
2017/1579

Applicant: Barnsley Metropolitan Borough Council

Description: Crown lift and remove all branches below 4m in height of 8 Horse Chestnut and 2 Beech trees within area P1 of TPO 1/1951.

Site Address: Cannon Hall Museum, Bark House Lane, Cawthorne, Barnsley, S75 4AT

This application is before Members as the Council is the applicant
No objections have been received

Description

The trees are located along the boundary with a public footpath which runs through Cannon Hall Parkland up to The Park at Cawthorne. There is an overgrown hedge with mainly Hawthorne (*Crataegus monogyna*) which has been left to overgrow. In addition there are 8 semi mature Horse Chestnuts (*Aesculus hippocastanum*) and 2 Beech Trees (*Fagus sylvatica*).

Proposed Development

Initially the applicant sought permission to cut back a Hawthorn hedge and crown lift and remove all branches below 4m in height of 8 Horse Chestnut and 2 Beech trees within area P1 of TPO 1/1951. This is to allow for clearance of the adjacent footpath. However, the works proposed for the hedgerow are exempt from needing permission as hedgerows cannot be protected by a Tree Preservation Order. As such the works to the hedge have been removed from the description. All works to the trees are to be carried out the current British Standards.

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 – Approve subject to conditions
Cawthorne Parish Council – No objections

Representations

None 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.

It is proposed to crown lift the 8 Horse Chestnut and 2 Beech trees to 4m above the adjacent path to provide sufficient clearance. The Tree Officer has confirmed that these works are acceptable and appropriate. These works should prevent any obstruction to the path and will not be detrimental to the trees or to visual amenity, in line with good arboricultural practice.

Recommendation

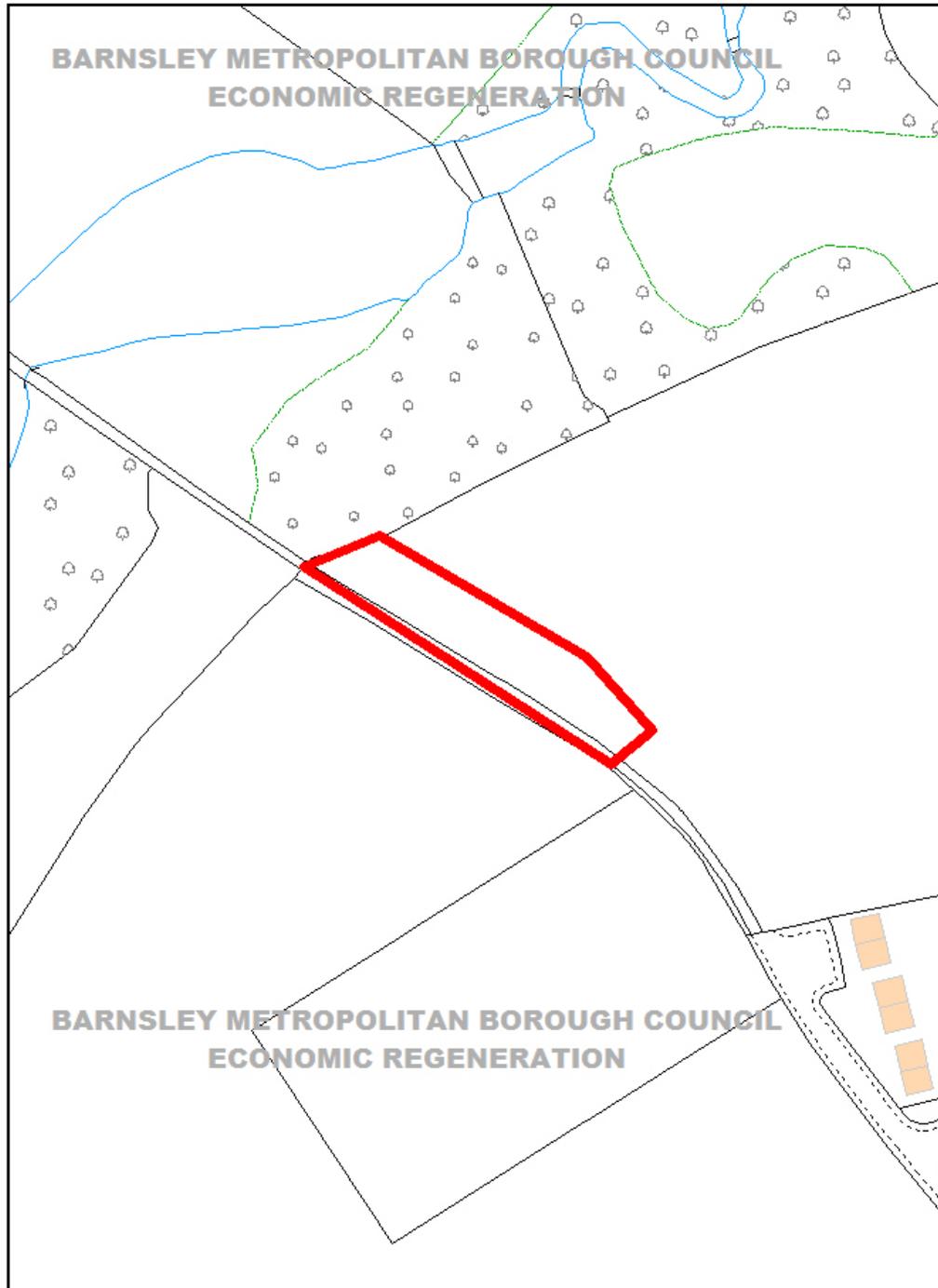
Grant subject to the following conditions.

- 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 :-

2017/1579

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