

TOWN AND COUNTRY PLANNING ACT 1990

The Tree Preservation Order DFTPO215 – Southend Nurseries, Newent

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 DFTPO215, Southend Nurseries, Newent

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.

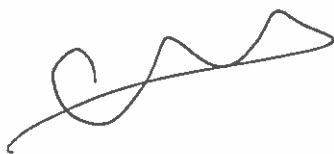
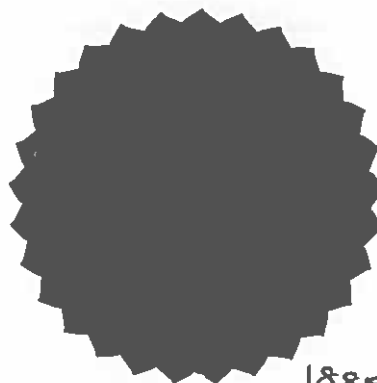
3. Application to trees to be planted pursuant to a condition

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 25th day of February 2016

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.

1885

CONFIRMATION OF ORDER

This Order was confirmed by the FOREST OF DEAN DISTRICT COUNCIL without modification on the

OR

This Order was confirmed by the FOREST OF DEAN DISTRICT COUNCIL, subject to the modifications indicated on the map, on the 12th day of July 2016

Signed on behalf of the FOREST OF DEAN DISTRICT COUNCIL

.....*S. J. [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

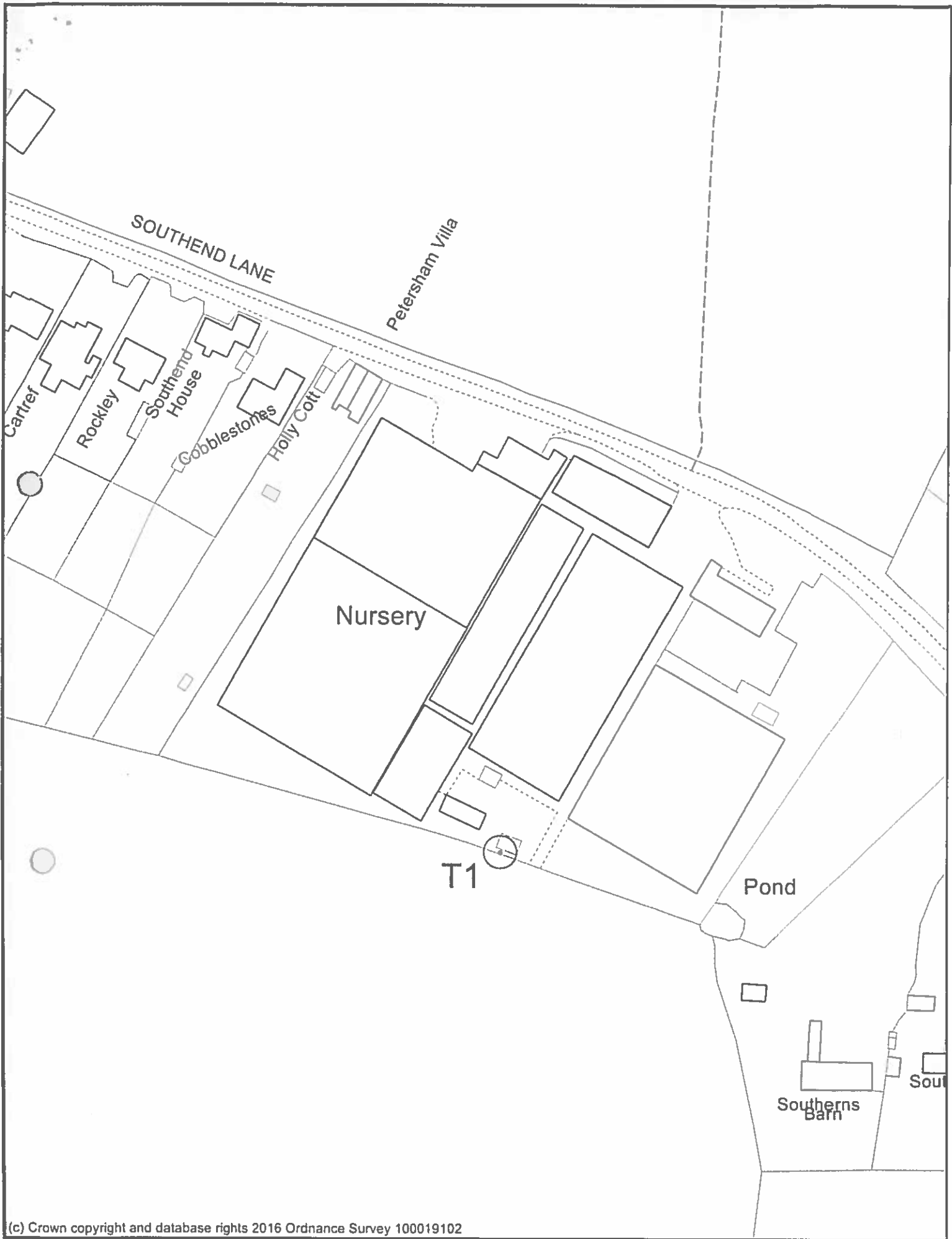
REVOCAION OF ORDER

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



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**Tree Preservation Order
DFTPO215
Southend Nurseries, Newent**

Scale: 1:1250

13 July 2016



**SCHEDULE 1
SPECIFICATION OF TREES**

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

Reference on Map	Description	Situation
T1	Field Maple	Southern boundary of Southend Nurseries

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

Reference on Map	Description	Situation
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**Groups of trees
(within a broken line on the map)**

Reference on map	Description (including number of trees in the group)	Situation
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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

DFTPO215 Southend Nurseries

Introduction

A Tree Preservation Order is recommended for one area of trees to include Alder and Field Maple on the southern boundary of Southend Nurseries, Southend Lane (see Appendix A – B for TPO plan and photographs). The trees should be referred to as:

A1 – Alder, Field Maple

P0047/16/APP is currently pending consideration for the approval of reserved matters relating to permission P1877/13/OUT for the erection of 25 dwellings on the Southend Nurseries site. Trees on the southern site boundary are proposed to be included in a 15m wide landscape and biodiversity buffer between the site's southern boundary and new dwellings. It is proposed to top these trees to 2.5m in height and maintain at a height of 2-2.5m.

Desk Based Assessment

In January 2015 application P1877/13/OUT for demolition of an existing dwelling house and glasshouses and erection of up to 25 dwelling houses and associated works including means of access was granted permission at Southend Nurseries. During the consideration of the application the Sustainability Team raised concerns over the retention of the southern tree belt within privately owned gardens as it was considered to be an important visual buffer when viewing the site from the south. The private ownership of the southern boundary vegetation could result in unnecessary and inconsistent management works along the boundary including removal. Condition 19 of permission P1877/13/OUT reassured that with the development of the site the trees would be retained within public open space, ensuring that this boundary feature would be retained and maintained in the development.

Condition 19 of the permission requires a method statement for the establishment and long term management of a landscape and biodiversity mitigation zone as public open space, the mitigation zone to include the retained hedge/tree belt on the southern boundary of the site and to be no less than 15m wide measured from the site boundary.

Application P0047/16/APP allows a 15m buffer from the southern site boundary for the landscape and biodiversity mitigation zone, to be in public open space within the development in accordance with condition 19. This zone will be a feature of the development and it is proposed for paths to be mown through to allow public access. The submitted Landscape and Ecological Management Plan dated December 2015 proposes a ten year management period post-construction with a subsequent review and update of the plan and states that the management of public spaces on site post-construction will be carried out by a management company. The management plan seeks to reduce the southern tree belt down to a height of 2.5m and stool in sections to reduce shading across the site providing a varied hedgerow structure,

trimming the trees on an annual basis to maintain them at a height of between 2 and 2.5m. It is not considered that the proposed reduction of the trees respects this landscape feature and the Council is no longer reassured that this boundary will be appropriately managed to assimilate the development into the surrounding landscape character as viewed from the south and to retain the landscape feature.

TPO202 Southend Lane 2014 covers two individual Copper Beech trees at the front of the Southend Nurseries site adjacent to Southend Lane, an individual Oak tree opposite the site and one group of Oak and Ash trees to the front of The Stables traveller site on Southend Lane. This TPO was made to protect trees which contribute to the character of Southend Lane further to a query from the Site Inspection Panel on the retention of the two Copper Beech trees at Southend Nurseries under planning application P1877/13/OUT as these trees were shown to be removed in the application.

Site Based Assessment

The tree belt along the southern boundary of Southend Nurseries is clearly visible from a public right of way approximately 118m to the south across an open field. The approved development would be situated on the northern side of this tree belt and so these trees would be important in assimilating the modern development into the surrounding landscape character. The reduction of the trees to 2.5m in height and maintenance as a hedge line would increase the visibility of the development from the south. It is considered that this would result in a harmful impact from the development on the surrounding landscape character.

The trees are considered to be a feature of the local landscape, contributing to the tree line around the field through which the PROW runs and to the sense of a well treed landscape.

Although of more significance from the south, the trees are also visible from Southend Lane and a public right of way to the north, viewed through and over the top of existing glasshouses on site. The visibility of these trees from these viewpoints may increase with the implementation of the development as currently the application site is covered with glasshouses.

Consultation Responses

No consultations have been made.

Discussion

Visibility: The trees form a prominent feature from a public right of way to the south. The trees are also visible from Southend Lane and a public right of way to the north. The trees will be visible within the new development subject to the approval of reserved matters and implementation of the development and will be included in a public open space on the site.

Individual Impact: The trees are viewed as a tree belt spanning east to west across the application site's southern boundary and as such are viewed collectively. Applications P1877/13/OUT and P0047/16/APP identify that this tree belt is comprised mostly of Alder which were planted as a windbreak for the existing

glasshouses at the nursery. While there are other species including Hazel, Holly, Elder, Hawthorn, Willow, Elm and Damson within this area as identified in the submitted ecology reports these are not considered to contribute significantly to the amenity value of the tree belt. An ancient Field Maple has also been identified within this area however which it is considered should be protected along with the Alder trees.

Wider Impact: The trees contribute to the sense of a well treed landscape from public viewpoints. The trees will also be important in assimilating a new development into the surrounding landscape character subject to implementation.

Expediency: It is proposed to retain this feature within public open space of the development and this is secured in a planning condition, however it is proposed in a submitted management plan to reduce the trees to a height of 2.5m and maintain them as a hedge line at a height between 2 and 2.5m to reduce shade into the site. It is considered that this form of management is excessive and that the management of this boundary should respect this important feature. Upon implementation of the development, there may be potential pressure from future property owners on the site to manage the boundary at a reduced height.

If the development is not implemented, there are no controls on the trees and they could be cut or removed without the Council's permission.

A TPO is considered expedient.

Conclusion of Discussion: An area of Alder and Field Maple trees along the southern boundary of Southend Nurseries is considered to be of high public amenity value. The proposed management objectives of application P0047/16/APP are not considered to respect these trees.

Alternatives to placing a Tree Preservation Order

Do nothing. Though condition 19 of planning permission P1877/13/OUT safe guards the retention of the boundary and requires a management plan, prior to the implementation of the permission, or indeed if the development is not implemented, the Council's permission will not be required prior to works to or the removal of these trees. Whilst recommendations can be made for the revision of the landscape management plan within application P0047/16/APP, placing a TPO on the trees will further stress the need to appropriately manage these trees.

Recommendation

That provisional Tree Preservation Order DFTPO215 Southend Nurseries be made.

Planning and Housing Group Manager:.....*P.M. Williams*.....

Agreed / ~~Disagree~~*:..... Date: *25.2.2016*.....

Appendix A – TPO Plan



**Tree Preservation Order
DFTPO215
Southend Nurseries**

Scale: 1:2500

23 February 2016



Appendix B – Photographs



Above and below: A1 viewed from PROW GNE/95/1 to the south of Southend Nurseries







Above: Case Officer photo. A1 seen behind existing glasshouses viewed from Southend Lane

Below: Case Officer photo. A1 viewed from Southend Nurseries

