

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 3 OCTOBER 2017

**THE ANGUS COUNCIL (13 & 15 KINNORDY ROAD, KIRRIEMUIR)
TREE PRESERVATION ORDER 2017 NO. 1**

REPORT BY HEAD OF HOUSING, REGULATORY AND PROTECTIVE SERVICES

ABSTRACT

In terms of Section 160 of the Town & Country Planning (Scotland) Act 1997, The Angus Council (13 & 15 Kinnordy Road, Kirriemuir) Tree Preservation Order 2017 No. 1 came into effect on 16 June 2017. It is recommended that the Order be confirmed.

1. RECOMMENDATION

It is recommended that The Angus Council (13 & 15 Kinnordy Road, Kirriemuir) Tree Preservation Order 2017 No.1 be confirmed.

**2. ALIGNMENT TO THE ANGUS COMMUNITY PLAN/SINGLE OUTCOME AGREEMENT/
CORPORATE PLAN**

This report contributes to the following local outcomes contained within the Angus Community Plan and Single Outcome Agreement 2013-2016:

- Our natural and built environment is protected and enjoyed.

3. BACKGROUND

3.1 Angus Local Development Plan Policy PV7 Woodland, Trees and Hedges states:

Ancient semi-natural woodland is an irreplaceable resource and should be protected from removal and potential adverse impacts of development. The council will identify and seek to enhance woodlands of high nature conservation value. Individual trees, especially veteran trees or small groups of trees which contribute to landscape and townscape settings may be protected through the application of Tree Preservation Orders (TPO).

Woodland, trees and hedges that contribute to the nature conservation, heritage, amenity townscape or landscape value of Angus will be protected and enhanced. Development and planting proposals should:

- *protect and retain woodland, trees and hedges to avoid fragmentation of existing provision;*
- *be considered within the context of the Angus Woodland and Forestry Framework where woodland planting and management is planned;*
- *ensure new planting enhances biodiversity and landscape value through integration with and contribution to improving connectivity with existing and proposed green infrastructure and use appropriate species;*
- *ensure new woodland is established in advance of major developments;*
- *undertake a Tree Survey where appropriate; and*
- *identify and agree appropriate mitigation, implementation of an approved woodland management plan and re-instatement or alternative planting.*

Angus Council will follow the Scottish Government Control of Woodland Removal Policy when considering proposals for the felling of woodland.

- 3.2 The north-west end of Kinnordy Road is substantially characterised by the trees and shrubs within the large gardens of Glenhill and Glenwood. Both houses are set back from the street within large plots with large gardens, particularly to the front. The gardens contain a large number of mixed conifer and broadleaved trees. The combined gardens give an overall appearance of woodland and also form a backdrop to the new development at Bon Scott Place and Lord Lyell Drive. The trees are widely visible in views across Kirriemuir and contribute significantly towards the amenity of that part of Kirriemuir.
- 3.3 Planning application 17/00303/PPPL was for a single house within the front garden of Glenwood, Kinnordy Road. The proposal necessitated the removal of most of the trees within the front garden. The applicant has subsequently withdrawn this application but has indicated an intention to fell the trees. Whilst the planning application only related to Glenwood, it is considered prudent to make a TPO which would protect trees at both Glenwood and Glenhill.

4. PROVISIONAL TREE PRESERVATION ORDER

- 4.1 Using delegated authority and under Sections 160 and 161 of the Town & Country Planning (Scotland) Act 1997 the TPO came into effect on 16 June 2017. Under Section 161 the Order took effect immediately without previous confirmation by the Planning Authority in order to safeguard the trees from a risk of felling.
- 4.2 The 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. Under Section 161 if the Order is not confirmed within six months it expires. A period of 28 days was allowed for the making of objections and representations 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 no objections or representations have been received.

5. FINANCIAL IMPLICATIONS

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

6. HUMAN RIGHTS IMPLICATIONS

The recommendation to confirm the Tree Preservation Order has potential implications in terms of the proprietors entitlement to peaceful enjoyment of their possessions (First Protocol, Article 1) and/or in terms of alleged interference with home or family life (Article 8).

For the reasons referred to elsewhere in this report justifying the present recommendation in planning terms, it is considered that any such actual or potential infringement of such Convention rights is justified. Any actual or alleged infringement is in accordance with the Council's legal powers under the Planning Acts and is necessary in the general interest for the protection of amenity in Angus. The interference is also proportionate given that the felling of the trees is on the information available, not considered to be one, which would be approved by Angus Council. Further, the interference will be the minimum required to achieve the objective of protecting the amenity of Angus.

7. EQUALITIES IMPLICATIONS

The issues dealt with in this report have been the subject of consideration from an equalities perspective (as required by legislation). An equalities impact assessment has been undertaken.

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

REPORT AUTHOR: STEWART BALL

EMAIL DETAILS: Planning@angus.gov.uk

List of Appendices: Appendix 1: Location Plan

