



SHEFFIELD CITY COUNCIL

Planning & Highways Committee Report

Report of: Director of City Growth Service

Date: 18/2/19

Subject: Tree Preservation Order No. 428 (12 Woodvale Road, Sheffield, OS Grid Reference SK 432612 386395)

Author of Report: Nathan McWhinnie, Urban and Environmental Design Team

Summary: To seek confirmation of Tree Preservation Orders No. 428

Reasons for Recommendation

To protect trees of visual amenity value to the locality

Recommendation

Tree Preservation Order No. 428 should be confirmed unmodified.

Background Papers:

A) Tree Preservation Order No. and map attached.
B) Tree Evaluation Method for Preservation Orders (TEMPO) assessment attached.

Category of Report: OPEN

TREE PRESERVATION ORDER NO. 428
12 WOODVALE ROAD, SHEFFIELD S10 3EX

1.0 PURPOSE

1.1 To seek confirmation of Tree Preservation Order No. 428

2.0 BACKGROUND

2.1 Tree Preservation Order No.428 was made on 10th January 2019 to protect a mature cedar in the front garden of the property. A copy of the order with its accompanying map is attached as Appendix A.

2.2 The tree at the site was under threat because of a section 211 notice received from the householder. A Tree Evaluation Method for Preservation Orders (TEMPO) assessment was carried out prior to making the Order. This assessment is attached as Appendix B. The tree was found to be in good order, despite the opinion of a tree surgeon contacted by Mr Stone that the union at the base of the tree meant that it was dangerous. The union has no growth increments at either side, indicating that there is no stress on the union, probably due to natural bracing in the crown. It was therefore considered expedient to make a Tree Preservation Order to protect the tree in the interests of amenity.

2.3 The site is located in a leafy suburb of the city, on a busy cut-through between Fulwood Road and Endcliffe Vale Road. The tree is tall and prominent, particularly in winter. Recent excessive tree work in neighbouring properties (seemingly without notice) has opened up the street and made the cedar more visible.

2.4 An objection to the order has been received from the owner of the property, Mr Mark Stone. The letter of objection is attached as Appendix C.

2.5 The objection is summarised as follows:

- The tree has grown too large and is dangerous as it is too close to the house. It has become very top heavy, slopes towards the house and may at some point break and fall towards the house.
- The tree is not a particularly good specimen. Only the top section of the tree has branches on both sides and is visible from the road.

2.6 An officer response to the objection was sent by letter dated ##th February 2019. This letter is attached as Appendix D. It addressed the point made in respect of the union at the base of the tree, in that it is not inherently dangerous (as described in paragraph 2.2), with a low probability of failure. Officers also disagree with the assessment of the tree as being “not a

particularly good specimen”, the TEMPO assessment having produced a clear recommendation that the tree is suitable for protection.

3.0 VISUAL AMENITY ASSESSMENT

3.1 The tree is a well-established specimen, providing significant visual amenity and maturity to the site. Its value is in preserving the treescape of the area.

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.428 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 such representation has been received and is attached as Appendix C.

8.0 RECOMMENDATION

8.1 Recommend Tree Preservation Order No.428 be confirmed.

Chief Planning Officer

18th February 2019