

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 04 APRIL 2003

PROVISIONAL TREE PRESERVATION ORDER 8 SKERNIELAND ROAD, FENWICK

Report by Head of Planning and Building Control

1. PURPOSE OF REPORT

1.1 The purpose of this report is to advise the Committee about The 8 Skernieland Road, Fenwick (Provisional) Tree Preservation Order 2002 and to seek the Committee's approval for confirmation of the Tree Preservation Order.

2. BACKGROUND

2.1 In September 2002 the Planning and Building Control Division received a request from Mr and Mrs O'Donnell of 8 Skernieland Road, Fenwick, for a large beech tree at the bottom of their garden to be designated under a Tree Preservation Order.

2.2 The prime reason for their request was that a planning application had been submitted (Ref No: 02/0505/FL) for the proposed formation of a tennis court and perimeter fence at the King George V Playing Fields, Fenwick, on public open space adjacent to the tree. Mr and Mrs O'Donnell were concerned that any works done to the tree in association with the above potential development could cause an imbalance in the shape of the tree and possibly damage its root system.

2.3 The tree was subsequently inspected by Community Services and Planning and Building Control Division and it was concluded that the tree was a very fine specimen, possibly over 150 years old, and in good condition. The tree is important to the amenity of the properties on the south side of Skernieland Road, Fenwick which, including No. 8, are situated within the High Fenwick Conservation Area. The tree also enhances the adjacent King George V Playing Fields.

2.4 The 8 Skernieland Road, Fenwick (Provisional) Tree Preservation Order 2002 was made and advertised and served on Mr and Mrs O'Donnell, the owners of No. 8 Skernieland Road, Fenwick.

3. RESULT OF ADVERTISEMENT OF THE TREE PRESERVATION ORDER

3.1 The 8 Skernieland Road, Fenwick (Provisional) Tree Preservation Order 2002 was formally advertised on Friday, 27 December 2002. Up to and including Friday, 24 January 2003, the date of expiry for objections to the Order, no such objections had been received.

4. PLANNING/COMMUNITY SERVICES IMPLICATIONS

4.1 Under Policy ENV15(ii) of the East Ayrshire Finalised Local Plan 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, through the serving of Tree Preservation Orders.

4.2 Under Policy ENV1 of the East Ayrshire Finalised Local Plan the Council will seek to protect, preserve and enhance Conservation Areas.

4.3 Community Services were of the opinion that the boundary of the proposed tennis court at the King George V Playing Fields, referred to in Section 2 above, should be located at least 12 metres from the trunk of the beech tree at 8 Skernieland Road so that the canopy of the tree does not interfere with the fence and only future light pruning of the canopy would therefore be required.

4.4 Accordingly an amended plan for planning application 02/0505/FL incorporating an alteration to the proposed siting of the tennis court and perimeter fence as suggested above by Community Services, was approved by the Council on 07 February 2003.

5. FINANCIAL AND LEGAL IMPLICATIONS

5.1 None.

6. CONCLUSIONS

6.1 It is concluded that, notwithstanding the above consent for proposed planning permission 02/0505/FL, because of its amenity value to the High Fenwick Conservation Area and the public open space at King George V Playing Fields the beech tree should continue to be protected in its own right and therefore that The 8 Skernieland Road, Fenwick (Provisional) Tree Preservation Order 2002 should be confirmed.

7. RECOMMENDATION

7.1 It is recommended that the Committee agrees to confirm the 8 Skernieland Road, Fenwick (Provisional) Tree Preservation Order 2002.

**Alan Neish
Head of Planning and Building Control**

(JT/MMM)
25 March 2003

LIST OF BACKGROUND PAPERS

1. The 8 Skernieland Road, Fenwick (Provisional) Tree Preservation Order 2002.
2. Planning Consent 02/0505/FL dated 07/02/03.

Anyone wishing to inspect the above papers please contact Julian Thorp on 01563 576789.

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THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S
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