
2017/0159

Applicant: Barnsley MBC

Description: Fell T1-T5 within TPO 1/1964.

Site Address: Barnsley Crematorium, Doncaster Road, Ardsley, Barnsley, S71 5EH

Description

The trees form part of a woodland within Ardsley Crematorium and are situated adjacent to the rear boundary of the properties on 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 4no Sycamore trees and re-growth from an Ash stump within TPO 1/1964 to facilitate the demolition and re-building of a stone boundary wall between the woodland and a residential property, No.87 Roehampton Rise. The application is accompanied by a condition survey which provides information that the proximity of the wall to the trees is placing thrust on the wall which shall eventually cause it to fall and collapse.

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.

Consultations

Tree Officer – No objections subject to conditions.

Representations

Neighbour notification letters were sent to surrounding residents. No comments have been received.

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.

In the opinion of the Arboricultural Officer the trees could potentially be retained subject to a suitable repair. However the key issue is that in order to make that repair, significant root damage to the trees would occur due to the excavations that would be required. He considers that this work would then leave the trees potentially unviable and unstable and more prone to falling/wind throw. He therefore agrees their removal will be required due to the damage caused by that repair.

It is proposed that the felled trees are to be cut up and stacked within the woodland as a habitat for wildlife. No replacement planting is required in this instance due to the nature of the woodland. However as these issues occur the woodland edge is beginning to recede and as such it is likely that some replanting could be required where future tree removals are concerned.

Recommendation

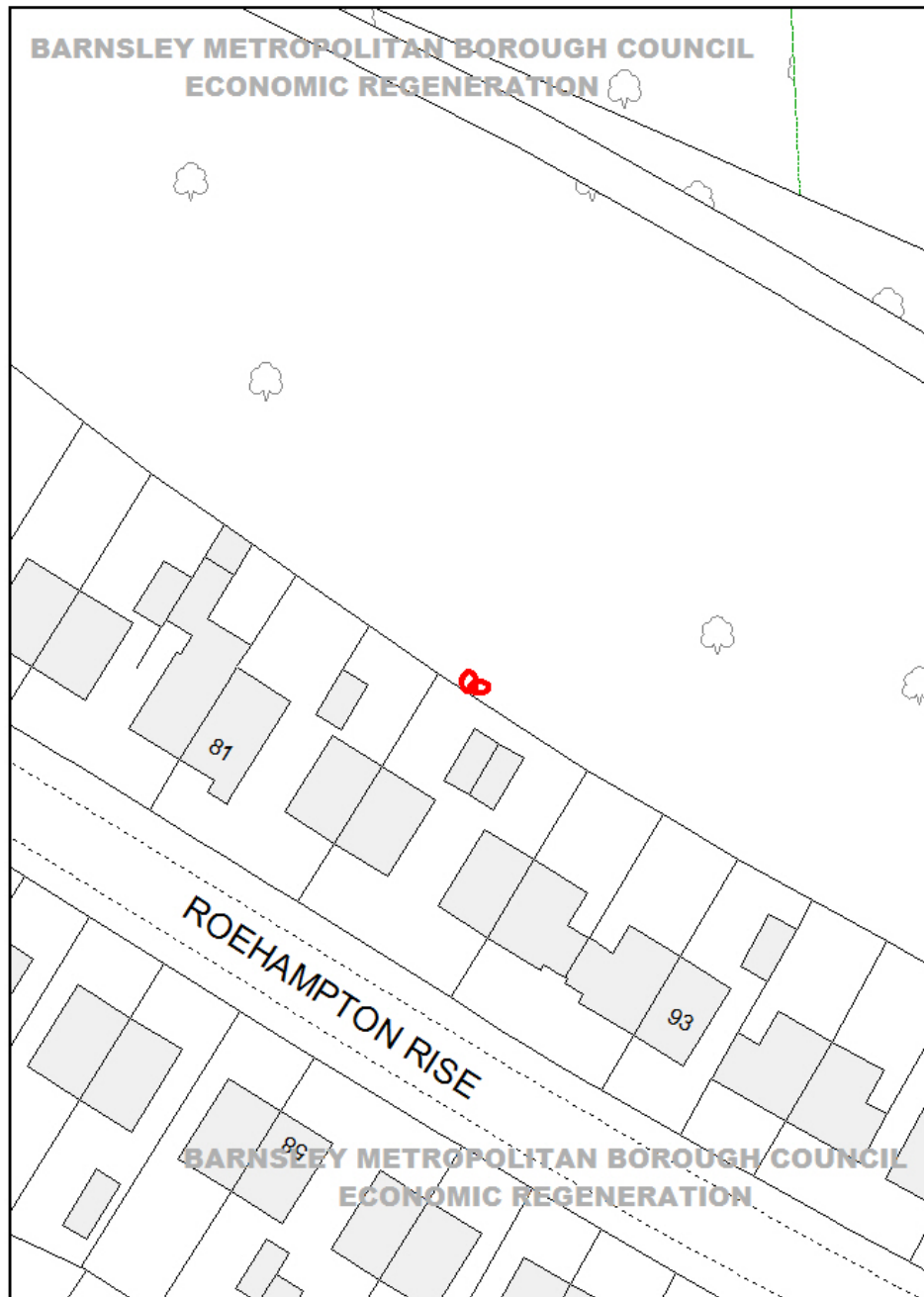
Approve with conditions:-

- 1 The proposed tree works should be completed within 2 years of the date of this consent.
Reason: To ensure that adequate notice is given for the works to be inspected and approved by the Local Planning Authority.
- 2 Not less than five working days notice of the date of the proposed work shall be given in writing to the Local Planning Authority and the tree surgery shall be carried out to the standards set out in BS3998.
Reason: To ensure the work accords with good arboricultural practice.

PA Reference:-

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BARNSELY MBC - Economic Regeneration



Scale 1: _____