

PLANNING COMMITTEE REPORT

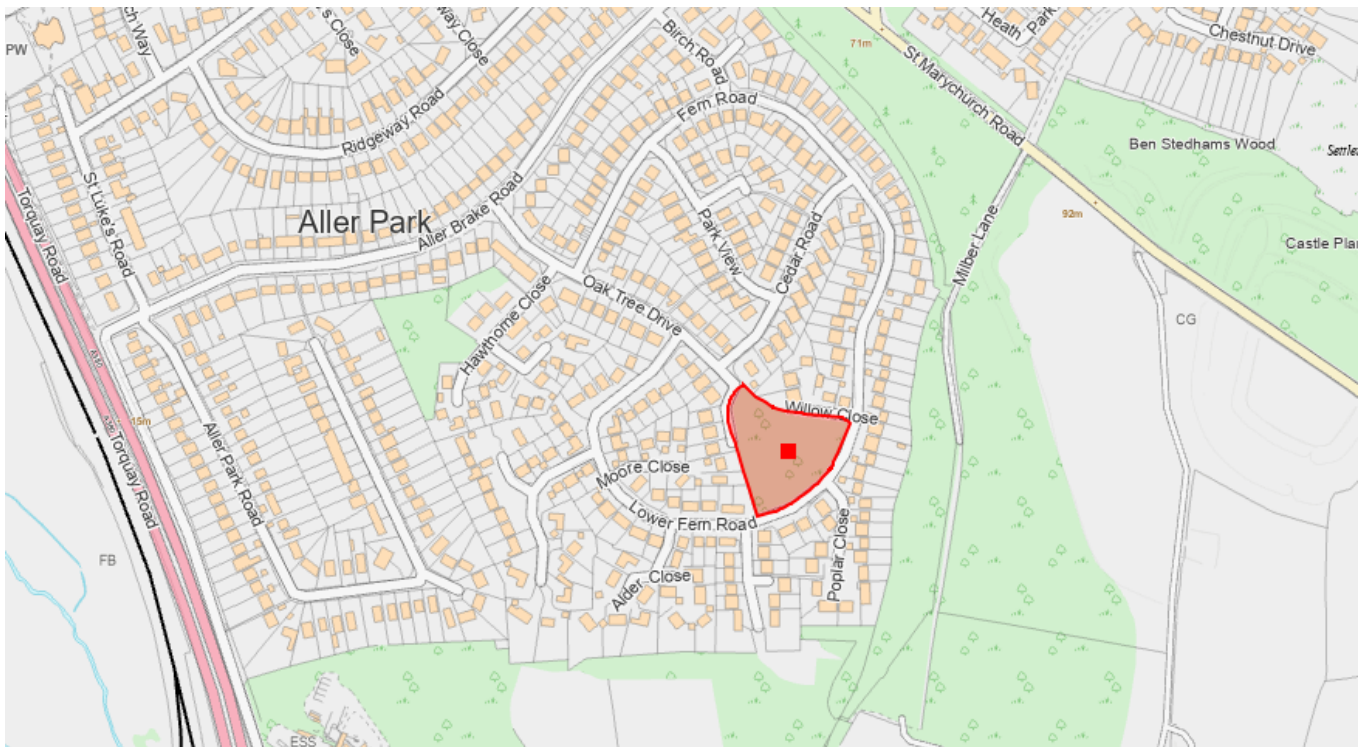
CHAIRMAN: Cllr Suzanne Sanders



SUBJECT: The District of Teignbridge (Aller Park No.3 Newton Abbot) Tree Preservation Order 2025
E2/01/166

CASE OFFICER: Cheryl Stansbury

WARD COUNCILLORS Cllr Mike Ryan Buckland And Milber
Cllr Alex Hall
Cllr Colin Parker



RECOMMENDATION

The Planning Committee is recommended to resolve that:

The District of Teignbridge (Aller Park No.3 Newton Abbot) Tree Preservation Order 2025 is confirmed unmodified. Please note this Tree Preservation Order is a Woodland Order that protects all trees including those planted or growing naturally after the Order is made. It replaces the Area Order reference E2/01/165 The District of Teignbridge (Aller Park No.2 Newton Abbot) Tree Preservation Order 2024 which only protected the trees in place at the time of the Order and which will now lapse.

1. PURPOSE

The District of Teignbridge (Aller Park No.3 Newton Abbot) Tree Preservation Order 2025 protects a Woodland of whatever species of trees located within the Land At Aller Park At Ngr 287991 69773, Fern Road

The provisional Tree Preservation Order (TPO) was served on 26 March 2025. The provisional protection will cease on 26 September 2025, if it is not confirmed.

2. BACKGROUND

There is an original Area TPO, reference E2/01/35 Aller Park No.2, Newton Abbot, 1991, which protects the trees that were in situ at the time the Order was served in 1991. However, since that time, grants have been received to plant additional trees which have now grown and unlike the original trees, these are not protected. It is therefore considered appropriate to serve a new Woodland Tree Preservation Order to protect all the trees.

This provisional TPO was made as the newer trees also contribute to the visual amenity of the wider area and were potentially under threat, due to the receipt of planning application reference 24/01430/FUL, seeking consent to develop a small area in the south of the TPO area for housing. If permitted, this development would have resulted in the loss of a number of these newer trees adversely impacting on the visual amenity of the woodland. This planning application had 75 objections and has since been refused; however, the decision could be appealed and/or further applications made in the future.

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 contribute to the visual amenity of the area. A planning application was been received which would have resulted in the loss of the trees.

Owing to the importance of the trees within the local landscape, The District of Teignbridge (Aller Park No.3 Newton Abbot) Tree Preservation Order 2025 was made and served on 26 March 2025.

Two letters of objection have been received, one from the applicant of 24/01430/FUL and the other from the Chair of Aller Copse Trust.

The objections can be viewed in full on the TPO file, and can be summarised as follows:

- Management of the woodland has been carried out by the Aller Copse Trust for the last 29 years and any work done is as a result of recommended advice from tree specialists. The Trust has no desire to cut down trees and destroy the woodland;
- To cover maintenance costs, the Trust decided to explore selling off a small part of the land;
- The trees are not at risk of being felled and lost to the community;
- The Tree Preservation Order would put further financial strain in maintaining the copse due to application fees involved in the minor and major maintenance of the trees within the copse;
- This Tree Preservation Order is underhand due to its initiation and as a result of the planning application received;
- The loss of trees would have resulted in 2 sustainable homes/Passivhaus, which would outweigh the environmental loss due to years of minor emissions from the properties;
- My involvement with maintenance will cease on approval of this TPO Order as there would be concerns that any twig removed would result in a fine;
- It may be beneficial to remove some trees to allow others to thrive. Saplings and uncontrolled growth, as has happened at the top of the copse, will obscure the TPO trees.

Officer Comment:

- There already existed a Tree Preservation Order which protects the original trees. The requirement to obtain approval before carrying out works will not change under the new TPO.
- The LPA considers it is justified in serving a new Tree Preservation Order that will protect all the trees that now exist within the area. The loss of any of these trees would have a detrimental effect on the low woodland priority habitat, the biodiversity and ecology, and the character of the area.
- Nothing in the refused planning application mentioned it being of Passivhaus design, nor were any renewable energy systems included in the drawings. The refusal was not just based on loss of trees but also size of the dwellings (353sqm – the National Space Standards require 97 - 124sqm for a 4 bed dwelling), harmful visual impact, harm to biodiversity and insufficient drainage information.

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 Order

Head of Development Management

Appendix 1

AMENITY EVALUATION RATING FOR TPOs

TPO No:	Aller Park No.2 Newton	Site Visit Date:	24 th February 2025
TPO Name:	The District of Teignbridge (Aller Park No.2 Newton Abbot) Tree Preservation Order 2024	Effective Date:	7 th November 2024 (Provisionally served as an Area)
Rating	18	Surveyed by:	Devon Tree Services
Reason for TPO	See detailed comments below		

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 6	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 +	Score 3	7. <u>Future amenity value</u> 0 Potential already recognised 1 Some potential 2 Medium potential 3 High potential	Score 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	Score 1	8. <u>Tree influence</u> -1 Significant 0 Slight 1 Insignificant	Score 0
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	Score 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	Score 2
5. <u>Other trees in the area</u> 0.5 Wooded surrounding 1 Many 2 Some 3 Few 4 None	Score 1	10. <u>Notes and total score</u> Reasonable for inclusion within the TPO	Score 18

Comments

The subject woodland is a high-value amenity feature within the built-up residential landscape.

Throughout the woodland, there is a diverse range of tree species and age groups, including several notable specimen oak trees that are readily visible from multiple public vantage points.

Given its extensive tree cover, multiple layers of vegetation and diverse species mix and age, the woodland is an excellent candidate for a Woodland Tree Preservation Order (TPO). However, converting the current Area Order to achieve this designation is not possible. Instead, the existing Area Order would need to lapse and be replaced by a new Woodland Order.

Although an Area Order remains an option, I would advise against attempting to identify and protect Individual trees and Groups; it is preferable to designate the area as a whole.

The Town and Country Planning (Tree Preservation) (England) Regulations 2012 allow the Local Planning Authority (LPA) to make a TPO if it considers that the trees provide amenity value and/or are under threat.

The amenity assessment is based on factors such as visibility, individual and collective impact, wider benefits (e.g., ecological, landscape, and historic importance) presence of other trees and impact on adjacent dwellings.

The woodland in question meets these criteria due to its visibility from public areas, species diversity, and contribution to the local character and environment.

The TPO does not prevent appropriate tree works—it ensures that any proposed tree removal or management is subject to oversight via a formal application process.

Appendix 2

Planning Application 24/01430/FUL - 2 x 4 bed dwellings

