

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 15 APRIL 2005

THE LAIGH FENWICK (WEST) (PROVISIONAL) TREE PRESERVATION ORDER

Report by the Head of Planning, Development and Building Standards

1. PURPOSE OF REPORT

1.1 The purpose of the this report is to advise the Committee on the making, serving and advertising of the Laigh Fenwick (West) (Provisional) Tree Preservation Order 2004 and to seek the Committee's approval for the Order to be confirmed.

2. BACKGROUND

2.1 The above Tree Preservation Order was made primarily to protect woodlands and individual trees west of Hallhouse, Fenwick which were considered to form an important visual backdrop to Laigh Fenwick on its western side and a valuable screen for residential properties within Laigh Fenwick from the M77.

2.2 The above amenity value of those trees forming woodlands W1 as shown on the Tree Preservation Order plan has been recognised through Proposal PROP 28 of the East Ayrshire Local Plan which proposed an amendment of the Laigh Fenwick Conservation Area to include the above woodland area. This proposed amendment was made on 11 May 2004. It was therefore considered appropriate that, as the amenity value of this woodland was the reason for the above amendment to the Laigh Fenwick Conservation Area, the woodland should be afforded the statutory protection of a Tree Preservation Order. The woodland also comprises areas W2, W3 and 6 individual trees.

2.3 Accordingly the Laigh Fenwick (West) (Provisional) Tree Preservation Order 2004 was served and advertised on 10 May 2004. No formal objections to the Tree Preservation Order were received by the Council.

2.4 Justification of the need for a Tree Preservation Order was further reinforced through the submission by ATD Developments Ltd of planning application 04/0400/FL for the proposed erection of 17 dwellinghouses on the site occupied by the trees forming woodland W1 of the Tree Preservation Order. A further provisional Tree Preservation Order relating to the site took effect on 10th November 2004 so that woodland W1 was protected until such time as planning application 04/0400/FL had been determined. The application was, withdrawn on 29th November 2004. However, another planning application, ref. No 04/1224/FL was subsequently submitted by the

above-mentioned applicant, this application being refused by the Northern Area Local Planning Committee on 18th March 2005 because the proposed development failed to meet the criteria required by Policy RES 4 of the Adopted East Ayrshire Local Plan in respect of new housing within settlement boundaries in that it would have an adverse impact on the surrounding natural and built environment and on the amenity of the Conservation Area.

3. PLANNING IMPLICATIONS

3.1 In view of the Council having formally implemented proposal PROP 28 of the Local Plan to amend the boundary of the Laigh Fenwick Conservation Area as referred to in Section 2 above it is considered appropriate that the prominent mature trees within the area to which the amendment relates should be afforded the statutory protection of a permanent Tree Preservation Order.

3.2 The provisional Tree Preservation Order has been promoted in accordance with Policy ENV15 (ii) through which the Council will protect those individual groups and areas of trees which contribute significantly to the landscape quality of both the built and rural environment.

4. LEGAL AND FINANCIAL IMPLICATIONS

4.1 None.

5. RECOMMENDATION

5.1 It is recommended that the Committee agrees to confirm the Laigh Fenwick (West) (Provisional) Tree Preservation Order 2004.

Alan Neish
Head of Planning, Development and Building Standards

6 April 2005 (JT/SA)
FV-DVM

LIST OF BACKGROUND PAPERS

1. The Laigh Fenwick (West) (Provisional) Tree Preservation Order 2004.

Anyone wishing to inspect the above paper please contact Julian Thorp on 576789.

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