



**CHELTENHAM**  
BOROUGH COUNCIL

# **Cheltenham Borough Local Plan**

## **Second Review**

**Adopted July 2006**

**Cheltenham Borough Council**

the townscape and providing valuable wildlife habitats, trees have other environmental benefits. They help to reduce the effects of global warming, by absorbing carbon dioxide, which is a major 'greenhouse' gas, and other pollutants. On a local scale trees provide shade and shelter, reduce noise and stress and encourage inward investment and add economic value.

### **The protection, replacement and management of trees**

- 6.43 Conservation area status and Tree Preservation Orders are the Borough Council's only sources of legal protection for trees on private land. No work can be carried out to protected trees without first notifying the local planning authority, and in the case of trees subject of a preservation order, express consent is required. Violation of protected status is liable to legal action and a fine. Felling licences, issued by the Forestry Commission, may also be needed for felling specific volumes of trees.

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## **POLICY GE 5 PROTECTION AND REPLACEMENT OF TREES**

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Objective O12

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**The Borough Council will resist the unnecessary (note 1) felling of trees on private land, and will make Tree Preservation Orders in appropriate cases.**

**For protected trees (note 2), the Council will require:**

- (a) any tree which has to be felled to be replaced, where practicable (note 3); and**
- (b) pruning, where it is necessary, to be undertaken so as to minimise harm to the health or general appearance of a tree.**

**In cases where trees are not protected by a Tree Preservation Order or by being in a conservation area, but contribute to the townscape and character of the town, the Council will consider including such trees in a Tree Preservation Order.**

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Note 1

The felling of a tree will be necessary only where it is diseased, unsafe, or causing harm to buildings or infrastructure. The Borough Council will seek to retain trees that are dead or dying where they contribute to the conservation of biodiversity, where they pose no harm to public safety or property.

Note 2

Protected trees are those within conservation areas or subject to Tree Preservation Orders.

Note 3

The legitimate felling of protected trees will require replacement planting. The Council will determine the location, size and species of the replacement.

Note 4

See also policy CP 3 (sustainable environment).

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### **Trees and development**

- 6.44 Trees enhance development by softening the appearance of built structures and creating a sense of maturity.
- 6.45 Development sites often contain trees, which can be incorporated into development schemes. Such trees together with new planting can add economic as well as environmental value to development
- 6.46 Section 197 of the Town and Country Planning Act 1990 states: *'it shall be the duty of the local planning authority to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made by the imposition of conditions for the preservation or planting of trees.'*
- 6.47 The Council will also seek possibilities for new planting, both in conjunction with development, and separately. Priority areas will be the conservation areas and the principal approach roads. The Council will also encourage the planting and replacement of trees on private land. The Borough Council has prepared supplementary planning guidance on landscape which will provide guidance to developers on appropriate planting both in terms of species and contribution to urban design. 75% of new replacement trees will be of native stock.

- 6.48 Whether trees are to be retained or planted in conjunction with new development, careful planning will be required at each stage until the development is complete, so as to avoid problems as the trees grow. The process must begin with a survey of existing trees and services (see Supplementary Planning Guidance –*Submission of Planning Applications*) to provide a basis for deciding which trees might be suitable for retention. This must include not only trees within the site but any adjoining or overhanging trees which might be affected by the development.
- 6.49 In planning for the retention or planting of trees, the age, health, habitat and potential height and spread of each species should be taken into account. The positioning of trees or buildings in relation to each other should be carefully considered to ensure that a tree will not be harmed or require harmful pruning as it grows, or cause damage to buildings or services. The effect of trees on views and on daylight and sunlight to buildings must be considered.
- 6.50 All planning applications where applicable, must include details and methodology for tree protection from the commencement of development to completion, to ensure that trees are not damaged by construction work.
- 6.51 Where possible, new trees should be planted within a development site. Where this is not practicable (for instance because of the size or shape of a site or the disposition of underground services), the Council will encourage developers to fund the planting of street trees close to the site. Where appropriate the Council will require developers to submit a detailed landscape assessment, including provision for new tree planting.

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**POLICY GE 6**  
**TREES AND DEVELOPMENT**

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Objective O12

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**Development which would cause permanent damage to trees of high value (note 1) will not be permitted.**

**The following may be required in conjunction with development:**

- (a) the retention of existing trees; and**
  - (b) the planting of new trees (note 3); and**
  - (c) measures adequate to ensure the protection of trees during construction works.**
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Note 1

'High value' means a sound and healthy tree with at least 10 years of life remaining which makes a significant contribution to the character or appearance of a site or locality

Note 2

The preservation and planting of trees in conjunction with development should take account of the guidance in British Standard 5837 : 2005.

Note 3

Where appropriate the Council will seek agreement from developers for the planting of new trees off-site.

Note 4

See also policy CP 3 (sustainable environment).

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**LANDSCAPING AND OTHER GREEN FEATURES**

- 6.52 Landscaping, whether using hard or soft materials, is an important element in development schemes. It can create character and a sense of place, reflect local distinctiveness, provide an attractive setting for buildings and sheltered environments for people, screen views, support and extend wildlife habitats, and add financial value to development sites. Landscaping can be newly created or it can include or be based on existing site features, such as trees, hedgerows, streams, ponds and significant wildlife habitats or corridors.
- 6.53 Landscaping of development should be considered within the context of the wider area, including consideration of the site's setting, and species used for planting in and around the site. Policy CP 3