

WEST DUNBARTONSHIRE COUNCIL

Report by Chief Officer - Regulatory and Regeneration

Planning Committee: 6th October 2021

TPO18/13: Felling of 22 trees (comprising of 16 Lime, 5 Sycamore and 1 Silver Birch) at various locations on Bell Street, Edward Street, McGregor Street and White Street, Clydebank by West Dunbartonshire Council.

1. REASON FOR REPORT

1.1 The application raises issues of local significance. Under the terms of the approved Scheme of Delegation, it therefore requires to be determined by the Planning Committee.

2. RECOMMENDATION

2.1 **Grant** permission for the tree works subject to the condition set out in Section 9 of this report.

3. DEVELOPMENT DETAILS

3.1 The application site relates to four streets located in residential areas of Whitecreek, Clydebank. This includes parts of Bell Street, Edward Street, McGregor Street and White Street. All of the trees subject to the application are situated on the public footways of these streets and comprise of a mixture of Lime, Silver Birch and Sycamore specimens. The trees form part of a blanket Tree Preservation Order (TPO) designation in 1993 (Council TPO Reference: CDC21C) and covers a suite of trees in surrounding area.

3.2 Permission is sought from the Council's Greenspace Service for the removal and felling of 22 trees in various locations along the aforementioned streets. The reason for undertaken these works is predominantly on the grounds of pedestrian and vehicular accessibility and health and safety grounds.

3.3 The application is supported by a supporting statement and a photograph package showing each tree in situ and a schedule of works. More recently, at the request of the Planning Authority, the applicant has commissioned a qualified, professional arborist to undertake a full Tree Survey and Technical Assessment Report of each of the trees and provide justification for the felling works.

4. CONSULTATIONS

None undertaken.

5. REPRESENTATIONS

5.1 One letter of representation, supporting the tree works applications has been received and it has been summarised below:

- *The trees occupy too much space on the public footway and make it difficult for pedestrians to walk on the paths.*
- *The trees make it difficult for people and particularly residents in the area to park their cars.*

6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN

West Dunbartonshire Local Plan 2010

6.1 Policy E4 specifically focuses on the protection and retention of trees subject to a Tree Preservation Order (TPO) and Policy E5 sets an expectation for development proposed on sites with or adjacent to, existing trees or woodlands to take account of trees at the beginning of the design process and includes a requirement for a tree survey report. Whilst the proposals seek to remove TPO trees, they do still comply to Policy E4 and E5 based on the justification provided in the tree survey report supplied as part of the application. The reasons for this are outlined in more detail in Section 7 of this report.

7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

West Dunbartonshire Local Development Plan (LDP1) Proposed Plan

7.1 On 27 April 2016, the Planning Committee took a final decision not to accept the Local Development Plan Examination Report recommended modification in respect of including the Duntiglennan Fields site in Clydebank as a housing development opportunity, and therefore, as a result of the Scottish Ministers' Direction, the Local Development Plan has remained unadopted but continues to be a material consideration in the determination of planning applications.

7.2 Policy GN5 covers similar matters as the policies within the adopted plan and ultimately seeks to ensure protection and enhancement of trees and woodlands. The policy states that development or works that would result in the loss of trees or woodland of amenity, cultural, historical, and recreational or biodiversity value will not be permitted unless clear justification can be given and appropriate replanting can be agreed. As detailed above, a tree survey and technical assessment has been provided and the information provided to justify the loss of the trees in this case satisfies the requirements of the policy. The overall merits of this assessment and its acceptability is discussed below in Section 7.

West Dunbartonshire Local Development Plan (LDP2) Proposed Plan

7.3 The modified LDP 2 was approved by the Council in August 2020 and the Council then advised the Scottish Ministers of its intention to adopt the Plan. The Scottish Government issued a direction to the Council on 18th December 2020 requiring modifications to the housing parts of LDP2. None of the policies considered in the determination of these applications is affected by

the Direction. LDP2 is therefore the Council's most up to date policy position and has significant weight in the assessment and determination of planning applications at this time.

- 7.4** Policy ENV5 states developments that involve the loss or fragmentation of woodlands and those area covered by a provisional or confirmed tree preservation order, will only be supported where clear justification is provided. Similar to the policies of the Adopted Plan and LDP1, it is considered the tree work proposals are compliant with this policy based on the justification provided. This is once again considered further in Section 7 below.

Justification for Felling of Trees

- 7.5** The applicant, alongside a suite of plans and other supporting information, has provided a detailed tree survey and technical assessment report which has been undertaken by a professional and competent arborist. This considers each of the trees subject to the application and demonstrates through a robust assessment that the works are necessary in the interests of pedestrian and road safety. Essentially, the trees by virtue of their position, location and condition are currently obstructing pedestrian, wheelchair, mobility scooter and pram access on the pavements. The assessment shows that the trees occupy a significant proportion of the footway and that their roots present a challenge to both those with mobility issues and the visually impaired due to them breaking through on the pavement surface, leading to undulating and uneven ground along the course of the path. The report summarises that the sub-standard footway widths and poor surfacing mean that many users have to go onto the road to travel along these streets. This situation does not comply with the Equality Act (2010) standards which stipulates a minimum of 1.8 wide footways.
- 7.6** In addition to this, the assessment identified that the roots are also having secondary consequential impacts including causing drainage issues by interfering with the storm water surface flow in the road channel, affecting public utilities such as gas, water, communication and power pipes and ducting, causing path damage and kerb distortion and in some cases impeding occupiers of residential properties from parking.
- 7.7** The report and assessment undertaken evidences that alternatives to felling the trees, such as root pruning or tree re-location, were considered and explored. Notwithstanding this, it was established in each case that the work required to undertake this would severely undermine the stability of the trees which would then lead to them becoming a health and safety hazard to both pedestrians and vehicles as a result. Although, 3 trees were initially considered as having a potential to be re-located, this was discounted by road engineers as part of the assessment process due to the level of footway buildout required and the impact this would have on subsequent road widths, sightlines and the availability of parking.
- 7.8** Overall, the detailed tree survey and technical assessment report provides sufficient and robust justification in support of the tree works. Whilst the

relevant planning policies across all 3 plans generally seek to protect, safeguard and maintain TPO designated trees where possible, each policy includes in-built flexibility which also allows for the removal of such trees where robust and valid justification is provided. In this instance, the supporting information provided by the professional arborist demonstrates and qualifies as justification and evidences a need to remove the trees. On this basis, the works are compliant with the relevant policies set out earlier in Sections 6 and 7 above.

Amenity considerations and mitigation

- 7.9** Whilst the 22 trees subject to this application do contribute to the amenity and character of the respective residential areas, in this instance it is considered that the impacts that these trees are having on both pedestrian and vehicular accessibility and safety alongside the suite of other issues as set out outweigh their amenity benefits in this instance. The removal of the trees will allow the creation of a safer and more inclusive environment for pedestrians and residents, including more vulnerable non-motorised road users and achieving this is considered of primary importance in this case.
- 7.10** The applicant has also confirmed that they will plant 22 compensatory tree specimens if the tree works subject to this application is granted. They have advised that they would require to plant these trees in another location of Whitecrook as opposed to the same locations as the current trees which would likely lead to the same issues re-occurring. Whilst this will not compensate or mitigate directly for the loss of these trees in these locations, it is considered a welcome addition which will enhance another part of the Whitecrook area. It is recommended that the location and species of the 22 compensatory trees can be addressed as a condition of the grant of the felling of the trees.

8. CONCLUSION

- 8.1** Whilst the works will result in the removal of trees covered by a Tree Preservation Order, the application has been supported by a detailed assessment from a suitably qualified and competent person who has provided sufficient justification to demonstrate the need for the proposed tree works to take place.
- 8.2** Although the relevant tree and woodland policies seek in the first instance to protect and safeguard TPO trees, they do allow for works to remove them where sufficient and robust justification is provided such as this case. On this basis, the felling works comply with the relevant provisions of the West Dunbartonshire Adopted Local Plan 2010, the West Dunbartonshire Proposed Local Development Plan (LDP1) (2016) and the West Dunbartonshire Proposed Local Development Plan (LDP2) (2019).

9. CONDITIONS

1. Prior to any of the tree felling works hereby approved being undertaken on site, full details of the compensatory replanting scheme of 22 trees shall be submitted to and approved in writing by the Planning Authority. This shall include a plan alongside details of the location, species and age of the trees to be planted. The approved compensatory replanting scheme shall thereafter be undertaken in a timescale to be agreed in writing by the Planning Authority.

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Date: 6th October 2021

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Appendix: None

Background Papers:

1. TPO application documents and plans
2. West Dunbartonshire Local Plan 2010
3. West Dunbartonshire LDP - Proposed Plan
4. West Dunbartonshire LDP - Proposed Plan 2
5. Representations

Wards affected: Ward 6 - Clydebank Waterfront