

ABERDEEN CITY COUNCIL

COMMITTEE	Planning and Development Management Committee
DATE	15 th June 2017
REPORT TITLE	Confirmation of Tree Preservation Order number 238 (2016) Former Waldorf School
REPORT NUMBER	CHI/17/072
DIRECTOR	Bernadette Marjoram
REPORT AUTHOR	Kevin Wright
CHECKLIST COMPLETED	Yes

1 PURPOSE OF REPORT

1.1 To request the confirmation of provisional Tree Preservation Order entitled 238 (2016) Former Waldorf School made by the Head of Planning and Sustainable Development under delegated powers. The provisional order currently provides temporary protection for the trees, but requires to be confirmed by the Planning Development Management Committee to provide long term protection.

2 RECOMMENDATION

2.1 It is recommended that Members confirm the making of Tree Preservation Order 238 (2016) Former Waldorf School without modifications and instruct the Head of Legal and Democratic Services to attend to the requisite procedures to serve the Order as confirmed upon the interested parties and seek to register the Order with the Registers of Scotland.

3 BACKGROUND

3.1 The Town and Country Planning (Scotland) Act 1997 places a duty on the planning authority to ensure that adequate provision is made for the preservation of trees. Where the planning authority considers it to be expedient in the interests of amenity they may make provision for the preservation of trees or woodlands by serving a Tree Preservation Order (TPO).

3.2 A TPO gives statutory protection to trees and woodlands that are considered to contribute to amenity or are of cultural and/or historical significance. Protecting trees has the further benefit of contributing to the Council's policies on improving our natural environment, improving citizen wellbeing and combating climate change.

- 3.3 The process of applying for work to protected trees allows for Council officers, Elected Members, Community Councils and members of the public an opportunity to comment on work to protected trees.
- 3.4 Tree Preservation Order Number 238 (2016) Former Waldorf School was served as a provisional order on 16th January 2017. The reasons for serving the order were recorded as;
- 3.5 The former Aberdeen Waldorf School site has recently been placed on the open market and presents a development opportunity. The current site is heavily wooded and development is severely constrained due to the extent of the woodland.

The former Waldorf School site sits adjacent to Craigton House; a tree preservation order (TPO 73) was served on this property in 1993 in order to preserve trees that were considered to make a significant contribution to the amenity and landscape of the area. Similar to Craigton House the former Waldorf School site makes a significant contribution to the amenity and landscape of the Craigton Road area and is an important landscape feature which has a positive impact in providing a landscaped backdrop and context to newer developments to the south of the site and to the north of Friarsfield Road.

The serving of a Tree Preservation Order will allow Aberdeen City Council to consider all future tree work proposals and prevent works that are considered to be unsympathetic. In addition the order will ensure future tree cover in this area of Aberdeen. In order to prevent the extent of works proposed we were required to serve a provisional tree preservation order. The confirmation of this order will allow Aberdeen City Council to consider all future tree work proposals and prevent works which are considered to be unsympathetic.

- 3.6 The trees included in this order are all those trees, including both deciduous and coniferous trees included within the continuous black line noted as Area 1 on the plan titled TPO238 (2016) Former Waldorf School, copy attached.

4 REPRESENTATIONS

- 4.1 A single representation was received, copy attached. A summary of the points raised are noted below;
- 4.2 The representation considered that the requirement for planning permission, if an alternative use or new development was proposed, was sufficient to ensure that development does not result in an unacceptable loss of trees.
- 4.3 The TPO will create a constraint on dealing with minor tree works and tree maintenance.
- 4.4 The woodland has been managed effectively to-date without the requirement for a TPO and that nothing has changed that necessitates additional controls being imposed now.
- 4.5 There is no provision within Section 160 for making a TPO for the reason that the property has been placed on the market.

4.6 A TPO in this location is not necessary to retain the amenity and character of the area and is not necessary for providing a landscaped backdrop and context to newer developments to the south of the site and to the north of Friarsfield Road due to the landscaping proposed as part of the developments.

5 RESPONSE TO REPRESENTATIONS

5.1 The requirement for planning permission for change of use or for a new development gives no short term control with regard to tree/woodland removal. Whilst it is acknowledged that there is scope for re-development of the site it also has to be acknowledged that the presence of existing trees will pose a significant constraint. The confirmation of the TPO will ensure that significant tree removal does not take place prior to a change of use or new development being granted consent.

5.2 The TPO will create a negligible constraint when dealing with minor tree works and tree maintenance. This will be due to the need to gain consent from the planning authority prior to works taking place a simple application process is in place to ensure this is as easy to negotiate as is possible.

5.3 It is agreed that woodland management has been effective to date. It is however considered that there has been a significant change in circumstance which has promoted the serving of a TPO. The current owner has placed the property and associated grounds on the open market for sale. It is likely that this will result in a change of use and/or redevelopment of the site. As noted above the existing trees pose a significant constraint on this site in relation to re-developing the site. The TPO will ensure that significant tree removal does not take place prior to a change of use or new development being granted consent.

5.4 Whilst the property being placed on the market was one of a number factors considered prior to serving the provisional TPO; the TPO was served in the interests of amenity.

5.5 It is considered that the trees associated with the former Waldorf School make a significant contribution to the amenity and character of Craigton Road. In the given circumstances, being a likely change of use or re-development of the site, it was considered acceptable to serve a TPO to ensure the trees and woodland continues to contribute to local amenity.

In respect to comments regarding the provision of a landscape backdrop to the new develops to the south of the former Waldorf School site and to the north of Friarsfield Road. The proposed landscaping required as part of this development is acknowledged and will overtime assist in forming an immediate backdrop to the new development and help the development sit within the current landscape. It is however considered that the trees and woodland associated with the former Waldorf School site will assist in providing a level of amenity in the short term and will continue to provide amenity, albeit at a distance, in the future.

6 FINANCIAL IMPLICATIONS

6.1 There are no immediate financial implications. The costs associated with the serving of the provisional TPO and confirming the TPO will be met within existing budgets.

7 LEGAL IMPLICATIONS

7.1 There are no direct legal implications arising from the recommendations of this report.

8 MANAGEMENT OF RISK

8.1 Environmental/Legal/Reputational Risk

The Town and Country Planning (Scotland) Act and the Scottish Governments Policy on Control of Woodland Removal places a duty on the Council to consider the preservation of trees and woodlands in order to safeguard the multiple benefits that trees and woodlands provide.

8.2 The use of a Tree Preservation Order to aid the retention and appropriate management of trees and woodlands allows the council to undertake the above duties. There is a low to medium risk of environmental, legal and reputational harm if we do not undertake our duties as expected.

8.3 The above risk can be mitigated by giving due consideration to the appropriateness of confirming TPO 238 (2016)

9 IMPACT SECTION

9.1 Economy

The proposal is unlikely to significantly contribute or result in a negative impact on the economy of Aberdeen.

9.2 People

The proposal is unlikely to have any significant impact on people with protected characteristics or any negative impact on the delivery of the Councils Equality outcomes.

9.3 Place

The proposal will have a positive impact on the environment. The proposal seeks to safeguard public amenity and seeks to ensure suitable future management of the trees included within the order.

Trees and woodlands deliver multiple benefits. In addition to their contribution to amenity they play a significant role in improving air quality, assist in mitigating climate change, provide health benefits and help improve social wellbeing. They are an integral habitat feature and directly and indirectly support a wide range of wildlife.

9.4 Technology

The proposal will not advance technology for the improvement of public services.

10. BACKGROUND PAPERS

- Town and Country Planning (Scotland) Act 1997, Part VII Special Controls, Chapter I Trees
- Scottish Governments Policy on Control of Woodland Removal

11. APPENDICES

Appendix 1; Plan - TPO238 (2016) Former Waldorf School
Appendix 2; Letter of Representation

12. REPORT AUTHOR DETAILS

Kevin Wright
Environmental Planner
kewright@aberdeencity.gov.uk
(01224) 522440

HEAD OF SERVICE DETAILS

Eric Owens
Head of Planning and Sustainable Development (Interim)
eowens@aberdeencity.gov.uk
01224 523133