2022/1217

Applicant: Miss G Pierson

Proposal: Crown clean and thin Sycamore trees T1 and T2 by 10-15% within TPO 44/2008.

Site address: 1 Littleworth Lane, Monk Bretton, Barnsley, S71 2JR

Site Description

The area is predominantly residential in nature, with the convergence of Littleworth Lane, Hanbury Close and Burton Road, a busy arterial route linking the Town Centre with the settlements to the north.

The trees subject to this application are located within the rear garden of 1 Littleworth Lane, adjacent to the south-eastern side boundary with 3 Littleworth Lane and form part of a band of tress along this boundary.

They are large and mature specimens of a uniform shape and are situated within a prominent position within the street scene and can be viewed from the wider area.





Site History

2021/0834 - 50% reduction in both height and width of Sycamore trees T1 and T2 within TPO 44/2008 – Refused for the following reason:
In the opinion of the Local Planning Authority, the works proposed do not comply with best practice as per BS3998:2010 in that the 50% reduction in height and width would result in the loss of more than 30% of the trees canopy, which would unbalance the tree aesthetically and physically and the creation of many pruning wounds could ultimately open the trees to decay, and as such is unacceptable.

2021/1541 - Crown reduce Sycamore trees T1 and T2 by 30% - Refused for the following reason:
In the opinion of the Local Planning Authority, the works proposed do not comply with best practice as per BS3998:2010 in that the 30% reduction in height and width would result in the loss of more than 30% of the trees canopy, which would unbalance the tree aesthetically and physically and the creation of many pruning wounds could ultimately open the trees to decay, and as such is unacceptable.

Proposed Development

The applicant seeks permission to crown clean and thin 2no Sycamore trees by 10-15% within Tree Preservation Order (TPO) 44/2008.

Policy Context

The statue law on TPO's is in The Town and Country Planning (Tree Preservation)(England) Regulations 2012

Primarily the aim of making a TPO is to protect the amenity value of the tree or trees. Local Planning Authorities (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, 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 recommends approval with conditions.

Representations

Neighbour notification letters were sent to surrounding residents; two letters of comment have been received from surrounding properties.

The letters do not support the application, nor do they object to the proposed trees works, however they acknowledge that the trees are of some concern, reference is also made to the refusal of the previous works and that it would be expected that any works retained the grandeur of the trees. In addition, it is noted that there are nesting birds within the trees.

Assessment

<u>Principle of Development</u>

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.

As noted, the trees are relatively large and highly prominent specimens located along the south-eastern rear boundary of 1 Littleworth Lane immediately adjacent to the boundary with the applicant property, 3 Littleworth Lane.

The applicant proposes to crown clean and crown thin both trees by 10-15%; the trees have not been worked on for some time and have recently been subject to applications for works to reduce the heights of the trees which were refused due to the inappropriate levels and nature of the works proposed.

It is acknowledged that the trees are superior specimens and represent the classic depiction of a tree, the works put forward would retain the current shape and dimensions of the trees but would reduce the density of the crown. The forestry officer has been consulted on the application and considers the works put forward to be reasonable and proportionate to those put forward in the previous applications and as such raises no objections to the works from an arboricultural perspective.

As with most trees, it is inevitable that there will be nesting birds, however it is an offence to disturb a nesting bird and the appropriate checks should be undertaken by the contractor to ensure there are no nesting birds prior to the works being undertaken. It is also worth noting that it was brought the LPAs attention during the previous applications that the trees are not located within the ownership of the applicant and therefore permission will be required from the owner for works to be undertaken, an informative will be included on the decision to inform the applicant of such.

Recommendation

Approve with conditions