

25/2005/002T

JAMES JONSON

APPLICATION TO FELL TWO WILLOWS, FOUR ALDERS, TWO POPLARS, ONE SYCAMORE, NINE ASH TREES AND CARRY OUT TREE WORK TO ONE SYCAMORE INCLUDED IN TAUNTON DEANE BOROUGH (NORTON FITZWARREN NO. 1) TREE PRESERVATION ORDER 1997 (TD725) AND TAUNTON DEANE BOROUGH (STAPLEGROVE NO. 2) TREE PRESERVATION ORDER 2000 (TD856) AT TAUNTON TRADING ESTATE, SILK MILLS ROAD, TAUNTON

2059/2603 FELLING OF TREE(S) COVERED BY TREE PRESERVATION ORDER

PROPOSAL

In accordance with outline planning condition 09 (25/2002/018), the application proposes to fell 17 trees and carry out work to one tree to enable the implementation of the Phase 1 road from Silk Mills Road on to site. It also proposes to fell one tree to accommodate a proposed flood-compensation pond.

The trees affected are part of two Tree Preservation Orders, TD 725 (1997) and TD 856 (2000). TD 725 superceded TD 599 (1993) which was revoked.

In June 2002 St. Modwen Developments Limited submitted an application (25/2002/018) for outline planning permission to redevelop the existing Taunton Trading Estate in Norton Fitzwarren. It included residential and employment development, infrastructure and services, and would be carried out in three phases. The Planning Committee resolved to approve this application, subject to Section 106 Agreement.

In order to construct the Phase 1 road which links the site with Silk Mills Road, an application has now been made to remove the trees affected. This includes eight trees that are growing adjacent to Silk Mills Road (all ash trees, average height 10 m) and nine trees that are growing along Back Stream to the west of Silk Mills Road (two willows 20 and 30 m high, two poplars 40 m high, an ash 10 m high, and four alders from 10 to 25 m high). To the north of this road the proposed flood-compensation pond requires the removal of one sycamore, height 10 m.

Site plans that were submitted with the original outline planning application (25/2002/018) indicated that only six trees would be affected along Back Stream. Following recent consultation with Somerset County Council Highway Authority, the developer has added to their plans cycleways on both sides of the new road. The extra width for these cycleways requires three additional trees to be included in the current tree application.

CONSULTATIONS AND REPRESENTATIONS

NORTON FITZWARREN PARISH COUNCIL object for the following reasons:- 1. There are inaccuracies in the maps relating to the application. 2. The number of trees to be felled is greater than shown on the original outline planning application drawings. 3. The application does not conform to policies EN4a, EN5 and EN7 of the Local Plan. 4. The application does not take into consideration paragraphs 7.15 and 7.16 of the Local Plan. 5. The trees along Silk Mills Road form a natural barrier between the road and the Trading estate and should not be removed. 6. Any loss of trees should be resisted because Norton Fitzwarren will be subjected to considerable development over the coming years.

POLICY CONTEXT

Policy EN5 - protection of trees, and Policy EN7 Development that would harm the character, landscape or wildlife value of important tree groups will not be permitted unless: (A) there is a proven overriding need in the public interest for the development; and (B) the development cannot be located elsewhere. Where it is decided to permit development affecting these tree groups, planning obligations will be sought requiring developers to replace the trees with trees of equal quality and coverage.

ASSESSMENT

The application included copies of FPCR drawing 1730/P/005 Rev A which clearly shows the TPO trees to be removed. A revised drawing has now been received (1730/P/005 Rev B) which shows the same number of trees to be removed but also includes details of the new cycleways. The number of trees to be felled has increased (by three) for reasons stated in 'background' above.

The application is for the removal of only those trees affected by the line of the Phase 1 road which is within the agreed corridor.

In July 2004 The Planning Committee resolved to approve the outline planning application submitted in 2002 by St. Modwen Developments Ltd, which included a masterplan and details of access points to the site.

FPCR, on behalf of the developer, commissioned a tree assessment report and review of nature conservation from an ecologist. Using BS 5387 (1991) retention categories, three of the trees to be felled were considered to be category B, moderately high, i.e.. retention is desirable. The rest were considered to be category C, moderate to low, i.e.. trees that could be retained if possible. The category B trees include one crack willow which the report says is over-mature and breaking up, with a substantial central cavity, and two poplars planted together with interlocking canopies.

The wildlife review (which was in addition to a previous survey carried out in 2002) showed that none of the trees to be removed appeared suitable as roosts for bats. No badger activity was observed in the area during the survey, although the surrounding pastures are likely to represent potential feeding areas. Otter spraints were observed approximately every 5 m along the watercourse (more than observed in the earlier survey) The Back Stream corridor is used by Kingfishers.

The review states that the road bridge would need to be constructed to allow ease of movement by otters and kingfishers, and goes into more detail about how the bridge could be designed to lessen the impact on wildlife and vegetation.

FPCR drawing 1730/P/001 Rev A, Landscape Framework Relief Road Phase 1, shows proposed new tree planting adjacent to the new road. This includes 25 large trees (oak), 21 medium trees (alder, poplar, ash and sorbus) and 16 small trees (apple, hawthorn, alder, hazel, sorbus and field maple). The drawing also shows proposed new hedgerows, scrub planting, semi-ornamental planting, aquatic and marginal planting and areas of species-rich grassland.

The loss of these trees is unfortunate. However, in the context of the overall redevelopment of the Trading Estate it represents a relatively small number.

None of the trees are of outstanding or special amenity.

The loss will be offset by proposed new tree and shrub planting, and sympathetic bridge construction to avoid unnecessary damage to wildlife, which will be conditions of the detailed planning approval.

As the Planning Committee has resolved to approve the outline planning application of 2002 (subject to 106 Agreement) it would be unreasonable to refuse this tree application.

RECOMMENDATION

Permission be GRANTED subject to condition of time limit.

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

CONTACT OFFICER: 356493 MR D GALLEY (MON, TUES)

NOTES: