

# Tree Preservation Order No 406-2017

Enter title of relevant Cabinet Member

Date: 04 June 2018  
Agenda Item: 5  
Contact Officer: Gareth Hare  
Tel Number: 01543 308207  
Email: Gareth.hare@lichfielddc.gov.uk  
Key Decision? NO  
Local Ward Members: Cllrs, David Leytham, Rob Strachan, Alan White.



## PLANNING COMMITTEE

### 1. Executive Summary

- 1.1 To seek members decision regarding the confirmation of Tree Preservation Order 406-2017 at Paget House, Old Hall Drive, Elford, Staffs, B79 9BZ.

### 2. Recommendations

- 2.1 That the Committee confirm the Tree Preservation order without modifications.

### 3. Background

- 3.1 A tree work application for a range of works was submitted on the 17/11/17 along with an Arboricultural report (see appendix A, works identified pg8-10).
- 3.2 The works proposed were found to affect two parcels of land: The grounds of Paget House and an adjacent plot of land in the ownership of Birmingham City Council. The City Council had been in negotiation over the sale of the land. However that sale was not complete at the time of submission of the application and Birmingham City Council (hereafter BCC) had not been notified of the proposed works. The two parcels of land are defined at appendix B with Paget House land shown blue and the adjacent Birmingham City Council land shown red.
- 3.3 The two areas of land are subject to either/both the Elford Conservation Area and Lichfield District Council Tree Preservation Order no 52-1980. (plan at appendix B for TPO 52)
- 3.4 Paget House is situated within the garden of what was Elford Hall. The land adjacent to Paget House in the ownership of BCC includes the former garden wall and the main entrance gates to the Hall. The development of which Paget House forms part was carried out in the 1980s.
- 3.5 Some of the works proposed related to trees which are only protected by the Elford Conservation Area. When a Local Authority is in receipt of notice to carry out works to a tree in a conservation area, there are only two choices: either allow the works or make a preservation order.
- 3.6 Following the service of the order on the 21st of December 2017, a report produced by an arboriculturalist working for the owner of Paget House was received. This document is reproduced at Appendix C for reference. The map and schedule of TPO 406 is at appendix E.

The objections to the order were summarised at 5.1 within the report and are numbered 1-8. Responses in italics are beneath each point for ease of reference. Responses are made with reference to the report containing the objections, the original tree works application and TPO guidance and statute as required.

1. The land is already adequately protected by a Conservation Area which protects the trees on this site.

*The land is sited within the Elford Conservation Area. However, (and in common with 3.5) a Conservation Area affords a lesser level of protection when compared to a Tree Preservation Order. A local authority cannot refuse works proposed within a Conservation Area. The only response available to an Authority which is in receipt of a notification of tree works within a Conservation Area –that they contend should not proceed- is to make a Tree Preservation Order.*

2 Most of the trees listed within the order have no visual amenity value from a public place (a necessary condition of protecting trees).

*The amenity of trees, or their suitability for inclusion within a tree preservation order is not based solely upon their visibility from a public place. There is no absolute requirement that a tree which is to be made the subject of a tree preservation order is visible or has visual amenity (sic) from a public place, only that: 'The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public.' (my underline for emphasis). The guidance goes on to list a number of other factors that may be taken into account when making tree preservation orders:*

*Individual, collective and wider impact*

*Public visibility alone will not be sufficient to warrant an Order. The authority is advised to also assess the particular importance of an individual tree, of groups of trees or of woodlands by reference to its or their characteristics including:*

- size and form;
- future potential as an amenity;
- rarity, cultural or historic value;
- contribution to, and relationship with, the landscape; and
- contribution to the character or appearance of a conservation area.

*In contrast to the objection -and having undertaken a site visit to confirm this- a number of the trees (or parts of them) can be seen from a public place. The place/s in question being the adjacent Churchyard and the approach road along the avenue. In addition, they can be seen from neighbouring gardens.*

*Some of the specimens within the land covered by the TPO will be associated with or would have been planted whilst the land was a garden to Elford Hall (the Hall was demolished in 1964). These specimens have a historic and or/cultural value as part of that past use regardless of their current visibility. The situation would be analogous to the fabric of a listed building which is not visible from the roadside but is nevertheless protected.*

*At the time of writing it is not clear that the part of the land in the ownership of BCC will pass to the owners of Paget House. Given the uncertainty over the land holding there remains the potential for the trees to offer amenity to the public in future if the use of the land changes. This is especially pertinent given that the adjacent listed wall contains the main gates and carriage entrance to Elford Hall.*

*There is both a contribution to the landscape with some of the trees having been components of a formal landscape for many years and more generally in the sense of place that the trees create.*

*Although much of the built form has been lost, many of the trees are components of the 'lost landscape' of Elford Hall.*

*Similarly the trees contribute to the character and appearance of the Conservation Area. The character of this part of the conservation area is of development within well treed, mature grounds.*

3. An assessment of the trees has been carried out and confirmed the trees do not merit protection.

*An assessment has been carried out and is reproduced within the arboriculturalists report attached at Appendix C. The conclusion of the assessment is that the trees do not merit protection. However, when using any assessment system (whether for trees or any other asset) the outcomes are dependent on a subjective view being input. The subjective views of the surveyor working on behalf of the applicant in this instance are opposed to the view of the Council. In order to assess this issue fully the arboricultural officer used the same system to assess the trees and the results are markedly different. The table is reproduced at appendix D*

4. A site visit with the Arboricultural Officer confirmed the need to carry out some tree works to several trees, including the removal of some trees (which would not be noticed by the public).

*During a site visit with the surveyor acting for the applicant, some tree works were identified. These included an option for coppicing a Willow (T1), the removal of a number of trees within W1 which are affecting the listed wall and some remedial pruning to other trees within the site. However the fact that works have been identified does not preclude the placing of a TPO. It is however indicative of a pragmatic approach to reasonable works and the intention of preventing further damage to listed assets in the case of the wall. In the case of the Willow the surveyor asserts –in terms of coppicing the tree- that: 'Confirming such works would be an indication that its' overall merit on the site is minimal.' Contrary to that view, it is confirmed that the merit of the Willow is substantial both in terms of its' contribution to the site and its' relation to the riverbank setting. In common with many Crack Willows, it has become large and with a multi-stemmed form (usual for the species) it is likely that one or other of the large limbs will fail. In some cases such limb failure leads to the demise of the tree. Coppicing/pollarding or works in between (often termed 'coppard') are traditional management practices for Willows and when carried out cyclically, result in the long term retention of the trees within the landscape.*

5. The woodland order is within a garden area (as confirmed in the formal notice). This is against TPO guidance and must be changed.

*The current TPO guidance has this to say about the woodland category: 'It is unlikely to be appropriate to use the woodland category in gardens' (my underline for emphasis). The site as previously detailed is currently within two ownerships: one which encompasses the house and garden of Paget House and the other an area of land within the ownership of Birmingham City Council and being a remnant of the garden of Elford Hall. The land in question has been left (primarily) to its own devices for many years and possibly even prior to the demolition of the Hall in 1964. In those years the conditions within the area designated W1 have gradually changed from that of a managed garden to that of a woodland. The surveyor working for the applicant was content to describe the area as 'woodland' within the original tree works application, Birmingham City Council described it as woodland in an application to carry out works under the previous TPO and in the view of the Council's Arboricultural Officer, the area has the characteristics and appearance of woodland. There is a range of species, tree size and regeneration/seedlings/saplings, a litter layer, and some understorey shrubs. Therefore it is appropriate to use the Woodland Category in this instance.*

6. The officer felt it 'prudent' to serve a tree preservation order. The Order must only be made due to a foreseeable threat and that the trees have amenity value from a public area (i.e. they are clearly visible). This is not the case in this situation.

*The view of the Arboricultural officer is that the decision to make the tree preservation order was prudent in light of the following factors:*

*The ownership of Paget House had recently changed. A tree works application/notification (including works to trees within the Conservation Area and trees within a pre-existing tree preservation order) had been received prior to making the order. The application/notification included works to trees which were not within the ownership of the applicant and the land owner (Birmingham City Council) had not been notified. Discussion with the surveyor in terms of deleting works to trees within the conservation area for example the felling of the Robinia within G2, had not resulted in a change in the notification. Subsequent to the order being served, a planning application for the re-development of the site has been submitted*

*Therefore the threat to the trees was foreseeable. In addition it was clear that since order no 52-1980 was made, the conditions on site had changed. Authorities are required to keep orders up to date and the opportunity to do so in this instance was taken.*

*The point about visibility has been dealt with in detail at point 2.*

7. Several tree works will still be required both for arboricultural reasons and to protected listed walls and structures.

*This issue has been dealt with at point 4.*

8. The main area of land has been neglected by the previous owner and these works will bring it back to its former use and look. The placing of a woodland order on this area will be counterproductive and inappropriate.

*The technical use of the woodland category and its appropriateness is dealt with at point 5. The woodland represents a part of the site's narrative. The evolution of W1 from garden to woodland has taken in excess of fifty years. The management of W1 as a woodland may not be what the prospective owners envisaged. However this may only be counterproductive in their view. The wider context of the site as detailed in preceding points must also be taken into account.*

3.7 Applications can be made and determined under the new TPO (if confirmed) and if those applications are refused by Lichfield District Council then the applicant has recourse to appeal to the Planning Inspectorate (PINS). If the TPO is not confirmed then the works to trees only protected by the Conservation Area may be immediately carried out. These are: the felling of a large Robinia (False Acacia) tree (T18 within the Apex Environmental report attached and within G2 of TPO 406), the coppicing of areas of Portuguese Laurel and Sycamore (the former appears to be part of the planting associated with Elford Hall and the latter part of woodland regeneration and crown lifting works to 4m above ground level to a Deodar Cedar, a Purple Beech and any trees within the woodlands which are not currently protected by TPO 52 of 1980. In the view of the Arboricultural officer, the works are arboriculturally unjustified and are one of the reasons for serving the TPO.

Alternative Options	1. The Committee may choose not to confirm the Tree Preservation Order.
Consultation	1. The Chair and Vice-Chair of the Planning Committee are consulted in advance of making a Tree Preservation Order.
Financial Implications	1. Tree Preservation Orders make provision for the payment by the Local Planning Authority, of compensation for loss or damage caused or incurred, within a twelve month period from the date of their decision, as a result of their refusal of any consent under the Tree Preservation Order or their grant of consent subject to conditions. There are no financial implications in the confirmation of a Preservation Order.
Contribution to the Delivery of the Strategic Plan	1. Assists in ensuring that Lichfield remains a clean, green and welcoming place to live.
Equality, Diversity and Human Rights Implications	1. The proposals set out in the report are considered to be compatible with the Human Rights Act 1998. The proposals may interfere with an individual's rights under Article 8 of Schedule 1 of the Human Rights Act, which provides that everyone has the right to respect for their private and family life, home and correspondence. Interference with this right can only be justified if it is in accordance with the law and is necessary in a democratic society. The potential interference here has been fully considered within the report and on balance is justified and proportionate in relation to the administration of the tree preservation order.
Crime & Safety Issues	1. N/A

	Risk Description	How We Manage It	Severity of Risk (RYG)
A	High Court Challenge (after confirmation)	Ensuring that the TPO is within the powers of the Act and that the requirements of the Act and Regulations have been complied with in relation to the TPO.	Green

# Appendix A

## Arboricultural Report

Paget House, Elford

Ref: AEL-17-069

Reuben Hayes - Apex Environmental

### Appendix I – Tree Survey

Tree reference number	Species	Height (m)	Age class	Physiological condition	Structural condition	Comments	Works required	TPO
T.1	Cedrus deodara	18	Mature	Good	Good	Lean to tree, localised cracking to tarmac on parking area	Crown lift 4m	No
T.2	Fagus sylvatica 'Purpurea'	10	Middle-Aged	Good	Good	copper beech, semi mature,	Crown lift 4m	No
T.3	Taxus buccata	11	Over-Mature	Fair	Good	previous pruning cuts, oil storage to rear, possible underground pipes, developing sparse canopy	Crown lift 4m	T65
T.4	Quercus robur	11	Mature	Good	Good		Deadwood	No
T.5	Quercus robur	11	Mature	Good	Good		Deadwood	No
T.6	Populus x canadensis	11	Middle-Aged	Good	Good	slender tree	None	No
T.7	Quercus robur	11	Middle-Aged	Good	Good	ivy on stem and canopy	Deadwood	T6
T.8	Quercus robur	15	Mature	Good	Good	ivy on stem	Deadwood	T7
T.9	Acer pseudoplatanus	15	Mature	Good	Good	ivy on stem	Deadwood	T16
T.10	Quercus robur	15	Mature	Good	Good	twin stem	Deadwood	G1



## Arboricultural Report

Paget House, Elford

Ref: AEL-17-069

Reuben Hayes - Apex Environmental

T.11	Quercus robur	15	Mature	Good	Good	twin stem	Deadwood	G1
T.12	Quercus robur	15	Mature	Good	Good	twin stem	Deadwood	G1
T.13	Quercus robur	15	Mature	Good	Good	in woodland area	Deadwood	G1
T.14	Quercus robur	15	Mature	Good	Good	in woodland area	Deadwood	T20
T.15	Catalpa bignonioides	5	Middle-Aged	Good	Good		None	No
T.16	Ilex aquifolium	9	Middle-Aged	Good	Good		Crown lift 4m	T46
T.17	Taxus buccata	9	Mature	Good	Good		Crown lift 4m	T47
T.18	Robinia pseudoacacia	10	Mature	Good	Poor	leaning, partly collapsed tree, remove	Fell	No
T.19	Quercus robur	14	Mature	Good	Good		Deadwood	T60
T.20	Cedrus atlantica	9	Mature	Good	Fair	top failed, soil around base has eroded	Tidy up old stumps, crown reduce 10%	T52
T.21	Tilia europaea	12	Mature	Good	Good	epicormic growth, deadwood	Crown lift 4m	T51
T.22	Carpinus betulus	9	Middle-Aged	Good	Good		None	No
T.23	Salix fragilis	11	Mature	Good	Fair	old coppice stump, produced new trees, ivy on stem, reduce to 6m	Crown reduce to leave a height of 6m	T58
T.24	Quercus robur		Mature	Fair	Fair		Deadwood, crown lift to 4m	T2



## Arboricultural Report

Paget House, Elford

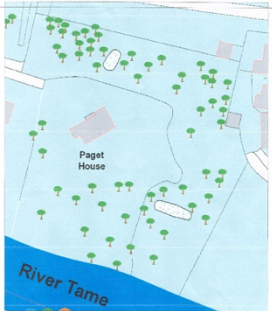
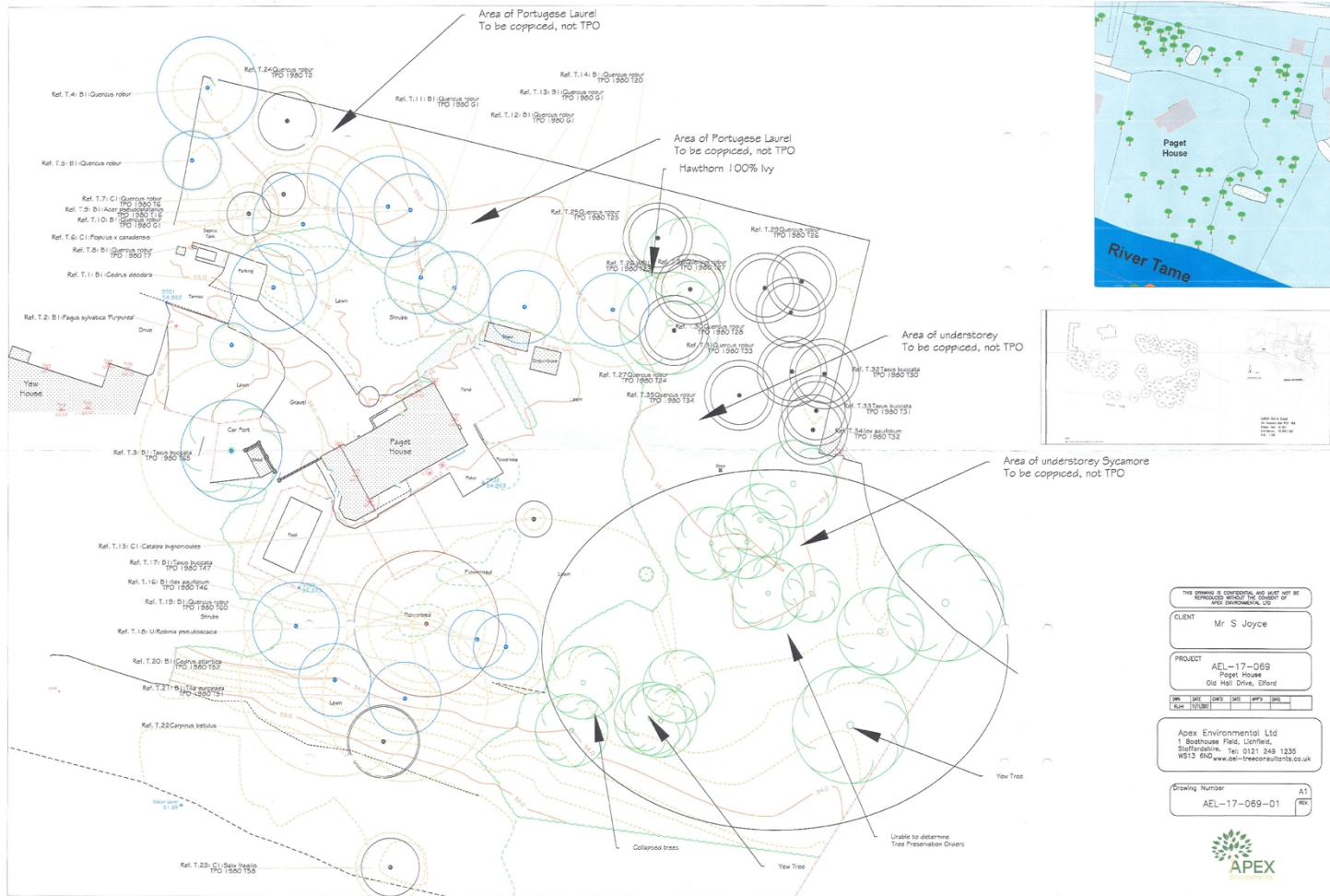
Ref: AEL-17-069

Reuben Hayes - Apex Environmental

T.34	Deadwood, crown lift to 4m	T32	Within 6 months	2
T.35	Deadwood, crown lift to 4m	T34	Within 6 months	2
G.1	Deadwood, crown lift to 4m, remove collapsed trees, coppice Sycamore understorey	Possible up to 13 trees and 1 group, unable to determine TPO trees	Within 6 months	2
	Understorey within woodland	coppice to ground	As soon as possible	1
	Portuguese Laurel	coppice to ground	As soon as possible	1

- 6.2 Implementation of works:** All tree works should be carried out to BS 3998 *Recommendations for Tree Work* as modified by more recent research. It is advisable to select a contractor from the local authority list and preferably one approved by the Arboricultural Association. Their Register of Contractors is available free from The Malthouse, Stroud Green, Stonehouse, GL10 3DL - Telephone 01242 522152; website [www.trees.org.uk/contractors.htm](http://www.trees.org.uk/contractors.htm).
- 6.3 Statutory wildlife obligations:** The Wildlife and Countryside Act 1981 as amended by the Countryside and Rights of Way Act 2000 provides statutory protection to birds, bats and other species that inhabit trees. All tree work operations are covered by these provisions and advice from an ecologist must be obtained before undertaking any works that might constitute an offence.
- 6.4 Future considerations:** The remaining trees should be inspected on a yearly basis by a qualified arboriculturist.

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CLIENT Mr S Joyce

PROJECT AEL-17-069  
Paget House  
Old Hall Drive, Oldad

DATE 17/10/18

Apex Environmental Ltd  
1 Boshouse Place, Linton,  
Stilton, Cambs. Tel: 0121 249 1235  
WS13 6ND. www.apex-environmental.co.uk

Drawing Number A1  
AEL-17-069-01 REV



# Appendix B



**Lichfield**  
district council  
[www.lichfielddc.gov.uk](http://www.lichfielddc.gov.uk)

04761 Council House  
Frog Lane  
Lichfield  
Staffs  
WS12 8TY

Telephone: 01823 308000  
[enquiries@lichfielddc.gov.uk](mailto:enquiries@lichfielddc.gov.uk)

## Tree Preservation Orders Map

### Drawing Details:

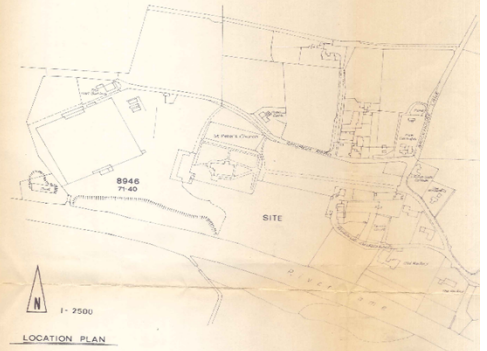
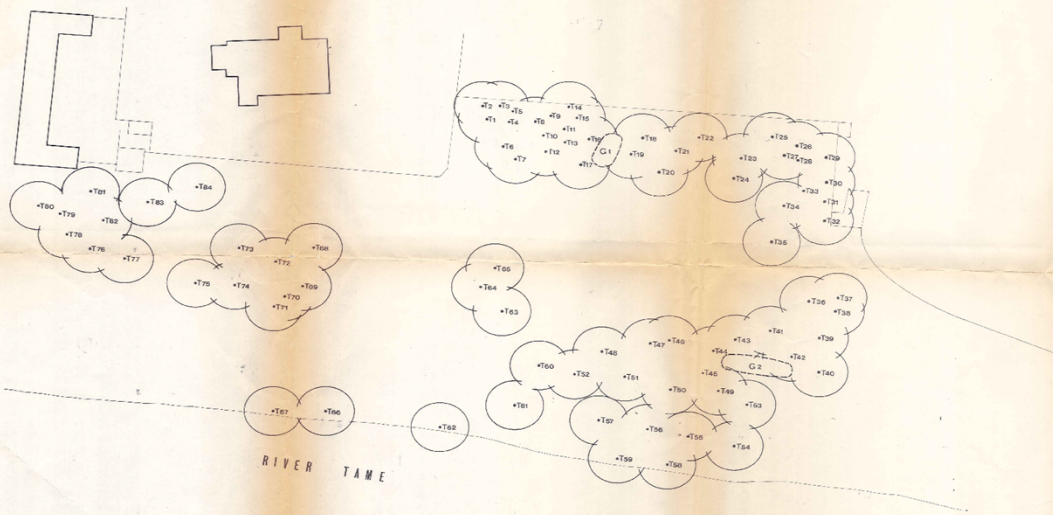
Scale : 1:1,463

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Drawing Prepared by:  
Lichfield District Council

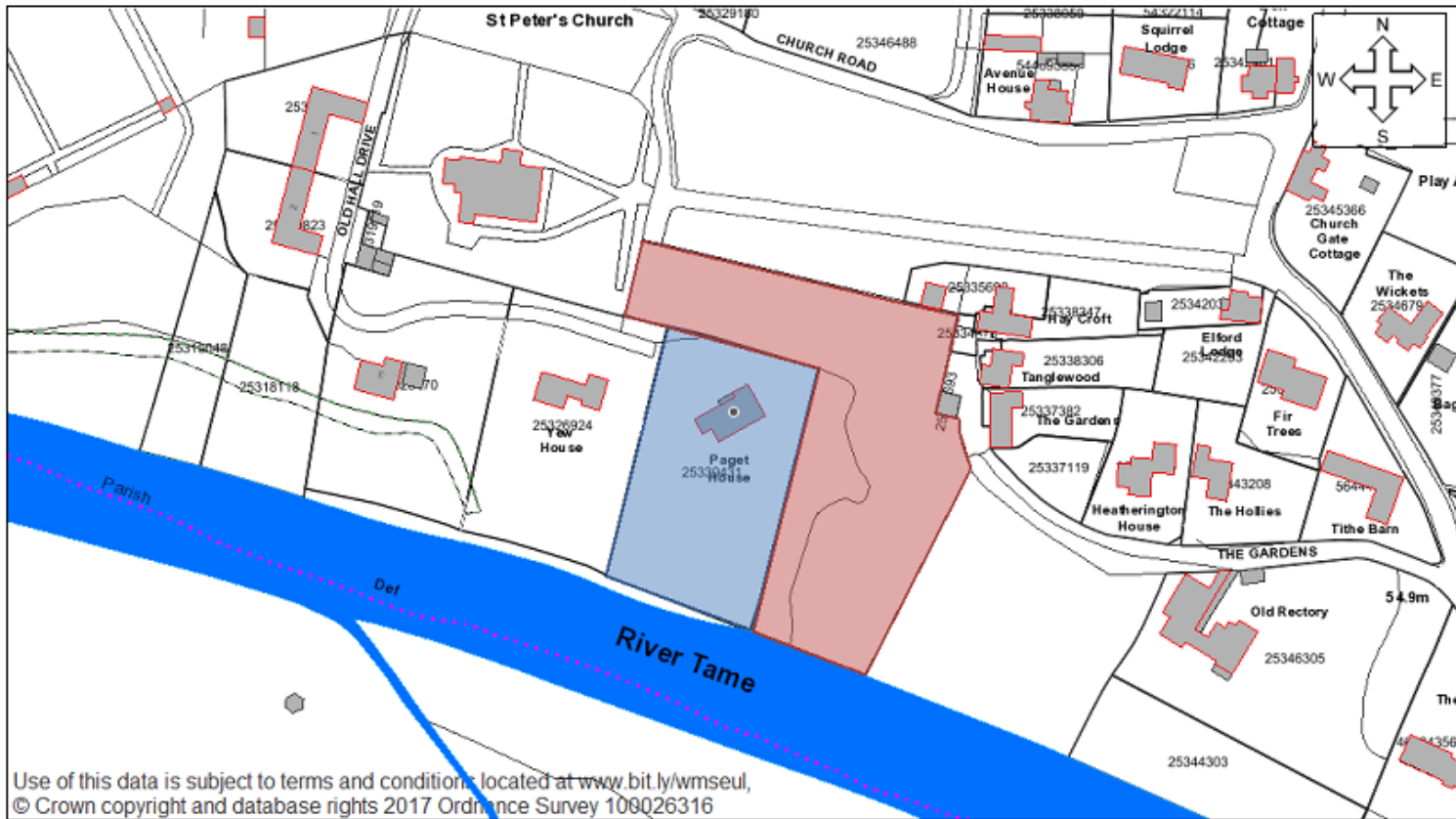
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NOTE  
MAP BASED ON PLAN SUBMITTED BY DEVELOPER

Lichfield District Council  
Tree Preservation Order No 52 1980  
Ordnance Sheet SK 1810  
Grid Reference SK 1853 / 1054  
Scale 1:500



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**Lichfield**  
 district council  
[www.lichfielddc.gov.uk](http://www.lichfielddc.gov.uk)

DEWBY COUNCIL HOUSE  
 Fag Lane  
 LICHFIELD  
 Staffs  
 WS13 9TY

Telephone: 01823 288000  
 enquiries@lichfielddc.gov.uk

**Paget House, land ownership**

**Drawing Details:**  
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 Drawing Prepared by:  
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## APPENDIX C

### INTRODUCTION

- 1.1 **Instruction:** I am instructed by Mr S Joyce to inspect the trees listed within the Tree Preservation Order No. 406-2017 at Paget House, Old Hall Drive, Elford, B79 9BZ and to provide an arboricultural report on the trees merit and value of being included with the Tree Preservation Order, to review the said order and make any necessary objections against the placing of the Order.
- 1.2 **Qualifications and experience:** I have based this report on my site observations and the provided information, and I have come to conclusions in the light of my experience. I have experience and qualifications in arboriculture, and include a summary in Appendix 1.
- 1.3 **Documents and information provided:** I have been provided with copies of the following documents:
  - Letter titled Lichfield District (Wittington and Streethay) Tree Preservation Order No. 406-2017, Trees at and adjacent to Paget House, Old Hall Drive, Elford, Staffs, B79 9BZ
  - Formal notice of the above order title
  - Tree Preservation Order No. 406-2017
- 1.4 **Relevant background information:** The above order has come in to place since a site meeting took place with the Lichfield District Council Tree Officer Mr G Hare.
- 1.5 **Scope of this report:** This report is only concerned with the trees listed within the Tree Preservation Order.

### SITE VISIT AND OBSERVATIONS / COLLECTION OF DATA

- 3.1 **Site visit:** I carried out an unaccompanied site visit on the 2<sup>nd</sup> January 2018. All my observations were from ground level without detailed investigations and I estimated all dimensions unless otherwise indicated. I did not have access to trees outside the boundaries and have confined observations of them to what was visible from within the property. The weather at the time of inspection was clear, still and damp, with average visibility.
- 3.2 **Brief site description:** Paget House is located in the residential suburbs of Elford. Paget House is to the eastern end of the Private road and surrounded by similar residential development. The property consists of a large house that



is centrally in a large garden. The surrounding topography is relatively flat and the site is not particularly. The garden slopes gently downwards towards the river to the rear of the property. There is a large garden wall surrounding the property and the grounds from the public.

**3.3 Identification and location of the trees:** The trees in question are located in the front, side and rear garden areas. I have illustrated the approximate locations of the significant trees on the sketch plan included as Figure 1. This plan is for illustrative purposes only and it should not be used for directly scaling measurements. All the relevant information on it is contained within this report and the provided documents.

**4.1 Relevant references:** Tree Preservation Orders and trees in conservation areas, Explains the legislation governing Tree Preservation Orders and trees protected in conservation areas (Government Guidance information); Statutory Instruments 2012 No. 605, Town and Country Planning, England, The Town and Country Planning (Tree Preservation)(England) Regulations 2012; Tree Preservation Orders: A Guide to the Law and Good Practice – Department for Communities and Local Government. TEMPO Assessment proforma and guidance to assess the suitability of the trees.

#### **4.2 Tree Quality Assessment**

All trees assessed were categorised using the Tree Evaluation Method for Preservation Orders (TEMPO) as set out in Appendix 1 of this report; the attached plan (Figure 1) shows approximate tree positions, numbers and species.

The tree assessment looks at the trees on the site in terms of TEMPO assessment only.

#### **4.3 TEMPO Assessment guidance**

TEMPO is designed as a field guide to decision-making, and is presented on an easy completed pro forma. As such, it stands as a record that a systematic assessment has been undertaken.

TEMPO considers all of the relevant factors in the TPO decision-making chain. The TEMPO form comes in 3 main parts:

- Part 1 – Amenity Assessment
- Part 2 – Expediency Assessment
- Part 3 – Decision Guide

#### 4.3.3 Amenity Assessment

The amenity assessment comes in 4 parts:

#### 4.3.4 Condition

This is expressed in 5 terms and is ranked in order from Good (5), Fair (3), Poor (1), Dead/ Dying or Dangerous (0).

5- Good trees will be generally free of defects, showing good health and likely to reach normal longevity.

3- Fair trees will have defects that are likely to adversely affect their prospects

1- Poor trees are in obvious decline

0- Dead/Dying or dangerous are trees which show no indication to life or which have severe irremediable structural defects.

All the trees on this site scored a mixture from 1 and 3

#### 4.3.5 Retention span

This is expressed in 6 terms and ranked in order from 100+ years Highly Suitable (5), 40-100 years Very Suitable (4), 20-40 years Suitable (2), 10-20 years Just Suitable (1), <10 years (0).

This information is taken from the Arboricultural Association guide to the life expectancy of common trees. The main listings are as follows:

Willow Life span of 50-70 years, this tree is already an early mature tree of approximately 40 years.

Yew Life span of 300+ years, this tree is already an early mature tree of approximately 150-200 years.

Beech Life span of 150-200 years, this tree is a semi mature tree of approximately 20-40 years.

Cedar Life span of 150-200 years, this tree is an early mature tree of approximately 60-70 years.

#### 4.3.6 Relative Public Visibility

This is expressed in 5 terms and ranked in order from Very large trees with some visibility, or prominent trees (5), Large trees or medium trees clearly visible to the public (4), Young, small, or medium/large trees visible only with difficulty (2), Trees not visible to the public regardless of size (1)

Public visibility is assessed on the current and potential future visibility of a tree. From a public place, including public footways, public open spaces and public roads.

Most of the trees are not visible from a public location. Several trees, groups and woodland are not visible from the private road or when at the front of the property.

#### 4.3.7 Other factors

To continue, the assessment must have scored a minimum of 7 points. This is expressed in 5 terms and ranked in order from Principle components of arboricultural features, or veteran trees (5), Tree groups, or members of groups important for their cohesion (4), Trees with identifiable historic, commemorative or habitat importance (3), Trees of particularly good form, especially if rare or unusual (2), Trees with none of the above redeeming features (1).

A number of trees failed to reach a score of 7 or above at this stage. From the ones that did, it was seen that none of the trees were of particular importance or rarity and did not have any redeeming features.

#### 4.3.8 Expediency Assessment

To continue, the assessment must have scored a minimum of 9 points. This is expressed in 4 terms and ranked in order from Immediate threat to tree (5), Foreseeable threat to tree (3), Perceived threat to tree (2), Precautionary only (1).

Out of the trees which reached the score of 9 or above, it was seen that the making of the TPO was precautionary only.

#### 4.3.9 Decision Guide

This is expressed in 5 terms and ranked in order from 0 – Do not apply TPO, 1-6 – TPO indefensible, 7-11 – Does not merit TPO, 12-15 – Possibly merits TPO, 16+ Definitely merits TPO

Tree Ref	Condition and Suitability of TPO	Retention Span (in years) and Suitability for TPO.	Relative Public Visibility and Suitability for TPO	Other Factors. Must have accrued 7 points or more (with no zeros) to qualify	Part 2:- Expediency Assessment (Must have accrued 9 points or more to qualify)	TOTAL	Decision Guide
T.1	1	1	1	Below 7		3	Does not merit TPO
T.2	3	4	1	1	1	10	Does not merit TPO
T.3	3	5	1	1	1	11	Does not merit TPO
T.4	3	4	1	1	1	10	Does not merit TPO
G.1	3	2	1	Below 7		6	Does not merit TPO
G.2	3	2	1	Below 7		6	Does not merit TPO
W.1	3	4	2	1	1	11	Does not merit TPO

4.4 T.1 – Willow – This is currently protected by a Tree Preservation Order which is already on the site. When meeting the Arboricultural Officer, he expressed the possibility of coppicing this tree and allowing it to re-grow. Confirming such works would be an indication that its overall merit on the site is minimal. Certainly, it can not be seen from any public area (which is a requirement for the making of a Tree Preservation Order).

4.5 T.2 – Yew – This is currently protected by a Tree Preservation Order which is already on the site. The application only requested minor works as this tree

in decline and has a sparse canopy. The tree can not be seen from any public area.

- 4.6 T.3 – Beech – This is a recently established tree which requires formative pruning to allow it to grow to maturity. When on site the Arboricultural Officer raised the need to carry out these works. The placing of the tree under a Tree Preservation Order may now limit these works and not allow the tree to grow to its full potential. This tree can not be seen from any public area.
- 4.7 T.4 – Cedar – This is a maturing tree and the only works required was to crown lift the canopy over the driveway. This tree is not under threat of being removed and can not be seen from any public area.
- 4.8 G.1 – Holly and Yew – These are two trees in rear garden. They can not be seen and the original application requested a crown lifting to aid the use of the area below the trees. The trees can not be seen from any public area and are not under threat of being removed.
- 4.9 G.2 – Robinia, Oak, Cedar, Lime, Hornbeam – The Robinia has a significant lean to the tree (the tree has failed in the past). The tree has adapted, but this has required previous tree works. The tree cannot be seen, and its removal would not be noticed. The other trees in the group were all previously protected by the Tree Preservation Order and can not be seen from any public area and are not under threat of being removed. The Cedar tree has also dropped several branches in the past and will require some remedial tree works.
- 4.10 W.1 – This is an old formal area of the original hall. There are individual specimen trees and trees which would benefit from the removal of the self set Holly trees, or the shrubs around them. The inclusion of a Woodland area in this location will be damaging to the trees and will not allow them to flourish. Doubt is also raised over the intention of this area to be a woodland.
- 4.11 Tree Preservation Order guidance states that the inclusion of woodlands should not be used. The inclusion of this area as a woodland would be against the enjoyment of this area and an incorrect designation.

4.12 During the site visit the possible removal of some trees which are growing close to or will cause future damage to the listed wall. The Arboricultural Officer agreed that these trees will need to be removed.

4.13 The area has been neglected for many years (as confirmed by the Arboricultural Officer on site), and this has led to the self set and growth of unwanted trees and vegetation. The intention is to bring this area back to its original look and to allow space around the mature trees to flourish. The inclusion of a woodland order will be counter productive to this.

4.14 Tree Preservation Guidance: Government have given clear guidance when making a Tree Preservation Order. The main reason to produce a Tree Preservation Order is to show that the trees have amenity value and that their loss would be noticed to the wider public.

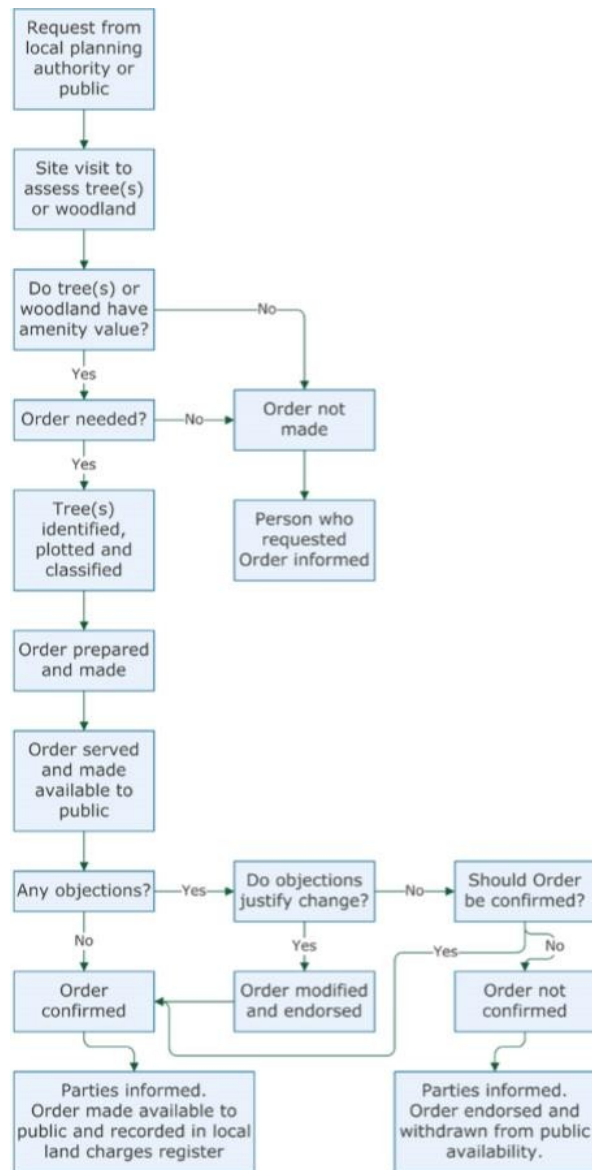
‘Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future.’ – *Tree Preservation Orders and trees in conservation areas – Guidance*

4.15 Visibility:

‘The extent to which the trees or woodlands can be seen by the public will inform the authority’s assessment of whether the impact on the local environment is significant. The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public.’ – *Tree Preservation Orders and trees in conservation areas – Guidance*

4.16 Woodland classification: ‘It is unlikely to be appropriate to use the woodland classification in gardens.’ – *Tree Preservation Orders and trees in conservation areas – Guidance*

4.17 Flow chart from Tree Preservation Orders and trees in conservation areas – Guidance



4.18 Historic views of garden:





Historic photo of Elford House and grounds

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Elford House and garden wall (wall still remains around the boundary), photo showing the area as a landscaped garden area with no woodland around

## OBJECTIONS

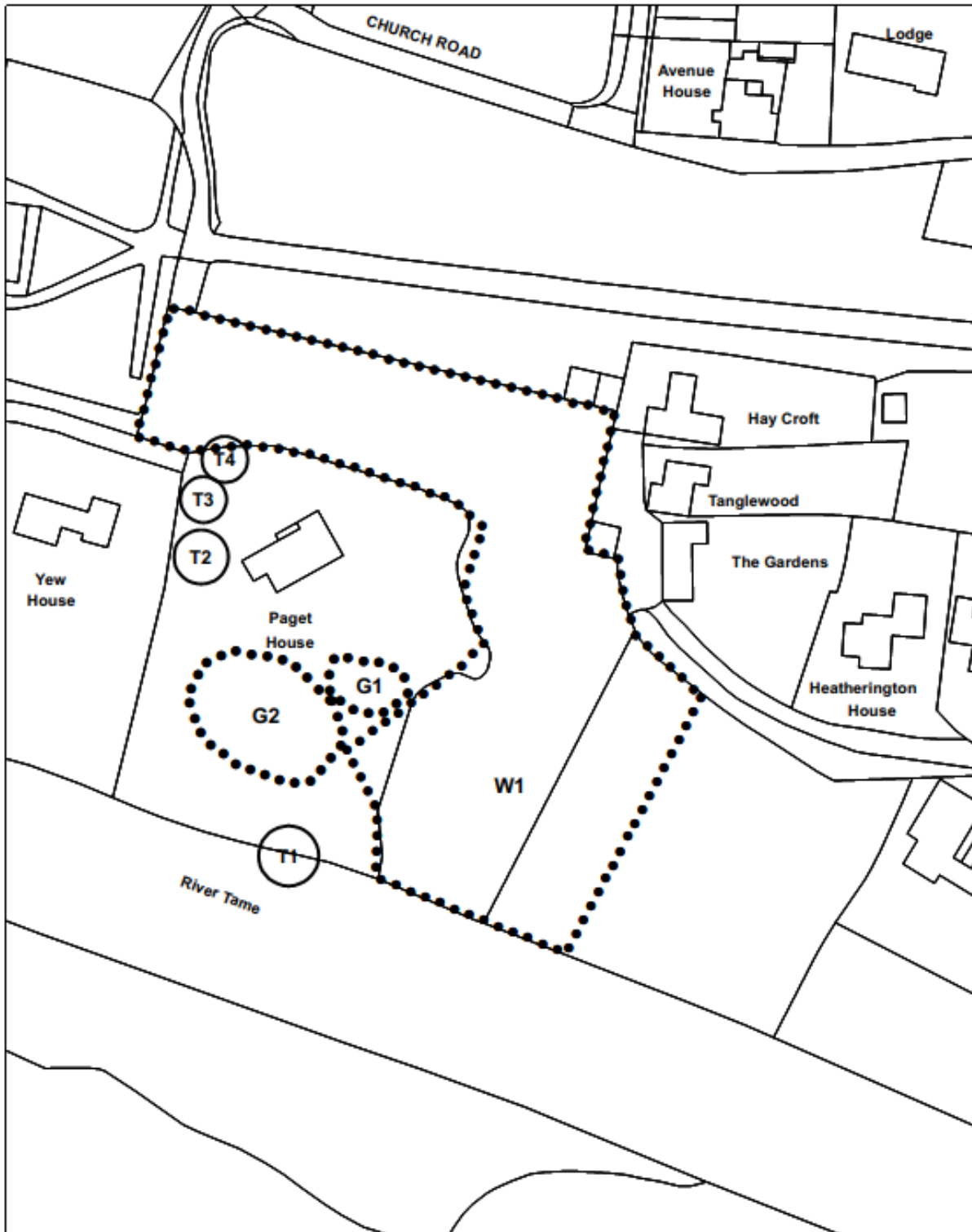
5.1 On the basis of the above information and discussions, I summarise my objections as follows:-

- The land is already adequately protected by a Conservation Area which protects the trees on this site.
- Most of the trees listed within the order have no visual amenity value from a public place (a necessary condition of protecting trees).
- An assessment of the trees has been carried out and confirmed the trees do not merit protection.
- A site visit with the Arboricultural Officer confirmed the need to carry out some tree works to several trees, including the removal of some trees (which would not be noticed by the public).
- The woodland order is within a garden area (as confirmed in the formal notice). This is against TPO guidance and must be changed.
- The officer felt it 'prudent' to serve a tree preservation order. The Order must only be made due to a foreseeable threat and that the trees have amenity value from a public area (i.e. they are clearly visible). This is not the case in this situation.
- Several tree works will still be required both for arboricultural reasons and to protected listed walls and structures.
- The main area of land has been neglected by the previous owner and these works will bring it back to its former use and look. The placing of a woodland order on this area will be counterproductive and inappropriate

**APPENDIX D****Lichfield District Council TEMPO assessment.**

Tree Ref	Condition and suitability of TPO	Retention span (in years) and suitability for TPO	Relative public visibility and suitability for TPO	Other factors must have accrued 7 points or more (with no zeros) to qualify	Part 2: expediency assessment (must have accrued 9 points or more to qualify)	Total	Decision guide
T1	3	2	3	3	1	12	TPO defensible
T2	5	5	4	3	3	20	TPO defensible
T3	3	4	4	1	1	13	TPO defensible
T4	5	4	3	2	1	15	TPO defensible
G1	5	5	1	3	1	15	TPO defensible
G2	3	4	1	3	5	16	TPO defensible
W1	3	5	3	4	3	18	TPO defensible

# Appendix E TPO 406-2017 Map and Schedule



**Lichfield**  
 district council  
 www.lichfielddc.gov.uk  
 District Council House  
 Frog Lane  
 Lichfield  
 Staffs  
 WS13 6YV  
 Telephone: 01543 308600  
 enquiries@lichfielddc.gov.uk

Title:  
 Lichfield District Council  
 Tree Preservation Order No 406 - 2017  
 Paget House, Old Hall Drive, Elford,  
 Staffs B79 9BZ  
 Eastings 418618 Northings 310528

Scale: 1:1,000 Dated: 20-12-2017  
 Drawn By: Gareth Hare  
 Drawing No: 1



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Lichfield District Council  
 Tree Preservation Order Number 406-2017  
 Trees at and adjacent to Paget House, Old Hall Drive, Elford, Staffs, B79  
 9BZ  
 Eastings 418618 Northings 310528

All the trees described in this schedule are situated in the Whittington and Streethay Ward in the District of Lichfield. All plot numbers referred to are Ordnance Survey numbers on 1:10000 sheets.

**TREES SPECIFIED INDIVIDUALLY**

Encircled in black on the map

Reference on Plan	Description	Situation
T1	Willow	Land at and adjacent To Paget House, Elford
T2	Yew	<i>'ditto'</i>
T3	Beech	<i>'ditto'</i>
T4	Cedar	<i>'ditto'</i>

**TREES SPECIFIED BY REFERENCE TO AN AREA**

Within a dotted line on the map

Reference on Plan	Description	Situation
	None	

**GROUPS OF TREES**

Within a broken line on the map

Reference on Plan	Description	Situation
G1	1 Holly, 1 Yew	Land at and adjacent to, Paget House, Elford
G2	1 Robinia	<i>'ditto'</i>
	1 Oak	<i>'ditto'</i>
	1 Cedar	<i>'ditto'</i>
	1 Lime	<i>'ditto'</i>
	1 Hornbeam	<i>'ditto'</i>

**WOODLANDS**

Within a continuous black line on the map

Reference on Plan	Description	Situation
W1	Mixed broadleaf and coniferous woodland	Land at and adjacent to Paget House, Elford

