



SHEFFIELD CITY COUNCIL Planning & Highways Committee Report

Report of: Director of City Growth Service

Date: 23rd February 2021

Subject: Tree Preservation Order No. 439
Land Storrs Bridge Lane, Loxley, Sheffield

Author of Report: Jack Foxall, Urban and Environmental Design Team

Summary: To seek confirmation of Tree Preservation Order Nr. 439

Reasons for Recommendation

To protect trees of visual amenity value to the locality

Recommendation Tree Preservation Order Nr. 439 should be confirmed

Background Papers: A) Tree Preservation Order Nr. 439 and map attached
B) TEMPO assessment attached
C) Objection received 27th January 2021
D) Response to objection sent 12th February 2021

Category of Report: OPEN

REGENERATION & DEVELOPMENT SERVICES

REPORT TO PLANNING & HIGHWAYS COMMITTEE 23rd FEBRUARY 2021

TREE PRESERVATION ORDER NR.439 LAND AT STORRS BRIDGE LANE, LOXLEY, SHEFFIELD

1.0 PURPOSE

1.1 To seek confirmation of Tree Preservation Order Nr. 439.

2.0 BACKGROUND

2.1 Tree Preservation Order Nr. 439 was made on 6th October 2021, on trees on land at former brick refractory works at Storrs Bridge Lane, Loxley, Sheffield. A copy of the order with its accompanying map is attached as Appendix A.

2.2 Trees at this site are considered to be under possible threat because of potential future development works.

2.3 A Tree Evaluation Method for Preservation Orders (TEMPO) assessment was carried out prior to serving the Order. A copy of the TEMPO assessment is attached as Appendix B. These trees were found to be of significant amenity value to the local area and consequently suitable for protection according to the TEMPO criteria. Officers therefore considered it expedient in the interests of amenity to make the Tree Preservation Order.

3.0 OBJECTIONS

3.1 No objections to the Order have been received within the statutory period. However, an objection to the TPO dated 27th January 2021 was received by email from Mr D. Kennedy on behalf of Patrick Properties Ltd. Also enclosing a more detailed Objection Note prepared by Mr J. Berry at Tyler Grange Group Ltd. The closing date for objections or representations to be submitted for consideration with regard to the order was 6th November 2020, as stated on notices issued to all affected parties including Patrick Properties Ltd. As such, the Council is under no obligation to consider this objection under the requirements of the Town and Country Planning (Tree Preservation)(England) Regulations 2012. Nonetheless, the Council's Legal Services Officer responded to Mr Kennedy's objection by email on 12th February 2021. The full text of this objection is attached as Appendix C, and the full text of the response is attached as Appendix D.

3.2 The conclusions of the objection and the Council's response are summarised in the following paragraphs:

3.3 Objection

Woodland categorisation is not appropriate for trees bordering Storrs Bridge Lane, and lack of protection of large areas of woodland to the south of the site is inconsistent.

Response

Woodland categorisation was judged the most suitable of the limited range of categories available under the TPO Regulations. Protection of large areas of woodland to the south of the site was not judged to be expedient as no development is proposed here as part of proposals submitted under planning application 20/01301/OUT.

3.4 Objection

Tree Evaluation Method for Preservation Orders (TEMPO) assessment would either indicate that trees do not merit TPO protection, or at best would just qualify for possibly meriting TPO protection.

Response

The TEMPO assessment undertaken by officers was clear that TPO protection of trees was fully justified on both amenity and expediency criteria.

4.0 EQUAL OPPORTUNITIES IMPLICATIONS

4.1 There are no equal opportunities implications.

5.0 ENVIRONMENTAL AND PROPERTY IMPLICATIONS

5.1 There are no property implications.

5.2 Protection of the trees detailed in Tree Preservation Order Nr. 439 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. In addition, where it appears to the local authority to be necessary in connection with granting planning permission, it shall be its duty to make a TPO to either give effect to those conditions or otherwise (sections 197 and 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 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.

7.4 A local authority may only confirm an order after considering any representations duly made in respect of that order. No such representations have been received within the statutory period, however one objection was subsequently received in respect of Tree Preservation Order No.439.

8.0 RECOMMENDATION

9.1 Recommend Tree Preservation Order Nr. 439 be confirmed.

Colin Walker
Chief Planning Officer

23rd February 2021