

TOWN AND COUNTRY PLANNING ACT 1990

The Tree Preservation Order DFTPO224 – The Gables, Littledean

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 DFTPO224, The Gables, Littledean

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 27 day of April 2017

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

Affixed in the presence of

S. Sanderson




CONFIRMATION OF ORDER

This Order was confirmed by the FOREST OF DEAN DISTRICT COUNCIL without modification on the 4th day of August 2017

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

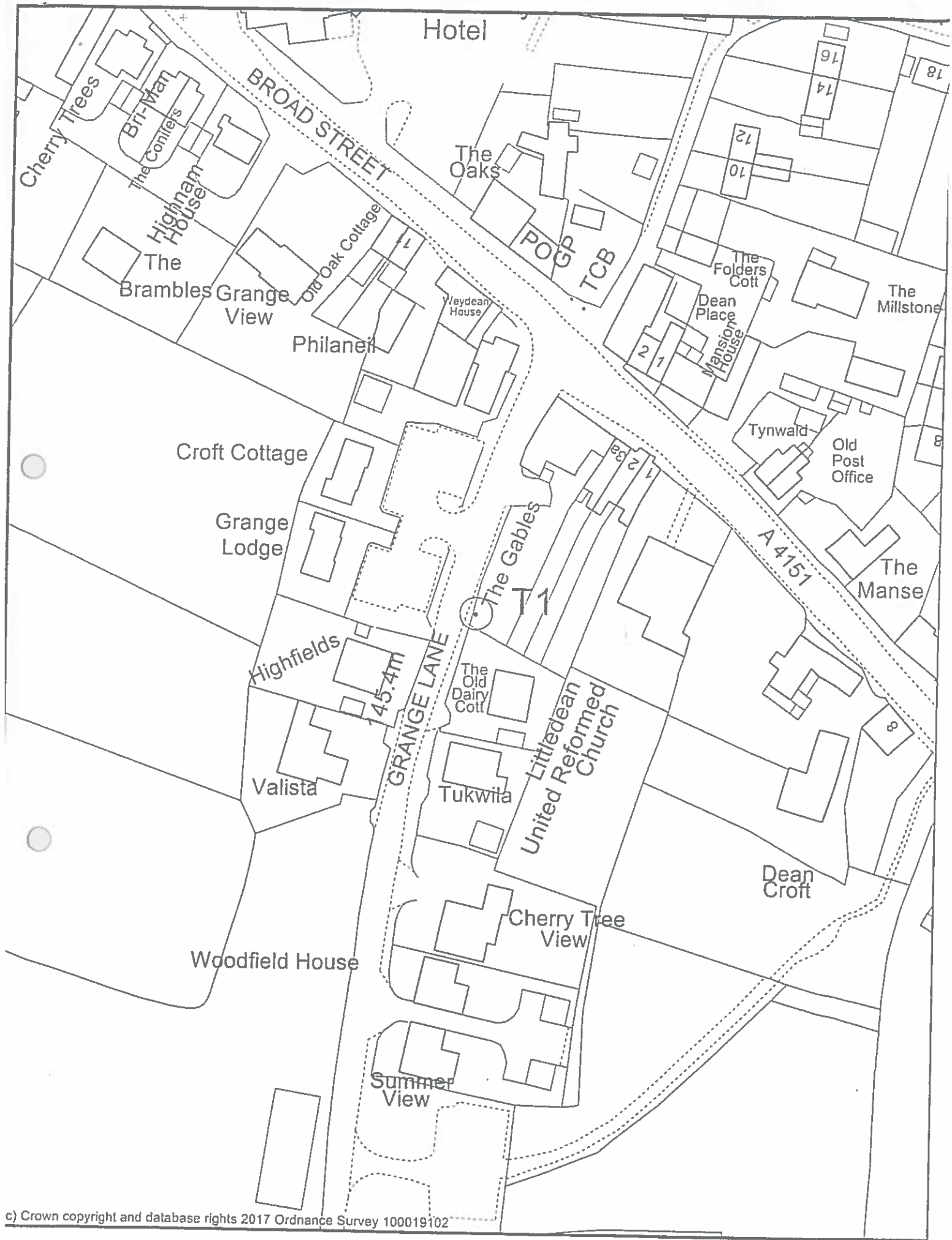
REVOCATION OF ORDER

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
 DFTPO224
 The Gables, Littledean

Scale: 1:1000

26 April 2017



**SCHEDULE 1
SPECIFICATION OF TREES**

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

Reference on Map	Description	Situation
T1	Birch	Southwest corner of the Gables

**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

DFTPO224 The Gables, Littledean

Introduction

A Tree Preservation Order is recommended for one Silver Birch tree at The Gables, Littledean (see Appendix A – B for TPO plan and photographs). The tree should be referred to as:

T1 – Silver Birch

A Section 211 notice has been submitted (P0427/17/TCA) for the removal of two Silver Birch trees at the property. The notice describes the trees as self-seeded within a boundary and hedgerow at The Gables. The trees are not planned or wanted by the owners in these locations and are stated to be causing excessive shade and nuisance to neighbours.

One tree is recommended for protection in order to address in part the applicant's concerns by allowing the removal of one tree while ensuring the retention of a feature which contributes to public amenity in this area of Littledean.

Desk Based Assessment

The trees are located in the rear garden of The Gables, which is adjacent to Grange Lane and are on the opposite side of the highway from a public car park on Grange Lane.

Grange Lane connects the settlement of Littledean with the open countryside.

Site Based Assessment

The trees the subjects of the request are prominent from and form a feature of Grange Lane. The Birch tree recommended for protection is within the roadside hedgerow. A second Birch tree is set further back from the road within the garden of the property.

There is also a Cherry tree within the garden. This is not as prominent as the Birch trees.

The trees are adjacent to a neighbouring property.

Consultation Responses

Littledean Parish Council was consulted on the Section 211 Notice and did not provide any comments.

No representations were received from members of the public.

The applicant was contacted regarding the Council's concern of removing both trees and the impact this would have on public amenity, suggesting that the larger of the two trees be retained. The applicant's response is summarized below:

- Whilst the larger of the trees may be viewed as a public amenity it is clearly self-seeded and has not been planted with purpose
- It has only been able to get to that size through failure of previous owners to deal with it
- The tree has caused damage to the neighbour's boundary wall and blocks out their light
- The neighbours complain annually due to shedding seeds blocking guttering and drainage
- I would be willing to replant with a suitable replacement that is not so close to the border or so troublesome in nature but consider there are other mature trees adjacent (a Cherry for one) that are preferable as consideration to be public amenities
- I would therefore still prefer to see the original application for removal to progress

Due to the applicant's comments regarding damage caused by the larger of the two trees to the neighbour's boundary wall, it is considered that in order to retain part of the feature provided by the trees, the Birch tree within the roadside hedge should be protected.

Discussion

Visibility: The tree is highly visible and prominent from Grange Lane and a public car park.

Individual Impact: While not as dominant in size and canopy density as the adjacent Silver Birch tree which is subject to the current S211 Notice, this tree is a feature of the lane, standing within the roadside hedgerow.

Wider Impact: The tree contributes to the progression of settlement into open countryside. The two are connected by Grange Lane. The tree is also opposite a public car park and is considered to enhance this corner of the settlement.

Expediency: A Section 211 Notice has been submitted for the removal of the tree and a neighbouring tree.

Upon submission of a Section 211 Notice, the Council must decide whether to permit the proposed works or to make a TPO.

A TPO is considered expedient.

Conclusion of Discussion: Whilst the Council has received notification of the intent to remove two Silver Birch trees which provide a feature to Grange Lane, it is considered that the protection of one Silver Birch tree in the roadside hedgerow will retain this feature while helping to provide an attractive entrance in the settlement and transition into open countryside.

Alternatives to placing a Tree Preservation Order

Allow the removal of both trees the subject of the S211 Notice to go ahead. This would result in the loss of public amenity

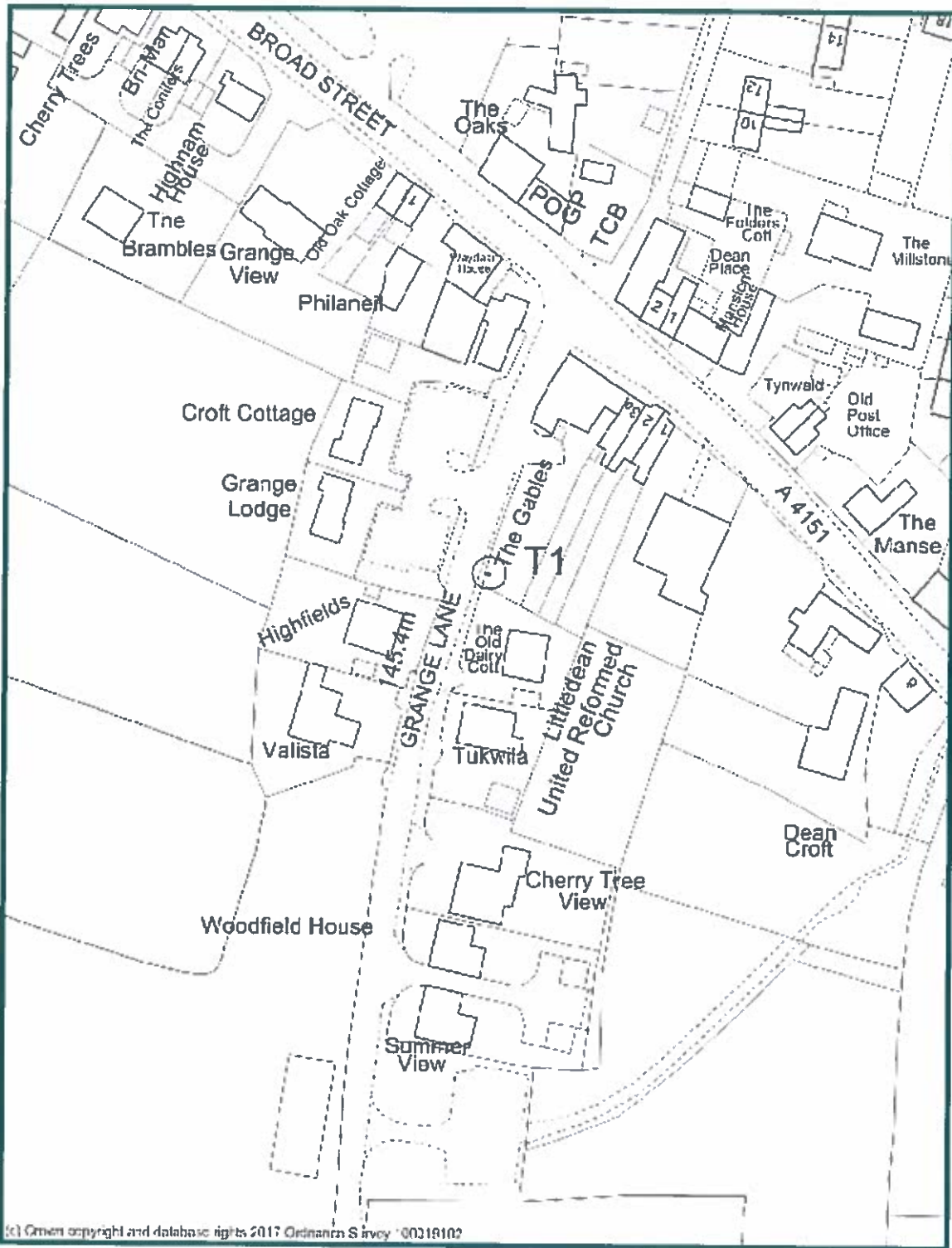
Place a TPO on both Silver Birch trees the subject of the notice. The second tree has been identified as causing damage to a neighbour's wall and may be the cause of further damage in the future.

Recommendation

That provisional Tree Preservation Order DFTPO224 The Gables, Littledean be made.

pp Strategic Group Manager 

Agreed / ~~Disagree~~*: Date: 21/4/17



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**Tree Preservation Order
DFIPO224
The Gables, Littledean**

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20 April 2017



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Appendix B - Photographs

Second tree within notice
proposed for removal

