

## **2       TREE PRESERVATION ORDER 08/2013 LAND AT FERNBRAE HOSPITAL, 329 PERTH ROAD DUNDEE (AN140-2014)**

Members are asked to note that on 8th November, 2013, the Council made a Tree Preservation Order on the abovementioned site. The site is located within West End Suburbs Conservation Area. This was done to protect and preserve the arboreal amenity of the area.

Two objections from neighbouring properties have been received.

The first objection from an adjoining resident welcomes the preservation of the trees. However, he has concerns regarding trees T4, T5 and T6 which run along the eastern wall between Fernbrae Hospital and Balgay Bowling Club. Part of this wall collapsed in December, 2012 and has not been rebuilt. The objector considers the main cause of the collapse was pressure from retained earth and the roots of the trees. Trees T4, T5 and T6 are butting against the wall. The objector wants the Council to regularly inspect the trees and surrounding buildings and structures and advise owners to carry out regular maintenance work.

The second objection from an adjoining bowling club relates to trees T4 and T6. The objector is concerned the trees will cause further collapse of the wall. They state that the root system of T4 is exposed and since the collapse, the tree no longer has support from the wall. The objector fears T4 will fall and cause damage to surrounding land, buildings and endanger safety. The objector does not consider that the wall can be rebuilt without removing part of the roots of T4.

This objector has commissioned a Tree Report. The confirmation of this TPO has been deferred from the February and March Committees pending the receipt of this Report. However, despite having been advised on a number of occasions of the deadline for confirmation of the TPO, this Report has still not been received. If the matter is not determined at this Committee the TPO will lapse.

The Council's Forestry Officer has inspected the trees and considers that they are in good health and have a lengthy lifespan. Since the objections were lodged he has re-inspected the trees and has confirmed T4 (Copper Beech), T5 (Yew) and T6 (Lime) all make a significant contribution to the visual amenity of the area and that the wall could be rebuilt whilst retaining the trees. The trees have also been inspected by the owner's tree consultant who confirms that the trees play a significant role in the visual amenity of Fernbrae and that the recent collapse of the wall is not solely attributable to tree growth, and that several other factors, including lack of maintenance played a role.

The confirmation of the Order with the inclusion of these trees will allow the Council to condition appropriate replacement planting if required in the future. This means that if the worst fears of the objectors are realised, and the owners seek to fell any of the protected trees, the Council can agree to this subject to appropriate replacements.

Members are asked to authorise the Head of Democratic and Legal Services and Director of City Development to undertake the necessary procedures and confirm the above Tree Preservation Order.

Copies of the map have been circulated to Group Leaders, Bailie Scott, Bailie Borthwick and Councillor Macpherson.