

TREE PRESERVATION ORDER SBC 57 Haig House, Princes Street, Hawick

Report by Service Director Regulatory Services

PLANNING AND BUILDING STANDARDS COMMITTEE

9th December 2019

PURPOSE AND SUMMARY

- 1.1 **The purpose of this report is to consider the confirmation, modification or revoking of Tree Preservation Order SBC 57,**
- 1.2 Tree Preservation Order SBC 57 was made on 10 June 2019 under delegated powers. It covers trees at Haig House, Princes Street Hawick and replaces an earlier Order, SBC 32.
- 1.3 A Tree Preservation Order must be confirmed, modified or revoked within 6 months of the order being made.

2 RECOMMENDATIONS

- 2.1 **I recommend that the Planning and Building Standards Committee agrees:**

- (a) **Confirm Tree Preservation Order SBC 57**

3 BACKGROUND - TREE PRESERVATION ORDER SBC 57

3.1 Tree Preservation Order SBC 57 was made on the 10 June 2019; it covers 12 individual and groups of trees at 25 Princes Street and replaces an earlier Order made at the same site. This order is a result of an independent tree preservation order assessment following a review of all orders.

Regulations require that, once an Order is made, a period of 28 days is made available for concerned parties to raise representations in respect of the Order. Within a period of six months from the making of the original Order, the Council must, having taken representations into account and with or without modification, decide if the Order should be confirmed.

3.2 The trees are visible from Commercial Road and Princes Street Hawick. The trees were designated under individual and group orders containing mixed semi and mature trees. Species include Oak, Limes Yew and Cypress. They vary in height, providing different age class, diversity of colour and include broadleaf and conifer species.

3.3 The tree preservation order was made following a site visit in March 2019 by Tree Consultancy Group.

There is currently a planning application to develop the area south of Haig House (19/00509/FUL) with proposed development adjacent preserved trees and this is material in the context of whether the protection of trees is justified.

3.4 Objections from both the trees owner and adjacent site developer in the aforesaid planning application have been received outwith the 28 day permitted period under the Town and Country Planning (Scotland) Act. However, given that they were received in advance of any decision being made, it is reasonable to take the matters raised in these representations into consideration. To summarise the objections:

- Arboricultural information improperly obtained
- Inadequate protection TPO 57 be varied to include all trees on Princes Street as per TPO 32
- TPO 57 includes two Chestnut trees in Haig House and Commercial Road
- The economic benefit of the adjacent development and jobs is already established
- The siting of the proposed store cannot be moved because of access and parking requirements.
- The quality and condition of boundary trees and lack of screening.
- The requirement to remove overhanging branches from adjoining property to enable development.

Copies of this correspondence together with copies of the aforementioned letters of objections are appended to this report.

The tree survey that led to the making of the Order was undertaken by an external independent specialist, Tree Consultancy Group, on behalf of the Council following the nationally acknowledged appraisal system for evaluating trees for a preservation order.

The matters raised in representations were available and taken into account as part of a subsequent review by the consultant who undertook the original survey and assessment. The justification for the Order is concerned solely with the

value and contribution of the trees in question. Nevertheless, the consultant's review of the Order and the representations (dated 13 August 2019), which is attached to this report, addresses the matters raised in representations and confirms that the methodology applied is the mostly widely used and consistent with national standards and that the trees are considered worthy of protection.

This assessment forms part of a Borders wide review of Tree Preservation Orders and the consultant's subsequent review demonstrates that the proposed order has been the subject of a thorough and robust assessment, including a number of visits to the sites in question.

- 3.5 The trees are generally in good condition and continue to provide an amenity value to the local landscape. It has an expected safe useful life expectancy of at least 40 years for the trees following sound arboricultural practice.
- 3.6 Third party representations have been received in relation to the current planning application making specific reference to the woodland and its screening value. Confirming the order will allow the Local Authority control over any proposed tree works and ensure continuous tree cover.

4 IMPLICATIONS

4.1 Financial

There are no costs attached to any of the recommendations contained in this report.

4.2 Risk and Mitigations

The report describes the elements of risk that have been identified and how they will be managed in relation to this matter, and no specific additional aspects need to be highlighted.

4.3 Equalities

(a) There are no equalities in approving this report.

4.4 Acting Sustainably

(a) Economic Growth

The proposal does not have an affect on social growth.

(b) Social Cohesion

The trees provides a visual amenity for local residents and the Community at large.

(c) Protection of the environment

The confirmation of Tree Preservation Order SBC 57 will ensure continuity of tree cover to provide a natural resource within the local landscape for future generations.

4.5 Carbon Management

(a) Trees as well as providing visual amenity contribute to a green infrastructure by providing screening, shade, reducing wind speeds, providing opportunities for wildlife and are a key resource to climate change adaptation.

4.6 Rural Proofing

- (a) It is anticipated there will be a positive impact on the local area from the proposals contained in this report.

5 CONSULTATION

5.1 Legal Services have been consulted on this report.

Approved by

Service Director, Regulatory Services

Signature

Author(s)

Name	Designation and Contact Number
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Background Papers:

Tree Preservation Order 57

Objection to Order from GLS Ltd, dated 24 July 2019 (including letter in draft, dated 17 July 2019, on behalf of Image Estates)

Objection to Order from Mrs F E Mackie, dated 7 July 2019

Letter from Anna Craigan Environmental Services, on behalf of Image Estates, dated 4 August 2019

Report, "Summary of Assessment Procedure for Review of Tree Preservation Order no.32", Tree Consultancy Group, dated 13 August 2019

Previous Minute Reference: None

Note – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Jacqueline Whitelaw can also give information on other language translations as well as providing additional copies.

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