

Development Management Sub-Committee

10am, Wednesday, 3 June 2015

Confirmation of Tree Preservation Order No. 175. (Belgrave Road, Edinburgh)

Item number	5.1
Report number	
Wards	Corstorphine/Murrayfield

Links

Coalition pledges	
Council outcomes	CO19,
Single Outcome Agreement	SO2, SO4,

David R. Leslie

Acting Head of Planning and Building Standards

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Report

Confirmation of Tree Preservation Order No. 175. (Belgrave Road, Edinburgh)

Summary

- Requests for the Council to make a Tree Preservation Order have been received from both a local resident and the Corstorphine Trust.
- The trees are a prominent landscape feature and contribute significantly to the character and attractiveness of the locality.
- Tree Preservation Order (TPO) No. 175 (Belgrave Road, Edinburgh) was made under delegated powers on 20 January 2015.
- The Order protects seven sycamore, two copper beech and one cherry tree growing in the grounds of Belgrave Halls, Belgrave Road, Edinburgh. The property previously belonged to the Church of Scotland and was formerly a church with a separate hall. It was recently marketed as a development opportunity.
- An objection to the making of the Order has been made on behalf of the current owner. The objection has been assessed and is addressed in the report.
- The TPO No. 175 provides temporary protection to the trees in question for a period of six months. The Order needs to be confirmed by the Development Management Sub-Committee to become permanent.

1. Background

- 1.1 The site in question was formerly a Church of Scotland property comprising two halls, one of which is believed to have been a church. It occupies a large corner plot on the junction with Belgrave Road and Belgrave Gardens.
- 1.2 The trees in question consist of seven sycamore trees, two copper beech trees and one cherry tree. The trees are positioned along the western and southern boundaries of the site. There is a further single sycamore tree, but this has not been included in the Order as it is a poor specimen in poor condition. The Tree Preservation Order (TPO) map is included at Appendix 1. The trees are in early maturity and contribute significantly to the character and attractiveness of the locality.
- 1.3 A request for a TPO was received in 2005, but no action was considered appropriate at the time. Subsequent requests have been received. Two further requests from the Corstorphine Trust were received with evidence that the halls were actively being marketed for sale.

- 1.4 In view of their amenity value, and to afford the trees protection should redevelopment of the site take place, a TPO was made by the Head of Planning and Building Standards under delegated powers on 20 January 2015.

2. Main report

- 2.1 There are a number of mature and early mature trees within the site, generally towards the west boundary and along the southern boundary. These are seven sycamore trees, two copper beech trees and one cherry tree. There is a further semi-mature sycamore tree, which is in poor health and condition that is not considered suitable for a TPO. The trees are indicated on the TPO map as; T1 an individual cherry, T2 a sycamore, G1 a close grouping of one sycamore and one copper beech, and G2 a further group consisting of one copper beech and five sycamore in a linear group along the southern boundary.
- 2.2 These trees are in satisfactory health and condition and are a prominent and attractive feature, contributing significantly to the attractiveness and character of the locality.
- 2.3 A request for a TPO to be made was received in May 2005. While recognising the amenity value of the trees, the Department's Arboriculturist did not consider an Order to be expedient at that time. Two further requests from the Corstorphine Trust were received with evidence that the halls were actively being marketed for sale.
- 2.4 In view of the amenity provided by the trees, their local interest and to afford the trees protection should future redevelopment take place, it was considered expedient to make a TPO to prohibit carrying out work to the trees without the prior consent of the Council as planning authority. This allows the Council an opportunity to have regard to the impact of the proposed tree work on amenity.
- 2.5 Subsequently an enquiry regarding the potential redevelopment of the site was received by the Planning and Building Standards Service. The TPO would not prevent redevelopment of the site, but may potentially restrict the extent of development that could take place, in order to protect the trees on site.
- 2.6 A TPO was made by the Head of Planning and Building Standards on 20 January 2015 and was served on all interested parties.
- 2.7 On the making of the TPO, and in accordance with the Regulations, copies of the Order were served on all those with an interest in the land, an advert was placed in "The Scotsman" newspaper and a copy of the Order made available at the local library. Any person then has 28 days to object to the Order or make any other representation. One objection was received, on the grounds that (i) one tree, a sycamore was in need of felling, (ii) two of the seven sycamores in the linear group G2 were in poor condition, and (iii) that the cherry tree has limited viability in the long term. The objection letter and response are attached to this report.

- 2.8 In response, the Planning and Building Standards Service's Arboriculturist pointed out that: (i) the sycamore which needed felling was not included in the Order for the reason of its poor condition, (ii) that the two poorer sycamore trees are components of a linear group (G2) and it is the group itself which is of high value. Any need to remove poorer trees within the group can be accommodated under the Order and the Planning Authority would have the powers to require the replacement of these trees to ensure the continuity of the amenity provided by the group, and (iii) that the cherry tree appeared in reasonable health and condition and the objector's own tree survey assessed the tree as fair with 20 to 40 years future life expectancy. As such, removal of the cherry tree from the Order was not considered to be justified.
- 2.9 The TPO initially provides six months protection to the trees. Under new Regulations introduced in 2011, the Order will expire after six months unless confirmed by the Planning Authority within this period, which in this instance is before 20 June 2015. Confirmation of the Order is required to retain the TPO and provide long term protection to the trees.

3. Recommendations

- 3.1 It is recommended that the Development Management Sub-Committee:
- confirms Tree Preservation Order No 175 (Belgrave Road, Edinburgh).

Measures of success

The protection of prominent trees in the City that contribute to amenity and cultural heritage.

Financial impact

This report will have no financial implications.

Equalities impact

There are no adverse impacts arising from this report.

Sustainability impact

The protection of trees will have a positive impact on sustainability objectives.

Consultation and engagement

The Tree Preservation Order was advertised in accordance with the Regulations in “The Scotsman” newspaper allowing 28 days for third parties to make representations. One representation was received. This representation and the Head of Planning and Building Standards’ response are enclosed.

Background reading/external references

None

David R. Leslie

Acting Head of Planning and Building Standards

Links

Coalition pledges

Council outcomes

CO19 - Attractive Places and Well Maintained – Edinburgh remains an attractive city through the development of high quality buildings and places and the delivery of high standards

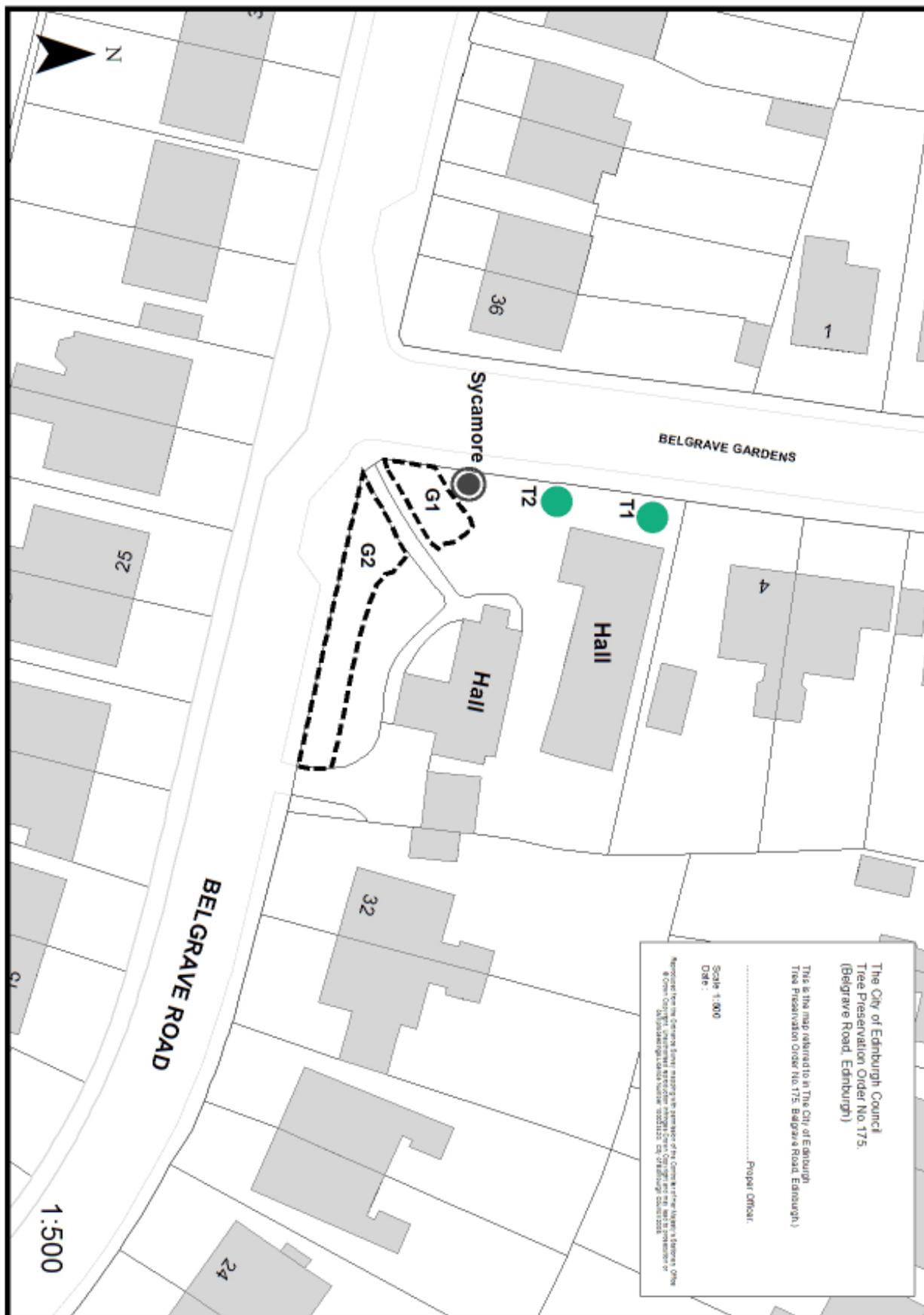
Single Outcome Agreement

SO2 - Edinburgh's citizens experience improved health and wellbeing, with reduced inequalities in health

SO4 - Edinburgh's communities are safer and have improved physical and social fabric

Appendices

1. Tree preservation order map for TPO No 175 (Belgrave Road, Edinburgh)
2. Letter of objection
3. Planning authority response to objection



HUGH W J CRAWFORD

Chartered Architect, Town Planning Consultant and Mediator

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Our Ref:
HWJC

Your Ref:
TPO no 175 (Belgrave Road, Edinburgh)

12-14 Lochrin Buildings
Gilmore Place
Edinburgh
EH3 9NB

Date
18 February 2015

Head of Legal Compliance
Waverley Court
4 East Market Street
Edinburgh
EH7 4LU

Dear Sirs,

Tree Preservation Order, Belgrave Halls, 34 Belgrave Road, Corstorphine, Edinburgh

We have been authorised by our client's solicitor to lodge an objection on behalf of Mr and Mrs C Hardy. We are the Architects dealing with the development proposals for the site, and note with some disappointment that, the TPO has emerged at an advanced stage in the pre-application discussions, and affect the programme of work leading to the formal submission of proposals.

Whilst acknowledging that the tree group form an attractive feature locally, it should be noted that not all the trees merit retention in the longer term. Trees have been assessed as being in need of felling, (one of the sycamore trees growing along the western boundary of the site). A further two sycamore trees have been assessed as being of low retention value, (category two as per BS5837: 2012). Additionally, it has been argued that the mature gean marked as T1 in the TPO has limited viability in the long run: the tree has an open and somewhat sparse crown structure and would be better replaced by a young and sound tree.

Our clients acknowledge the value which the trees provide to the site and as a consequence commissioned the tree survey which was carried out in January 2015, (see copy attached) and is intending to follow the recommendations included in the survey report in conjunction with future residential redevelopment of the site.

As it has never been our client's intention to clear the site of trees, and they are prepared to plant replacement trees for any trees needing to be felled, it is disappointing that the planning authority has seen it necessary to issue the TPO. It is hoped that it will be withdrawn, or at least amended to

include only groups G1 and G2, as these are more prominent and important trees for the local amenity due to the lack of trees in the front gardens of the properties lining Belgrave Road.

Yours faithfully



Hugh W J Crawford

Copy of letter to: Peter Stephen, Rae Reid and Stephen
Mr and Mrs C Hardy
Elspeth Annan, Church of Scotland Law Department

Hugh W J Crawford
12-14 Lochrin Buildings
Gilmore Place
EDINBURGH
EH3 9NB

Date 25 February 2015
Your ref
Our ref TPO175

Dear Mr Crawford

TREE PRESERVATION ORDER No 175 (BELGRAVE ROAD, EDINBURGH)

Thank you for your letter of 18 February 2015 objecting to the above.

The background to the making of the above tree preservation order is that the planning authority received requests in 2005, 2013 and 2014 to make a tree preservation order on these trees to recognise the important contribution they made to the character and attractiveness of the locality and to take account of future interest in developing the site. The making of the above tree preservation order is in no way a reflection on your clients' intentions. It is the duty of a planning authority to have regard to the preservation and planting of tree and to make orders for that purpose. Making orders as part of the development management process is in accordance with planning guidelines.

A tree preservation order cannot prevent planning permission from being granted but is a material consideration. An order is a way for the planning authority to ensure proper regard is given to the preservation of trees, to give effect to conditions placed on a planning permission to protect trees during the development operations and provide for their long term protection. The trees in question have always been identified as a constraint to development in pre-application advice and the making of an order is not considered to prejudice your clients in any significant way.

It is clear from your letter and the arboricultural report that there is agreement over the value of trees on the site and the advantage of tree retention. It is acknowledged that 3 trees are in poor condition and these are referred to as T258, T260 and T264 in Donald Rodger Associates report. T264 is identified as unsuitable for future retention and is recommended in the report for removal. The planning authority concurs and the tree was

John Bury, Acting Director of Services for Communities

Waverley Court G.2, 4 East Market Street, Edinburgh EH8 8BG



not included in the tree preservation order for this reason. The report further states that T258 and T260 are in poor condition but that they have over 10 years life expectancy and the only remedial work recommended is to remove dead wood. The planning authority acknowledge these trees are in poorer health but take the view that they are not individual specimens but a component of a group of significant landscape value (G2 in the order) and the tree preservation order only protects them by virtue of being part of the group. Should there be any issue with the health and condition with these or any tree, this is a matter routinely dealt with under the provisions of a tree preservation order where an application is made to carry out work required in the interest of safety or to promote amenity and landscape value. As these 2 trees formed part of a close group of trees and it is the group itself which the planning authority wishes to protect it was not considered appropriate to exclude them from the order. The format of the order allows for trees to be replaced if required and still maintain the order and the amenity provided by the group of trees. The gear tree has been assessed in the same report a being in fair condition with a life expectancy of 20-40 years. It is considered appropriate for this tree prominent tree on the edge of the site to be included within the tree preservation order

You refer to your clients' intention to carry out the recommendations of their arboricultural consultant's report. While this would require an application for consent under Article 4 of the order, the works recommended for arboricultural and safety reasons will not be unreasonably refused and replacement planting can be accommodated. Please note that the removal of tree T263 as recommended in the report as being required in connection with the development of the site would be dealt with as part of a planning application.

Having fully considered your objection and reconsidered whether the order is accurate, has been served correctly, is in the interests of amenity and whether the making of the order is appropriate I find that the order is justified with no factors being found to outweigh this decision.

Accordingly I propose to prepare a report for the Development Management Sub-Committee detailing your objections but recommending that the order be confirmed in its present form. A copy of your letter will be included in the report.

Are there any other matters you wish me to consider or further comments you wish to make prior to this? If you require further information please contact on steven.milne@edinburgh.gov.uk or 0131 529 3531.

Yours sincerely

STEVEN MILNE
Arboricultural Officer