

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

The Tree Preservation Order DFTPO236, Westbury Court, Westbury-on-Severn

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 DFTPO236, Westbury Court, Westbury-on-Severn.

### **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 07 day of March 2018

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

Affixed in the presence of

*P.M. Jones*



2061

**CONFIRMATION OF ORDER**

This Order was confirmed by the FOREST OF DEAN DISTRICT COUNCIL without modification on the 14 day of August 2018

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. [Signature]*  
.....

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               | Plane       | Between bungalows<br>1-4 Court Gardens |

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

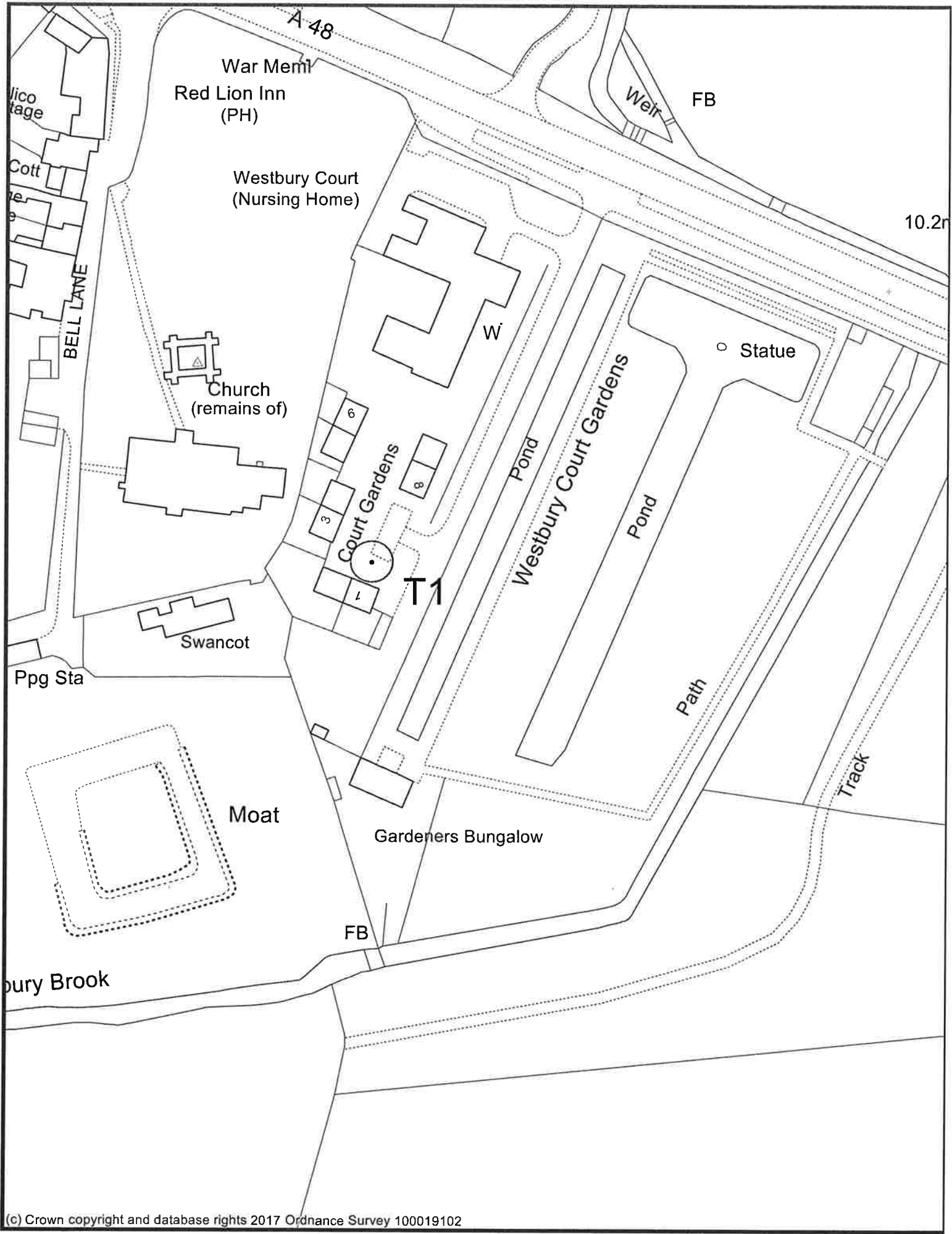
| Reference on Map | Description | Situation |
|------------------|-------------|-----------|
| -                | -           | -         |

**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 |
|------------------|-------------|-----------|
|                  |             |           |



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**Tree Preservation Order  
DFTPO236  
Westbury Court**

Scale: 1:1250



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# **Report for a Tree Preservation Order**

## **DFTPO236 Westbury Court**

### **Introduction**

A Tree Preservation Order is recommended for one plane tree at Westbury Court, Westbury-on-Severn (see Appendix A – B for TPO plan and photographs). The tree should be referred to as:

T1 – Plane

A Section 211 Notification (P0142/18/TCA) has been received to fell one plane tree at Court Gardens, Westbury on Severn. It is considered that insufficient justification has been provided for the felling of this important feature.

### **Desk Based Assessment**

The tree is located within Westbury-on-Severn conservation area. The tree is located between bungalows at Court Gardens, off the drive to the National Trust Westbury Court Gardens.

The reasons for felling the tree submitted with the notice are due to excessive shading and leaf drop causing issues with mobility for occupants. It is proposed to replant with a species to be considered. No further information has been submitted on the condition of the tree.

### **Site Based Assessment**

The tree is a central feature at Court Garden bungalows and is a significant feature as viewed from these bungalows, and from Westbury Court Gardens' car park, driveway and garden.

### **Consultation Responses**

The Parish Council was consulted on the Section 211 Notice. The Parish Council has no objections to the proposed felling of the tree.

Representations were also received from Gardeners Bungalow, Court Gardens, including the following comments:

- The address of the application is wrong and thus misleading
- Westbury Court Nursing Home is managed by Order of St John's Care Trust
- The Plane tree is in the grounds of Court Garden bungalows managed by Two Rivers
- The planning also states that it is a london plane when it is very possible an american sycamore/plane tree (*Platanus occidentalis*) which is much more unusual
- A conveyance made between Gloucestershire County Council and the National Trust in 1967 has a covenant on the land for Court Garden bungalows now run by Two Rivers which states that no timber or timber like

trees shall without previous consultation with the Trust be felled. No consultation between Two Rivers or the Trust has yet happened so I would ask you to reject this application or postpone it until a consultation happens

The objections received are noted. The applicant was invited to comment on the matter of the covenant however no further information has been provided in this respect. This is a legal matter between land owners and not something the council would be involved in.

### Discussion

**Visibility:** The tree is prominent from Westbury Court Gardens, a registered historic park and garden, from the drive way and car park to the gardens and from bungalows at Court Gardens. It is also visible from Westbury Court Nursing Home and the A48.

**Individual Impact:** The tree is a dominant feature given its size and form.

**Wider Impact:** The tree is an important and prominent feature within the conservation area of Westbury-on-Severn and is considered to contribute to the character and appearance of the conservation area.

**Expediency:** A Section 211 Notice has been received to fell the tree. The Council has two options when considering Section 211 Notices: to permit the works or to make a Tree Preservation Order. The tree proposed to be felled is considered to be an important feature in Westbury-on-Severn conservation area and insufficient justification has been provided for its felling, therefore a TPO is considered expedient.

**Conclusion of Discussion:** The inconvenience of falling debris, leaf litter and shading, amongst other things is not uncommon in an area where mature trees make a valuable contribution to an area in which people live and work. It is considered that there is insufficient evidence to remove the tree. The plane tree is considered to be of high amenity value and is considered to merit protection.

### Alternatives to placing a Tree Preservation Order

Do nothing. The tree may be felled after six weeks from the date of validation of the S211 Notice.

### Recommendation

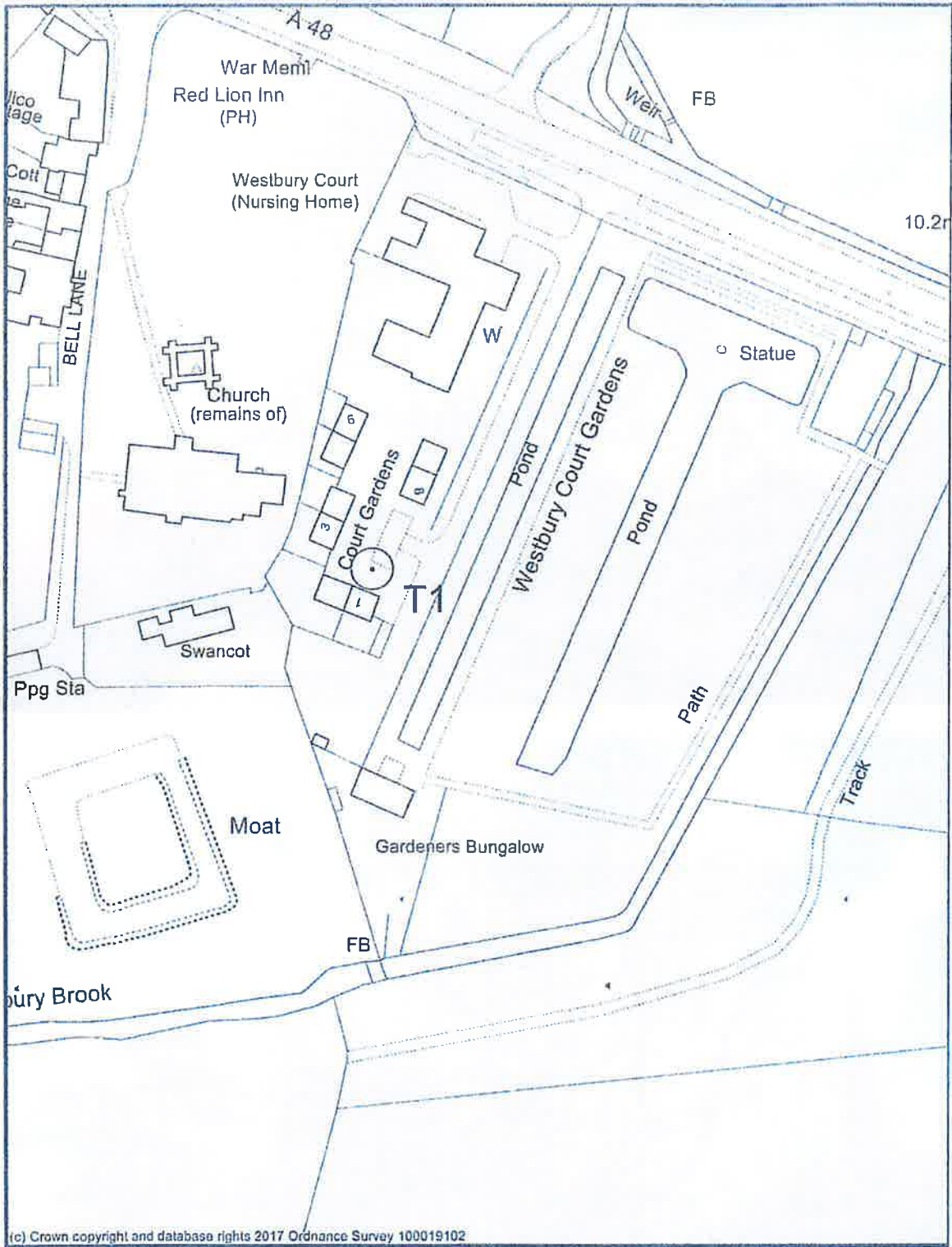
That provisional Tree Preservation Order DFTPO236 Westbury Court is made.

Signed:  .....

Printed: CLIVE REYNOLDS .....

Agreed / Disagree\*: ..... Date: 6 March 2018

Appendix A – TPO Plan



**Tree Preservation Order  
DFTPO236  
Westbury Court**

Scale: 1:1250





Appendix B – Photographs





