TOWN AND COUNTRY PLANNING ACT 1990

The Tree Preservation Order DFTPO 202 Southend Lane, Newent

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 202, Southend Lane, Newent

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 8 August 2014

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



CONFIRMATION OF ORDER

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

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 16 day of December 2014

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

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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



Southend Lane

20 November 2014

NV

SCHEDULE 1 SPECIFICATION OF TREES

Trees specified individually (Encircled in black on the map)

Reference on Map Description		Situation	
T1	Copper Beech	Southend Nurseries east of access	
T2	Copper Beech	Southend Nurseries northeast of site	
Т3	Oak	Field/road boundary	

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

Reference on Ma	Description	Situation
-	-	-

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

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

G1 4 Oak and 3 Ash

Southwest boundary of the stables

Woodlands						
(within a co	ntinuous black li	ne on the map)				

Reference on map Description

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Situation

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Report for a Tree Preservation Order

DFTPO202 Southend Lane

Introduction

A Tree Preservation Order is recommended for ten individual trees at Southend Lane, Newent (see Appendix A - B for TPO plan and photographs). The trees should be referred to as:

T1- Copper Beech T2 – Copper Beech T3 – Oak T4 – Oak T5 – Oak T6 – Ash T7 – Oak T8 – Oak T8 – Oak T9 – Ash T10 - Oak

Currently, outline planning permission is being sought at Southend Nurseries for demolition of an existing dwelling house and glasshouses and erection of up to 25 dwellings and associated works including means of access (P1877/13/OUT). The indicative layout shows trees T1 and T2 to be removed. The identified trees are considered to be important features of the lane. They are not within a Conservation Area and are not currently protected by a Tree Preservation Order.

Desk Based Assessment

Trees T1 and T2 are located at the site frontage of Southend Nurseries, adjacent to Southend Lane. The proposed site layout of application P1877/13/OUT, although indicative, shows existing trees to the front of the site to be removed.

Trees T1-T10 are located along the southern and northern edge of the lane and are therefore clearly visible from Southend Lane. Trees to the front of the Gypsy site at Southend Lane are shown to be retained as part of the landscaping scheme for the site.

There is a public right of way to the north of T1 and there are listed buildings to the southeast of the lane.

Site Based Assessment

The trees are notable features along Southend Lane. One tree to the site frontage of Southend Nurseries (shown on the existing block plan of P1877/13/OUT) has been removed, leaving Copper Beech T2 with a poor form. It is considered however that T2 will begin to fill the space created by the removal of the tree and should recover a full shape.

Trees T1-T10 are considered to be important in contributing to the character of Southend Lane. Trees T3-T10 also help to screen the Gypsy site from the lane.

Consultation Responses

No consultations have been carried out for the making of this recommended TPO.

Discussion

Visibility: The trees are prominent features on Southend Lane. They can also be viewed from a public right of way to the north.

Individual Impact: Trees T1 and T2 appear as though they are at an early mature stage. Trees T4-T10 were included in an arboricultural constraints report for application P0038/12/FUL. Trees T4 and T9 were given BS5837:2012 category B and T5 was given category A.T6-8 and T10 were given category C.

Wider Impact: The trees are considered to be features of Southend Lane, contributing to the character of the lane. Trees T1 and T2 will contribute a sense of maturity to a new development at the Southend Nurseries site if permitted, while T3-T10 help ameliorate impacts of the approved gypsy site adjacent to the lane.

Expediency: Planning application P1877/13/OUT is currently pending consideration. The indicative layout shows that trees to the front of Southend Nurseries to include Copper Beech trees T1 and T2 will be removed. One tree shown on the existing site plan has already been removed.

Trees T3-T10 do not appear to be under threat currently, however it considered that it is important to secure the long term retention of the feature of these trees.

A TPO is considered expedient.

Conclusion of Discussion: The trees are features of Southend Lane and help to assimilate development with the surrounding area. A Tree Preservation Order would demonstrate that the LPA considers the trees to be of high public amenity value and should be retained.

Alternatives to placing a Tree Preservation Order

Do nothing. If application P1877/13/OUT is granted consent, the indicative layout implies that trees T1 and T2 will be removed. If refused, T1 and T2 will be afforded no protection. Trees T4-T10 are shown to be retained as part of the landscaping scheme at Land on the North East Side of Southend Lane but their long term retention will not be secured.

Recommendation

That provisional Tree Preservation Order DFTPO202 Southend Lane be made.

Planning and Housing Group Manager:			
Agreed / Disagree*:	Date:	28 7	114

Appendix A – TPO Plan



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Appendix B – Photographs





