
2023/0868

Mr J Stacey on behalf of Barnsley Council

Remove Sycamore trees T683 and T688 and Oak tree T684 within TPO 1/1964

Barnsley Crematorium, Doncaster Road, Ardsley, Barnsley, S71 5EH

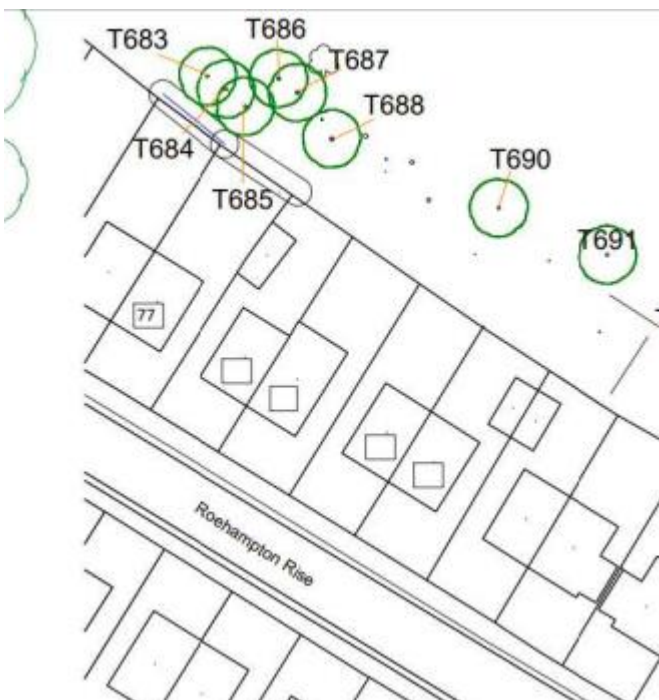
No objections have been received

Description

The trees form part of a woodland within Ardsley Crematorium and are situated adjacent to the rear boundary of 75 and 77 Roehampton Rise. The site is steeply sloping, with the woodland area elevated in relation to the dwellings.

Proposed Development

The applicant seeks permission for the removal of 2no Sycamore Trees and 1no Oak Tree due to the significant defects noted as part of a tree survey. The two Sycamores are identified as T683 and T688 and the Oak Tree as T684 on the plan below.



Policy Context

The statute law on TPO's is in the Town and Country Planning Act 1990 and in the Town and Country Planning (Trees) Regulations 2012.

Primarily the aim of making a TPO is to protect the amenity value of the tree or trees. Local Planning Authorities may make a TPO if it appears to them to be: 'expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area'.

The Act does not define 'amenity', nor does it prescribe the circumstances in which it is in the interests of amenity to make a TPO. Normally trees should be visible from a public place e.g., road

or footpath for a TPO to be made but the courts have decided that trees should be protected for "pleasure, protection and shade they provide." Taking this into account trees should be considered for other aspects of amenity that they provide other than visual amenity.

Government advice and guidance available on the administration of TPOs, is: - 'Tree Preservation Orders: A Guide to the law and Good Practice' 2000.

The guidance states that 'Local Planning Authorities (LPA) must include in their plans land use and development policies designed to secure the conservation of natural beauty and amenity of the land. Plans should not, however, include policies which are unrelated to the development or use of land. They should not therefore include the LPA's policies for deciding applications for consent under a TPO; but they should include policies on measures that the LPA will take, when dealing with applications to develop land, to protect trees and other natural features and provide for new tree planting and landscaping.'

In deciding an application, LPAs are not required to have regard to the development plan. Section 54A of the Act, 88 therefore, does not apply to the LPA's decision, which means that there is no general duty on the LPA to indicate otherwise.

Consultations

Forestry Officer – No objections subject to conditions.

Representations

Neighbour notification letters have been sent to surrounding properties and the application has been advertised by the way a site notice; no representations have been received.

Assessment

Principle of development

In line with good practice, the aim of making a TPO is to protect the amenity value of the tree or trees. In considering TPO applications the LPA is advised:

- (1) to assess the amenity value of the tree or woodland and the likely impact of the proposal on the amenity of the area, and
- (2) in the light of their assessment at (1) above, to consider whether or not the proposal is justified, having regard to the reasons put forward in support of it.

The trees are located to the rear of 75 and 77 Roehampton Rise within the grounds of the Crematorium. They form part of a significant and highly prominent woodland and as such have high amenity value. The work proposed is to remove two Sycamore trees and an Oak tree due to the significant defects noted as part of a tree survey.

The tree officer has been consulted on the application and has no reason to doubt the findings of the report detailing the defects to the trees and their close proximity to neighbouring dwellings. Therefore, the works must be considered acceptable for health and safety reasons.

There is no reference within the submission in relation to replacement planting; given the nature of the site there does not appear to be any reason replacement planting cannot be accommodated and therefore a condition will be included requiring the replacement with 3no Oak trees. The planting of Sycamore is not considered desirable given they are non-native species and as such the replacement trees shall be Oak.

Recommendation

Approve with conditions

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