

PLANNING COMMITTEE REPORT

15 June 2021

CHAIRMAN: Cllr Mike Haines

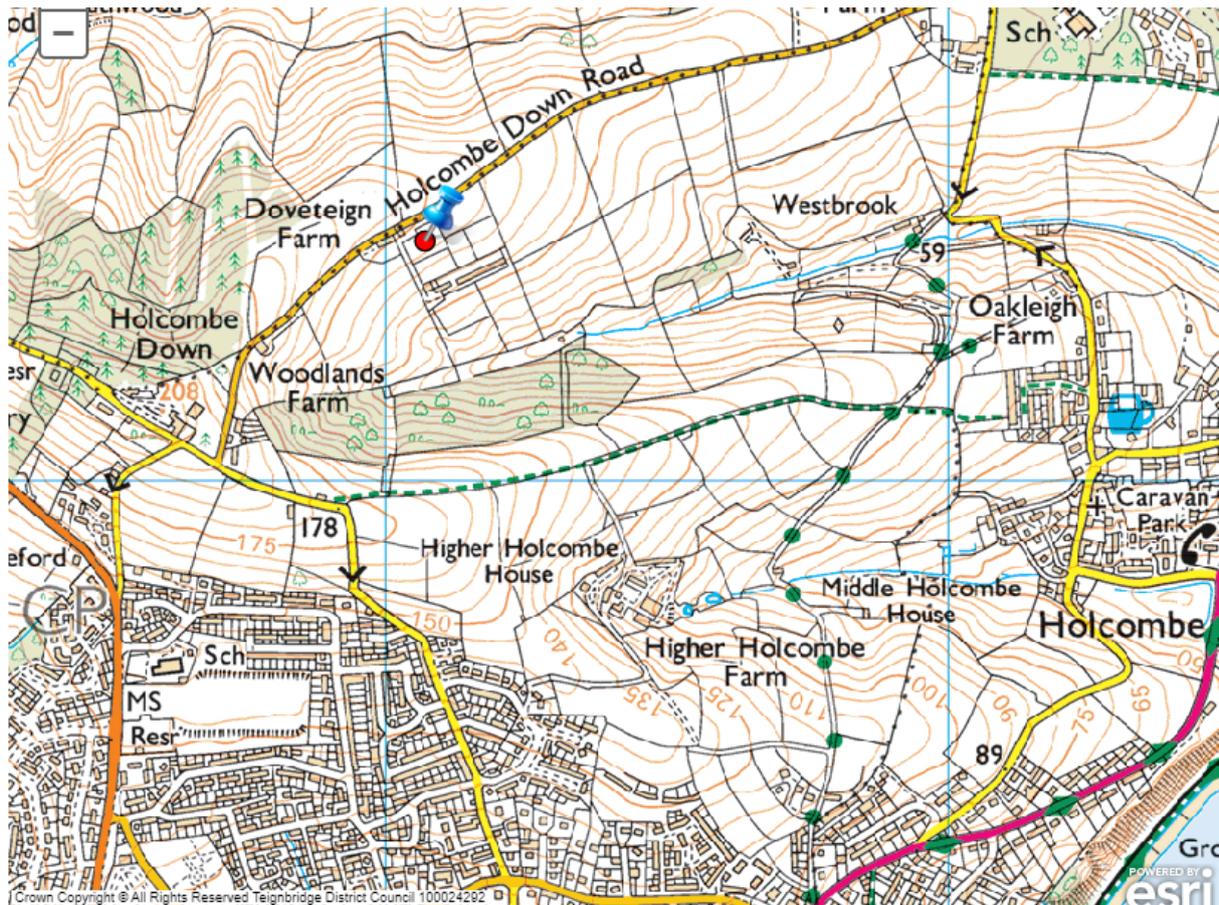


SUBJECT: District of Teignbridge (Doveteign no. 3)
Tree Preservation Order 2021
E2/28/68

CASE OFFICER: Mark Waddams

WARD COUNCILLORS Cllr Robert Phipps Teignmouth East

Cllr Sylvia Russell



TEIGNBRIDGE DISTRICT COUNCIL

RECOMMENDATION

The Planning Committee is recommended to resolve that:

District of Teignbridge (Doveteign no. 3) Tree Preservation Order 2021 is confirmed unmodified

1. PURPOSE

District of Teignbridge (Doveteign no. 3) Tree Preservation Order 2021 protects an area trees located within the grounds of Doveteign, Holcombe Down Road.

The trees contribute to the visual amenity of the area. A planning application has been received which may result in the loss of the trees

This order replaces Tree Preservation Order ref: E2/28/67 which expired on 25 February 2021. In order to fully assess the condition of the trees, confirmation of the order has been delayed until an inspection of the trees when in leaf had been undertaken to establish which trees would be most suitable for protection.

The provisional tree preservation order (TPO) was served on 28 January 2021. The provisional protection will cease on 28 July 2021, if it is not confirmed.

2. BACKGROUND

The provisional TPO was made as the trees are adjacent to a number of storage buildings that have received consent for a change of use to three dwellings. (20/00051/NPA)

Following an inspection of the trees by the Council's Arboricultural Officer on 19 May 2021 it is recommended the tree preservation order is confirmed unmodified.

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 visible from a public place and contribute to the visual amenity of the area, the importance of the trees will increase when the change of use

TEIGNBRIDGE DISTRICT COUNCIL

takes place from three agricultural building to three dwellings. The loss of the trees would have a detrimental impact upon the visual amenity of the area.

Collectively the trees have an amenity rating of 17. The suitable benchmark rating for inclusion within a tree preservation order is 15. See Appendix I

Owing to the importance of the trees within the local landscape, District of Teignbridge (Doveteign no. 3) Tree Preservation Order 2021 was made and served on 28 January 2021.

One letter of objection has been received.

The relevant objections can be summarised as follows:

- There is no danger the trees will be felled
- The planning application (20/00051/NPA Application for Prior Approval under Part 3 Class Q (a) and (b) paragraph W of the GDPO change of use of three agricultural buildings to use as three dwellings) does not pose a threat to the trees
- The trees have not been properly inspected
- Many of the trees are not worthy of protection.

See below to view full documents*

Officer Comment:

- It is understood there is to be a change of ownership of the trees/site, the change of ownership and the extant planning consent (20/00051/NPA) represents a potential threat to the trees
- An inspection of the site was undertaken on 19 May 2021
- While individually the trees may be of indifferent quality, collectively they represent an important arboricultural feature within the area.

4. 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.

5. FINANCIAL IMPLICATIONS

None

6. OPTIONS

TEIGNBRIDGE DISTRICT COUNCIL

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

The Officer Recommendation is detailed above.

Officer Name: Mark Waddams

Officer Designation: Arboricultural Officer

The box below to be completed by the report author.

Wards affected	TEIGNMOUTH
Contact for any more information	Mark Waddams (01626) 215708
Appendices attached:	I: Amenity Evaluation Sheet

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

http://docimages.teignbridge.gov.uk/Planning/Ig/GFPlanningDocuments.page?org.apache.shale.dialog.DIALOG_NAME=gfplanningsearch&Param=Ig.Planning&viewdocs=true&SDescription=E2/28/68

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.

TEIGNBRIDGE DISTRICT COUNCIL

APPENDIX I

AMENITY EVALUATION RATING FOR TPOs

TPO No:	E2/28/68	Site Visit Date:	
TPO Name:	District of Teignbridge (Doveteign no. 3) Tree Preservation Order 2021	Effective Date:	28 January 2021
Address	Doveteign , Holcombe Down Road, Teignmouth, Devon, TQ14 9NS	TPO Designation	
Rating		Surveyed by:	Mark Waddams
Reason for TPO	This order replaces Tree Preservation Order ref: E2/28/67 which expires on 25 February 2021. In order to fully assess the condition of the trees, confirmation of the protection must be delayed until an inspection of the trees when they are in full leaf has taken place to establish which trees would be most suitable for protection.		

<p>1. <u>Size – height x spread</u></p> <p>1 very small 2-5m² 2 small 5-10m² 3 small 10-25² 4 medium 25-50m² 5 medium 50-100m² 6 large 100-200m² 7 very large 200m² +</p>	Score 7	<p>6. <u>Suitability to area</u></p> <p>1 Just suitable 2 Fairly suitable 3 Very suitable 4 Particularly suitable</p>	Score 2
<p>2. <u>Life expectancy</u></p> <p>1 5-15 yrs 2 15-40 yrs 3 40-100yrs 4 100yrs +</p>	Score 2	<p>7. <u>Future amenity value</u></p> <p>0 Potential already recognised 1 Some potential 2 Medium potential 3 High potential</p>	Score 0
<p>3. <u>Form</u></p> <p>-1 Trees which are of poor form 0 Trees of not very good form 1 Trees of average form 2 Trees of good form 3 Trees of especially good form</p>	Score 1	<p>8. <u>Tree influence</u></p> <p>-1 Significant 0 Slight 1 Insignificant</p>	Score 1
<p>4. <u>Visibility</u></p> <p>1 Trees only seen with difficulty or by a very small number of people 2 Back garden trees, or trees slightly blocked by other features 3 Prominent trees in well frequented places</p>	Score 2	<p>9. <u>Added factors</u></p> <p><i>If more than one factor relevant maximum score can still only be 2</i> 1 Screening unpleasant view 1 Relevant to the Local Plan 1 Historical association 1 Considerably good for wildlife 1 Veteran tree status</p>	Score 1 Wildlife
<p>5. <u>Other trees in the area</u></p> <p>0.5 Wooded surrounding 1 Many 2 Some 3 Few 4 None</p>	Score 1	<p>10. <u>Notes and total score</u></p> <p>Reasonable for inclusion within the TPO</p>	Score 17

TREE PRESERVATION ORDER

Town and Country Planning Act 1990

District of Teignbridge (Doveteign no. 3) Tree Preservation Order 2021

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 **District of Teignbridge (Doveteign no. 3) Tree Preservation Order 2021**

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 28 January 2021

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

(Within a dotted black line on the map)

REFERENCE ON MAP	DESCRIPTION	SITUATION
A1	Trees of whatever species	As shown on the plan that forms part of this tree preservation order

GROUP OF TREES

(NONE)

WOODLAND

(NONE)