

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

The Tree Preservation Order DFTPO199 Cross Keys Garage

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 DFTPO199, Cross Keys Garage

### **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.

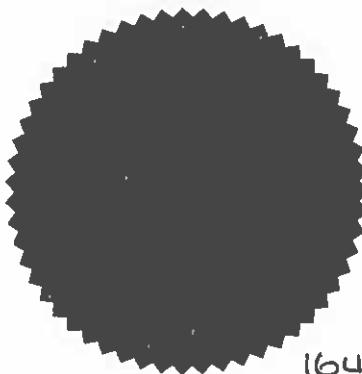
### **3. Application to trees to be planted pursuant to a condition**

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 February 2014

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 several loops and a long horizontal stroke.

1644  

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27.2.14

**CONFIRMATION OF ORDER**

This Order was confirmed by the FOREST OF DEAN DISTRICT COUNCIL without modification on the 2<sup>nd</sup> day of April 2014

OR

This Order was confirmed by the FOREST OF DEAN DISTRICT COUNCIL, subject to the modifications indicated by \_\_\_\_\_, on the \_\_\_\_\_ day 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

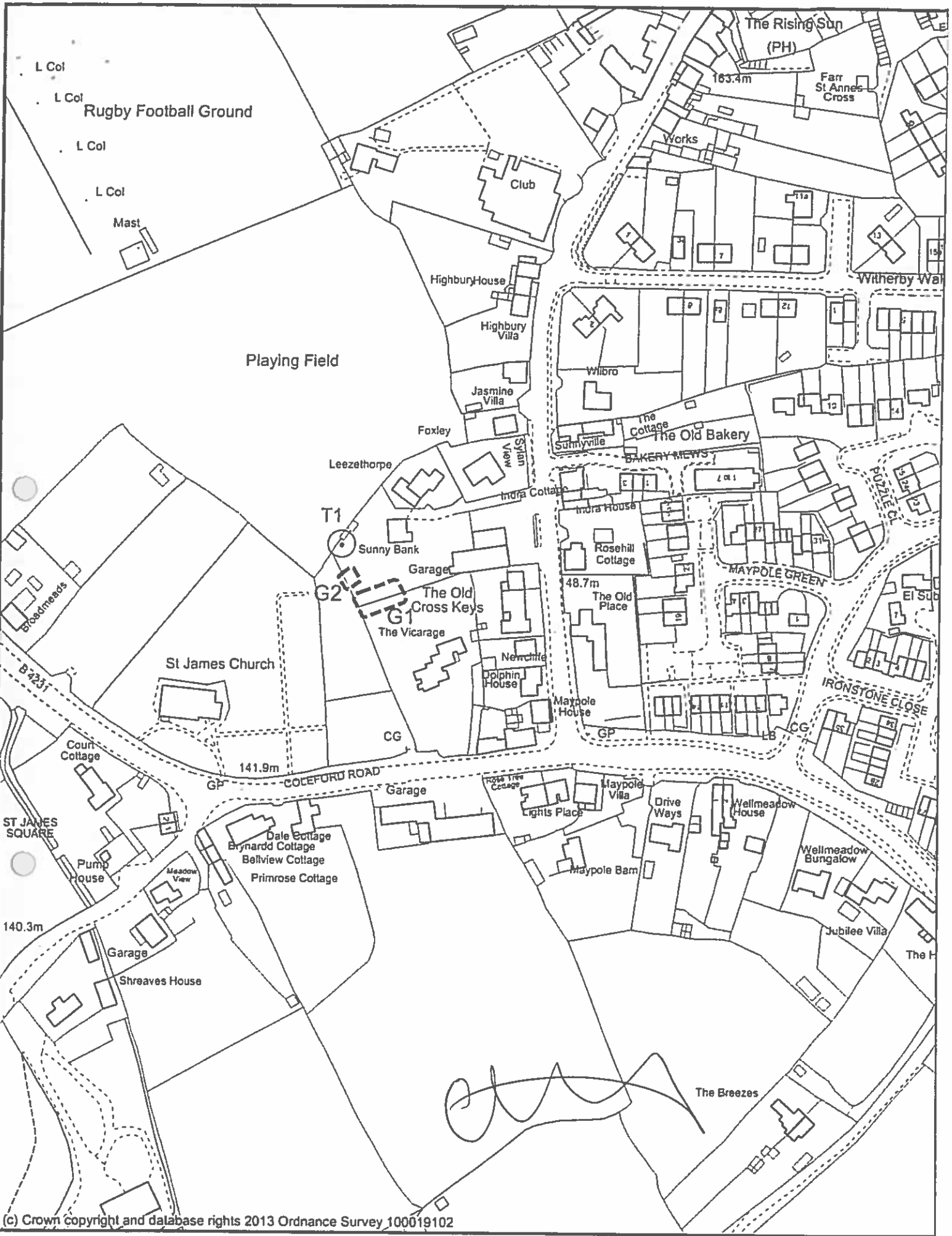
**REVOCACTION OF ORDER**

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



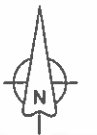
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**Tree Preservation Order  
DFTPO199  
Cross Keys Garage**

Scale: 1:2000

25 February 2014



# **Report for a Tree Preservation Order**

## **DFTPO199 Cross Keys Garage**

### **Introduction**

A Tree Preservation Order is recommended for two groups of trees and one individual tree on the south and west boundaries of the Cross Keys Garage site, Bream (see Appendix A – B for TPO plan and photographs). The trees should be referred to as:

- T1 - Ash
- G1 – 5 Holly trees
- G2 – 3 Lawson Cyprus trees

The trees are located on the boundaries of the Cross Keys Garage site, Bream, where outline planning permission has been sought for the erection of nine dwellings and the demolition of an existing dwelling and garage (P1863/13/OUT). Indicative plans show that proposed development would be in close proximity to the trees on site. Trees on site are not within a Conservation Area and are not currently protected by a Tree Preservation Order. If the current planning application on site is refused, there will be no protection afforded to trees on site. The lack of current protection means that the Council's permission is not required for their removal. There are three trees on site identified by a recent tree survey which are not recommended for protection due to their low quality. The trees recommended for protection are considered to be of high amenity value.

### **Desk Based Assessment**

The trees are located on the boundaries of Cross Keys Garage, Bream.

The property is situated within the settlement boundary of Bream, off the High Street. Some of the trees border the property of The Vicarage on Coleford Road. To the West is St James Church and graveyard.

A pre-development arboricultural report was submitted for the erection of nine dwellings on site and it was found that the trees in question would be vulnerable to impacts from demolition and construction as proposed by indicative plans. A previous planning application at The Vicarage, to the south, was granted permission (P0787/13/FUL) where development of a garage will encroach upon the root protection areas of Holly trees in proposed G1, under the condition that works are carried out in accordance with a submitted arboricultural method statement. The Sustainability Team raised concerns in application P1863/13/OUT that it was not adequately demonstrated that retaining trees could be safe guarded.

The tree survey submitted with P1863/13/OUT puts the trees in category B of BS5837:2012.

The trees are not within a Conservation Area.

### **Site Based Assessment**

The trees can be viewed from High Street and most can be viewed from Coleford Road, Bream and the nearby cemetery. G1 and G2 are significant groups when viewed from the cemetery and highways.

### **Consultation Responses**

No consultation has taken place in direct reference to the provision of a Tree Preservation Order on the trees.

The Council has not received any comments in planning application P1863/13/OUT regarding the trees.

### **Discussion**

**Visibility:** Groups G1 and G2 are clearly visible from Coleford Road, Bream and from the cemetery at St James Church. All are visible from High Street, Bream. The trees are of amenity value to local residents and to those passing through the village.

**Individual Impact:** The trees are viewed as two groups and an individual tree. They are all considered by the tree survey submitted with the current planning application to fit category B of BS5837:2012 (trees of moderate quality with an estimate remaining life expectancy of at least 20 years). As described by the tree survey, G1, G2 and T1 are 10m, 13.7m and 16.8m in height, respectively.

**Wider Impact:** Recommended groups G1 and G2 are considered to contribute as significant groups of trees when viewed from public view points and T1 is considered to be a prominent tree on site. The trees are of value to local residents and to those passing through the village.

**Expediency:** Planning application P1863/13/OUT is currently pending consideration for the erection of nine dwellings and the demolition of an existing dwelling and garage. It is considered that the trees in question are vulnerable to proposed development and offer constraints to the indicative layout on site. The Council would like to see these trees retained on site. If the application is refused, there will be no protection afforded to these trees and the Council's permission will not be required for their removal. These trees are considered to be of amenity value and should be conserved.

A TPO is therefore considered expedient.

**Conclusion of Discussion:** The trees are visible from public view points in Bream. A planning application is currently being considered for the site on which the trees are located. A Tree Preservation Order would demonstrate that the LPA considers

the trees to be a public amenity and should be retained. At present, the trees are not afforded any level of protection.

**Alternatives to placing a Tree Preservation Order**

Do nothing. In this case, there will be no restrictions on the trees to prevent their removal and the trees may be felled without notification to or permission from the LPA.

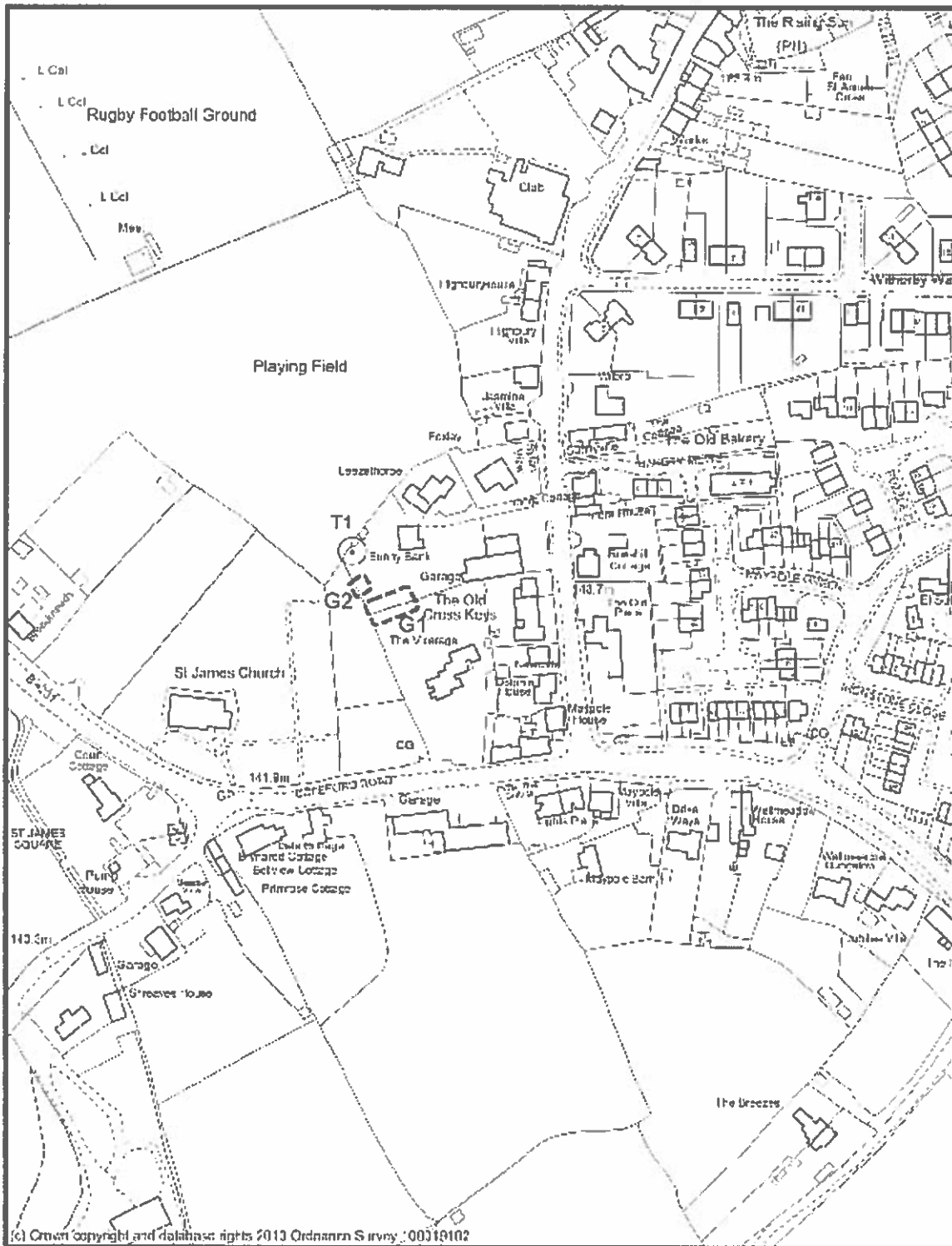
**Recommendation**

That Tree Preservation Order DFTPO199 Cross Keys Garage, Bream be made.

Planning and Housing Group Manager:.....  .....

Agreed / ~~Disagree~~\*:..... Date:..... 25/2/14 .....

Appendix A – TPO Plan



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**Tree Preservation Order  
DFTPO199  
Cross Keys Garage**

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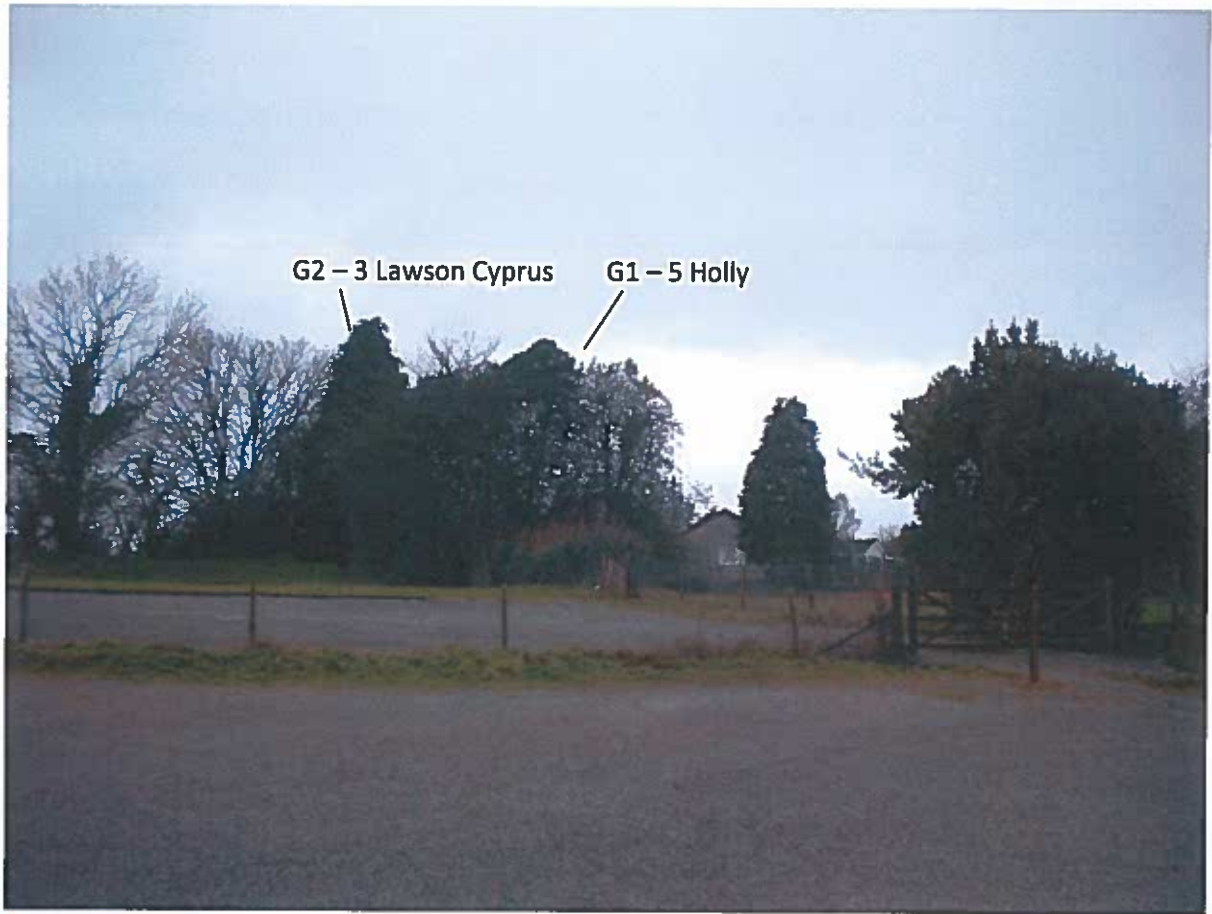
25 February 2014



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Appendix B - Photographs



From High Street

