

ANGUS COUNCIL

DEVELOPMENT CONTROL COMMITTEE

10 APRIL 1997

**SUBJECT: TREE PRESERVATION ORDER 1997 NO. 1
FYFE-JAMIESON MATERNITY HOME, TAYLOR STREET, FORFAR**

REPORT BY DIRECTOR OF PLANNING, TRANSPORT & ECONOMIC DEVELOPMENT

<p>Abstract: In terms of Section 59 of the Town and Country Planning (Scotland) Act 1972 Provisional Tree Preservation Order 1997 No. 1 came into effect on 19 February 1997. It is recommended that the Final Order be now confirmed.</p>

1 RECOMMENDATION

It is recommended that Tree Preservation Order 1997 No. 1 be confirmed.

2 INTRODUCTION

- 2.1 Angus NHS Trust placed the Fyfe-Jamieson Maternity Home, together with its grounds on the open market in January 1997. This resulted in several enquiries from prospective purchasers regarding the redevelopment of the site and the status of the trees on site. The trees were therefore considered to be at risk.

3 THE ORDER

- 3.1 On 19 February 1997, using delegated authority and under Section 58(1) of the Town and Country Planning (Scotland) Act 1972, the Council made a Tree Preservation Order in respect of the woodland areas at Fyfe-Jamieson Maternity Home. Under Section 59(2) the Order took effect immediately without previous confirmation by the Planning Authority.

- 3.2 A Provisional Order continues in force for a period of six months or until the date the Order is confirmed by the Planning Authority, whichever first occurs. A period of 28 days was allowed for the making of objections and representations in respect of an Order to the Planning Authority. Before deciding whether to confirm the Order, the Council must take into consideration any objections and representations duly made. The 28 day period has now expired and an objection has been received from Messrs. Ledingham Chalmers, Solicitors, on behalf of their clients, Cala Homes, as follows:-

"We refer to the Notice of the above dated 18th February, 1997 and on behalf of our clients hereby formally intimate an objection thereto. We would wish to make the following representations on our clients' behalf, viz.-

1. The Confirmation of the proposed TPO would directly affect the amenity of any housing development on this "brown field" site in respect of which the principle of development has been approved by the Planning Authority. In addition it would

severally prejudice our clients' proposed layout for development of the subjects which form has already been discussed with the Planning Authority.

2. The Roads Authority has proposed a particular access to the site which may entail the removal of trees in the proposed preservation areas to facilitate the construction of the access along the visibility splays to the site.

We look forward to hearing from you."

3.3 With regard to the points raised in the objection, the following should be noted:-

- a) the existence of a TPO in itself does not adversely affect the residential amenity of housing. It is the inappropriate siting of housing in relation to trees which can adversely affect residential amenity;
- b) whilst there has been informal discussions with officers of the Planning Department, no agreement or approval has been given for housing development on this site. The principle of housing on this site can only be established by the submission and approval of a planning application;
- c) all enquirers regarding the site were advised of the importance of the trees and that any proposals for the site would be expected to take full account of the trees;
- d) discussions with Cala Homes representatives with regard to proposed site layout only started after the Order was in force. It was again stressed that the layout would have to take full account of trees on site;
- e) whilst officers of the Roads Department have discussed site access with Cala Homes, they have neither had sight of plans nor have they proposed a particular access to the site;
- f) it should be emphasised that Tree Preservation Orders are used as a means of controlling tree works. The consideration by the Planning Authority of the appropriate or necessary removal of individual or groups of trees on site will not be prejudiced by confirmation of this Order. It is open to the Council as they may think fit on receiving an application for the removal, lopping etc. of trees to either give their consent unconditionally or with conditions attached or refuse the application.

4 FINANCIAL IMPLICATIONS

- 4.1 There are no financial implications on the Council as a result of this report.

5 CONSULTATION

- 5.1 The Chief Executive, Director of Law & Administration, Director of Finance and Director of Roads have been consulted in the preparation of this report.

6 CONCLUSION

- 6.1 This woodland on this site is extremely prominent in the townscape of Forfar and their loss would be to the detriment of visual amenity. The Tree Preservation Order is considered vital to maintaining woodland on this site.

NOTE

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

AA/SJR/IAL
2 April 1997

Alex Anderson
Director of Planning, Transport & Economic Development

