

9 CONFIRMATION OF TREE PRESERVATION ORDER 03/2008 - GROUND AT 76 GROVE ROAD, DUNDEE (AN101-2008)

Members are asked to note that on 21st March, 2008 the Council made a provisional Tree Preservation Order on the abovementioned site. This was in response to a planning application that was refused for alterations and an extension to the nursing home. An appeal was lodged but was dismissed on 22 May 2008 and planning permission finally refused. The Council considered that the trees merited protection due to their arboreal and visual amenity. In his appeal decision the Reporter supported this view. He considered the trees to be the property's main contribution to the character and appearance of the Conservation Area. Turning to the contended threat to the stability of the wall the Reporter saw no reason why the trees could not be retained with the issue of the wall being resolved in other ways. One objection to the Tree Preservation Order has been received from James Paul Associates, on behalf of the owners of the nursing home. The main objections are as follows:

That trees 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 should not be included in the Tree Preservation Order on the grounds of public safety. These trees run along the length of the wall within approximately 1 metre and are the cause of movement in the wall and will cause defects in the future due to continued tree growth.

The Councils Forestry Officer notes that the trees in the objection are situated behind the boundary wall. These trees are all in a healthy condition, all have a lifespan in excess of 30 years plus and provide a very high visual amenity to the local area. The Councils Forestry Office agrees that the tree root systems are applying various degrees of pressure at different points in the wall. The Forestry Officer has been involved in projects in the city where trees are reported to have damaged walls. The walls have been removed, the roots pruned back and the walls rebuilt. The trees have been successfully retained. If the wall cannot be rebuilt, the concerns about the destabilisation of the wall can be alleviated by the lowering or removal of the wall and be replaced with a lower wall with a fence or railings. The trees on this site are of enough importance to merit protection.

The Councils Forestry Officers recommendation is to retain these trees as part of the Tree Preservation Order.

The Council's Engineer was consulted and his comments are as follows:

Although there has been some movement in the wall caused by lateral pressure being exerted by the tree root system, this is not severe at present. It is inevitable that more significant structural damage will eventually result but it is not possible to estimate the timescale for this to occur. Given the advice of the Council's Forestry Officer, there are options that would allow the wall to be taken down and a new wall of suitable proportions built with the trees retained.

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 Order.

Copies of the map will be passed to each group leader and Baillie Borthwick.