

Forde House
Newton Abbot
Telephone No: 01626 215159

E-mail: comsec@teignbridge.gov.uk

16 November 2018

REGULATORY & APPEALS COMMITTEE

Dear Councillor

You are invited to a meeting of the above Committee which will take place on **Monday, 26th November, 2018** in the Council Chamber - Forde House at **10.00 am**

Yours sincerely

PHIL SHEARS
Managing Director

Distribution:

- (1) The Members of the Regulatory & Appeals Committee

Councillor Charlie Dennis (Chairman)
Councillor Ted Hockin (Vice-Chairman)
Councillor Beryl Austen
Councillor Sheila Cook
Councillor Lorraine Evans
Councillor Rosalind Prowse

A link to the agenda on the Council's website is emailed FOR INFORMATION (less reports (if any) containing Exempt Information referred to in Part II of the agenda), to:

- (1) All other Members of the Council
(2) Representatives of the Press
(3) Requesting Town and Parish Councils

If Councillors have any questions relating to predetermination or interests in items on this Agenda, please contact the Monitoring Officer in advance of the meeting

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- Reports in Parts I and III of this agenda are for public information. Any reports in Part II are exempt from publication due to the information included, under the provisions of the Local Government Act 1972.

A G E N D A

Part I

1. Apologies for absence
2. Minutes (Pages 1 - 6)
3. Agreement of the Agenda between Parts I and II.
4. Matters of urgency/matters of report especially brought forward with the permission of the Chairman.
5. Declarations of Interest.
6. LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 EXCLUSION OF PRESS AND PUBLIC

It is considered unlikely that the Committee would wish to exclude the press and public during consideration of the items on this agenda. If, however, the Committee were to exclude the press and public, a resolution in the following form should be passed:

“RECOMMENDED that, under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the particular item(s) on the grounds that it (they) involve the likely disclosure of exempt information as defined in paragraph(s) of Part I of Schedule 12A of the Act.”

7. Application for a Hackney Carriage Vehicle Extension (Pages 7 - 10)
8. Tree Preservation Order 2018 - E2/28/57 (Pages 11 - 66)

Part II (Private)

Items which may be taken in the absence of the Public and Press on the grounds that Exempt information may be disclosed.

Nil.

REGULATORY & APPEALS COMMITTEE

MONDAY, 29 OCTOBER 2018

Present:

Councillors Dennis (Chairman), Hockin (Vice-Chairman), Austen, Evans and Prowse

Officers in Attendance:

Marie Downey, Solicitor

Hayley Carpenter, Licensing Officer

Mark Waddams, Senior Arboricultural Officer

Debbie Rosenveldt, Licensing Assistant

Mark Devin, Democratic Services Officer (Exeter City Council)

THE MEETING WAS OPENED & THE MEMBERS ADJOURNED TO INSPECT THE HACKNEY CARRIAGE VEHICLES

1. MINUTES

The Minutes of the meeting held on 1 October 2018 were approved as a correct record and signed by the Chairman.

2. DECLARATIONS OF INTEREST.

There were no declarations of interest.

3. APPLICATION FOR A HACKNEY CARRIAGE VEHICLE EXTENSION

Consideration was given to an application to renew and extend a Hackney Carriage Vehicle Licence, as set out in the report.

Section 43 of the Town Police Clauses Act 1847, provides that a Private Hire/ Hackney Carriage Vehicle Licence may only be in force for a maximum period of one year. The Hackney Carriage and Private Hire Policy provides that vehicles being presented for subsequent licensing are required to be under ten years old.

However, the Council has discretion to continue to licence vehicles which are older than ten years, provided that, the Council is satisfied that such a vehicle is in a good condition and good state of repair, and that it passes the appropriate testing standard. The Council's Policy and statutory provisions reflect the Council's responsibility to ensure that all hackney carriage and private hire vehicles are safe and fit for use by members of the public.

The Licensing Officer presented the report stating that the vehicle was a Toyota Avensis, registration FL56 ETK and had been first registered on 13 October 2006, making the vehicle over 12 years old if granted. The existing Hackney Carriage

licence expired on 31 October 2018. It was noted that the vehicle had a current MOT certificate, with no advisories and a vehicle inspection test report. The inspection report had initially failed following a list of identified issues. The driver confirmed that all items on the list had been resolved which had now been resolved and the vehicle had passed.

The Applicant was in attendance and addressed the Committee to support the application. He explained that he been as a second job, while he was building his primary business elsewhere. He had considered purchasing an electric car, but he couldn't justify the costs, especially with reducing the number of hours he operated as a driver. He stated that he would not be driving between November 2018 and January 2019, and would likely not be renewing the licence upon its expiry. He confirmed that despite spending a significant amount of money on the vehicle, the mileage would be kept low and was kept in a good and clean condition.

Resolved

Vehicle registration FL56 ETK be approved for a 12 month Hackney Carriage Vehicle Licence renewal with a condition requiring that the vehicle have six monthly vehicle inspections.

Reason for Decision

Having inspected the vehicle, read all written material, and listened to the representation by the Applicant and the Licensing Officer, the Regulatory and Appeals Committee were satisfied with the general standard of the vehicle, the state of repair and the condition of the vehicle. Therefore it was considered the vehicle was fit for use for the general public and paying customers.

4. APPLICATION FOR A HACKNEY CARRIAGE VEHICLE EXTENSIONS

Consideration was given to an application to renew and extend two Hackney Carriage Vehicle Licences, as set out in the report.

Section 43 of the Town Police Clauses Act 1847, provides that a Private Hire/ Hackney Carriage Vehicle Licence may only be in force for a maximum period of one year. The Hackney Carriage and Private Hire Policy provides that vehicles being presented for subsequent licensing are required to be under ten years old.

However, the Council has discretion to continue to licence vehicles which are older than ten years, provided that, the Council is satisfied that such a vehicle is in a good condition and good state of repair, and that it passes the appropriate testing standard. The Council's Policy and statutory provisions reflect the Council's responsibility to ensure that all hackney carriage and private hire vehicles are safe and fit for use by members of the public.

The Licensing Officer presented the report stating that the first vehicle was a eight seater, Vauxhall Vivaro, registration FD08 AWH and had been first registered on 20 May 2008, making the vehicle over 10 years old if granted. The existing Hackney

Carriage licence expired on 20 November 2018.

It was noted that the vehicle had a number of issues previously reported but had now been resolved. The MOT had been passed, however the vehicle handbrake had failed the inspection test but had been re-tested. The Licensing Officer noted that the vehicle had been purchased from a previous owner who had not looked after it, and the previous resolved issues were not a reflection of the current owner.

The Licensing Officer referred Members to the second vehicle stating that it was a Seat Alahambra, registration WF08 LJE and had been first registered on 3 April 2008, making the vehicle over 10 years old if granted. The existing Hackney Carriage licence expired on 29 November 2018. The vehicle inspection test had not been completed, but was due to be undertaken. The Licensing Officer was satisfied with the condition of the vehicle.

The Applicants were in attendance and addressed the Committee to support the two applications.

Resolved

Vehicle registration FD08 AWH and WF08 LJE be approved for a 12 month Hackney Carriage Vehicle Licence renewal, in accordance with legislation, subject to a six monthly vehicle inspection test. The Licensing Authority had delegated power to provide the new plate upon receipt of the inspection report.

Reason for Decision

Having inspected the vehicle, read all written material, and listened to the representation by the Applicant and the Licensing Officer, the Regulatory and Appeals Committee were satisfied with the general standard of the vehicles, the state of repair and the condition of the vehicles. Therefore it was considered that the vehicles were fit for use for the general public and paying customers, upon receipt of a satisfactory inspection report.

5. TREE PRESERVATION ORDER 2018 - E2/29/92

The Committee considered a request to confirm the provisional Tree Preservation Order (TPO) which was served on the 15 May 2018 and would cease on 15 November 2018.

The District of Teignbridge (6 Millin Way) Tree Preservation Order 2018 protects two Oak trees located within the gardens of 6 Millin Way, Dawlish Warren. The TPO was made following the submission of a planning application which was withdrawn on 7 June 2018 and no new planning application had been received to date.

One letter of objection had been received, which was considered by the Committee. The objector and other interested parties did not attend the hearing. The objections received included:

- The crown has been cut off at 2.6m above the ground, so how can this tree be worthy of protection;
- T2 was a danger to life and property;
- The Arboricultural Officer had stated the trees were of no value and the objector could do what they wanted, following multiple conversations;
- Has complained to the Arboricultural Officer many times over last 4 years about cutting trees down within a 600m radius of Millin Way, and in that time 32 mature trees have been lost, and over 200 younger trees have been permanently damaged by the chainsaws. Nothing has been done to stop this, so what is the difference.

The Committee heard from, the Council's Arboricultural Officer who gave his reasons why the Committee should confirm the Tree Preservation Order. He repeated his comments contained within the agenda report, namely that:

- The trees had been substantially pruned in the past and did not have a traditional form, the trees were highly visible and contributed to the visual amenity of the area;
- No information has been provided by a suitably qualified arboriculturalist that would indicate if the trees were unstable or in dangerous condition;
- He had no recollection of visiting the trees and informing the owner he could "do what I liked with them", or being contacted regarding the loss and damage of the 232 trees.

The Arboricultural Officer added that the trees were acceptable to the local amenities, no reports from the objector or a qualified tree surgeon had been received and there had been no objections from neighbouring properties.

In response to Member questions, the Arboricultural Officer explained that any pruning work would be undertaken by the power company to prevent interference with the electrical wiring, the trees were in excellent condition, with between 40 to 100 years of life left and, there were no records from either him or the objector to indicate any correspondence to support the complaints

On balance, the Committee considered that the positive benefits of protecting the trees outweigh the negative impacts on the neighbours of the site. Therefore, the Committee

Resolved

To confirm the Tree Preservation Order unmodified.

Reasons for Decision

The Committee considered the trees provided a high amenity value and were an asset to the local area and landscape. The protection of the trees in question complies fully with Government guidance. It is therefore expedient in the interests of amenity to make provision for their preservation.

Chairman

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TEIGNBRIDGE DISTRICT COUNCIL

REGULATORY & APPEALS COMMITTEE

CHAIRMAN: Cllr Dennis

DATE: 26 November 2018
REPORT OF: Licensing Officer
SUBJECT: Hackney Carriage Vehicle Extension

PART I

RECOMMENDATION

The Regulatory & Appeals Committee is recommended to resolve whether to grant or refuse this request.

1. PURPOSE

The Committee is asked to consider a request to renew and extend a Hackney Carriage vehicle licence for a further 12 months (Appendix A).

2. BACKGROUND

Paragraph 5.2 of the Council's Hackney Carriage and Private Hire Vehicle Licensing Policy states that :

'A vehicle being presented for initial licensing is required to be under five years old at first registration.

A vehicle being presented for subsequent licensing is required to be under 10 years old with the exception of purpose built cabs. The Council has discretion to continue to licence Hackney Carriage or Private Hire vehicles which are older than ten years provided that the Council is satisfied that the vehicle is in a good condition and good state of repair and provided that it passes the appropriate testing standard. Applications for subsequent licensing for vehicles older than ten years will be considered by the Regulatory and Appeals Committee which can impose such conditions as it thinks fit including six and four monthly testing'.

All vehicle licences are issued annually.

Section 43 of the Town Police Clauses Act 1847 provides that:

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'Every licence so to be granted shall be under the common seal of the commissioners, if incorporated, or, if not incorporated, shall be signed by two or more of the commissioners, and shall not include more than one carriage so licensed, and shall be in force for one year only from the day of the date of such licence, or until the next general licensing meeting, in case any general licensing day be appointed by the commissioners' and

Section 47(1) of the Local Government (Miscellaneous Provisions) Act 1976 provides that:

'A district council may attach to the grant of a licence of a hackney carriage under the Act of 1847 such conditions as the district council may consider reasonably necessary'.

The above Policy and statutory provisions reflect the Council's responsibility to ensure that all hackney carriage and private hire vehicles are safe and fit for use by members of the public.

The Committee has the discretion to license a vehicle if it is of the view that the vehicle is safe, fit for use and is in an acceptable condition.

Request – The vehicle, a Skoda Octavia, WF08 ZSR which the applicant wishes the Committee to consider was first registered on 26 May 2008 and will be 10 years and 6 months old, if granted. The current Hackney Carriage licence expires on 3 January 2019. The vehicle will no longer meet the Council's licensing policy as it is now being more than 10 years old.

The vehicle has a current MOT that expires on the 14 August 2019 and had no advisories. The vehicle is booked a taxi test for 20 December 2018.

At the time of writing this report the vehicle had not been inspected by a licensing officer.

It has been requested that the vehicle is made available at the hearing for inspection by the Committee should the members wish to do so.

3. CONSULTATION

The decision of the Committee following a complete review of the Hackney Carriage and Private Hire Policy in April 2009 after taking into account the views from the trade was as follows:

"The Committee decided that vehicles being presented for initial licensing must be under five years old."

With regard to subsequent licensing, the Committee decided that 'a vehicle should be under ten years old with the exception of purpose built cabs.' However, the Committee decided that 'the Council could exercise discretion to continue to licence Hackney

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Carriage or Private Hire vehicles which are older than ten years provided that the Council is satisfied that it is in a good condition and good state of repair and provided that it passes the appropriate testing standard. Applications for subsequent licensing for vehicles older than ten years will be considered by the Regulatory and Appeals Committee which can impose such conditions as it thinks fit including six monthly testing.’ The Committee did not consider it appropriate to introduce an upper age or mileage limit.”

Section 50(1) of the Local Government (Miscellaneous Provisions) Act 1976 provides that:

‘a district council shall not under the provisions of this subsection require a proprietor to present the same hackney carriage or private hire vehicle for inspection and testing on more than three separate occasions during any one period of twelve months.’

4. FINANCIAL IMPLICATIONS

The cost of defending the appeal if the application is refused and the applicant appeals to the Magistrates’ Court.

5. OPTIONS

- a. Grant the request, with or without the condition set out in c. below
- b. Refuse the request.
- c. If the Committee resolve to license the vehicle, Committee is asked to consider whether it is necessary to impose a condition requiring the vehicle to have six or four monthly vehicle inspections.

Licensing Officer Environment, Health and Wellbeing

Wards affected	All
Contact for any more information	H Carpenter
Background Papers (For Part I reports only)	<i>Relevant legislation and Hackney Carriage and Private Hire Regulations</i> Hackney Carriage and Private Hire Licensing Policy
Key Decision	N
In Forward Plan	N
In O&S Work Programme	N
Community Impact Assessment attached:	N
Appendices attached:	A: Request for extension

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TEIGNBRIDGE DISTRICT COUNCIL

REGULATORY & APPEALS COMMITTEE

CHAIRMAN: Cllr Charlie Dennis

DATE: 26 November 2018
REPORT OF: Arboricultural Officer
SUBJECT: The District of Teignbridge (Broadmeadow 2) Tree Preservation Order 2018
E2/28/57

PART I

RECOMMENDATION

The Regulatory & Appeals Committee is recommended to resolve that:

The District of Teignbridge (Broadmeadow 2) Tree Preservation Order 2018 is confirmed unmodified.

1. PURPOSE

The District of Teignbridge (Broadmeadow 2) Tree Preservation Order 2018 protects an area of woodland located on land to the west of Broadmeadow View, Teignmouth.

The Tree Preservation Order (TPO) was served on 23 July 2018, and replaces The District of Teignbridge (Broadmeadow) Tree Preservation Order 2018 that was made on 16 February 2018. The provisional protection will cease on 22 January 2019, if it is not confirmed.

2. BACKGROUND

The Tree Preservation Order was made following a request from agents representing the owner of the site for an extension to the time to submit a detailed objection.

The Tree Preservation Order was made following reports that a number of trees were being felled.

Local Planning Authorities (LPAs) have a duty under Part VIII of the Town and Country Planning Act 1990 (TCPA) to ensure the protection of trees (Section 197) by making Tree Preservation Orders where it is considered necessary. "Tree Preservation Orders - A Guide to the Law and Good Practice" (published by the then DETR) provides additional guidance on when to serve

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TPOs. Section 198 of the TCPA states LPAs 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 provisional TPO provides protection for six months from the date of serving, but if not confirmed before or at this time, the protection provided by it will cease.

The trees are highly visible and contribute to the visual amenity of the area. The loss of the trees would have a detrimental impact upon the visual amenity of the area.

As the Tree Preservation Order uses a Woodland designation the use of an amenity rating system is not appropriate.

Owing to the importance of the trees within the local landscape, The District of Teignbridge (Broadmeadow 2) Tree Preservation Order 2018 was made and served on 23 July 2018.

Objections to the making of the tree preservation order have been received from the owner of the site and agents representing the owner.

The objections can be summarised as follows:

- Trees have not been felled therefore it is not expedient to make a tree preservation order.
- The area protected by the tree preservation order is not a woodland
- The contribution to public amenity is low
- The felling of the trees would have no significant negative impact on the local environment, and this matter has been tested at examination.
- The tree preservation order prevents development of the site

Officer Comment:

- Photographs of the site clearly show that a number of trees have been felled
- When viewed from the west or via an aerial photograph the area can be clearly identified as woodland. Woodlands comprise of dense areas of trees, less dense areas of trees and clearings.
- The woodland is highly visible both from distant views, Bishopsteignton Road and the adjacent supermarket, accordingly the visual amenity provided by the trees is considered to be high
- Through the Local Plan 2013-2033 examiners report, a representation was addressed which requested this site be re-inserted into the final plan. The Examiner identified a three main local constraints which

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made the west side of Teignmouth unsuitable for significant amounts of new housing, namely;

Poor air quality as noted through the air quality management area, particularly around Shaldon Bridge which would be exacerbated by any significant amount of housing on the west side of town.

(It should be noted that trees can have positive effects on air quality)

The attractive landscape on the western side of the town, which is designated as undeveloped coast is very sensitive to change.

(In addition the woodland is considered to form part of the landscape setting of Teignmouth, defines its setting and provides enhancement to the urban area)

Extensive wildlife sites which form extremely important habitats for Cirl Buntings would be affected

SEE APPENDIX ONE FOR COMMENTS RECEIVED FROM THE COUNCIL'S SPATIAL PLANNING OFFICER

- The making of a tree preservation order does not prevent future development of a site. The protection of trees is considered alongside the design of any proposed scheme and the public benefit provided by the proposed development.

In addition to letters of support from residents and the National Trust for the making of the tree preservation order a petition containing in excess of 300 signatures has been received.

SEE APPENDIX TWO

3. SUSTAINABILITY IMPLICATIONS

Trees in urban areas are a vital component of a sustainable future, serving to absorb CO², create oxygen and filter pollutants that exacerbate conditions such as eczema and asthma, as well as providing shade and screening and a softening of the built environment. Trees provide a sense of place, habitat for fauna and flora, as well as uplifting the spirits of many people.

4. FINANCIAL IMPLICATIONS

None

5. OPTIONS

The Regulatory and Appeals Committee can decide to:

- Confirm the Tree Preservation Order unmodified
- Not to confirm the Tree Preservation Order

Office Name: Mark Waddams

TEIGNBRIDGE DISTRICT COUNCIL

Officer Designation: Arboricultural Officer

The box below to be completed by the report author.

Wards affected	TEIGNMOUTH
Contact for any more information	M Waddams (01626) 215708
Background Papers (For Part I reports only)	
Key Decision	N
In Forward Plan	N
In O&S Work Programme	N
Community Impact Assessment attached:	N
Appendices attached:	A: B:

Appendix I

3 April 2018

Morning Mark,

Before Easter we discussed the Broadmeadow Site, Teignmouth regarding a recent TPO placed on the woodland on the site.

As previously agreed please find attached the Pre-application response I provided to DM.

Happy to discuss.

Kind Regards

David Kiernan

Broadmeadow Affordable-led Pre-application Enquiry

What is being proposed?

The submitted pre-application details illustrate a steeply sloped, greenfield site of approximately 4 hectares on the western edge of Teignmouth. The site stands outside but adjacent to the Teignmouth settlement boundary on a site unallocated within the adopted Teignbridge Local Plan. The submitted details show a potential range of housing between 131 to 165 dwellings. Discussions with the applicant highlight the scheme is to be affordable-led which indicates the number of affordable dwellings will exceed market homes proposed on site, although no detailed breakdown is provided.

Principle of Development

A number of residential allocations are presented within the local plan, including for Teignmouth however this proposed site is not an allocated site and stands adjacent to the Teignmouth settlement boundary within an area defined as undeveloped coast.

The scheme is being promoted as 'affordable-led' with such schemes falling under local plan policy WE5 for rural settlements. However Teignmouth is identified as a Town within the Local Plan and WE5 is not applicable in this case.

The proposal would not constitute a rural exception site, is not allocated within the Local plan and stands within an area of undeveloped coast where residential development is not permissible. Therefore the proposal would constitute a departure

from the adopted development plan and the principle of development has not been established.

Plan Departure

The District Council currently has an 8.5 year housing land supply with a 5% buffer and as such the housing policies within the local plan are up-to-date and applications should first and foremost be determined in accordance with the adopted and up-to-date development plan.

Departures from the Development Plan can be permissible where material considerations weigh in favour of the proposal. In addition Local Plan policy S1A establishes the Council will take a positive approach to development which reflects the presumption in favour of sustainable development, work proactively to find solutions and to secure development that improves the economic, social and environmental conditions in the area.

Therefore the onus is upon the applicant to not only demonstrate how they will adequately address related constraints and comply with local plan policy generally but also how the proposal would improve the economic, social and environmental conditions of the area.

Site History

The site was submitted and assessed as part of the Strategic Housing Land Availability Assessment (SHLAA) (2009) which provided part of the site selection evidence base in the preparation of the current Local Plan.

The SHLAA identified and assessed the site as developable but raised the following concerns:

- Potential overshadowing/overlooking of the site from adjacent flats
- Nearby infrastructure capacity not acceptable given access via Bitton Park Road has significant problems
- Possible contamination issues
- Wildlife constraints as site stands within a Cirl Bunting County Wildlife Site.
- Woodland on site is important in defining the setting of Teignmouth and providing an enhancement to the urban edge.
- Potential direct or indirect impact on air quality relating to the A381 Bitton Park Road Air Quality Management Area (AQMA).

The site was included in Local Plan Preferred Options (2012) as part of a much larger allocation ('TE1') to test the feasibility of a potential significant urban extension and provision of western distributor road to help resolve the AQMA.

It was subsequently excluded from the LP Submission Plan since the distributor road was found to be cost prohibitive, and also due to landscape and ecological constraints.

Site promoters made representations at examination to include this site as a residential allocation. The examiner considered the representation and made the following comments under Matter 7- Teignmouth:

"54. Teignmouth is the one settlement where the amount of new housing proposed is proportionately smaller than the size of the town now, in accordance with the strategy in Policy S4. As I have already discussed, this approach is justified by the significant constraints to new development in the only directions possible, to the north and west. These are set out in detail in evidence to the examination but in summary comprise three main local constraints. Firstly, air quality along the A381, which is defined as an Air Quality Management Area (AQMA), is poor, particularly at the junction with B3192 and Shaldon Bridge, during the summer months. This would be exacerbated by any significant amount of new housing on the west side of the town for a significant part of the year. Secondly, the attractive landscape on the western side of the town, which is designated as Undeveloped Coast, would be very sensitive to change. Thirdly, extensive wildlife sites that form an extremely important habitat for ciril buntings would be affected. The area between Teignmouth, Broadmeadow and Bishopsteignton supports the densest population of this species in the country (4% of the British population).

55. Earlier proposals for new housing on sites TE1 and TE2 were withdrawn from the Preferred Options version of the Plan after viability studies indicated that the quantum of development was not able to fund a necessary link road. Finally, further housing would add to the current imbalance in the provision of employment land in the town. I conclude that the amount of development in Teignmouth shown on the Plan is sound and that the re-instatement of the two sites is not justified.

56. A small part of TE1 enclosed by existing development has been put forward as an affordable housing development proposal. On the evidence to the examination, significant doubts remain that adequate access can be obtained and that the scheme would be viable. Given these doubts about effectiveness, I consider the site should not be included in the Plan at this stage."

The above history clearly demonstrates the site was assessed as part of the Local Plan preparation process and discounted. Its reinstatement was considered by the Local Plan Inspector and was not considered justified.

Alternative routes

Greater Exeter Strategic Plan

As part of residential and employment evidence gathering for both the Greater Exeter Strategic Plan (GESP) and the Local Plan Review a call for sites exercise has been undertaken under the Housing, Employment and Land Availability Assessment (HELAA) Call for Sites process. The HELAA will provide an assessment of a sites development potential. The proposed site has been included within this assessment. The GESP is only assessing strategic sites with a capacity of over 500 dwellings. As such this site will not form part of the suite of strategic site allocations within the GESP (unless it forms part of a larger site).

Local Plan Review

The HELAA sites identified through the Call for Sites process for the Greater Exeter Strategic Plan will also form an evidence base for the Local Plan review in addition to a call for sites scheduled for the Local Plan Issues Paper public consultation. Smaller sites such as the proposed site will form part of the consideration of the Local Plan Review which will include additional housing allocations. The Review is currently ongoing with the first round of consultation on the Issues paper anticipated for April 2018. The Local plan review is not scheduled for adoption until 2020/2021.

It should be noted that unless the Local Plan Inspectors original concerns are satisfactorily addressed the residential allocation of this site within an updated Local Plan is considered unlikely.

The Local Plan review will also include a re-evaluation of all settlement boundaries across the district, including Teignmouth. There is potential for an extension of the Teignmouth settlement boundary to include the proposed site, but a consistent methodology to be applied to this review has not been established at this time.

Teignmouth Neighbourhood Development Plan

In addition Teignmouth are undertaking a Neighbourhood Development Plan. The allocation of development outside the existing settlement boundary, or indeed an amendment to the boundary itself stands within their remit. However these are matters for the Town Council to consider. Engagement with the Neighbourhood planning group and Teignmouth Town Council on any proposed residential development is advisable.

Constraints

Previous assessments of this site have highlighted particular constraints to development which require addressing:

- Highway capacity and cumulative impact on the Teignmouth AQMA
- Visual impact of development on softening the urban edge of Teignmouth
- Lack of permissibility of residential development in the undeveloped coast
- Impact on Wildlife, specifically Cirl Buntings

The central constraints relating to this site in addition to the undeveloped coast are the County Wildlife Site which covers the site

Conclusion

The proposed residential site has previously been assessed as unsuitable and unjustified for inclusion within the Local Plan and is therefore not an allocated site. The site whilst standing on the edge of Teignmouth stands within the Undeveloped Coast where there is a presumption against residential development. The principle of residential development on this site has not been established and the scheme would be considered a departure from the adopted and up-to-date development plan.

Departures from the Development Plan can be considered where the proposal would improve the economic, social and environmental conditions of the area. It is up to the

applicant to demonstrate how they comply with local plan policy and how they will improve the conditions of the area.

Based upon the submitted details, the sites location and the sites previous history, Spatial Planning do not support this scheme.

Spatial planning work under a plan-led system therefore site promoters should endeavour to include their site through the Neighbourhood planning or Local Plan review process, rather than through a pre-emptive planning application which doesn't accord with the Development Plan.

24 May 2018

Morning Mark,

As per our earlier discussion in relation to the proposed TPO on the Broadmeadow woodland area, Teignmouth, I have the following comments to make:

Through the Local Plan 2013-2033 examiners report, a representation was addressed which requested this site be re-inserted into the final plan. The Examiner identified a three main local constraints which made the west side of Teignmouth unsuitable for significant amounts of new housing, namely;

- Poor air quality as noted through the air quality management area, particularly around Shaldon Bridge which would be exacerbated by any significant amount of housing on the west side of town.
[It should be noted that trees can have positive effects on air quality](#)
- The attractive landscape on the western side of the town, which is designated as undeveloped coast is very sensitive to change.
[In addition the woodland is considered to form part of the landscape setting of Teignmouth, defines its setting and provides enhancement to the urban area](#)
- Extensive wildlife sites which form extremely important habitats for Cirl Buntings would be affected

The site stands within the undeveloped coast which is designated for its own special character and should remain open. The designation is covered through local plan policy EN2 which seeks to protect, maintain and enhance the distinctive landscape and seascape character and ecological qualities of the undeveloped coast. Development is not permitted which would have a detrimental effect on the character of the undeveloped coast.

The site stands on the edge of the existing settlement boundary and as part of the local plan review process the Draft Settlement Boundary review re-examined the settlement boundaries of all towns and villages with an existing boundary across the District. Through this re-assessment sites were included or excluded based on a set of principles. This site was not included within a revised settlement boundary because it was an undeveloped area and did not relate to the character of the built form.

Happy to discuss.

Kind Regards

David Kiernan

David Kiernan, Bsc (Hons), MASP, MRTPI

Principal Planning Policy Officer (Maternity Cover)

Spatial Planning and Delivery

Teignbridge District Council

Appendix II
Letters of support

From: Proctor, Julia [
Sent: 05 August 2018 11:46
To: Ext Mail: Planning
Subject: Reference:E2/28/58 TPO

I should like to add my support to this TPO on the following grounds:

- Landscape value on a prominent slope above developed land
- Habitat for nesting birds. The steep nature of the slope provides a undisturbed nesting area on the edge of urban development, which is rare in Teignmouth.
- It provides a beautiful setting for the access path at the bottom of the area.

Regards,

Julia

Julia Proctor
National Trust
Food and Farming Adviser, SW region

From: Phil Jenkins PGC,BSc(Hons),BA(Hons),AUH
Sent: 11 August 2018 17:11
To: Ext Mail: Planning
Subject: I support TPO E2/28/58
Sensitivity: Personal

18/TQ14 9BA

I write with reference to the above Tree Preservation Order and to express how important this is for our local community. It serves as a wildlife haven in the most socially challenged part of Teignmouth and folk who cannot afford to drive out to the wider countryside can enjoy the health and social benefits of having these trees in their neighbourhood.

In short, THEY MUST BE PROTECTED!

In addition, as a guide dog handler, my dog and I very much benefit from having this piece of countryside so close to our home. PLEASE PROTECT IT!

Sincerely

Phil Jenkins

From: Gib Gill [
Sent: 05 August 2018 08:26
To: Ext Mail: Planning
Subject: TPO Ref: E2/28/58.

I support the TPO Ref: E2/28/58. This are is a nice natural area in an industrial area.
Regards, G.M.Gill,
No. 7, TQ14 8RQ.

From: Lou Jenkins [
Sent: 05 September 2018 20:
To: Ext Mail: Planning <
Subject: TPO Reference E2/28/58

I write in support of the Tree Preservation Order ref: E2/28/58 adjacent to Broadmeadow in Teignmouth. This is not only a much needed scrap of habitat for wildlife, but it is also the only area of native woodland that can be accessed by local children and residents who do not have access to private transport. Some of these trees are old, huge and much loved by those of us who live and walk in this place. It is a favourite destination for my husband and I with our Guide Dogs, where they enjoy a little freedom. It's one of the few places we can reach independently. Please protect this priceless patch of woodland. It is so precious.

Louise Jenkins
Mill Lane
Teignmouth

From: Marcia Smyth [
Sent: 16 March 2018 13:37
To: Ext Mail: Design and Heritage <
Subject: Broadmeadow Tree Preservation Order 2018

Your Ref: E2/28/57

I refer to the provisional tree preservation order that has been applied to the two fields at Broadmeadow.

I agree with this order as the trees are part of the countryside and are home to many varieties of birds and wildlife. They are also part of the visual amenity of the area as you state. This valley extends out to Coombe Lane on the way to Bishopsteignton and It would be totally spoilt if this area was disturbed.

I understand that there has been a proposed future development discussion with Teignbridge council about this land and I sincerely hope that the provisional order is extended thus avoiding the desecration of this natural area.

Marcia Smyth
64 Broadmeadow View
Teignmouth
Devon
TQ14 9BS

Arboricultural Dept
Teignbridge District Council
Forde House
NEWTON ABBOT
TQ124XX

3rd September 2018

Dear Sirs

Tree Preservation Order Broadmeadow Teignmouth E2/28/58

Please find attached a written petition supporting the above tree preservation order.

The people who have signed this petition at Change.org – Save our Woodland, are requesting that the trees and wildlife should be saved and the order made permanent.

Marcia Smyth 64 Broadmeadow View, Teignmouth TQ14 9BS

Roley Williams 56 Broadmeadow View, Teignmouth TQ14 9BS

Andy Henderson 52 Broadmeadow View, Teignmouth TQ14 9BS

Over 300 signatures received

Petition to Save our Woodland at Broadmeadow, Teignmouth

Petition summary and background	To save the woodland at Broadmeadow Teignmouth. A: To call upon Teignbridge District Council to continue with the Tree Preservation Order on the land to the west of Broadmeadow View (W1) B: Call on Teignmouth Town Council to include the area for protection in the local neighbourhood plan.
Action petitioned for	We, the undersigned, are concerned citizens and ask the two councils to save the woodland as above

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Appendix III
Letters of objection

From: Bob Weighton [
Sent: 05 March 2018 13:30
To: Graham Davey
Subject: Broadmeadow

Dear Graham

I did promise you an *aide memoir*, so, sticking in the same idiom and for what it is worth, this is strictly *entre nous*, as I have not received the formal advice from our arboriculturalist and client / land owner

1 The TPO

We understand that TDC's received a number of telephone calls expressing concern that important trees were being removed.

We also understand the concern of some when trimming back the undergrowth is going on: albeit those in the existing flats seemed to welcome this, even making cups of tea for the operatives

Nevertheless we were only managing the area, as any landowner would and should do

What was clear at the officers site visit was that what was actually taking place was management of the area in the interests of good silviculture, removal of brambles and other choking weeds and dead wood, and that trees were not being cut down, or the site cleared. Therefore It was not expedient to serve the Order

If an order were to be confirmed, there were a number of designations to choose from: some more individual and some all encompassing

Much is set out in central government guidance *Tree Preservation Orders and Trees in Conservation Areas*: 2014: DCMS

"An Order can be used to protect individual trees, trees within an area, groups of trees or whole woodlands. Protected trees can be of any size or species"

We have commissioned an arboriculturalist, who has worked with TDC, to advise us. He has visited the land and we will be submitting a formal objection on the basis, but not restricted to, expediency, large parts of the site are indisputably NOT woodland in any event, from an arboricultural standpoint the contribution to public amenity is low, etc

Nonetheless we would prefer to reach an agreement with TDC and welcome a meeting with officers of TDC on the Order as it was set out

This to understand the various objectives and to discuss whether those might be best achieved by working together in some way on an holistic approach, even if that is within a modified Order

2 The site

Broadmeadow is on the western side of Teignmouth

To the east is an area of housing

To the west are community and leisure uses with an indoor sports centre, a nursery and, further north, playing fields

Further west, for perhaps half its length, are commercial (TDC owned site) and retail (Morrison's) uses

To the south is a Community Hall, a children's playground and allotments

There is good public transport from the Morrison's site

The road access at Morrison's is very good and controlled by traffic lights

The whole area was at one time hedged agricultural fields, but is now part developed and part, until recently, unmanaged

The site is set on an escarpment with the 5 storey apartments, managed by Teign Housing, along most of the ridge, and some later two storey private housing to the north

The land drops steeply down to the south, (some 30m), such that there are clear open views from the ridge, with any buildings and vegetation as an underlining

3 Local Plans process

The site was put forward as part of a preferred option in the consultations on the local plan, a much larger site stretched northwards

At the end of this process it was decided that as a priority development in Teignmouth should concentrate on the regeneration of the existing town centre

The site has been resubmitted in the Housing Land Availability Assessment for Greater Exeter Area

4 The opportunity

The site is an opportunity to bring forward and deliver an "affordable led" housing scheme with potential for improved community facilities

Although there have been some very vague suggestions as to what the site might accommodate it is recognised that, without the benefit of a full topological survey including any arboricultural features, it is not easy to bring forward a scheme which truly reflects the land as it is

Nonetheless, the aim would be to provide a wide mix of housing, in terms of size, (1 – 5 bedrooms), type, (single and 2 storey detached, semi-

detached, terrace and low rise apartments), and tenure, (privately owned, shared ownership, rented and socially rented)

A further aim is to ensure that any development is “place making” led and emerges from a true understanding of the site itself

It is already clear that the site has the benefit of some landscape features which could help to mould any proposals and that the “footprint” of built development would be reduced to respect this and the topography, and to provide amenity and other open space: a green biophilic heart to the proposals

The site is available, developable and deliverable

5 Consultation

Over the past year there have been a number of meetings with TDC officers and Teign Housing to refine the “development brief” in terms of the numbers of different tenures and sizes required to meet the identified need

6 Ecology, landscape and arboriculture

To bring forward a concept proposal, properly related to the site, a preliminary topographical survey was commissioned

Ecological survey work has also been undertaken: it concludes that there are no highly protected habitats, or species present

Some work was being undertaken to control the invasive brambles, which made completion of the surveys more difficult: that would have allowed a proper arboricultural survey to be completed and a realistic scheme prepared including landscape proposals with management of what is of value, planting and replanting, and enhancement of amenity

Bob

Robert Weighton

MA (Cantab) Dip Arch Grad Dipl Conservation Studies (AA)

10 Broad Street Stamford PE9 1PG

Key Proposals

A new neighbourhood to the west of Teignmouth which will provide open space, homes and jobs for local residents as well as community facilities and a green buffer to soften the visual impact of the urban extension in this sensitive landscape setting. It will also provide new pedestrian and cycle routes and a new road to help relieve traffic in the town and improve air quality along Bitton Park Road. The new neighbourhood will also be supported by land to provide habitat management for protected wildlife (TE6).

The new neighbourhood is in three phases.



Phase 1 (TE1) at Broadmeadow to Headway Cross for about 270 families including 80 or more homes subsidised by the developer to be affordable for local people. There will be opportunities for new businesses employing about 300 people and built space for vocational training. This phase also includes children's and youth play facilities and a community building.



Phase 2 (TE2) East of Shepherds Lane with room for 560 new homes. About 170 of the homes will be affordable to help local people have a place of their own. This area will have enhanced public access to open space for informal play and recreation. A green buffer will respect the amenities of residential properties on the Lovell Estate to the east.



Phase 3 (TE3) West of Higher Exeter Road. This will provide for about 290 new homes including 85 or more which will be affordable. Additional public open space and informal play and recreation space will also be provided in the Coombe Valley as well as enhancement of Frobisher Woods. A green buffer will respect the amenities of existing residential properties to the south.

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Policy TE4 proposes a number of exciting regeneration proposals within the town including Brunswick Street / Northumberland Place and along the River / Back beach and Fish Quay areas that will help fulfil the town's vision for the future. Enhanced parking will be provided at Quay Road.

A private sector marina (**TE5**) at Polly Steps will help boost tourism in the area associated with water sports and recreation, and enhance Teignmouth's strong maritime culture.

There are a number of ways to view the plan and get involved:

Online: www.teignbridge.gov.uk/planteignbridge

Facebook: [facebook.com/PlanTeignbridge](https://www.facebook.com/PlanTeignbridge)

Twitter: @PlanTeignbridge



You can also view the document at Council offices, Information centres and Libraries

Please submit your comments to us by **4.30pm** on **Friday 2nd March 2012**.

If you need this information in a different language or format phone 01626 361101 or e-mail info@teignbridge.gov.uk

Core Strategy Preferred Options

Summary Leaflet for Teignmouth



The Core Strategy Preferred Options (January 2012) is a step in the direction of a 20 year plan for Teignbridge. It sets out a proposed set of policies, proposals and actions to meet the challenges facing the area.

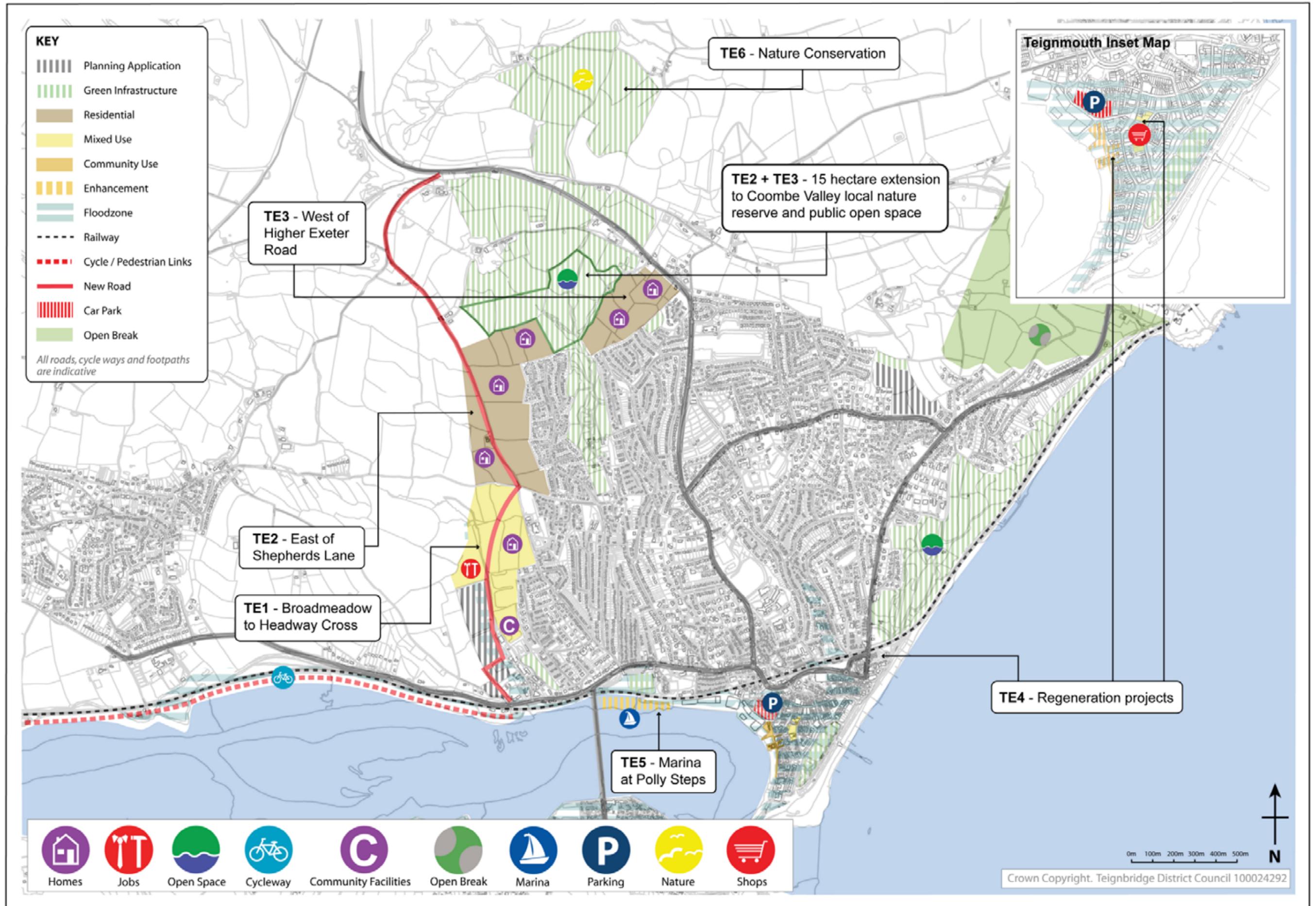
This leaflet summarises the proposals at Teignmouth. Leaflets outlining proposals for other areas of the District are also available. For full details of the policies and to comment on the proposals, go to www.teignbridge.gov.uk/planteignbridge and submit your comments to us by **4.30pm** on **Friday 2nd March 2012**.

There will be a Drop-In Event at Teignmouth Heritage Centre (Museum) on **Saturday 28th January 2012** between **10am and 4pm**.

Teignmouth's 20 year vision is set out in policy S18 and can be summarised as follows:

In a protected coastal setting enclosed by rolling hills and red sandstone stone cliffs, Teignmouth will regain its pride as a regenerated place to support new homes, jobs and services, a seaside resort that is well connected and accessible, a centre for watersports, leisure, music, arts and culture and a well designed town, safe from flood risk, adaptable to climate change and with reduced carbon dependence.





The site sits to the north west of the main town centre district in Teignmouth.

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- Nearby Supermarket development
- Steep sloping site topography
- Series of 5 storey residential flats
- Suburban terraced and semi-detached properties

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River Leigh

Broadmeadow

Neighbouring
Fields



Immediate Context

The site benefits from being bordered by playing fields and open landscapes on two sides, with a patchwork of existing residential developments to the east to link with and become a part of.



Immediate Context

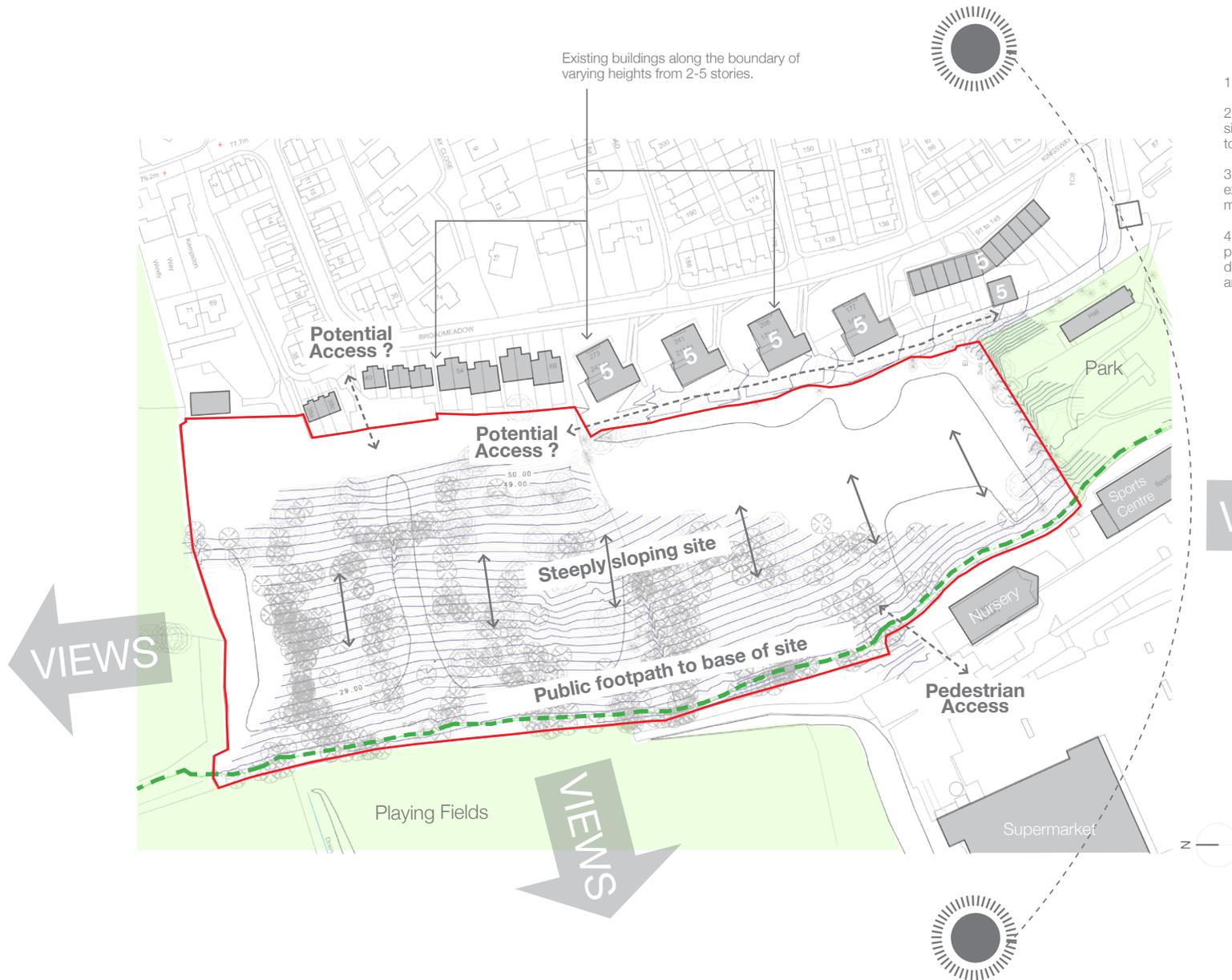
The immediate residential context varies in height from 2 to 5 storeys of varying textures and scales. The images below show the general developments adjacent to the site.



Site Appraisal

1. The site has a steeply sloped topography.
2. Visible connections from the top (east edge) of the site over the landscape beyond and to the River Teign to the south.
3. To the eastern edge of the site is a patchwork of existing housing of varying types and heights. The most dominant of which are a band of 5 storey blocks.
4. To the bottom and western edge of the site is a public footpath adjacent to the Morrisons supermarket development, along with Broadmeadow Sports Centre and associated playing fields.

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From: Jeremy Pierce [
Sent: 26 March 2018 15:59
To: Mark Waddams <
Cc: Graham Davey < Bob Weighton >
Subject: Broadmeadow Teignmouth: Request for extension of time to object or comment on the recent TPO

Mark,

Further to our meeting and following receipt of the official notice that a TPO has been made at Broadmeadow, Teignmouth, I am writing to request an extension to the time limit for us to respond to the TPO.

As I am sure you are aware there are numerous issues that we need to consider and in order to prepare a meaningful response we would like to request an extension to the response period which is currently due to expire on 31/3/18.

I trust that these details are clear, please come back to me if you have any queries or if you need me to confirm this in writing.

Regards,

Jeremy Peirce
Director

Head Office | 46 St Peter Street | Tiverton | EX16 6NR

W | www.jp-associates.co.uk TW |

JPA Arboriculture JPA Trees & Development JPA Land & Habitat

JP Associates provides impartial, quality-assured consultancy to clients involved in development projects, or the management of woodland, open land or urban spaces across the south of the UK.

Our Ref: AS/180409/P2

23 May 2018

Nick Davies
Business Manager – Strategic Place
Teignbridge District Council
Forde House
Brunel Road
Newton Abbot
Devon
TQ12 4XX



By email to designandheritage@teignbridge.gov.uk

Dear Mr Davies,

The District of Teignbridge (Broadmeadow) Tree Preservation Order 2018 (E2/28/57) dated 16 February 2018

Fowler Architecture & Planning Ltd has been instructed by Terrence Stone Construction Limited in respect of the Land at Broadmeadow, Teignmouth that is subject to the above provisional woodland Order.

These representations under regulation 6 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 are made in respect of the proposed woodland area reference W1 on the map on the provisional Order reference E2/28/57. Our client **OBJECTS** to the Order, as drafted, and respectfully requests that it is not confirmed for the following reasons.

LPAs can 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'. Although some trees or woodlands may merit protection on amenity grounds it may not be expedient to make them the subject of an Order.

The significance of the trees and the setting has been a planning consideration as part of the site's assessment as a housing allocation under the Teignbridge Local Plan (1996) and more recently as part of the Teignbridge Local Plan 2013-2033 (2014).

The site formed part of proposed mixed-use allocation TE1 'Broadmeadow to Headway Cross (Phase 1)'¹ in the 2013-2033 plan. The sole reasons for the withdrawal of housing on sites TE1 and TE2 related to viability studies indicating that the quantum of development was not able to fund a necessary link road, also it was held that further housing would add to the current imbalance in the provision of employment land in the town².

¹ Teignbridge District Council Core Strategy DPD 2013-2033 Preferred Options November 2011

² Changes Arising from PlanTeignbridge 2012 Preferred Options Consultation

The Local Plan Inspector³ considered objections to the deletion of TE1 and a separate proposal put forward by our client to develop their component of the proposed allocation for affordable homes. The Inspector concluded the following, which gave no weight to any amenity value of the trees as a barrier to sustainable growth then or in the future:

“A small part of TE1 enclosed by existing development has been put forward as an affordable housing development proposal. On the evidence to the examination, significant doubts remain that adequate access can be obtained and that the scheme would be viable. Given these doubts about effectiveness, I consider the site should not be included in the Plan at this stage.”

It is evident from the above history that the presence of the trees was no barrier to proposing the allocation of the land under TE1 as part of a mixed-use development.

It is also evident that the trees and any amenity value, individually or as a woodland, played no part in the reasons for the withdrawal of TE1 by the LPA, as Examined by the Inspector.

The felling of trees would have no significant negative impact on the local environment and its enjoyment by the public and this matter has been tested at Examination.

It was clearly not expedient in the interests of amenity to make an Order at that time.

Any amenity value of the trees, individually or as a woodland, is not substantially different from that at the time the Local Plan was adopted and the site appraised as part of plan-making. It therefore remains not expedient in the interest of amenity to make an Order.

When considering expediency, the LPA must also take into account the consequences of making an Order on the ability to deliver sustainable development. The LPA currently consulting on the Local Plan Review 2020-2040. A step change in housing supply is expected whereby new figures proposed by the Government increase the target from 620 homes per year to 756. The LPA have only enough brownfield land for 807 new homes so more land is required and will inevitably require greenfield land on the edge of settlements, such as at Teignmouth which is proposed to remain a town in the hierarchy.

Given the previously recognised good potential of the site to accommodate sustainable growth, without harm being attributed to there being a significant negative impact on the local environment and its enjoyment by the public from the loss of trees, our client will be replying to the consultation. They have also instructed a reply is made to the call-for-sites to reaffirm the site is available for residential development, including delivering affordable housing.

The making of an Order would run contrary to the objective to show that protection would bring a reasonable degree of public benefit in the present or future. The call-for-sites and emerging plan is at its infancy and there has been no assessment of the most suitable sites having regard to reasonable alternatives. The value of this site in contributing to housing supply, with an emphasis on affordable housing, has been clearly highlighted over many years. That public benefit would not accrue in the event that this Order is made. A further public disbenefit of a premature Order restricting development at this site, which has previously been proposed as an allocation, will be to increase the likelihood of the plan

³ Teignbridge District Council Local Plan 2013-2033 Inspector’s Report April 2014

resulting in significant adverse impacts, including on European wildlife sites, through development on less suitable sites.

In summary, our client objects to the Order, as drafted. The potential development of the site has not previously provided any substantive objections concerning the loss of trees resulting in a significant negative impact on the local environment and its enjoyment. There are recognised public benefits of the potential for residential development at the site and this is not outweighed by amenity considerations of the proposed woodland Order. It is not in the public interest and therefore not expedient for the LPA to make the Order.

Our client welcomes the opportunity to discuss with the LPA the implementation of good Arboricultural management for the trees and formalising public access as part of any future development.

JP Associates are instructed to advise of arboricultural implications, including responding under separate cover with arboricultural objections to the Order, as drafted. Their input is invaluable in the development of revised illustrative layouts to show how the site can be developed in a way that integrates with the landscape setting, including the retention of trees and areas of trees. These proposals are being prepared to inform the Vision Statement that will be submitted to the LPA as part of the Local Plan Review consultation. The Vision Statement will outline how the site could be developed alongside measures to enable the development to proceed. I request that our client be afforded the opportunity to further develop the scheme and that discussions can be ongoing with the LPA.

I trust that this objection to the Order, complies with regulation 6 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 and duly made.

Please do not hesitate to contact me should you require any further information.

Yours sincerely,

Aaron Smith BA(Hons) Dip TP MRTPI

FOWLER ARCHITECTURE AND PLANNING

cc: Client

Mark Waddams (Teignbridge District Council Senior Arboricultural Officer) -
mark.waddams@Teignbridge.gov.uk

David Kiernan (Teignbridge District Council Principal Policy Officer)
David.kiernan@teignbridge.gov.uk

Jeremy Pierce (JP Associates) jpp@jp-associates.co.uk

From: Aaron Smith [
Sent: 08 June 2018 09:23
To: Mark Waddams <
Cc: Jeremy Peirce <
Subject: RE: The District of Teignbridge (Broadmeadow) Tree Preservation Order 2018 (E2/28/57)

Dear Mark

Further to our conversation today, at our meeting last week we were advised to make written submissions by the end of June, but I now understand your deadline for committee is 22nd June meaning our submissions are required in the middle of next week. We are not able to finalise our review and issue representations in that timescale. The option available to the Council is suggested in your email. While our client wishes to have no order, to enable continued discussions on this matter and submissions, in order to progress matters and provide comfort to the Council, would the Council therefore consider making a second order that will be provisional for a further 6 months in order to ensure the continued protection of the trees? I look forward to hearing from you.

Kind regards

Aaron Smith BA(Hons) DipTP MRTPI

FOWLER ARCHITECTURE AND PLANNING

19 High Street, Pewsey, Wiltshire SN9 5AF | W: www.faap.co.uk



Ref: D14 358 02
8 June 2018

Head Office

46 St Peter Street
Tiverton | EX16 6NR

T 0845 643 1161

E office@jp-associates.co.uk

W www.jp-associates.co.uk

Fao Nick Davies

Business Manager – Strategic Place
Teignbridge District Council
Forde House
Brunel Road
Newton Abbot
TQ12 4XX

Dear Mr Davies,

Re: Objection and Representation to The District of Teignbridge (Broadmeadow) Tree Preservation Order 2018

Further to various meetings and conversations with several Council Officers I am writing to forward the following objection to the above Tree Preservation Order (TPO).

Objections:

We are objecting to the TPO on two separate grounds:

Firstly, we feel that the presence of the order will prevent our clients (the land owner) from managing and enjoying their land as they see fit and this may prevent them from undertaking their future plans for the site.

Secondly and perhaps more specifically, we are objecting to the order on the grounds that the designation of a woodland order over the whole site is not appropriate. While some of the site's tree cover may merit a woodland designation, a significant proportion of the site does not merit protection as a woodland.



Tree Survey:

Following various discussions and conversations with Council Officers the topographic survey of the site has been updated and we have carried out a survey of the trees on the site.

I attach a plan and schedule that outline our findings.

From the evidence of various historic images (happy to forward if needed) the site was formally three agricultural fields, separated by hedges – that are still evident and numbered H9, H18, H19 and H20. The site fell out of agricultural production sometime after the last war and the trees and scrub have since developed as a result of lack of management rather than any planned silvicultural decision. This being said, from an arboricultural and landscape perspective A1, A2 and A3 are now effectively mixed broadleaved woodland, though several discrete areas are in need of planned silvicultural or amenity management. While our survey breaks the wooded area in to areas that reflect the old field system, they effectively form contiguous woodland.

The woodland that is in places quite dense generally thins out towards the east and south, where the site is more 'open' (please refer to attached photos 1-7). The difference in the site is partly as a result of the scrub clearance that was carried out before the TPO was imposed, but there is also a definite change in the makeup of the canopy cover. The plan indicates that much of the area south and east of the denser tree cover is 'dense blackthorn scrub' and 'largely overgrown' (please refer to attached photos 8-11). The area that has a different character from the wooded area extends to some 1.2Ha (depending on interpretation).

The area that was cleared was an extension of this dense growth. While a 'woodland' can include discrete areas of scrub and even open space, the predominant cover should be 'trees' and this area is not predominantly trees, it is predominantly dense blackthorn, goat willow and bramble 'scrub'. Within the scrub area there are distinct trees – surveyed as G6, G7, T8, G13, G15 and G16 but the over-all character of the area is not woodland.

The boundaries include significant amounts of elm, particularly the western boundary, surveyed as G5 that is almost entirely elm that has already started to die off (from Dutch elm disease). It is most likely that all the elm will die within the next few years, including the larger elm of G14 adjacent to the apartment buildings to the east.

Representation:

In addition to other objections and representations raised by the project team and the two objections outlined in this letter, I'd like to make the representation that the TPO should be modified to reflect the findings of our survey. The extent of the woodland order should be modified to reflect our survey findings. The south and east areas of the site could either then be

omitted from the order or designated as an area order that covers only the oak, ash and field maple.

While the area order designation is not suitable for long term protection, it will protect the specified trees. This will allow the scrub to be cleared and for any alternative proposals for this area of the site to be bought forward in conjunction with LPA Officers in the usual way.

Proposals:

While I have not been party to the earlier meetings with Council Officers or been involved with the initial proposals for the site, the site has been listed in several iterations of various local plans. So there is clearly a planning history to the site that has led to various designations that have not come to fruition for one reason or another. The initial meetings held with Council Officers prior to the making of the order indicate a clear intention that the site or part of it could be developed as a social lead residential scheme. If the woodland order is revoked or modified as outlined above, it will allow proposals to be bought forward for part of the site. These proposals could include the preparation and implementation of a detailed woodland management plan to improve the more wooded areas of the site along with officially securing access to the woodland so that it could be designated and adopted as a community woodland/facility.

I trust that these details are clear; please come back to me if you have any comments or queries.

Yours sincerely,

Jeremy Peirce
JP Associates

Encs: Tree Survey Plan; Tree Survey Schedule; Photos 1-7; Photos 8-11

Site: Broadmeadow Teignmouth
Client/Ref: D14 358

Surveyor: JPA/DJV
Date: 16/05/2018

Weather: Dry

Tree Ref	Species	Height (m) Ext/Mat	Diameter (mm)	SS/MS	Age	Crown Spread NESW (m)	Crown Clearance (m)	Condition Physiological	Condition Structural	ERC	Comments/ Recommended Work
A1	Ash, oak, hawthorn, willow, blackthorn	12	400	SS	EMAT	5avg	1	Good	Good	40+	Area of early mature woodland mixed species woodland with discreet pockets of same species tree, understorey of Hawthorn and Blackthorn. Some larger trees particularly on the northern boundary
A2	Ash, oak, hawthorn, willow, sycamore, blackthorn	12	400	SS	EMAT	5avg	1	Good	Good	40+	Area of early mature mixed species broadleaved woodland with noteworthy individuals & small groups, becoming more open towards the eastern side. Sycamores generally squirrel damaged
A3	Ash, oak, hawthorn, sycamore, field maple	13	450	SS	EMAT	5avg	1	Good	Good	40+	Area of early mature mixed broadleaved woodland becoming more open to the south end
T4	Oak	17	1100	SS	MAT	9,7,12,10	2	Good	Good	40+	Significant boundary tree growing within H18
G5	Elm	10	200	SS	EMAT	3avg	2	Declining	Good	> 10	Linear screen/hedge/group all along the western boundary, dutch elm disease noted on a few specimens, high likelihood of remaining trees succumbing to the disease
G6	Field maple, hazel	10	450	SS	MAT	5	2	Normal	Adapted	20 to 40	Discreet group near to access path from the car park.
G7	Field maple	12	400	SS	EMAT	5.5	2	Normal	Adapted	20 to 40	Small group towards the southern tip of the site
T8	Ash	16	700	SS	MAT	6.5	1.5	Normal	Adapted	20 to 40	Individual tree growing within general scrub area, close to boundary (H9)
H9	Hazel, elm, hawthorn	6	350	MS	EMAT	4avg	0	Normal	Adapted	10 to 20	Old unmanaged boundary hedge
G10	Field maple, sycamore	15	500	SS	EMAT	5avg	1	Normal	Adapted	20 to 40	2 larger larger trees within boundary (H9) - sycamore poor form
T11	Sycamore	18	800	SS	MAT	9avg	1.5	Normal	Adapted	40+	Larger individual specimen within south east corner group (G12)
G12	Sycamore	17	600	SS	MAT	6avg	2	Normal	Adapted	20 to 40	South east corner group
G13	Ash, oak, sycamore	12	500	SS	EMAT	5avg	2	Normal	Adapted	20 to 40	Group within large area of blackthorn understorey/scrub area.
G14	Elm	13	450	SS	EMAT	6avg	1	Normal	Adapted	> 10	Group of elm adjacent to car park; likely to die off in next few years (1 already dead just below)
G15	Oak	11	500	SS	EMAT	6avg	1	Normal	Adapted	40+	group of three - potential to remove 2 trees to leave central tree to develop
G16	Oak, field maple	13	500	SS	EMAT	5.5	1	Normal	Adapted	40+	Group of 2 trees adjacent to edge of scrub area
T17	Veteran oak	17	1000	SS	OMAT	8avg	2	Good	Adapted	40+	Large veteran oak growing on the boundary with playing field
H18	Mixed species boundary hedgrow	18	400 - 800	MS	MAT	8avg	0	Normal	Adapted	20 to 40	Boundary hedge with off-site agricultural fields, largely unmanaged and now a line of trees
H19 - H20	Mixed species hedgrows	17	400-800	MS	OMAT	6avg	0	Normal	Adapted	10 to 20	Former agricultural field hedges that previously divided the site, now developed in to an unmanaged lines of mature trees

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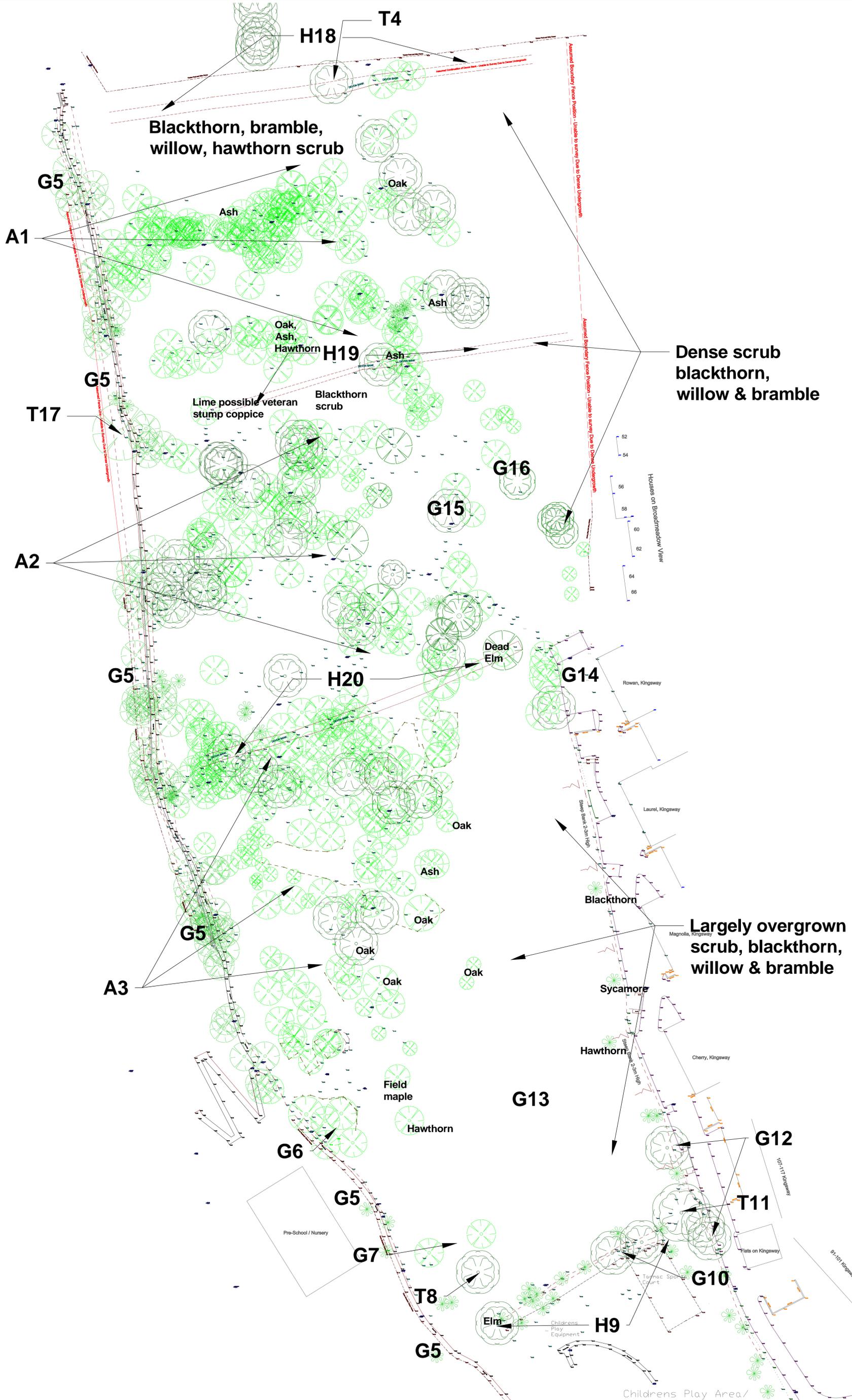
51







54



**Broadmeadow, Teignmouth:
Tree Survey Plan**

Client:	Terence Stone
Plan Ref:	D14 358 P1
Drawn by:	DJV/JPP
Date:	5/18
Scale:	1:500



Head Office

46 St Peter Street
Tiverton | EX16 6NR

T 0845 643 1161

E office@jp-associates.co.uk

W www.jp-associates.co.uk

30 August 2018
Ref; D14 358 03

Fao Nick Davies

Business Manager – Strategic Place
Teignbridge District Council
Forde House
Brunel Road
Newton Abbot
TQ12 4XX

Dear Mr Davies,

Re; Arboricultural Comments on Broadmeadow Vision Statement

Further to the recent publication of the Broadmeadow Vision Statement I am writing to present the following comments made from an arboricultural perspective.

Firstly, I can confirm that I have been involved with this project since the LPA stopped the clearance work and made the initial TPO back in December last year. I have meet with Mark Waddams and various other Council Officers, worked as part of the wider project design team and have made an arboricultural objection and representation to the TPO (JPA Ref; D14 358 02 dated June 2018) that is also being submitted now in support of the Vision Statement.

The central element of my work has been to advice the design team on the arboricultural merits of the existing tree stock and to advice how any potential layout proposals should respond to the arboricultural constraints associated with the more significant trees.

As my objection/representation to the TPO is also being submitted as part of the supporting information for the Vision Statement I need not repeat the findings of the survey or the discussion here.

Sufficient to say that the representation, backed up by the findings of the tree survey, recommends that while areas of the site would merit continuing statutory protection as a



woodland, the cover in other areas of the site does not. The tree survey found that the better trees were broadly located in the north and west of the site and that the tree cover largely turned in to dense scrub in the south and east.

In line with accepted best planning and design practice the design team has used the findings of the tree survey to influence the vision statement layout (as presented on page 74 of the vision statement).

My representation concludes the following:

Representation:

In addition to other objections and representations raised by the project team and the two objections outlined in this letter, I'd like to make the representation that the TPO should be modified to reflect the findings of our survey. The extent of the woodland order should be modified to reflect our survey findings. The south and east areas of the site could either then be omitted from the order or designated as an area order that covers only the oak, ash and field maple.

While the area order designation is not suitable for long term protection, it will protect the specified trees. This will allow the scrub to be cleared and for any alternative proposals for this area of the site to be brought forward in conjunction with LPA Officers in the usual way.

Having worked with the design team in producing the vision statement layout, the findings of my representation still stand as the best way to provide continuing statutory protection for the better trees, while allowing sustainable development proposals to be brought forward for the less well treed areas of the site.

I trust that these details are clear, please don't hesitate to contact me if you have any comments or queries.

Yours sincerely,

Jeremy Peirce
JP Associates

Our Ref: AS/180409/P4

31 August 2018

Nick Davies
Business Manager – Strategic Place
Teignbridge District Council
Forde House
Brunel Road
Newton Abbot
Devon
TQ12 4XX



By email to designandheritage@teignbridge.gov.uk

Dear Mr Davies,

The District of Teignbridge (Broadmeadow 2) Tree Preservation Order 2018 (E2/28/58) dated 23 July 2018

Fowler Architecture & Planning Ltd has been instructed by Terence Stone Homes in respect of the 'Land at Broadmeadow, Teignmouth' that is subject to the above provisional woodland Order. These representations under regulation 6 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 are made in respect of the proposed woodland area reference W1 on the map on the provisional Order reference E2/28/58. Our client **OBJECTS** to the Order, as drafted, and respectfully requests that it is not confirmed for the following reasons.

LPAs can 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*'. Although some trees or woodlands may merit protection on amenity grounds it may not be expedient to make them the subject of an Order.

The significance of the trees and the setting has been a planning consideration as part of the site's assessment as a housing allocation under the Teignbridge Local Plan (1996) and more recently as part of the Teignbridge Local Plan 2013-2033 (2014).

The site formed part of proposed mixed-use allocation TE1 'Broadmeadow to Headway Cross (Phase 1)'¹ in the 2013-2033 plan. The sole reasons for the withdrawal of housing on sites TE1 and TE2 related to viability studies indicating that the quantum of development was not able to fund a necessary link road, also it was held that further housing would add to the current imbalance in the provision of employment land in the town².

The Local Plan Inspector³ considered objections to the deletion of TE1 and a separate proposal put forward by our client to develop their component of the proposed allocation for

¹ Teignbridge District Council Core Strategy DPD 2013-2033 Preferred Options November 2011

² Changes Arising from Plan Teignbridge 2012 Preferred Options Consultation

³ Teignbridge District Council Local Plan 2013-2033 Inspector's Report April 2014

affordable homes. The Inspector concluded the following, which gave no weight to any amenity value of the trees as a barrier to sustainable growth then or in the future:

“A small part of TE1 enclosed by existing development has been put forward as an affordable housing development proposal. On the evidence to the examination, significant doubts remain that adequate access can be obtained and that the scheme would be viable. Given these doubts about effectiveness, I consider the site should not be included in the Plan at this stage.”

It is evident from the above history that the presence of the trees was no barrier to proposing the allocation of the land under TE1 as part of a mixed-use development.

It is also evident that the trees and any amenity value, individually or as a woodland, played no part in the reasons for the withdrawal of TE1 by the LPA, as Examined by the Inspector.

The felling of trees would have no significant negative impact on the local environment and its enjoyment by the public and this matter has been tested at Examination.

It was clearly not expedient in the interests of amenity to confirm an Order at that time.

Any amenity value of the trees, individually or as a woodland, is not substantially different from that at the time the Local Plan was adopted and the site appraised as part of plan-making. It therefore remains not expedient in the interest of amenity to confirm the Order.

When considering expediency, the LPA must also take into account the consequences of making an Order on the ability to deliver sustainable development. The LPA have recently consulted on the Local Plan Review 2020-2040 Issues Consultation. A step change in housing supply is expected whereby new figures proposed by the Government increase the target from 620 homes per year to 756. The LPA have only enough brownfield land for 807 new homes so more land is required and will inevitably require greenfield land on the edge of settlements, such as at Teignmouth which is proposed to remain a town in the hierarchy.

Given the previously recognised good potential of the site to accommodate sustainable growth, without harm being attributed to there being a significant negative impact on the local environment and its enjoyment by the public from the loss of trees, our client has replied to the consultation. They have also submitted the site as part of the Call-for-Sites to reaffirm the site is available for residential development, including delivering affordable housing.

I enclose a copy of the: written representations made to the Local Plan Review consultation; Call-for-Sites submission; and the detailed Vision Statement to confirm the progress we have made since our meeting on 1st June 2018.

The Vision Statement includes developed illustrative proposals for the site, including in conjunction with adjoining land to the immediate south. These schemes have taken into account the current and historic landscape framework of the site, including retention of a wooded buffer to the north and west. Our client would welcome discussions with the Council about the making of an alternative Order to facilitate the long-term protection of trees at the site boundaries and buffer areas as indicated in the Vision Statement.

Ultimately, the confirming of this Order would run contrary to the objective to show that protection would bring a reasonable degree of public benefit in the present or future. The call-for-sites and emerging plan are at their infancy and there has been no assessment of the

most suitable sites having regard to reasonable alternatives. The value of this site in contributing to housing supply, with an emphasis on affordable housing, has been clearly highlighted over many years. That public benefit would not accrue in the event that this Order is confirmed. A further public disbenefit of a premature Order restricting development at this site, which has previously been proposed as an allocation, will be to increase the likelihood of the plan resulting in significant adverse impacts, including on European wildlife sites, through development on less suitable sites.

In summary, our client objects to the Order, as drafted. The potential development of the site has not previously provided any substantive objections concerning the loss of trees resulting in a significant negative impact on the local environment and its enjoyment. There are recognised public benefits of the potential for residential development at the site and this is not outweighed by amenity considerations of the proposed woodland Order. It is not in the public interest and therefore not expedient for the LPA to confirm the Order.

Our client welcomes the opportunity to discuss with the LPA the implementation of good Arboricultural management for the trees and formalising public access as part of any future development based on the illustrative scheme presented in the Vision Statement. JP Associates are instructed to advise of arboricultural implications, including responding under separate cover with arboricultural objections to the Order, as drafted. Their input has been invaluable in the development of Vision Statement to show how the site can be developed in a way that integrates with the landscape setting, including the retention of trees and areas of trees. I request that our client be afforded the opportunity to further develop the scheme and that discussions can be ongoing with the LPA concerning the masterplan.

I trust that this objection to the Order, complies with regulation 6 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 and duly made.

Please do not hesitate to contact me should you require any further information.

Yours sincerely,

3A(Hons) Dip TP MRTPI

FOWLER ARCHITECTURE AND PLANNING

cc: Client

Mark Waddams (Teignbridge District Council Senior Arboricultural Officer) -
mark.waddams@Teignbridge.gov.uk

David Kiernan (Teignbridge District Council Principal Policy Officer)
David.kiernan@teignbridge.gov.uk

Jeremy Pierce (JP Associates) jpp@jp-associates.co.uk

Enc: JP Associates Representations

Land at Broadmeadow, Teignmouth – Vision Statement

Representations on behalf of Terence Stone Homes to the Teignbridge Local Plan Review Issues Consultation and Call-for-Sites (July 2018)

TREE PRESERVATION ORDER

Town and Country Planning Act 1990

The District of Teignbridge (Broadmeadow 2) Tree Preservation Order 2018

The Teignbridge District Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990, hereby make the following Order

Citation

1. This Order may be cited as **The District of Teignbridge (Broadmeadow 2) Tree Preservation Order 2018**

Interpretation

2. (1) In this Order “the authority” means the Teignbridge District Council
- (2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
- (2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall:
- a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,
- any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 23 July 2018

Signed on behalf of the Teignbridge District Council

.....
 Authorised by the Council to sign in that behalf

CONFIRMATION OF ORDER

This Order was confirmed by the Teignbridge District Council without modification on the

Date:

OR

This Order was confirmed by the Teignbridge District Council, subject to the modifications indicated by:

- the substitution of the original Schedule 1 (which is shown deleted by a black line) with the new substituted Schedule 1, which is marked "Substituted Schedule 1"
- the substitution of the original Plan (which is shown deleted by a black line) with the new substituted Plan, which is marked "Substituted Plan"

Date:

Signed on behalf of the Teignbridge District Council

.....

Authorised by the Council to sign in that behalf

DECISION NOT TO CONFIRM ORDER

A decision not to confirm this Order was taken by Teignbridge District Council on:

Date:

Signed on behalf of the Teignbridge District Council

.....

Authorised by the Council to sign in that behalf

VARIATION OF ORDER

This Order was varied by the Teignbridge District Council on the [INSERT DATE] by a variation order under reference number [INSERT REFERENCE NUMBER TO THE VARIATION ORDER] a copy of which is attached:

Signed on behalf of the Teignbridge District Council

.....

Authorised by the Council to sign in that behalf

REVOCATION OF ORDER

This Order was revoked by the Teignbridge District Council on the:

Date:

Signed on behalf of the Teignbridge District Council

.....

Authorised by the Council to sign in that behalf

FIRST SCHEDULE

SPECIFICATION OF TREES

TREES SPECIFIED INDIVIDUALLY
(NONE)

TREES SPECIFIED BY REFERENCE TO AN AREA
(NONE)

GROUP OF TREES
(NONE)

WOODLAND
(Within a continuous black line on the map)

REFERENCE ON MAP	DESCRIPTION	SITUATION
W1	Trees of whatever species	As shown on the plan attached to this Tree Preservation Order



Scale:
1:2,500

District of Teignbridge (Broadmeadow 2) Tree Preservation Order 2018

E2/28/58



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