



SHEFFIELD CITY COUNCIL

Planning & Highways Committee Report

Report of: Director of City Growth Service

Date: 10th December 2021

Subject: Tree Preservation Order No. 444
3 Stortholme Mews Sheffield S10 3HT

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

Summary: To seek confirmation of Tree Preservation Order No. 444

Reasons for Recommendation

To protect trees of visual amenity value to the locality

Recommendation Tree Preservation Order No. 444 should be confirmed unmodified.

Background Papers: A) Tree Preservation Order No. and map attached.
B) Tree Evaluation Method for Preservation Orders (TEMPO) assessment attached.
C) Objection letters attached.

Category of Report: OPEN

CITY GROWTH SERVICE

REPORT TO PLANNING & HIGHWAYS COMMITTEE

21st December 2021

TREE PRESERVATION ORDER NO. 444

3 Stortholme Mews, Sheffield, S10 3HT

1.0 PURPOSE

1.1 To seek confirmation of Tree Preservation Order No. 444.

2.0 BACKGROUND

2.1 Tree Preservation Order No.444 ('the Order') was made on 29th July 2021 protect 4 trees (a beech, two oak and a lime) located within the curtilages of 1, 3, 5 & 7 Stortholme Mews. A copy of the Order, with its accompanying map, is attached as Appendix A.

2.2 T1, 2, and 3 (as described in the Order) are positioned close to the boundary wall which separates the respective gardens from Graham Road. T4 is also close to the boundary wall but overlooks Gladstone Road. The trees are early mature specimens in good overall condition and with a reasonable future life expectancy. They are deemed as having high amenity value due to their prominent position within the street scene.

2.3 The trees are located within the Ranmoor Conservation Area, so they are 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, giving the Council the opportunity to make a Tree Preservation Order where that is considered expedient. As such a section 211 notice was received on Friday 25th June 2021 to fell the oak at 3 Stortholme Mews. A Tree Preservation Order was therefore deemed expedient to protect the trees in the long term.

2.4 A condition inspection of the trees was carried out by Sheffield City Council's Tree Officer at the time, Dave Farmer. The trees were found to be in good health when inspected and had no obvious health and safety reasons requiring major intervention which would negate the trees' contribution to the amenity of the locality or their arboricultural merit. Although trees T1, 2 and 4 were not subject to a section 211 notice, the trees are similarly prominent and appear to have good long-term prospects. Collectively they form a high amenity feature that is in keeping with the surrounding area. Therefore, the decision was made to include them within the TPO. A TEMPO assessment was carried out following the inspection which supported the protection of the trees (see Appendix B).

One objection to the TPO was raised by the applicant under the s211 notice of 3 Stortholme Mews.

The objection appears only to have been made in respect of T3, and was made on the basis that:

- The risk to biodiversity if the tree is removed is low
- Oak trees present a risk of damage to property where they are in a small suburban garden due to their root distribution, branch loss or full fall
- The tree will breach a retaining wall within 5 to 10 years
- The circumstances of the tree are such that it is at risk of falling due to its root system
- The TPO increases this risk as the risks will become unmanageable if it is not removed

Dave's response stated:

- Oak trees are uncommon in Ranmoor, and their protection is prioritised accordingly
- The property is newer than the tree and the footings were likely to have been built to an adequate standard such that damage from roots is unlikely
- The retaining wall does not increase the likelihood of tree failure, the wall itself is structurally sound and the growth rate of the tree is slower due to its location.
- The tree has always grown in proximity to the retaining wall and will be very likely to have developed a rooting system that provides it the stability it requires within the soil volume available to it.

3.0 VISUAL AMENITY ASSESSMENT

3.1 The trees are prominent, being in a raised position and clearly visible from both Gladstone and Graham Road. They are in good overall condition and with a reasonable future life expectancy. They are deemed as having high amenity value due to their prominent position within the street scene.

3.2 A Tree Evaluation Method for Preservation Orders (TEMPO) assessment was carried out by Dave Farmer. A summary of this 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.444 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 objection has been received in respect of the Order. As discussed, a detailed response by the serving Tree Officer has been provided to that single objection (Appendix C).

8.0 RECOMMENDATION

8.1 Recommend Provisional Tree Preservation Order No.444 be confirmed.

Michael Johnson Head of Planning

10th December 2021