

REPORT TO: Planning Committee

MEETING DATE: 3 October 2017

BY: Planning Service Manager

SUBJECT: Tree Preservation Order at
The Hawthorns to Broadgait, Gullane
[T.P.O.no 138 (2017)]

1 PURPOSE

- 1.1 East Lothian Council placed a Tree Preservation Order (TPO) on several trees on Broadgait, Erskine Road, The Hawthorns and land to the north of the Hawthorns in Gullane on 26 July 2017. This TPO continues in force for six months (until 26 January 2018) or until the Order is confirmed, whichever happens first.
- 1.2 This report lays the facts before the Planning Committee for consideration when deciding whether to confirm this Order.

2 RECOMMENDATIONS

- 2.1 It is recommended that this TPO should be confirmed.

3 BACKGROUND

3.1 Reason for promotion of Order

A planning application was submitted in 2016 for the erection of a house within an area of trees protected by an existing tree preservation order (TPO 42 – The Hawthorns (1981)) at 6 The Hawthorns. The plan of this TPO is attached in appendix 7.11 for information. During assessment of this application it was noted that there are significant trees within the surrounding area that are also important to the visual amenity of this part of Gullane.

This area of Gullane is not within the Conservation Area. However there are two TPOs in the vicinity, TPO 42 as above and TPO 135 at Broadgait and Main Street (2016) (plan of TPO 135 attached in appendix 7.12 for information). This TPO would therefore visually link these protected trees

with Council owned trees retaining the visual amenity afforded by the trees to the setting of this area of Gullane.

If this TPO is confirmed, the trees would be protected under planning law and could not be legally pruned or removed without the prior agreement of the Council.

3.2 The visual amenity value of the trees is detailed below:

Visibility

The trees make a significant contribution to the visual amenity to the overall character of this part of Gullane. All the trees are publicly visible. The individual trees within the grounds of Redhurst and groups of trees within the grounds of The Pines are visible along the road frontages of Broadgait and Erskine Road. The trees within the rear gardens of Drum Mossie and 5 and 6 The Hawthorns are visible over the roofs of the housing providing separation between housing areas and helping to break up the built form. The woodland in the open ground to the north of The Hawthorns and the group within the land of 5 The Hawthorns are visible from the coast and public open space of Gullane Bents and Muirfield Golf course as well as over the roofs of the surrounding houses.

Individual impact

The individual pine trees T1 and T2, as well as the pines within groups G1, G2 and sycamores within group G3 provide an important contribution to the visual amenity of the area by breaking up the urban massing and linking trees out with the village with trees through the open spaces within the village.

The trees T3, T4, T5 and T6 and groups of trees G4 and G5 provide an important contribution to visual amenity of the area by creating a green feature within the street, creating a setting for the buildings and framing views.

Woodland W1 provides an important visual link between the rural coast and the urban village environment.

Wider impact

The trees are important in providing a visual green link between other trees in the area that are both protected by tree preservation orders and within Council ownership providing a green spine through the village of Gullane from the coast to the north to the Main Street to the south.

Threat

If these trees were lost, it would impact significantly on this area of Gullane. It could start a gradual erosion of the feature trees within this

area. This would represent a significant loss to the visual amenity of this part of Gullane.

3.3 Future tree felling or tree work

The confirmation of this TPO would not prevent the owner of the trees from applying to the Council for permission to do tree management work or to fell and replace the trees for arboricultural reasons, if necessary in the future. However, the TPO would give the Council control over such proposals and this control would be used to ensure that tree cover is retained in this area.

3.4 Objections to Order

The Council must consider any objections and representations received, before the TPO is confirmed.

The property owners and the public had 28 days from the time of the serving of the TPO on 26 July 2017 in which to object or make representation.

One written objection was received as well as one written representation, an email notification and a telephone enquiry.

- The written objection (appendix 7.4) to the TPO was on both legal and visual grounds.

The objection was addressed in a letter dated 18 August 2017 (appendix 7.5) in which Legal Services confirmed the legality of the order. The Planning Service also upheld in the response that the TPO is intended to protect the visual amenity afforded by trees in this location and ensures the continuation of tree cover within the area. It was confirmed that the tree preservation order does not preclude the owner from carrying out appropriate tree management works, but this would require the approval of the Council and should trees covered by the tree preservation order require to be felled then replacement planting can be ensured thereby retaining the tree cover for the future. The schedule has been amended to include the number of trees within each group for the avoidance of doubt.

- The written representation (appendix 7.6) to the TPO noted that there are no sycamores within group G3 and that there are other trees within the area that are not included in the TPO.

The representation was addressed in a letter dated 22 August 2017 (appendix 7.7). The labelling of the trees within group G3 in the first schedule as sycamores was confirmed as an administrative error that has been amended. Although there are other trees within this part of Gullane, the trees within the tree preservation order were those seen as being most visually significant within the area. It was also confirmed

that the tree preservation order does not preclude the owner from carrying out appropriate tree management work, just that this would have to be agreed with the Council.

- An email (appendix 7.8) informed the Council that we had incorrectly identified the trees within the grounds of Redhurst included in the tree preservation order. It was also concerned about the condition of one of the trees and wanted to know why the trees were being protected.

The trees within the grounds of Redhurst were inspected and it was found that one tree T6 had been wrongly recorded as a beech when it is a lime. It was identified in the original survey as having had previous work carried out to it and being in a position where it may require future works. Should the tree require work this would have to be agreed with the Council. The Council would not prevent works where this is necessary in the interests of safety but the tree preservation order would mean that the Council could control the quality of the works to retain the visual amenity afforded by the tree or enforce replacement should it require to be removed.

A response was sent (appendix 7.9) to provide this information and the schedule updated to accurately record the species of tree T6.

- A telephone enquiry (appendix 7.10) informed the Council that several of the trees had recently been felled within the garden of The Pines. As it was evident that the work was carried out prior to serving the TPO no breach of the order had been committed. The property was visited and the plan (appendix 7.1) and schedule updated to take account of the felled trees.

We have updated the first schedule (appendix 7.2) to accurately record the tree species and number within the groups.

4 POLICY IMPLICATIONS

4.1 None.

5 INTEGRATED IMPACT ASSESSMENT

5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy

6 RESOURCE IMPLICATIONS

6.1 Financial – none.

6.2 Personnel – none.

6.3 Other – none.

7 APPENDICES

7.1 TPO 138 Location Plan

7.2 TPO 138 - Schedule 1

7.3 Photographs (3 pages)

7.4 Written Objection

7.5 Response to objection

7.6 Written Representation

7.7 Response to representation

7.8 Email and ELC response

7.9 Response to email

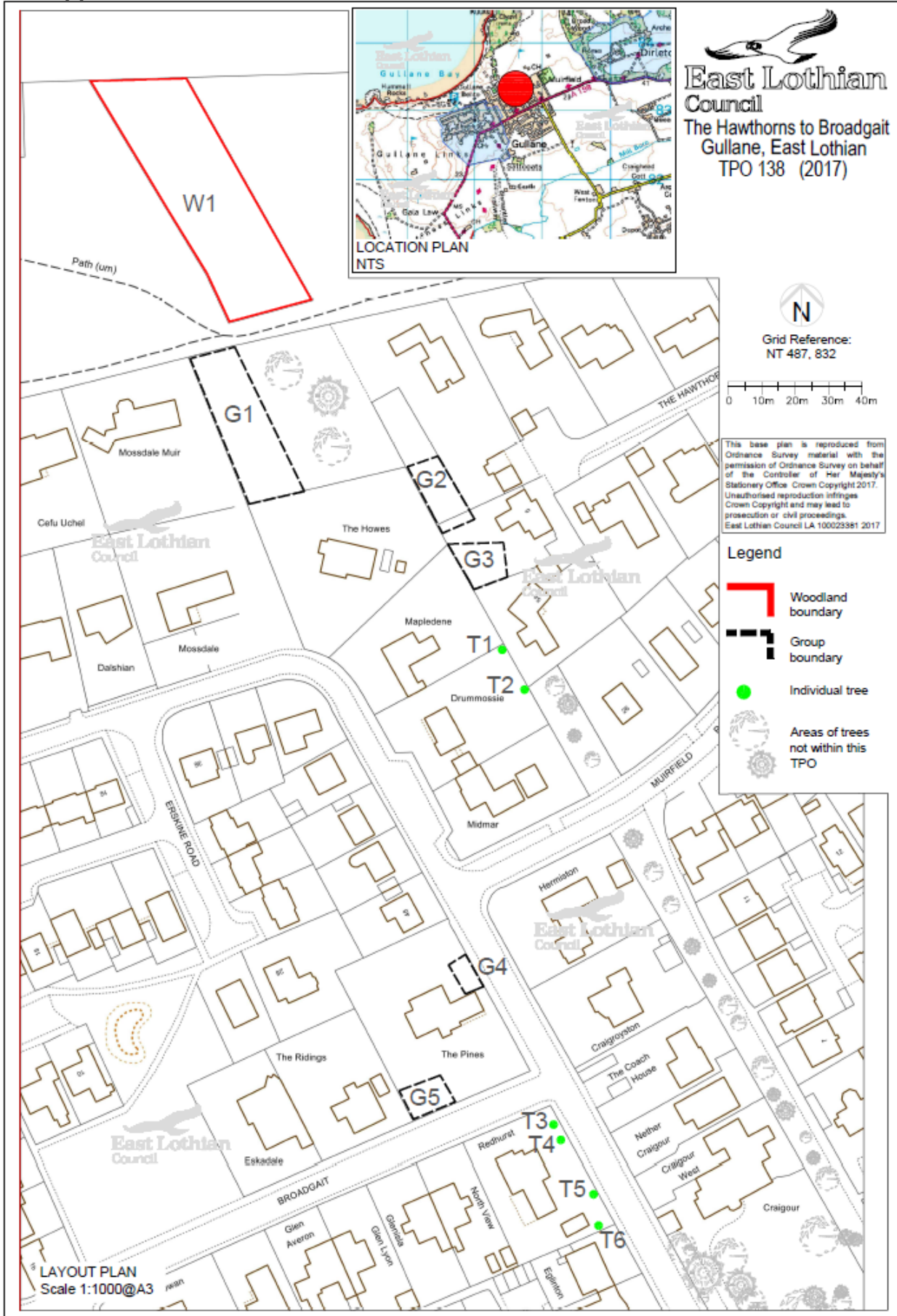
7.10 File note re telephone enquiry

7.11 TPO 42 (1981) The Hawthorns plan

7.12 TPO 135 (2016) Broadgait to Main Street plan

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Appendix 7.1



Appendix 7.2

Trees Specified Individually <i>(denoted with a black T and a green dot on the map)</i>		
No. on Map	Description	Situation
T1	PINE (<i>Pinus sp</i>)	<p>On the north east boundary of the property known as 'Drummossie' and being the subjects known as and forming ALL and WHOLE the subjects known as Drummossie, Erskine Road, Gullane registered in the Land Register of Scotland under Title Number ELN21369.</p> <p>Shown marked as 'T1' on the map.</p>
T2	PINE (<i>Pinus sp</i>)	<p>On the eastern boundary of the property known as 'Drummossie' and being the subjects known as and forming ALL and WHOLE the subjects known as Drummossie, Erskine Road, Gullane registered in the Land Register of Scotland under Title Number ELN21369.</p> <p>Shown marked as 'T2' on the map.</p>
T3	CEDAR (<i>Cedrus sp</i>)	<p>On the north east boundary of the property known as 'Redhurst' and being the subjects known as and forming ALL and WHOLE the subjects known as Redhurst, Broadgait, Gullane registered in the Land Register of Scotland under Title Number ELN14191.</p> <p>Shown marked as 'T3' on the map.</p>
T4	SYCAMORE (<i>Acer sp</i>)	<p>On the north east boundary of the property known as 'Redhurst' and being the subjects known as and forming ALL and WHOLE the subjects known as Redhurst, Broadgait, Gullane registered in the Land Register of Scotland under Title Number ELN14191.</p>

		Shown marked as 'T4' on the map.
T5	SYCAMORE (<i>Acer sp</i>)	On the east boundary of the property known as 'Redhurst' and being the subjects known as and forming ALL and WHOLE the subjects known as Redhurst, Broadgait, Gullane registered in the Land Register of Scotland under Title Number ELN14191. Shown marked as 'T5' on the map.
T6	LIME (<i>Tilia sp</i>)	On the south east boundary of the property known as 'Redhurst' and being the subjects known as and forming ALL and WHOLE the subjects known as Redhurst, Broadgait, Gullane registered in the Land Register of Scotland under Title Number ELN14191. Shown marked as 'T6' on the map.

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

NONE

Groups of Trees (*delineated within a broken black line on the map denoted with a black G*)

No. on Map	Description	Situation
G1	Group of 8 SYCAMORE trees (<i>Acer sp</i>)	The woodland area located on the area of ground known as and forming Part and Portion of ALL and WHOLE (First) that area of ground containing 435 decimal or one thousandth parts of an acre of thereby with the dwellinghouse and whole other buildings erected thereon and known as number 6 The Hawthorns, Muirfield Park, Gullane, East Lothian being the subjects more particularly described in, feu farm disposed by and delineated and coloured yellow on the plan annexed and executed as relative to Feu Disposition by County Council of East Lothian in favour of Ernest Rosie Gorrigal dated 5 August Nineteen hundred and sixty

		<p>six and recorded in the Division of the General Register of Sasines for the country of East Lothian on 9 January Nineteen hundred and Sixty seven; and (Second) that area of ground containing 578 decimal or one thousandth parts of an acre or thereby at Muirfield Park, Gullane and being the subjects in feu farm disposed by and shown coloured yellow on the Plan annexed and executed as relative to Feu Disposition by County Council of the County of East Lothian in favour of Frank Malcolm dated 31 March and recorded in the said division of the General Register of Sasines on 18 April, both months in the year Nineteen hundred and Seventy two.</p> <p>Shown marked 'G1' on the map</p>
G2	<p>Group of 15 PINE trees (<i>Pinus spp</i>) 13 within 6 The Hawthorns, 2 within 5 The Hawthorns</p>	<p>On the western boundary of the properties:</p> <p>(ONE) Part and Portion of ALL and WHOLE (First) that area of ground containing 435 decimal or one thousandth parts of an acre or thereby with the dwellinghouse and whole other buildings erected thereon and known as number 6 The Hawthorns, Muirfield Park, Gullane, East Lothian being the subjects more particularly described in, feu farm disposed by and delineated and coloured yellow on the plan annexed and executed as relative to Feu Disposition by County Council of County of East Lothian in favour of Ernest Rosie Gorrigal dated 5 August Nineteen hundred and sixty six and recorded in the Division of the General Register of Sasines for the country of East Lothian on 9 January Nineteen hundred and Sixty seven; and (Second) that area of ground containing 578 decimal or one thousandth parts of an acre or thereby at Muirfield Park, Gullane and being the subjects in feu farm disposed by and shown coloured yellow on the Plan</p>

		<p>annexed and executed as relative to Feu Disposition by County Council of the County of East Lothian in favour of Frank Malcolm dated 31 March and recorded in the said division of the General Register of Sasines on 18 April, both months in the year Nineteen hundred and Seventy two; and</p> <p>(TWO) On the western boundary of the property known as 5 The Hawthorns, Muirfield Park, Gullane and forming Part and Portion of ALL and WHOLE that area of ground containing 138 decimal or one thousandth parts of an acre or thereby and more particularly described in and delineated and coloured yellow on the plan annexed subscribed as relative to the Feu Disposition by the County Council of the County of East Lothian in favour of Alan Lindsay dated 30 March and recorded in the said Division of the General Register of Sasines on 3 April both months in the year Nineteen hundred and Seventy three.</p> <p>Shown marked 'G2' on the map.</p>
<p>G3</p>	<p>Group of 4 PINE Trees (<i>Pinus spp</i>)</p>	<p>On the western boundary of the property known as 5 The Hawthorns, Muirfield Park, Gullane and forming Part and Portion of ALL and WHOLE that area of ground containing 138 decimal or one thousandth parts of an acre or thereby and more particularly described in and delineated and coloured yellow on the plan annexed subscribed as relative to the Feu Disposition by the County Council of the County of East Lothian in favour of Alan Lindsay dated 30 March and recorded in the said Division of the General Register of Sasines on 3 April both months in the year Nineteen hundred and Seventy three.</p> <p>Shown marked 'G3' on the map.</p>

G4	Group of 3 PINE Trees (<i>Pinus spp</i>)	On the east boundary of the property known as 'the Pines' and being the subjects known as and forming ALL and WHOLE the subjects known as the Pines, Broadgait, Gullane and registered in the Land Register of Scotland under Title Number ELN20553. Shown marked ' G4 ' on the map.
G5	Group of 2 Beech trees (<i>Fagus sp</i>), 1 Horse Chestnut tree (<i>Aesculus sp</i>), 1 Oak tree (<i>Quercus sp</i>)	On the south west boundary of the property known as 'the Pines' and being the subjects known as and forming ALL and WHOLE the subjects known as the Pines, Broadgait, Gullane and registered in the Land Register of Scotland under Title Number ELN20553. Shown marked ' G5 ' on the map.

Woodlands (*delineated within a continuous red line on the map denoted with a black W*)

No. on Map	Description	Situation
W1	Shelter belt of PINE (<i>Pinus spp</i>), SYCAMORE (<i>Acer sp</i>), SWEDISH WHITEBEAM (<i>Sorbus sp</i>) and POPLAR (<i>Populus spp</i>)	The woodland area located on the area of ground known as and forming Part and Portion of ALL and WHOLE that piece of ground extending to nine acres and eight hundred and seventy-five decimal or thousandth parts of an acre of thereby Imperial Measuer, being the subjects (First) described in and dispoed by and shown delineated on the plan annexed and executed as relative to Disposition by Archibald John Georger Hope in favour of the Trustees for the Honourable Company of Edinburgh Golfers dated 5 th and recorded in the Diviision of the General Register of Sasines for the County of East Lothian on the 10 th both dates of July, Nineteen hundred and Fifty-one. Shown marked ' W1 ' on the map

Appendix 7.3

Tree Preservation Order 138 – The Hawthorns to Broadgait, Gullane



View north along Broadgait with trees of TPO135 at Craigour to the right-hand side linking visually with trees T6-T3 of this TPO in the distance on the left-hand side



Mature oak, beech and horse chestnut of Group G5



Trees T6-T3 of this TPO reading with the pines in group G4 of TPO further along the street



Tree T3
Blue cedar



View north from Broadgait along Erskine Road showing visual link between the pines of group G4 with the sycamores of group G1 and the trees of TPO42 in the distance



View north from public walkway at Muirfield Park of pines on council owned land with trees T1, T2 and groups G2, G3 beyond



View north from Muirfield Park over rear gardens showing visibility of the pine trees T1 and T2 and groups G3 and G4 together with the trees of TPO42 to the left and the council owned trees to the right



View south along Erskine Road with pines of group G4 and trees T3-T6 on the right-hand side linking visually with the trees of TPO135 at Craighour to the left-hand side in the distance



View of woodland W1 from the open ground to the west visually linking with the trees of TPO43 and sycamores of group G1 to the right-hand side

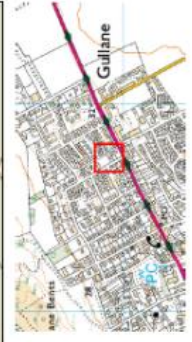
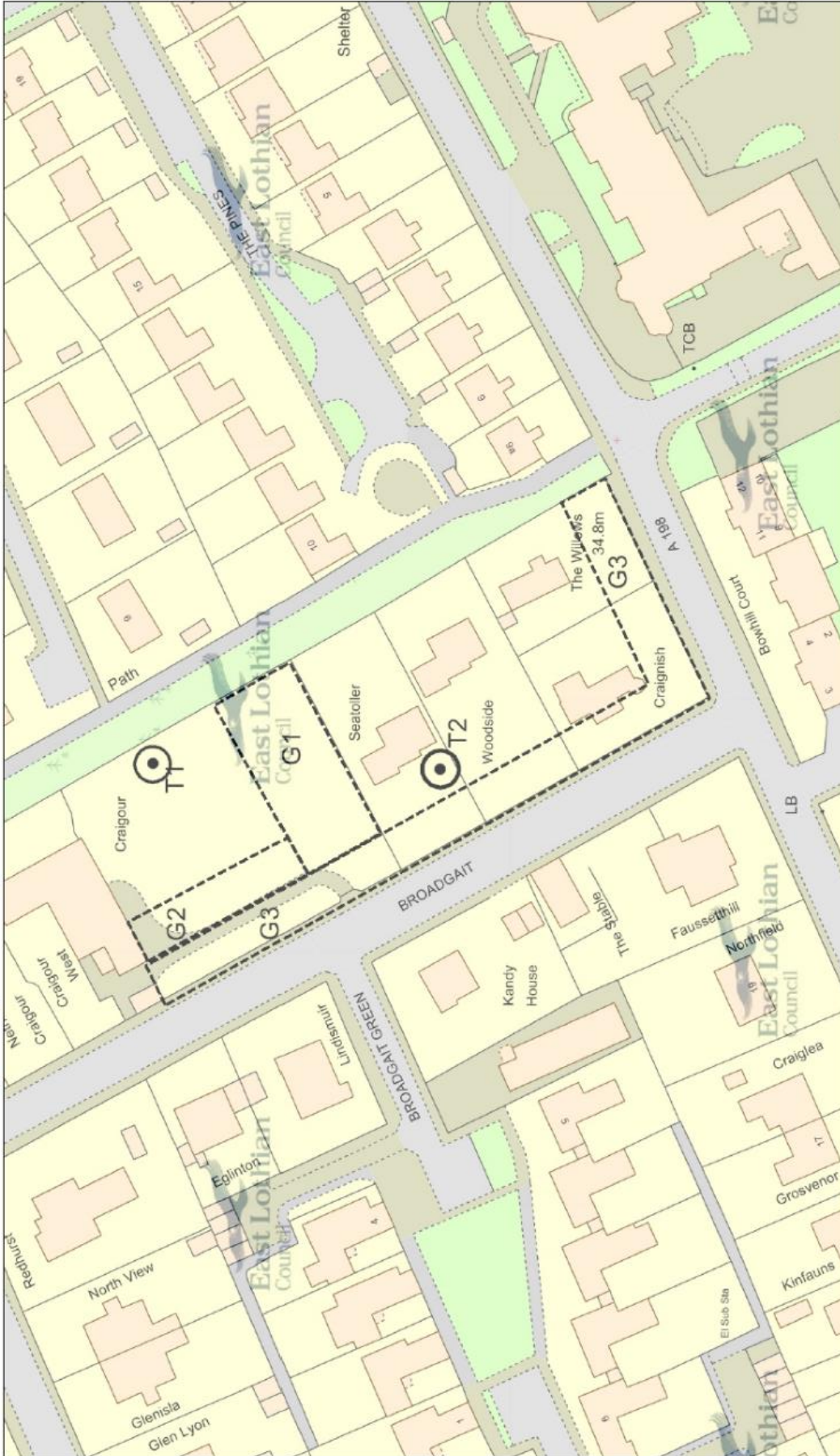


View from the edge of Muirfield Golf Course to the east with the trees of woodland W1 in the centre of the view visually linking the trees of TPO43 to left-hand side with trees within Gullane links to the right-hand side

Please note that certain pages relating to this item have been removed as they contain personal information (for example names and contact details of individuals)

Appendix 7.12

TPO 135 (2016) Broadgait & Main Street Gullane, East Lothian



Co-ordinates:
348760, 683057

LOCATION PLAN SCALE
1:750 @ A3

Inset Map Scale
[1:15,000]@ A3

Grid Reference: NT 487830

