

## **PLANNING COMMITTEE – 14 DECEMBER, 2005**

### **Report of the Development Control Manager**

#### **MISCELLANEOUS ITEM**

#### **45/2005/009T – APPLICATION TO FELL TWELVE OAK TREES AND CARRY OUT TREE WORK ON TEN OAK TREES WITHIN WEST BAGBOROUGH CONSERVATION AREA ALONG THE ROADSIDE OF THE CRICKET PITCH, WEST BAGBOROUGH**

##### **1.0 PROPOSAL**

A notification has been received with proposals to fell twelve oak trees and carry out tree work to ten oak trees in the village of West Bagborough. The applicant has identified the trees as being unsafe and recommends that they should be felled for reasons of safety. Details of the condition of the trees are given in a report submitted by the applicant. The felled trees to be replaced with oaks 12-15 feet tall.

##### **2.0 BACKGROUND**

A pre application meeting was held, on site, in October. Three members of the Parish Council were present to hear the applicant's proposals. At the end of the meeting the Parish Council were in support of the proposal but were concerned about the need to fell tree number 15. It was agreed that Taunton Deane Borough Council would pay to have a detailed survey carried out by Colin Inder of Arboricare. This was done and the tree was found to be unsound. Formal Notification was received on 11 October 2005. An application was also made to the Forestry Commission for a Felling Licence to fell 35 trees including the 12 within the Conservation Area. The Parish Council held a public meeting at the start of November 2005, to discuss the proposals and agreed at this meeting that they would like a further opinion about the health of the trees. This was carried out by Steve Phillips of Heartwood Arbicultural Consultants and the report was received on 30 November, 2005.

The six-week Notification Period ran from 11 October, 2005 and should have been resolved by 22 November, 2005. The deadline for the felling Licence is 16 December, 2005.

##### **3.0 CONSULTATION AND REPRESENTATIONS**

Six letters of objection have been received, raising the following issues:-

- The trees are an important part of the village. The West Bagborough Parish Statement (adopted by Taunton Deane Borough Council in January 2000) identifies trees within West Bagborough as important and recommends that 'they should be preserved and maintained';

- Criteria used to make judgements about trees, such as, 'they are ugly or misshapen', is subjective;
- The potential impact of the felling on wildlife;
- Possible effects on drainage;
- The ability of the agent to make good judgement about tree health is questioned.

The Forestry Commission supports the application.

The Parish Council supports the application.

#### 4.0 **ASSESSMENT**

##### **Amenity and Tree Safety**

The trees line the road in West Bagborough and are attractive elements within the Conservation Area. They were probably planted as part of the Bagborough House estate and contribute to the character of the area. The West Bagborough Design Statement identifies the trees as important and recommends that they should be preserved and maintained.

It would seem reasonable to remove trees that present a danger to life and property and trees that have a limited future. This would include small, misshapen and suppressed specimens. It is not considered that the amenity of the group as a whole will be damaged if the trees are removed. It is not considered that positive management of the trees (felling dangerous and poor specimens) and replanting for the future contradicts the recommendations of the West Bagborough Village design statement.

##### **Wildlife Value**

There are no obvious cavities in the trees which suggests that bats do not roost within them, however an ecological survey has not been carried out and the applicant will need to ensure that he is content that protected species are not damaged during the works.

##### **Drainage**

I see no reason why the proposal will have a major effect on drainage within the village.

##### **Arboricultural Assessment**

The trees have been assessed by the Landscape Technician with further checks made by Colin Inder of Arboricare on tree number 15. Following concern raised by the wider parish at a meeting in West Bagborough, West Bagborough Parish Council and Taunton Deane Borough Council have jointly funded a further report. This has been carried out by Steve Philips M Arb (FRS), F Arbor A of Heartwood Arboricultural Consultants, Horn Ash, Crewkerne, Somerset. The conclusions below are in line with his report.

The conclusions of the above arboricultural report are that of the twelve trees that the applicant has asked to fell:-

- Five have been found to be unsound and should be felled on safety grounds;
- Three are small and insignificant and do not warrant being protected;
- Four of the remaining trees, Nos 3, 4, 19 and 36, should be protected;
- The tree management work, described in the application to be carried out on most of the trees, is excessive, unclear and should be refused.

### **Summary Assessment**

Although agreement had been reached by the applicant, Parish Council, Forestry Commission and Council officer that the proposed works were appropriate it is considered, given the conclusions of the Heartwood Arboricultural Consultants report, that a Tree Preservation Order should be served on all the trees that form part of the notification, with the exception of the eight trees, numbered 6, 8, 10, 12, 15, 22, 26 and 35, identified as being unsound on safety grounds and of limited amenity. The Tree Preservation Order will protect the four trees identified as being sound and will require the applicant to make a further Tree Preservation Order application to carry out tree management works.

### 5.0 **RECOMMENDATION**

The Vice-Chairman of the Planning Committee has agreed that a Tree Preservation Order be served on all the trees that form part of the notification, with the exception of the eight trees identified as being unsound on safety grounds and of limited amenity. Members are asked to note the actions that have been taken.

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

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