2022/0678

Mr M Cottle-Shaw

The applicant seeks permission to remove Horse Chestnut T3 and Group of trees G1, crown lift Sycamores T2 and T6 and Lime trees T4, T7 and T10 to 2m, monolith Sycamore tree T8 at 4m, and reduce in height by 2m, reduce minor stem by up to 4m due to unbalance and crown lift to 2m Horse Chestnut T9 within TPO 23/1973.

Adjacent to 12 and rear of 8 and 10 Squires Gardens, Ardsley, Barnsley, S71 5PJ

Site Description

The trees are located in an area of land between the exit from the crematorium and the properties in Squires Gardens and Roehampton Rise to the south, as such they are highly prominent and have a high amenity value.



Proposed Development

The applicant seeks permission to remove Horse Chestnut T3 and Group of trees G1, crown lift Sycamores T2 and T6 and Lime trees T4, T7 and T10 to 2m, monolith Sycamore tree T8 at 4m, and reduce in height by 2m, reduce minor stem by up to 4m due to unbalance and crown lift to 2m Horse Chestnut T9 within TPO 23/1973.

Policy Context

The statute 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, 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

Forestry officer – no objections subject to conditions.

Representations

Neighbour notification letters have been sent to surrounding residents; no comments have been 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.

The application is based on a tree survey undertaken on behalf of the Ardsley Manor Management Company pertaining to the health and safety and management of the trees at Squires Gardens, Ardsley. The trees are located in an area of land between the exit from the crematorium and the properties in Squires Gardens and as such they are highly prominent and have a high amenity value.

The tree removals consist of two parts, those trees identified as a health and safety issue and those in G1 which are causing damage. The trees requiring removal for health and safety are evident on site and as such there is no objection to their removal and replacement. An addendum report has been provided relating to the damage caused by G1. The tree officer concurs with the findings and the assertion that in effecting a repair to the wall the trees would be irreparably damaged and would likely become unstable as a result of the works making their retention unviable.

The pruning works proposed are all for the management of the trees based on their condition and issues or to facilitate the management of the site in terms of the crown lifting works; the tree officer confirms that the works proposed are reasonable and proportionate.

The tree removals will mean that replacement planting will be required; in this instance rather than the arbitrary direct like for like replacement planting for each tree removed it is felt that the wooded nature of the site and the reasons for removal dictate that some flexibility is required and as such it is suggested that a replacement planting scheme be conditioned to allow for the one for one replacement planting to be incorporated into the site in an appropriate manner.

Given the evident requirement for the works proposed the tree officer raises no objection to the proposal from an arboricultural perspective.

Recommendations
Approve with Conditions