

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



Jon Coe Tree ServicesLtd
13 Green Oak Road
Totley
Sheffield
S17 4FP

SCC reference: LS/RC/86124

Planning application relevant to this case: 17/03139/FUL

7th February 2019

To whom it may concern,

This letter is written in support of an objection to a Tree Preservation Order (TPO) by the tree owners and the applicant for 18/02685/FUL.

The Order is TPO no. 430 applying to 10 Stumperlowe Hall Road, Sheffield S10 3QR.

I have been involved as an arboricultural consultant with this site since October 2017, when I made an initial survey visit and subsequently prepared a report to support my client's planning application. I understood at this point from my client that pre-app advice from Sheffield City Council (SCC) had indicated that there was potential for a dwelling house to be constructed.

In November 2018 my client contacted me to say that following refusal of the initial application (17/03139/FUL) the site layout had been amended to take account of further advice given by SCC. I note from the decision notice associated with that earlier refusal that there is no mention of trees. I understand also from my client that in the various subsequent advice received from SCC, trees were never mentioned.

phone: 07747 664560 email: jon@joncoetreeservices.co.uk www.joncoetreeservices.co.uk

Registered in England and Wales as limited company number 09689319
Registered office at 13 Green Oak Road, Sheffield, United Kingdom S17 4FP

Page 1

I duly prepared a second tree report to accompany this revised layout for re-submission (the re-submitted application also carried SCC reference 17/03139/FUL). On 10th January of this year (2019) the above TPO was served. In both the historic and the current applications my client had been given no previous indication of Tree Officer objections (whether written or otherwise) - the first comments regarding the trees has come in the form of a TPO at the final stage prior to determination. The inclusion of larch trees T3 and T4 on the TPO can effectively prevent development of this plot. I note that at both planning applications TPO trees T1 and T2 were selected for retention, with provisions made for this via method statement and tree protection plan: retention of T1 and T2 has always been planned.

I wish to object to this TPO for my client on the grounds listed below. In doing so I take as fact the information my client has given me regarding pre-app advice that has been received, and that I understand has been ongoing since 2016.

1. Trees T3 and T4 are identified as numbers 12 and 14 respectively in the Arboricultural Impact Assessment that accompanied the application. Both were assigned BS5837 retention category C1 ("*Unremarkable trees of very limited merit*"), despite their apparently meriting TPO according to SCC TEMPO assessment. Both exhibit numerous large deadwood branches as a result of lateral suppression by the adjacent trees (past and present) that have competed for light resources. Importantly also I note that their stability is at least in part dependent upon their neighbouring trees, as they grow within a row along the site's north edge. Those neighbouring trees are particularly low quality Lawson cypress trees which cannot be felt to merit TPO as they were not protected following the TEMPO assessment. The removal of these neighbouring Lawson Cypress would increase the vulnerability of the two larch to being windblown (TPO trees T3 and T4).
2. As an arboricultural consultant, I regularly advise clients who own sites with trees but who wish to make fruitful planning applications. In line with my professional organisations' codes of ethics I always advise clients not to proactively fell trees, but to fully engage with the planning process, and to

phone: 07747 664560 email: jon@joncoetreeservices.co.uk www.joncoetreeservices.co.uk

Registered in England and Wales as limited company number 09689319
Registered office at 13 Green Oak Road, Sheffield, United Kingdom S17 4FP

Page 2

submit surveys and arboricultural impact assessments as required. When a client has sought pre-app advice over a period exceeding two years and submitted two applications (with the considerable associated expenses including multiple plans and reports) and yet a decision to make a TPO preventing development is made in the final weeks before determination, it is easy to see why clients might doubt my professional advice. Issues of statutory tree protection in this case have been very poorly handled, undermining confidence among consultants and applicants, and creating a precedent that sends exactly the wrong signals to those who would submit planning applications to SCC.

As a final comment I note that the presence of a TPO does not preclude planning permission from being granted. The presence of a TPO on trees T3 and T4 (TPO numbering) does not in any way alter the findings of the Arboricultural Impact Assessment submitted in support of the application (tree report JC.109.181127). Given that there is a current application in for determination, I recommend that the removal of these two low quality larch trees be permitted in line with that report's findings, despite their current TPO status. I also consider that failure to first remove the TPO from these two larch trees would reflect very poorly on the integrity of SCC's tree protection procedures.

Yours faithfully



Jon Coe BSc (Hons) Arb. MArborA - for Jon Coe Tree Services Ltd

phone: 07747 664560 email: jon@joncoetreeservices.co.uk www.joncoetreeservices.co.uk

Registered in England and Wales as limited company number 09689319
Registered office at 13 Green Oak Road, Sheffield, United Kingdom S17 4FP

Page 3

This page is intentionally left blank