

# Tree Preservation Order No 441-2020

Cabinet Member: Iain Eadie

Date: 01/06/2020

Agenda Item: 5

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Key Decision? NO

Local Ward Cllrs David Leytham, Harry Warburton, Alan White.

Members



## 1. Executive Summary

- 1.1 To seek members decision regarding the confirmation of Tree Preservation Order 441-2020 at Caterham Crescent, Streethay, Lichfield.

## 2. Recommendations

- 2.1 That the Committee confirm the Tree Preservation order with modifications.

## 3. Background

- 3.1 A tree preservation order was made on the 16<sup>th</sup> of January 2020 on several individual trees on Caterham Crescent, Oak Way, Whittle Close and Nightingale Close Streethay. The grounds for the order are as follows:

*The trees within this order stand within or adjacent to the new homes built as part of the Streethay development site. The trees are newly planted as part of the strategic landscaping scheme for the site and combine with those within the larger open spaces to provide an attractive and desirable residential area. All of the trees are visible from public highways and several are visible from public open spaces.*

*Where trees within the schedule are shown as (C) these trees are included within the approved landscaping plan (dwg Bir.2007\_130A of planning application 15/00173/REMM) but are not present at the time of making the order. It is a condition of the planning consent that these trees must be provided and retained. Once they are planted they will be protected by this tree preservation order automatically.*

*The earlier agricultural land use means that there are few existing trees on the site and the new tree planting is important to provide long-term visual amenity and the other benefits that trees provide. Therefore, in order to ensure the successful establishment and long-term retention of the trees, and to maintain the quality the development, it is considered prudent to include the trees within a tree preservation order in the interest of visual amenity.*

The TPO schedule and plan are at **Appendix A.**

- 3.2 One objection to the order was received and is summarised below:

T1 C (Amelanchier) is to be positioned on a piece of grassland next to the driveway. The objector potentially intends to convert this land into an extended driveway or utilise it for a house extension in

the future. They are concerned that the Tree Preservation Order would stop the land being used for those purposes.

- 3.3 Whilst T1 C has yet to be planted it is an obligation of the planning permission and not planting it would represent a breach of the relevant condition. If the objector wishes to use the land for alternative purposes in the future then either an application to fell the tree can be made under the tree preservation order (for works not requiring planning permission) or the felling of the tree could be considered as part of an application for full planning permission. In either case there is recourse to an appeal process via the Planning Inspectorate if the application is not satisfied with the outcome. The case relating to the importance of the trees to the site is made at 3.1 in the grounds for the order.
- 3.5 As per 2.1 and taking the above into account it is recommended that Committee confirm the order with the modifications detailed.

Alternative Options	1. The Committee may choose not to confirm the Tree Preservation Order or confirm the order with modifications.		
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

**Lichfield District Council**  
**Tree Preservation Order Number 441-2020**  
**Caterham Crescent, Streethay, Lichfield**  
**Staffs, WS13 8GT**  
Eastings 413277 Northings 310391

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 (c)	Amelanchier	side of 26 Caterham Crescent,  Streethay, Lichfield WS13 8GS
T2 (c)	Silver Birch	front of 26 Caterham Crescent, and 53 Oak Way, Streethay, Lichfield WS13 8GS
T3	Rowan	side of 43 Oak Way, Streethay, Lichfield WS13 8GH
T4	Ornamental Pear	outside 11 Whittle Close, Streethay, Lichfield WS13 8GT
T5	Ornamental Pear	entrance to Whittle Close, Streethay, Lichfield WS13 8GT
T6	Ornamental Pear	Car parking area Nightingale Close, Streethay, Lichfield WS13 8GR
T7	Ornamental Pear	car parking area Nightingale Close, Streethay, Lichfield WS13 8GR

**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
	None	

**WOODLANDS**

Within a continuous black line on the map

Reference on Plan	Description	Situation
	None	



<p><b>Lichfield</b> district council www.lichfielddc.gov.uk</p> <p>District Council House Frog Lane Lichfield Staffs WS13 6YY</p> <p>Telephone: 01543 308000 enquiries@lichfielddc.gov.uk</p>	<p>Title: Lichfield District Council Tree Preservation Order No 441-2020 Caterham Crescent, Streethay Lichfield, Staffordshire WS13 8GT Eastings 413277 Northings 310391</p>	<p>Scale: <b>1:500</b></p> <p>Dated: 03/01/2020</p> <p>Drawn by: Portia Howe</p> <p>Drawing No: 1</p> <p>Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright Database Rights 2015 Lichfield District Council Licence No: 100017765 Dated 2020</p>	
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