

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

The Tree Preservation Order DFTPO254 – Forest View, Bream

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 DFTPO254, Forest View, Bream

### **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

*P. M. Williams*



7240

**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. Williams*  
.....

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	Wellingtonia	North west corner of Forest View
T2	Cedar	North east corner of Forest View

**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

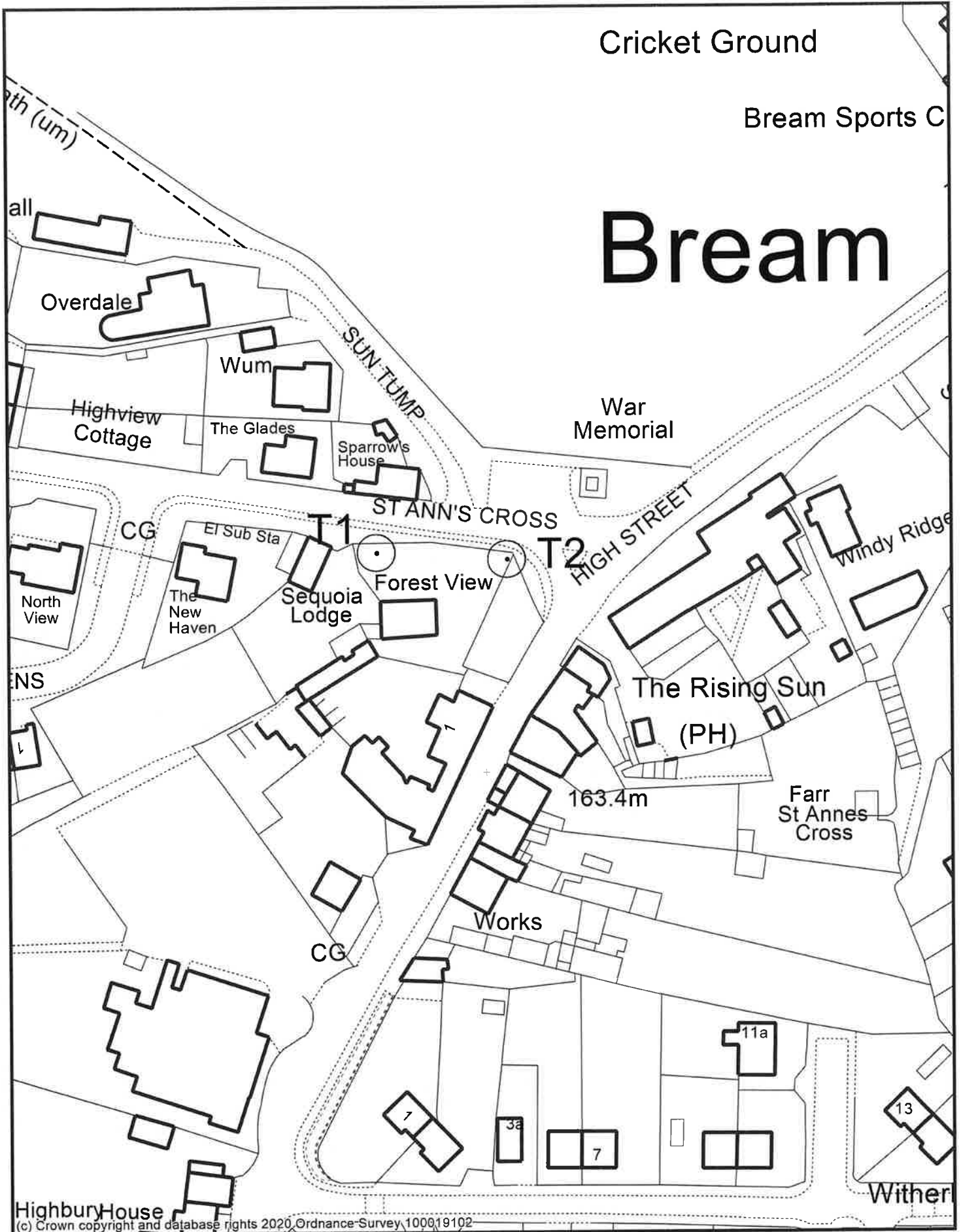
**Woodlands**  
(within a continuous black line on the map)

Reference on map	Description	Situation
Nil	Nil	Nil

Cricket Ground

Bream Sports C

# Bream



HighburyHouse  
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**Tree Preservation Order**  
**DFTPO254**  
**Forest View, Bream**

Scale: 1:1000



# **Report for a Tree Preservation Order**

## **DFTPO254 Forest View, Bream**

### **Introduction**

A Tree Preservation Order is recommended for two trees at Forest View, Bream (see Appendix A – B for TPO plan and photographs). The trees should be referred to as:

T1 – Wellingtonia

T2 - Cedar

Application P1731/19/FUL seeks permission for a dropped kerb and access. This would involve work within the root protection areas of the trees.

### **Desk Based Assessment**

The proposed access has the potential to impact upon the trees during and following construction, which are situated to the frontage of Forest View.

Following initial comments from the Sustainability Team an arboricultural impact assessment has been submitted to support application P1731/19/FUL. This identifies impacts on two large mature trees (T1 and T2) as well as a group of shrubs. It considers that due to the small extent of excavation required and providing a no-dig methodology is followed for the driveway, the impact will not be significant.

Forest View is situated near the junction of High Street and New Road, with Cedar T2 closest to the junction.

### **Site Based Assessment**

T1 and T2 are highly visible and prominent from High Street, Bream and New Road. Both trees are large, mature, individual specimens but also assimilate with each other. Whilst the arboricultural report submitted for the planning application considers the Wellingtonia incongruent with the surrounding landscape, these trees are associated with an old property, the building appearing on historic mapping (between 1846 and 1901) and contribute to the landscape's maturity as is also provided by nearby built form and mature trees at the recreation ground.

St Ann's Cross war memorial is situated on the opposite side of the road junction, from which the trees are prominent features.

The trees are on raised ground within the garden of Forest View, behind a stone wall.

### **Consultation Responses**

No consultations have been made for a TPO.

### **Discussion**

**Visibility:** The trees are very prominent from a central location within Bream, visible from High Street, New Road and the recreation ground. The tops of the trees can also be viewed above properties from other areas of the village.

**Individual Impact:** Individually, the trees are large, mature specimens of good condition and form for their species.

**Wider Impact:** The trees are set in the context of a central village location, close to a road junction with wide verge and war memorial. They are considered to contribute to the sense of maturity to the surrounding landscape.

**Visible infrastructure constraints:** The trees are near to highways.

There are provisions within the regulations which would enable works in relation to trees affecting the highway to be undertaken. The Highway Authority (Gloucestershire County Council) could 'oblige' the owners of the trees to cut them back from obstructing the highway. The council's consent is not required for carrying out work on trees and woodlands subject to a tree preservation order if that work is in compliance with any obligation imposed by or under an Act of Parliament. In such situations we would recommend those undertaking the works to notify the District Council 5 days in advance of carrying out the works, wherever possible.

An application for tree works could also be made to the authority at any time for tree management works.

The crowns of the trees are in close proximity to overhead lines.

There are provisions within the regulations which would enable works in relation to trees affecting power lines and communications lines to be undertaken, to include certain work carried out by, or at the request of statutory undertakers. Exemptions apply where the land on which the tree is situated is operational land of the statutory undertaker and the work is necessary in the interests of the safe operation of the undertaking, in connection with the inspection, repair, renewal of cables or other apparatus or to enable the statutory undertaker to carry out development permitted by or under the Town and Country Planning (General Permitted Development) Order 1995.

There is a street light near to T1. The canopy does not appear to be obstructing this in any way currently. An application for tree works could be made to the authority at any time for tree management works if necessary.

**Expediency:** Application P1731/19/FUL currently proposes a dropped kerb and sizeable driveway at Forest View. In disagreement with the submitted arboricultural report it is considered the proposal will be detrimental to the trees in its current form. In any case, these trees are significant features within Bream, in close proximity to residential properties and now development proposals which might increase management pressures upon them.

A TPO is considered expedient.

**Conclusion of Discussion:** The trees are considered to be of high public amenity value and merit 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 trees. If the planning application is approved, the authority may place conditions on the safeguarding of the trees during construction and retention of the trees within the scheme. This would only provide short term protection for the trees.

**Recommendation**

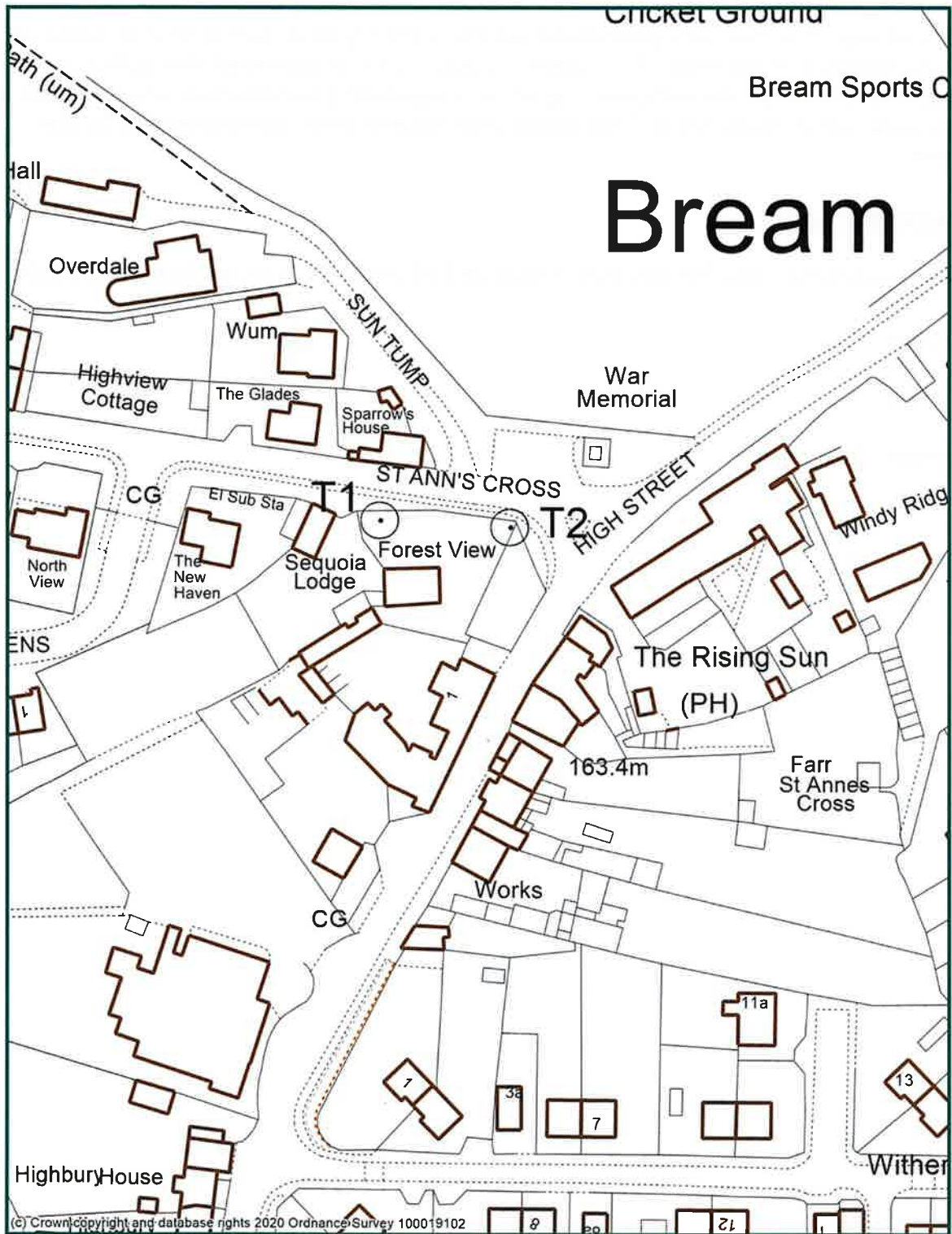
That provisional Tree Preservation Order DFTPO254 Forest View, Bream be made.

Signed:.....

Printed:.....

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





**Tree Preservation Order  
DFTPO254  
Forest View, Bream**

Scale: 1:1000

27 March 2020



Appendix B – Photographs



