
2019/0958

Applicant: BMBC Cannon Hall Museum

Proposal: Tree removal including Remove G13 due to poor condition and amenity value and remove T19 - T23 and T25 to enhance the amenity of the parkland and the setting of the bridge, within TPO 1/1951.

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

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 set within an area TPO 1/1957 which covers the south side of the lakes at Cannon Hall. The trees are a mixture of, Willow, Oak, Birch and Cherry.

Proposed Development

The proposal forms part of the Parks for People Project. Cannon Hall Museum, Park and Gardens have been awarded £3.4 million by the Heritage Lottery Fund to renovate the parkland and gardens, restoring them to their former Georgian glory. As part of the programme of work, the views and vistas of the parkland will be transformed, creating new paths, removing overgrown areas and allowing visitors to discover the hidden glory of Cannon Hall.

The scheme before Members today involves the removal of G13 (Cherry Trees) due to poor condition and amenity value and to remove T19 (Birch), T20, T21, T23, T25 (Willow) and T22 (Oak) to open up the original vistas to enhance the amenity of the parkland and the setting of the bridge, within the area TPO 1/1951.

The trees highlighted for removal are all protected by virtue of being in the wider area which the TPO covers. All works to the trees are to be carried out the current British Standards.

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 and a site notice posted. No comments have been received as a result.

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.

The Tree Officer has been consulted and has no objection to the proposal. The trees highlighted for removal are all protected by a wider area TPO. T19 (Birch), T20, T21, T23, T25 (Willow) and T22 (Oak) are to be removed. The majority of these trees are relatively young, with a number being fast growing Willow which are a relatively recent addition. The value of these individual trees must be balanced against the objectives of the Parks for People project works. The project aims to open up the views to and from the bridge over the lakes and the historic parkland. The benefits offered by the completed works are felt to outweigh the limited amenity value of these young trees.

G13 consists of a group of poor specimen multi-stemmed Cherry trees which would not be worthy of a TPO in their own right. Given the condition of these trees, their loss would not be significant in terms of visual amenity and there is no objection to their removal in the context of improving the vistas of the listed parkland.

Mature trees are to be retained in the Park to maintain the presence of trees in this area. Given the nature of the landscape around the bridge and the aims of the Parks for People project replacement planting is not required in this instance.

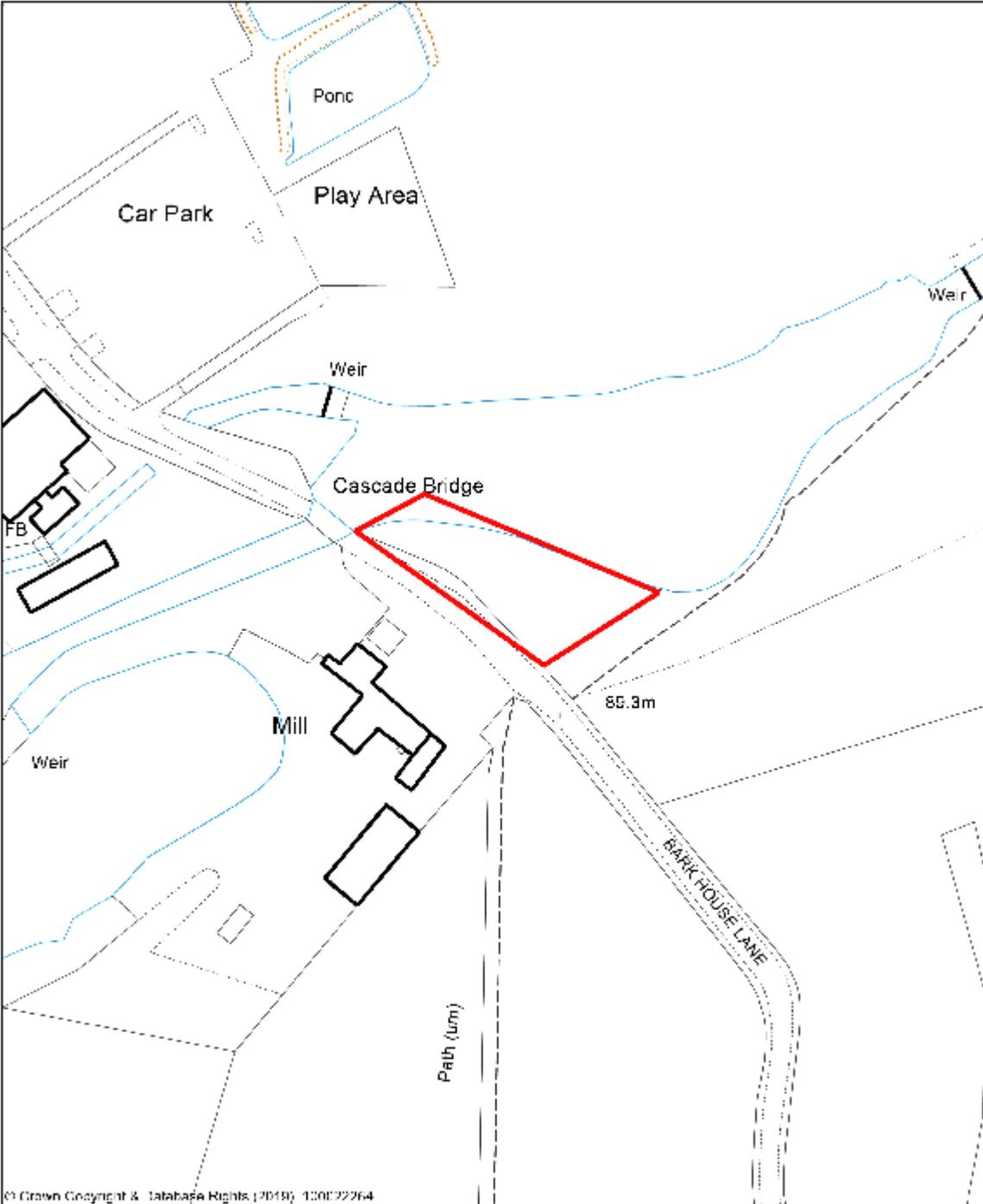
Recommendation

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:-

2019/0958



BARNSELEY MBC - Regeneration & Property



Scale: 1:1250