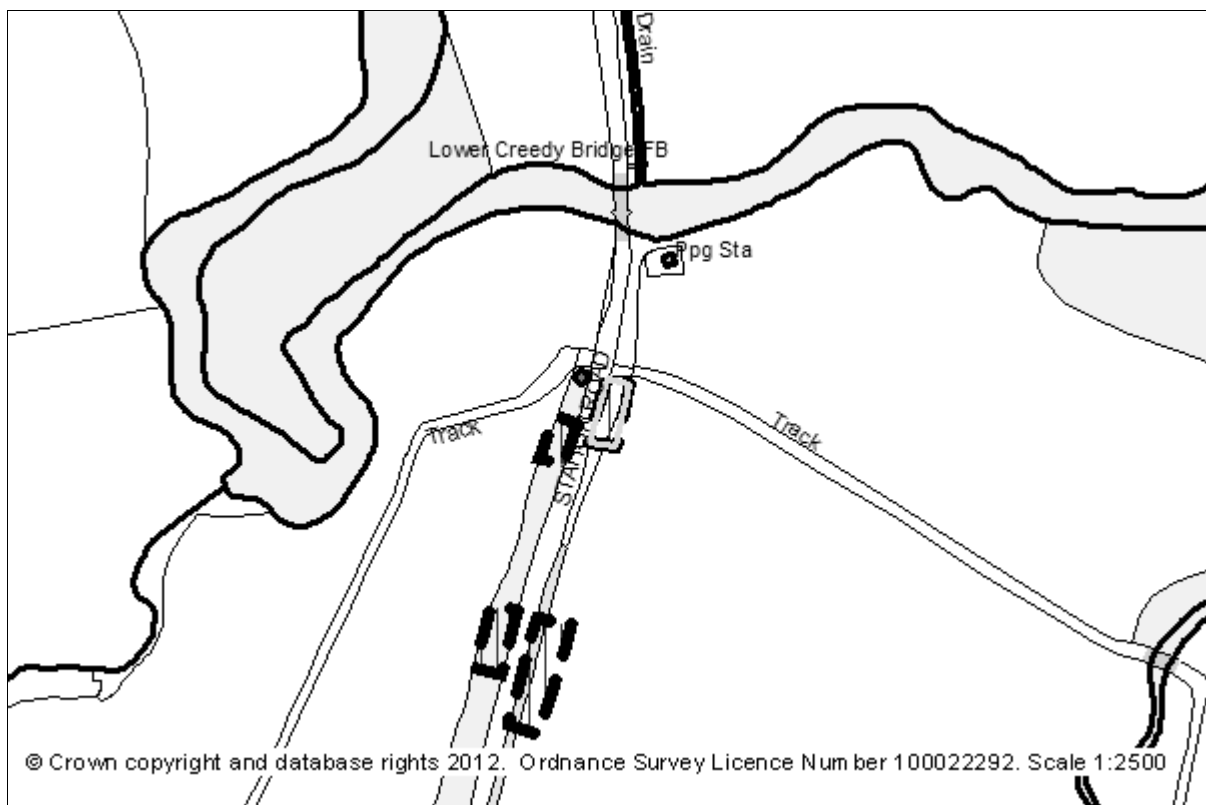


## Tree Preservation Order: 22/00005/TPO

Grid Ref: 288011 : 98321

Location: Land Bordering Station Road and Lakeridge  
Newton St Cyres  
Devon

Proposal: Tree Preservation Order for 3 English Oak, 1 Austrian Pine, 3 Scots Pine, 2 Copper Beech, two groups of 2 English Oak, two groups of 3 English Oak and a group of 2 Scots Pine and 1 Austrian Pine trees



## **TREE PRESERVATION ORDER: 22/00005/TPO**

### **MEMBER CALL-IN**

### **REPORT OF THE HEAD OF PLANNING AND REGENERATION**

#### **Reason for Report:**

Following the Tree Preservation Order ref: 22/00005/TPO being made on the 01/02/2023 an objection was received, dated 09/02/23 from Mr R J and Dr H M Campbell regarding the two Copper beech trees, T8 and T9 within the order.

#### **RECOMMENDATION**

That the Tree Preservation Order 22/00005/TPO is confirmed and included the two Copper beech trees, T8 and T9 within the order

#### **Relationship to Corporate Plan:**

The Tree Preservation Order contributes to the Corporate aim of 'Protecting the natural environment'

#### **Financial Implications:**

None

#### **Legal Implications:**

Tree Preservation Orders are made under the Town and Country Planning Act 1990 as amended by the Town and Country Planning (Tree Preservation) (England) Regulations 2012. Local Planning Authorities can make a Tree Preservation Order if it appears to them to be expedient in the interests of amenity to make provision for the preservation of trees or woodland in their area.

#### **Risk Assessment:**

None

#### **Consultation carried out with:**

1. The landowners have been notified of the imposition of the Tree Preservation Order and provided with the opportunity to object to its confirmation.

#### **PROPOSAL:**

Tree Preservation Order for 3 English Oak, 1 Austrian Pine, 3 Scots Pine, 2 Copper Beech, two groups of 2 English Oak, two groups of 3 English Oak and a group of 2 Scots Pine and 1 Austrian Pine trees

#### **RELEVANT SITE HISTORY/DESCRIPTION:**

**18/00899/PNHH** - WDN date 18th June 2018

Prior Notification for the erection of an extension, extending to 4.35m to the side, maximum height of 3.41m, eaves height of 2.85m

**18/01094/CLP** - PERMIT date 5th September 2018

Certificate of lawfulness for the proposed erection of a single storey side extension

**14/01332/MOUT** - PERCON date 4th April 2016

Non-Material Amendment - 17/00993/NMA GRANTED 25TH JULY 2017

Outline for a mixed use development comprising of a primary school and pre-school with ancillary facilities including sports pitch and parking and turning area; erection of up to 25 dwellings with parking and open space

**16/01222/FULL** - PERCON date 16th July 2018

Variation of conditions (6) and (10) of planning permission 14/01332/MOUT to amend the requirement for associated off-site works from pre-commencement of development to occupation of development

**16/01337/MARM** - PERCON date 2nd December 2016

Reserved Matters for the erection of a primary school with ancillary facilities including sports pitch and parking and turning area following Outline approval 14/01332/MOUT

**16/01836/MARM** - PERCON date 3rd March 2017

Reserved Matters (layout, scale, appearance and landscaping) for the erection of 25 dwellings with parking and open space, following Outline approval 14/01332/MOUT

**17/00993/NMA** - PERMIT date 25th July 2017

Reserved Matters for the erection of a primary school with ancillary facilities including sports pitch and parking and turning area following Outline approval 14/01332/MOUT - Non-Material Amendment to application 16/01337/MARM to allow alterations to elevations and site layout

**17/02008/ARM** - PERCON date 26th February 2018

Reserved matters for the siting of a building for use as a pre-school following outline approval 14/01332/MOUT

**20/00343/DPE** - CLOSED date 28th February 2020

Planning advice on options for re-development of redundant school site for housing to ascertain implications for contributions

**03/00781/FULL** - PERMIT date 11th June 2003

Retention of agricultural access

**84/01188/FULL** - PERMIT date 8th August 1984

Clear fell and selective fell LA 78/84

**22/02347/VALFTS** - CLOSED date 16th December 2022

Validation Fast Track Service for a Full application (plant and machinery) £462.00 for each 0.1 hectare (or part thereof). Application Fee £1386.00 - Fee charged £138.60

**23/00045/FULL** - PERCON date 23rd March 2023

Installation of 340 ground mounted solar panels (144.5kw)

## AMENITY EVALUATION:

The amenity valuation relates solely to the two Copper beech trees, T8 and T9 within the order, which the objection has been received for.

1. Size	Score	Notes
1 Very small 2-5m <sup>2</sup>	7	Two trees range from approximately 14 to 16 metres in height, with average crown spreads of approximately 12 to 16m metres.  At full maturity a Copper beech tree can potentially reach c.30m in height and sometimes even 40m height. Crown spread can reach c.15 and greater,
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> +		

2. Life expectancy	Score	Notes
1 5-15 yrs	3	The Copper beech trees are viewed as mature (two-third life expectancy). The trees are potentially long-lived 150-200yrs. The two trees appear in good health informing their remaining contribution is likely to be 40yrs or greater.
2 15-40 yrs		
3 40-100yrs		
4 100yrs +		

<b>3. Form</b>	<b>score</b>	<b>Notes</b>
-1 Trees which are of poor form	2	The two trees exhibit good form for species, No significant structural defects was observed from the visual amenity assessment.
0 Trees of not very good form		
1 Trees of average form		
2 Trees of good form		
3 Trees of especially good form		

<b>4. Visibility</b>	<b>Score</b>	<b>Notes</b>
0 Trees not visible to public	3	Due to the setting of the trees and the contrasting colour of the foliage when in leaf the two trees are prominent and clearly visibility from bridge over the train track along station Road and when approaching Newton St Cyres from Lake lane.
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		
4 Principal features in a public area.		

<b>5. Other trees in the area</b>	<b>Score</b>	<b>Notes</b>
0.5 Wooded (70% = 100+ trees)	0.5	High number of garden trees and trees bordering the rail line too.
1 Many (30% = 10+ trees)		
2 Some (10% = 4+trees)		
3 Few (<10% = 1+trees)		
4 None		

<b>6. Suitability to area</b>	<b>Score</b>	<b>Notes</b>
-1 Unsuitable	3	Trees bordering agriculture field by driveway to property.
1 Just suitable		
2 Fairly suitable		
3 Particularly suitable		
4 Very suitable		

<b>7. Future amenity value</b>	<b>Score</b>	<b>Notes</b>
0 Potential already recognised	1	Trees are mature but have the potential to put on further extension growth that would increase their visibility in the setting.
1 Some potential		
2 Medium potential		
3 High potential		

<b>8. Tree influence On Structures</b>	<b>Score</b>	<b>Notes</b>
-1 Significant	1	No clear and obvious conflict that could not be resolved through periodic and minor pruning.
0 Slight		
1 Insignificant		

<b>9. Added factors</b>	<b>Score</b>	<b>Notes</b>
1 Rare	0	n/a
1 Screening unpleasant view		
1 Relevant to the Local Plan		
1 Historical association		
1 Considerable wildlife value		
1 Veteran tree status		

If more than one factor relevant maximum score can still only be 2.

<b>10. Notes and total score</b>	<b>Score</b>	<b>Notes</b>
Not / Reasonable for inclusion within the TPO (>15 Merits consideration)	20.5	The two Copper beech trees are considered to offer good amenity value to the local landscape and are likely to continue contributing to the local setting in the long-term.

## **REPRESENTATIONS:**

Mr R J and Dr H M Campbell objected to the Tree Preservation Order including the two Copper beech trees, T8 and T9 and have raised the following objection that has been bullet pointed and summarised in this report:

1. No Consultation. The process of good planning and basic courtesy would suggest that this was a pre-requests. Otherwise, such measures may lack legitimacy within the community, appear undemocratic and seem to be the desire of the individuals concerned rather than reflecting the wider community needs.
2. Low visual amenity. Trees are located northwest of the village on a minor unnamed road that is mainly used by farm vehicles and delivery vans. The amenity value which the trees afford the village is negligible given the location.
3. Minimal contribution to character of the area. Trees are non-native detract from the character of the area.
4. Unnecessary additional cost. Mr R J and Dr H M Campbell Have no intention to harm or remove the trees. A TPO adds additional cost and unnecessary layer of bureaucratic and finical burden on the tree owner and Mid-Devon District Council

## **MAIN ISSUES:**

In response to the issues raised by Mr R J and Dr H M Campbell. Point 1: the period of consultation occurs once the provisional order is made and before the order is confirmed. If the council was to undertake consultation before placing the provisional order this could result in the removal trees or inappropriate tree works that would be prevented if the trees where protected.

Since the order was made, interested parties included Newton Cyres Town Council have been given the opportunity to comment on the order. This has included general comments, support of Newton Cyres Town Council and the one objection.

Point 2: the above amenity evaluation informs the trees are viewed to have good amenity value despite the location being on the edges of the village. The trees have good visibility from aspects along Station road.

Point 3: Copper beech are mutation of Common beech that account for 1 in 1000 seeds produced by Common beech. Copper beech trees do produce far greater proportion of copper coloured seedlings. Trees are native and contribute to the character of the area. However, a tree being native or non-native should not be a significant influencing factor when deciding if a tree merits a Tree Preservation Order.

Point 4: It's important to recognise that a TPO should not be viewed as a tool to prevent tree works being carried out in a suitable timeframe. A TPO is there to ensure that proposed tree works are reasonable, suitable and adequately justified. The timeframe for a TPO application is 8 weeks. There are only rare occasion when 8 week application period is not suitable due

to the threat posed by the tree. In which case a 5 day notice can be submitted. Similar, if immediate works are required a 5 day notice can be submitted as soon as practical after works are completed along with sufficient photo evidence. i.e. broken branch hung up over the highway. Deadwood can be removed from the tree without applying to the local planning authority under the TPO. There is no financial cost to submitting an application.

Though Mr R J and Dr H M Campbell have no intention to remove or harm the trees. A Tree Preservation Order is long-term and would continue to protect the trees in the event Mr R J and Dr H M Campbell are no-longer the owner of the trees.

**SUMMARY:**

The two Copper beech trees provide good amenity value to the local landscape and are likely to continue contributing to the landscape in the long-term. The objection raised by Mr R J and Dr H M Campbell of Lakerridge, Newton St Cyres who has objected to the Tree Preservation Order including the T8 and T9, both Copper beech trees. The points raised are not sufficient to out way the contribution from the trees.

The Human Rights Act 1998 came into force on 2nd October 2000. It requires all public authorities to act in a way which is compatible with the European Convention on Human Rights. This report has been prepared in light of the Council's obligations under the Act with regard to decisions to be informed by the principles of fair balance and non-discrimination.