

## TOWN AND COUNTRY PLANNING ACT 1990

The Tree Preservation Order DFTPO211 – Land adjacent to the Old Vicarage, Coleford

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 DFTPO211, Land adjacent to The Old Vicarage, Coleford

### 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 9<sup>th</sup> day of June 2015

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 a long horizontal stroke.

1809

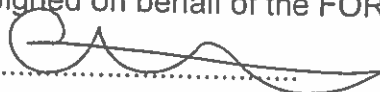
**CONFIRMATION OF ORDER**

This Order was confirmed by the FOREST OF DEAN DISTRICT COUNCIL without modification on the 27th day of August 2015

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



**SCHEDULE 1  
SPECIFICATION OF TREES**

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

Reference on Map	Description	Situation
T1	Sweet Chestnut	SO578105 (X357784, Y210585)
T2	Oak	SO578105 (X357789, Y210595)

**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	Situation trees in the group)
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**Woodlands  
(within a continuous black line on the map)**

Reference on map	Description	Situation
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# **Report for a Tree Preservation Order**

## **DFTPO211 Land Adjacent to The Old Vicarage, Coleford**

### **Introduction**

A Tree Preservation Order is recommended for two individual trees on land adjacent to The Old Vicarage, Lords Hill, Coleford (see Appendix A – B for TPO plan and photographs). The trees should be referred to as:

T1 – Sweet Chestnut  
T2 - Oak

Application P0639/15/FUL is currently pending consideration for a residential development comprising four detached dwellings, associated garaging facilities and a coach house with a flat over with provision of vehicular access. There are two significant trees on site as identified in a submitted arboricultural survey, impact assessment and method statement. The proposed scheme will impact on the trees due to construction within root protection areas and future pressure on the management of the trees due to their locations within proposed gardens.

### **Desk Based Assessment**

The proposals included within application P0639/15/FUL will impact on the trees through the construction of the development and during the occupation of the developed site. The Sweet Chestnut tree and Oak tree identified for protection are the most significant trees on the application site. The Sweet Chestnut tree is likely to be significantly impacted by the construction of the development both by the footprints of proposed buildings and the need to provide terraced space around them. The arboricultural report states that there could be some adverse impact to the Sweet chestnut tree, the degree and time span of which is hard to estimate. The arboricultural impact assessment states that due to the ground levels on site it is not possible to construct the dwellings with pile foundations to avoid excavation, a method which would reduce impacts on the tree.

Both trees are proposed for retention within the gardens of proposed plots 2 and 3. The canopy of the Sweet Chestnut tree covers the whole of the garden of plot 3 and significantly overhangs the garden at plot 2. The canopy of the Oak tree covers the majority of the garden at plot 2 and overhangs into plot 1. There is a shading plan within the arboricultural report. This shows the expected shade patterns of the trees. According to this plan, shade from the two trees could affect plots 1 and 2 completely. The proposed layout would increase the management pressures on these trees upon occupation of the site.

### **Site Based Assessment**

The trees are prominent from Old Vicarage Court. Both trees are visible from Old Station Way, Lord's Hill and Lords Gate. The Sweet Chestnut tree is also visible from Kings Meade. When viewed from Old Station Way the trees are viewed within the

context of The Old Vicarage, a listed building. Both trees are considered to be of high amenity value.

**Consultation Responses**

No consultations have been made with regards to the making of a TPO.

**Discussion**

**Visibility:** The trees are prominent from Old Vicarage Court. Both trees are visible from Old Station Way, Lord's Hill and Lords Gate. The Sweet Chestnut tree is also visible from Kings Meade.

**Individual Impact:** The trees have been surveyed as BS5837:2012 category A (Sweet Chestnut) and category B (Oak) trees in the arboricultural survey submitted with application P0639/15/FUL. The survey describes the Sweet Chestnut tree as a large high-value tree in generally good condition. The Oak tree is described as a large mature tree in generally good condition.

The trees are considered to be of high individual amenity value.

**Wider Impact:** The trees contribute to the wider context due to their visibility and size bearing in mind their location within the settlement of Coleford.

**Expediency:** The proposals set out in application P0639/15/FUL are likely to significantly impact the two trees both as a result of construction and an increase in management pressures due to the proposed site layout and density. Since the provision of pre-application advice for the development, a number of trees on site have already been removed.

A TPO is considered expedient.

**Conclusion of Discussion:** Two individual trees on land adjacent to The Old Vicarage, Lords Hill are of high public amenity value and are therefore considered to merit protection.

**Alternatives to placing a Tree Preservation Order**

Do nothing. The trees are not within a Conservation Area or currently protected by a TPO so the Council's permission will not be required prior to their removal. If permission is granted for application P0639/15/FUL a landscaping condition may ensure the retention of the trees in the short term.

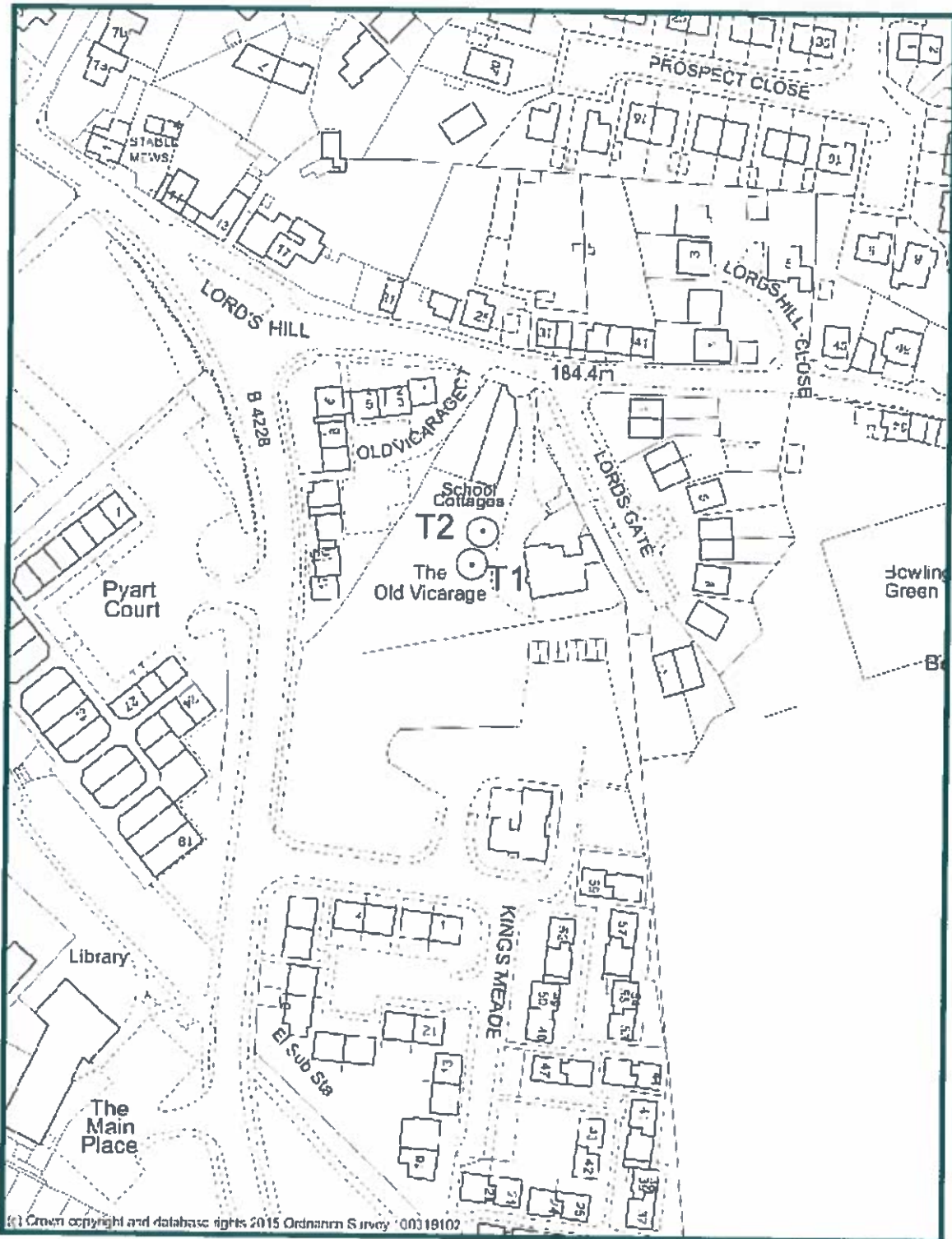
**Recommendation**

That provisional Tree Preservation Order DFTPO211 Land Adjacent to The Old Vicarage, Lords Hill be made.

Planning and Housing Group Manager:..... *AP Anthony S. Lopez*

Agreed / ~~Disagree~~..... Date: *4/6/2015*

Appendix A – TPO Plan



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**Tree Preservation Order  
DTPO211  
Land Adjacent to The Old Vicarage, Lords Hill**

Scale: 1:1250

04 June 2015



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Appendix B – Photographs

