

## TOWN AND COUNTRY PLANNING ACT 1990

The Tree Preservation Order DFTPO220 – Lake Close, Churcham

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 DFTPO220, Lake Close, Churcham.

### 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.

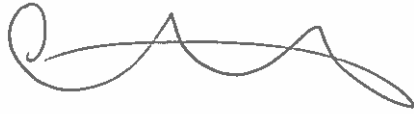
### 3. Application to trees to be planted pursuant to a condition

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.

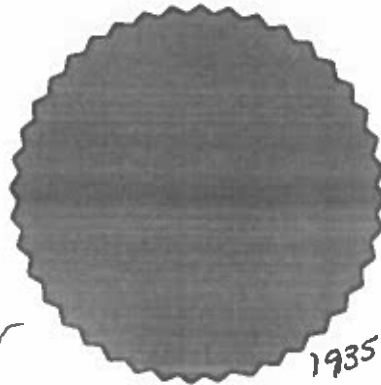
Dated this 3 day of October 2016

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 series of loops and curves.

Legal Team Manager



1935

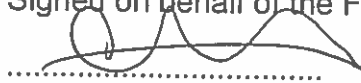
**CONFIRMATION OF ORDER**

This Order was confirmed by the FOREST OF DEAN DISTRICT COUNCIL without modification on the 1<sup>st</sup> day of December 2016

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

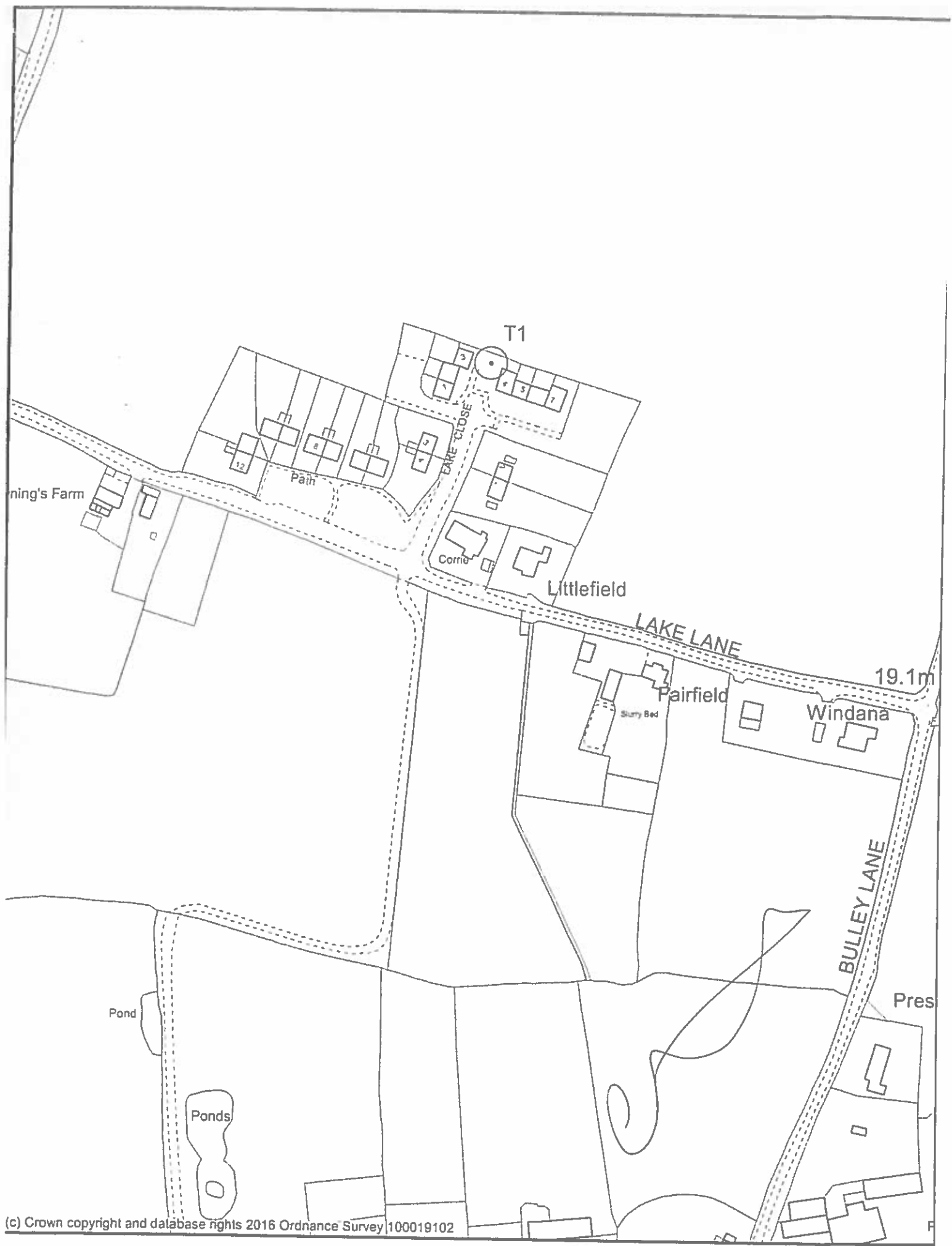
**REVOCATION OF ORDER**

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



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**Tree Preservation Order**  
**DFTPO220**  
**Lake Close**

Scale: 1:2000

30 September 2016



**SCHEDULE 1  
SPECIFICATION OF TREES**

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

Reference on Map	Description	Situation
T1	Oak	Located between numbers 3 and 4 Lake 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 trees in the group)	Situation
-	-	-

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

Reference on map	Description	Situation
-	-	-

# Report for a Tree Preservation Order

DFTPO220 Lake Close

## Introduction

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

T1 – Oak

A TPO request has been received for the tree under the basis that the requestor considers the tree to be under threat of removal and considers it to be a beautiful developing tree and a visually pleasing asset to the community, admired by local people. It is stated that the owner of the tree would prefer to see it felled in order to remove future maintenance costs. The request underlines that an investigation was undertaken into cracking in adjacent bungalows and whether the tree's roots may be a cause of this. It is said that on inspection, an architect commented that they were not of the opinion that the cracking problem was being caused by the tree.

## Desk Based Assessment

The tree is located centrally in Lake Close. On the northern side of the tree is an open field, containing a number of field Oak trees. Two public rights of way cross through this field, the closest running north from Lake Lane before heading northwest across the field.

## Site Based Assessment

The tree is prominent from Lake Close and Lake Lane and is located centrally in Lake Close. The tree is relatively young for its species and has not reached a mature size.

There are a number of field Oak trees within the open field to the north of the tree and Close. Unobstructed views of the tree are afforded from a public right of way running through the field and the tree is read in context with existing field trees.

The tree is in close proximity to two bungalows.

## Consultation Responses

No consultations have been made for the making of an Order.

## Discussion

**Visibility:** The tree is prominent from Lake Close and visible from Lake Lane. There are also unobstructed views of the tree from a nearby public right of way, DCH/56/2 and likely DCH/58/2.

**Individual Impact:** The tree is relatively young with a good form. It has not reached its mature size. It is a point of interest of high amenity for the Close. The tree is in close proximity to two bungalows on Lake Close and may grow to be a matter of concern for neighbours in terms of its mature size and its close proximity to the properties.

**Wider Impact:** The tree is of high public amenity value to Lake Close in particular where it stands as a central feature to the Close, and when viewed from Lake Lane. The tree also contributes to the number of field Oak trees in the adjacent field, linking the Close with the surrounding landscape character.

**Expediency:** The Council has received a TPO request outlining concerns that the tree is to be felled by its owner on 4<sup>th</sup> October in order to remove future maintenance costs that may be associated with the tree. The requestor states that both properties closest to the tree suffer from cracks and investigations continue into the cause of these. Movement strips have been attached to external cracks on both properties for some time with no sign of movement. On a recent visit to one of the properties an architect commented that he did not think the cracking problem was being caused by the tree.

A TPO is considered expedient.

**Conclusion of Discussion:** We can foresee that when the tree reaches maturity, there may be problems in respect of the tree's size in its proximity to two bungalows, in particular 4 Lake Close. In the short-medium term however it is considered that the tree provides a feature of high public amenity value and it is therefore down to a balance judgement.

The Oak tree is a prominent feature within Lake Close and also contributes to the wider area. In the medium-long term if the tree becomes too large or problematic for its situation an application for its management, or removal if evidence is provided in support of this can be reviewed at that stage. Currently however it is considered that in the short-medium term the tree is an asset to the local area that merits protection.

### Alternatives to placing a Tree Preservation Order

Do nothing. The tree may be removed or works carried out to it without the Council's permission.

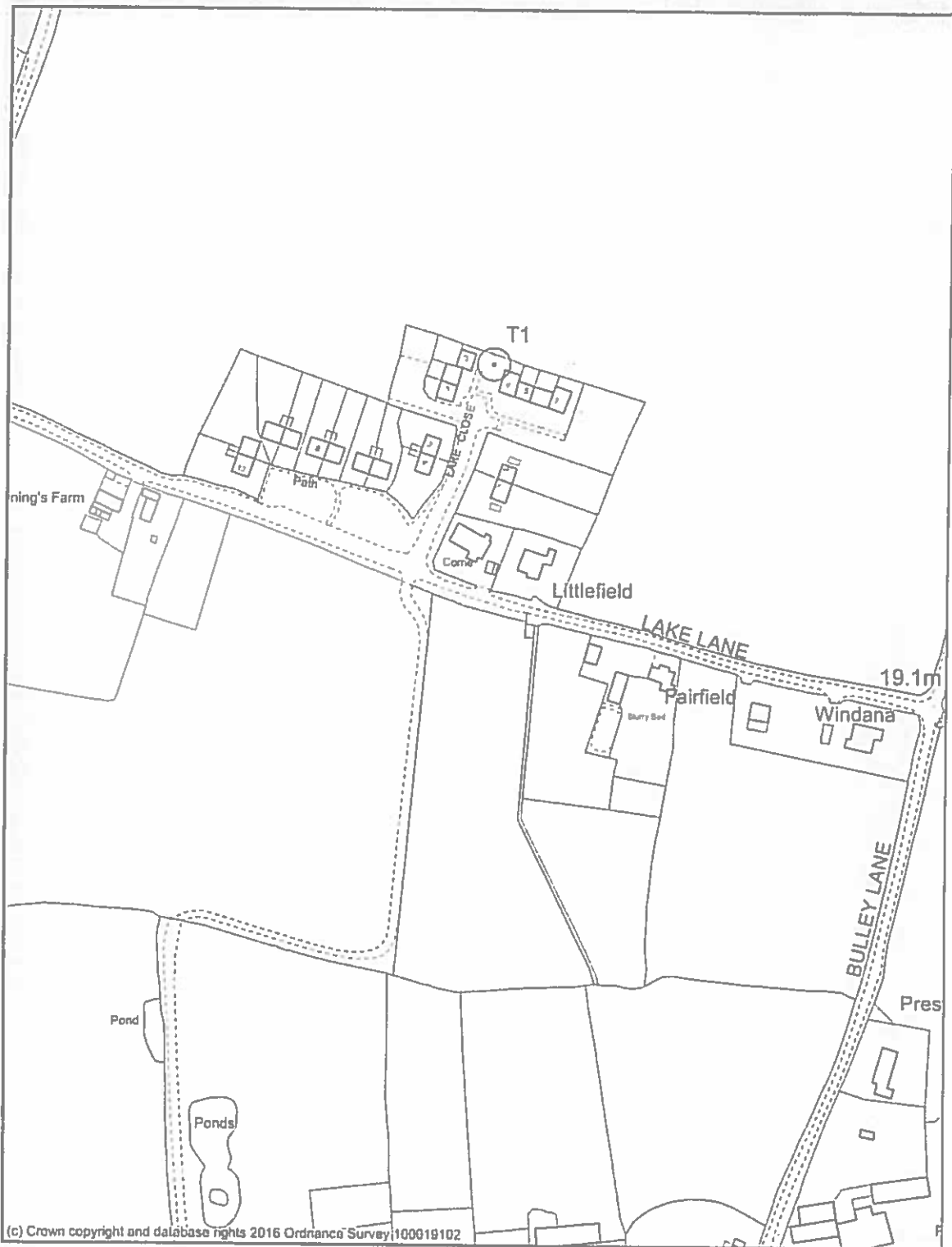
### Recommendation

That provisional Tree Preservation Order DFTPO220 Lake Close be made.

Planning and Housing Group Manager: 

Agreed / ~~Disagree~~\*: ..... Date: 30/9/16

Appendix A – TPO Plan



**Tree Preservation Order  
DFTPO220  
Lake Close**

Scale: 1:2000

30 September 2016





Appendix B – Photographs



30<sup>th</sup> September 2016



T1 and field behind



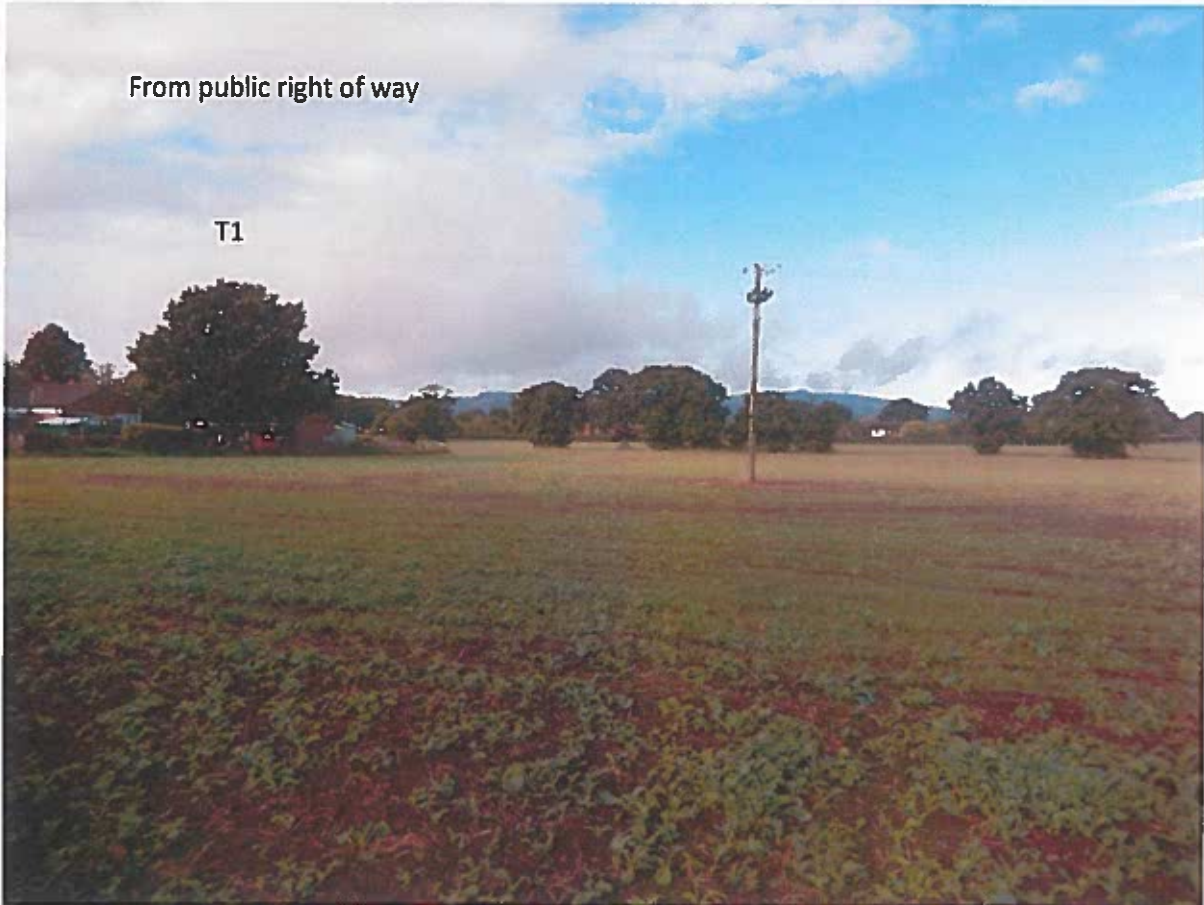
Field Oak trees viewed from Lake  
Close





From public right of way

T1



Looking towards Lake Close from  
public right of way

T1

