



## SHEFFIELD CITY COUNCIL Planning & Highways Committee Report

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<b>Report of:</b>	Director of City Growth Service
<b>Date:</b>	14 September 2021
<b>Subject:</b>	Tree Preservation Order No. 441, 35 Greenhill Main Road, Sheffield, S8 7RB
<b>Author of Report:</b>	Sam Thorn, Urban and Environmental Design Team
<b>Summary:</b>	To seek confirmation of Tree Preservation Order No. 441
<b>Reasons for Recommendation</b>	
	To protect a tree of visual amenity and historical value to the locality
<b>Recommendations</b>	Tree Preservation Order No. 441 should be confirmed unmodified.
<b>Background Papers:</b>	A) Tree Preservation Order No. 441 & map attached. B) Tree Evaluation Method for Preservation Orders (TEMPO) assessment attached. C) Letter of objection to the serving of the TPO D) Tree Officer's response to claims made by the objector
<b>Category of Report:</b>	OPEN

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CITY GROWTH SERVICE

REPORT TO PLANNING & HIGHWAYS COMMITTEE  
28<sup>th</sup> SEPTEMBER 2021

TREE PRESERVATION ORDER NO. 441  
35 GREENHILL MAIN ROAD, SHEFFIELD, S8 7RB

1.0 PURPOSE

- 1.1 To seek confirmation of Tree Preservation Order No. 441.

2.0 BACKGROUND

- 2.1 Tree Preservation Order No.441 ('the Order) was made on 29<sup>th</sup> April 2021 to protect a large mature Lime tree (*Tilia x europaea*) located within the curtilage of 35 Greenhill Main Road, S8 7RB. A copy of the Order, with its accompanying map, is attached as Appendix A.
- 2.2 The Lime is positioned close to the rear boundary of 35 Greenhill Main Road. It is of considerable age and stature, dating from between 150-200 years and is a component of the character of the Listed building. As such it has cultural and heritage significance, as well as arboricultural merit. Although offering limited visual amenity along Greenhill Main Road, it is particularly prominent when viewed from Torwood Drive. The visual amenity, combined with the heritage and cultural significance and its arboricultural merit, makes this tree worthy of retention.
- 2.3 Greenhill Main Road is identified as the spine of the Greenhill Conservation Area, so the tree was already protected to a limited extent by Section 211 of the Town and Country Planning Act 1990. This requires that notice is served upon the Council before works to a tree can be carried out. This gives the Council the opportunity to make a Tree Preservation Order where that is considered expedient. Notice was served in March 2021 with intention of removing the tree. This was refused. A formal Tree Preservation Order was therefore considered expedient in order to fully protect the tree in the long-term.
- 2.4 A condition inspection of the tree was carried out by Sheffield City Council's Tree Officer at the time, Peter Simpson MICFor MArborA. The tree was found to be in good health when inspected and had no obvious health and safety reasons requiring major intervention which would negate the tree's contribution to the amenity of the locality or its arboricultural merit. A TEMPO assessment was carried out following the inspection which supported the protection of the tree (see Appendix B).

- 2.5 The TEMPO Assessment demonstrated the tree is a significantly sized specimen of reasonably good health and showing little sign of decline. The tree is of fine form and arboricultural merit, as well as having historic value as a component of the listed building's original garden.
- 2.6 One objection to the Order was received by the applicant. These claims have been addressed by the Tree Officer. A full copy of the objection and Peter's response are included as appendix C & D. The applicant's objections are listed below, all of which have been responded to in detail and shown not to negate the protection and retention of the tree.
- Proximity to the building
  - Shading
  - Lack of visual amenity
  - health concerns

These concerns have been addressed and the response to these are still felt to be valid.

### 3.0 VISUAL AMENITY ASSESSMENT

- 3.1 The tree is a large specimen, visible from both Greenhill Main Road and Torwood Drive. As well as its visual amenity, the tree is likely to represent a component of a historical landscaping scheme from over a 150 to 200 years ago and forms part of the historical value associated with the adjacent listed building.
- 3.2 A Tree Evaluation Method for Preservation Orders (TEMPO) assessment was carried out by Urban & Environmental Design's serving Tree Officer, Peter Simpson, and is attached as Appendix B. The assessment produced a clear recommendation for 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 tree detailed in Tree Preservation Order No.441 will benefit the visual amenity of the local environment and protect the historic and cultural asset of the adjacent building which itself is listed.

### 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. As discussed, a detailed response by the serving Tree Officer has been provided to the single objection.

## **8.0    RECOMMENDATION**

- 8.1**    Recommend Provisional Tree Preservation Order No.441 be confirmed.

Michael Johnson, Chief Planning Officer

17th September 2021