



March 23rd 2023.

**Objection to Tree Preservation Order No. 470 (2023),
423 Glossop Road, Sheffield, S10 2PR.**

Please accept this letter as an objection to the above Tree Preservation Order (TPO), which was served on March 16th 2023. The reasons given for the Order are that the tree “provides good amenity to the local area,” and that that the Order seeks to ensure that the tree is fully regarded in the current planning application, reference 22/03074/FUL.

Background.

The planning application is for a small extension. The application was made in August 2022. In February I was asked to write a report on a single Lime tree although when I visited the site I discovered there to be 2 Lime trees. My report covered both. The protected tree is the one that is closest to the building, which my report appraised to be barely 4 metres away from the existing property. My conclusion was that the tree should be removed and something else other than a Common Lime tree replanted.

Reasons for objecting.

1. The site notice informing people that the TPO has been served states that the TPO can be seen on the Council website. The URL given does not work and the most recent TPO that can be seen in the “Legal Orders” section of the website is TPO 427 from 2018.
2. The statement that the tree provides “good amenity” is patently inaccurate. Until my report pointed out that there were two trees on the site, everybody concerned seemed to have noticed only one. A pair of trees, not particularly close together, which all concerned seem to have presumed to be a single tree, cannot really be said to be providing “good amenity.”
3. The Government guidance of the serving and administration of TPOs states quite clearly that Orders should be used to protect trees whose removal would have a significant negative impact on the environment and its enjoyment by the public. It also states that “visibility alone will not be sufficient to warrant an Order.” We have not been informed of anything that makes this tree more than merely visible. There should have been some sort of amenity valuation with the TPO documents but we have seen nothing.
4. The idea that the tree has not been fully regarded in the planning application is patently wrong. My client was asked for a tree appraisal to accompany the planning application and I wrote one as soon as it was requested. I don’t know why one was not requested back in August when the planning application was made; presumably nobody



VAT Reg No. 471150474
Company Reg No. 5872995
Registered in England and Wales

particularly noticed the trees or regarded them as important. (I have appended the report, a subsequent letter written in response to the Planning Officer's comments, and two e-mails discussing the situation.)

5. Both trees are protected by virtue of their being within the Broomhill Conservation Area. The protection provided by the Conservation Area regulations is more than enough to protect these trees.
6. My client and his Architect are both of the opinion that this Order has been served with a view to blocking this planning application. I can't say I blame them. Using TPOs in this way is not likely to encourage people to grow trees.
7. A Section 211 Notice has not been served on either tree and discussions as to their retention, alternative management or removal (with the Planning Officer) have been ongoing. The Idea of protecting these trees cannot possibly be said to be "expedient."
8. It did occur to me that whoever served the TPO had not properly inspected the site. TPO plans are supposed to show nearby trees that are not included in the TPO. This plan makes no mention of the second Lime tree. Indeed my first assumption was that whoever served the Order had served it on the wrong tree. A 17 metre tall tree, barely 4 metres from a house, cannot possibly be considered to be well-positioned.
9. I also note that the Conservation Area plan shows only a single tree and not the property. In fact I have two Conservation Area plans, one from 2008 and one from 2018, both of which fail to properly show how the tree is extremely close to the house.

Conclusions.

This TPO is unnecessary. The Conservation Area protection is more than adequate for two fairly ordinary Lime trees, and from the information supplied with the Order it appears that mistakes may have been made.

I would also like to point out that any member of the public wishing to inspect this TPO on the Council website would be disappointed. I have pointed out this problem in the past and it is not at all democratic to keep these matters hidden from public scrutiny.

I trust you will reconsider this Order.

Yours faithfully,



W L Anderson. Dip.Arb(RFS). M Arbor A.

- Enclosures:
1. original tree report.
 2. Additional letter discussing the trees in relation to the planning application.
 3. e-mail chain with discussions about the trees.

Appendix 1.



February 15th 2023.

**Lime tree at 423 Glossop Road,
Broomhill, Sheffield, S10 2PR.**

Jeff Sowerby the Architect has drawn up plans to extend the above property, an end-of-terrace-house, and submitted a planning application. The Planning Officer has noticed a Lime tree within the site and therefore requested a report. I shall deal with the various matters below. There are actually two Lime trees close together and although Jeff says the Planning Officer has only mentioned one, I'm obliged to follow best practice (*British Standard 5837 2012 Trees in relation to design demolition and construction – Recommendations*) and consider both of them. Jeff suggests that only one tree is within the site but I'm not sure that's the case. I presume the Officer has mentioned the tree because there is a "prominent tree" marked on the Broomhill Conservation Area plan.

For ease of reference I've marked the tree's positions on an extract from Jeff's site plan and shall refer to them tree 1 & tree 2.

The trees.

No.	Species	Comment
1.	Common Lime	Approximately 17 metres tall and approximately 700 mm diameter. Grows in a car parking area. Only 5 metres away from the building's terrace, and a similar distance from other nearby buildings. The crown appears healthy, and it's almost certainly a previously "pollarded" tree. Numerous epicormic growths prevent accurate measuring and a close inspection of the trunk.
2.	Common Lime	A similar height to tree 1, but only 4 metres from the house. Again I could not closely inspect the base of the tree due to nearby shrubs and the epicormic growths, and the trunk is covered in a dense layer of Ivy. I estimate its trunk diameter to be 700 mm. The Ivy prevented my seeing whether this is also a pollarded tree, but I suspect it almost certainly was once pruned in that way.

Please note that tree heights are measured with a laser device that requires a view of the top and bottom of the tree from the same position, preferably from a distance of a couple of tree heights. Such a position was not available so the heights could be a couple of metres out either way.





Photograph 1.



Photograph 2.

Photograph 1 is a view of the two trees looking roughly west, as seen from the adjacent public open space, which is crossed by a foot path. The undergrowth preventing us from seeing precisely where the tree grows is rather unkempt but includes Privet, Horse Chestnut, Sycamore, Elderberry, Bramble and even a Fig. The Horse Chestnut and Sycamore have been cut and have produced coppice growth.

Photograph 2 was taken looking roughly northeast from Paxton Lane, the cul-de-sac behind the house. Tree 1 is in the foreground, tree 2 is beyond.

Photograph 3 shows the base of tree 1. And its proximity to the terrace. The area has been used as car parking for many years.

NB the parking area is not tarmacked, it's simply compacted gravel, which probably allows water to percolate through to the roots more readily.



Photograph 3.

It's hard to see the tree's trunk through the epicormic growths which forced me to estimate the diameter. Growths like these are often referred to as "feathers" by the arboricultural fraternity, and you won't be surprised to learn that the job of "de-feathering Lime trees" invariably provokes groans from tree workers. Feathers are one of the characteristics of Common Lime that make them unpopular. ("It is the Common Lime for streets and long avenues and is the worst tree for either purpose.¹")



Photograph 4.

Photograph 4 shows the main branch unions on tree 1. This sort of growth is indicative of trees that were once pollarded. Pollarding means to cut a tree back to little more than a stump from which it then regrows. The practice is nowadays frowned upon, but severely pruning Lime trees (not strictly pollarded) is sometimes regarded as acceptable if a situation requires it. Lime trees of many species are quite tolerant of severe pruning and people reasoning that such practice is likely to lead to trees declining are mistaken. In many cases, pollarded trees are likely to outlive those that haven't been treated in this way.

¹ See *Trees of Britain and Northern Europe* by Alan Mitchell. Collins Pocket Guide, second edition. 1988. (reprinted 2001.)

Photograph 5 is a view of tree 2 that I've included to show its proximity to the existing building. I understand the extension will mean there is even less space between it and the tree. and it's already only 4 metres away.

The shrub to the left of the Lime is a small Yew.

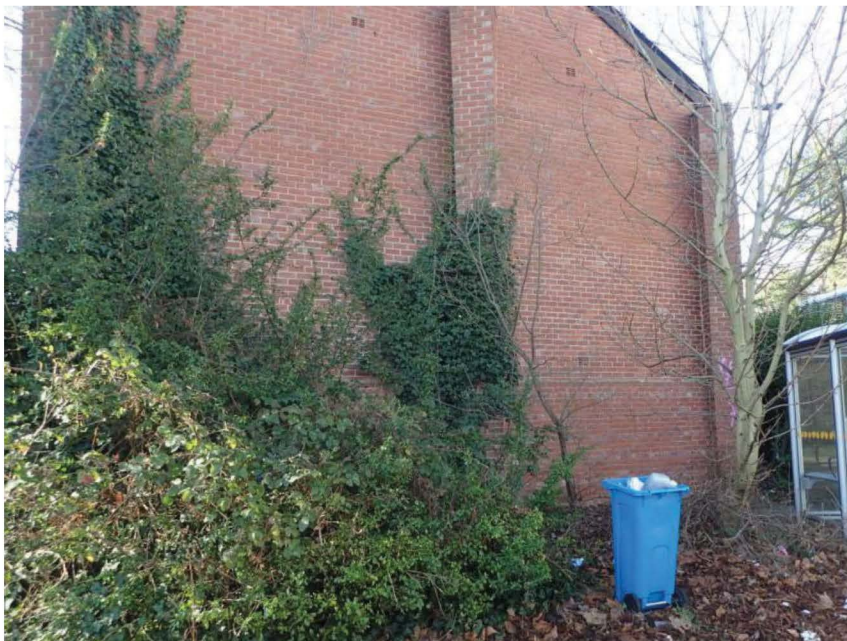


Photograph 5.

There are views of the trees available on Google, which help to show how they have grown over the years. The following URL is a view from 2012:

<https://www.google.co.uk/maps/@53.377051,-1.4928497,3a,75y,64.57h,77.67t/data=!3m6!1e1!3m4!1skz2H9Nyh8XjdP6GotuWpNw!2e0!7j13312!8i6656?hl=en>

(Viewing the Google streetview-photos of a tree and scrolling through the years is becoming a revealing first port-of-call for those of us involved with the appraisal of urban trees.)



Photograph 6.

Photograph 6 is view of the building's existing gable, which I've included in an effort to show the situation in relation to the trees.

This concludes my tree-related observations of this site

Discussion.

BS5837 is the usual Standard adopted by planning departments in the UK, and seeks to ensure a harmonious relationship between trees and structures. There are two main factors within BS5837, the “root protection area,” now widely known as the “RPA” and the “retention category.” The RPA is a “circular area, tree at the centre, of radius 12 times the trunk diameter. So for these trees the RPA would be nominally 8.5 metres radius. The RPA is of course nothing more than a rule-of-thumb and as we can see here both trees have buildings well within the model of the root system so we are obliged, as BS5837 recommends, to make “a soundly based arboricultural assessment of likely root distribution.”

In situations like this, where it’s entirely obvious that a tree’s surroundings must have influenced where its root system has developed, we’re soon forced to conclude that we can’t do anything without intruding into a tree’s root system. Although some people might reason that the RPA model is a de-facto method of appraising when a tree is “too close” to a building, it is no such thing. However the RPA model can give us an idea of when a building project might cause sufficient root loss to conclude that a tree’s retention is impractical.

The situation here means that we go to the “retention category” and decide whether the trees are sufficiently important to mean a building proposal should be changed or even shelved. BS5837 contains “table 1” to help us decide whether a tree is important, which can be looked upon as a basic system of “amenity valuation.” By my interpretation of table 1, these trees both achieve the category of C1, which are unremarkable trees of limited merit. If these trees were further away from the building then they might make category B but unfortunately trees that are likely to require a major pruning intervention within 20 years are excluded from any category other than C.

I mention “amenity valuation” because ultimately, the only way a local planning authority (LPA) can oblige a tree owner to retain a tree is by serving a Tree Preservation Order (TPO). Although many people believe that a TPO is something that can be served on any tree, it is no such thing and TPOs should only be served if a tree’s removal would have a “significant negative impact on the environment and its enjoyment by the public.” To help LPAs make the decision about whether or not to protect a tree they should develop structured systems of amenity valuation, to explain to tree owners why their trees should be protected. Amenity valuation is the entire basis of the TPO system and the “Government Guidance” (an extension to the NPPF) mentions it no fewer than 14 times². Despite this advice many planning departments have no such system. In my opinion neither tree has any particularly unusual characteristic that makes it TPO-worthy. It’s also worth noting that if we were choosing tree species to plant in the same places as tree 1 and tree 2, Common Lime would be the last species we’d choose.

In my opinion, the most sensible course of action here is to remove both trees and plant some new ones when the building project is finished. Building extensions in such close proximity to such large trees is going to be very difficult and there is no way we can erect tree protection fencing (in accordance with BS5837’s guidance) and get close to the building to work upon it. In my opinion the trees are not of sufficient quality to justify TPO-

² <https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas>

protection and they are not trees that should stand in the way of an otherwise reasonable development proposal.


However, despite my 40+ years' experience in tree work in Sheffield, I suspect that my opinion will not be welcomed so consideration could be given to perhaps removing tree 2, and pruning tree 1. If this was done we could perhaps justify a reduction in the size of tree 1's RPA, which might enable appropriate machinery to access the development area. The pruning for tree 1 would need to be severe; its height would need to be reduced by something in the order of 50%, with the spread reduced accordingly. (The height would be reduced by some 8 metres, and some tree workers would dismiss this pruning as looking like a "toilet brush!") I've appended a generic tree protection method statement in case my advice is deemed unacceptable.

Conclusions.

1. My best advice for this project is that the trees should both be removed and replacements of different species planted once building work is complete.
2. By definition there will be a lot of work within each tree's RPA and the chances of them thriving afterwards are low.
3. An alternative course of action is pruning tree 1 and removing tree 2, and then protecting a smaller RPA while taking steps to ensure that there is as little disturbance as possible, but there is no guarantee that this would be successful and that the tree would thrive afterwards.

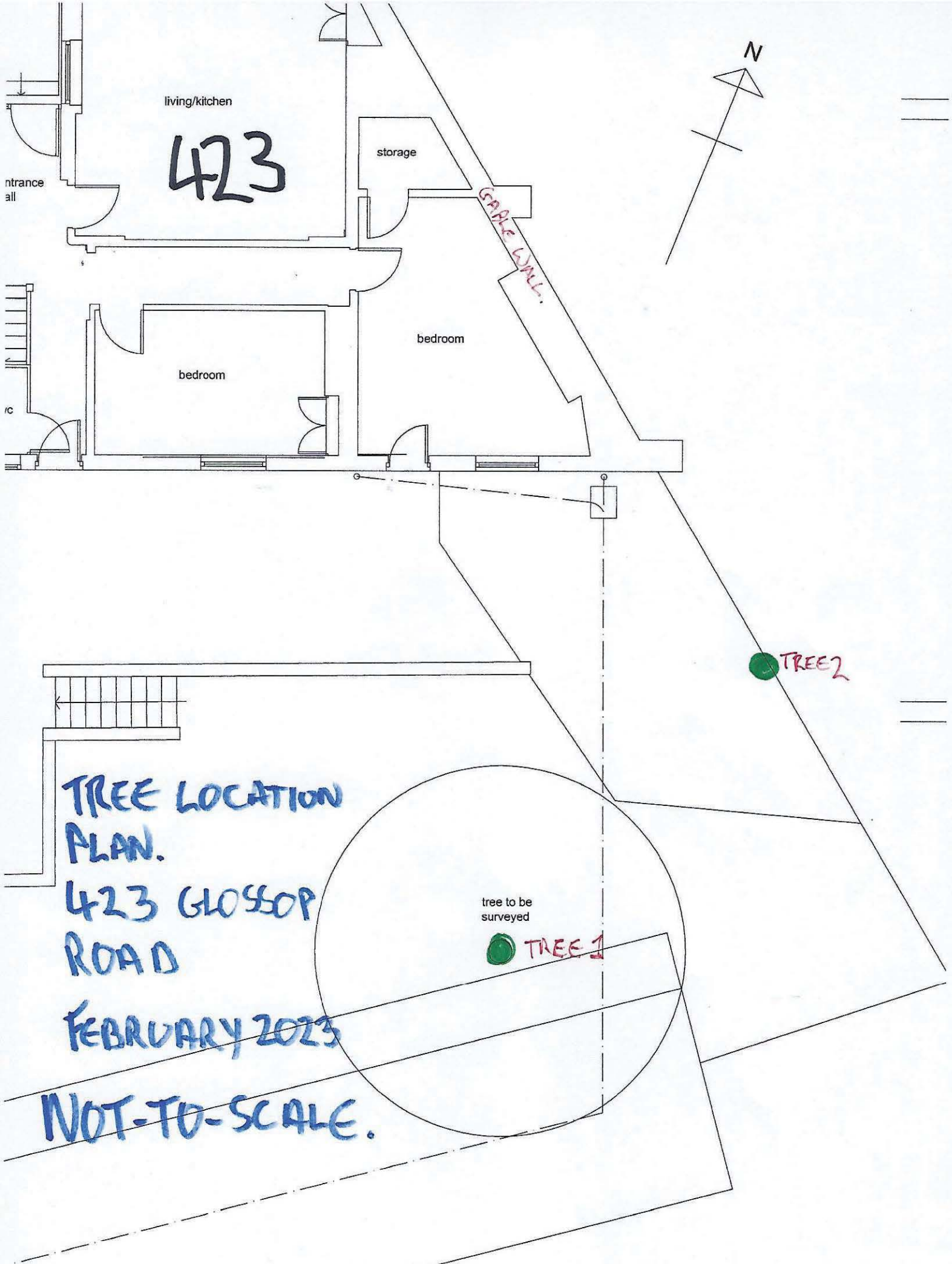
I trust you will find this helpful.

Yours sincerely,

A large black rectangular redaction box covering the signature of the sender.

W L Anderson. Dip.Arb(RFS). M Arbor A.

Enclosure: Tree location plan.
Generic tree protection method statement.



TREE LOCATION
PLAN.

423 GLOSSOP
ROAD

FEBRUARY 2023

NOT-TO-SCALE.



February 16th 2023.

Project at 423 Glossop Road.

Tree protection method statement.

This is a small project so there is unlikely to be any heavy machinery on site. Most work will be undertaken by hand. Although my best advice is to remove the trees and replant when building work is complete, if it's decided to keep the tree, fencing will need to be erected to keep site operations away from the tree.

1. All tree work should be undertaken before any other site works commence.
2. Before commencing site works, tree protection fencing (if required) should be erected. BS5837 requires fencing to be adequate for the site's activities. (See BS5837, section 6.2.) On a small project like this, signs stating "root protection area, no entry" are superfluous, although site workers should be made aware of the purpose of the fencing.

3.



Photograph 1.

Photograph 1 shows tree protection fencing more than adequate for this project.

NB the foot blocks are entirely within the RPA and pinned to the ground to prevent casual disturbance. The diagonal braces are also pinned to the ground.

4. All site operations should be conducted with a view to ensuring that no spillages take place where they might seep into the Root Protection Area (RPA). For example machinery should not be washed where the waste water will affect trees. (eg. by seeping into the RPA.)

5. Also, machinery exhausts and the like should be directed away from overhanging or nearby branches, and obviously machinery should not be refuelled where spillages might pollute an RPA.
6. If any trees are found to need pruning for some unforeseen reason, this should be done by a properly qualified and experienced contractor.
7. If scaffolding and the like has to be erected above the RPA the care should be taken to ensure there are no spillages of mortar (and such-like) into the RPA. A protective membrane might need to be utilised but ideally spillages will be avoided. If necessary a temporary mulch (100 mm of woodchip) can be spread so that any spillages can be more easily removed later.
8. No materials of any sort are to be stored within the Root Protection Areas.
9. If while undertaking excavations for foundations and the like (outside the RPAs), any significant roots (larger than 25 mm diameter) are encountered, they should be cut cleanly with a sharp saw (not hacked off with a spade), and covered to prevent drying out or being affected by frost. If trenches have to be left open for a period, any exposed roots should be protected with damp sacking or perhaps loosely covered with a woodchip mulch.
10. It should be remembered that these precautions are not aimed merely at avoiding tree roots, but also at protecting the soil structure from compaction and contamination.
11. The tree protection fencing should not be removed until building work is complete.

W L Anderson. Dip.Arb(RFS). M Arbor A.

Anderson Tree Care Limited. February 2023.

Appendix 2.



March 10th 2023.

**Lime tree at 423 Glossop Road,
Broomhill, Sheffield, S10 2PR.**

Thanks for getting in touch again and forwarding me the e-mail from Jacob George the Planning Officer, to which I shall respond. Jeff Sowerby also sent it me this morning. For ease of reference I've copied the pertinent parts below:

Further to my previous email, I have been in discussion with the Tree Officers today and it is felt that the trees should be retained. T2, in particular, is a large specimen which has strong amenity value in contributing to the character of the area.

It is not felt that pollarding T2, as suggested, would represent a desirable outcome, as it could potentially take decades for the tree canopy to return to its current size. Simply erecting tree protection fencing does not provide confidence that the root protection area (RPA) of the tree would not be harmed during the construction works.

As such, we would ask for more information on the tree and how it will be protected during construction. We would ask that some ivy be removed to further inspect the condition of the tree at the base, and to allow for the trunk to be measured to inform the best estimate of the RPA. The RPAs should be plotted on the site plan. There also needs to be more investigation of potential bat roost features.

With the tree more fully surveyed, we would then request a detailed method statement for how the extension would be constructed to avoid harm to the tree. This would involve setting out detail of the groundworks required in the vicinity of the RPA, and how the canopy would be treated to facilitate the two-storey extension. Pollarding is not supported, and we would recommend that your arboriculture consultant look at options for a crown lifting and potential sympathetic canopy reduction instead.

These details are required before determination, as we fundamentally need to establish whether the extension is compatible with the retention of this tree.

I'm not acquainted with Jacob, I don't know if he's new in post but I hope he doesn't think I'm being overly familiar.

Anyway, he states that I suggested T2 could be pollarded. I did not suggest that I suggested that T2 should be removed, and T1 could be pruned in the manner often dismissed as a "toilet brush job."

In case it's not obvious I don't like that idea, hence my suggestion that both trees were removed and replaced, which is far and away the best way of ensuring the site makes a contribution to the landscape of the Conservation Area into the future. Pollarding is really more severe than the pruning I suggested and I'm fully aware that it really is a practice that



should not be undertaken on established trees. Nonetheless if as in this case, T1 is a lapsed-pollard; one that was previously pollarded, it might be looked upon more sympathetically.

Apart from that I would take issue with the idea that it might take many decades for the tree canopy to be restored. Firstly we don't want the tree to grow back to be the same size; it's already too big for its position, and secondly trees grow back much more quickly than Jacob suggests. In fact new trees can grow quite rapidly. I'm quite smug about some of the trees I've planted in Sheffield; here's one I planted in 2001:

<https://goo.gl/maps/LeE7WefYiS6jvPBk7>

The idea that trees don't grow very fast is widespread and wrong. In fact the project on Dunkeld Road in the above Google image, featured in the Sheffield tree dispute and at least one of the trees we planted in 2001 was removed because it had become too large. Having worked in Sheffield for over 40 years I fairly regularly come across trees I planted in streets (I was directly employed by SCC in the 80s) that it's hard to believe aren't more than 40 years old. In fact now I come to think of it, in 1983 I planted 10 Italian Alders alongside the City Hall, if Jacob's a local he might remember them, but they were removed in 2004 partly because they were too large and partly because the area was remodelled. One of the Alders was 50 feet tall! The only London Plane left in front of Cole Brothers is one I planted at the same time; that's been pruned and is still enormous.

That aside, Jacob then asks for more information and implies that the tree should be "fully surveyed." I'm not entirely sure what he means by this; precisely what information does he require? We've got the trees' dimensions and condition, and we can see that they're growing in less than ideal conditions. And it's entirely obvious that the proposed building project cannot be undertaken without intruding into both trees' RPAs. If he's suggesting something like tree root investigation using radar technology (I'm being serious here, this does exist) then I'd simply say that neither tree is sufficiently important to justify such expense.

I could, well "we" could, prepare a method statement detailing special construction methods but nothing is going to alter the fact that both trees are far too close to the existing building. I suppose we could install some ground protection over T1's RPA but this would not alter the fact that the ground in which it grows is already seriously compromised. Realistically we cannot do anything here, even maintenance of the existing building, without causing some harm to tree 1, and equally obviously even if we were doing nothing here I would still be recommending the removal of tree 2 as it's entirely outgrown its position. Incidentally it was never suitable for its position and why it's not been removed before now is a mystery to me.

Jacob describes T2 as having "strong amenity value" which is a topic I discussed at some length in my report. I should point out here that until I undertook my survey all involved regarded there to be only a single tree; nobody had noticed that there are two trees. A tree that occasioned nothing more than a casual glance really can't be described as having "strong amenity value." And that is to overlook the Government guidance that says "visibility alone will not be sufficient to warrant an Order." I should point out here that I pass this site fairly regularly and had never noticed either tree until asked to undertake this report.

The ultimate test here is whether either tree deserves protection with a TPO, which in my opinion they don't. Although Sheffield's Tree Officers have not developed their own

“structured system of amenity valuation” (as required by the Government Guidance) they do sometimes use a system called TEMPO. This is very easy to manipulate so I’ve filled in the TEMPO-pro-forma, which is appended.

For the avoidance of doubt and because of my poor handwriting, here are my scores and reasoning:

1. The trees are in satisfactory condition so score 3 points.
2. The trees could live for many years with appropriate regular pruning but this would require repeating at least every 20 years and probably in as little as 7 years. (They could be scored as zero for having “clearly outgrown their context” but that would be rather harsh.) Score 1 point.
3. They’re only medium trees but clearly visible to any member of the public that actually looks at them. Score 4 points.
4. Both trees are unsuitable for their location. They’re common Limes and just about the worst possible species for such a position. So score -1 point.

This give a total of 7 so the TEMPO process stops there.

I really don’t think there’s much more to be said about the situation.

Summary.

My best advice remains to remove both trees and replant. Severely pruning tree 1 and removing tree 2 is an option but not one I’d particularly like. The best long-term enhancement of the Conservation Area will be brought about by planting something better.

Jacob’s suggestion that either tree has strong amenity value does not fit with the Government’s guidance on what is meant by a tree’s amenity value.

I cannot see what is meant by a “fuller survey,” or what further pertinent information might be revealed. I really doubt whether tree-root-radar would be practical and also don’t consider it reasonable for such a small project. (NPPF paragraph 044.)

If we opt for the remove-tree-2-and-prune-tree-1 option then ground protection and a tree protection method statement would be reasonable, although I would remind all concerned that a successful outcome would not be guaranteed. Resources could probably be more productively spent replanting.

I hope this is helpful.

Yours sincerely,



W L Anderson. Dip.Arb(RFS). M Arbor A.

Enclosure: TEMPO data sheet and decision guide.

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 10-3-23 Surveyor: BILL ANDERSON

Tree details
 TPO Ref (if applicable): Tree/Group No: Species: LIME
 Owner (if known): Location:

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 (GOOD IS OVERSTATING MATTERS)

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
 1 TREE HAS OUTGROWN ITS POSITION AND REQUIRES EXTENSIVE PRUNING.

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
- 1) Trees not visible to the public, regardless of size Probably unsuitable

Score & Notes
 4

d) Other factors

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

- 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

Score & Notes
 -1 NEITHER TREE IS SENSIBLY POSITIONED

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

SCORE 7 - NOT SUITABLE FOR TPO

- 5) Immediate threat to tree inc. s.211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

Score & Notes

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:
 7

Decision:

Appendix 3.

The e-mail below was sent in response to several emails between the Architect and the Planning Officer, and then me on March 21st.

I have deleted text to remove some comments regarding matters beyond trees. I've coloured the text from me blue, from the Architect green, while the planning officer's text remains black. As ever the initial e-mail is at the end of the document

Hello again Jacob,

Although tree 2 is possibly slightly more prominent than tree 1, it self-evidently is too close to the building. I realise there's no applicable "standard" that might indicate when a tree is "too close to a building" but in this case I think it's self-evidently "too close." To me, the sensible tree to protect (if you must protect something) is tree 1 and I have to say that the failure to acknowledge the existence of the that tree (in the TPO) suggests that somebody hasn't properly considered the situation.

If you're really determined to keep one of the trees, then I would say that the one to keep is Tree 1 and that it must be pruned. If not in the manner I proposed (the toilet brush job) then it at least needs to be reduced by 30% (which is more than BS3998 (2010) would recommend) and then protected through development. Protection would mean some sort of ground protection as everything delivered to site will be within the RPA. The tree protection method statement I included would also need to be followed religiously.

Needless to say if that course of action is chosen, it doesn't need a TPO to achieve it. In case you're not aware a TPO is entirely negative, it cannot enforce any course of action, it can only prevent something. If a Tree Officer wants a certain course of tree management he or she would have to find some sort of inducement to make it worth the tree-owner's while. You will not be surprised to know that I've never seen Sheffield Council offer any sort of grant towards individual tree management.

Overall, I consider my advice to be entirely pragmatic and the Conservation Area to be best served by getting new trees planted. I really don't think that the TPO has been considered properly, the conservation area protection is sufficient, and I entirely understand why Jeff and Magdy might look upon this as an attempt to block development.

I hope this is helpful.

Bill Anderson.

From: Jacob George [mailto:Jacob.George@sheffield.gov.uk]

Sent: 21 March 2023 11:22

To: Bill Anderson <bill.anderson@andersontreecare.co.uk>

Subject: RE: trees

Hi Bill,

Thank you for your further comments. I have passed these to the Tree, Landscape and Biodiversity Officers for response.

Once again, I would reiterate that there is no intent to block development. The Tree Officers were consulted once I received your initial tree report, and they felt that the trees warranted further investigation, resulting in the serving of the TPO for T2 as this was felt to be a specimen of greater local importance and in better condition.

I will respond more substantially when I have received internal comments.

Kind regards,

Jacob George
Principal Planning Officer

(Pronouns: he/him)

Development Management
Planning Service
City Growth Department
Sheffield City Council

jacob.george@sheffield.gov.uk
0114 205 2637

4th Floor, Howden House, 1 Union Street, Sheffield S1 2SH
www.sheffield.gov.uk

Your email address, and any other personal information you may have shared with us, will only be processed in accordance with the Council's commitment to comply with the UK GDPR.

If you would like further information, please refer to Sheffield City Council's Privacy Notice

From: Bill Anderson <bill.anderson@andersontreecare.co.uk>

Sent: 21 March 2023 10:27

To: Jacob George <Jacob.George@sheffield.gov.uk>; [REDACTED]
[REDACTED]

Subject: RE: trees

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Jacob,

Firstly can I say that I'm not an Ecologist and don't claim any expertise in Ecology. However if I thought a tree had any of the niche-habitats that might provide bat roosts or bird nest sites, I would mention it. Unfortunately such features in a tree might also mean the tree was not in the best condition, so to a certain extent we don't want such things in urban trees with a large number of passers-by. Especially near a hospital where the passers-by might be less mobile and thus more at risk from what would otherwise be regarded as features providing only a minor hazard.

Off-hand, I would not particularly expect a tree in an urban area like this, with lots of passing traffic and a high level of street lighting to be providing much in the way of bat-potential, and I would also note that the not-so-far-away Lynwood Gardens, and Weston Park/Botanical Gardens are likely to be the favoured refugia for local wildlife. Whatever the situation, a detailed bat survey is not part of a normal tree report, especially for a small development like this.

As to removing Ivy for a tree report, I would not ordinarily do this, unless a tree was very important for some reason. Also, you've got to remember that the RPA calculation is nothing more than a rule-of-thumb, and measuring the trunk diameter accurately is not going to make any difference to the "best estimate." Especially in this situation where the existing building and walls are already well-within the model RPA. This tree's root distribution is really anybody's guess. Anything we do in respect of this building is going to intrude into the tree's root system and as it's clearly too close to the building and the various walls built around it, and no further more detailed information is going to alter this indisputable fact.

As to the TPO I shall be objecting to this. The tree has insufficient amenity value to justify protection with a TPO, not because it's got anything wrong with it but entirely because it's too close to the building and walls. And because it's nothing more than "merely visible." I'm afraid I have to agree with Jeff's appraisal, the TPO seems to have been served entirely as a block to approval, and it really makes no difference. We would have had to serve a Section 211 Notice before doing anything to the tree (even removing epicormic growths to be able to measure it accurately) and even if there's a TPO you've still got to consider whether the tree's removal to enable this project would have "a significant negative impact on the environment and its enjoyment by the public."

My entirely pragmatic and best advice remains that neither of the two trees justify protection and would be better replaced with something more suitable and ornamental. My suggestion that tree 1 should be pruned and retained was a reasonable (although not risk-free) alternative. All things

considered the TPO is merely a distraction and doesn't achieve anything beyond making the process even more tortuous. And more expensive for my client of course.

Incidentally, as you've not protected tree 1 with a TPO, are we to take it that you've decided that it should be removed? As per my initial advice? I have to say that if we were to pragmatically decide to keep one of the trees and remove the other, tree 1 being further from the proposed building works would be likely to have better prospects; a better chance of surviving the inevitable disturbance.

Bill Anderson.

From: Jacob George [mailto:Jacob.George@sheffield.gov.uk]

Sent: 20 March 2023 14:32



Bill Anderson <bill.anderson@andersontreecare.co.uk>

Subject: RE: trees

Good afternoon Jeff,

Thank you for sending over Bill's letter. I will pass this on to the Tree Officers for consideration.

You will appreciate that I am reliant on expert opinions from internal consultees for matters relating to ecology and tree protection. The feedback in my previous email was not a personal opinion, but an agreed position established through discussion with other officers.

Similarly, I will await further comments from the Tree Officers before substantially responding to Bill's letter. However, in response to the queries about what further information is requested, I can clarify again that we are looking to see some ivy removed from T2 so as to measure the trunk and provide a best estimate for the RPA, which would then be plotted on the site plan. We also requested investigation of potential bat roost features.

I can assure you that I have no intention to 'block approval' – I hope you will agree that we have worked positively and proactively to resolve all other issues. Nonetheless, upon the Tree Officers' inspection, it was considered that T2 was of sufficient status to warrant a TPO, and we must now proceed accordingly. The TPO will be subject to final confirmation at Planning & Highways Committee, where the Tree Officer will make her case for the serving of the TPO, and you will have the opportunity to object to the TPO if desired. But for the time being, it should be assumed that T2 is protected and the scheme must be designed to avoid harm to it. As such, I would reiterate the request for a method statement covering construction processes and sympathetic crown treatment.

Kind regards,

Jacob George
Principal Planning Officer

(Pronouns: he/him)

Development Management
Planning Service
City Growth Department
Sheffield City Council

jacob.george@sheffield.gov.uk
0114 205 2637

4th Floor, Howden House, 1 Union Street, Sheffield S1 2SH
www.sheffield.gov.uk

Your email address, and any other personal information you may have shared with us, will only be processed in accordance with the Council's commitment to comply with the UK GDPR.

If you would like further information, please refer to Sheffield City Council's Privacy Notice

[REDACTED]
Sent: 20 March 2023 10:06

To: Jacob George <Jacob.George@sheffield.gov.uk>

[REDACTED] Bill Anderson <bill.anderson@andersontreecare.co.uk>

Subject: Re: trees

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Jacob.

I'm attaching a response from Bill, which he has addressed to Magdy, but please accept it as a response to you.

While I was away last week a tree preservation order arrived, which seemed very inappropriate as we're openly discussing the way forward in respect of the trees on the site. Bill will be responding to this himself.

It would seem very wrong for the Council to use the trees to block approval of the application at this late stage, so I trust we can reach a satisfactory conclusion for all parties.

Best wishes,

Jeff

On 2023-03-10 09:41, Jacob George wrote:

Dear Jeff,

Thanks for your agreement to the extension, and I look forward to hearing Bill's response. I hope you enjoy your week off.

Kind regards,

Jacob George

Principal Planning Officer

(Pronouns: he/him)

Development Management

Planning Service

City Growth Department

Sheffield City Council

jacob.george@sheffield.gov.uk

0114 205 2637

4th Floor, Howden House, 1 Union Street, Sheffield S1 2SH

www.sheffield.gov.uk

Your email address, and any other personal information you may have shared with us, will only be processed in accordance with the Council's commitment to comply with the UK GDPR.

If you would like further information, please refer to Sheffield City Council's Privacy Notice

[REDACTED]

Sent: 10 March 2023 09:36

To: Jacob George <Jacob.George@sheffield.gov.uk>; [REDACTED]

Subject: Re: trees

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Jacob,

I'll forward your email below to Bill Anderson, our arboricultural expert, for his response.

I agree, on Magdy's behalf, to the extension of time you propose, and I hope that this matter can be resolved before then.

Best wishes,

Jeff

On 2023-03-09 16:51, Jacob George wrote:

[REDACTED]

Further to my previous email, I have been in discussion with the Tree Officers today and it is felt that the trees should be retained. T2, in particular, is a large specimen which has strong amenity value in contributing to the character of the area.

It is not felt that pollarding T2, as suggested, would represent a desirable outcome, as it could potentially take decades for the tree canopy to return to its current size. Simply erecting tree protection fencing does not provide confidence that the root protection area (RPA) of the tree would not be harmed during the construction works.

As such, we would ask for more information on the tree and how it will be protected during construction. We would ask that some ivy be removed to further inspect the condition of the tree at the base, and to allow for the trunk to be measured to inform the best estimate of the RPA. The RPAs should be plotted on the site plan. There also needs to be more investigation of potential bat roost features.

With the tree more fully surveyed, we would then request a detailed method statement for how the extension would be constructed to avoid harm to the tree. This would involve setting out detail of the groundworks required in the vicinity of the RPA, and how the canopy would be treated to facilitate the two-storey extension. Pollarding is not supported, and we would recommend that your arboriculture consultant look at options for a crown lifting and potential sympathetic canopy reduction instead.

These details are required before determination, as we fundamentally need to establish whether the extension is compatible with the retention of this tree.

I am mindful that Jeff is away next week, and to allow for this additional work to be coordinated I would request your agreement to a further two weeks' extension of time, taking the deadline to 3rd April.

Thank you for your patience and cooperation with this.

Kind regards,

Jacob George
Principal Planning Officer

(Pronouns: he/him)

Development Management
Planning Service
City Growth Department
Sheffield City Council

jacob.george@sheffield.gov.uk

0114 205 2637

4th Floor, Howden House, 1 Union Street, Sheffield S1 2SH

www.sheffield.gov.uk