

REGULATORY & APPEALS COMMITTEE

CHAIRMAN: Cllr Charlie Dennis

DATE: 29 October 2018

REPORT OF: Arboricultural Officer

SUBJECT: The District of Teignbridge (6 Millin Way) Tree Preservation Order 2018
E2/29/92

PART I

RECOMMENDATION

The Regulatory & Appeals Committee is recommended to resolve that:

The District of Teignbridge (6 Millin Way) Tree Preservation Order 2018 is confirmed unmodified.

1. PURPOSE

The District of Teignbridge (6 Millin Way) Tree Preservation Order 2018 protects two oak trees located within the garden of 6 Millin Way, Dawlish Warren

The Tree Preservation Order (TPO) was served on 15 May 2018. The provisional protection will cease on 15 November 2018, if it is not confirmed.

2. BACKGROUND

The Tree Preservation Order was made following the submission of planning application 18/00749/FUL. The proposal would have had a significant adverse effect upon the two oak trees located on or adjacent to the eastern boundary of the site.

The above application was withdrawn on 7 June 2018, via an email that stated the application was to be re-submitted with amended designs, tree survey and landscaping scheme to hopefully alleviate the concerns currently facing the project.

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.

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“Tree Preservation Orders - A Guide to the Law and Good Practice” (published by the then DETR) provides additional guidance on when to serve 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.

While the trees have been substantially pruned in the past and do not have a traditional form, 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.

The trees have an amenity rating of 16. The suitable benchmark rating for inclusion within a tree preservation order is 15.

Owing to the importance of the trees within the local landscape, The District of Teignbridge (6 Millin Way) Tree Preservation Order 2018 was made and served on 15 May 2018.

One letter of objection has been received from the owner of the trees

The objection can be summarised as follows:

- I cannot possibly see how anyone can consider this tree to be worthy of protection. The crown has been cut off at 2.6m above the ground.
- I do feel that T2 is a danger to life and property now that you have brought it to my attention again. I think it should be felled immediately.
- I have spoken to you many times and written to you and you visited the property about the trees within the last 4 years. You informed me that they were of no value and I could do what I liked with them.
- Over the last 4 years I have complained to you many times about people cutting trees down within a 600m radius of Millin Way, and in that time we have lost 32 mature trees, and over 200 younger trees have been permanently damaged by the chainsaw. You would not do anything to stop this. What is the difference now?

Officer Comment:

- While the trees have been substantially pruned in the past and do not have a traditional form, the trees are highly visible and contribute to the visual amenity of the area.

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- No information has been provide by a suitably qualified arboriculturalist that indicates the trees are unstable or in dangerous condition.
- The Council's Arboricultural Officer has no recollection of visiting the trees and informing the owner he could "could do what I liked with them", or being contacted regarding the loss and damage of the 232 trees referred to above.

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

Office Name: Mark Waddams

Officer Designation: Arboricultural Officer

The box below to be completed by the report author.

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| Wards affected | DAWLISH |
| 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: |