

**THE HIGHLAND COUNCIL**  
**CAITHNESS, SUTHERLAND & EASTER ROSS PLANNING**  
**APPLICATIONS & REVIEW COMMITTEE - 15<sup>th</sup> April 2008**

Agenda Item	4
Report No	18/08

**TREE PRESERVATION ORDER NO 86**  
**FORMER SUTHERLAND ARMS HOTEL, LAIRG**

**Report by Director of Planning and Development**

**SUMMARY**

The Committee is asked to confirm the provisional (amended) 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 granted 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 and amenity 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 Area 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.
- 1.4 A provisional Tree Preservation Order (HC82) (which lasts for a period of six months) was served on 25<sup>th</sup> April 2007. The Caithness, Sutherland & Easter Ross Planning Applications and Review Committee agreed to extend the provisional Tree Preservation Order for a further six months at their meeting of 23<sup>rd</sup> October 2007. It was subsequently re-served as HC86 on 26<sup>th</sup> October 2007. This extension was given on the condition that consultation was undertaken with the community, the Community Council and the Local Members in order to try and identify specific trees to be covered by a more focussed Tree Preservation Order.
- 1.5 In response to the Committee's request, five options were presented by the Forestry Officer at a meeting with a representative of the community, a representative of the Community Council, two of the three Ward Members and Councillor Ian Ross on 18<sup>th</sup> February 2008. These options were then discussed at

the next Lairg Community Council meeting on the 5<sup>th</sup> March 2008 and it was agreed that Option 2 should be presented to Committee as their preferred option. A copy of the five options are appended to this report.

- 1.6 A copy of the five options was also sent to the applicant's agent (Trevor Black Chartered Architects) for comment. A copy of Trevor Black Chartered Architects response will be available for inspection at the Committee meeting.

## **2.0 REPRESENTATIONS TO THE ORDERS (HC82 & HC86)**

- 2.1 Following notification of the first provisional Tree Preservation Order (HC82), three letters of objection and one letter of support were received. These were as follows:

### OBJECTIONS:

- Trevor Black Chartered Architects, on behalf of the applicant (Terry Flynn Tours);
- Lairg Community Council;
- Margaret Walker, on behalf of the Lairg community which included a petition.

### SUPPORT:

- Iain Greasley, resident of Lairg.

- 2.2 Following notification of the second provisional Tree Preservation Order (HC86), one letter of objection (dated 23 November 2007) 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 report of 23 October 2007 relating to the first Tree Preservation Order did not convey the gist of the objection and the full text of the objection was not made available to Committee. There is a conflict of interest for the Forestry Officer to attempt to give an impartial report on objections about his own work and the report to Committee failed to deal even-handedly with the objection.
- 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 granting 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.

### **3.0 RESPONSE TO LETTER OF OBJECTION (HC86)**

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

- It is normal practice to summarise letters of objection and representation when reporting to Committee and it was considered that the points of objection were accurately conveyed. While normal practice, it would appear that the letter of objection was not made available at the last Committee meeting. A full copy will be available at this Committee meeting. As the responsible officer, it is appropriate for the Forestry Officer to prepare the Tree Preservation Order report, just as a Planning Officer would with a planning report.
- It is accepted that the original report on the planning application 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 and accepted 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.

### **4.0 APPRAISAL**

4.1 Following consultation, the Lairg Community Council supported Option 2 of the 5 suggested. That is the Tree Preservation Order would cover trees selected by virtue of condition, size and prominence, based on the information provided in the

applicant's tree survey.

- 4.2 This will offer more flexibility than a 'blanket' Tree Preservation Order, but it is recognised that this will still require an amendment to the indicative layout and scale of development proposed under the outline application. Any revised layout may seek the removal of additional specific trees and this would be considered through the normal planning process.
- 4.3 In response to the five options, Trevor Black Chartered Architects are concerned that the appraisals create a false impression of his client's intentions and the restriction they impose for any subsequent development through the confirmation of a Tree Preservation Order. Under Option 2 Trevor Black states that the developable area will be restricted to approximately 18% of the site once the recommended hold back distances are taken into consideration.
- 4.4 While any form of development should be excluded from within the Root Protection Area, the hold back distance relates primarily to restricted light and safety (to buildings), and as a result varies considerably across the site. The hold back distances indicated on the plan (TPO212) identifies the maximum separation between retained trees and any new development and this would be subject to considerable change once a detailed layout is worked up.

## **5.0 CONCLUSION**

It is considered that an amended Order (Option 2) 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 an amended Tree Preservation Order in accordance with the detail shown under Option 2 in the Appendix to this report.

Signature: G Robson

Designation: Acting Director of Planning & Development

Author: Robert Patton, Principal Officer (Land) (Ext: 2285)

Date: 4 April 2008

Ref: SU/04/F/1

Background Papers: N/A

## **THE FORMER SUTHERLAND ARMS HOTEL TREE PRESERVATION ORDER (HC86)**

It is suggested that the following five options are considered in respect of the above Tree Preservation Order (TPO):

Option 1: Confirm the TPO as it stands which will require an amended layout to be agreed.

Option 2: Confirm a revised TPO based on the better trees identified in the tree survey report.

Option 3: Confirm a revised TPO based on a further rationalisation of Option 2 to increase developable area.

Option 4: Confirm a revised TPO which accommodates the existing indicative layout.

Option 5: Do not confirm the TPO and progress application in good faith.

There are various considerations relating to each of these 5 options:

### **Option 1:**

- Perceived obstruction of important development.
- Maintains the status quo until a revised layout is developed.
- Any revised layout may seek the removal of additional trees and this would be considered through the normal planning process.

### **Option 2:**

- While this will give more flexibility than a 'blanket' TPO, it will still be necessary to amend the existing layout and possibly reduce the overall scale of development.
- Trees for retention are selected by virtue of BS category, height and prominence.
- Any revised layout may seek the removal of additional trees and this would be considered through the normal planning process.

### **Option 3:**

- This will give more flexibility than Option 2 and with some adjustment to the layout and design, should be able to accommodate a similar scale of development.
- Additional trees selected for removal are small groups or individual trees which 'sterilise' large areas of the site.
- Any revised layout may seek the removal of additional trees and this would be considered through the normal planning process.

### **Option 4:**

- This undermines the TPO procedure by 'fitting' a TPO around a developer's indicative layout. Outline Planning Permission agreed to the principle of development on this site, but did not give approval for this particular layout and so it will be subject to change.
- By revising the TPO before a detailed layout has been agreed, any subsequent changes may result in pressure to remove trees covered by the revised TPO. If the trees not covered by the revised TPO are felled then any opportunity to retain additional trees will have been lost.

### **Option 5:**

- Risk losing all trees which will detract considerably from the future setting of any development.



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Planning & Development Service

TREE PRESERVATION ORDER No.HC86

Former Sutherland Arms Hotel  
Lairg

October 2007



**Option 1: Confirm TPO as it stands.**



Scale (@ A4): 1:850

0 5 10 20 30 40 metres

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**Option 2: Confirm a revised TPO based on the better trees identified in the tree survey report.**



Scale (@ A4): 1:850

0 5 10 20 30 40 metres

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**Option 3: Confirm a revised TPO based on a further rationalisation of Option 2 to increase developable area.**



Scale (@ A4): 1:850

0 5 10 20 30 40 metres

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**Option 4: Confirm a revised TPO which accommodates the existing indicative layout.**



Scale (@ A4): 1:850

0 5 10 20 30 40 metres

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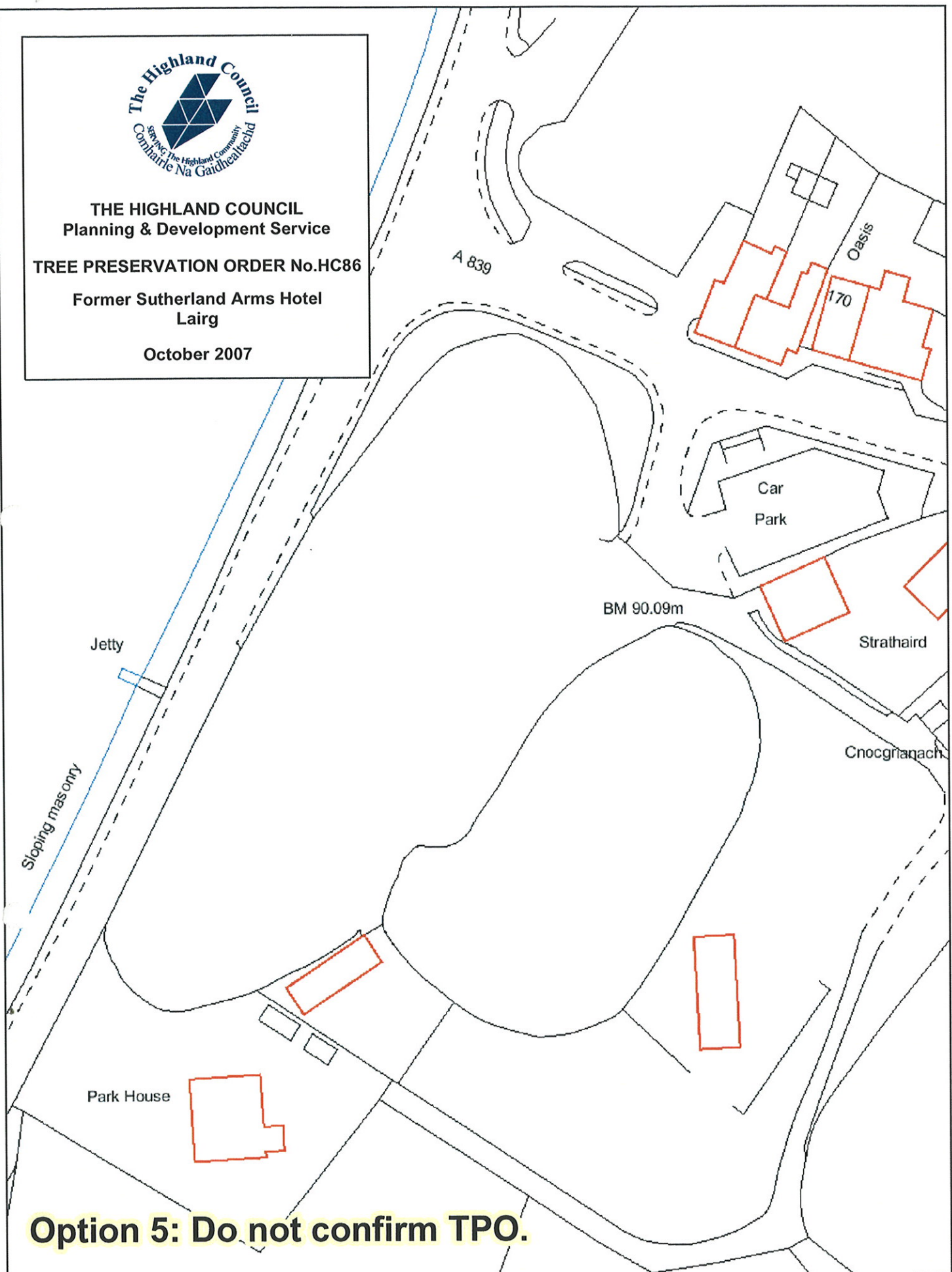


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**Option 5: Do not confirm TPO.**



Scale (@ A4): 1:850

0 5 10 20 30 40 metres

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