

Tree Preservation Order No 409-2018

Enter title of relevant Cabinet Member

Date: 30 July 2018

Agenda Item: 6

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Key Decision? NO

Local Ward Members Cllr Brian Yeates.



PLANNING COMMITTEE

1. Executive Summary

- 1.1 To seek members decision regarding the confirmation of Tree Preservation Order 409-2018

2. Recommendations

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

3. Background

- 3.1 A planning application for a range of works was submitted in January 2018 for a range of works at Homeleigh, Shenstone Woodend, in January 2018.
- 3.2 The works proposed included a spa and garden room and gym/art studio and were planned to be in close proximity to significant trees. These works were assessed as having significant potential to damage or cause the removal of trees within the site and which would affect the amenity provided to the surrounding area.
- 3.3 On assessing the site, it was found that Homeleigh formed a part of a wider site associated with Shenstone House. Shenstone House is a grade II listed building built in the early 19th century. The site surrounding the house has been subdivided into several plots of which Homeleigh is one. Homeleigh appears to have been built in the 1930's.
- 3.4 The wider site (including Homeleigh) contains a substantial population of trees, a few contemporary with the earliest phase of development and many having been planted or arisen at a later date. Regardless, the trees make a substantial impact in terms of amenity. The site is prominent from the adjacent Birmingham Road, an adjacent footpath (Shenstone No 4), the adjacent Lichfield/Birmingham railway and surrounding open farmland. A decision was taken to make a tree preservation order on the wider site (including Shenstone House, Homeleigh and a number of other properties). The grounds for the order, schedule and plan are at **Appendix A**
- 3.5 Following the service of the order, a letter from the applicant's agent was received which detailed two objections to the order. These are:

The trees on site have little public amenity value; the site is largely hidden from public view and the trees only contribute towards the private amenity of the property.

Individual trees on the site of Homeleigh are not of exceptional quality and are all common species.

An email was sent to the agent detailing a response to these objections and the Arboricultural officer's response is as follows:

The trees within the site –in the view of the Council- have high public amenity, being prominent in the landscape from the Birmingham Road, an adjoining footpath (Shenstone no4) and the railway line... It is agreed that the dwelling is largely hidden from public view and this by dint of the trees forming substantial boundaries around it and moderating views into the site. Certainly the trees contribute substantially to the private amenity of the property, by contributing significantly to its, privacy and creating buffers between the domestic curtilage and adjacent open farmland.

Some specimens within Homeleigh may not be of exceptional quality. However a tree need not be of exceptional individual quality if it forms part of an important line or grouping of trees which itself forms an important feature. Trees which have irreparable defects, pose an immediate risk of harm or are otherwise compromised may be dealt with via the appropriate application or exception process. It is intended that the order be varied from an Area designation to that of Groups and Individuals (G or T categories respectively) in due course (it was originally intended to modify this prior to confirmation) and this may exclude certain lesser quality trees. Whilst trees within the TPO area may be those commonly found in gardens and grounds, tree preservation orders are not predicated on species. Rather they take into account the amenity that the trees, individually or collectively provide regardless of their species. The very fact that the trees are those expected to be seen at such a site (Lime, Beech, Black Pine, Cedar, Birch etc.) ensure that the site is in context with its' location.

- 3.6 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).

Alternative Options	1. The Committee may choose not to confirm the 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 confirmati on)	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

LICHFIELD DISTRICT COUNCIL
GROUND'S FOR MAKING TREE PRESERVATION ORDER 409-2018.

The trees specified in this order stand within the grounds of a number of properties adjacent to the A5127 Birmingham Road at Shenstone Woodend. The properties appear to be Homeleigh, Croft Farm and Shenstone House. The grouping of properties appears to have evolved from Shenstone House and its grounds over the last 100 years or so. There are substantial numbers of trees both on the boundary and within the curtilage of the respective properties. Due to the proximity of the Birmingham Road, Shenstone footpath number 4 and the adjacent railway line, these trees are prominent in the landscape from a number of viewpoints. A recent planning application at one of the properties proposes works within the crownspread/root protection area of a number of the trees. An area designation has been used in order that all the trees within the area are protected on a precautionary basis. It is intended to vary the order prior to confirmation to change the designations to individual trees and groups. It is therefore felt prudent to serve a tree preservation order to ensure that the trees are retained in good condition and continue to afford amenity to the area.

Signed:

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G. Hare

Lichfield District Council
Tree Preservation Order Number 409-2018
Trees at Homeleigh, Croft Farm and Shenstone House,
Shenstone Woodend, Lichfield, Staffs, WS14 0LF
Eastings 410982 Northings 302975

All the trees described in this schedule are situated in the Bourne Vale 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
None		

TREES SPECIFIED BY REFERENCE TO AN AREA

Within a dotted line on the map

Reference on Plan	Description	Situation
A1	Trees of whatever species	Homeleigh, Croft Farm and Shenstone House

GROUPS OF TREES

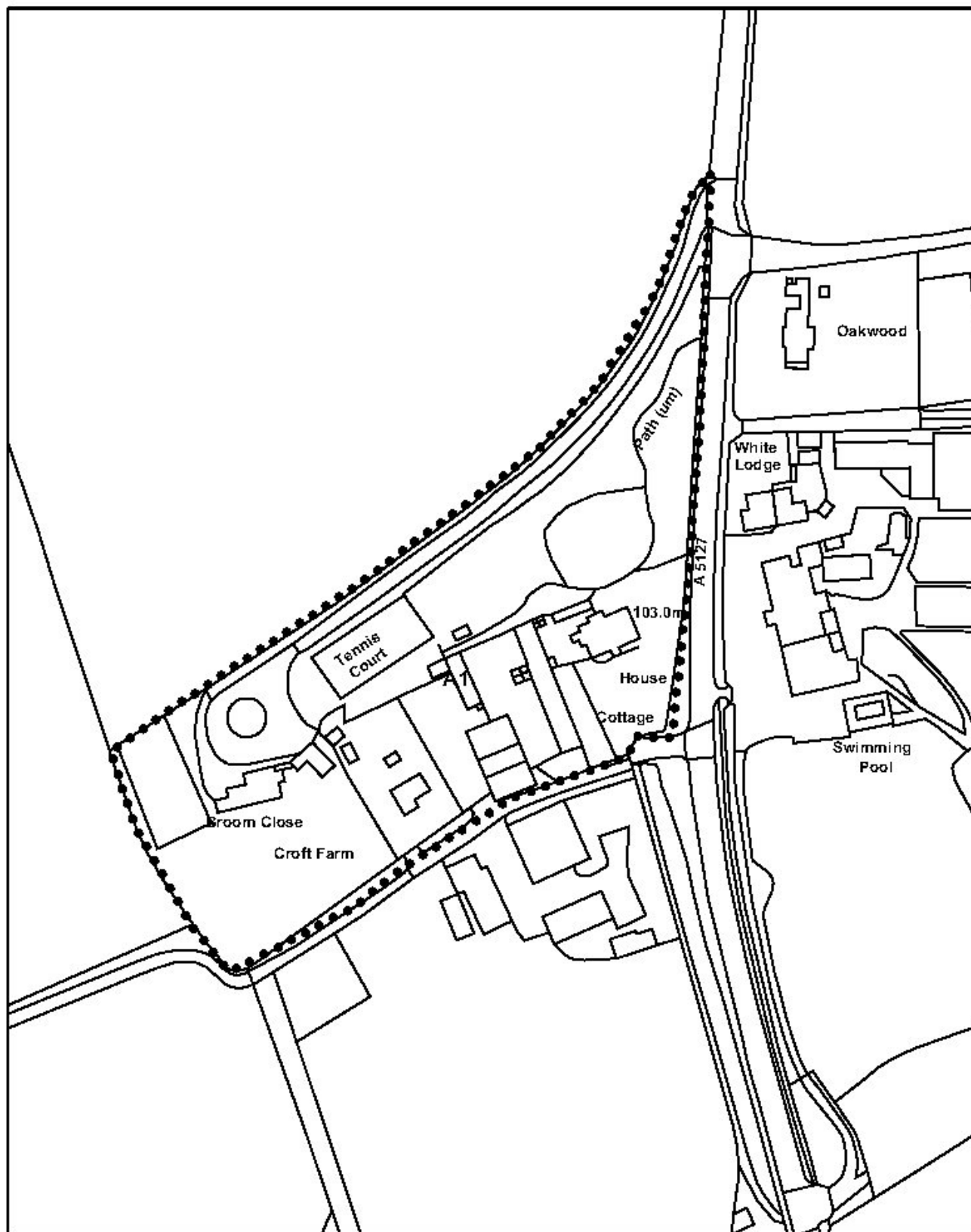
Within a broken line on the map

Reference on Plan	Description	Situation
None		

WOODLANDS

Within a continuous black line on the map

Reference on Plan	Description	Situation
None		



Lichfield
district council

www.lichfielddc.gov.uk

District Council House
Frog Lane
Lichfield
Staffs
WS15 8YV

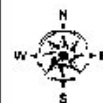
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Title:
Lichfield District Council
Tree Preservation Order No 409- 2018
Trees at Homeleigh, Croft Farm and
Shenstone House, Shenstone Woodend,
Lichfield, Staffs, WS14 0LF
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Scale: 1:1,500 Dated: 05/02/2018

Drawn By: Gareth Hare

Drawing No: 1



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