

2022/0353

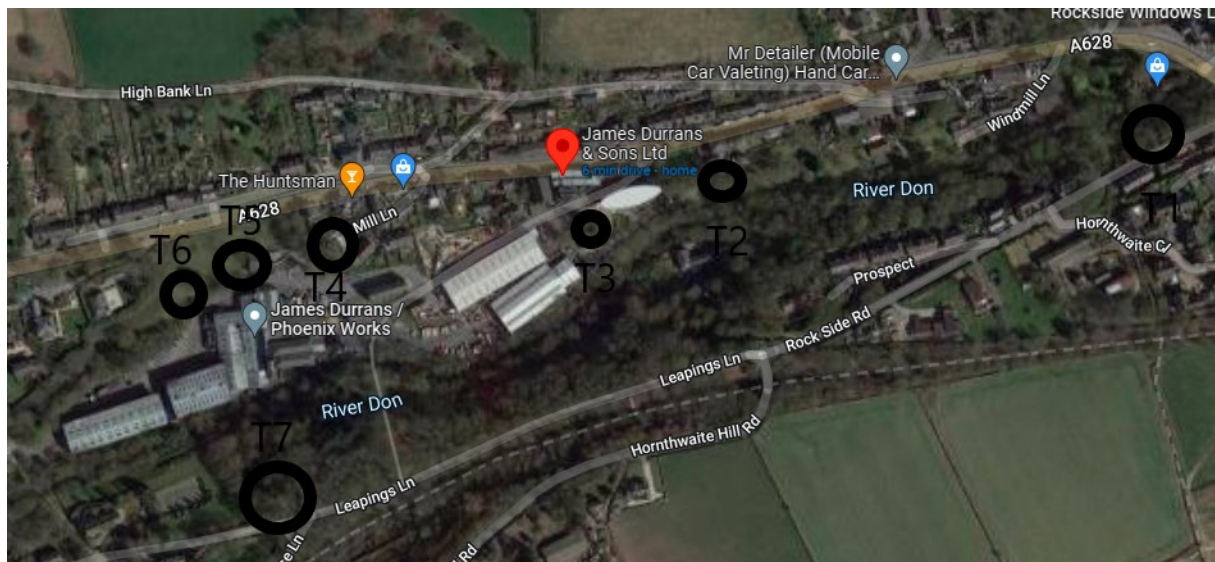
Antony Buckle

Remove Sycamore tree T4 and crown clean Sycamore tree T2 within TPO 11/1978.

Phoenix Works, Saville Lane, Thurlstone, Barnsley, S36 9QU

Description

The two trees which are subject to this application are both mature Sycamore trees with significant amenity value. The works proposed are to crown clean Sycamore T2 and remove Sycamore T4. The trees are located within Phoenix Works, Saville Lane, Thurlstone. The site is set within the Thurlstone Conservation area however the trees in question are protected by area TPOs.



Evidence of disease

Proposed Development

Remove Sycamore tree T4 and crown clean Sycamore tree T2 within TPO 11/1978. The works to T2 are required for maintenance purposes and the removal of T4 is required due to disease. A replacement tree will be planted to replace tree T4, however the applicant has not specified a species of tree.

The applicant form also proposed to remove Sycamore tree T1 and Elm trees T5 and T6 from within the Thurlstone Conservation Area, however these works do not require TPO consent and therefore do not form part of this application. The application description has been amended accordingly.

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 1999.

Primarily the aim of making a TPO is to protect the amenity value of the tree or trees. LPAs 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 'LPAs 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 the LPA's 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 make their decision in accordance with the development plan.'

Consultations

Tree Officer – Approve with conditions

Representations

Local residents were informed by neighbour notification letter.

1 objection has been received which raises the following concerns:-

'Regardless of which trees are being proposed the site is set within a conservation area and there are many bats and local wildlife living in this woodland.'

Any interference within this conservation area is very likely to mar the natural beauty of the surrounding area.

Having this woodland in Thurlstone is an absolute privilege and is enjoyed by many residents, many of whom settled their homes here for the sole purpose of enjoying the countryside/woods.

It should be protected and left alone.'

Assessment

In line with good practice, primarily 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 Tree Officer has been consulted as part of the application and has no objections to the proposal. The site was visited by the Tree Officer and the trees were briefly inspected.

The two trees which are subject to this application are both mature Sycamore trees with significant amenity value. The works proposed are to crown clean Sycamore T2 and remove Sycamore T4.

The crown cleaning proposed for T2 will act to remove any dead, diseased and damaged branches from the canopy and as such these are considered sensible maintenance for this specimen.

Regrettably the removal of T4 is required due to a large column of decay present in the stem and base of the tree making its removal a matter of health and safety (see photographs above). The evidence is clear and as such there is no objection to the trees removal. Replacement planting will be required to mitigate for the loss of the tree. The applicant has not suggested a species to replace the tree therefore a new replacement Oak tree is deemed appropriate by the Tree Officer and has been conditioned.

Subject to a replacement planting condition to replace T4 there is no objection to the proposed works and the works proposed are in line with good arboricultural practice.

Recommendation: Approve with conditions