

## **TOWN AND COUNTRY PLANNING ACT 1990**

The Tree Preservation Order DFTPO252 – Rear of Whitehaven and Kelvinside, Tufthorn Road

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 DFTPO252, Rear of Whitehaven and Kelvinside, Tufthorn Road

### **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 19 day of December 2019

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

Affixed in the presence of

*E. O'Hare*



2221

**CONFIRMATION OF ORDER**

This Order was confirmed by the FOREST OF DEAN DISTRICT COUNCIL without modification on the 26 day of May 2020

OR

This Order was confirmed by the FOREST OF DEAN DISTRICT COUNCIL, subject to the modifications indicated by broken black line on the map, on the day of

Signed on behalf of the FOREST OF DEAN DISTRICT COUNCIL

*P. M. Williams*  
.....

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

**REVOCATION 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

.....

Authorised by the Council to sign in that behalf

SCHEDULE 1  
SPECIFICATION OF TREES

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

Reference on Map	Description	Situation
T1	Horse Chestnut	SO (358111, 209272)

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

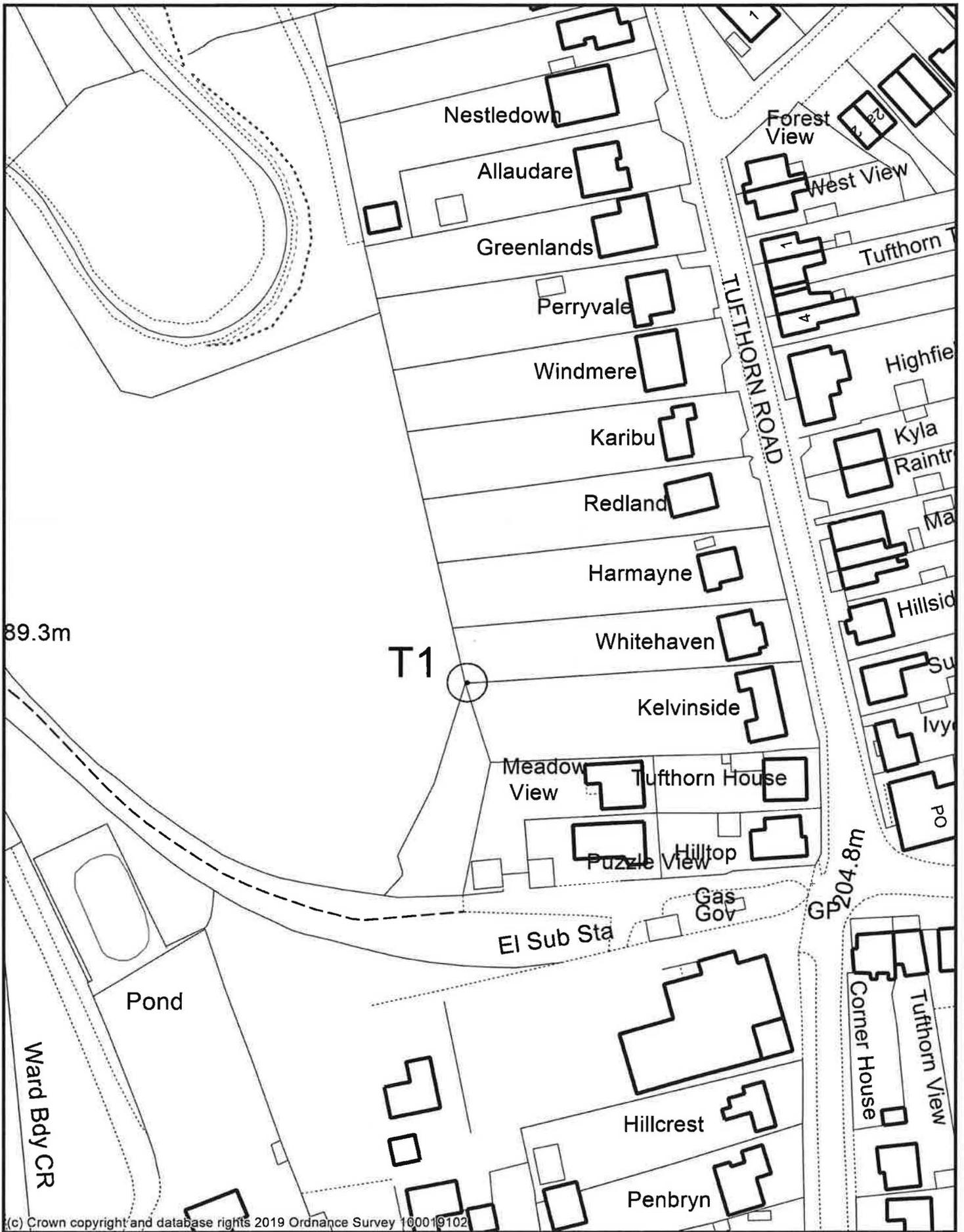
Reference on Map	Description	Situation
Nil	Nil	Nil

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

Reference on map	Description (including number)	Situation
Nil	Nil	Nil

**Woodlands**  
(within a continuous black line on the map)

Reference on map	Description	Situation
Nil	Nil	Nil

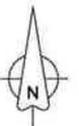


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**Tree Preservation Order  
DFTPO252  
Rear of Whitehaven and Kelvinside, Tuffhorn Road**

Scale: 1:1000



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# Report for a Tree Preservation Order

## **DFTPO252 Rear of Whitehaven and Kelvinside**

### Introduction

A Tree Preservation Order is recommended for one tree at Whitehaven and Kelvinside (see Appendix A – B for TPO plan and photographs). The tree should be referred to as:

T1 – Horse Chestnut

A TPO request has been received. The tree is situated on a site currently pending consideration for the erection of two dwellings in planning application P1617/19/OUT.

### Desk Based Assessment

The tree is situated on the boundary of rear gardens of Tuffthorn Road with an open field. This is also the Coleford settlement boundary and the boundary of the Old Bow and Old Ham Mines SSSI and Bat SAC which cover the field and surrounding areas further south and west.

Application P1617/19/OUT proposes two new dwellings with alterations to driveway and access including the removal of an outbuilding. The tree is not mentioned or shown within the application documents.

### Site Based Assessment

The Horse Chestnut is in an elevated position when viewed from Perrygrove Road. It is the only tree of its mature stature along the eastern field boundary which borders the rear of properties on Tuffthorn Road.

A footpath cut-through runs from Perrygrove Road east to join Tuffthorn Road. The tree is visible as an individual feature from this footpath.

The tree can be seen intermittently between properties on Tuffthorn Road.

### Consultation Responses

The TPO has been requested. No consultations have been made for a TPO.

### Discussion

**Visibility:** Greatest public visibility is from Perrygrove Road where the tree is a prominent feature and also from a footpath to the south.

**Individual Impact:** This is a large, mature tree on the settlement boundary and boundary with an open field.

**Wider Impact:** The tree is in an elevated position at the edge of the settlement of Coleford. It is the only tree of its size and stature along this field boundary and as such is a prominent feature.

**Visible infrastructure constraints:** There is an overhead line in the neighbouring field.

It is not considered that the tree affects the management of the line.

There are provisions within the regulations which would enable works in relation to trees affecting power lines and communications lines to be undertaken, to include certain work carried out by, or at the request of statutory undertakers. Exemptions apply where the land on which the tree is situated is operational land of the statutory undertaker and the work is necessary in the interests of the safe operation of the undertaking, in connection with the inspection, repair, renewal of cables or other apparatus or to enable the statutory undertaker to carry out development permitted by or under the Town and Country Planning (General Permitted Development) Order 1995.

An application for tree works could also be made to the authority at any time for tree management works.

**Expediency:** Planning application P1617/19/OUT is pending consideration for two new dwellings. These dwellings are proposed to the rear of Whitehaven and Kelvinside, Tuffthorn Road. No information regarding the tree has been submitted with the application and the direct impacts of the proposed development on the tree are unknown at this time. The tree would be within a new property with a much smaller garden than the existing gardens of Whitehaven and Kelvinside and will therefore likely be subject to increased management pressures.

A TPO is considered expedient.

**Conclusion of Discussion:** This tree has high public amenity value and is considered to merit protection.

**Alternatives to placing a Tree Preservation Order**

Do nothing. The Council’s permission will not currently be required prior to works to or the removal of the tree. If the planning application is approved, the authority may place conditions on the safeguarding of the tree during construction and retention of the tree within the scheme. This would only provide short term protection for the tree.

**Recommendation**

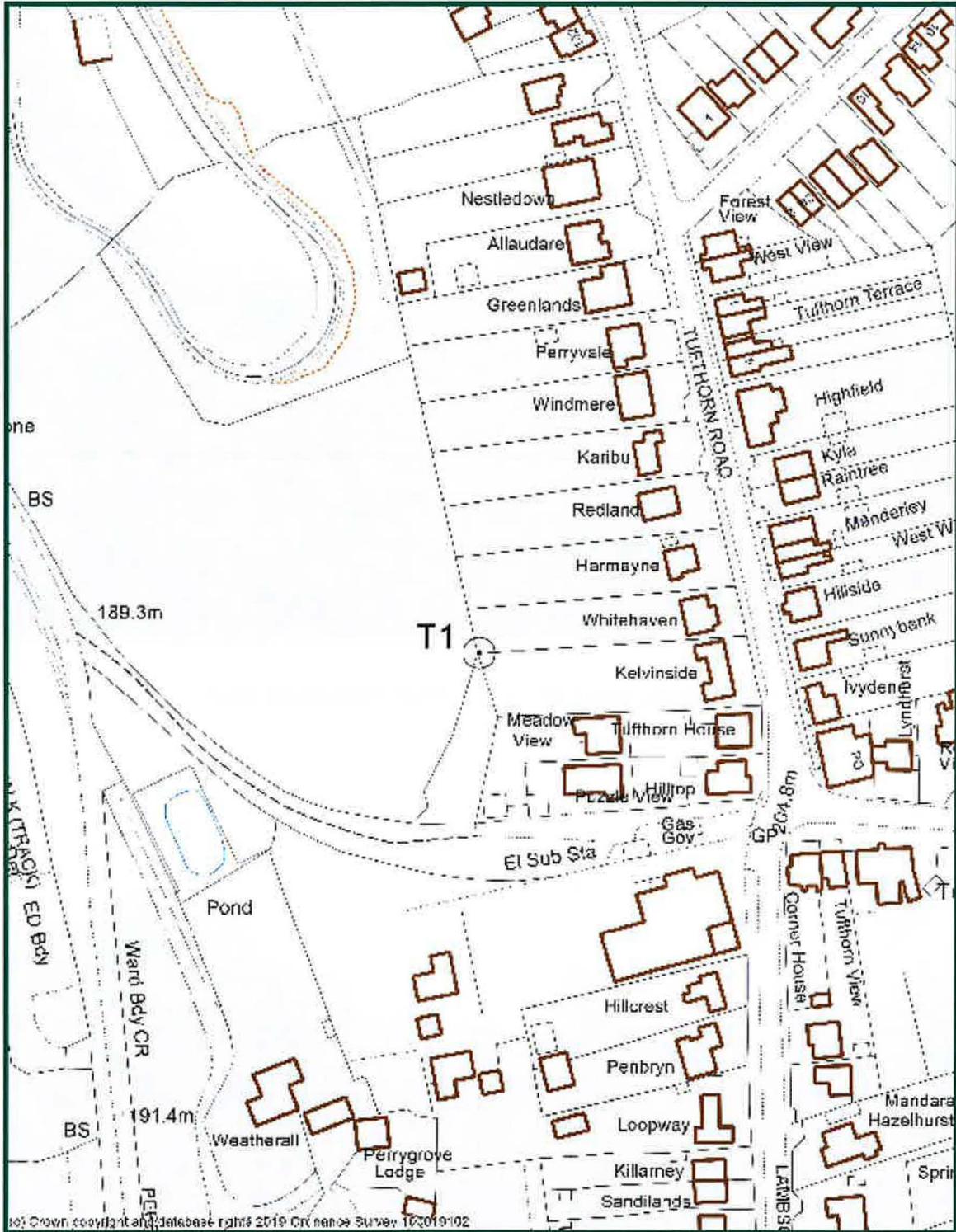
That provisional Tree Preservation Order DFTPO252 Rear of Whitehaven and Kelvinside, Tuffthorn Road be made.

Signed: 

Printed: CLIVE REYNOLDS

Agreed / ~~Disagree~~\*: ..... Date: 18/12/19.

Appendix A – TPO Plan



**Tree Preservation Order  
DFTPO252  
Rear of Whitehaven and Kelvinside**

Scale: 1:1250



Appendix B – Photographs



Photographs above and below from Perrygrove Road





Photographs above and below from footpath between Perrygrove Road and Tufthorn Road





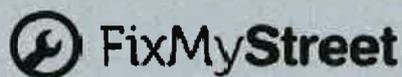
## Isla Townley

**From:** Forest of Dean District Council  
**Sent:** 06 November 2019 15:36  
**To:** Isla Townley  
**Subject:** FW: Problem Report: Mature horse chestnut in danger of being felled

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**From:** Barry Whitelaw [<mailto:mungo@whitelaw.me.uk>]  
**Sent:** 06 November 2019 15:30  
**To:** Forest of Dean District Council  
**Subject:** Problem Report: Mature horse chestnut in danger of being felled

A new problem in your area has been reported by a FixMyStreet user



## New problem in your area

A user of FixMyStreet has submitted the following report of a local problem that they believe might require your attention.

[Show full report](#)

### Reported by:

**Name** Barry Whitelaw

**Email** [mungo@whitelaw.me.uk](mailto:mungo@whitelaw.me.uk)

Replies to this message will go directly to Barry Whitelaw, the user who reported the problem.



## Mature horse chestnut in danger of being felled

**Category:** Trees

A beautiful mature horse chestnut tree situated to the rear of Whitehaven, Tufthorn Rd. GL16 8PX is on a site that may be developed and needs to be preserved.

**Location:**

Easting/Northing: 358030/209622

([51.783673](#), [-2.609813](#))

Nearest road to the pin placed on the map (automatically generated by Bing Maps): 1 Ruffet Close, Coleford, GL16 8RA

Nearest postcode to the pin placed on the map (automatically generated): GL16 8PT

(16m away)

## **In-depth stats from our new, exclusive dashboard**

What do people report most in your area? How's your response rate? And how do you compare to other UK councils? [View FixMyStreet stats for your area.](#)

### **Where did this report come from?**

[FixMyStreet](#) is the website and app that makes it easy for anyone to report street faults, anywhere in the UK. [Find out more.](#)

### **Is there a better contact address?**

Are reports about 'Trees' best sent to a different address? Please let us know by visiting [fixmystreet.com/contact](http://fixmystreet.com/contact), and help make the service smoother for your residents. We also welcome any other feedback you may have.





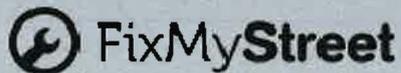
## Isla Townley

**From:** Forest of Dean District Council  
**Sent:** 06 November 2019 14:54  
**To:** Isla Townley  
**Subject:** FW: Problem Report: Mature Horse-chestnut in danger of felling due to development

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**From:** Mr P Southey [<mailto:fms-report-1834590-a11dca56@fixmystreet.com>]  
**Sent:** 06 November 2019 14:48  
**To:** Forest of Dean District Council  
**Subject:** Problem Report: Mature Horse-chestnut in danger of felling due to development

A new problem in your area has been reported by a FixMyStreet user.



## New problem in your area

A user of FixMyStreet has submitted the following report of a local problem that they believe might require your attention.

[Show full report](#)

### Reported by:

**Name** Mr P Southey  
**Email** [fontwell14@yahoo.com](mailto:fontwell14@yahoo.com)  
**Phone** [01594 368873](tel:01594368873)

Replies to this message will go directly to Mr P Southey, the user who reported the problem.



## Mature Horse-chestnut in danger of felling due to development

**Category:** Trees

The tree is on the boundary of a garden which is the subject of a planning application. If this is approved the tree may be felled. Estimates put the tree at 80- 100 years old, and we are seeking a preservation order for it.

**Location:**

Easting/Northing: 358099/209295  
(51.780739, -2.608783)

Nearest road to the pin placed on the map

(automatically generated by Bing Maps):  
Redlands Tuffhorn Road, Coleford, GL16  
8PX  
Nearest postcode to the pin placed on the  
map (automatically generated): GL16 8PX  
(63m away)

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