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**2017/1695**

**Applicant:** Cannon Hall Museum (BMBC)

**Description:** Removal of T19, G26, G27, T28, T29, G56, G58, T67, T70, G95, G96, G110, G120, G127, G160, G192, G193, G198 and G199 from south side of Lakes within TPO 1/1957.

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

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This application is before Members as the Council is the applicant.  
No objections have been received from any members of the public or consultees.

### **Description**

The trees are a mixture of predominately willow, maple, cherry, alder, oak, aspen, birch trees which are located along the banks of the south side of the lakes at Cannon Hall. The trees are predominately young, self-set specimens with the occasional larger trees.

### **Proposed Development**

The proposal involves the removal of trees T19, G26, G27, T28, T29, G56, G58, T67, T70, G95, G96, G110, G120, G127, G160, G192, G193, G198 and G199 from south side of Lakes within TPO 1/1957.

The trees proposed to be removed in order to open up the historic views from the Hall and the parkland and are mainly smaller self-set specimens which are of poor form. 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  
Biodiversity Officer – No objections  
Cawthorne Parish Council – No comments received

## Representations

No objections 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.

The proposal is to remove a significant number of trees growing on the banks of the lakes in order to open up the historic views from the Hall and the parkland. The trees proposed for removal, although quite extensive in number, are limited to the edges of the lakes with the exception of two small specimens located a little further away. The large prominent specimens with significant amenity value are shown to be retained and will remain as part of the landscape around the lakes. The specimens to be removed are mainly smaller self-set specimens and those which are generally of poor form or have significant structural defects. The trees to be removed are either insignificant specimens which would not merit a TPO, or are in a condition which would preclude their protection.

The Tree Officer has been consulted and has no objection to the removal of those trees. Given the nature of the landscape around the lakes, the available positions for replanting, and the impacts these could have on the views and parkland, compulsory replacement planting is not required in this instance. The proposed tree removals are acceptable in terms of visual amenity, in line with good arboricultural practice.

## Recommendation

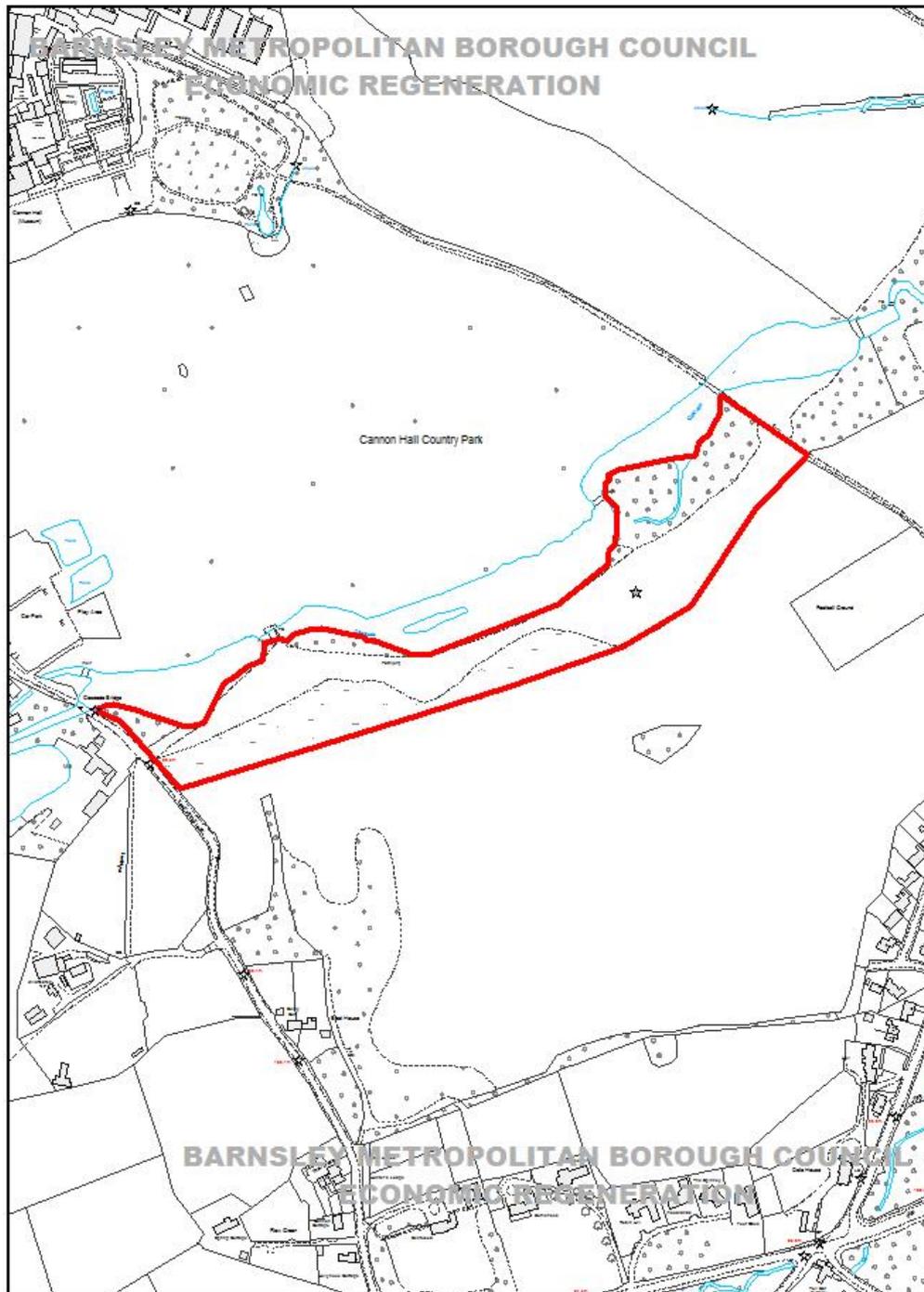
Grant approval for the works subject to the following conditions.

- 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 Prior to the approved works being carried out on site, the branches/trees to be removed shall be clearly marked and 5 days' notice shall be given to the Local Planning Authority. The work shall thereafter be carried out to the satisfaction of the Local Planning Authority.  
**Reason: To ensure the work accords with good arboricultural practice.**

PA Reference:-

2017/1695

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**BARNLEY MBC - Economic Regeneration**



Scale 1: -----

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- TREES TO BE REMOVED
- TREES RETAINED
- TREES FOR THINNING
- VEGETATION CLEARANCE
- TO BE READ IN LINE WITH TREE REPORT

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