

TEIGNBRIDGE DISTRICT COUNCIL

**REGULATORY & APPEALS COMMITTEE**

CHAIRMAN: Cllr John Petherick

**DATE:** 18 June 2019  
**REPORT OF:** Arboricultural Officer  
**SUBJECT:** The District of Teignbridge (Broadmeadow 3)  
Tree Preservation Order 2018  
E2/28/57

**PART I**

**RECOMMENDATION**

**The Regulatory & Appeals Committee is recommended to resolve that:**

The District of Teignbridge (Broadmeadow 3) Tree Preservation Order 2019 is confirmed unmodified.

**1. PURPOSE**

The District of Teignbridge (Broadmeadow 3) Tree Preservation Order 2019 protects an area of woodland located on land to the west of Broadmeadow View, Teignmouth.

The Tree Preservation Order (TPO) was served on 18 January 2019, and replaced The District of Teignbridge (Broadmeadow 2) Tree Preservation Order 2018

**2. BACKGROUND**

The original Tree Preservation Order, The District of Teignbridge (Broadmeadow) Tree Preservation Order 2018 was made following reports that a number of trees 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".

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

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.

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.

As the Tree Preservation Order uses a Woodland designation the use of an amenity rating system is not usually undertaken. In this instance, to provide additional clarity regarding the making of the tree preservation order, a retrospective amenity rating has been undertaken. Following the above exercise it is confirmed the amenity rating is 19. The benchmark rating for trees considered suitable for protection by a tree preservation order is 15.

Owing to the importance of the trees within the local landscape, The District of Teignbridge (Broadmeadow 3) Tree Preservation Order 2019 was made and served on 18 January 2019 to provide continued protection of the trees.

Objections to the making of the tree preservation order have been received from the owner of the site and agents representing the owner.

**See Appendix I** (on web site)

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

- Trees have not been felled therefore it is not expedient to make a tree preservation order.
- The area protected by the tree preservation order is not a woodland.
- The contribution to public amenity is low.
- The felling of the trees would have no significant negative impact on the local environment, and this matter has been tested at examination.
- The tree preservation order prevents development of the site.

### **Officer Comment in response to objections raised:**

- Photographs of the site clearly show that a number of trees have been felled
- When viewed from the west or via an aerial photograph the area can be clearly identified as woodland. Woodlands comprise of dense areas of trees, less dense areas of trees and clearings.
- The woodland is highly visible both from distant views, Bishopsteignton Road

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and the adjacent supermarket, accordingly the visual amenity provided by the trees is considered to be high

- The Local Plan 2013-2033 Examiner's report addressed a representation which requested this site be inserted into the Local Plan. The Examiner identified a three main local constraints which made the west side of Teignmouth unsuitable for significant amounts of new housing, namely;
  - Poor air quality as noted through the air quality management area, particularly around Shaldon Bridge, which would be exacerbated by any significant amount of housing on the west side of town. *(It should be noted that trees can have positive effects on air quality)*
  - The attractive landscape on the western side of the town, which is designated as undeveloped coast, is very sensitive to change. *(In addition the woodland is considered to form part of the landscape setting of Teignmouth, defines its setting and provides enhancement to the urban area)*
  - Extensive wildlife sites, which form extremely important habitats for Cirl Buntings, would be affected.
- The Council's Spatial Planning team commented on a pre-application enquiry for affordable led residential development of the site in April 2018. **See Appendix II** (on web site) The comments made in relation to the development still apply – in terms of it constituting a “departure” from the Local Plan and with regard to the comments made by the Local Plan Examiner about the constraints affecting the site. However, it is worth noting that in February 2019 the Government published a revised National Planning Policy Framework. The revised NPPF introduced a requirement for local authorities to support *entry-level exception sites*.

The NPPF explains how entry level exception sites should:

- provide housing suitable for first time buyers (or those looking to rent their first home), unless the need for such homes is already being met within the authority's area;
- be on land which is not already allocated for housing;
- comprise of entry-level homes that offer one or more types of affordable housing as defined in Annex 2 of this Framework; and
- be adjacent to existing settlements, proportionate in size to them, not compromise the protection given to areas or assets of particular importance in this Framework, and comply with any local design policies and standards.

The pre-application enquiry described the development as “affordable led”. This would not comply with the NPPF's requirement for entry level exception sites to be for 100% affordable housing. However, should a proposal come forward for 100%

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affordable housing on the site, the principle of the development may be acceptable, subject to meeting the criteria of the NPPF and subject to all other policy requirements (e.g. ecology, landscape, air quality etc.) being met.

- The making of a tree preservation order does not prevent future development of a site. The protection of trees is considered alongside the design of any proposed scheme and the public benefit provided by the proposed development.
- In addition to letters of support from residents for the making of the tree preservation order a petition containing in excess of 300 signatures has been received. **See Appendix III** (on web site)

### 3. SUSTAINABILITY IMPLICATIONS

Trees in urban areas 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 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

**Officer Name: Mark Waddams**

**Officer Designation: Arboricultural Officer**

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

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

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## APPENDIX

### AMENITY EVALUATION RATING FOR TPOs

TPO No:	E2/28/60	Site Visit Date:	29 May 2019
TPO Name:	The District of Teignbridge (Broadmeadow 3) Tree Preservation Order 2019	Effective Date:	18 January 2019
Address	Land At NGR 292658 73346 Off Kingsway, Kingsway, Teignmouth, Devon,	TPO Designation	Woodland
Rating	19	Surveyed by:	Mark Waddams
Reason for TPO	the trees contribute to the visual amenity of the area and the land owner has asked for additional time to present detailed objections		

<p><b>1. <u>Size – height x spread</u></b></p> <p>1 very small 2-5m<sup>2</sup>                  2 small 5-10m<sup>2</sup>                  3 small 10-25<sup>2</sup>                  4 medium 25-50m<sup>2</sup>                  5 medium 50-100m<sup>2</sup>                  6 large 100-200m<sup>2</sup>                  7 very large 200m<sup>2</sup> +</p>	Score  7	<p><b>6. <u>Suitability to area</u></b></p> <p>1 Just suitable                  2 Fairly suitable                  3 Very suitable                  4 Particularly suitable</p>	Score  2
<p><b>2. <u>Life expectancy</u></b></p> <p>1 5-15 yrs                  2 15-40 yrs                  3 40-100yrs                  4 100yrs +</p>	4	<p><b>7. <u>Future amenity value</u></b></p> <p>0 Potential already recognised                  1 Some potential                  2 Medium potential                  3 High potential</p>	0
<p><b>3. <u>Form</u></b></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>	-1	<p><b>8. <u>Tree influence</u></b></p> <p>-1 Significant                  0 Slight                  1 Insignificant</p>	1
<p><b>4. <u>Visibility</u></b></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>	3	<p><b>9. <u>Added factors</u></b></p> <p><i>If more than one factor relevant maximum score can still only be 2</i>  <b>1 Screening unpleasant view</b>                  1 Relevant to the Local Plan                  1 Historical association  <b>1 Considerably good for wildlife</b>                  1 Veteran tree status</p>	2
<p><b>5. <u>Other trees in the area</u></b></p> <p>0.5 Wooded surrounding                  1 Many                  2 Some                  3 Few                  4 None</p>	1	<p><b>10. <u>Notes and total score</u></b></p> <p>Not/Reasonable for inclusion within the TPO</p>	19