

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 23 JANUARY 2004

THE HAPLAND, DUNLOP (PROVISIONAL)

TREE PRESERVATION ORDER

Report by Head of Planning and Building Control

1. PURPOSE OF REPORT

1.1 The purpose of this report is to advise the Committee on the making, serving and advertising of the Hapland, Dunlop (Provisional) Tree Preservation Order 2003 and to seek the Committee's views on whether or not the existing provisional Tree Preservation Order should be confirmed.

2. BACKGROUND

2.1 Following submission of an outline planning application – ref. no. 03/0679/OL – residential development of land at the site of the former Hapland Mill, Dunlop, the Head of Planning and Building Control received a request from a local resident to inspect mature trees at the entrance to, on the boundaries of and within the proposed development site.

2.2 A subsequent visual inspection of the trees was carried out by the Department of Community Services and the Planning Division. This revealed that the trees were in a basically sound condition although generally requiring some maintenance. The short avenue of mature horse-chestnut and sycamore trees from the A735 road into the above former site of Hapland Mill was considered of amenity value in terms of its beneficial visual impact on the southern approaches to Dunlop. Further good specimens of horse-chestnut and sycamore trees along the Glazert Burn, at the south-eastern boundary of the proposed development site, enhance the river valley. It was therefore considered that all the above trees were worthy of being given statutory protection under a Tree Preservation Order.

2.3 In view of the amenity value of the trees and the fact that the above planning application indicated intended removal of some of the trees in the avenue, thereby placing these trees under potential threat of felling in advance of any decision by the Council regarding the above planning application, the Head of Planning and Building Control agreed to early making of The Hapland Dunlop (Provisional) Tree Preservation Order 2003 which was accordingly served and advertised, and took effect on 09 September 2003.

2.4 Three formal objections to the Tree Preservation Order were received during the statutory 28 day period, including one from the agent for the applicant for the above housing development.

3. POLICY AND PLANNING IMPLICATIONS

3.1 The Hapland Dunlop (Provisional) Tree Preservation Order 2003 was promoted in accordance with Policy ENV 15(ii) of the East Ayrshire Finalised Local Plan, whereby the Council will actively seek to preserve existing broadleaf and native tree species throughout East Ayrshire and 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.

3.2 The Northern Area Local Planning Committee at its meeting on 05 December 2003 considered a report by the Head of Planning and Building Control on the aforementioned outline planning application 03/0679/OL for proposed upgrading of access road and creation of new residential development at Hapland Mill, Dunlop. In order to allow appropriate road access into the site it was estimated in the report that 4 of the 7 trees which comprise the avenue of trees included within the provisional Tree Preservation Order would require to be removed. Notwithstanding Policy ENV 15 which states that the Council will actively seek to protect those trees which contribute significantly to the landscape quality it was considered that, given the age of the trees and the absolute necessity to remove the most important trees in the avenue to achieve any type of improved access at this location, the opportunity could be taken to remove these trees and create a new avenue of trees through re-planting.

3.3 The other trees along the Glazert Burn, also included within the provisional Tree Preservation Order would not require to be removed to accommodate the provisions of the approved outline planning application.

3.4 The above Committee therefore recommended that the above outline planning application be approved. In view of this it would not be appropriate to confirm the Tree Preservation Order in its present form. It is therefore suggested that a new Tree Preservation Order be prepared to include only those individual trees along the Glazert Burn that have statutory protection under the existing provisional Order. The draft schedule and map for the new Order is appended to this report. The new Tree Preservation Order would take effect on expiry of the existing provisional Order on 09 March 2004.

4. LEGAL AND FINANCIAL IMPLICATIONS

4.1 None.

5. CONCLUSIONS

5.1 In view of the Committee's decision regarding planning application 03/0679/OL, as referred to in Section 3 above, it would not be appropriate for the trees within the avenue into the site of the former Hapland Mill, Dunlop to continue to have statutory protection and therefore for the Tree Preservation

Order to be confirmed. However, a new Tree Preservation Order should be prepared solely in respect of those trees along the Glazert Burn presently included within the provisional Order.

6. RECOMMENDATION

6.1 It is recommended that the Committee agree:-

- (i) not to confirm the Hapland, Dunlop (Provisional) Tree Preservation Order 2003 in its present form, and**
- (ii) that the Head of Planning and Building Control prepare a new provisional Tree Preservation order to include only those individual trees along the Glazert Burn as referred to in Sections 3 and 5 above, the new Order to take effect on expiry of the existing Tree Preservation Order on 09 March 2004.**

Alan Neish
Head of Planning and Building Control

08 January 2004
(JT/MMM)

LIST OF BACKGROUND PAPERS

1. Report by Head of Planning and Building Control to Northern Area Local Planning Committee: 05 December 2003 – Planning Application No. 03/0679/OL (report dated 28 November 2003).
2. Letter of objection dated 07 October 2003 from Mr Thomas Howie, “Rockville”, Dunlop.
3. Letter of objection dated 29 September 2003 from Ms June Tree, 24 Barns Terrace, Maybole.
4. Letter of objection dated 16 September 2003 from Alan Montgomery Dip TP, MRTPI, MCMI, Mg Planning Consultants, Glasgow.
5. The Hapland, Dunlop (Provisional) Tree Preservation Order 2003.
6. Planning Application No. 03/0679/OL – Proposed Upgrading of Access Road and Creation of New Residential Development at Site of Former Hapland Mill, Stewarton Road, Dunlop (dated 20 June 2003).

APPENDIX

PROPOSED REVISED PROVISIONAL TREE PRESERVATION ORDER HAPLAND MILL, DUNLOP

FIRST SCHEDULE

Trees specified individually (coloured green on the map)

<u>No. on Map</u>	<u>Description</u>	<u>Situation</u>
T1	Sycamore	Trees situated on the banks of the Glazert Burn and extending east from the site of the former Hapland Mill
T2	Horse-Chestnut	
T3	Sycamore	
T4	Horse-Chestnut	
T5	Sycamore	
T6	Horse-Chestnut	

Trees specified by reference to an area: None

Groups of Trees: None

Woodlands: None