

North Lanarkshire Council Report

Planning Committee

approval noting

Ref 03/06/06/RT

Date 24/02/22

Confirmation of a Tree Preservation Order on land at and surrounding Rawyards Nursing Home, Motherwell Street, Airdrie

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Executive Summary

The purpose of this report is to seek Committee approval to confirm a Tree Preservation Order on land at and surrounding Rawyards Nursing Home, Motherwell Street, Airdrie.

Recommendations

It is recommended that under the powers of the Town and Country Planning (Scotland) Act 1997, as amended, the Planning Committee agree to confirm the Tree Preservation Order which is located on land at and surrounding Rawyards Nursing Home, Motherwell Street, Airdrie that is identified by the boundaries of the plan which accompanies this report.

The Plan for North Lanarkshire

Priority Improve economic opportunities and outcomes

Ambition statement (17) Ensure we keep our environment clean, safe, and attractive

1. Background

- 1.1 The Planning Service is promoting a Tree Preservation Order (TPO) to rectify a situation which has come to light where it has been established that the original TPO covering the site was never confirmed by Monklands District Council.
- 1.2 It should also be noted that this site was subject to planning approval in 2006 for the erection of 124 Bed Care Home, 34 Retirement Flats and 30 Flats (planning application No: 05/01891/FUL) with an additional application being approved in July 2008 for the erection of 6 Dwellinghouses in outline (planning application No: 07/00476/OUT). In August 2011 an application was approved for a Variation to Condition 1 (Time Extension) of Planning Permission 05/01891/FUL (Erection of 124 Bed Care Home, 34 Retirement Flats and 30 Flats) (planning application No: 11/00789/AMD), the renewal of this permission lapsed in August 2014. Subsequently both sites were removed from the Housing Land Supply in 2017 and the zoning of the site was changed in the emerging Local Development Plan Modified Proposed Plan to general urban area.

- 1.3 The trees have recently been assessed by the Council's Arboricultural Office who advised that the site was worthy of a TPO, therefore any future proposals for the site will require to take account of the TPO covering the land, if confirmed.
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2. Report

- 2.1 Delegated approval to promote the Tree Preservation Order in accordance with the provisions of the Town and Country Planning (Scotland) Act 1997, as amended, was sought and agreed by the Convener of Planning and Elected Members of Ward 8 (Airdrie North) between 19 and 24 November 2021.
- 2.2 The proposal was to designate "one group of trees" for the Tree Preservation Order specified by reference to an area, which will ensure that the trees will receive protected status and would require prior consent from the planning authority before works to lop, top, uproot or fell them can be implemented. The designation of the Tree Preservation Order will allow the local planning authority to protect the trees as they are expedient in the interests of amenity of the area.
- 2.3 The Tree Preservation Order was issued on 25 November 2021 and took effect when affixed to the trees on 26 November 2021. No objections have been received in connection with the Order.
- 2.4 As no objections have been received, it is recommended that the Planning Committee agree to confirm this Order as it will ensure that these trees have protected status.
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3. Public Sector Equality Duty and Fairer Scotland Duty

- 3.1 The confirmation of a TPO is not affected by either Duty.
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4. Impact

- 4.1 **Financial impact**
There will be a financial implication to the Council arising from the designation of the Tree Preservation Order, the costs of which will be met from the Planning and Place Revenue Budget.
- 4.2 **HR policy / Legislative impact**
Trees covered by a Tree Preservation Order are protected by legislation to ensure that any works to the trees are controlled by the local planning authority.
- 4.3 **Technology / Digital impact**
Not affected.
- 4.4 **Environmental impact**
The confirmation of the Tree Preservation Order will give greater protection to the trees which supports the objectives contained in the North Lanarkshire Biodiversity Action Plan.

4.5 **Communications impact**

None.

4.6 **Risk impact**

There is no risk foreseen as the confirmation of the Tree Preservation Order does not remove the responsibility or “duty of care” from the owners to ensure that their trees do not become a danger to the public.

5. **Measures of success**

- 5.1 The confirmation of the Tree Preservation Order will ensure that the trees have protected status.
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6. **Supporting documents**

- 6.1 Appendix 1 which shows the boundary of the TPO.



Pamela Humphries
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