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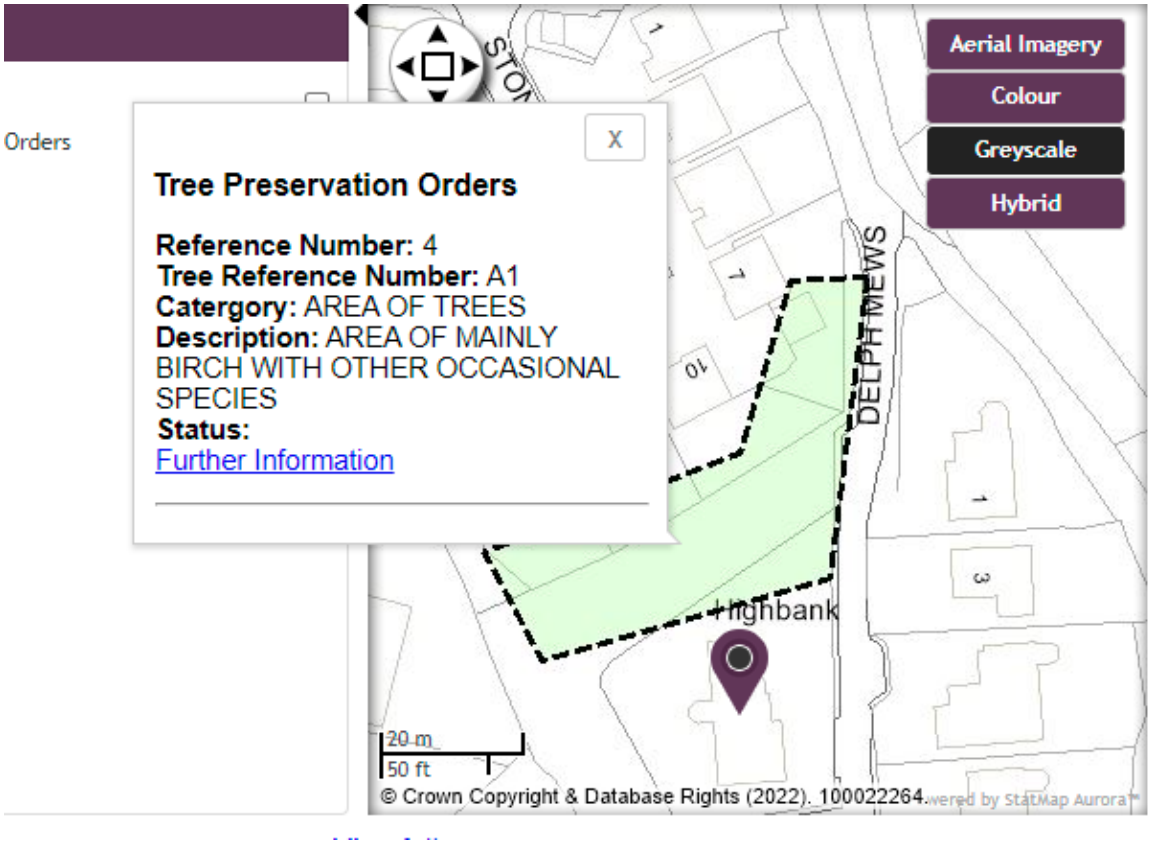
Mr Matthew Goff

Crown lift Silver Birch tree T1 to 5.5m, Poplar trees T2 and T3 prune back overhanging branches by approximately 2m to an appropriate side branch and tidy up snapped branches and remove Poplar T4 within TPO 4/2005.

Rear of 8 Stoneway Mews, Green Moor, Sheffield, S36 7ET

Description

The application relates to an area of trees, set to the rear of properties along Stoneway Mews and adjacent to High Bank, 2 Delph Mews. The trees consist of mainly Birch with Poplar and other occasional species. The applicant does not own the land that the trees are sited on. The applicant is aware that the land is owned by the owners of High Bank, 2 Delph Mews. It appears that the trees were protected by a TPO prior to the development of Stoneway Mews.





Site History

No TPO applications registered

Proposed Development

The applicant seeks permission to crown lift Silver Birch tree T1 to 5.5m, Poplar trees T2 and T3 prune back overhanging branches by approximately 2m to an appropriate side branch and tidy up snapped branches and remove Poplar T4 within TPO 4/2005.

The description has been amended during the course of the application at the request of the Tree Officer. The previous description read:- Crown lift Silver birch tree T1 to 5.5m and remove Poplar trees T2, T3 and T4 within TPO 4/2005

Policy Context

The statue law on TPO's is in The Town and Country Planning (Tree Preservation)(England) Regulations 2012

Primarily the aim of making a TPO is to protect the amenity value of the tree or trees. Local Planning Authorities (LPAs) may make a TPO if it appears to them to be: 'expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area'.

The Act does not define 'amenity', nor does it prescribe the circumstances in which it is in the interests of amenity to make a TPO. Normally trees should be visible from a public place e.g. road or footpath for a TPO to be made but the courts have decided that trees should be

protected for “pleasure, protection and shade they provide”. Taking this into account trees should be considered for other aspects of amenity that they provide other than visual amenity.

Government advice and guidance available on the administration of TPOs, is:- ‘Tree Preservation Orders: A Guide to the law and Good Practice’ 2000.

The guidance states that ‘LPAs must include in their plans land use and development policies designed to secure the conservation of natural beauty and amenity of the land. Plans should not, however, include policies which are unrelated to the development or use of land. They should not therefore include the LPA's policies for deciding applications for consent under a TPO; but they should include policies on measures that the LPA will take, when dealing with applications to develop land, to protect trees and other natural features and provide for new tree planting and landscaping.’

In deciding an application, LPA’s are not required to have regard to the development plan. Section 54A of the Act, 88 therefore, does not apply to the LPA's decision, which means that there is no general duty on the LPA to indicate otherwise.

Consultations

Forestry officer – Recommends approval in line with the amended description, subject to conditions

Representations

Neighbour notification letters were sent to surrounding residents; the following comments have been received from High Bank, 2 Delph Mews:-

‘We have no direct objection to the TPO application to have some of the trees trimmed. But we want it officially noted that the trees are not on council land as the application implies. They are on our land.

We have received no request from the applicant if they can cut down our trees. We therefore would like specifics and consultation on what exactly they plan to do to our trees and we would like them to leave the wood cut on our land please.

They will also need permission to access the land and to be careful they do not cause damage to the land other than that outlined in the application.’

The description of the application was amended and a further consultation sent to the owners of High Bank, 2 Delph Mews. The following additional comments have been received:-

We would like the following noting: that this is our land and not council land as indicated in the application. All large pieces of wood cut off should be tidily kept as ours. All smaller pieces should be disposed of. To ask and give notification of when they are accessing the land and to be careful of our property.

The agent for the application has been sent the above comments and has been asked to forward these to applicant.

Assessment

<u>Principle of development</u>

In line with good practice, primarily the aim of making a TPO is to protect the amenity value of the tree or trees. In considering TPO applications the LPA is advised:

(1) to assess the amenity value of the tree or woodland and the likely impact of the proposal on the amenity of the area, and

(2) in the light of their assessment at (1) above, to consider whether or not the proposal is justified, having regard to the reasons put forward in support of it.

The Tree Officer has been consulted and states:-

'The proposed works are to crown lift Silver Birch tree T1 to 5.5m, Poplar trees T2 and T3 prune back overhanging branches by approximately 2m to an appropriate side branch and tidy up snapped branches and remove Poplar T4. The tree highlighted for removal is a Poplar tree with a significant lean over the garden. The tree is still relatively small by Poplar standards and as such the issue with the lean will ultimately become exacerbated over time as the tree grows and matures and will in the future significantly overhang the garden. The nature and size of these trees will ultimately lead to significant competition between them and as such the removal and replacement of this tree at this stage is sensible.

A new slower growing tree such as Oak will be better in the long term for this area than large mature poplars and the removal of the tree at this stage will allow for the better development of T2 and T3. Ultimately, I see this as the first stage of managing this group of trees as the close proximity of the Poplars will ultimately limit their useful lifespan.

The pruning works proposed for the Silver Birch and the other two Poplars is sensible management and maintenance to allow enjoyment of the garden whilst maintaining the trees in an appropriate manner.'

In conclusion the works will not be detrimental to the health or aesthetics of the trees and would not significantly harm the visual amenity of the area, subject to a replacement tree being planted. There is no objection to the proposed works subject to the replacement of the Poplar with a new English Oak which will be secured by condition.

Other matters

The applicant does not own the land that the trees are sited on. The applicant is aware that the land is owned by the owners of High Bank, 2 Delph Mews, therefore the owners of the trees would have to grant permission for the works. The owners have been consulted as part of the application and have made the following requests:- that all large pieces of wood cut off should be returned to the owners and all smaller pieces should be disposed of. They have requested that notification is given of when the applicant would be accessing the land and to be careful of the owner's property during the works. The applicant has been made aware of these requests.

An informative will also be included as part of any grant of permission which states:- 'Before proceeding with the notified works, you should ensure that you have the permission of the owner, and comply with all other relevant legislation, for example it is an offence to disturb nesting birds, and bat roosts.'

Recommendation

Approve with conditions