

### **13 CONFIRMATION OF TREE PRESERVATION ORDERS (AN400-2004)**

#### **(a) SITE AT MONTPELIER GARDENS, DUNDEE (06/2004)**

Members are asked to note on 6 May 2004 the Council made a provisional Tree Preservation Order on the above mentioned site. Due to their arboreal and visual amenity, the Council considered they merited protection.

No objections have been received by the Council to this Tree Preservation Order.

#### **(b) LAND AT RERESMOUNT ROAD, BROUGHTY FERRY, DUNDEE (07/2004)**

Members are asked to note on 7 May 2004 the Council made a provisional Tree Preservation Order on the above mentioned site. This was in response to a proposed outline planning application being submitted on the 11 May 2004 for the erection of one detached dwellinghouse. This application was refused by the Development Quality Committee on 30th August 2004. The Council considered that the trees merited protection due to their arboreal importance and in the interests of visual amenity. Three objections to the Tree Preservation Order have been received. These were from the owner, a neighbour and the potential developer. The nature of the objections are as follows;

- (a) On the grounds that the "plot" is out of character with the rest of the cul-de-sac and also affects the surrounding houses in terms of security, maintenance and overgrowing.

The Council's Forestry Officer considers that this site provides an interesting visual amenity to the street and strongly believes that with the agreement of a tree management plan any negative effects to the surrounding housing can be resolved.

- (b) On the grounds that the trees are unsightly and a nuisance.

The Council's Forestry Officer has advised that leaves and moss are classed as seasonal nuisance and therefore the objection cannot be considered as reasonable.

- (c) On the grounds that 10 of the trees are classified as dangerous for various reasons stated in a report undertaken by Arboretum Internationale Limited on behalf of the potential developer.

The Council's Forestry Officer has advised that the trees are not dangerous and again reiterates that with the benefit of an agreement of a management plan for the trees this would reduce any hazard and/or nuisance and would retain not only the arboreal amenity but also the flora and fauna value.

On the recommendation of the Forestry Officer the tree identified in the TPO as number T23, a Cherry Laurel, a common shrub, should be removed from the Tree Preservation Order.

#### **(c) 18 GLAMIS ROAD, DUNDEE (08/2004)**

Members are asked to note on 2nd June 2004 the Council made a provisional Tree Preservation Order on the above mentioned site. This was in response to the Council being advised that part of the garden ground was for sale as a housing plot and where there was the potential for a planning application to be received. A planning application was received on 27 April 2004 for the erection of a 2 storey dwelling house. The site is not in a Conservation Area therefore there was no protection for the trees. The Council's Forestry Officer considered that due to their arboreal and visual amenity the trees merited protection. One objection was received from the owner of the site. The objection is as follows;

The objector refers to a Tree Survey Report that was submitted to this Council in support of removing some trees for a future development at this site. The report states that some of the trees are in a poor condition and recommends their removal. The objector also states that there is a concern that poor quality/damaged limbs may fall onto the pavement and injure pedestrians.

The Council's Forestry Officer considers that none of the trees are in a dangerous condition and that with the benefit of an agreed management plan there would be no requirement to fell any trees on this site. Furthermore, if the situation were to arise that a tree was considered to be in a dangerous condition, as in all Tree Preservation Orders, the owner has the right to remove a tree if it is urgently necessary in the interests of safety.

The Forestry Officer also recommends that a Betula tree, as identified within Group 3 of the Tree Preservation Order, should be removed from the Order because the tree is dead.

#### RECOMMENDATION

Members are asked to authorise the Depute Chief Executive (Support Services) and the Director of Planning and Transportation to undertake the necessary procedures and confirm the above Tree Preservation Orders with the modifications recommended by the Forestry Officer in this report and that the Council's Forestry Officer enters into discussions with the relevant owners with a view to concluding Tree Management Plans as outlined above.

Copies of all Provisional Tree Preservation Orders and letters of objection are available in the Members lounge and with Group Secretaries.