

# PLANNING COMMITTEE REPORT

15 December 2020

CHAIRMAN: Cllr Mike Haines



**SUBJECT:** District of Teignbridge (Doveteign) Tree Preservation Order 2020

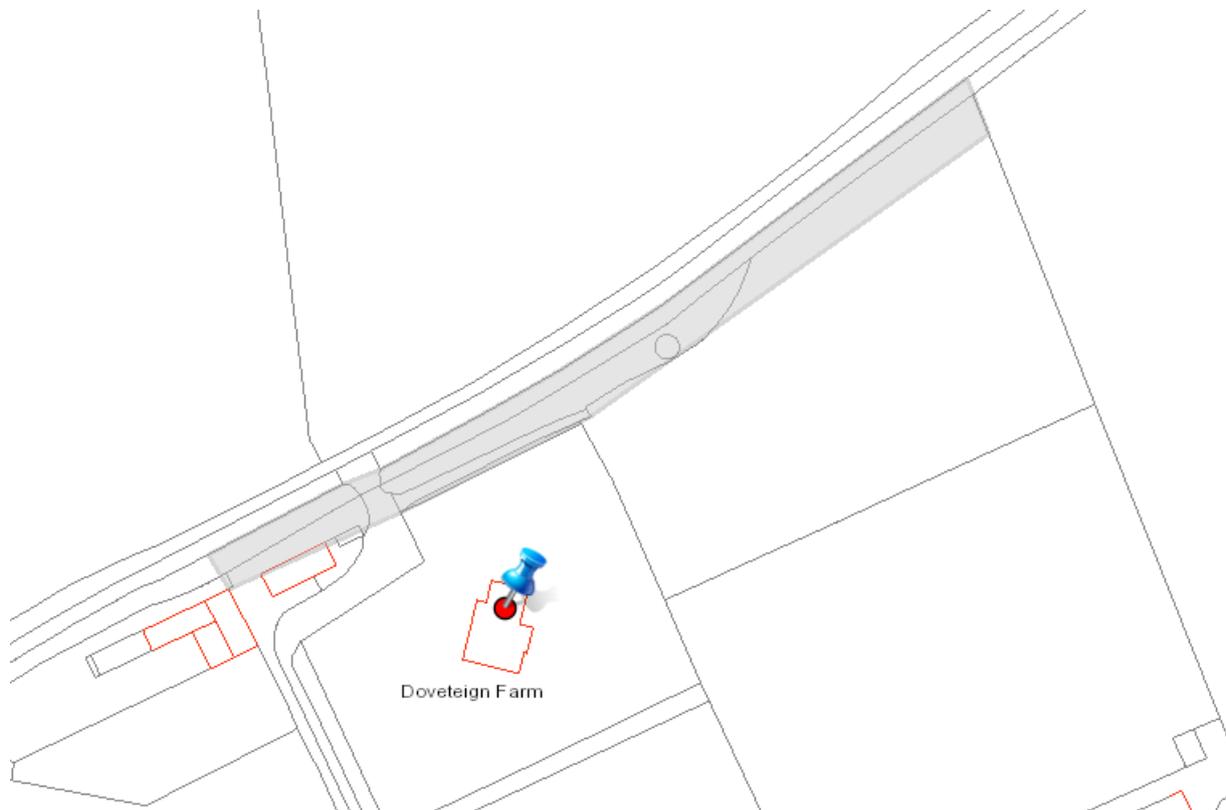
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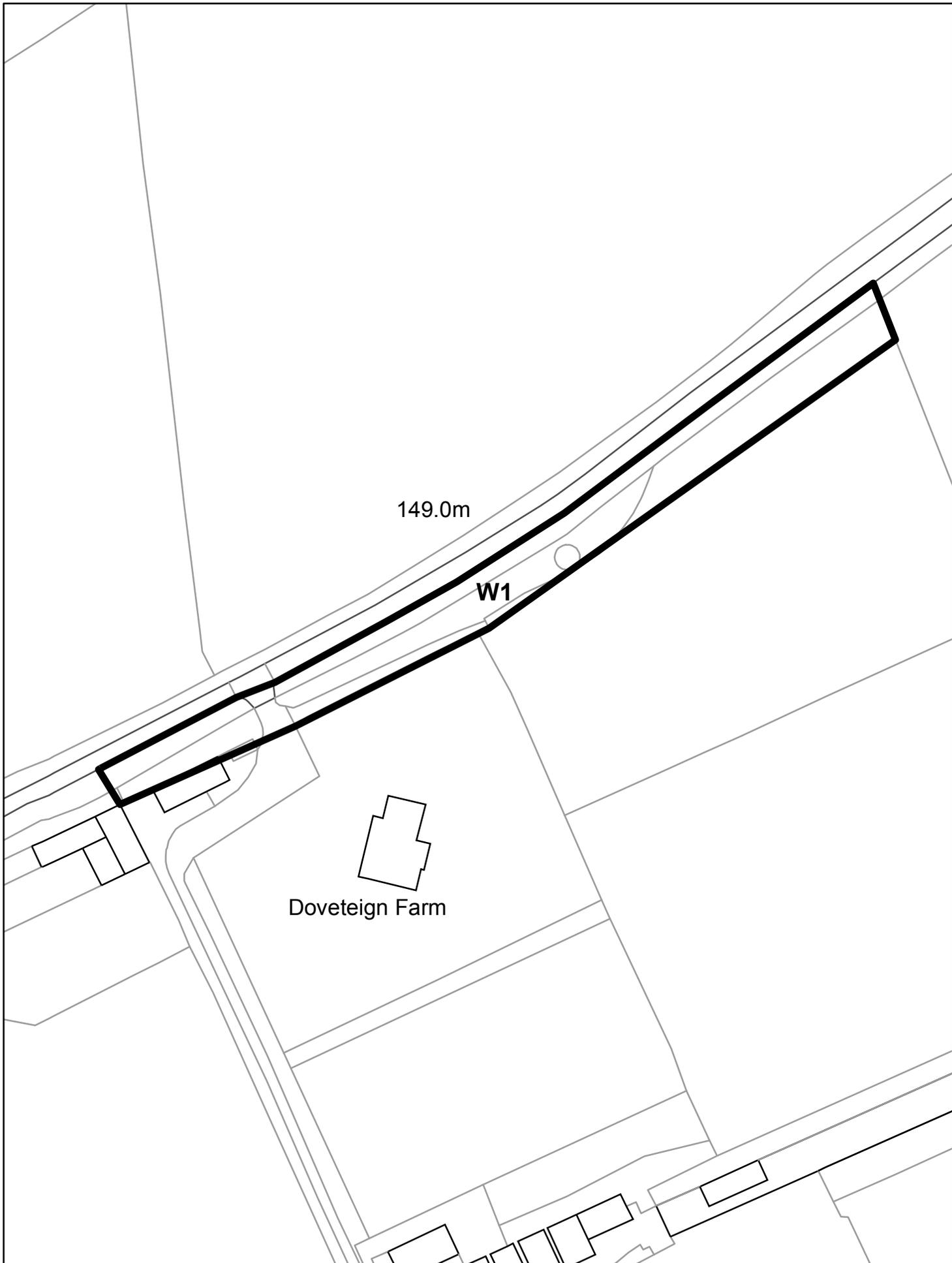
**CASE OFFICER:** Mark Waddams

**WARD COUNCILLORS** Cllr Robert Phipps

Cllr Sylvia Russell

Teignmouth East





Scale:  
1:1,000

### District of Teignbridge (Doveteign) Tree Preservation Order 2020



E2/28/66



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## RECOMMENDATION

### The Planning Committee is recommended to resolve that:

District of Teignbridge (Doveteign) Tree Preservation Order 2020 is confirmed unmodified.

#### 1. PURPOSE

District of Teignbridge (Doveteign) Tree Preservation Order 2020 protects a line of trees, predominantly beech trees, located on or close to the north western boundary of Doveteign Holcombe Down Road TQ14 9NS, as shown on the plan that forms part of District of Teignbridge (Doveteign) Tree Preservation Order 2020

The provisional tree preservation order (TPO) was served on 17 July 2020. The provisional protection will cease on 17 January 2021, if it is not confirmed.

#### 2. BACKGROUND

The provisional TPO was made following the receipt of two planning applications reference numbers 20/00966/FUL & 20/00967/FUL that propose the construction of two new access points. The creation of which had the potential to have an adverse effect on a number of trees.

Local Planning Authorities (LPAs) have a duty under Part VIII Section 197 of the Town and Country Planning Act 1990 (TCPA) to ensure the protection of trees by making TPOs where it is considered necessary. 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".

Further guidance may be found in National Planning Policy Guidance "Tree Preservation Orders and trees in conservation areas"

#### 3. REASON

The trees are highly visible forming a linear landscape feature that contributes significantly to the visual amenity of the area. The loss, or degradation of this feature would have a detrimental impact upon the visual amenity of the area.

Owing to the number of trees included within the tree preservation order, the scoring of the trees using the amenity rating system is not considered appropriate.

Owing to the importance of the trees within the local landscape, The District of Teignbridge (Doveteign) Tree Preservation Order 2020 was made and served on 17 July 2020.

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One letter of objection has been received.

### **The objection can be summarised as follows:**

1. The tree preservation order protects a line of trees 158m long, the total width of the proposed access drives is 9m.
2. The effect of the tree preservation order and the Council's Arboricultural Officer's objection has resulted in the planning applications being withdrawn.
3. No trees would be removed without gaining consent from the local planning authority
4. It is not clear if the trees have been inspected, in the absence of any risk associated with the trees the only trees to be removed are those associated with the planning applications.
5. The trees do not form a woodland.
6. Individually some of the trees are of a poor quality and not worthy of protection.
7. The trees may require management in the future.
8. The preservation order should be amended to protect only high quality trees.

See below to view full documents\*

### **Officer Comment:**

1. While the total width of the access drives is 9m, the construction of the access drives will encroach into the root protection areas for trees on either side of each access.
2. The decision to withdraw an application rests with the applicant, the applicant can appeal any refused planning application.
3. If the trees are not protected consent from the local planning authority to fell trees is not required.
4. When making a tree preservation order the Council's Arboricultural Officer does not undertake a detailed inspection of trees to be included within the order, but they are familiar with the trees in this location and consider they merit protection.
5. The use of a woodland designation does not confer the status of a woodland on the trees protected.
6. Collectively as a group, the trees form an important landscape feature, it is accepted that individually some trees may not be worthy of protection.
7. The Council would look upon an application to undertake any management works to trees on the merits of the application.

## **4. SUSTAINABILITY IMPLICATIONS**

Trees are a vital component of a sustainable future, serving to absorb CO<sup>2</sup>, 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

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built environment. Trees provide a sense of place, habitat for fauna and flora, as well as uplifting the spirits of many people.

### 5. FINANCIAL IMPLICATIONS

None

### 6. OPTIONS

The Planning Committee can decide to:

- Confirm the Tree Preservation Order unmodified
- Confirm the Tree Preservation Order in a modified form
- Not to confirm the Tree Preservation Order

**Officer Name: Mark Waddams**

**Officer Designation: Arboricultural Officer**

**The box below to be completed by the report author.**

<b>Wards affected</b>	<b>TEIGNMOUTH</b>
<b>Contact for any more information</b>	Mark Waddams (01626) 215708
<b>Appendices attached:</b>	

\*All relevant documents may be viewed on our website here:

[http://docimages.teignbridge.gov.uk/Planning/lg/GFPlanningDocuments.page?org.apache.shale.dialog.DIALOG\\_NAME=gfplanningsearch&Param=lg.Planning&viewdocs=true&SDescription=E2/28/66](http://docimages.teignbridge.gov.uk/Planning/lg/GFPlanningDocuments.page?org.apache.shale.dialog.DIALOG_NAME=gfplanningsearch&Param=lg.Planning&viewdocs=true&SDescription=E2/28/66)

Or via an address search:

<https://www.teignbridge.gov.uk/planning/forms/protected-tree-checker/>

- Click on the map within the highlighted area of the TPO that you want to see – a 'Results' table will appear
- Scroll down to see the information
- Click on 'Associated Documents' to see the documents.

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## APPENDIX I

### AMENITY EVALUATION RATING FOR TPOs

TPO No:	E2/28/66	Site Visit Date:	
TPO Name:	District of Teignbridge (Doveteign) Tree Preservation Order 2020	Effective Date:	17 July 2020
Address	Doveteign, Holcombe Down Road, Teignmouth, Devon, TQ14 9NS	TPO Designation	
Rating		Surveyed by:	Mark Waddams
Reason for TPO	Planning applications have recently been received, reference numbers 20/00966/FUL & 20/00967/FUL, that propose the construction of two new access points, the creation of which have the potential to have an adverse effect on a number of mature beech trees.		