

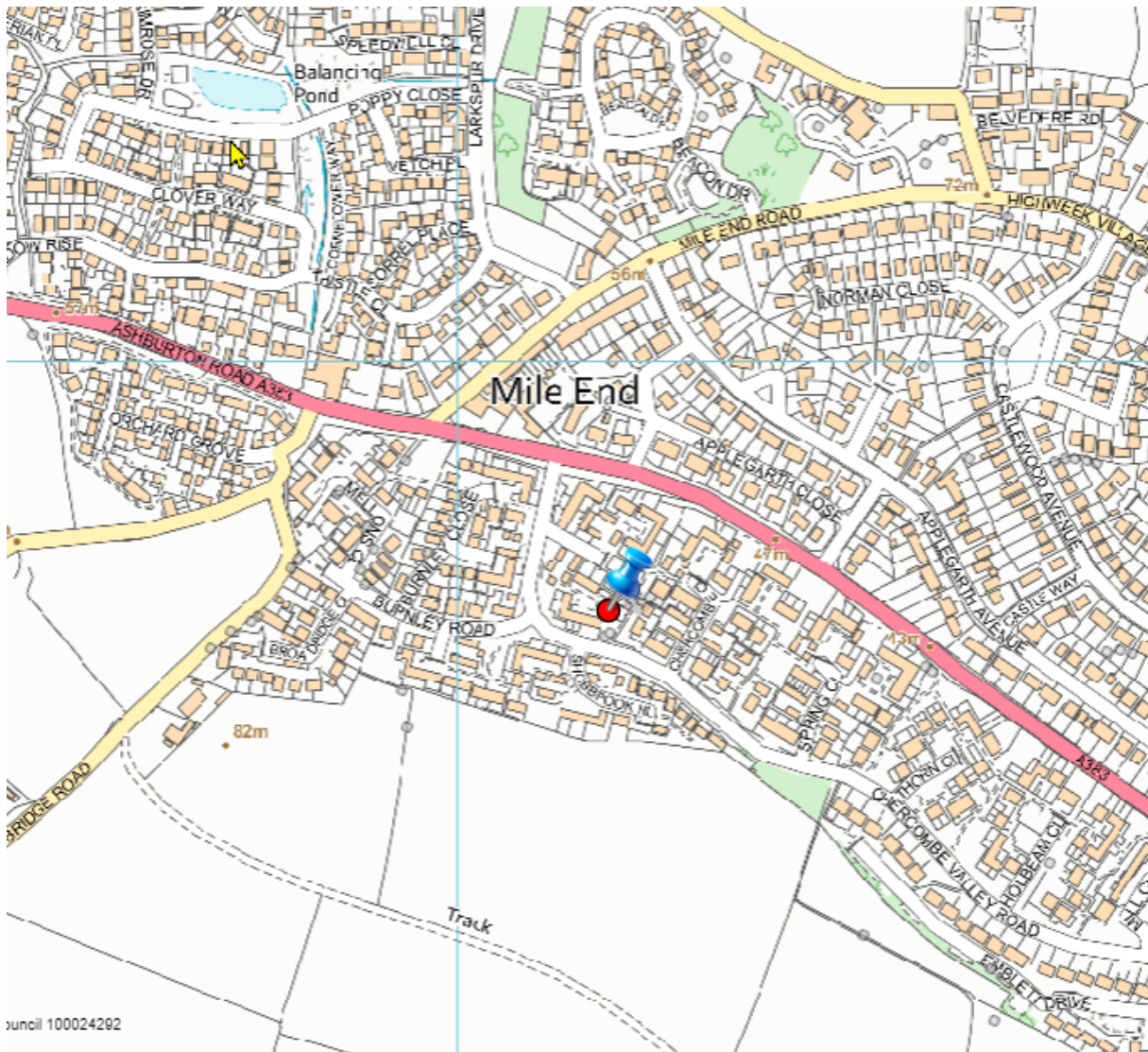
PLANNING COMMITTEE REPORT

CHAIRMAN: Cllr Colin Parker



SUBJECT: The District of Teignbridge (land next to 30 Moorsend),
Tree Preservation Order 2024
E2/01/164

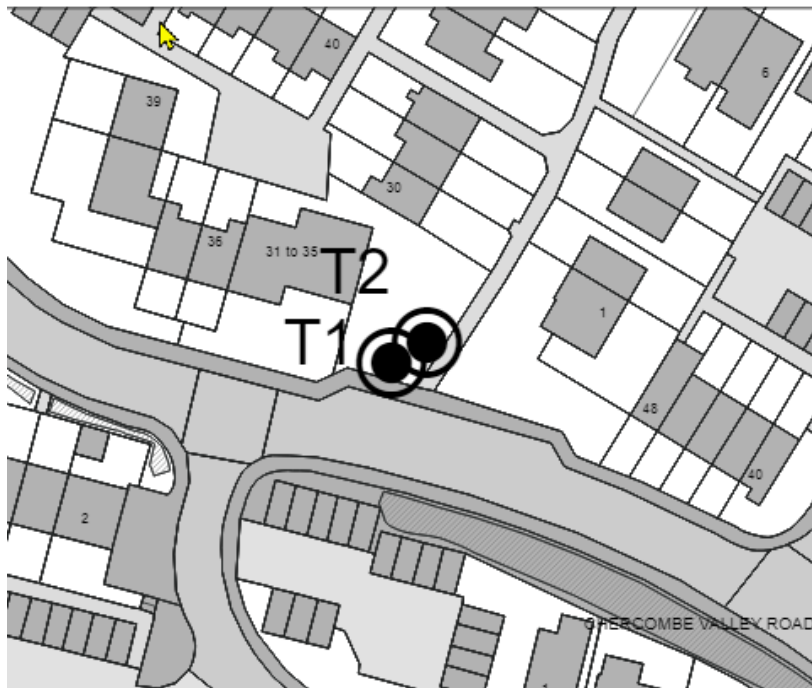
CASE OFFICER:
WARD COUNCILLORS Cllr Philip Bullivant Bradley
Cllr Richard Buscombe



TEIGNBRIDGE DISTRICT COUNCIL



Teignbridge District Council 100024292



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RECOMMENDATION

The Planning Committee is recommended to resolve that:

The District of Teignbridge (land next to 30 Moorsend), Tree Preservation Order 2024 E2/01/164 is confirmed unmodified.

1. PURPOSE

The District of Teignbridge (land next to 30 Moorsend), Tree Preservation Order 2024 protects the Sycamore (T1) and Norway Maple (T2) located on land adjacent to 30 Moorsend, Newton Abbot.

The provisional tree preservation order (TPO) was served on 18 June 2024. The provisional protection will cease on 18 December 2024, if it is not confirmed.

2. BACKGROUND

The provisional TPO was made because the trees contribute to the visual amenity of the area.



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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 two trees are readily visible in the local area 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 18. 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, The District of Teignbridge (land next to 30 Moorsend), Tree Preservation Order 2024 was made and served on 18 June 2024.

One objection has been received from Mr Richard Palmer on behalf of Bradley Valley (Newton Abbot) Management Company (No 1) Ltd, on the following grounds:

- The trees are estimated to be in the order of 40 to 50 years old and as such have become too big in the location they have grown.
- Their size has resulted in their lower limbs causing an obstruction / nuisance to passersby both on the pedestrian path running through the estate, but also over hanging the Highway's footpath alongside the road (Chercombe Valley Road).
- The leaf litter deposited in the Autumn months, becomes a slip hazard when deposited on the paths in wet weather.
- As the trees continue to grow there is potential for a trip hazard as roots potentially cause damage to footpaths.
- Can you confirm who takes responsibility as we can take no responsibility for these footpaths or potential injury caused to people using them regardless of the underlying cause.

Officer Comment:

The TPO was made following a request from a member of public to assess the suitability of the trees for protection as they were concerned that the land may be for sale and that new owners may cut the trees down to enhance the development value of the site.

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The tree officer visited the site and assessed the quality of the trees and their contribution to the visual amenity of the area and made the following observations:

- The trees have an estimated further useful life expectancy of 20 to 40 years.
- They add to the quality of the surrounding area by contributing to the visual amenity of the street scene.
- The standard scoring test (appendix A) gives a rating of 18 which is above the accepted threshold score of 15 for making of an order.

The objector has been advised that approval is likely to be given for the removal of any part of the tree(s) blocking access following the submission of an application for works to protected trees.

With regard to shedding of leaves, this is not considered sufficient reason to fail to protect trees. Also, at the time of inspection, no displacement of surfaces due to roots was noted.

It is the responsibility of the tree owner to ensure that their trees are not in a dangerous condition. If the owner of a protected tree becomes aware that the tree is in a dangerous condition then they must to apply for permission to undertake remedial works (unless certain exemptions are met) which is likely to be granted subject to sufficient evidence from a professional arborist submitted with the application.

The Council does not take responsibility for privately owned trees, regardless of whether or not they are protected.

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

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

The Planning Committee is recommended to confirm the Tree Preservation Order unmodified

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Head of Development Management

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APPENDIX I - Amenity Value Rating of TPO

TPO No:	E2/01/164	Site Visit Date:	May 2024
TPO Name:	The District of Teignbridge (land next to 30 Moorsend), Tree Preservation Order 2024	Effective Date:	18 June 2024
Address	Land Next To 30 Moorsend, Newton Abbot, TQ12 1YA, ,	TPO Designation	T1 Sycamore and T2 Norway Maple
Rating	18	Surveyed by:	Doug Pratt
Reason for TPO	The trees contribute to the visual amenity of the area.		

<p align="center">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>	<p>Score</p> <p>3</p>	<p align="center">6. <u>Suitability to area</u></p> <p>1 Just suitable 2 Fairly suitable 3 Very suitable 4 Particularly suitable</p>	<p>Score</p> <p>3</p>
<p align="center">2. <u>Life expectancy</u></p> <p>1 5-15 yrs 2 15-40 yrs 3 40-100yrs 4 100yrs +</p>	<p>2</p>	<p align="center">7. <u>Future amenity value</u></p> <p>0 Potential already recognised 1 Some potential 2 Medium potential 3 High potential</p>	<p>2</p>
<p align="center">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>	<p>2</p>	<p align="center">8. <u>Tree influence</u></p> <p>-1 Significant 0 Slight 1 Insignificant</p>	<p>1</p>
<p align="center">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>	<p>3</p>	<p align="center">9. <u>Added factors</u></p> <p><i>If more than one factor relevant maximum score can still only be 2</i></p> <p>1 Screening unpleasant view 1 Relevant to the Local Plan 1 Historical association 1 Considerably good for wildlife 1 Veteran tree status</p>	
<p align="center">5. <u>Other trees in the area</u></p> <p>0.5 Wooded surrounding 1 Many 2 Some 3 Few 4 None</p>	<p>2</p>	<p align="center">10. <u>Notes and total score</u></p> <p>Reasonable for inclusion within the TPO</p>	<p>18</p>