

Development Management Sub Committee

Wednesday 5 May 2021

Confirmation of Tree Preservation Order No. 194 (Hillpark Avenue, Edinburgh)

Item number

Report number

Wards

Ward 5 – Inverleith

Summary

Tree Preservation Order TPO No. 194 (Hillpark Avenue, Edinburgh) was made on 13 November 2020 to protect a number of individual, mature trees in the interests of protecting the amenity. This Order expires after 6 months unless it is confirmed within this time. The Order must be confirmed before 13 May 2021 to ensure the Order provides permanent protection for the trees.

It is recommended that Committee confirms Tree Preservation Order No. 194 (Hillpark Avenue, Edinburgh).

Links

[Policies and guidance for this application](#)

CDP ENV12

Report

Confirmation of Tree Preservation Order No. 194 (Hillpark Avenue, Edinburgh)

Recommendations

1.1 It is recommended that Committee confirms the Order.

Background

2.1 Site description

The site consists of a triangular area of ground between the Quality Street junction and Hillpark Avenue (approx. 0.16 ha), consisting of rough grassland with seven individual, mature trees. The trees includes oak, sycamore and elm.

The trees form an attractive feature on Queensferry Road and Hillpark Avenue and form an important and prominent landscape feature locally. This site is not within a conservation area.

2.2 Site History

A Tree Preservation Order was served on the trees in 2007 (TPO no. 4 2007), and although the order was confirmed by committee the order wasn't fully registered thus rendering the Tree Preservation Order not legally valid and therefore difficult to enforce.

September 2020 – a number of trees protected by the original Tree Preservation Order were felled. The land has since been advertised for sale.

It is a concern that the trees if not protected would be subject to further ad hoc felling.

Main report

3.1 Description of The Proposal

This report deals with the confirmation of a Tree Preservation Order, TPO No. 194.

The Tree Preservation Order was made to ensure protection for this local important asset.

3.2 Determining Issues

Is it expedient in the interests of amenity or on the grounds of cultural or historical significance (either or both) to confirm the Tree Preservation Order?

If so, should the Order be confirmed without modification or subject to such modifications as the planning authority consider expedient?

Have any objections and representations with respect to the Order, if duly made in accordance with the regulations, been considered before the Order is confirmed?

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the trees which has been made the subject of the Order contribute to amenity or are of cultural or historical significance;
- b) whether it is expedient to confirm the order without modification or subject to modifications;
- c) any representations received require the Order to be abandoned, confirmed or confirmed with modifications; and
- d) equality and human rights issues have been addressed.

a) Amenity and Cultural or Historical Significance

The trees in question are of amenity value due to its prominence in the locality. The expediency of making the Order relates to the need to ensure the amenity provided by the maturing planting and landscaping around the development is maintained and managed for future residents and visitors. There are development pressures in the area. Refusal of any planning application on the grounds of tree loss can result in pressure to remove trees as a constraint to development.

The making of the Tree Preservation Order was therefore expedient in the interests of amenity.

b) Confirmation of Order with or without Modification

The Tree Preservation Order should be confirmed without modification.

c) Representations

The Planning Authority is required to consider any objection or representation within 28 days of making and advertising a Tree Preservation Order. The making of the TPO was advertised in the normal manner. No representations have been received.

d) Equalities and Human Rights

The proposals raise no equalities or human rights concerns.

The statutory requirement on planning authorities is to make Orders where this is in the interests of amenity or cultural and historical significance. Amenity in this context is interpreted as extending beyond the amenity of an individual party and being of wider public benefit. An Order allows any person to apply for permission to carry out tree pruning, felling etc at any time; at that time the individual circumstances of the case must be assessed and a decision on tree work proposals reached. There is a right of appeal against the decision of a planning authority.

Conclusion

The trees in question are of amenity value and contributes to the attractiveness and character of the area around Hillpark Avenue and the Quality Street junction. The confirmation of the Tree Preservation Order is expedient in the interests of amenity.

In order to provide long term protection to the trees in question, it is recommended that the Tree Preservation Order be confirmed.

The Tree Preservation Order map and Schedule are enclosed at Appendices 1 and 2.

Financial impact

4.1 The financial impact has been assessed as follows:

Costs are accommodated through existing budgets.

Risk, Policy, compliance and governance impact

5.1 Provided Tree Preservation Orders are confirmed in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

Not applicable.

8.2 Publicity summary of representations and Community Council comments

The Order was advertised on 20 December 2019 in accordance with regulatory requirements. A copy was also displayed in the local library and available to view at the Planning and Building Standards reception in Waverley Court.

Background reading/external references

- [Planning guidelines](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development	
Plan Provision	N/A
Date registered	N/A
Drawing numbers/Scheme	N/A

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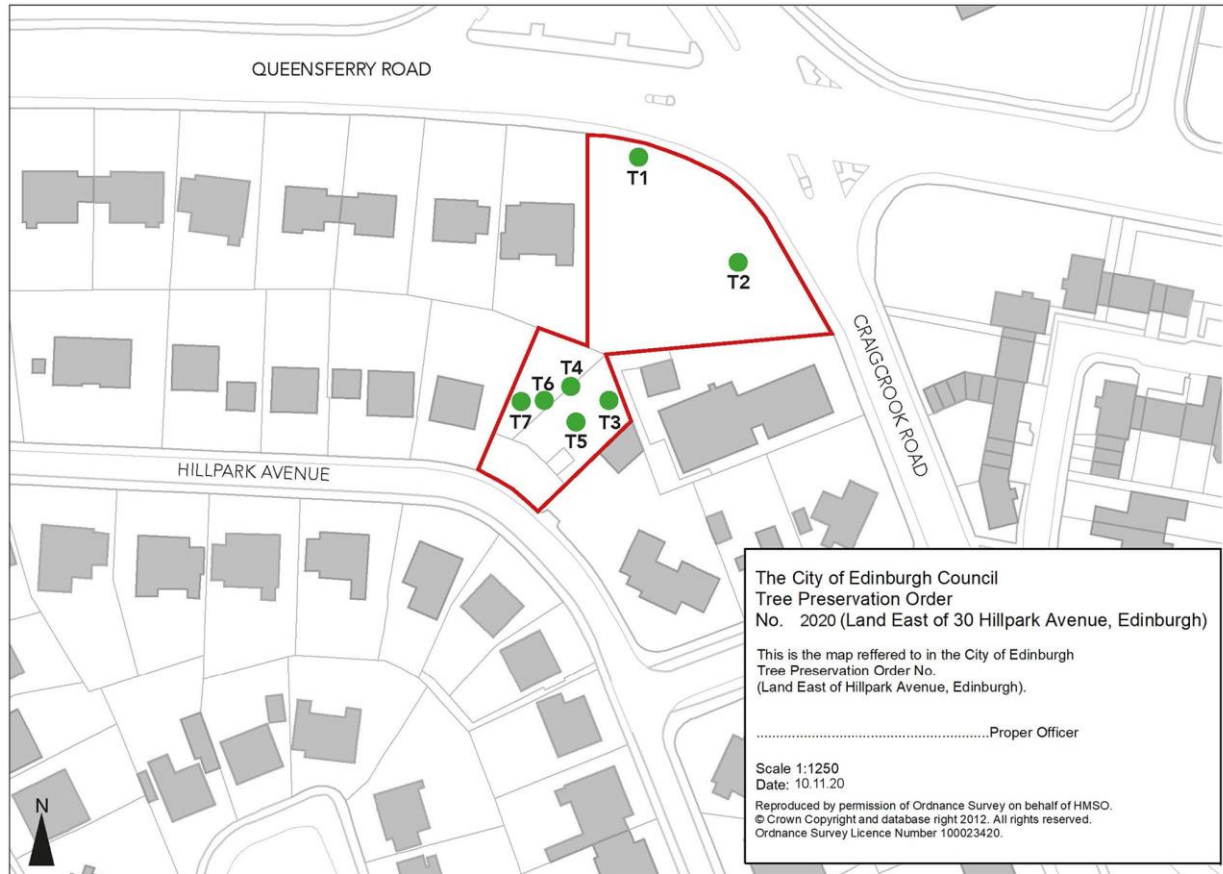
Links - Policies

None.

Tree Preservation Orders are considered solely on the basis of the express provisions contained in Section 160 of the Town and Country Planning (Scotland) Act 1997 and The Town and Country Planning (Tree Preservation Order and Trees in Conservation Areas) (Scotland) Regulations 2010

Appendix 1

Tree Preservation Order Map



Appendix 2

Tree Schedule

Trees Specified Individually (marked in green on the maps)		
No. on Map	Description	Situation
T1	Sycamore	
T2	Sycamore	
T3	Sycamore	
T4	Elm	
T5	Oak	
T6	Oak	
T7	Oak	
Trees Specified by Reference to an Area (within a solid black line on the map)		
No. on Map	Description	Situation
	None	
Groups of Trees (within a broken black line on the maps)		
No. on Map	Description	Situation
	None	
Woodlands (Within a red line on the maps)		
No. on Map	Description	Situation
	None	