
2022/1002

Mr Ian Hampton

Remove Silver Birch T2972, Oak trees T2979, T2981 and T2980 and Laburnum T2983 within TPO 7/1990

Roundhills, 32 Redbrook Road, Gawber, Barnsley, S75 2RS

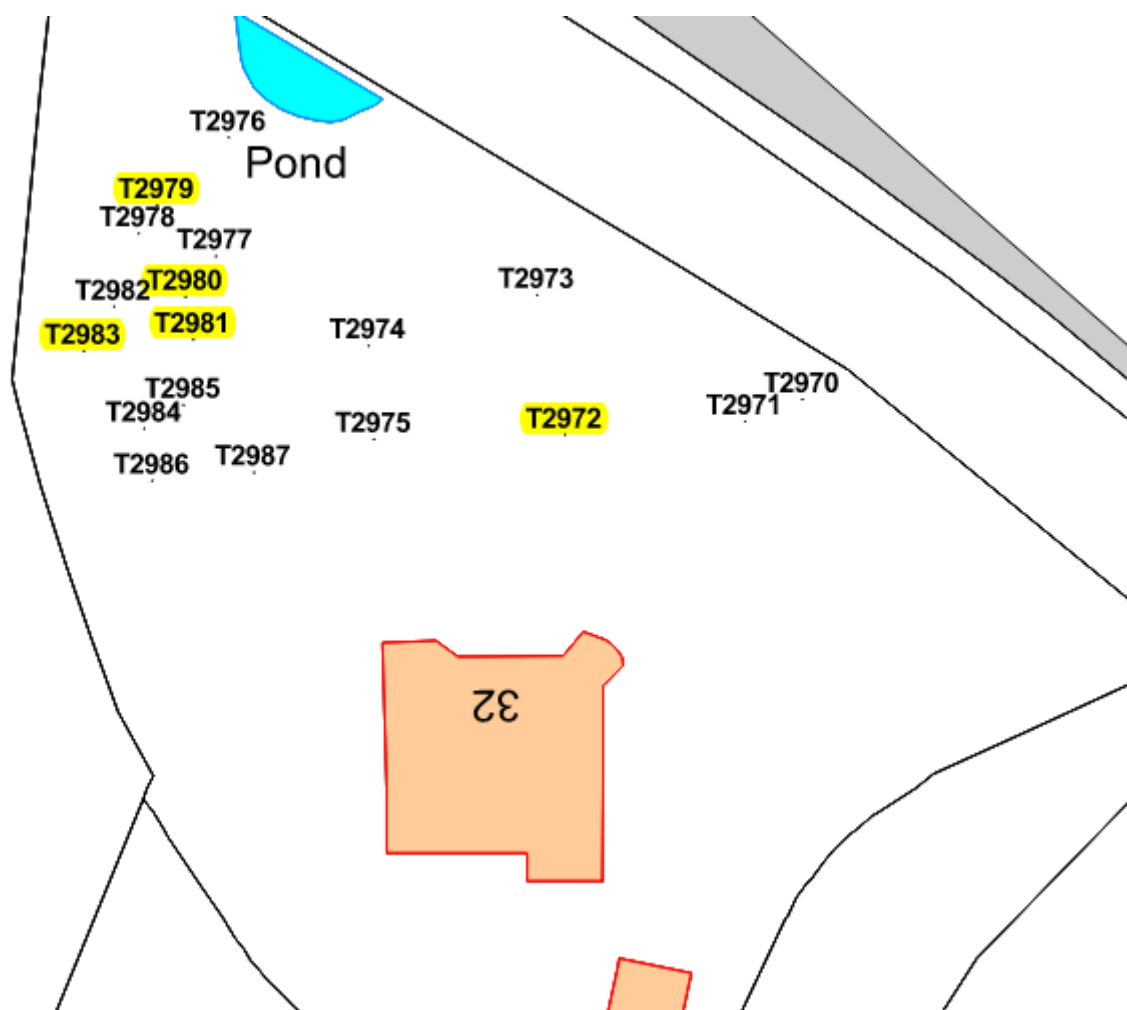
Description

The application site is in reference to the garden area of a residential property in Gawber – Roundhills, 32 Redbrook Road. Within the garden area (to the North of the dwelling) is a heavily wooded area which is subject to a blanket Tree Preservation Order.

Proposed Development

The applicant seeks to remove x 5 trees:

- 1 x Silver Birch (T2972)
- 3 x Oak trees (T2979, T2981 and T2980)
- 1 x Laburnum (T2983)



Policy Context

The statue 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.

Consultations

Forestry Officer – The works proposed are to remove 5 trees (1 Silver Birch, 3 Oak and 1 Laburnum) all of which are recommended for removal due to their poor suppressed condition and to benefit the remaining retained trees within the wooded area. The operation will ultimately act as thinning, removing the poor and struggling trees for the benefit of the bigger and stronger specimens. The removal of these trees will ensure the better development of the retained trees rather than ending up with a population of poorer quality shorter lived specimens if they were retained and were still competing for space. The works proposed are considered sound arboricultural management and as such there is no objection to the proposed removal from my perspective. The report also notes that there is scope for replacement planting within the site but it is fully appreciated that they will not be able to be accommodated in the positions the trees are to be removed from. I also do not feel that we should insist on full like for like replacement planting given that Laburnum is poisonous. I therefore feel we should be happy to accept 3 new Oaks and 2 new Silver Birch as the replacements.

Representations

Neighbour letters were sent to surrounding properties; no comments were received.

Assessment

Principle of development

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.

As mentioned in the Forestry Officer's response, the works are to allow access for high sided vehicles onto the site

The response from the Forestry Officer has indicated that the trees are recommended for removal due to their poor suppressed condition and their removal will benefit the remaining trees within the wooded area. The trees are located in a heavily wooded area and the removal of the trees in question will ensure the better development of the retained trees. The works have been considered to be sound arboricultural management and there has been no objection raised from the Forestry Officer.

There is scope for replacement planting within the site but it is appreciated that they will not be able to be accommodated in the positions that the trees are removed from. As such, the Council do not need to insist on full like for like replacement planting and 3 new Oaks and 2 x new Silver Birch are acceptable. A planning condition will be attached to ensure that these replacements happen within the first planting season.

The proposed development is therefore considered to be acceptable, subject to conditions, and is recommended for approval.

Recommendation

Approve with conditions