

EAST AYRSHIRE COUNCIL

NORTHERN LOCAL PLANNING COMMITTEE; 31 AUGUST 2001

**PROVISIONAL TREE PRESERVATION ORDERS
WATERSLAP, FENWICK
THE WATERSIDE (SOUTHERN APPROACH)**

Report by Director of Development Services

1. PURPOSE OF REPORT

1.1 To report to the Committee the outcome of the formal public advertisement of the provisional Tree Preservation Orders for Waterslap, Fenwick and Waterside (Southern Approach) and to seek the Committee's views as to whether these Tree Preservation Orders should be confirmed.

2. BACKGROUND INFORMATION

Waterslap, Fenwick TPO

2.1 The Planning and Building Control Division were formally approached by a member of the public who, with the support of Fenwick Community Council, wished that consideration be given to placing a Tree Preservation Order on horse chestnut trees at Waterslap, Fenwick, (by the riverside at Fenwick Bridge and along the roadside from that bridge up to and including the frontage of 25 Waterslap). The trees are a prominent and attractive feature of Waterslap and, following a detailed visual inspection of the trees by Outdoor Services, all but one of the chestnut trees were considered healthy enough to be designated under a provisional Tree Preservation Order.

2.2 The Waterslap, Fenwick TPO was formally advertised on Friday 29 June 2001. Up to and including 26 July 2001, the date of expiry for receipt of objections to the Tree Preservation Order by the Council, one objection and one representation from the public had been received. The main grounds of both the objection and representation were that the chestnut tree omitted from the provisional Tree Preservation Order because it was in poor condition (see above), still produced a full spread of foliage and was therefore of importance in terms of the local amenity.

2.3 The representation also suggested this tree had an important function in helping to stabilise the riverbank of the Fenwick Water.

2.4 The representation also suggested minor amendments to the description of the location of the trees as follows:

* location of trees T1 and T2 should read -

'on south bank of Fenwick Water, south east of Fenwick Bridge' and

* location of trees T3 - T7 should read -

'on the east side of the verge at Waterslap, south of Fenwick Bridge'

The Waterside (Southern Approach) TPO

2.5 The Planning and Building Control Division were also formally requested by a member of the public to give consideration to placing a Tree Preservation Order on the beech tree on the left hand side of the A.719 on the southern approach to Waterside between Hareshaw and No. 30, Main Road, Waterside. This tree is an important landscape feature of the southern outskirts of Waterside and, following a visual inspection of the tree by Outdoor Services, which confirmed that the tree was healthy, it was considered appropriate for the tree to be designated under a provisional Tree Preservation Order.

2.6 The Waterside (Southern Approach) TPO was formally advertised on Friday, 6 April 2001. Up to and including Friday, 4 May 2001, the date of expiry for receipt of objections to the Tree Preservation Order by the Council no such objections had been received.

3. PLANNING IMPLICATIONS

Waterslap, Fenwick TPO

3.1 The area in which the trees subject to the above provisional Tree Preservation Order are situated is scheduled as a potential future housing site in the East Ayrshire Finalised Local Plan (site ref. No. 175H: Waterslap - 6 houses). There are no extant planning permissions relating to the site and the Planning and Building Control Division is not presently considering any planning applications for development of this site.

3.2 The Roads and Transportation Division have been consulted regarding possible future vehicular access to the above development site. They have confirmed that such access could be taken from the Waterside Road frontage, north of No. 25 Waterslap provided, that a two metre wide verge strip was left adjacent to Waterslap (i.e. between the road and trees T3 - T7 as specified in the TPO to allow for the construction of a footway from the site into the centre of

Laigh Fenwick. In view of this none of these particular trees would require to be removed to accommodate vehicular access to the site.

3.3 There are a number of other, mainly coniferous, trees on the proposed development site. These are not in the opinion of the Head of Planning and Building Control worthy of Tree Preservation Order status.

3.4 The horse chestnut tree which members of the public wish to see included within the Tree Preservation Order, and referred to in paragraph 2.2 above, is at the northern extremity of the proposed development site and there is no evidence from the Roads and Transportation Division that it is likely to be affected by roadworks necessary for any future development of housing site 175H.

The Waterside (Southern Approach) TPO

3.5 There are no planning implications regarding the proposed designation of this tree under a Tree Preservation Order.

4. LEGAL IMPLICATIONS

4.1 The Solicitor to the Council has pointed out that, the representation and objection received following advertisement of the Waterslap, Fenwick TPO refer to a tree not included in the provisional TPO rather than the trees which are included. It would therefore be possible for the Order to be confirmed by the Committee while further consideration is given by the Head of Planning and Building Control in conjunction with the Department Community Services as to whether the horse chestnut tree referred to in Section 2 above should also be the subject of a Tree Preservation Order.

5. FINANCIAL IMPLICATIONS

5.1 None

6. PERSONNEL IMPLICATIONS

6.1 None

7. RECOMMENDATIONS

7.1 It is recommended the Committee agree that,

(a) the Solicitor to the Council be requested to formally confirm the Waterslap, Fenwick TPO subject to the technical amendments detailed in paragraph 2.4 above, that

(b) the Solicitor to the Council also be requested to formally confirm The Waterside (Southern Approach) TPO, that

(c) the Head of Planning and Building Control consult further with the Community Services Department regarding the condition of the horse chestnut tree referred to in Section 2 above to establish whether or not it is worthy of TPO status and that

(d) the Head of Planning and Building Control be given delegated powers to confirm TPO status for the above horse chestnut tree should the condition of the tree deem such a designation appropriate.

Stephen Chorley
Director of Development Services

16 August 2001 (JT/IMB/SA)
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LIST OF BACKGROUND PAPERS

1. Undated letter of objection to the Waterslap, Fenwick provisional TPO from Ronnie and Irene Weeks received by Head of Planning & Building Control 25.07/01.
2. Letter of objection to the Waterslap, Fenwick provisional TPO dated 24.7.01 from Greta M Roberts M.A. Dip. T.P. Town Planning Consultant.
3. Waterslap, Fenwick provisional Tree Preservation Order 2001.
4. The Waterside (Southern Approach) provisional Tree Preservation Order 2001.

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AGENDA