

REGULATORY & APPEALS COMMITTEE

CHAIRMAN: Cllr Charlie Dennis

DATE: 21 January 2019

REPORT OF: Business Manager – Strategic Place

SUBJECT: The District of Teignbridge (St Boniface) Tree Preservation Order 2018
E2/50/20

PART I

RECOMMENDATION

The Regulatory & Appeals Committee is recommended to resolve that:

The District of Teignbridge (St Boniface) Tree Preservation Order 2018 is confirmed modified, to reflect the area of the land that has been cleared, and to include the trees that provide the majority of the visual amenity.

1. PURPOSE

The District of Teignbridge (St Boniface) Tree Preservation Order 2018 protects an area of trees located within the area of Land north Of St Boniface and as shown on the plan that forms part of the tree preservation order.

The Tree Preservation Order (TPO) was served on 22 August 2018. The provisional protection will cease on 22 February 2019, if it is not confirmed.

2. BACKGROUND

The Tree Preservation Order was made as a number of trees had and were being felled

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"

TEIGNBRIDGE DISTRICT COUNCIL

3. REASON

The trees are highly visible and contributes to the visual amenity of the area, and are typical of those found within this part of Shaldon. 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 18. 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 (St Boniface) Tree Preservation Order was made and served on 22 August 2018.

Letters of objection dated 28 September and 7 November have been received from an agent representing the owner of the land affected by the tree preservation order.

The objections can be summarized as follows:

- The TPO has been made with an Area (A1) designation and government advice states that this should only be used in an emergency.
- The TPO, in its current form, is unfair and unreasonable due to its indiscriminate coverage. The TPO should be modified to include trees those trees with a public amenity value that are of reasonable quality, in accordance with Government advice and best practice.
- The site contains a mixture of dense shrubs with some trees. Much of the vegetation present is either not protected (shrubs) or of poor quality and not worthy of a TPO.
- The site contains vegetation with a little or no visual amenity value and only several trees justify a TPO on the basis of protecting visual amenities. Modifying the TPO prior to confirmation will allow those trees with limited amenity value to be excluded from the order. The applicant's objection letter dated 7 November details the trees on site and reason why they are considered individually not suitable for inclusion within a tree preservation order.
- The inclusion of poor-quality vegetation is preventing the owner from undertaking suitable drainage works.

* See below to view full documents

TEIGNBRIDGE DISTRICT COUNCIL

Officer Comment:

- The tree preservation order protect all trees growing on site within the area shown on the plan that forms part of the tree preservation order. While individually the trees may be of moderate quality, collectively they form an important landscape feature that is highly visible. The plotting of all the trees within the area ranging from the smallest to the largest is not considered practicable. Owing to the above the tree preservation order could be remade using a woodland designation that would protect all trees growing at the time the tree preservation order is made and all trees that subsequently grow.
- Contrary to the objectors observations the area of trees is regarded as highly visible contributing to the visual amenity of the area.
- The applicant is encouraged to discuss the management of the trees if and when drainage work is required. The Council's Arboricultural Officer has offered to meet the objector's agent on site to discuss the making of the tree preservation order.

Letters of support have been received from local residents, the following is an extract from one letter that summarizes the letters of support:

"Within this area, especially to the west of the brook, there are a number of mature trees, mainly Small Leaf Lime, Poplar, Hazel and Oak, which have been part of this landscape for decades.

These trees provide a natural beauty and backdrop to this part of the valley and are essential in providing privacy and sound absorption to numerous properties, as well as acting as a natural and very efficient wind brake.

They also provide an important habitat for all wildlife both birds and mammals".

- Following a meeting with the agent representing the owner of the site on Tuesday 8 January 2019, correspondence has been received suggesting the order should be modified to protect 1 ash tree referred to as tree (T1), two ash trees referred to as group (G1) and 3 lime trees and one ash tree referred to as (TG1 or G2). The agent considers other trees within the site should not be included as they are not worthy of protection.
- The Council's Arboricultural Officer disagrees with the objector's assessment of the trees, while individually the trees may be of indifferent quality, collectively the trees contribute to the visual amenity of the immediate and wider area, and should be protected.
- The site meeting on Tuesday 8 January allowed for a more detailed inspection of the site, and identified the trees adjacent to the water course and trees on

TEIGNBRIDGE DISTRICT COUNCIL

or close to the northern boundary of the site as providing the majority of the visual amenity.

- Owing to the above the plan that forms part of the tree preservation order has been revised to reflect the area of the land that has been cleared, and to include the trees that provide the majority of the visual amenity.
- An area designation is used as a topographical survey plan of the site accurately plotting the trees included within the order is not available to the Council at the time of the writing of this report.

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 Regulatory and Appeals Committee can decide to:

- Confirm the Tree Preservation Order unmodified
- Confirm the Tree Preservation Order modified
- 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.

Wards affected	^ND,PARISH_PN.TPAPPL;
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:

<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:	E2/50/20	Site Visit date:	17 December 2018
TPO Name:	The District of Teignbridge (St Boniface) Tree Preservation Order 2018	Effective Date:	22 August 2018
Address	Land At NGR 292588 71909, North Of St Boniface, Brook Lane, Shaldon, Devon	TPO Designation	Area
Rating	18	Surveyed by:	Mark Waddams
Reason for TPO	The Tree Preservation Order was made as a number of trees had and were being felled		

1. <u>Size – height x spread</u> 1 very small 2-5m ² 2 small 5-10m ² 3 small 10-25 ² 4 medium 25-50m ² 5 medium 50-100m ² 6 large 100-200m ² 7 very large 200m ² +	score 7	6. <u>Suitability to area</u> 1 Just suitable 2 Fairly suitable 3 Very suitable 4 Particularly suitable	score 2
2. <u>Life expectancy</u> 1 5-15 yrs 2 15-40 yrs 3 40-100yrs 4 100yrs +	3	7. <u>Future amenity value</u> 0 Potential already recognised 1 Some potential 2 Medium potential 3 High potential	0
3. <u>Form</u> -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	0	8. <u>Tree influence</u> -1 Significant 0 Slight 1 Insignificant	1
4. <u>Visibility</u> 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	3	9. <u>Added factors</u> <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	1
5. <u>Other trees in the area</u> 0.5 Wooded surrounding 1 Many 2 Some 3 Few 4 None	1	10. <u>Notes and total score</u> Reasonable for inclusion within the TPO	18