

38/13/0041/T

MR J MEIKLE

**APPLICATION TO FELL ONE PRUNUS TREE INCLUDED IN TAUNTON DEANE BOROUGH (TAUNTON NO.5) TREE PRESERVATION ORDER 1991 AT 4 QUEENS DRIVE, TAUNTON (TD523)**

Grid Reference: 321815.123031

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) in accordance with British Standard BS4428:(1989):

1 x Prunus cerasifera 'Pissardii' or 'Nigra', planted as a standard tree or larger (minimum trunk girth 8-10cm), and planted in the front garden within 5 metres of the felled tree. 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. 01823 285500). 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 the felling of one Purple-leaved Plum tree in the front garden of 4 Queens Drive.

## **SITE DESCRIPTION**

Queens Drive is characterised by large trees and shrubs facing onto the road. Some of these have been removed and replaced as necessary.

## **REPRESENTATION RESPONSES**

2 representations in SUPPORT of the application.

## **DETERMINING ISSUES AND CONSIDERATIONS**

The Purple-leaved Plum trees are a distinctive feature of Queens Drive and Batts Park. However, they are not particularly long-lived trees, many have declined over recent years and some have been replaced. Although these trees can survive with considerable amounts of decay or canker, the extent and location of the decay in this particular tree has resulted in a large portion of its canopy splitting off in recent bad weather. With the canopy now imbalanced and the wound prone to further decay and weakness, and given the tree's proximity to the road and footpath, it is considered that the proposal to fell the tree is justified and that approval should be granted on condition that a new tree of the same species is planted within 5 metres of the felled tree.

**In preparing this report the Planning Officer has considered fully the**

**implications and requirements of the Human Rights Act 1998.**

**CONTACT OFFICER: Mr D Galley Tel: 01823 356493**