

It is therefore my recommendation that you request the LPA to place a Tree Preservation Order on your tree T1. It is also my recommendation that the tree is not pruned or further stressed in any way for the time being, pending ongoing monitoring of its health and condition. I suggest that it is subject to a quick professional check once every 3 years. In the meantime, as the person most familiar with your tree's appearance, you should keep an eye on it for any sign of foliage decline or the appearance of unusual fungi or obvious structural flaws.

Finally, I should document observations with regard to the next sycamore southwards from T1 - just east of your boundary and hence within the development site. This tree is clearly severely struggling. Its upper crown foliage consists of leaves which are greatly shrunken in size, and throughout the crown there is reduced leaf density and a proliferation of fruiting – such fruiting behaviour is typical of trees seeking to spread their gene pool before terminal decline. The cause of this is almost certain - you have showed me many photographs which appear to clearly indicate trenching of several metres' depth on the east side of the tree, within a couple of metres of its stem. Such trenching would not have been possible if a Tree Protection plan conforming to *BS5837: 2012* had been adhered to.

I hope you find this letter helpful and informative.

Kind Regards

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