

Agenda Item 5

## Tree Preservation Order Recommendation 2016/0005/TPO - Leac na sith, Luss

### *Paper for decision*

#### 1. Introduction

- 1.1 As the result of a notification for tree works in Luss Conservation Area (2016/0299/TRE) received 23rd September 2016 and associated site visit by Trees and Woodland Advisor and Built Heritage Advisor. It was assessed that the work proposed (felling of a group of mature beech trees) would negatively affect the amenity of the Luss Conservation Area. In order to prevent the felling, a TPO was recommended and was made on 4th November 2016. No representations were made during the consultation period. It is recommended that the TPO is confirmed.

#### 2. Recommendation

- 2.1 Members are to:
- Note** the making of the TPO on the 4th November 2016 – issued with approval of the Chair of the Planning & Access Committee at Leac na sith, Luss (Reference: 2016/0005/TPO)
  - Confirm** the TPO without amendment.

#### 3. Background

- 3.1 The location lies on western side of the Luss Conservation Area, between Church Road and the shore footpath and to the north of the Parish Church as shown in Figure 1.



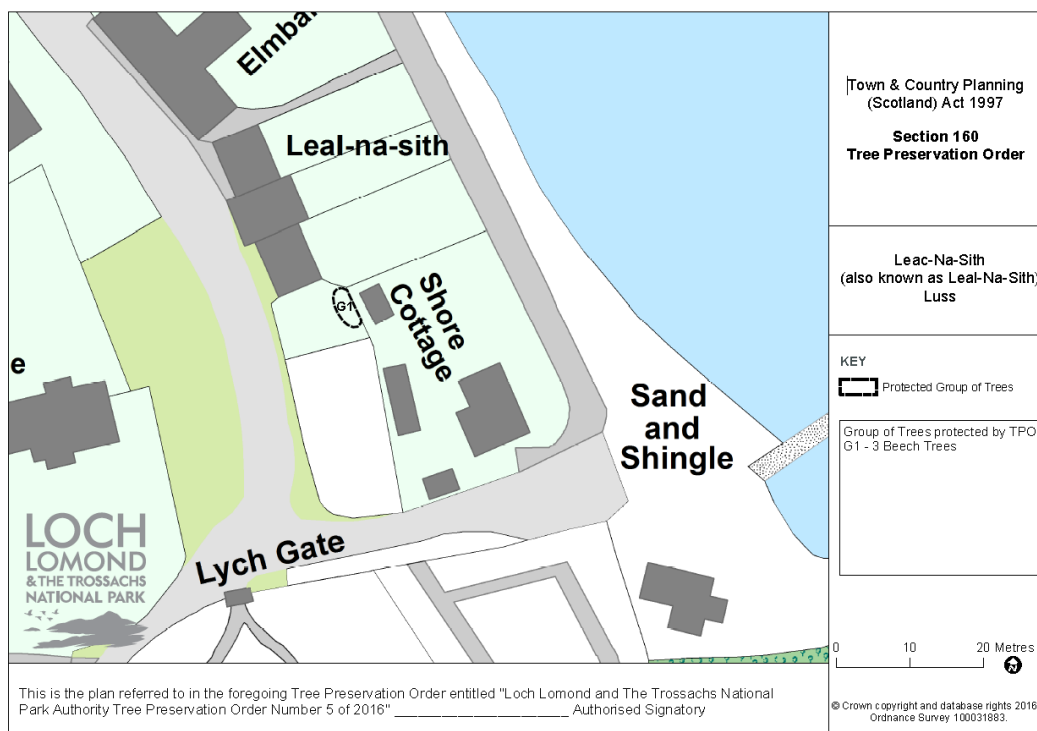
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**Figure 1** – Large Scale Location Plan - Blue Square marks the TPO location

- 3.2 The group of three mature beech (*Fagus sylvatic*) trees is located on the south east side of garden ground of Leac na Sith (grade C listed building) on the boundary with the adjacent property's, Shore Cottage (grade C listed building), garden ground. The group is a prominent feature of the Conservation Area, being visible from much of the surrounding area.



**Figure 2** - Location Plan – detailed

- 3.3 The photographs below (Figure 3) show the group of trees protected by the TPO. The first photograph shows the group from entrance to the church yard to the south. While the second photo is taken from Luss pier.

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Figure 3 - Photographs

### 3.4 *Relevant Planning History:*

There are two relevant previous planning applications relating to the adjacent site:

- 2009/0170/DET – Erection of a dwelling house, approved 23rd August 2012 at committee. The group of trees had previously been surveyed as part of this application. Two arboricultural surveys were submitted in relation to this application, the initial one did not recommend the felling of the trees while the second survey noted defects which led to the recommendation for the removal of the tree. The committee paper recommending the approval of this application stated that the then Tree and Woodland Advisor would not object to a notification for felling. The trees are outwith the application site although immediately adjacent. Consequently felling of the trees would have required a separate tree works application. The planning consent was never implemented.
- 2015/0256/DET - Erection of museum, approved 23<sup>rd</sup> November 2015 at committee. This development was the same development footprint as the previous application. A condition ensured a tree root protection plan was implemented to protect the trees on the adjacent site which included the trees being proposed for TPO.

## 4. Consultations and Representations

4.1 The following statutory consultations were required:

- a) Forestry Commission Scotland – Conservancy
- b) The owner, lessee and occupier of the land on which the trees are situated, and any party entitled to:
  - i) fell, top, lop, uproot or otherwise damage or destroy any tree to which the tree preservation order relates; or

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ii) work by surface working any materials in, on or under such land. In addition, an advert was placed in the Helensburgh Advertiser on the 17th November 2016.

#### *Responses to Consultation*

4.2 No responses from any consultees were received nor were any other representations made.

### 5. Policy Context

5.1 National Park Aims:

5.1.1 The four statutory aims of the National Park are a material planning consideration. These are set out in Section 1 of the National Parks (Scotland) Act 2000 and are:

- (a) to conserve and enhance the natural and cultural heritage of the area;
- (b) to promote sustainable use of the natural resources of the area;
- (c) to promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public; and
- (d) to promote sustainable economic and social development of the area's communities.

5.1.2 Section 9 of the Act then states that these aims should be achieved collectively. However, if in relation to any matter it appears to the National Park Authority that there is a conflict between the first aim, and the other National Park aims, greater weight must be given to the conservation and enhancement of the natural and cultural heritage of the area.

5.2 National Park Local Plan (Adopted 2017):

#### *Relevant Policies:*

5.2.1 NE8 Development Impacts on Trees and Woodlands:

5.2.2 HE2 - Conservation Areas "Trees which are considered by the planning authority to have amenity value and contribute positively to the character of the conservation area shall be retained."

Full details of the policies can be viewed at:

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[http://www.lochlomond-trossachs.org/rr-content/uploads/2016/07/LIVE-Park-Adopted-Plan-5-1-17web\\_Part4.pdf](http://www.lochlomond-trossachs.org/rr-content/uploads/2016/07/LIVE-Park-Adopted-Plan-5-1-17web_Part4.pdf)

#### 6. Planning Assessment

- 6.1 The Members are being asked to confirm the Tree Preservation Order, made on the 4th November 2016.
- 6.2 The basis for the assessment of the trees is a standard Tree Evaluation Method for Tree Preservation Orders (TEMPO) – used by the majority of Scottish Planning Authorities for assessing where a tree is worthy of a TPO. TEMPO was developed as a field guide to consider all relevant factors when to assess trees for a TPO (full guidance document can be provided on request).
- 6.3 The assessment of the trees following notification for tree works in a conservation area (2016/0299/TRE) found that there were no significant structural defects which would require the felling of the trees and that the group of trees made a significant contribution to the visual amenity of Luss Conservation Area. The property, Leac na Sith, is a Grade C listed building. When a notification to undertake tree works in a Conservation Area is made and not supported, the only mechanism to prevent inappropriate works being undertaken is to make a TPO.
- 6.4 The assessment by the Trees and Woodland Advisor (TWA) noted the defects recorded on the second tree survey submitted as part of planning application 2009/0170/DET however, it was not consider that that these defects would require the trees to be felled based on the current surrounding land use. The risk could be managed by a crown reduction should the applicant wish.
- 6.5 In correspondence with the applicant, the TWA recommended that an up to date arboricultural report was obtained by the trees' owner for his use. This was provided to the NPA after the TPO was made and recommended minor works to the trees which have subsequently been undertaken.
- 6.6 The TEMPO method scores a tree on a number of categories as follows. Part 1 is the amenity assessment which is broken down into four sections:
  - a) Condition (relates to health and physical form);
  - b) Retentions span (Remaining lifespan);
  - c) Relative public visibility;
  - d) Other factors such as arboricultural features or veteran trees, trees which have significant historical or commemorative importance.

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Part 2 is the expediency assessment which is the level of threat to the trees or woodland concerned.

6.7 This group of trees scored 3 (out of 5) for condition, 2 (out of 5) for retention span, 5 (out of 5) for public visibility. The expedience was 5 (out of 5) due to the pending Conservation Area notification which proposed the felling of the trees. The group of trees obtained an overall TEMPO score of 17 out of a max of 25. It was therefore recommended that a TPO was made to prolong the trees' contribution to the amenity of the conservation area and the setting of the adjacent listed buildings.

#### 7. Conclusion

7.1 The above TPO protects the prominent group of trees in Luss Conservation area. No representations were received during the consultation period. It is therefore recommended that the Order be confirmed.

#### 8. Background Documents:

8.1 Tree Evaluation for Preservation Orders (TEMPO) and assessment notes, available in electronic file - Reference 2016/0005/TPO. Also available in the file is the TPO schedule and plan.

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