



SHEFFIELD CITY COUNCIL

Planning & Highways Committee Report

Report of: Director of City Growth Service

Date: 13th September 2022

Subject: Tree Preservation Order No. 452
3 Kenwood Road, Sheffield, S7 1NP

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

Summary: To seek confirmation of Tree Preservation Order No. 452

Reasons for Recommendation

To protect a tree of visual amenity value to the locality

Recommendation

Tree Preservation Order No. 452 should be confirmed unmodified.

Background Papers:

- A) Tree Preservation Order No.452 and map attached.
- B) Tree Evaluation Method for Preservation Orders (TEMPO) assessment attached.
- C) Representations
- D) Images of the tree
- E) Appraisal of the Nether Edge Conservation Area.

Category of Report: OPEN

CITY GROWTH SERVICE

REPORT TO PLANNING & HIGHWAYS COMMITTEE

13th September 2022

3 Kenwood Road, Sheffield, S7 1NP

TREE PRESERVATION ORDER NO. 452

1.0 PURPOSE

1.1 To seek confirmation of Tree Preservation Order No.452

2.0 BACKGROUND

2.1 Tree Preservation Order No.452 ('the Order') was made on 12th May 2022 to protect T1 a cedar tree, at 3 Kenwood Road, Sheffield, S7 1NP. A copy of the Order, with its accompanying map, is attached as Appendix A.

2.2 T1 (as described in the Order) is a cedar tree, positioned to the rear of 3 Kenwood Road, in a patch of grass that represents the main amenity area for the residents of the flat. The tree is in full view from flats situated at the rear of the building. There is a limited view of the tree from the vantage point of Kenwood Road, but a more complete view of the tree from between houses on Sharrow Lane. A partial view of the tree would also be afforded from houses on Sharrow Lane and Sharrow View. The tree is within the Nether Edge Conservation Area.

2.3 On the 2nd of May 2022, a letter requesting that the tree be protected by TPO was received by the Council. The letter was co-signed by several people affiliated with 3 Kenwood Road, who stated that one of the leaseholders of the property had threatened to fell the tree to make way for parking spaces he intended to create on the grassed area adjacent to the tree. In addition, a phone call with Vanessa Lyons from a concerned member of the public at around this time also stated that work men had been seen measuring the ground, presumably in anticipation of creating the parking spaces.

2.4 The creation of said parking spaces once formed part of a planning application (18/04440/FUL) which was submitted by the above leaseholder in 2018. The application originally included creation of two parking spaces within the Root Protection Area (RPA) of the cedar. The application did not contain a tree survey, which was noted by the planner, who requested, in August 2019, that one be supplied to assist in ascertaining what impact the creation of the parking spaces would have on the tree which was protected by being within the Nether Edge conservation area.

The architect acting on behalf of the applicant responded by stating the car parking spaces would be omitted from the application and that no tree survey would therefore be necessary. The removal of the spaces was also noted within the officer's recommendation and report which accompanied the

application. The report acknowledged that there had been 16 representations which objected to the application, in part due to the proposed loss of the residents' sole amenity area through construction of the parking spaces. A comment from the applicant's architect was included within the report, stating "that the proposed rear garden area will remain a communal garden for all of the residents of the flats in the same way it is currently being used". The application was then granted conditionally on the 21st August 2019.

2.5 In response to the residents' concerns, Vanessa Lyons, tree officer with Sheffield City Council, inspected the tree on 9th May 2022 with a view to determining the tree's suitability for protection. A Tree Evaluation Method for Preservation Orders (TEMPO) assessment was carried out and the tree was assessed as scoring 14 points. A summary of the TEMPO can be found in Appendix B. The assessment produced a clear recommendation for protection and it was therefore considered expedient in the interests of amenity to make a TPO.

2.6 The TPO was made to protect the tree on 12th May. On 30th June, the Council was alerted to the fact that work to create the car parking spaces had started, despite them having been removed from the application and not being included within the permission. The residents were concerned that the development work was about to be conducted without the proper consent and that it would harm the roots of the tree and possibly lead to its death. Vanessa Lyons attended site, and noted that the work had entailed the removal of soil and severance of roots from within the RPA of the tree, despite the tree being subject to the protection of the TPO. In lieu of any consent granted as part of a full planning application, this work was subject to the need for consent, from the local authority, to carry out works to a tree protected by a TPO. No application had been submitted, and so the matter has been referred for enforcement (case reference 22/00346/ENHTP).

2.7 Objections:

No objections have been received.

Two representations in favour of the TPO have been received and are included in Appendix C.

- Representation one states that the author supports the TPO and wishes to see the tree retained.
- Representation two states support for the TPO due to the wildlife, visual amenity and ecosystem benefits that the tree brings, because the tree is representative of the character of the conservation area, and because retaining the tree aligns with Sheffield's standing as the greenest city in the UK.

3.0 VISUAL AMENITY ASSESSMENT

3.1 The tree is an early mature cedar, which stands to the rear of 3 Kenwood Road. The tree is located within a small raised grassed area adjacent to a tarmacked car park. An image of the tree is included in Appendix D.

The tree is partially visible from adjacent public roads and more fully visible from houses on Kenwood Road, Sharrow View and Sharrow Lane. Representation two also acknowledges this and states that the tree softens their view of the houses beyond it (Appendix C). The tree is of a species which can attain a large size, and thus will become more visible as it gains height over the roof of 3 Kenwood Road.

- 3.2 The tree is in good condition, free of any major outward defects. The tree has previously been crown raised (had some lower branches removed) but has responded well to this, and has an open grown, pleasing form. The tree bifurcates at the top, which is not entirely typical of the species, but this is not a defect that is considered to be detrimental to the tree's structural integrity. The tree has caused some damage to the tarmac of the carparking area which is lifting adjacent to where roots are growing. In my opinion this damage is remediable, and primarily cosmetic, appearing to have had little impact on the health of the tree. This is not an issue that I feel detracts from the amenity, or potential longevity of the tree.
- 3.3 With regards future life span, this is a long-lived species, and a conservative estimate of its life span is that of 40 plus years. The tree thus fulfils the section of the amenity assessment in which the assessing officer is asked to consider whether the tree has future potential as an amenity.
- 3.4 In considering rarity, cultural or historic value, a lack of any direct evidence linking the tree to any of these factors resulted in no points being allocated to the cedar within the TEMPO assessment. However, I do consider that the tree contributes to the character of the Nether Edge Conservation Area. The Sheffield City Council document which provides an appraisal of the Nether Edge Conservation Area, and which is included in Appendix E, states "Trees are a defining feature...The leafy character is most prevalent on the older Victorian streets". The Kenwood section of Nether Edge is noted within the appraisal as being one of the "most leafy and unified" parts of Nether Edge, and while cedar trees are not a species typical to this location, the presence of a mature garden tree such as this is seen as being characteristic 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.452 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 planning 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 planning 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 planning authority may only confirm an Order after considering any representations made in respect of that order. No objections have been received.

8.0 RECOMMENDATION

8.1 Recommend Provisional Tree Preservation Order No.452 be confirmed.

Michael Johnson, Head of Planning

2nd September 2022

Appendix A. Tree Preservation Order No.452 and map attached

Tree Preservation Order

**Town and Country Planning Act 1990
The Tree Preservation Order No 452 (2022)
3 Kenwood Road, Sheffield S7 1NP**

The Sheffield City Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

1. This Order may be cited as Tree Preservation Order No 452 (2022) – 3 Kenwood Road, Sheffield S7 1NP.

Interpretation

2. (1) In this Order "the authority" means the Sheffield City Council.
(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—
 - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated 12TH MAY 2022

EXECUTED AS A DEED)
By Sheffield City Council)
whose common seal was)
hereunto affixed in the presence of)


David Sellers
Authorised Signatory
22117591.2290

SCHEDULE

Specification of trees

Trees specified individually

(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Atlas cedar - Cedrus atlantica	SK 34145 85656

Trees specified by reference to an area

(within a dotted red line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
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Groups of trees



(within a solid red line on the map)

<i>Reference on map</i>	<i>Description (including number of trees of each species in the group)</i>	<i>Situation</i>
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Woodlands

(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
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 Sheffield City Council Parks & Countryside Service	TREE PRESERVATION ORDER No. 452
Drawing No. A4/JED/808/452	
Site address 3 Kenwood Road Sheffield S7 1NP	
Scale: 1:500 @ A4	
Drawn by MB Date: 10/05/2022	
 Trees specified individually (encircled in black on the plan)	
	T1 - Atlas cedar <i>Cedrus atlantica</i>
	Trees specified by reference to an area - None Trees specified by reference to a group - None Trees specified by reference to a woodland - None
	SK 34145 85656 Measurements shown approximately



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Appendix B. Tree Evaluation Method for Preservation Orders.

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 09.05.22	Surveyor: Vanessa Lyons
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Tree details	Tree/Group T1	Species: cedar
TPO Ref 452	Location: 3 Kenwood Road, Nether Edge, Sheffield, S7 1NQ	
Owner (if known):		

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

- | | |
|--------------------------|-------------------------|
| 5) Good | Highly suitable |
| 3) Fair/satisfactory | Suitable |
| 1) Poor | Unlikely to be suitable |
| 0) Dead/dying/dangerous* | Unsuitable |

** Relates to existing context and is intended to apply to severe irremediable defects only*

Score & Notes : 3. Has been crown lifted and pruned in past but in good condition, no obvious defects
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b) Retention span (in years) & suitability for TPO

- | | |
|-----------|-----------------|
| 5) 100+ | Highly suitable |
| 4) 40-100 | Very suitable |
| 2) 20-40 | Suitable |
| 1) 10-20 | Just suitable |
| 0) <10* | Unsuitable |

**Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality*

Score & Notes 4
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c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- | | |
|---|-----------------|
| 5) Very large trees with some visibility, or prominent large trees | Highly suitable |
| 4) Large trees, or medium trees clearly visible to the public | Suitable |
| 3) Medium trees, or large trees with limited view only | Suitable |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable |

Score & Notes 3
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1) Trees not visible to the public, regardless of size Probably unsuitable

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

Score & Notes 1
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5) Principal components of formal arboricultural features, or veteran trees

4) Tree groups, or principal members of groups important for their cohesion

3) Trees with identifiable historic, commemorative or habitat importance

2) Trees of particularly good form, especially if rare or unusual

1) Trees with none of the above additional redeeming features (inc. those of indifferent form)

-1) Trees with poor form or which are generally unsuitable for their location

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

Score & Notes 3
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5) Immediate threat to tree inc. s.211 Notice

3) Foreseeable threat to tree

2) Perceived threat to tree

1) Precautionary only

Part 3: Decision guide

Any 0	Do not apply TPO
1-6	TPO indefensible
7-11	Does not merit TPO
12-15	TPO defensible
16+	Definitely merits TPO

Add Scores for Total: 14

Decision: TPO defensible
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Legal Services Dept,
Sheffield City Council.
Town Hall,
Sheffield S1 2HH.
Ref No: LS/RC/1756412.
1904318




10/06/22

Dear Sir/Madam,

I am writing to inform you of my support for the TPO 452 and the retention of the Atlas Cedar tree situated at the rear of the property 3, Kenwood Road, Nether Edge, S7 1NP.

Yours faithfully,





22nd June 2022

Legal Services Department, Legal and Governance
Sheffield City Council
Town Hall
Pinstone Street
Sheffield
S1 2HH

To whom it may concern,

Ref: LS/RC/1904318
Representation in support of Tree Preservation Order 452:
Atlas cedar tree located at 3 Kenwood Road, Sheffield

We are writing in strong support of the TPO 452 for the Atlas cedar tree at 3 Kenwood Road, Sheffield.

We live directly behind 3 Kenwood Road and share a boundary with this property. The tree is visible from both the grounds/garden of our property and our upper floor terrace.

We support the TPO for the following reasons:

- 1. Wildlife habitat supported by this particular tree.** From our vantage point, we regularly observe a variety of birds visiting the tree during the daytime, as well as seeing owls in this tree at night. Whilst we are not aware of a habitat report specific to this tree, cedar trees in general – particularly mature, well-established ones such as this - provide habitats for both invertebrates, avians and mammals, including nesting places for tawny owls and roosts for batsⁱ. (In their native countries, Atlas cedars provide a habitat for endangered macaque monkeysⁱⁱ, but we've not spotted these in Nether Edge!)
- 2. Visual amenity of this particular tree.** We are very fortunate and privileged to enjoy the majestic sight of this stunning Atlas cedar tree from our garden and balcony. It softens our view of the house beyond it. It provides gentle entertainment in watching the various birds move to and from it. It adds to the sense of living in a countryside environment, despite being only one mile from the city centre. Although it is set back on the plot, due to its size it is visible to the general public from Kenwood Road.
- 3. Ecosystem benefits of this particular tree.** It is well established that trees are vital: providing us with an oxygen-rich atmosphere; removing excess CO₂ (and thereby contributing to combatting global warming and climate change); and filtering harmful pollutants from the airⁱⁱⁱ. Atlas cedars are particularly fitting for an

urban environment as they are – relatively - tolerant of pollution^{iv}. Research by the UK's Forestry Commission predicts that the presence of Atlas cedars is likely to increase in importance with climate change, particularly on drier sites in southern and eastern Britain^v.

4. Protecting and maintaining the character of the local conservation area.

Atlas cedar trees are believed to have been first introduced to the UK from North Africa in the 1840s by 3rd Earl Somers^{vi}. The Atlas cedar tree standing at 3 Kenwood Road is estimated to be 150 years old^{vii}, and as such – alongside the house – it is a beautiful example and legacy of the Victorian era. This Atlas cedar tree therefore does not only fall within the boundary of the designated Nether Edge conservation area, but it is also a prototype of the special character that Nether Edge – and the Kenwood district - is known for: "*a leafy suburb with fine Victorian and Edwardian buildings*"^{viii}.

5. Maintaining and continuing to improve Sheffield's standing and reputation as the greenest city in the UK.

Sheffield City Council takes pride in and promotes Sheffield as a 'green city'^{ix}. Formally protecting our city's trees, including the Atlas cedar tree at 3 Kenwood Road, is clearly aligned with this.

We are happy to provide further information regarding the above points and/or facilitate a site visit to our property if required; our contact details are below.

Yours faithfully,

[Redacted signature block]

ⁱ <https://www.woodlandtrust.org.uk/trees-woods-and-wildlife/british-trees/a-z-of-british-trees/cedar/>

ⁱⁱ <https://directree.org/atlas-cedar-cedrus-atlantica/>

ⁱⁱⁱ <https://www.woodlandtrust.org.uk/blog/2017/12/why-do-we-need-trees/>

^{iv} <https://directree.org/atlas-cedar-cedrus-atlantica/>

^v <https://www.forestresearch.gov.uk/tools-and-resources/tree-species-database/atlas-cedar/>

^{vi} <https://www.devongardenstrust.org.uk/true-cedars>

^{vii} [Information from NESST \(Nether Edge and Sharrow Sustainable Transformation\)](#)

^{viii} <https://www.sheffield.gov.uk/home/planning-development/conservation-areas/nether-edge>

^{ix} www.welcometosheffield.co.uk/living/nature-and-greenspace/

Appendix D. Image of the tree.

