

To the Chairman and Members of the
PLANNING REGULATORY BOARD

Date 2nd April 2015

Report of the Director of Planning and Regeneration Service

ITEM NO. SUBJECT

1 Proposed Tree Preservation Order No 6 2014 – former School
House, Church Street, Greasbrough, Rotherham, S61 4EL

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ROTHERHAM METROPOLITAN BOROUGH COUNCIL PLANNING REGULATORY
BOARD

PLANNING AND REGENERATION SERVICE

REPORT TO COMMITTEE
2ND APRIL 2015

Item 1

**Proposed Tree Preservation Order No 6 2014 – former School House,
Church Street, Greasbrough, Rotherham, S61 4EL**

RECOMMENDATION:

That Members confirm the serving of Tree Preservation Order No. 6 (2014) with regard to 10 Lime Trees subject of this report, situated within the curtilage of the former School House, Church Street, Greasbrough, Rotherham, S61 4EL under Section 198 and 201 of the Town and Country Planning Act 1990.



Background

A planning application was submitted in August 2014 for the conversion of the building to form 2 no. dwellinghouses (ref: RB2014/1176). The application was granted conditionally in December 2014.

During the application process the Lime trees on the site (11 in total) were assessed by the Council's Arboriculturist. The Council's Arboriculturist report states the site contains 11 trees which are categorised as 'B' category in accordance with BS5837 Trees in Relation to Design, Demolition and Construction – Recommendations, e.g. trees of moderate quality whose retention is desirable. Collectively they provide valuable amenity within the

local Conservation Area and for this reason their retention is desirable whilst their condition allows or unless there are other reasons to justify their premature removal. When tested they meet all the criteria for inclusion in a new TPO.

Although all the trees meet the TPO requirements it was acknowledged that a tree positioned approximately 2 to 3 metre from the existing rear extension could be removed as part of the application, but the remaining 10 would be subject of a new TPO to minimise the impact of any development on local amenity and the important contribution they make to the character of the local Conservation Area.

A site visit with the applicant was arranged to discuss the removal of the tree sited on the boundary with no. 1 Church Street, no information was put forward indicating why this tree had to be removed. The Council's Arboriculturist indicated that as no evidence has been submitted to show its removal is required / unavoidable, not all of the concerns regarding the proposed development and its impact on existing trees that provide valuable and important amenity have been overcome.

At the site meeting it was noted that work had been carried out to 6 of the trees located along the sites front boundary in the way of inexperienced pruning and given the site is within a Conservation Area the works were also unauthorised and thus constituted illegal works to trees protected by being sited in a Conservation Area. This was raised with the applicant who appeared unaware of the issue or its severity given the illegal works to protected trees can result in prosecution. The applicant was reminded on site of their duty of care given the sites location, and a strongly worded letter was also sent to them outlining the potential issues.

Although the work was done inexpertly and has slightly affected their appearance the trees still meet the requirements for protecting under a new TPO.

The TPO was made on 8 December 2014 and all interested parties notified and an objection was subsequently received.

Objections

The objection to the making of this order was received from Mr Jamie Cassidy and Mr Carl Brailsford, the owners of the site and the applicants on planning application RB2014/1176, the reasons for his objection can be summarised as follows;

- The Trees that form the TPO have been under the RMBC duty of care for a considerable amount of years, there is no sign of any management nor periodical maintenance of the trees in question. It appears they have been merely neglected by RMBC and left to grow without consideration to the property and / or local neighbours.

- An extensive sewer and drainage CCTV survey has been carried out, and trees T1 to T4 have caused considerable root damage to the drains.
- We have no intention to fell trees T5 to T10. An application will be made to use a qualified Tree Surgeon to carry out required pruning and maintenance only.
- Tree T1 is overhanging the property, causing surface damage to the tarmac and is heaving the retaining wall. This tree should be given consideration to be felled. Evidence of the damage / condition of the tree can be provided prior to the Planning Board Meeting.
- We feel the RMBC "TEMPO" Evaluation form is inaccurate. Trees T5 to T10 form part of a group, however Trees T1 to T4 are individual and therefore require an individual "TEMPO". On an individual score T1 would not qualify for a TPO.

Councils Arboriculturist Report

The Trees and Woodland Section have considered the objections raised and the Arboriculturist's report in response states that:

The main parts of the objection appear to be as follows.

- The trees have previously been left to grow by RMBC without any management.
- An extensive sewer and drainage CCTV Survey has been carried out and T1 and T4 have caused considerable root damage to the drains.
- No intention to fell trees T5 to T10. An application will be made to use a qualified Tree Surgeon to carry out required pruning and maintenance only.
- T1 is overhanging the property, causing surface damage to the tarmac and heaving the retaining wall. Evidence of damage / condition of the tree will be provided upon request to the Planning board meeting.
- TEMPO evaluation form is inaccurate. T1 to T4 are individual trees and require an individual evaluation. On an individual score T1 would not qualify for a Tree Preservation Order. A more accurate survey is requested to be completed prior to the Planning Board meeting

Description of the trees

The trees are mature Lime that varies in height between 12 to 15.6m. Outwardly they appear in reasonably good condition with reasonably good future prospects. Collectively, they provide valuable and important amenity within Greasbrough Conservation Area, particularly the 6 trees positioned at the front of the building adjacent to Church Street. However, due to the size of the trees and sloping nature of the site, from the north down to the south, the trees to the rear of the buildings are also visible from a distance when viewed from the south.

The trees have previously been left to grow by RMBC without any management

From electronic records the Council have previously been a tenant of the land that appears to be the responsibility of the Church of England. It is unknown who may have been responsible for any maintenance to the trees during the tenancy period. However, the Council's Tree Service has carefully pruned some of the trees in the past to maintain adequate clearance above ground level over the highway and the dwellings to the west. If retained the trees will no doubt benefit from a small amount of careful pruning to ensure they are maintained in a safe and healthy condition. Indeed, advice was given to the objector at a site meeting on 9 March 2015, about a level of pruning that may be acceptable if an application is made to prune them accordingly. At the time the objector appeared to be happy with the level of pruning that may be permitted.

An extensive sewer and drainage CCTV survey has been carried out and T1 and T4 have caused considerable root damage to the drains

I am not aware of any evidence being provided of the survey report and its recommendations to help resolve any current difficulties of tree root encroachment into the drains. Roots may enter drains but this is normally due to an existing defect e.g. broken pipe or loose joint collar, rather than roots forcibly gaining entry. Repairs can often be undertaken to resolve this type of difficulty without requiring the removal of trees, particularly if they are important amenity trees.

No intention to fell trees T5 to T10. An application will be made to use a qualified Tree Surgeon to carry out required pruning and maintenance only

The owner's intention to retain the trees and employ a suitably qualified and experienced tree work contractor to carry out any future pruning is noted. However, despite this, unauthorised and inexpert pruning has been carried out to T5 to T10 and this was reported as a serious breach of the Conservation Area regulations. Including the trees in a TPO will help control and monitor any future works to the trees to ensure it is completed in accordance with an agreed schedule of work and BS3998 Tree Work Recommendations. This is important to ensure the amenity the trees provide within the local Conservation Area is not adversely affected.

T1 is overhanging the property, causing surface damage to the tarmac and heaving the retaining wall. Evidence of damage / condition of the tree will be provided upon request to the Planning board meeting

Part of the branch framework of T1 does overhang the building. However, careful pruning will provide adequate height clearance to avoid any physical contact. I am not aware of any evidence being submitted regarding the alleged damage to the tarmac and retaining wall. However, a site inspection confirms the tarmac and wall are disturbed in proximity to the tree. The inclusion of T1 in the provisional Order has acted as a holding measure until any evidence is provided to show T1 is the direct cause or major influencing factor to any damage and the defects cannot be resolved without requiring its

removal. If the Order is confirmed without modification any evidence provided in the future to indicate the removal of the tree is unavoidable for these reasons may be considered at that time.

TEMPO evaluation form is inaccurate. T1 to T4 are individual trees and require an individual evaluation. On an individual score T1 would not qualify for a Tree Preservation Order. A more accurate survey is requested to be completed prior to the Planning Board meeting

The TEMPO (Tree Evaluation Method for Preservation Orders) evaluation was completed for the site as a whole and this is standard practice in dealing with these matters. It is unclear why the objectors consider T1 would not qualify on its own merits, unless it is due to the alleged damage to the stone boundary wall. The responsibility for the wall is unknown. However, if it is the responsibility of the objectors then T1 is not recognised as a nuisance as an ordinary English law concept, for the purposes of this legislation. An individual evaluation of T1 shows it would meet all the criteria unless it is given a '0' zero score for section b) retention span of the amenity assessment. According to the TEMPO advice this may indicate a tree should not be included in an Order. However, it is only advice and does not stop a tree being protected at least as a holding measure until any evidence is provided to justify its premature loss and any subsequent adverse impact this may have on local amenity.

The Trees and Woodland Section concludes that the objection to the Order has been carefully considered and they are not aware of any evidence to substantiate the reasons given not to include the 10 Lime trees in the new Order. Therefore, in this instance there does not appear to be any reason not to confirm the Order without modification.

Conclusion

The evaluation shows all the trees concerned meet all the criteria for inclusion in an Order and this is defensible. The trees contribute to overall amenity and their retention will preserve the character of the Conservation Area. No evidence has been provided to substantiate the reasons to exclude any of the trees from the Order.