

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

The Tree Preservation Order DFTPO253 – The Cottage, Crow Ash Road, Berry Hill

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 DFTPO253, The Cottage, Crow Ash Road, Berry Hill

### **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**

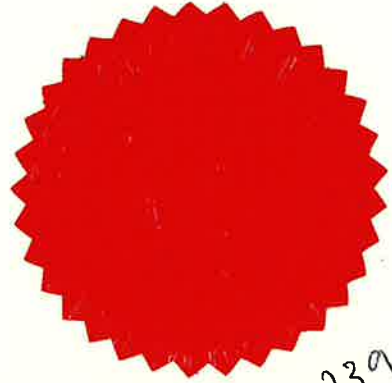
In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 6 day of April 2020

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

Affixed in the presence of

*F.M. Williams*



2139

**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. Winick*  
.....

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

**REVOCAION 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	Oak	Rear boundary of The Cottage

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

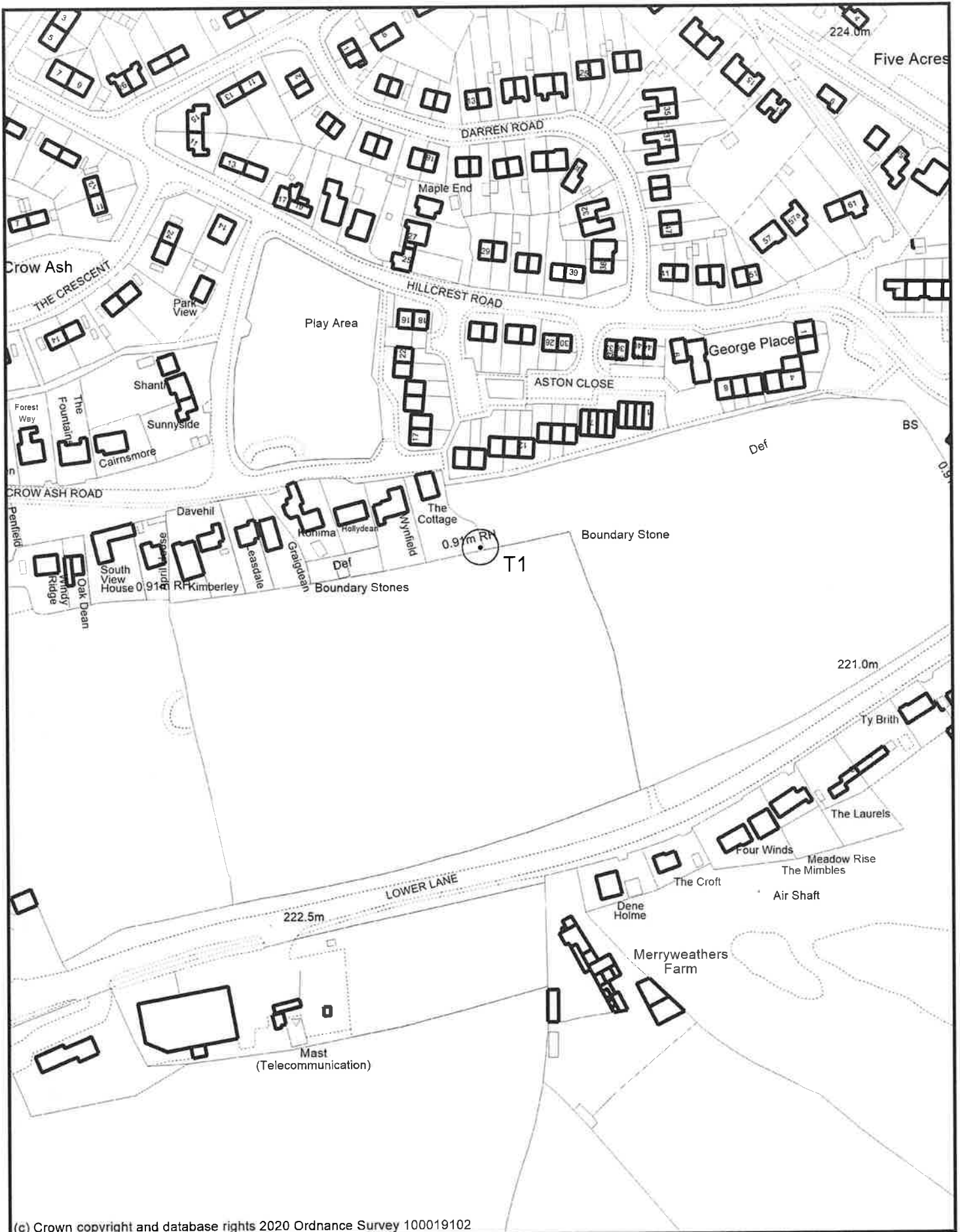
Reference on Map	Description	Situation
Nil	Nil	Nil

**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  
DFTPO253  
The Cottage, Crow Ash Road**

Scale: 1:2000



# **Report for a Tree Preservation Order**

## **DFTPO253 The Cottage, Crow Ash Road**

### **Introduction**

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

T1 – Oak

The field neighbouring the tree has permission for 180 dwellings and open space.

### **Desk Based Assessment**

Two requests were made for TPOs on trees in rear gardens of Crow Ash Road. One request was on a birch at South View and one on an oak at The Cottage.

The trees are situated in rear gardens, adjacent to a currently open field which has full planning permission for 180 dwellings and open space.

Reserved matters application P1547/19/APP approved the layout of the development and application P0018/20/DISCON seeks to discharge the landscaping condition of outline application P1482/14/OUT.

The site for 180 dwellings is within a Locally Valued Landscape as designated within the Allocations Plan, AP69 and the trees therefore neighbour this designation. The rear garden boundaries sit on the historic statutory forest boundary.

In the approved layout, both trees have an extent of public open space afforded near them within the approved development. For the oak tree at The Cottage, this is to a greater extent, where it will be a prominent feature of a large area of public open space with footpaths through and running past the tree. The birch tree at South View would have a lesser impact on public amenity value following development. Whilst it is shown to be retained next to a section of green corridor, it will be tucked between properties and its visibility and prominence will be limited, in an area less likely to be frequented by the public.

Both trees will be in close proximity to approved new residential properties following development.

The arboricultural assessment submitted with application P1482/14/OUT places the oak tree in category A of the BS5837:2012 assessment for good condition, quality, remaining life expectancy and capability to contribute to the site in the longer term. The birch is categorised B (moderate value).

### **Site Based Assessment**

The oak tree is a large, mature, notable specimen with a good form characteristic of an open –grown tree of its species. It is currently prominent from the neighbouring field, Lower Lane and Hillcrest Road, and visible to an extent above properties from

Crow Ash Road and play area off Crow Ash Road. This tree significantly overhangs the development site.

The birch tree is visible from Lower Road however due to its size and form is not considered prominent. It is visible to a limited extent from Crow Ash Road. This is a modest sized tree, the form of which appears affected by previous management, somewhat affecting its appearance.

### **Consultation Responses**

No consultations have been made for a TPO. Two requests for a TPO have been made, one on the birch tree and one on the oak. These were due to potential impacts of the approved neighbouring development on the trees, including damage to roots during construction, threatening outlooks on to the tree(s), branches and growth. The requests refer to the quality and visibility of the trees.

### **Discussion**

**Visibility:** The trees will be considered here in terms of their visibility following construction of the approved neighbouring development.

The oak at The Cottage will be a prominent feature viewed from an area of proposed public open space within the development and significantly overhangs the site. Views of the tree from the eastern end of Hillcrest Road which are currently clear might be lessened due to new building. The tree will remain visible to a degree from Crow Ash Road and Hillcrest Road as it runs west.

Visually, the birch tree At South View will be near the boundary of two residential properties, just to one side of a small area of public open space. This area does not provide connectivity for walkers or space to encourage its frequent use and due to the location of the tree in relation to approved dwelling locations, its visibility in the public realm from within the site will be limited. It will remain visible to a degree from Crow Ash Road.

**Individual Impact:** The oak tree is a good example of its species as a mature specimen. The birch tree is not considered to be of a good form or of a significant size or character.

**Wider Impact:** The oak tree will contribute to the setting of an approved development and a new area of public open space providing connectivity between new and existing development. This will contribute a sense of maturity and continue to be a prominent landscape feature even after construction and occupation of the development.

Visually, the birch tree will be more enclosed than its current position. It is not considered to be of such individual value to warrant its long term protection in the eyes of tree protection legislation.

**Visible infrastructure constraints:** None noted.

**Expediency:** The requestors of TPOs for the two trees are the tree owners in both cases. Planning applications P1482/14/OUT and P1547/19/APP approved new residential development and landscaping within the field neighbouring the two trees

however, putting greater pressure on their management from adjacent properties and owners. The oak significantly overhangs the site and will make a significant contribution to public amenity following construction.

Currently there do not appear to be any safe guards in place for the protection of retaining trees during construction. A TPO would enable enforcement of inappropriate activity within rooting areas of the oak.

A TPO is considered expedient.

**Conclusion of Discussion:** The oak tree will contribute significantly to the setting and public amenity value within an approved residential development and is considered to merit protection.

Due to the limited visibility of the birch tree following development and its limited arboricultural merit as an individual tree, it is not considered that the birch tree merits 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.

**Recommendation**

That provisional Tree Preservation Order DFTPO253 The Cottage, Crow Ash Road be made.

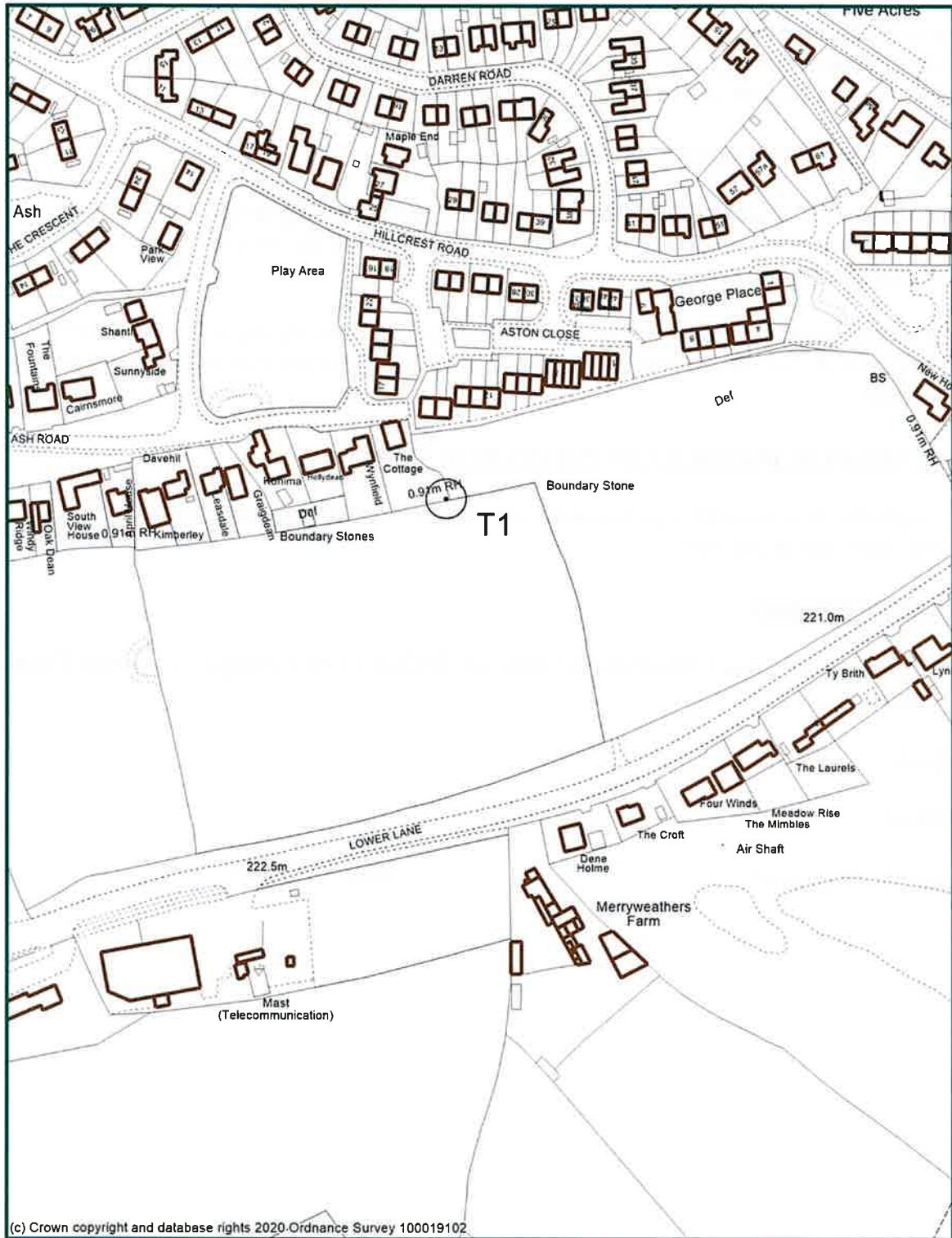
Signed:.....

Printed:.....

Agreed / Disagree\*:..... Date:.....



Appendix A – TPO Plan



**Tree Preservation Order  
DFTPO253  
The Cottage, Crow Ash Road**

Scale: 1:2000

24 March 2020



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Appendix B – Approved site layout



Appendix C – Photographs

Oak





Birch





