

STRONGVOX HOMES

**APPLICATION TO FELL ONE HORSE CHESTNUT TREE INCLUDED IN TAUNTON DEANE BOROUGH (TRULL NO.1) TREE PRESERVATION ORDER 2012 (TD1100) AT AMBERD LANE, TRULL**

Location: STREET RECORD, AMBERD LANE, TRULL, TAUNTON

Grid Reference: 321620.121631

Felling of Tree(s) covered by TPO

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

**RECOMMENDED CONDITION(S) (if applicable)**

1. The proposed work shall be completed before the expiration of two years from the date of this permission.

Reason: To ensure that the works hereby approved are carried out in accordance with the Town and Country Planning (Tree Preservation) (England) Regulations 2012

2. The following replacement tree shall be in accordance with British Standard BS3936 and be planted within two months of felling (unless otherwise agreed with the Authority) and in accordance with British Standard BS4428 (1989):

1 x English Oak (*Quercus robur*), planted as a 'standard' tree or larger, minimum trunk girth 8-10cm. The planting location of the new tree must be agreed in writing prior to planting.

If within a period of 5 years from the date of planting, the tree (or any other tree planted in replacement for it) is removed, uprooted or destroyed, or dies, another tree of the same size and species shall be planted at the same place, or in accordance with any variation for which the local planning authority give their written consent. A new Tree Preservation Order may be served to protect the new tree. Please inform this office when the new tree has been planted (356493).

Reason: To maintain visual amenity in accordance with Taunton Deane Local Plan Policy EN8.

## Notes to Applicant

1. **WILDLIFE AND THE LAW.** The protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and any activity undertaken on the tree(s) must comply with the appropriate wildlife legislation.

**BREEDING BIRDS.** Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out during the breeding season (from February to August, possibly later) then the tree(s) should be checked for nesting birds before work begins.

**BATS.** The applicant and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Natural Habitats and Species (Amendment) Regulations 2012, also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places.

Trees with features such as rot holes, split branches or gaps behind loose bark, may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease immediately and advice must be obtained from the Government's advisers on wildlife, Natural England (Tel. 0845 1300 228). Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained.

## **PROPOSAL**

The application proposes to fell and replace one mature horse chestnut tree included in Tree Preservation Order TD1100, on the grounds that it is in poor condition.

## **SITE DESCRIPTION AND HISTORY**

The tree is growing on the north side of Amberd Lane, in the corner of a field that was previously farmed. It is now adjacent to land currently being developed by Strongvox (42/12/0013 and 42/12/0072), and will be within an area proposed to be public open space. It is one of a number of mature trees that line Amberd Lane on both sides. There is intermittent hedgerow on the north side.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*TRULL PARISH COUNCIL* - Objection - the tree should be pruned, not felled.

### **Representations**

There have been seven representations **OBJECTING** to the proposed felling, on the grounds that:

- The loss of the tree will harm the character of Amberd Lane, which has already been harmed by the new housing development;
- The tree was not identified as being diseased in the tree survey of 2012, in which it was classed as a category 'B' tree;
- The tree helps to soften the impact of the new development;
- The tree should be pruned to remove dangerous branches;
- The tree is protected by a Tree Preservation Order;
- The tree makes a significant contribution to the local landscape and amenity even though it is 'less than perfect';
- The tree has taken over a century to grow, and its removal will contribute to the suburbanisation of the area.

## **PLANNING POLICIES**

## **LOCAL FINANCE CONSIDERATIONS**

## **DETERMINING ISSUES AND CONSIDERATIONS**

The tree is a mature horse chestnut. It is growing adjacent to Amberd Lane and is just outside the south east corner of the new Strongvox housing development. As a consequence it now overhangs the road, the garden of one of the new houses, and the area of land to the east which is to be public open space.

The tree was protected by a Tree Preservation Order (TPO) in 2012, in anticipation of the adjacent development. It was considered that it had amenity value because of its prominent location, its age and its health, which at the time was considered to be good enough to merit a TPO. A tree survey carried out by Swan Paul (Landscape Architects) in 2012 placed the tree in category 'B' - of moderate quality and value.

Unfortunately, since 2012 the tree has seriously declined. This decline is thought to have been caused by Horse Chestnut Bleeding Canker (*Pseudomonas syringae* pv. *aesculi*), which is a disease that has been affecting horse chestnut trees nationally for some years. The progress of the disease may have been hastened by the fact that a central limb has split and fallen in the past, causing a serious wound.

The visual signs that the tree is in decline are:

- a) black slimeflux ('bleeding') observed on the main stem;
- b) extensive bark death (lifting and cracking) that can be seen on the main stem and principal limbs and branches, showing dysfunctional xylem tissue;
- c) a thinning crown, with foliage that is smaller, sparser and yellower than is normal for a horse chestnut of this age;
- d) minor deadwood throughout the higher crown.

The current extent of the decline suggests that the tree now has a very short life expectancy. Although it could be pruned to reduce the likelihood of limbs failing, it is considered that this would only hasten its demise due to the resulting pruning wounds which would, by necessity, need to be quite significant.

Given the tree's current condition, the case officer considers that the proposal to remove and replace the tree at this stage is the most sensible course of action. The

adjacent mature trees to the east along Amberd Lane, which are to be retained, should help to lessen the impact of this horse chestnut's removal, as will the replacement oak tree (to be planted as a 'standard' nearby) and the new trees that are proposed for the public open space.

Although a number of good points have been raised by representation, it is true that trees are dynamic organisms that can change rapidly if affected by disease. Where trees are adjacent to roads, footpaths or property, it is sometimes necessary to remove and replace them, when pruning would be only of short-term benefit.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.**

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