

Report To: Environment and Regeneration Committee **Date:** 27 October 2016

Report By: Corporate Director,
Environment, Regeneration
and Resources **Report No:** E+R/16/10/04/SJ/DA

Contact Officer: S.Jamieson, Head of Regeneration and
Planning **Contact No:** 01475 712421

Subject: Proposed Tree Preservation Order (IC 32) at Wateryetts, Finlaystone Road,
Kilmacolm

1.0 PURPOSE

- 1.1 The purpose of this report is to seek approval to make a Tree Preservation Order (TPO) at Wateryetts, Finlaystone Road, Kilmacolm.

2.0 SUMMARY

- 2.1 In February 2015 the Council granted planning permission for the construction of a dwellinghouse within the grounds of Wateryetts, Finlaystone Road, Kilmacolm.
- 2.2 Of concern during consideration of the application was the potential impact on the trees within the site. Some trees were considered to be worthy of preservation in the interests of amenity as they contribute considerably to the character of the area. Preservation was also considered important to safeguard against unnecessary or indiscriminate felling, and to preserve the natural habitat of wildlife.
- 2.3 Immediate preservation of the trees was addressed during the construction process by means of a condition on the planning permission. Construction is almost complete and it is considered that a longer term means of preservation of the trees is required. The best means of achieving this is by a TPO. The trees have been surveyed and those worthy of designation specifically identified on the attached plan and schedule.

3.0 RECOMMENDATION

- 3.1 That the Committee agrees to approve the proposal for the TPO and authorises the Head of Legal and Property Services to proceed with the confirmation procedures.

Aubrey Fawcett
Corporate Director, Environment, Regeneration and Resources

4.0 BACKGROUND

- 4.1 In February 2015 the Council granted planning permission for the construction of a dwellinghouse within the grounds of Wateryetts, Finlaystone Road, Kilmacolm, which is a category B listed building. The site of the new dwelling is within the southern part of the garden, has an east to west emphasis and consists largely of a mix of trees, most of which are mature or approaching maturity. The site boundary is defined to the west and south by a mature beech hedge and to the east and south-east by a stone wall. The northern boundary is not defined as it forms part of the garden grounds for Wateryetts. A small electricity sub-station sits within the western part of the site next to an existing, unsurfaced vehicular access from Wateryetts Drive.
- 4.2 A matter of concern during consideration of the application was the potential impact on the trees. A number of trees were considered to be worthy of preservation in the interests of amenity as they contribute considerably to the character of the area. Preservation was also considered important to safeguard the woodland against unnecessary or indiscriminate felling, and to preserve the natural habitat of wildlife.
- 4.3 Immediate preservation of the trees was addressed during the construction process by means of a condition on the planning permission which required the use of tree protection measures in accordance with "Trees in Relation to Design, Demolition and Construction - Recommendations", currently BS 5837:2012. Construction is almost complete and it is considered that a longer term means of preservation of the trees is required.

5.0 PROPOSAL

- 5.1 It is considered that the best means of achieving this is by a TPO.
- 5.2 TPO may be designated under Section 160 of the Town and Country Planning (Scotland) Act 1997, as amended. The relevant Regulations are The Town and Country Planning (Tree Preservation Order and Trees in Conservation Areas) (Scotland) Regulations 2010. The Council is required to make a copy of the TPO available for public inspection at a convenient place in the locality in which the affected trees are situated; give notice of the TPO in a local newspaper; send a copy of the TPO to the Forestry Commission and all interested persons together with a notice containing the relevant information within the newspaper notice. The TPO may thereafter be confirmed either without modification or subject to modifications as the Council considers expedient. As soon as the TPO is confirmed the Council is required to record it in the appropriate Register of Sasines or register it in the Land Register of Scotland. Following recording, the Council must notify the Forestry Commission, interested persons and any person who made a representation.
- 5.3 The specific reasons for proposing to make a TPO are:
- To preserve the trees in the interests of amenity as they contribute considerably to the character of the area;
 - To safeguard the woodland against unnecessary or indiscriminate felling;
 - To preserve the natural habitat of wildlife.
- 5.4 The trees have been surveyed and those worthy of designation specifically identified on the attached plan and schedule.

6.0 IMPLICATIONS

Finance

- 6.1 Costs associated with the publication of the TPO will be minimal and will be contained within existing budgets.

Financial Implications

One off Costs

Cost Centre	Budget Heading	Budget Year	Proposed Spend this Report	Virement From	Other Comments
N/A	N/A	N/A	N/A	N/A	N/A

Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With effect from	Annual Net Impact	Virement From	Other Comments
N/A	N/A	N/A	N/A	N/A	N/A

Legal

- 6.2 Approval of this report will require the making, serving and advertisement of the TPO and, if appropriate, confirmation of the TPO.

Human Resources

- 6.3 There are no direct personnel implications arising from this report.

Equalities

- 6.4 There are no direct equalities implications arising from this report.

Repopulation

- 6.5 There are no direct repopulation implications arising from this report.

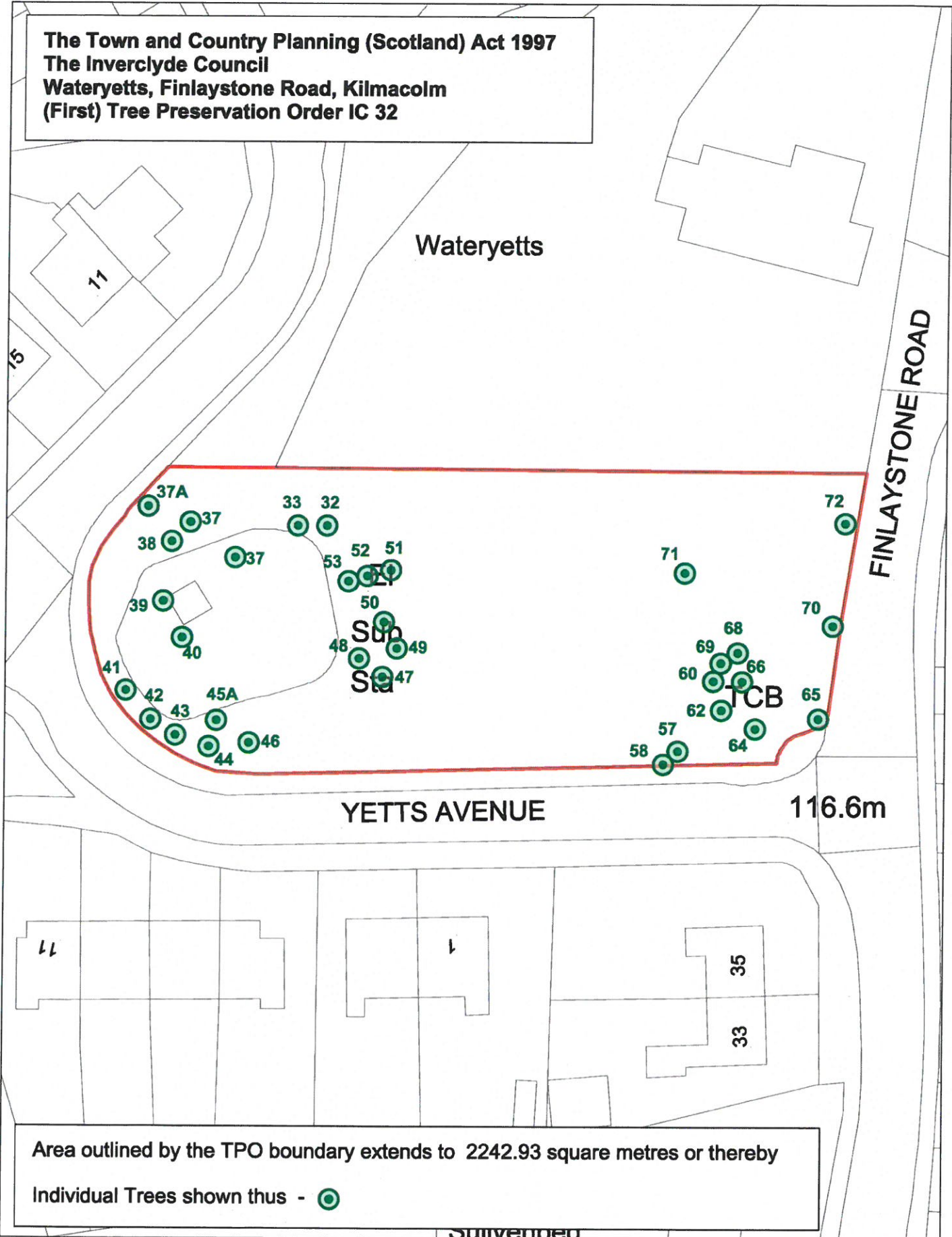
7.0 CONSULTATION

- 7.1 Consultation has been carried out with the Chief Financial Officer, the Head of Legal and Property Services and the Head of Organisational Development, Human Resources and Communications. No adverse comments have been received.

8.0 LIST OF BACKGROUND PAPERS

- 8.1 Planning permission 14/0401/IC (Construction of dwellinghouse at Wateryetts, Finlaystone Road, Kilmacolm.
- 8.2 Map and schedule of trees at Wateryetts, Finlaystone Road, Kilmacolm.

The Town and Country Planning (Scotland) Act 1997
The Inverclyde Council
Wateryetts, Finlaystone Road, Kilmacolm
(First) Tree Preservation Order IC 32



Area outlined by the TPO boundary extends to 2242.93 square metres or thereby
Individual Trees shown thus - ●

Inverclyde Council
Regeneration & Planning

SCALE 1:500
Drg. No. T3/1126
GMcC MAR 15



Metres



SCHEDULE 1

Article 2

Trees Specified Individually
(coloured green on the map)

No on Map Description

32	Sycamore
33	Sycamore
36	Sycamore
37	Noble Fir
37a	Sycamore
38	Sitka Spruce
39	Ash
40	Sycamore
41	Elm
42	Lime
43	Lime
44	Sycamore
45A	Sycamore
46	Ash
47	Sycamore
48	Lime
49	Sycamore
50	Sycamore
51	Sycamore
52	Sycamore
53	Sycamore
57	Sycamore
58	Sycamore
60	Silver birch/Gean
62	Sycamore
64	Cherry-Gean
65	Horse Chestnut
66	Cherry-Gean
68	Scots Pine
69	Larch
70	Ash
71	Yew
72	Sycamore

Trees Specified by References to an Area
(within a continuous black line on the map)

No on Map

Description and Situation

Groups of Trees
(within a broken black line on the map)

No on Map

Description and Situation

Woodlands
(within a continuous red line on the map)

No on Map

Description

Situation

Head of Legal and Property Services