
2018/0802

Applicant: Andie Nixon, Neighbourhood Services, Barnsley MBC

Description: Remove Ash tree T1 within TPO 1/1964.

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

Description

The triple stem Ash tree forms part of a woodland within Barnsley Crematorium and is situated adjacent to the rear boundary of No.81 Roehampton Rise. The site is steeply sloping, with the woodland area elevated in relation to the dwellings below. The tree sits atop a retaining wall which has been structurally affected by the Ash tree whereby the sandstone blockwork has been loosened to the extent that the elevation is bowing and the toppers are loose and at risk of falling.

Proposed Development

The applicant seeks permission for the removal of 1no Ash tree within TPO 1/1964 to facilitate the demolition and re-building of the stone boundary wall between the woodland and the residential property, No.81 Roehampton Rise. The application is accompanied by a brief assessment of the damage created by the tree and the methods constituting removal of the tree and repair of the wall. The applicant has also stipulated that the homeowner has concerns for the safety of their children who play in the garden adjacent to the tree and wall.

Policy Context

The statute law on Tree Protection Orders can be found within 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 the "*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. One representation in support of the proposal has been received which raised the following points:

- The representor suggests that the removal of TPO'd trees has become an annual occurrence within the woodland and has suggested removing all dead and diseased trees under one project instead of in a piecemeal fashion.

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 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 tree 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 tree potentially unviable and unstable and more prone to falling/wind throw. He therefore agrees the removal will be required due to the damage caused by that repair.

No replacement planting is required in this instance due to the nature of the woodland. However the compound effect of similar tree removals means that 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 in the future.

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.

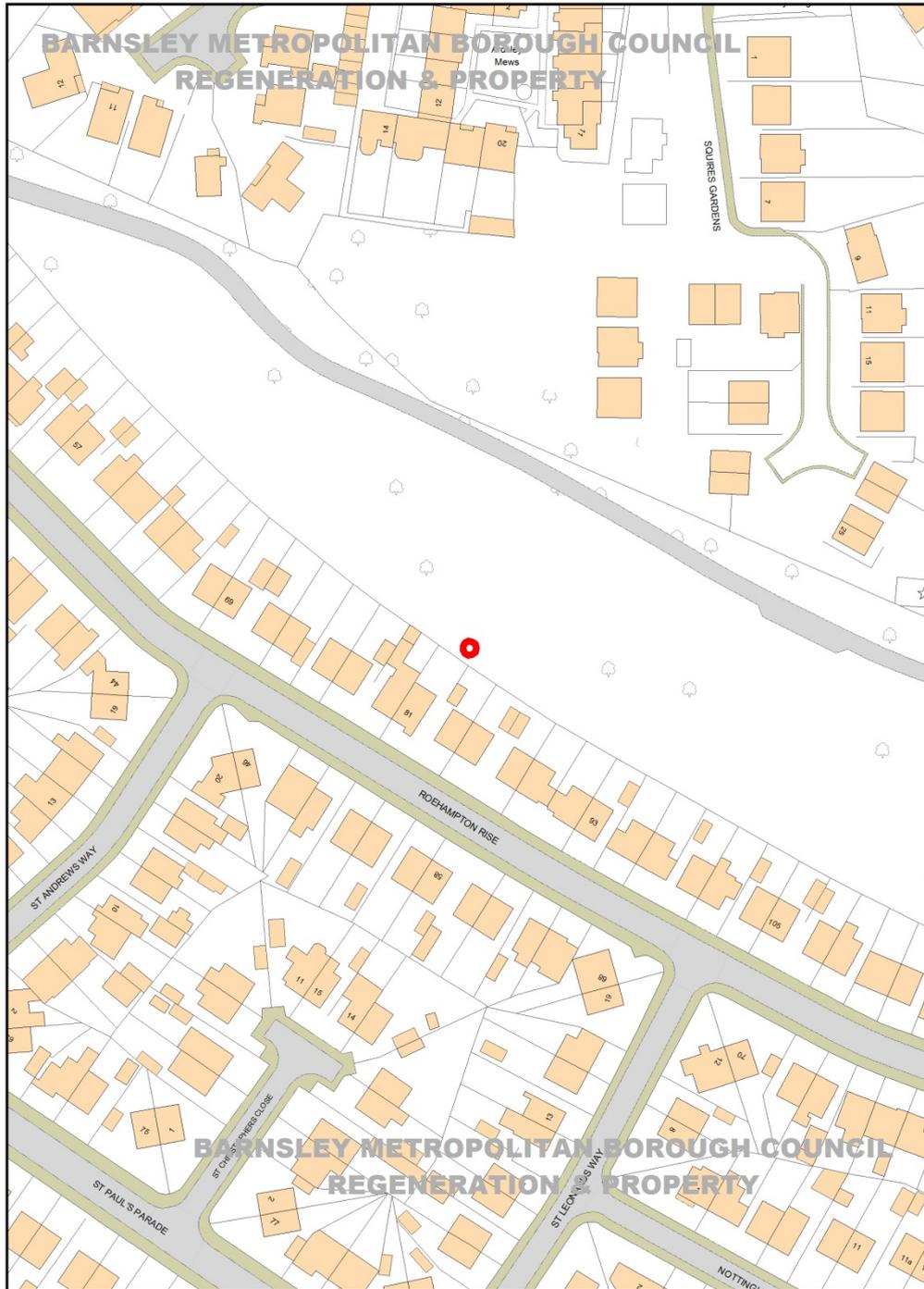
2 Not less than five working day's notice of the date of the proposed work shall be given in writing to the Local Planning Authority and the tree surgery shall be carried out to the standards set out in BS3998.

Reason: To ensure the work accords with good arboricultural practice.

PA Reference:-

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