

**THE HIGHLAND COUNCIL**

**CAITHNESS, SUTHERLAND & EASTER ROSS PLANNING  
APPLICATIONS & REVIEW COMMITTEE – 23<sup>rd</sup> OCTOBER 2007**

Agenda Item	5
Report No	32/07

**TREE PRESERVATION ORDER NO 82  
FORMER SUTHERLAND ARMS HOTEL, LAIRG**

**Report by Director of Planning and Development**

**SUMMARY**

The Committee is asked to confirm the provisional Tree Preservation Order placed on an area of trees of high amenity value at the former Sutherland Arms Hotel, Lairg.

**1.0 INTRODUCTION**

- 1.1 On 23<sup>rd</sup> April 2007 the Sutherland County Committee approved outline consent (06/00405/OUTSU) for the erection of a 20 bedroom hotel and 32 apartments on the site of the former Sutherland Arms Hotel in Lairg. The site contains a number of mature trees which contribute to the character of the area and provide an attractive and well established setting for the proposed development.
- 1.2 In recognition of this, the Members agreed further that the Planning & Building Standards Manager prepare a Tree Preservation Order in respect of the mature trees on site.
- 1.3 While it has always been understood that a number of these trees would need to be removed in order to redevelop this important site, the Tree Preservation Order effectively maintains the status quo until a layout can be agreed which takes account of the better trees and identifies those suitable for removal.

**2.0 REPRESENTATIONS TO THE ORDER**

- 2.1 Following notification of the provisional Tree Preservation Order, three letters of objection and one letter of support were received. A copy of these representations will be available at the Committee meeting.
- 2.2 The first letter of objection was received from Trevor Black Chartered Architects who is acting on behalf of the applicant, Terry Flynn Tours. The reasons given for objection are summarised as follows:
  - The Committee were misinformed as the Council's Forestry Officer had not been provided with all the available information when commenting on the application.
  - The proposed development should bring considerable benefits to the local area and the objective of retaining as many trees as possible must be balanced against these benefits.

- The imposition of the Tree Preservation Order conflicts directly with the approval of Outline Planning Permission as it effectively rules out the approved development.
- The Tree Preservation Order is unnecessary as the Planning Authority already have effective control of the trees on site through Conditions of the Outline Consent.
- The most visible trees along the western boundary will be retained.
- It is intended that the detailed proposals will include extensive new landscape planting which will create a more attractive environment and backdrop to the village than the existing trees.

2.3 The second letter of objection was received from Margaret Walker on behalf of the residents of Lairg which included a petition containing 314 signatures. The reasons given for objection are as follows:

- The Tree Preservation Order will jeopardise the inward investment that the proposed development would bring and therefore the opportunity for jobs and underpinning of existing businesses and amenities within Lairg.
- A site in the Lairg area has been identified whose owner would be willing to use for carbon transfer, planting two trees for every one which had to be removed.

2.4 The third letter of objection was received from the Lairg Community Council. The 12 members of the Community Council were requested to express their opinions on the Tree Preservation Order and 9 were against the Order and there were 3 abstentions. The reason given for objection is as follows:

- The Council voted in favour of the development as they strongly believe that inward investment in Lairg was required to sustain forward growth in the local economy and hopefully to create much needed employment to the area.

2.5 The letter of support was received from a resident of Lairg and can be summarised as follows:

- The age and stature of the trees make them an integral part of the village and their loss would ruin the general appearance and amenity of the village.
- The wording of the petition circulated by Mrs Walker on behalf of the residents of Lairg was misleading and does not give a true reflection of local opinion.
- Leaving the present trees will help to blend in the new development with the rest of the village.

### **3.0 RESPONSE TO LETTERS OF OBJECTION**

3.1 A full response was given to the points raised by Trevor Black Chartered Architects and a copy of this letter will be available at the Committee meeting. The response can be summarised as follows:

- It is accepted that the Planning report gives the Forestry Officer's view that the proposed layout had been prepared in advance of the necessary tree assessment work having been undertaken. This was on the basis that the tree advice as submitted with the planning application had not been forwarded to him at that time. While this reference in the Planning report was incorrect and unfortunate, it was not "grossly misleading" in relation to the Committee's consideration of the planning application and its subsequent granting of planning permission.

- The merits of the redevelopment of the site are not disputed and are reflected in the granting of planning permission. It is accepted that some trees will need to be removed and that a balance needs to be struck, but this must be on the basis of an accepted process of tree assessment.
- The provisional Tree Preservation Order was requested by Members of the old Sutherland County Committee and the new Caithness Sutherland and Easter Ross Planning Applications and Review Committee now have the opportunity to consider the representations which have been made and to decide whether or not to confirm the Tree Preservation Order. It was reiterated that the Tree Preservation Order does not preclude development.
- In the consideration of a planning application it is entirely appropriate for a planning authority to place a Tree Preservation Order in the interests of public amenity. In relation to the granting of planning permission and the consideration of the reserved matters, it is acknowledged that the Tree Preservation Order is likely to require amendment.
- While the most visible trees to the front of the development have been identified for retention, these are not necessarily the best specimens, as demonstrated in the Tree Survey carried out by Inverness Tree Services.
- The benefits of a robust landscaping scheme as part of the development is fully recognised and required as a condition of the planning permission granted.

3.2 In response to the letter of objection from Margaret Walker on behalf of the residents of Lairg:

- The merits of this development and the opportunities that this will bring are fully appreciated and this is recognised in the granting of outline planning permission. The Tree Preservation Order does not preclude development; it is purely intended to protect the existing trees until an acceptable layout can be agreed.
- Planting in an alternative location is welcomed, but does not address the concerns relating to this site.

3.3 In response to the letter of objection from Lairg Community Council I refer to the first point made in 3.2 above.

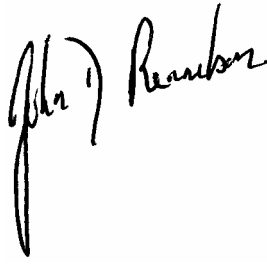
#### **4.0 CONCLUSION**

It is considered that the Order is appropriate given the high public amenity value of the trees and their contribution to the setting of the proposed development at the site of the former Sutherland Arms Hotel.

#### **RECOMMENDATION**

**That the Committee agree to the confirmation of the Tree Preservation Order.**

Signature:

A handwritten signature in black ink, appearing to read 'Nick Richards', written in a cursive style.

Designation: Director of Planning & Development

Author: Nick Richards, Forestry Officer

Date: 15<sup>th</sup> October 2007

Ref:

Background Papers: File reference SU/04/F/1