



SHEFFIELD CITY COUNCIL

Planning & Highways Committee Report

Report of: Director of City Growth Service

Date: 9th August 2022

Subject: Tree Preservation Order No. 450
5 Cawthorne Grove, S8 0NB

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

Summary: To seek confirmation of Tree Preservation Order No. 450

Reasons for Recommendation

To protect a tree of visual amenity value to the locality

Recommendation

Tree Preservation Order No. 450 should be confirmed unmodified.

Background Papers:

- A) Tree Preservation Order No.450 and map attached.
- B) Tree Evaluation Method for Preservation Orders (TEMPO) assessment attached.
- C) Objections

Category of Report: OPEN

CITY GROWTH SERVICE

REPORT TO PLANNING & HIGHWAYS COMMITTEE

9th August 2022

5 Cawthorne Grove, S8 0NB

TREE PRESERVATION ORDER NO. 450

1.0 PURPOSE

1.1 To seek confirmation of Tree Preservation Order No.450

2.0 BACKGROUND

2.1 Tree Preservation Order No.450 ('the Order') was made on 5th May 2022 to protect T1 *Fagus sylvatica* at 5 Cawthorne Grove, S8 0NB. A copy of the Order, with its accompanying map, is attached as Appendix A.

2.2 T1 (as described in the Order) is a mature beech tree, positioned in the front garden of 5 Cawthorne Grove. The tree is visible from a public vantage point of both Cawthorne Grove and Archer Road

2.3 In April 2022, a request to TPO the tree was received by the Council from a local tree action group. They stated that they had received information from a tree surgeon, who had been asked for a quote to fell the tree. As the tree is not in a conservation area, there would be nothing to prevent removal of the tree, and so the group requested the Council assess the tree for its suitability for protection.

2.4 In response to this, Vanessa Lyons, tree officer with Sheffield City Council, inspected the tree on 29th April 2022 with a view to determining the tree's suitability for protection. At the time it was possible to conduct the inspection from roadside only. The tree was found to be in reasonable condition with no visible defects requiring major intervention or which would negate the trees' contribution to the amenity of the area. It was noted that the tree had a small cavity at 2m, facing roadside, consistent with historic removal or loss of a branch.

2.5 An aerial inspection of the tree was conducted by an arboricultural consultant on the behalf of the owner at 5 Cawthorne Grove. A copy of the inspection has been submitted as part of an objection to the TPO and can be seen in Appendix C. The consultant states that the tree is, at first sight a "fine specimen" and notes two further cavities and a broken branch visible only from the rear of the tree. Photographs of these, supplied within the report, indicate cavities of a sort routinely found on mature trees which have lost branches, and which are not, in themselves, immediate cause for concern. The consultant himself concludes that the cavities are not structurally significant.

2.6 A Tree Evaluation Method for Preservation Orders (TEMPO) assessment was carried out by Vanessa Lyons on 29th April 2022, who scored the tree with 13 points. The assessment produced a clear recommendation for protection. A summary of the TEMPO can be found in Appendix B.

2.7 Objections:

Two objections have been received.

Objection one was submitted by the owner of 9 Cawthorne Grove, on the basis that:

- The tree has never been maintained and is now of a size no longer in keeping with the residential area.
- The tree has damaged sewer pipes leading to Yorkshire Water attending and removing roots from the blocked pipes.
- Leaf fall from the tree makes pavements slippery, and blocks drains.
- Root damage has occurred to the pavement of Cawthorne Grove leading to an uneven surface.

In response to these points:

- The tree is not considered to be of a size unsuitable to a residential area, standing as it does in a relatively large garden, and that were the tree to grow too large, the tree could still be retained with appropriate pruning. The TPO would not prevent such future maintenance of the tree. Pruning works would be subject to the need to obtain consent from the Local Authority, but the TPO would not be a barrier to work which represented good arboricultural management of the tree.
- Evidence supports the view that tree roots generally do not break drains but exploit weaknesses in them, wherein tree roots can grow in pipes in search of water and nutrients. The onus is therefore on the homeowner to keep pipes on their land in good condition to prevent this issue. The serving of a TPO would not prevent maintenance work from taking place to make good drains or pipes affected in this way, nor from removing roots which had entered and blocked a drain – as has already occurred according to the objector.
- The leaves that fall on Cawthorne Grove will come from any number of trees in the area. A proportionate response to this issue, and that of the raised tarmac from tree roots, is street cleansing and repair, neither of which prevent the tree from being protected.

Objection two was submitted by an arboricultural consultant on behalf of the owner of 5 Cawthorne Grove on the basis that:

- Beech is not a suitable species for a relatively small garden
- Though the tree is in reasonable condition, there are sufficient questionable features to mean it doesn't justify a TPO.
- That there is insufficient threat to the tree to consider protection expedient.

In response to these points:

- The report notes that the tree is at the end of a garden which is 40m long. As it is assumed that the objector's issue with the species of tree is the potential size it can attain, it should be noted that this is not a small garden, and the tree has had ample space to grow to a semi-mature size without causing issue. It is therefore difficult to determine what makes the tree unsuitable for its location. The tree has not been implicated in the sort of issues that usually indicate the tree is in the wrong place, i.e., damage to adjacent buildings, or severe encroachment which cannot be remedied through pruning. Where the tree is alleged to have caused damage to sewer pipes, no direct evidence has been supplied indicating that this tree is implicated, or that the damage cannot be remedied with the tree in situ.
- The tree scores highly enough on the TEMPO assessment, to merit protection. Though the consultant states his dislike of TEMPO, this method is widely accepted and utilised by other Local Authorities as a way of assessing trees for their suitability for protection. The consultant himself states that he has "no particular dispute with the scores awarded by the Tree Officer", indicating that he himself concurs with the elements of the assessment that regard the tree's condition, life span and visibility. While the consultant remarks upon cavities to the rear of the tree, he concludes that he does not think these are structurally significant at this time, and that there is no active signs of decay. Furthermore, elsewhere in the report he states the tree is a fine specimen.
- The consultant disputes that it is expedient to protect the tree, however the information that was received by the Council, via a third-party, came from a tree surgeon who had been asked to give a quote to fell the tree. In the opinion of the assessing officer, this was sufficient information to indicate that removal of the tree was a likely possibility and that it was therefore expedient to protect the tree by making a TPO.

3.0 VISUAL AMENITY ASSESSMENT

- 3.1 The tree is a semi-mature beech, which stands in the garden of 5 Cawthorne Grove, adjacent to the boundary with the road. The tree stands approximately 15 metres high with a canopy spread of approximately 20m, and is of open pleasing form, having a well-balanced, relatively symmetrical canopy with dense leaf cover demonstrating good vitality. The tree is visible from a public vantage point on Cawthorne Grove, and semi visible from Archer Road, and it represents a good specimen of a tree located within a small green corridor of trees and shrubs which line the road. Collectively, these trees soften an otherwise urban view, offer good amenity to the street, and provide an environment for a range of diverse insects and birds. Removal of this tree would lessen the impact of this green corridor from a biodiversity point of view, and negatively impact upon the amenity of the area.
- 3.2 Free of any major defects which would indicate structural instability, a conservative estimate of the tree's future life span is that of 20 to 40 years, meaning that the tree represents good future potential as an amenity.

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.450 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. Two objections have been received.

8.0 RECOMMENDATION

8.1 Recommend Provisional Tree Preservation Order No.450 be confirmed.

Michael Johnson, Head of Planning

28th July 2022

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