

TOWN AND COUNTRY PLANNING ACT 1990

The Tree Preservation Order DFTPO 201 – Land off Smithville Close

The Forest of Dean District Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

1. Citation

This Order may be cited as The Tree Preservation Order DFTPO 201, Land off Smithville Close, St Briavels

Interpretation

- 1.1. In this Order “the authority” means the Forest of Dean District Council.
- 1.2. In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

2. Effect

- 2.1. Subject to article 4, this Order takes effect provisionally on the date on which it is made.
- 2.2. Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—
 - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, wilful damage or wilful destruction of any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

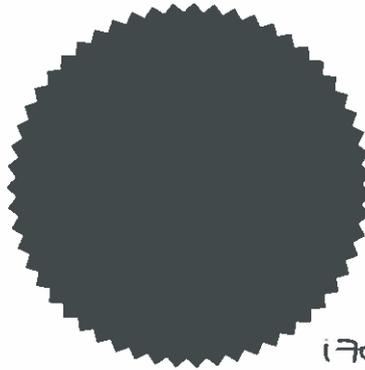
3. Application to trees to be planted pursuant to a condition

In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 31 July 2014

The Common Seal of the FOREST OF DEAN DISTRICT COUNCIL was hereunto

Affixed in the presence of

A handwritten signature in black ink, consisting of a series of connected loops and curves, positioned below the text 'Affixed in the presence of'.

i705



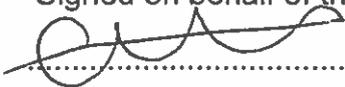
CONFIRMATION OF ORDER

This Order was confirmed by the FOREST OF DEAN DISTRICT COUNCIL without modification on the 9th day of September 2014

OR

This Order was confirmed by the FOREST OF DEAN DISTRICT COUNCIL, subject to the modifications indicated by , on the day

Signed on behalf of the FOREST OF DEAN DISTRICT COUNCIL


.....

Authorised by the Council to sign in that behalf

DECISION NOT TO CONFIRM ORDER

A decision not to confirm this Order was taken by the FOREST OF DEAN DISTRICT COUNCIL on the day

Signed on behalf of the FOREST OF DEAN DISTRICT COUNCIL

.....

Authorised by the Council to sign in that behalf

VARIATION OF ORDER

This Order was varied by the FOREST OF DEAN DISTRICT COUNCIL on the day of by a variation order under reference number a copy of which is attached

Signed on behalf of the FOREST OF DEAN DISTRICT COUNCIL

.....

Authorised by the Council to sign in that behalf

REVOCACTION OF ORDER

This Order was revoked by the FOREST OF DEAN DISTRICT COUNCIL on the day of

Signed on behalf of the FOREST OF DEAN DISTRICT COUNCIL

.....



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**Tree Preservation Order
DTPO201
Land off Smithville Close**

Scale: 1:2000

17 July 2014



11

12

13

14

Authorised by the Council to sign in that behalf

**SCHEDULE 1
SPECIFICATION OF TREES**

Trees specified individually
(Encircled in in black on the map)

Reference on Map	Description	Situation
T1	Thorn	Rear of 26 & 28 Smithville Close

Trees specified by reference to an area
(within a dotted black line on the map)

Reference on Map	Description	Situation
-	-	-

Groups of trees
(within a broken line on the map)

Reference on map	Description (including number of	Situation trees in the group)
-	-	-

Woodlands
(within a continuous black line on the map)

Reference on map	Description	Situation
-	-	-



Report for a Tree Preservation Order

DFTPO201 Land off Smithville Close

Introduction

A Tree Preservation Order is recommended for one individual tree on land to the rear of 26 Smithville Close, St Briavels (see Appendix A – B for TPO plan and photographs). The tree should be referred to as:

T1 – Thorn

Currently, full planning permission is being sought for the formation of a vehicle access and hardstanding and erection of wooden driveway gates to the rear of 26 Smithville Close (application P0973/14/FUL). The proposed access will be in close proximity to tree T1. The tree is not within a Conservation Area and is not currently protected by a Tree Preservation Order.

Desk Based Assessment

The tree is situated on a garage site on land to the rear of properties on Smithville Close, St Briavels. A proposed vehicle access with a lowered kerb and hardstanding is shown by application P0973/14/FUL to be in close proximity to the tree. It is considered that this proximity may not be shown accurately on a plan and that the proposed access may have a considerable effect on the health of the tree.

The tree is owned by Two Rivers who have stated that they are currently considering a range of options for the garage site.

The tree is visible from the garage site off Smithville Close and there is a public playground and a doctor surgery nearby.

Site Based Assessment

The tree is a prominent feature from land to the rear of Smithville Close and is visible from Smithville Close, a nearby playground and a doctor surgery car park.

The tree is considered to be at its mature height. The tree is a small species but demonstrates good form and contributes an important feature to a street that is otherwise predominantly characterised by hard landscape features.

It is noted that on the case officer's site visit in June, the tree was laden with white flowers. This summer interest adds to the tree's amenity value.

Consultation Responses

A Tree Preservation Order was requested for the tree by a neighbour. The request was made on the basis that the tree is considered to be under threat as demonstrated by P0973/14/FUL.

A representation for the planning application was submitted by Two Rivers who state that they are currently looking at all options for the adjacent garage site.

Discussion

Visibility: The tree is visible and provides a feature to land off Smithville Close. It is also visible from a playground and doctors surgery.

Individual Impact: The tree has a good form. The mature height of the tree is not substantial however it does provide a feature on the street scene.

Wider Impact: The tree contributes a feature to the garage site off Smithville Close. Although the tree is visible from additional public spaces, views of the tree from these are not considered to be important.

Expediency: Planning application P0973/14/FUL is currently pending consideration for a new vehicle access and hard standing. This development may be to be of detriment to the health and longevity of the tree. ?

A TPO is therefore considered expedient.

Conclusion of Discussion: Although the tree may lack significance in the wider context, it is considered to be an important feature of its immediate surroundings. Planning application P0973/14/FUL is currently being considered for development to the rear of 26 at Smithville Road, in close proximity to the tree. A Tree Preservation Order would demonstrate that the LPA considers the tree to be of high public amenity value and should be retained. At present, the tree is not afforded any level of protection.

Alternatives to placing a Tree Preservation Order

Do nothing. If the application is granted consent, conditions could be placed to ensure the safe guarding of the tree during construction and its retention in the short term. If refused, the tree will be afforded no protection.

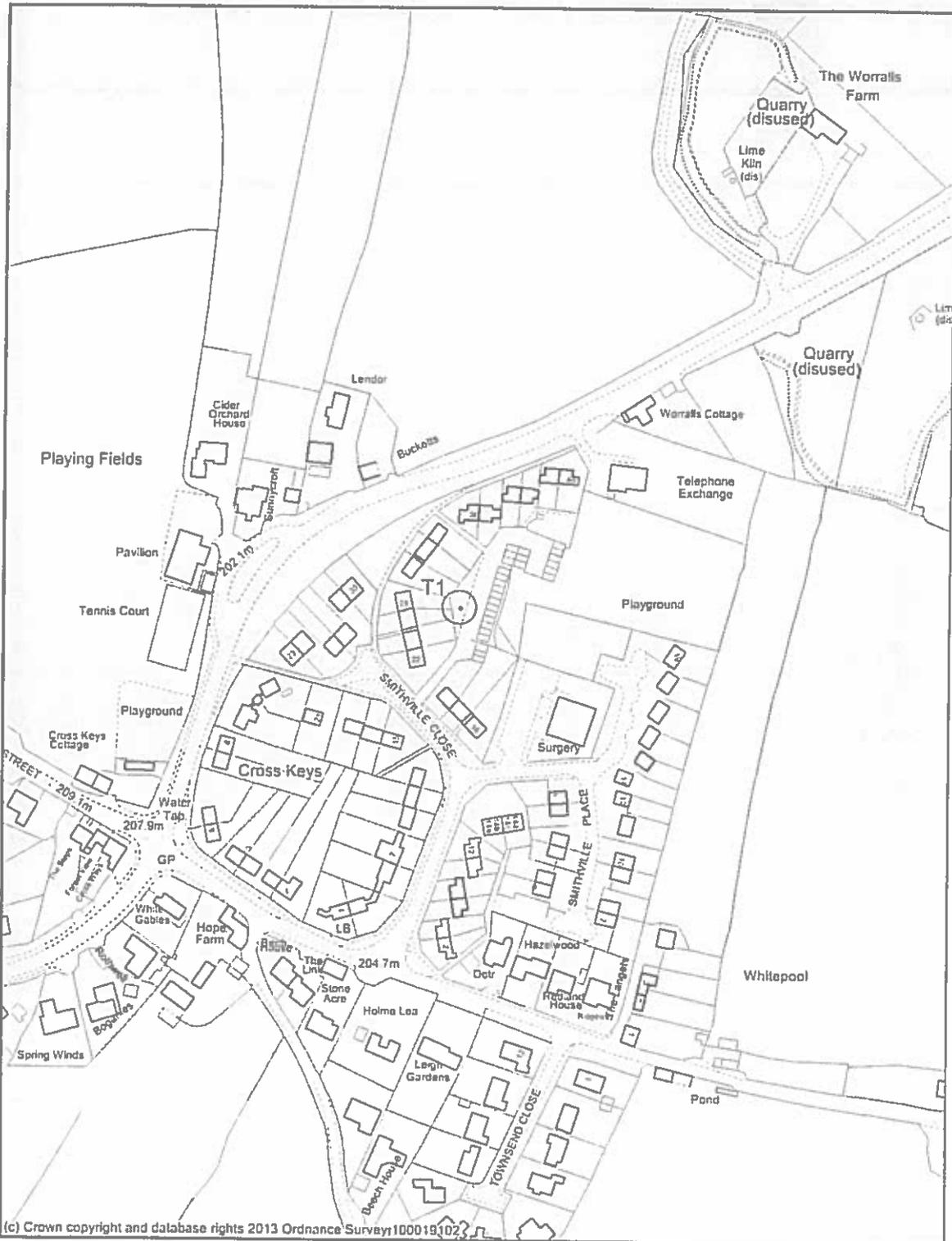
Recommendation

That provisional Tree Preservation Order DFTPO201 Land off Smithville Close be made.

Planning and Housing Group Manager: 

Agreed / ~~Disagree~~ Date: 23/7/14

Appendix A – TPO Plan



Tree Preservation Order
DFTPO201
 Land off Smithville Close

Scale: 1:2000

17 July 2014



Appendix B – Photographs





26 SMITHVILLE CLOSE
PROPOSED ACCESS TO REAR OF PROPERTY

SITE PLAN
1:200

