

## TOWN AND COUNTRY PLANNING ACT 1990

The Tree Preservation Order DFTPO217 – Land at St Johns on the Hill, Tutshill.

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 DFTPO217, Land at St Johns on the Hill, Tutshill.

### 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.

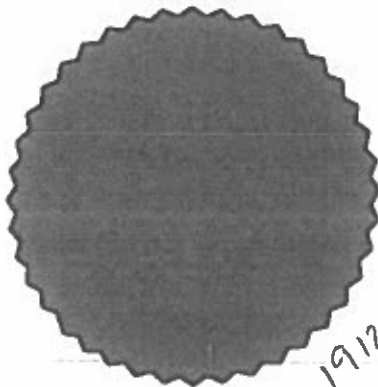
Dated this 19 day of May 2016

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 large initial 'L' followed by a series of loops and a final flourish.

Legal Team Manager



**CONFIRMATION OF ORDER**

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

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

.....

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

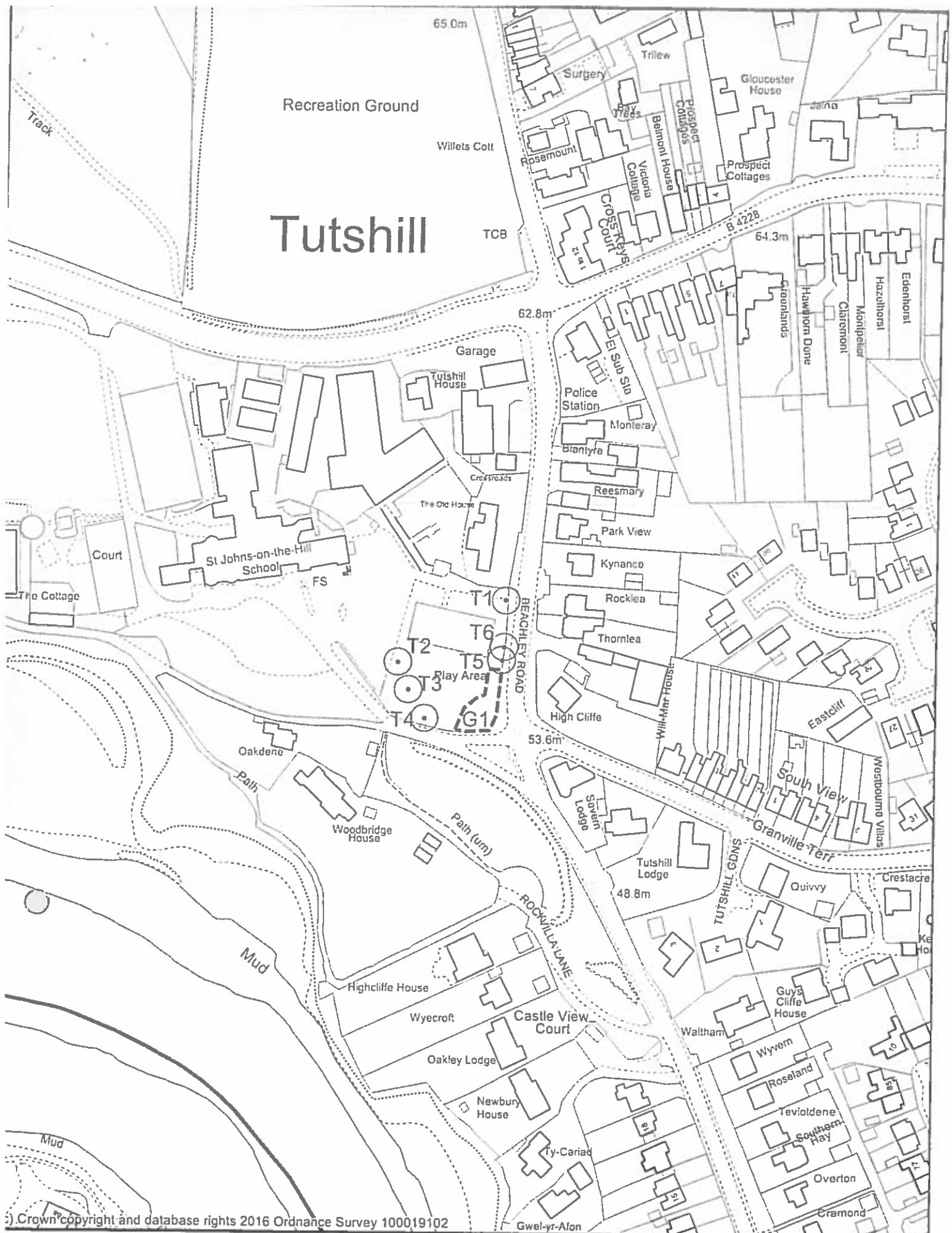
**REVOCACTION OF ORDER**

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

.....

Authorised by the Council to sign in that behalf



**Tree Preservation Order  
DFTPO217  
Land At St Johns On The Hill**

Scale: 1:2000  
11 May 2016



**SCHEDULE 1  
SPECIFICATION OF TREES**

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

Reference on Map	Description	Situation
T1	Lime	Eastern entrance to St Johns on the Hill
T2	Sycamore	ST539944 (353872, 194515)
T3	Horse Chestnut	ST539944 (353877, 194503)
T4	Sycamore	ST538945 (353883, 194491)
T5	Sycamore	Eastern boundary with Beachley Road
T6	Sycamore	Eastern boundary with Beachley Road

**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 trees in the group)	Situation
G1	9 Sycamore and 2 Ash	Southeast corner of site

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

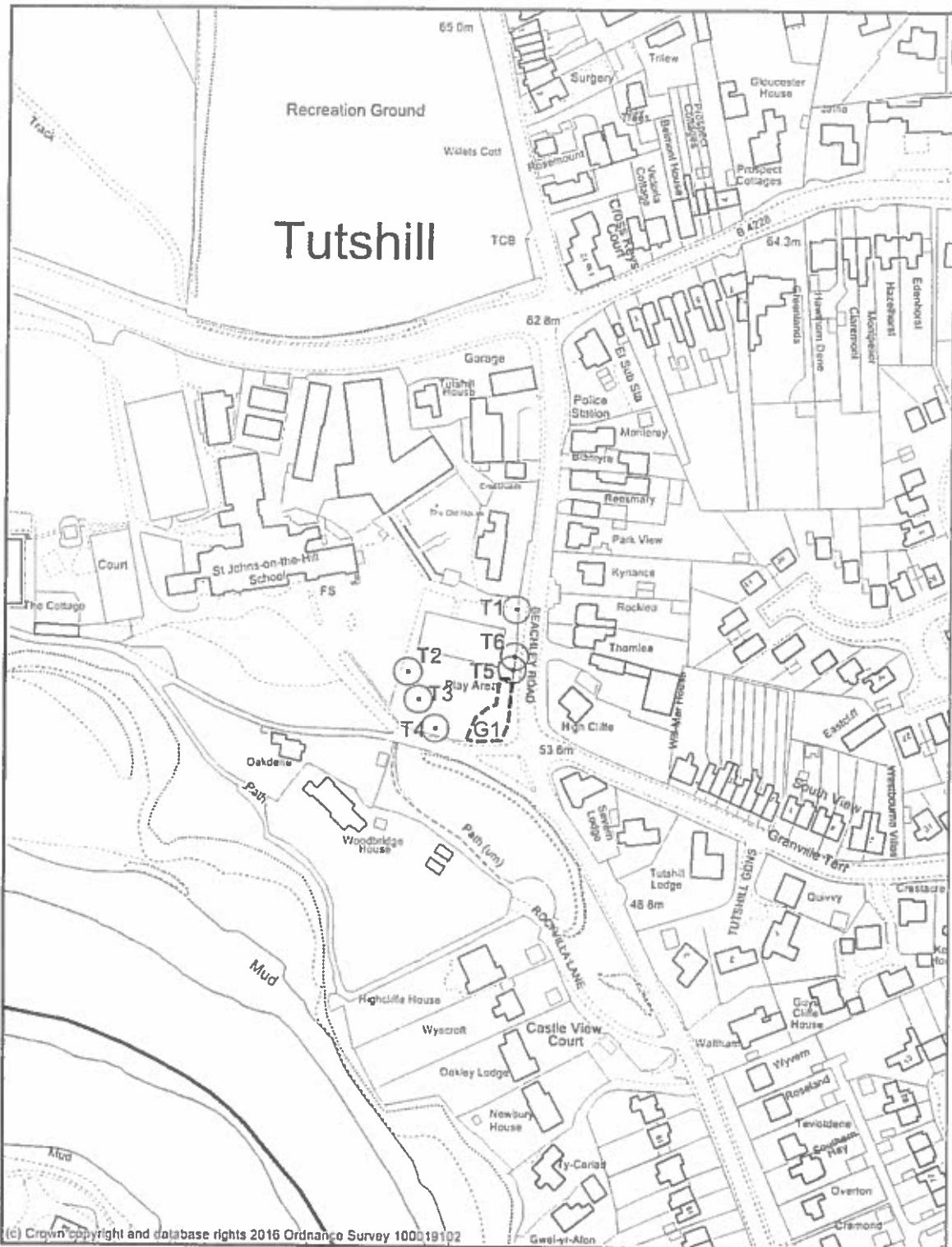
Reference on map	Description	Situation
-	-	-

## DFTPO217 Land At St Johns On The Hill, Tutshill

Further to an objection to the above TPO received by the Council, a site visit was carried out on 18<sup>th</sup> August 2016. On the site visit it was considered that there are some additional trees of high amenity value which could be affected by a development on the application site for P0139/16/FUL and should be afforded protection. Application P0139/16/FUL was refused, however the deadline for appeal has not yet been reached. On the recent site visit, it was also considered that group G1 could be made more readable and the protected trees could be more easily identifiable if the group was modified.

For DFTPO217 to be confirmed prior to the six month deadline (20<sup>th</sup> November 2016) this must be done at the October or November 2016 Planning Committee meetings. We are unable to add trees to the order when confirming as this has to either be carried out by serving a Variation Order after confirmation (allowing a consultation period) or by making a new TPO. It is therefore proposed to make a new TPO, TPO218 to cover many of the trees covered by TPO217, with a modification to G1 and additional trees identified for protection on the site visit of 18<sup>th</sup> August 2016 (see plans below). TPO218 will cover, individually, trees 1, 3, 4, 9, 16 and 23-25 of the tree survey in the arboricultural assessment addendum dated 6<sup>th</sup> June 2016 submitted with application P0139/16/FUL, and a group of trees including trees 5, 6, 8, 10, 11 and 12 of the arboricultural assessment addendum (see plan below).

It is recommended that TPO217 is left to expire on 20<sup>th</sup> November 2016. Trees covered by this Order will be protected until such time. The new provisional TPO, TPO218 will therefore replace DFTPO217. Land owners will have the opportunity to comment on the new TPO and any objections will be considered at a Planning Committee meeting prior to the expiry of six months from serving the Order.



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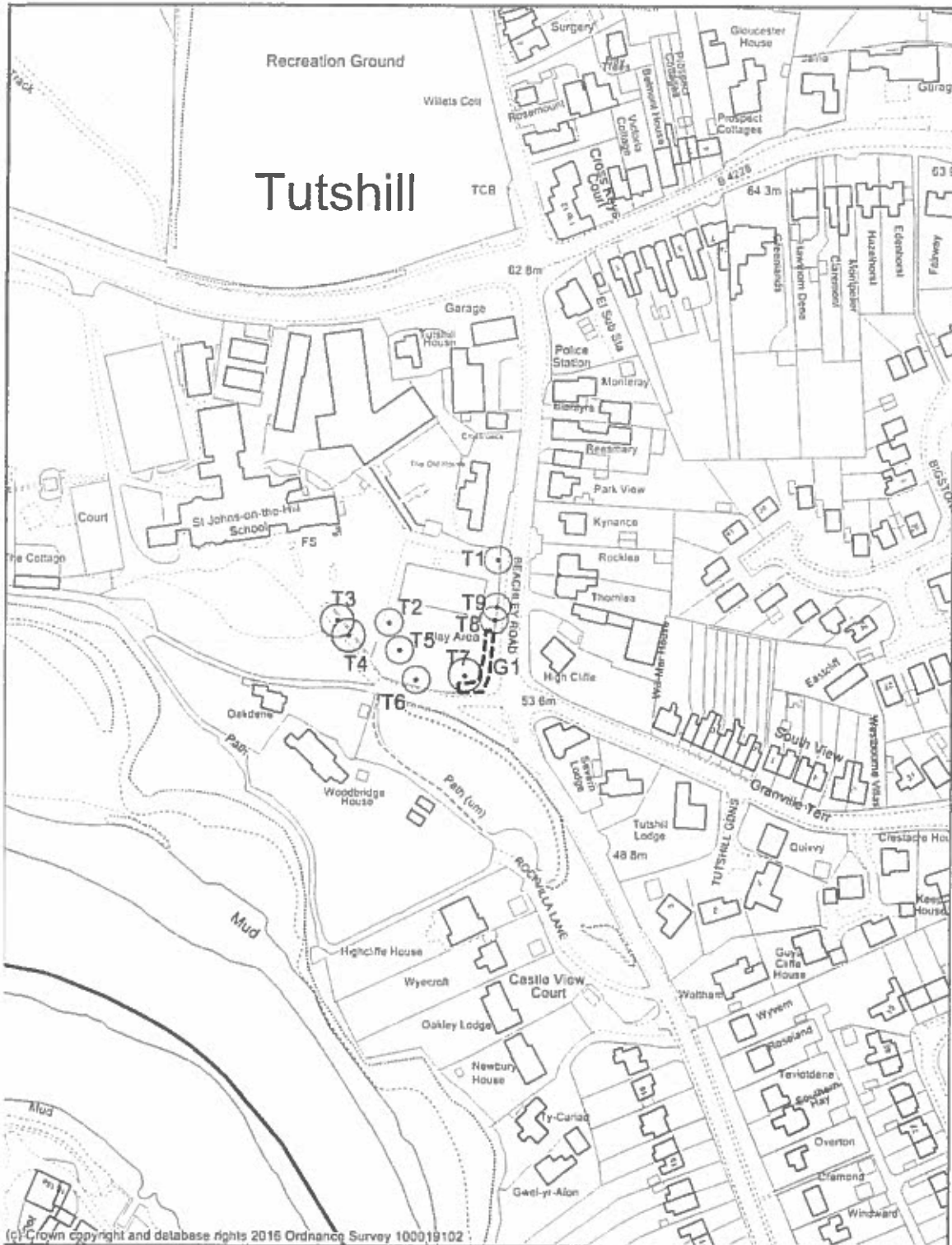


**Tree Preservation Order  
DFTPO217  
Land At St Johns On The Hill**

Scale: 1:2000

11 May 2016





**Tree Preservation Order  
DFTPO218  
Land At St Johns OnThe Hill**

Scale: 1:2000

16 September 2016







Arboricultural Consultancy & Landscape Design  
 41 Hawthorn Road, Shrewsbury, Shropshire SY3 7HD.  
 Tel: (01743) 272373 & 07866 256655

Scale:	Date:	Ref:	Dwg No:	Rev:
1:500	9/06/16	RP/BR/	1001	B

DWG by:	Checked:	Plans referred to:
CMT	BT	N/A

NOTE: Do not scale from this drawing. All dimensions to be checked on site. These numbers have not been checked and information given in this drawing must be reported to the office for clarification before proceeding.

Plan 1: Plan to show the location of trees surveyed at St John's Hill School, Castleford Hill, Tutts Hill, Chepstow, NP16 7LE.

# **Report for a Tree Preservation Order**

## **DFTPO217 Land At St Johns on the Hill**

### **Introduction**

A Tree Preservation Order is recommended for six individual trees and one group of trees on land at St Johns On The Hill, Tutshill (see Appendix A – B for TPO plan and photographs). The trees should be referred to as:

- T1 – Lime
- T2 – Sycamore
- T3 – Horse Chestnut
- T4 – Sycamore
- T5 - Sycamore
- T6 - Sycamore
- G1 – 9 Sycamore and 2 Ash

Planning application P0139/16/FUL for the erection of four dwellings and ancillary works at Land At St Johns On The Hill is currently pending consideration. The proposed development currently seeks to retain trees T1-T6 and one tree from G1 above however proposes to remove the remainder of the recommended G1. Upon implementation of the current proposals, retaining trees will be within residential gardens and management pressures on the trees will increase. Trees T1, T4-T6 and group G1 especially contribute to street scene.

### **Desk Based Assessment**

The application site for P0139/16/FUL is currently leased to St Johns on the Hill School. The site includes a portion of the school's car parking, a tennis court and a grass area. There is also a fenced wildlife area in the southeast corner of the site. The land owner has submitted planning application P0139/16/FUL for the erection of four dwellings and associated garages on the site.

An arboricultural survey report has been submitted with the application. This survey report identifies four BS5837:2012 category A trees and four category B trees on site. 16 on site trees were surveyed as category C trees.

The proposals currently seek to retain category A and B trees, but to remove category C trees. A tree protection plan was included in the arboricultural report however it is not currently clear whether the current proposals will affect retaining trees directly. There are likely to be indirect effects on retaining trees however as they will be retained within residential gardens.

The trees categorised A in the submitted tree survey are mature and of great size and may be deemed not suitable for a garden by future occupants.

A group of category C trees in the southeast corner of the site in an existing wildlife area has a presence on the street scene and is in a prominent location.

Area A1 of TPO48 Rock Villa Quarry, Tutshill covers Sycamore and Ash trees on the opposite side of the road to the southern application site boundary.

### **Site Based Assessment**

The trees are visible from Beachley Road, Sedbury Lane, entrances to St Johns on the Hill School and the school itself. Trees on the eastern and southern site boundaries contribute to the street scene. Two large, mature on site trees are located toward the west of the site but are still visible from the highway and are important features of the application site. The trees categorised A in the tree survey submitted with P0139/16/FUL are large and show good form and are considered to be of high amenity value to both the site and public highway.

A group of Sycamore and Ash trees in the southeast corner of the site is in a prominent location near to a roundabout on Beachley Road. Individually, trees within this group are not outstanding specimens however as a group they are considered to be of high public amenity value due to their contribution to the street scene. The proposed garage locations to the southeast of the application site may require revision in order to safe guard this group of trees.

Two Sycamore trees on the eastern site boundary are not viewed within the context of group G1 but also contribute to the street scene and to the line of trees that extends along this site on Beachley Road. Electricity lines run along the site boundaries. Work has been carried out on trees to keep them clear of the wires.

### **Consultation Responses**

No consultations have been made for the making of an Order at St Johns on the Hill School.

### **Discussion**

**Visibility:** The trees recommended for protection are prominent from St Johns on the Hill School and Beachley Road. Group G1 is also prominent from Sedbury Lane.

**Individual Impact:** Trees T1-T4 have been surveyed as BS5837:2012 category A in the submitted planning application. These are trees of high quality and value with a minimum of 40 years remaining life. Lime tree T1 is described in the survey as a prominent roadside specimen. Sycamore T2 is described as a prominent and attractive specimen with spreading canopy and symmetrical form. Horse Chestnut tree T3 is described as partially suppressed under the canopy of the adjacent Sycamore tree. An attractive specimen with a large stem diameter and attractive canopy shape. Children's swing attached at 2m. Sycamore T4 is described as a prominent, characterful roadside specimen.

T5 and T6 are described in the tree survey as young/mature roadside specimens of BS5837 category B. They have been cut back from electricity lines on their eastern sides.

Group G1 is surveyed in the arboricultural report as nine individual trees. Individually, each tree was assigned category C, trees of low quality with an estimated remaining life expectancy of at least 10 years. Some of these trees have

been described in the survey as having prominent roadside locations with a long safe useful life expectancy. The value of these trees as a group was not assessed in the tree survey but a site visit confirms that this group forms a prominent feature.

**Wider Impact:** The trees are prominent features and contribute to the street scene and to the tree stock of St Johns on the Hill School. If the proposed development is permitted these trees would contribute a sense of maturity to the development (see Appendix D for the current proposed site layout).

**Expediency:** Planning application P0139/16/FUL is currently pending consideration for the erection of four dwellings and ancillary works. It is not currently clear what impacts the proposed development will have on existing trees and further information has been requested in this regard. Management pressures on the trees will increase if the development is implemented, as retaining trees will be located within private residential gardens.

The owner has expressed an interest in developing the land. Placing a TPO on the site would ensure that these trees are managed in accordance with good arboricultural practise in the future and remain features of the site and surrounding area.

A TPO is considered expedient.

**Conclusion of Discussion:** Six individual trees and one group of trees are considered to be of high amenity value, from within the school and application site for P0139/16/FUL, and within street scene. It is considered that these trees merit protection.

### Alternatives to placing a Tree Preservation Order

Conditions on any planning consent on the site could ensure that retaining trees are safe guarded during construction and the trees could be included in a landscaping condition. This will only prevent the removal of the trees, usually for five years following implementation of the landscaping scheme. Any other works to the trees would not require the prior permission of the Council. After the expiry of the landscaping condition the Council's permission would not be required prior to the removal of the trees.

If planning application P0139/16/FUL is refused, withdrawn or not implemented the Council's permission will not be required prior to removal of or works to the trees.

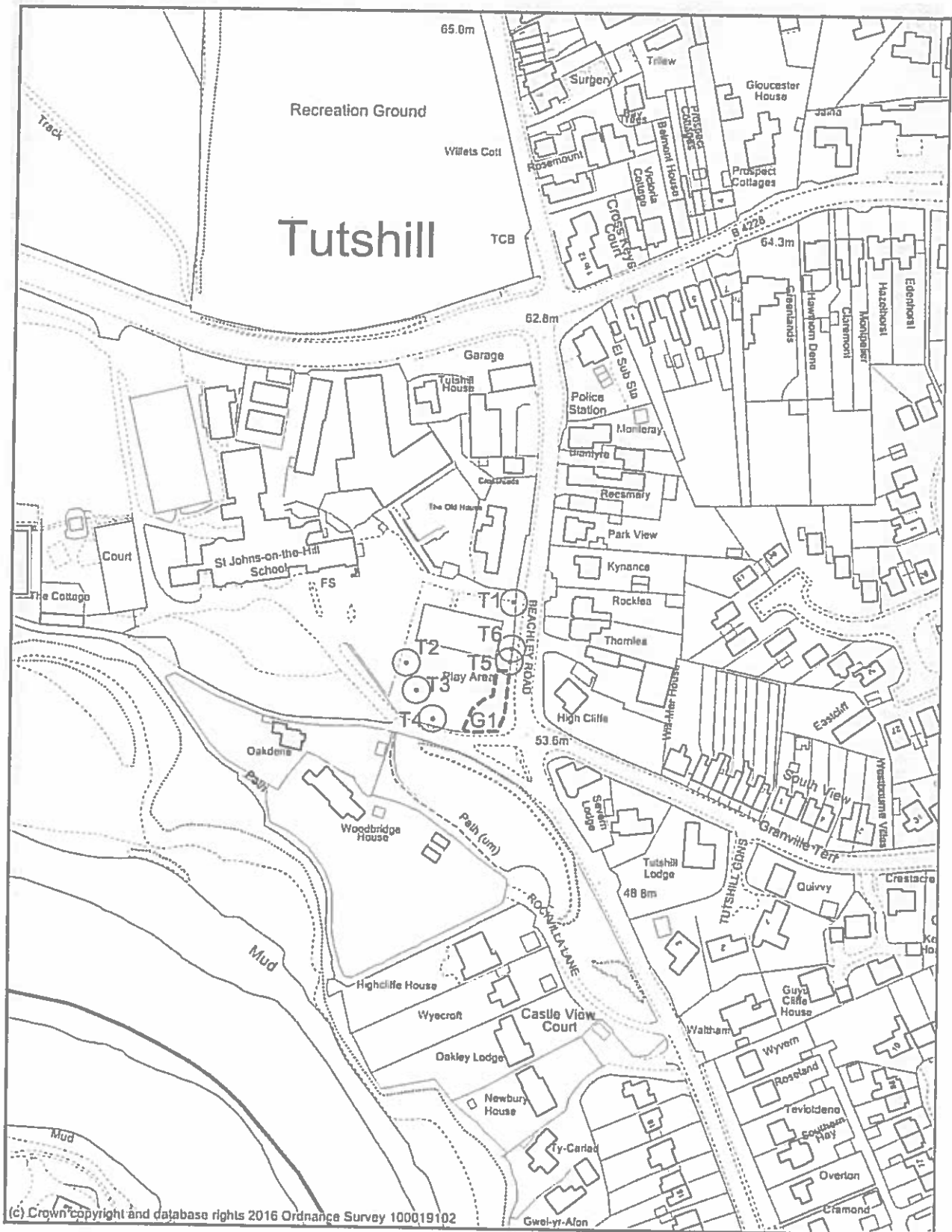
### Recommendation

That provisional Tree Preservation Order DFTPO217 Land At St Johns On The Hill be made.

Planning and Housing Group Manager: 

Agreed / ~~Disagree~~\*: ..... Date: 2/5/16

Appendix A – TPO Plan



Tree Preservation Order  
 DFTPO217  
 Land At St Johns On The Hill

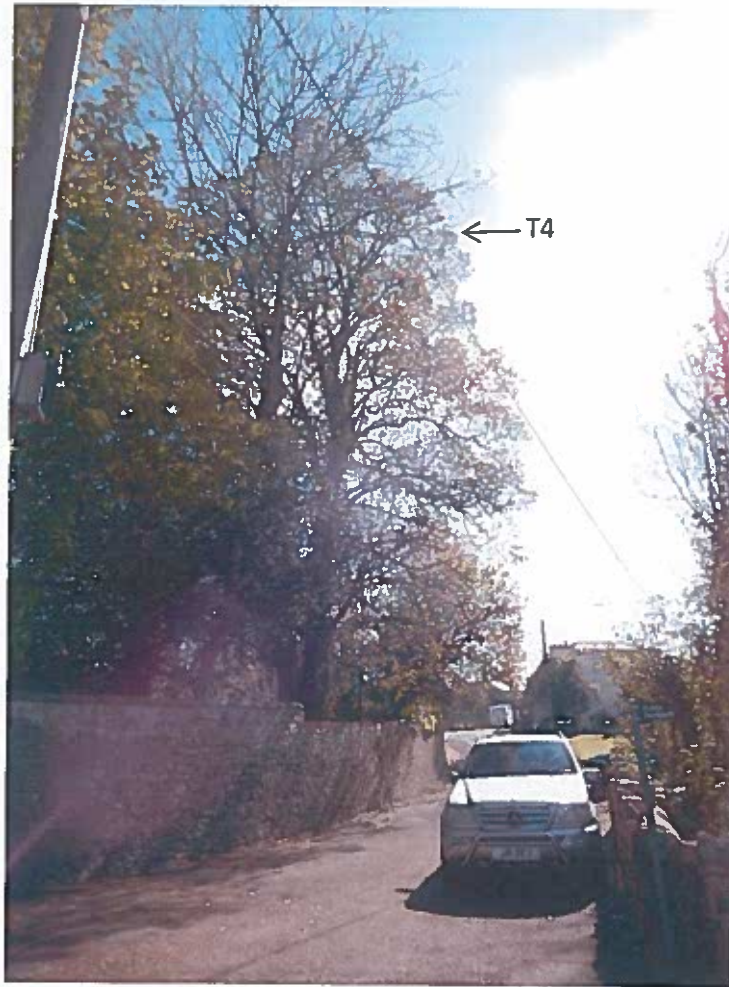
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11 May 2016



Appendix B – Photographs





11<sup>th</sup> May 2016







## Appendix C – Tree Constraints Plan



### Legend

- site boundary
- Construction exclusion zone.shp
- Root Protection Area
- Individual trees.shp**
  - Retention Category "A"
  - Retention Category "B"
  - Retention Category "C"
  - Tree canopies
  - site plan



**Future Arbor**  
 Arbicultural Consultancy & Landscape Design  
 41 Hawthorn Road, Shrewsbury, Shropshire, SY3 7NB.  
 Tel: (01743) 272373 & 07866 266655

Scale:	Date:	Ref:	Dwg No:	Rev:
1:500	4/11/15	RP/BR/	1002	A

DWG by:	Checked:	Plans referred to:
CMT	BT	N/A

NOTE: Do not scale from this drawing. All dimensions to be checked on site. Discrepancies between this drawing and information given elsewhere must be reported to this office for clarification before proceeding.

Plan 2: Plan to show the Root Protection Areas for retained trees at St John's Hill School, Castleford Hill, Tutts Hill, Chepstow, NP16 7LE. The locations for the positions of tree protective fencing is shown around the perimeters of all trees identified with Retention Category A or B.

## Appendix D – Current Proposed Block Plan



All dimensions are in mm. Print with no scaling. This plan has been prepared for planning and building regulations only. All dimensions should be checked on site. Copyright 2014.

BEACHLEY ROAD

Drawing  
Proposed Block Plan

Title  
Housing Development  
Land at St John's on the Hill  
Beachley Road  
Chepstow  
Gloucestershire  
NP16 7LE

Client  
Mr J Hanby

 David Humphreys Limited  
chartered surveyors, planning and architectural consultants

buildingdesigner.co.uk  
01743 232423  
71 The Mount  
Shrewsbury  
SY3 8PL

 RICS  
the mark of property professionalism worldwide

scale	paper size	drawing no.	date
1/250	A3	2063/2	Sep 15