



TREE PRESERVATION ORDER (1 of 2021) FOR TREE ON LAND BETWEEN BONNYRIGG HEALTH CENTRE AND GOLF COURSE ROAD, BONNYRIGG.

Report by Chief Officer Place

1 PURPOSE OF REPORT

- 1.1 This report seeks the Committee's approval to confirm a Tree Preservation Order (TPO) 1 of 2021 issued on 12 January 2021 on a single mature sycamore tree (*Acer pseudoplatanus*) on land between Bonnyrigg Health Centre and Golf Course Road, Bonnyrigg.

2 BACKGROUND

- 2.1 At its meeting of 12 January 2021 the Committee agreed:
- a) to the issuing of a TPO to protect a tree on land between Bonnyrigg Health Centre and Golf Course Road, Bonnyrigg; and
 - b) to receive a further report to consider confirming the TPO once the owner of the land and other interested parties have had the opportunity to make comment.
- 2.2 The TPO came into effect on 12 January 2021 and continues in force for six months (until 12 July 2021) or until the Order is 'confirmed', which is the process of making the TPO permanent (until it is removed).
- 2.3 Following the service of the TPO the landowners were given the opportunity to make representation. Furthermore, in accordance with the Regulations, a notice was published in the Midlothian Advertiser and on the Council's website, a site notice was also attached to a lamp post near the said tree and the Bonnyrigg Community Council were also notified of the decision to issue the Tree Preservation Order and invited to make a representation. Interested parties were given until 17 March 2021 to make representations. Legislation requires that a period of at least 28 days is made available for representation to be submitted to the Council following a decision to make a Tree Preservation Order.
- 2.4 The Council has received no written representations in connection with the TPO and therefore it is reasonable to conclude that the tree is a valuable amenity asset worthy of preservation for the future and should

be protected by a Tree Preservation Order under Section 160(3) of the Town and Country Planning (Scotland) Act 1997 and The Town and Country Planning (Tree Preservation Orders and Trees in Conservation Areas) (Scotland) Regulations 2010.

3 PROCEDURE

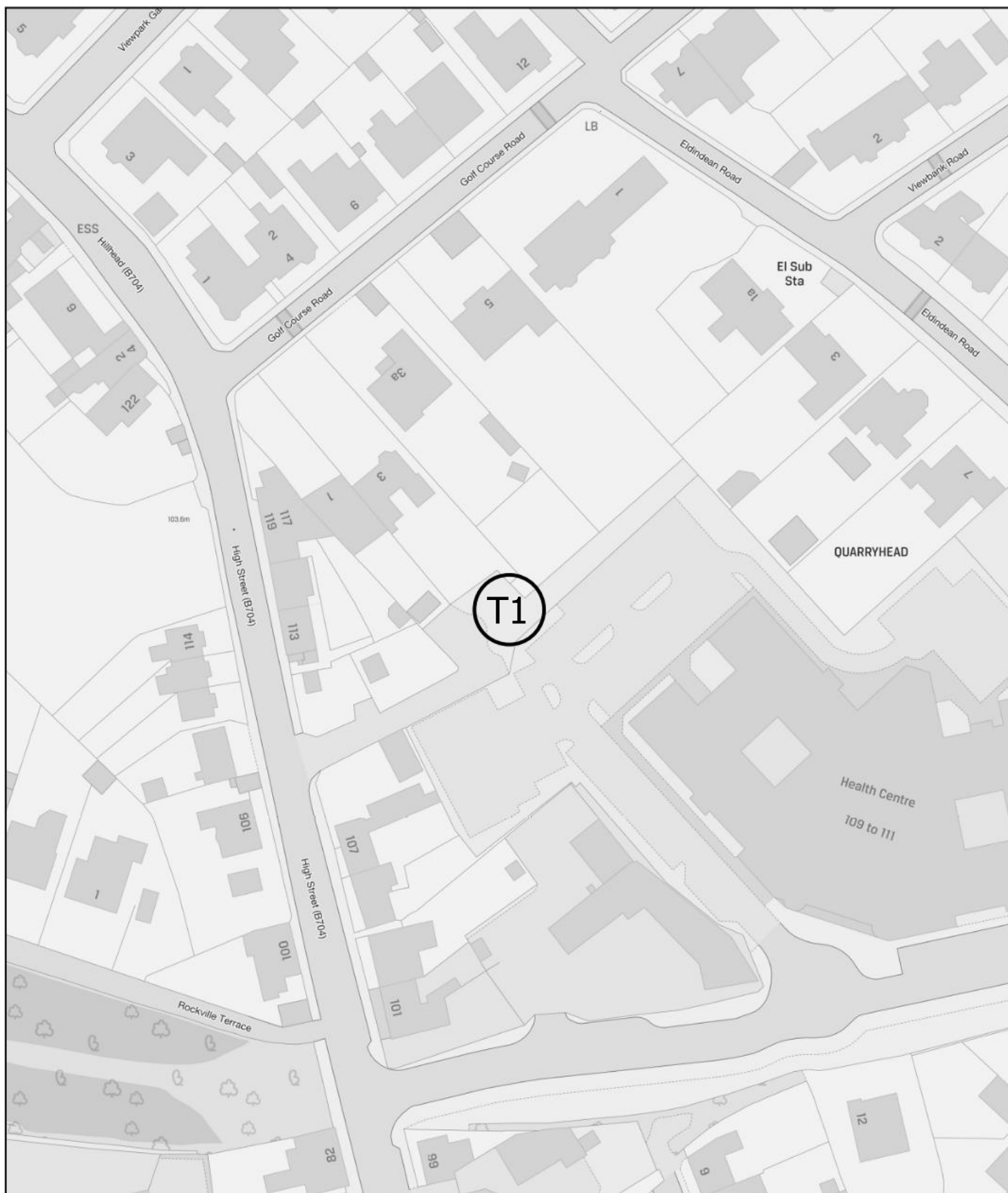
- 3.1 The TPO will continue to remain in effect to the end of the six month period (ending 12 July 2021). If the local planning authority wishes the TPO to stay in effect beyond the six months it must 'confirm' the order.
- 3.2 To 'confirm' the Order the LPA must register the TPO in the Land Registry of Scotland, place a copy on its own TPO register and notify Scottish Forestry (previously the Forestry Commission Scotland), interested persons and any person who has made a representation (in this case no representations were received).
- 3.3 The report to Committee (copy attached as Appendix A) at its meeting of 12 January 2021 set out the planning reasons for issuing the TPO - there has been not material change in circumstances and no change in the planning position and as such it is appropriate to 'confirm' the TPO.

4 RECOMMENDATION

- 4.1 It is recommended that the Committee:
 - a) agrees to confirm the Tree Preservation Order; and
 - b) instruct the Planning Manager to carry out the necessary procedures, following confirmation and endorsement of a Tree Preservation Order, that are required by the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006 and the Town and Country Planning (Tree Preservation Order and Trees in Conservation Areas) (Scotland) Regulations 2010.

Peter Arnsdorf
Planning Manager

Date:	8 May 2021
Contact Person:	Grant Ballantine grant.ballantine@midlothian.gov.uk
Background Papers:	Committee Report dated 12 January 2021, attached as Appendix A



**Planning Service
Place Directorate**
Midlothian Council
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EH22 3AA

This is the plan relative to the Midlothian Council Tree
Preservation Order No. 1 of 2021

Land between Bonnyrigg Health Centre and Golf Course
Road, Bonnyrigg - Eastings/Northings: 330818, 655635

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Midlothian

PLANNING COMMITTEE
TUESDAY 12 JANUARY 2021
ITEM NO

TREE PRESERVATION ORDER REGARDING TREE AT LAND BETWEEN BONNYRIGG HEALTH CENTRE AND GOLF COURSE ROAD, BONNYRIGG

Report by Chief Officer Place

1 PURPOSE OF REPORT

- 1.1 This report seeks the Committee's approval to issue a Tree Preservation Order (TPO) on a tree located on land between Bonnyrigg Health Centre and Golf Course Road, Bonnyrigg.

2 LOCATION AND SITE DESCRIPTION

- 2.1 The tree is a single mature sycamore tree (*Acer pseudoplatanus*). It is located on an area of land to the rear of 1, 3 and 5 Golf Course Road, Bonnyrigg. The area of land provides rear access and a parking area for 1, 3 and 5 Golf Course Road, Bonnyrigg and is accessed off Bonnyrigg High Street.
- 2.2 The tree is located on the eastern side of the parking area, adjacent to the boundary fence of the rear garden of no. 5 Golf Course Road and close to the boundary with the Bonnyrigg Health Centre.

3 BACKGROUND

- 3.1 On 30 October 1997 a TPO (TPO Number 2 of 1997) was made protecting eight individual trees at Quarryhead (land to the rear of Golf Course Road, Eldindean Road and the High Street, Bonnyrigg). It protected trees that were of a similar age and character to the sycamore tree which is the subject of this proposed new TPO. All trees protected by this TPO were subsequently felled with consent for the development of the Bonnyrigg Health Centre.
- 3.2 Planning application 20/00317/DPP for the erection of a dwellinghouse at land to the rear of 5 Golf Course Road, Bonnyrigg was refused on 29 September 2020. The reasons for refusal included "the proposed development would threaten the long-term viability of trees that by virtue of their location have a landscape value that enhances the amenity of the surrounding area." For this reason the proposal was judged to be contrary to policy ENV11 of the Midlothian Local Development Plan 2017 which seeks to protect trees of amenity value. The applicant of this planning application has requested a review of the refusal and the

notice of review is scheduled to be considered by the Council's Local Review Body at its meeting of 11 January 2021. Whilst the tree to which this TPO relates was not located on the application site, its proximity does have the potential to place pressure on it. It is therefore appropriate to protect the identified tree because of its importance in the local landscape.

4 PROCEDURES

- 4.1 The provision for issuing a Tree Preservation Order is set out in the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006, and the Town and Country Planning (Tree Preservation Order and Trees in Conservation Areas) (Scotland) Regulations 2010. A planning authority may make a TPO if it appears to them to be "expedient in the interest of amenity and/or that the trees, groups of trees or woodlands are of cultural or historic significance" (Scottish Government Planning Circular 1/2011: Tree Preservation Orders).
- 4.2 Following the service of a TPO the owner of the land and other interested parties have the opportunity to make representation and are given a minimum period of 28 days to do so. However there is no right of appeal against a TPO.
- 4.3 The TPO shall be in effect for six months, during which time representations from the owner of the land and other interested parties will be considered. If the local planning authority wishes the TPO to stay in effect beyond the six months it must '*confirm*' the order.

5 PLANNING ISSUES

- 5.1 The proposed preservation of the mature sycamore is based on amenity grounds. The tree is a significant feature in the local landscape and adds to the character of the local area and the setting of the properties on Golf Course Road. Furthermore, the tree is visible from Bonnyrigg High Street and the Bonnyrigg Health Centre adding to the setting and amenity of the area.
- 3.3 As an individual specimen, the tree, whilst not a rare species, is locally appropriate and representative of the local landscape character. Mature broadleaf trees of similar age to this tree are a defining feature of this part of Bonnyrigg and the nearby Broomieknowe Conservation Area, to which the properties at 1, 3 and 5 Golf Course Road are contemporary. Whilst these properties and tree do not lie within the conservation area, the properties and their landscape setting share many of the conservation area's key features, including large gardens, stone boundary walls and mature garden trees. Should the tree be felled it would have a detrimental impact on the amenity of the area.

5 RECOMMENDATION

5.1 It is recommended that the Committee:

- a) agree to the issuing of a TPO to protect the identified tree located on land between Bonnyrigg Health Centre and Golf Course Road, Bonnyrigg; and
- b) agree to receive a further report to consider confirming the TPO once the owner(s) of the land and other interested parties have had the opportunity to make comment.

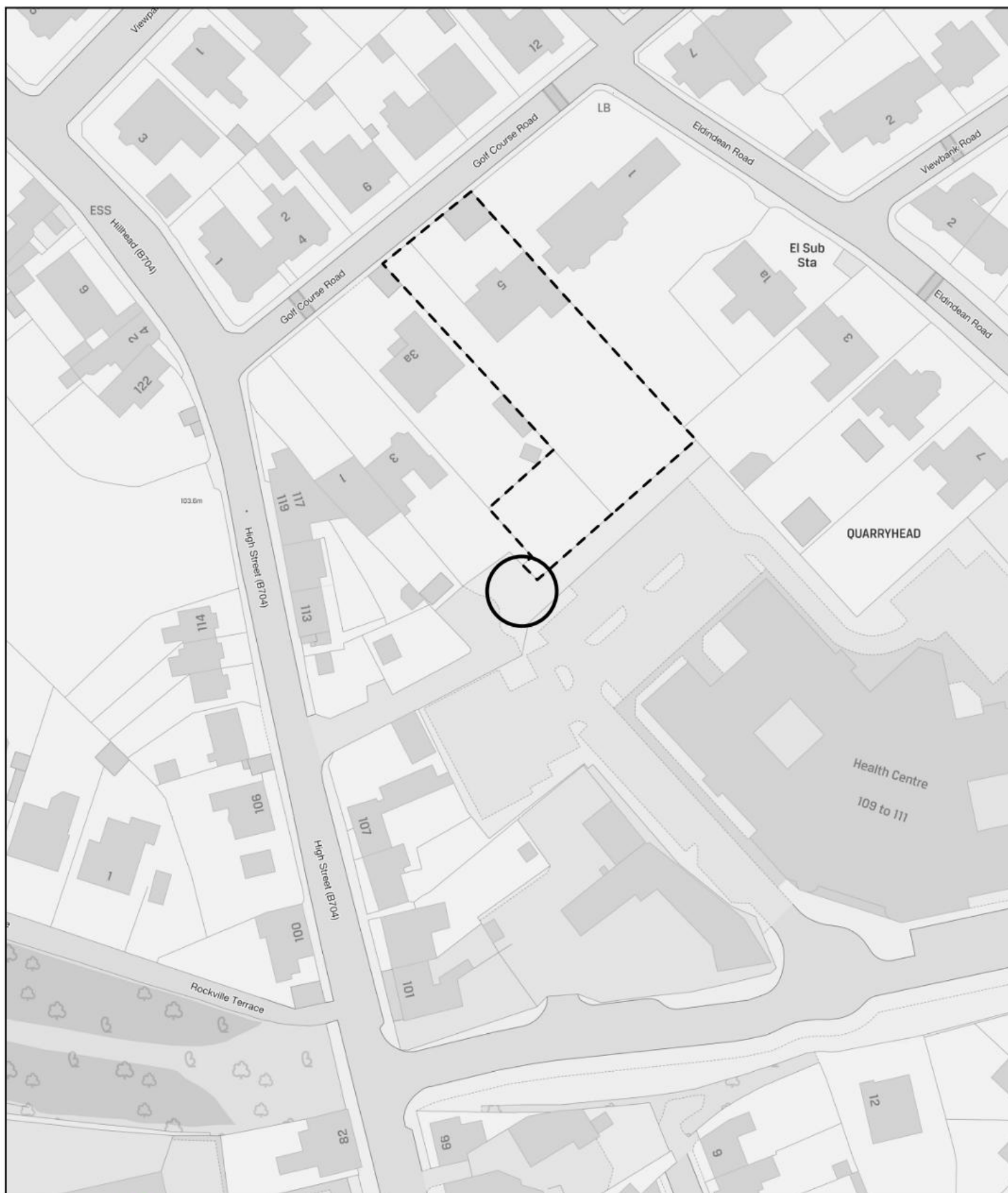
Peter Arnsdorf
Planning Manager

Date: 21 December 2020

Contact Person: Grant Ballantine
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Background Papers: N/a

Attached Plans: Photographs of the tree proposed to be protected by the TPO.



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Land Between Bonnyrigg Health Centre and Properties on
Golf Course Road, Bonnyrigg

 20/00317/DPP Planning Application Site

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