



North Ayrshire Council  
Comhairle Siorrachd Àir a Tuath

## Local Review Body

A Meeting of the **Local Review Body** of North Ayrshire Council will be held in the **Council Chambers, Ground Floor, Cunninghame House, Irvine, KA12 8EE** on **Wednesday, 24 April 2024** at **14:15** to consider the undernoted business.

### Meeting Arrangements - Hybrid Meetings

This meeting will be held on a predominantly physical basis but with provision, by prior notification, for remote attendance by Elected Members in accordance with the provisions of the Local Government (Scotland) Act 2003. Where possible, the meeting will be live-streamed and available to view at <https://north-ayrshire.public-i.tv/core/portal/home>.

#### 1 **Declarations of Interest**

Members are requested to give notice of any declarations of interest in respect of items of business on the Agenda.

#### 2 **Minutes**

The accuracy of the Minutes of the meeting held on 24 January 2024 will be confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973 (copy enclosed).

#### 3 **Notice of Review: 23/00697/PP: Site to North West of Eglinton House, Kilwinning**

Submit report by the Head of Democratic Services on a Notice of Review submitted by the applicant in respect of a planning appeal refusal by officers under delegated powers (copy enclosed).

#### 4 **Notice of Review: 22/00978/PP: Johnstons Marine Stores, The Old Pier, Lamlash, Brodick, Isle of Arran**

Submit report by the Head of Democratic Services on a Notice of Review submitted by the applicant in respect of a planning appeal refusal by officers under delegated powers (copy enclosed).

## 5 Urgent Items

Any other items which the Chair considers to be urgent.

### **Webcasting**

Please note: this meeting may be filmed/recorded/live-streamed to the Council's internet site and available to view at <https://north-ayrshire.public-i.tv/core/portal/home>, where it will be capable of repeated viewing. At the start of the meeting, the Provost/Chair will confirm if all or part of the meeting is being filmed/recorded/live-streamed.

You should be aware that the Council is a Data Controller under the Data Protection Act 2018. Data collected during the webcast will be retained in accordance with the Council's published policy, including, but not limited to, for the purpose of keeping historical records and making those records available via the Council's internet site.

Generally, the press and public seating areas will not be filmed. However, by entering the Council Chambers, using the press or public seating area or (by invitation) participating remotely in this meeting, you are consenting to being filmed and consenting to the use and storage of those images and sound recordings and any information pertaining to you contained in them for webcasting or training purposes and for the purpose of keeping historical records and making those records available to the public. If you do not wish to participate in a recording, you should leave the meeting. This will constitute your revocation of consent.

If you have any queries regarding this and, in particular, if you believe that use and/or storage of any particular information would cause, or be likely to cause, substantial damage or distress to any individual, please contact [dataprotectionofficer@north-ayrshire.gov.uk](mailto:dataprotectionofficer@north-ayrshire.gov.uk).

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## Local Review Body Sederunt

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Robert Foster (Chair)  
Timothy Billings (Vice-Chair)  
Scott Davidson  
Stewart Ferguson  
Cameron Inglis  
Amanda Kerr  
Davina McTiernan  
Jim Montgomerie  
Ian Murdoch  
Chloe Robertson

Chair:

Apologies:

Attending:



At a Meeting of the Local Review Body of North Ayrshire Council at 2.25 p.m. involving a combination of participation by remote electronic means and physical attendance within the Council Chambers, Irvine.

**Present (Physical Participation)**

Robert Foster, Stewart Ferguson, Cameron Inglis and Chloe Robertson.

**Present (Remote Participation)**

Timothy Billings, Scott Davidson and Amanda Kerr.

**In Attendance**

A. Hume, Senior Development Management Officer (Place); R. Lynch, Senior Manager and L. Ingram, Solicitor (Legal Services), and C. Stewart and D. McCaw, Committee Services Officers (Democratic Services) (Chief Executive's Service).

**Chair**

Councillor Foster in the Chair.

**Apologies**

Davina McTiernan, Jim Montgomerie and Ian Murdoch.

**1. Declarations of Interest**

There were no declarations of interest by Members in terms of Standing Order 11 and Section 5 of the Code of Conduct for Councillors.

**2. Minutes**

The Minutes of the Meeting held on 20 September 2023 were confirmed and signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

Councillor Billings joined the meeting at this point and prior to presentation of the Notice of Review by the Adviser to the LRB.

**3. Notice of Review: 23/00533/PP: Skelmorlie: 9 Eglinton Terrace**

Submitted report by the Head of Democratic Services on a Notice of Review by the applicant in respect of a planning application refused by officers under delegated powers. The Notice of Review documentation, Planning Officer's Report of Handling, Location Plan and Planning Decision Notice, were provided as appendices to the report.

The Planning Adviser to the Local Review Body summarised the Notice of Review submitted by the applicant and the Report of Handling submitted by the appointed officer. The Planning Adviser advised that no site visit or hearing had been requested by the applicant. The Planning Adviser clarified that within the 6 grounds

of appeal by the applicant, reason 6 for refusal referred to National Planning Policy Framework 7 and not Policy 7 of the LDP.

The Local Review Body unanimously agreed that enough information had been provided to determine the review request.

Members asked a question and were provided with information in relation to the existing Tree Preservation Order in place for the surrounding area.

Councillor Inglis, seconded by Councillor Robertson, moved that the Local Review Body uphold the officer's decision to refuse planning permission on the grounds outlined in the Decision Notice. There being no amendment the motion was declared carried.

Accordingly, the Local Review Body agreed to uphold the officer's decision and refuse planning permission.

The meeting ended at 2.45 p.m.

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**NORTH AYRSHIRE COUNCIL**

**24 April 2024**

**Local Review Body**

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**Title:** **Notice of Review: 23/00697/PP: Site to North West of Eglinton House, Kilwinning**

**Purpose:** To submit, for consideration of the Local Review Body, a Notice of Review by the applicant in respect of a planning application refused by officers under delegated powers.

**Recommendation:** That the Local Review Body considers the Notice of Review.

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**1. Executive Summary**

1.1 The Town and Country Planning (Scotland) Act 1997, as amended by the Planning (Scotland) Act 2006, provides for certain categories of planning application for "local" developments to be determined by appointed officers under delegated powers. Where such an application is refused, granted subject to conditions or not determined within the prescribed period of 2 months, the applicant may submit a Notice of Review to require the Planning Authority to review the case. Notices of Review in relation to refusals must be submitted within 3 months of the date of the Decision Notice.

**2. Background**

2.1 A Notice of Review was submitted in respect of Planning Application 23/00697/PP for tourism development comprising the erection of 7 no. glamping pods, shower/toilet block and the formation of a car park and footpaths on a site to the North West of Eglinton House, Kilwinning.

2.2 The application was refused by officers for the reasons detailed in the Decision Notice.

2.3 The following related documents are set out in the appendices to the report:

- Appendix 1 - Notice of Review documentation;
- Appendix 2 - Representations received from interested parties;
- Appendix 3 - Comments from applicant on further representations received;
- Appendix 4 - Report of Handling;
- Appendix 5 - Location Plan; and
- Appendix 6 - Planning Decision Notice.

**3. Proposals**

3.1 The Local Review Body is invited to consider the Notice of Review.

#### **4. Implications/Socio-economic Duty,**

##### **Financial**

4.1 None arising from the recommendation of this report.

##### **Human Resources**

4.2 None arising from the recommendation of this report.

##### **Legal**

4.3 The Notice of Review requires to be considered in terms of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning (Scotland) Act 2006, and the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.

##### **Equality/Socio-economic**

4.4 None arising from the recommendation of this report.

##### **Environmental and Sustainability**

4.5 None arising from the recommendation of this report.

##### **Key Priorities**

4.6 None arising from the recommendation of this report.

##### **Community Benefits**

4.7 None arising from the recommendation of this report.

#### **5. Consultation**

5.1 Interested parties (both objectors to the planning application and statutory consultees) were invited to submit representations in terms of the Notice of Review and no further representations were received.

Craig Hatton  
Chief Executive

For further information please contact **Craig Stewart, Committee Services Officer**, on **01294 324130**.

#### **Background Papers**

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North Ayrshire Council  
Comhairle Siorrachd Àir a Tuath

Cunninghame House Friars Croft Irvine KA12 8EE Email: eplanning@north-ayrshire.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100583113-004

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant  Agent

## Agent Details

Please enter Agent details

Company/Organisation:

Ref. Number:

You must enter a Building Name or Number, or both: \*

First Name: \*

Building Name:

Last Name: \*

Building Number:

Telephone Number: \*

Address 1  
(Street): \*

Extension Number:

Address 2:

Mobile Number:

Town/City: \*

Fax Number:

Country: \*

Postcode: \*

Email Address: \*

Is the applicant an individual or an organisation/corporate entity? \*

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="Mr &amp; Ms"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="S"/>	Building Number:	<input type="text" value="█"/>
Last Name: *	<input type="text" value="McLean &amp; Pearce"/>	Address 1 (Street): *	<input type="text" value="██████████"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="██████████"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="█"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="██████"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="████████████████████"/>		

## Site Address Details

Planning Authority:	<input type="text" value="North Ayrshire Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

<input type="text" value="Land Adjacent to Eglington House, Kilwinning, North Ayrshire"/>
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Northing	<input type="text" value="642334"/>	Easting	<input type="text" value="231278"/>
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## Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: \*  
(Max 500 characters)

7 Glamping Pods and a Toilet 23/00697/PP

## Type of Application

What type of application did you submit to the planning authority? \*

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? \*

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

## Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: \* (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

The decision made has a number of inaccuracies and exaggerations.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? \*

Yes  No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: \* (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: \* (Max 500 characters)

Appeal document and Appendix A

## Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

23/00697/PP

What date was the application submitted to the planning authority? \*

11/10/2023

What date was the decision issued by the planning authority? \*

04/12/2023

## Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. \*

Yes  No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? \*

Yes  No

Is it possible for the site to be accessed safely and without barriers to entry? \*

Yes  No

## Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. \*

Yes  No

Have you provided the date and reference number of the application which is the subject of this review? \*

Yes  No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? \*

Yes  No  N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? \*

Yes  No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review \*

Yes  No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

## **Declare – Notice of Review**

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Simon Ash

Declaration Date: 28/02/2024



ASH ARCHITECTURAL  
CHARTERED ARCHITECTS

Planning Appeal : For Mr S McLean and Ms S Pearce

[Redacted]  
[Redacted]  
[Redacted]

Architect: Ash Architectural

[Redacted]  
[Redacted]  
[Redacted]

## Summary of case

1. Introduction
2. Proposed development
3. Site is located close to town centre and community facilities
4. The adopted North Ayrshire Plan
5. Compliance with the Proposed North Ayrshire Local Development Plan
6. Concluding Statement
7. Appendices

## Summary of case

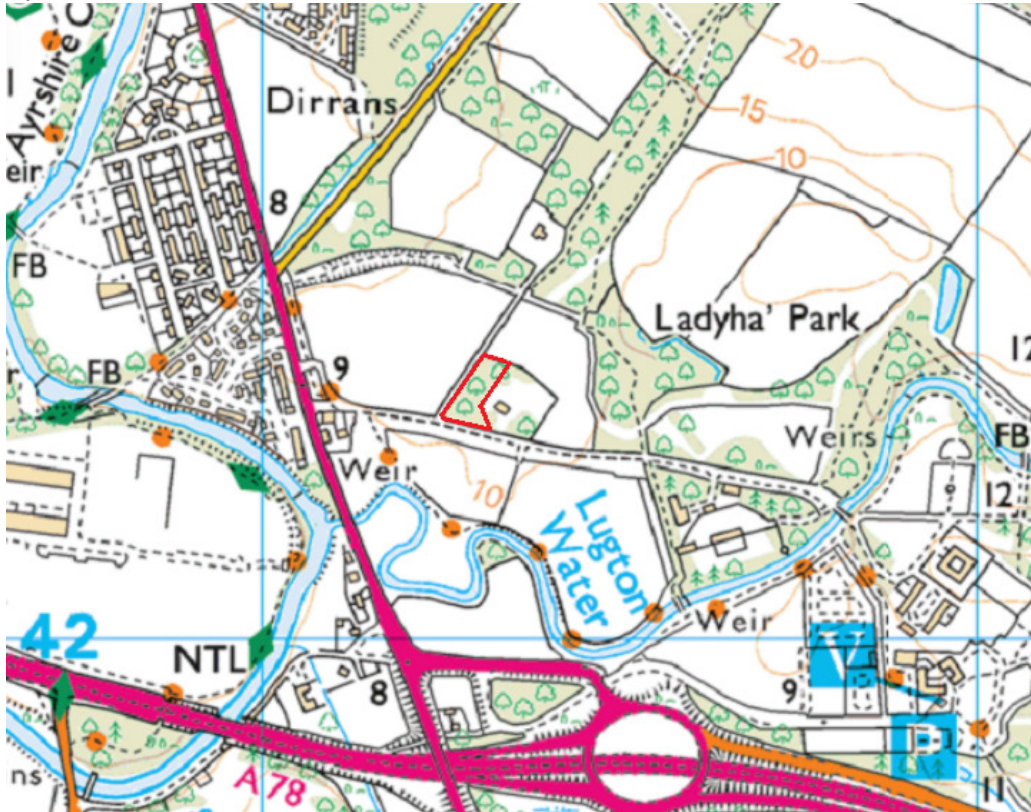
This statement presents the case to North Ayrshire Council's Local Review Body that the application for planning for 7 glamping pods and a toilet (reference 23/00697/PP) should be granted.

1. The application proposes 7 rustic glamping pods and a separate toilet facility.
2. The development accords with Countryside objectives. **Section 5**
3. The development accords with Placemaking objectives. **Section 6**
4. The development accords with Listed Buildings objectives. **Section 7**
5. The development accords with Historic Gardens and Designed Landscape objectives. **Section 8**
6. The development accords with Green and Blue Infrastructure objectives. **Section 9**
7. The development accords with Landscape and Seascape. **Section 10**
8. The development accords with Low and Zero Carbon Energy. **Section 11**
9. The development accords with NPF4. **Section 12**



## 1. Introduction

- 1.1 This statement presents the case to North Ayrshire Council's Local Review Body that an application for planning permission (reference 23/00697/PP) for a Tourism development comprising the erection of 7no. glamping pods, shower/toilet block and the formation of a car park and footpaths.
- 1.2 The site lies within the Country Park, north west of Eglinton House, Kilwinning, North Ayrshire

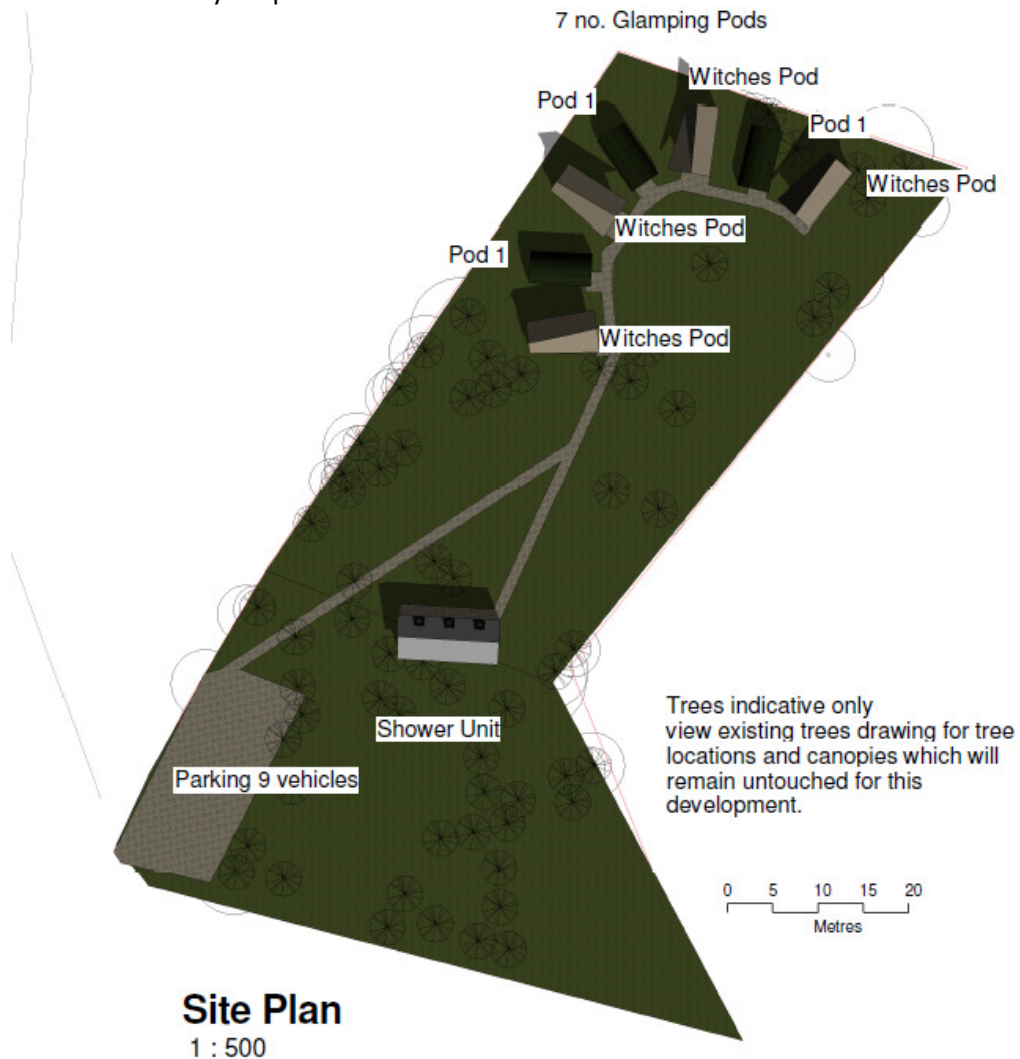


- 1.3 The site lies within Eglinton Country Park comprising self seeded trees. Traditional sandstone and render house lies to the east.

## 2. The proposed development

- 2.1 Planning permission is sought for temporary permission on the site for 7 glamping pods, car parking, footpath and separate shower and toilet block on 11<sup>th</sup> September 2023. As indicated on the plan submitted with the application.

2.2 The submitted layout plan is as follow.



2.3 The application was accompanied by an Arborist Report. The report indicated that a substantial amount of trees were of poor quality or had limited life span remaining. The applicant therefore applied for and received a felling licence to remove trees. Permission was granted to remove 64 trees. To date only 27 of the trees have been removed together with much of the low level shrubbery comprising Rhododendron Ponticum. Rhododendron Ponticum is a non native invasive plant and as such requires careful removal and disposal. See appendix A

2.4 No healthy trees have been cut down in the land management operations that have been undertaken other than trees directly under the power lines. The trees under the power lines were removed by Scottish power for safety reasons.

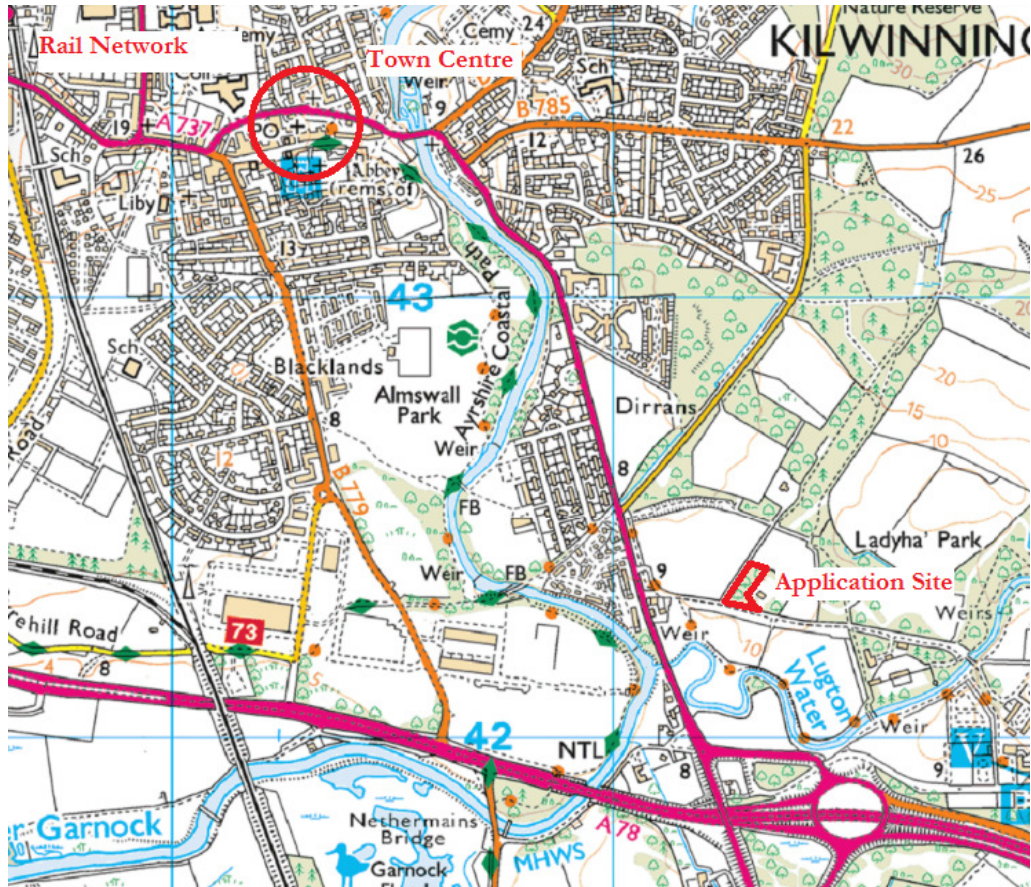
2.5 The council's arborist reported that some of the trees were potentially in a dangerous condition but refused a meeting on site to discuss the health and safety implications and dangers to the public.

2.6 With the trees removed the applicant set about locating the pods without the need to remove any healthy trees. The pods are of a rustic nature and reflect the construction of the neighbouring stables rather than the sandstone listed building. It is intended that the pods and the shower block blend with nature whilst having a quirky individualism.

2.7 The development has been proposed as a temporary application to allow funds to further develop and replant the site. There is a proposal to restock the trees by 2026 however the council have identified through their own arborists inspection that all the trees are could be subject to root damage as their roots have been disturbed by the felling operation and stump removal. The applicant has conferment that the only roots that have been removed are this relating to Rhododendron Ponticum and this is required as a result of this being an invasive species. There is strong evidence of Honey Fungus and it is evident that all trees in the site maybe affected which will require a clear fell and a period of ground recovery should this be the case.

### 3. Site is located close to town centre and community facilities

3.1 The relationship of the site to the town centre can be seen in the following diagram



3.2 Existing areas of the town are shown on the diagram circled in red. It will be seen that the application site is located near the central section of the town and is easily accessible to the town centre by footpath links.

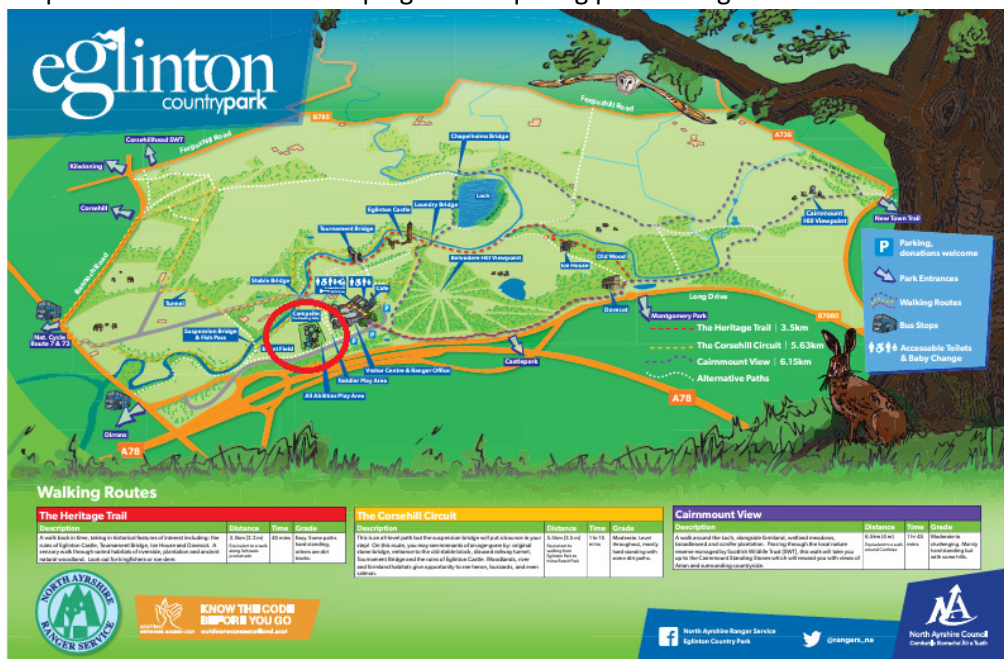
3.3 The site is close enough to the town centre to provide necessary facilities and far enough away to provide a rural experience.

#### 4. Adopted North Ayrshire Local Development Plan

4.1 The adopted Development Plan for Eglinton Country Park is in North Ayrshire. As mentioned before the site lies within Eglinton Country Park The following topic areas and policies in the Local Development are relevant to the proposed development.

#### 5. Policy 1 (Countryside Objective)

- 5.1 The planning department recognise that this is a tourism opportunity and is acceptable within the local plan. The planning department further recognises that the development would promote economic activity and contribute to the areas tourist offer.
- 5.2 There are within the park other areas for camping, these areas are not open to the public and can only be booked as a block for larger numbers consequently this development offers an opportunity to welcoming more visitors to the area. The Ranger Map shown indicates the camping area requiring prebooking.



- 5.3 Currently the applicant can legally offer the site for camping for payment for up to 28 days in a calendar year without the need for approval.
- 5.4 Within the Scottish right to roam legislation my client is able to offer this site as a free venue for wild camping.
- 5.5 Camping is an acceptable use for the site however the two options available to the applicant offer no viable means of managing the site to regulate for being a good neighbour.
- 5.6 Temporary permission affords the council an opportunity to manage permissible camping and decide further down the line if this type of development works within the park setting.
- 5.7 The applicant submits that if the site is suitable for limited and wild camping it would make more sense to offer a managed approach for the benefits of the park.

#### 6. Policy 2 (Placemaking)

6.1 The development is sited in a woodland area which is in the process of receiving ground maintenance lacking for a good number of years. The maintenance has resulted in the removal of invasive species and many trees that are low and poor quality. Approval of this was obtained from the Forestry Commission. The current licence has been

suspended however a new one has been applied for. The applicant will only do as much work as is essential with no unnecessary tree felling.

- 6.2 The rustic nature of the proposed buildings is in character to the surrounding woodland. The temporary nature of the application (5 years) affords the council time to consider more long term aesthetics should the development be sustainable financially. As the planning department has noted the design is “reminiscent of a typical forestry cabin”. The building are cabins and are located within a managed forest.
- 6.3 By granting temporary approval for the development the council can manage the impact on the park for a predefined period to determine if any perceived negative impacts resulting from noise and disturbance are present. Block bookings already established in the park are more likely to result in nuisance as they are more likely to bring together groups who are know to one another. Individual booking can be managed to avoid this problem.
- 6.4 The planning department accept that the development is within walking distance of Kilwinning.
- 6.5 The applicant contends that the development would accord with the Strategic Policy 2 and granting a time limited approval offers the applicant an opportunity to prove the concept.

## **7. Policy 10 (Listed Buildings)**

- 7.1 The listed building is surrounded by trees and is shielded from this development. The listed building is also screened from the park.
- 7.2 The current Eglinton House has a number of temporary structures within the grounds that mimic the design of the pods and the toilet block. These sheds are typical of domestic living and are found in all residential development.
- 7.3 Eglinton House has been extended previously with a very modern extension which evidently does not comply with the policy quoted. This extension is facing the development.
- 7.4 The development is in keeping with the Pony Partnership properties which are acceptable.
- 7.5 The applicant contends that Policy 10 is being respected in so far as other small scale buildings surrounding Eglinton House have. It should also be respected that this is a temporary application.

## **8. Policy 11 (Historic Gardens and Designed Landscapes)**

- 8.1 Site is located within the park. The land surrounding the site is mainly agricultural and used for livestock and the Pony Partnership. This development will have limited, if any, impact on the historical setting and to suggest that it brings down the character of the park is humorous verging on hysterical.
- 8.2 The applicant submits that raising this issue is irrelevant to the argument as the main Historical features of the park are a substantial distance from the site. Notwithstanding this the buildings are within the forested area and are screened, mostly from the park.

## **9. Policy 14 (Green and Blue Infrastructure.)**

- 9.1 The applicant is currently engaged in dialogue with the Forestry Commission and until such time that this is concluded no agreement can be achieved for restocking the site.
- 9.2 The applicant has met the criteria of Policy 14 in so far as it can be achieved.

9.3

### **10. Policy 15 (Landscape and Seascape.)**

- 10.1 The development is very much integrated into the “forest” with rustic cabins made from reused and felled timbers. The woodland will be retained as much as possible and will be re-established where necessary.
- 10.2 The applicant contends that the scale of this development will have very little impact on the landscape and therefore conforms with this policy.
- 10.3 Much of the ground was covered in Himalayan Balsam, Ragwort and Ivy because of previous bad land management. It was therefore necessary to scrape the surface of the land to remove the invasive species.
- 10.4 The applicant is an Apiarist and has an additional desire to use the land for keeping bees. It is therefore necessary that the land is free from herbicides and pesticides this resulted in the scraping of the land to remove the invasive species. This complies with the council's ecology aims.

### **11. Policy 29 (Low and Zero Carbon Energy)**

- 11.1 Glamping is a concept that is more luxurious than camping it is therefore a middle ground between the traditional canvas tent and a cottage. The term “glamping” is a portmanteau of “glamorous” and “camping.”
- 11.2 It is intended but not described in the application that the development will be free from fixed utilities resulting in solar power for an electrical supply and a bio disc for waste disposal. This is within the realms of glamping. Where a power supply in a tent is more likely batteries of gas lighting and the waste disposal is a bucket and a hole in the ground.
- 11.3 The applicant contends that the term “glamping” infers Low Energy and Zero Carbon and therefore complies with this policy.

### **12. Strategic Policy NPF4**

- 12.1 The newly introduced NPF4 policy is now part of the Development Plan
- 12.2 The site had had zero maintenance for many decades this has resulted in the need for changes to the natural environment.
- 12.3 As a means to speed up the necessary establishment of the forest and the site in a more managed way it would be better to have funding for the project.
- 12.4 Approving the planning permission and working with the applicant has to be a better way forward to achieving a sustainable forest.
- 12.5 Granting this appeal provides a means of funding to allow work to progress and a managed forest to re-emerge from the ashes of neglect.

### **13. Concluding Statement**

- 13.1 The applicant has set out to reinvigorate the forest and bring it back into use. In order to undertake this project successfully the applicant requires the site to generate a revenue stream
- 13.2 Policy 1 has been achieved.
- 13.3 Policy 2 has been achieved.
- 13.4 Policy 10 has been achieved
- 13.5 Policy 11 has been achieved
- 13.6 Policy 14 is ongoing and will be achieved in the long term
- 13.7 Policy 15 is ongoing and will be achieved in the long term.
- 13.8 Policy 29 is absolute for the applicant so the applicant is committed to this.
- 13.9 The SPF4 strategy is very important for the environment the applicant with their interest in bees have a strong commitment to the environment so this will be achieved.
- 13.10 This application has be erroneously refused and the review body should overturn this decision.



## Tree Survey

BS 5837:2012 *Trees in Relation to Design,  
Demolition and Construction-Recommendations*

### **Woodland Plot at Garden Cottage Kilwinning**

Land adjacent to Eglington house KA13 7QA

22<sup>nd</sup> June 2022



Prepared for  
**Stuart McLean & Susan Pearce**

Prepared by  
C. A. Calvey, P.T.I., Tech.Cert (Arbor.A), Cert.Arb (RFS), BA Hons.  
Principal Arboricultural Consultant  
Ayrshire Tree Surgeons Ltd

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<u>Tree Schedule</u>	<u>Pages 8 - 29</u>
<u>Tree Survey Assessment criteria</u>	<u>Pages 30 - 31</u>
<u>Arboricultural Method Statement – Guidance</u>	<u>Pages 32- 38</u>
<u>Report Limitations</u>	<u>Pages 39 - 40</u>
<u><i>Appendix 1: Project Contact Details</i></u>	<u><i>Page 41</i></u>
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## Introduction

The arboricultural survey was conducted in June 2022 for the woodland plot, referred to as Garden Cottage, adjacent to Eglington house, KA13 7QA. Trees were assessed in accordance with BS5837:2012 *Trees in Relation to Design, Demolition and Construction-Recommendations*. Christopher Calvey and Callum Calvey are independent arboriculturists and the report presents an impartial assessment of the tree stock.

The report is based on visual inspections conducted from ground level for the purpose of categorizing trees in relation to design, demolition and construction and does not provide reliable data on tree safety. This report is not, nor should it be taken to be, a full or thorough assessment of the health and safety of trees on or adjacent to the site, and therefore it is recommended that detailed tree inspections of retained trees are undertaken on a regular basis with the express purpose of complying with the landowner's duty of care and satisfying health and safety requirements. Please refer to Report Limitations on pages 39 - 40. The authority of this report ceases within one year from the date of the survey or following severe weather occurrences which supersede the current validity of the report.

## Proposed Site Use and Tree Protection Measures

The design proposals have flexibility and at an early stage such that there are opportunities to improve the woodland and protect trees. The owners regard the woodland composition as fundamental to the character of the site and their vision for it. The proposals are for a low impact tourism development of fixed 'glamping' style structures with a forestry workshop and residential house. The tree plan on page 7 shows the distribution of Moderate quality trees and page 6 the distribution of Low-quality trees. Please refer to the Draft Arboricultural Method Statement (Pages 8 – 14) which provides tree protection guidance to be considered during development.

## Woodland Description

The woodland comprises of 184 individual trees. All trees are self-seeded, and no planted specimens are recorded. Woodland establishment is comparatively recent at circa 30 years with 7 mature trees predating woodland colonization. The woodland is dense with an excessive number of trees competing for restricted light and space. Due to competition trees are taller and thinner than desirable with small high canopies.

Mature *Rhododendron ponticum* (Non-Native Invasive Species) has established on the southwest aspect of the woodland and expanding range by colonization. The shrub layer is largely absent.

An overhead Power (OHPL) line divides the site north to south and trees have been historically cleared forming a clear corridor below wires. Assuming the power line is to be retained tree clearance will be a continuous requirement. Please refer to Appendix 2, page 42.

Currently woodland quality is arboriculturally and ecologically Low, although the potential to bring the woodland into positive management is high. Please refer to woodland management on page 2.

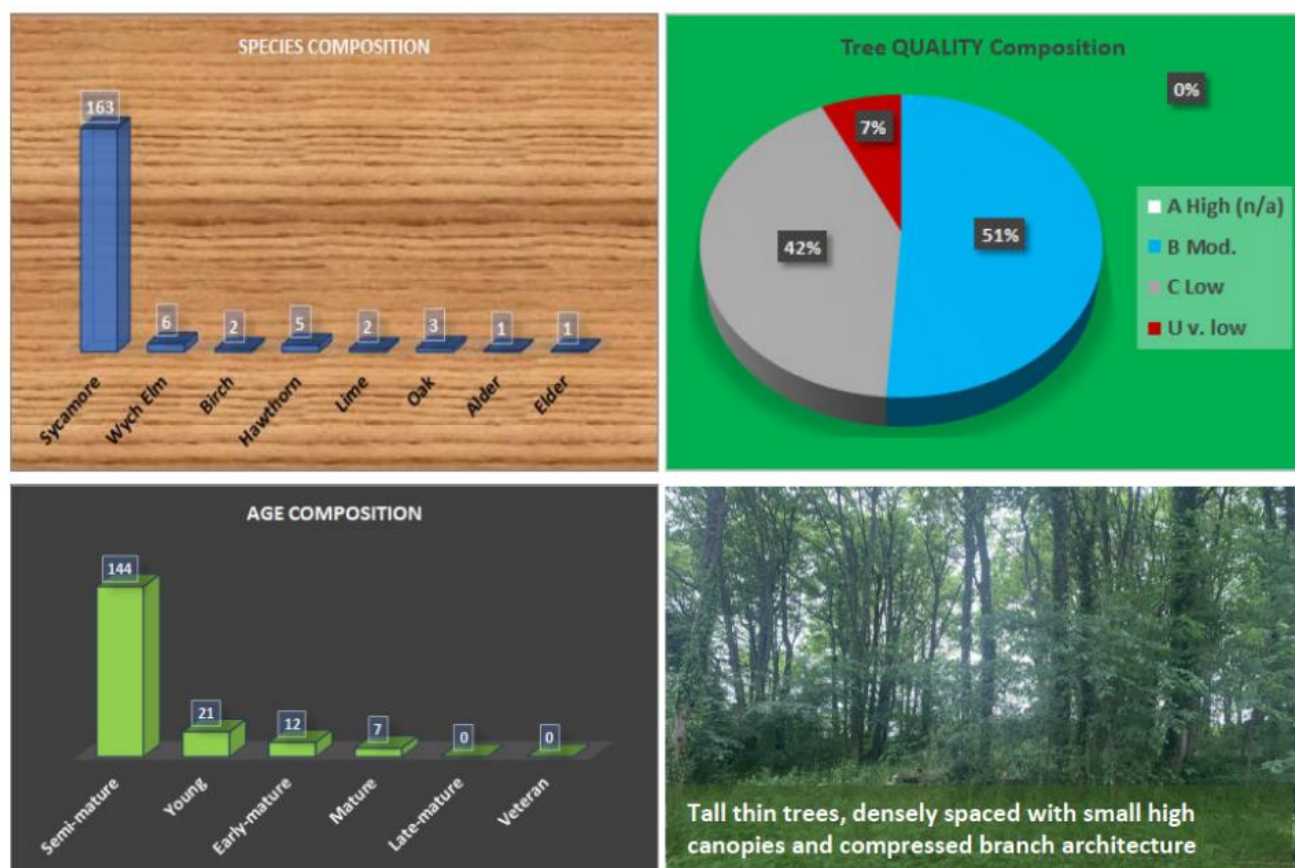
## Tree Survey Plans (pages 3-5)

Trees are identified by a numbered tree tag attached to the tree which corresponds to the site plan and tree schedule. Tree maps show the position of trees, crown spread, and maximum rooting zone illustrated by grey dodecagons. The crown spread of a tree is identified by a coloured circle and illustrates:

1. Green for 'A' (High quality trees)
2. Mid blue for 'B' (Moderate quality trees)
3. Grey for 'C' (Low quality trees)
4. Dark Red for 'U' (trees 'Unsuitable' for retention in the current land use).

## Arboricultural Analysis

The woodland has low arboricultural diversity with sycamore dominating (90%). Tree quality is evenly divided by Low quality and Moderate quality trees. The woodland is categorized as 'semi-mature'.



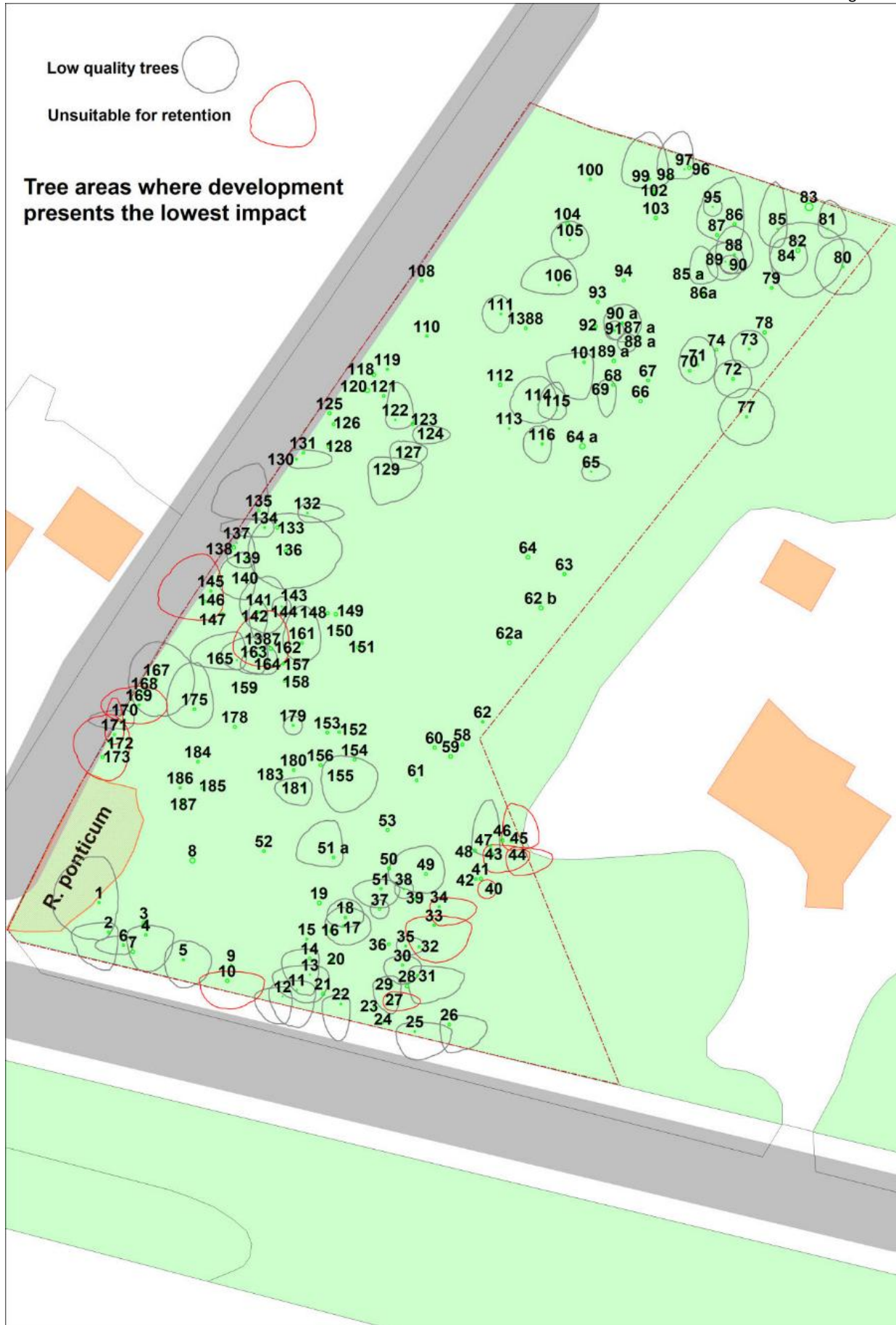
## Woodland Management Recommendations

1. Selective thinning prioritized on the basis of woodland benefit. Removing low quality trees for the purpose of establishing a woodland with appropriate structural composition (fewer, higher quality trees with greater species diversity augmented with a shrub layer and ground layer / flora).
2. Eradication of Non-native invasive species (*Rhododendron ponticum*).
3. Planting native trees in compensation for thinning removals and in the interests of biodiversity. The following specimens are recommended for this site: Sessile oak (*Quercus petraea*), Small leaved lime (*Tilia cordata*), Aspen (*Populus tremula*), Wild cherry (*Prunus avium*), Bird cherry (*Prunus padus*), Rowan (*Sorbus aucuparia*) and Crab apple (*Malus sylvestris*).
4. Establishing a native Shrub Layer. Due to the closed-canopy shrubs are unlikely to establish well within the main body of the woodland and recommended primarily for edges and glades. Hazel, Elder, Purple osier and Blackthorn shrubs are recommended. The plot would benefit from a native hedgerow (Hawthorn et.al) with a strong component of *Rosa* species (e.g. *Rosa canina* agg.).
5. Tree Surgery will be required on a continuous basis due to a tree stock with a high incidence of structural defects (upright scaffold branches with acute compression forks and included bark).













Eastings Northing	Tree ID	Common Name <i>Scientific Name</i>	Age Class	Likely Bat Habitat	Height (m)	Crown Height (m)	Nos. of Stems	Stem Diam. (mm)	Stem 2 (mm)	Stem 3 (mm)	Crown Spread N (m)	Spread E (m)	Spread S (m)	Spread W (m)	Cond. Class	Life Expectancy	BS5837 Sub. Cat.	BS5837 Quality
231261.4 642312.6	1	Common Ash <i>Fraxinus excelsior</i>	Semi-mature	No	15	5	2	230	310		5	2	4	5	Poor	10 to 20 yrs	1	C
231262.4 642309.5	2	Sycamore <i>Acer pseudoplatanus</i>	Semi-mature	No	15	2	2	280	260		1	1	4	4	Fair	10 to 20 yrs	1	C
231266.1 642310.5	3	Sycamore <i>Acer pseudoplatanus</i>	Early-mature	No	17	2	1	440			2	4	3	5	Fair	20 to 40 yrs	1	B
231266.3 642309.2	4	Sycamore <i>Acer pseudoplatanus</i>	Semi-mature	No	15	6	1	260			1	3	4	2	Fair	10 to 20 yrs	1	C
231270.3 642306.6	5	Common Lime <i>Tilia europaea</i>	Young	No	10	3	1	220			2	3	3	2	Fair	10 to 20 yrs	1	C
231264 642308.1	6	Sycamore <i>Acer pseudoplatanus</i> <i>Ivy clad, suppressed.</i>	Semi-mature	No	17	8	1	230			1	1	1	3	Fair	10 to 20 yrs	1	C
231264.9 642307.4	7	Sycamore <i>Acer pseudoplatanus</i>	Semi-mature	No	17	5	1	390			1	3	4	3	Fair	20 to 40 yrs	1	B
231271.3 642317.1	8	Sycamore <i>Acer pseudoplatanus</i> <i>Ivy clad.</i>	Mature	No	19	9	1	540			4	5	5	4	Fair	20 to 40 yrs	1	B
231275.4 642306	9	Sycamore <i>Acer pseudoplatanus</i>	Early-mature	No	18	4	3	230	440	360	4	4	5	4	Fair	20 to 40 yrs	1	B

Eastings Northing	Tree ID	Common Name <i>Latin Name</i>	Age Class	Likely Bat Habitat	Height (m)	Crown Height (m)	Nos. of Stems	Stem Diam. (mm)	Stem 2 (mm)	Stem 3 (mm)	Spread N (m)	Spread E (m)	Spread S (m)	Spread W (m)	Cond. Class	Life Expectancy	BS5837 Sub. Cat.	BS5837 Quality
231274.9 642304.4	10	Common Alder <i>Alnus glutinosa</i> <i>Large basal cavity.</i>	Semi-mature	No	15	4	1	360			1	4	3	3	Poor	<10 yrs	1	U
231282.3 642303.4	11	Wych Elm <i>Ulmus glabra</i>	Young	No	7	3	1	130			1	2	4	3	Fair	10 to 20 yrs	1	C
231280.8 642302.7	12	Sycamore <i>Acer pseudoplatanus</i>	Young	No	9	2	1	80	100		1	1	3	3	Fair	10 to 20 yrs	1	C
231283.7 642305	13	Wych Elm <i>Ulmus glabra</i> <i>Suppressed.</i>	Young	No	9	4	1	120			1	2	3	4	Fair	10 to 20 yrs	1	C
231283.7 642306.7	14	Sycamore <i>Acer pseudoplatanus</i> <i>Ivy clad, suppressed canopy.</i>	Semi-mature	No	15	8	1	270			1	1	4	3	Fair	10 to 20 yrs	1	C
231283.4 642308.8	15	Sycamore <i>Acer pseudoplatanus</i>	Semi-mature	No	18	4	3	230	250	160	2	1	5	4	Fair	20 to 40 yrs	1	B
231285.9 642309.6	16	Sycamore <i>Acer pseudoplatanus</i> <i>Ivy clad.</i>	Semi-mature	No	18	12	1	310			2	1	4	3	Fair	20 to 40 yrs	1	B
231287.2 642310.2	17	Sycamore <i>Acer pseudoplatanus</i> <i>Sparse canopy, suppressed.</i>	Semi-mature	No	18	16	1	230			2	3	2	2	Fair	10 to 20 yrs	1	C

Eastings Northing	Tree ID	Common Name <i>Latin Name</i>	Age Class	Likely Bat Habitat	Height (m)	Crown Height (m)	Nos. of Stems	Stem Diam. (mm)	Stem 2 (mm)	Stem 3 (mm)	Spread N (m)	Spread E (m)	Spread S (m)	Spread W (m)	Cond. Class	Life Expectancy	BS5837 Sub. Cat.	BS5837 Quality
231287.4 642311.1	18	Sycamore <i>Acer pseudoplatanus</i> <i>Leaning, sparse canopy.</i>	Semi-mature	No	18	10	1	240			2	2	1	2	Poor	10 to 20 yrs	1	C
231284.7 642312.6	19	Sycamore <i>Acer pseudoplatanus</i>	Mature	No	18	12	1	430			4	2	3	5	Good	20 to 40 yrs	1	B
231286 642306.6	20	Sycamore <i>Acer pseudoplatanus</i> <i>Ivy clad, compression forks.</i>	Semi-mature	No	18	9	1	370			1	3	4	3	Fair	20 to 40 yrs	1	B
231285.1 642303	21	Sycamore <i>Acer pseudoplatanus</i>	Semi-mature	No	18	4	1	370			2	4	5	3	Good	20 to 40 yrs	1	B
231287 642301.9	22	Sycamore <i>Acer pseudoplatanus</i>	Young	No	13	4	1	180			1	1	4	2	Poor	10 to 20 yrs	1	C
231290.5 642301.7	23	Sycamore <i>Acer pseudoplatanus</i>	Mature	No	18	4	2	270	320		2	5	4	3	Fair	20 to 40 yrs	1	B
231291.4 642299.9	24	Sycamore <i>Acer pseudoplatanus</i>	Mature	No	13	4	2	250	300		1	5	5	1	Fair	20 to 40 yrs	1	B
231294.8 642299	25	Sycamore <i>Acer pseudoplatanus</i>	Young	No	9	3	1	160			1	4	3	2	Poor	10 to 20 yrs	1	C
231298.4 642299.8	26	Sycamore <i>Acer pseudoplatanus</i> <i>Basal decay.</i>	Semi-mature	No	15	4	1	270			1	4	3	1	Poor	10 to 20 yrs	1	C

Eastings Northing	Tree ID	Common Name <i>Latin Name</i>	Age Class	Likely Bat Habitat	Height (m)	Crown Height (m)	Nos. of Stems	Stem Diam. (mm)	Stem 2 (mm)	Stem 3 (mm)	Spread N (m)	Spread E (m)	Spread S (m)	Spread W (m)	Cond. Class	Life Expectancy	BS5837 Sub. Cat.	BS5837 Quality
231292.4 642302.2	27	Sycamore <i>Acer pseudoplatanus</i>	Young	No	11	4	1	130			1	3	1	1	Decline	<10 yrs	1	U
231294 642303.8	28	Sycamore <i>Acer pseudoplatanus</i>	Semi-mature	No	18	4	1	390			1	4	4	3	Fair	20 to 40 yrs	1	B
231292.3 642303.9	29	Sycamore <i>Acer pseudoplatanus</i> <i>Sparse canopy, suppressed.</i>	Semi-mature	No	18	11	1	275			1	1	3	2	Fair	10 to 20 yrs	1	C
231293.5 642306	30	Sycamore <i>Acer pseudoplatanus</i> <i>Ivy clad, sparse canopy.</i>	Semi-mature	No	18	10	1	230			1	2	2	2	Fair	10 to 20 yrs	1	C
231295.1 642305	31	Sycamore <i>Acer pseudoplatanus</i> <i>Compression forks with included bark.</i>	Semi-mature	No	16	4	3	180	230	90	1	5	3	1	Poor	10 to 20 yrs	1	C
231295.2 642308	32	Sycamore <i>Acer pseudoplatanus</i>	Semi-mature	No	18	6	1	250			1	5	3	2	Fair	20 to 40 yrs	1	B
231296.8 642310.2	33	Sycamore <i>Acer pseudoplatanus</i> <i>Co dominant stems with Compression forks and included bark at base.</i>	Semi-mature	No	18	6	1	260	260		1	4	4	3	Poor	<10 yrs	1	U
231297.4 642312.2	34	Sycamore <i>Acer pseudoplatanus</i> <i>Basal cavity.</i>	Semi-mature	No	12	3	1	210			1	4	2	1	Poor	<10 yrs	1	U

Eastings Northing	Tree ID	Common Name <i>Latin Name</i>	Age Class	Likely Bat Habitat	Height (m)	Crown Height (m)	Nos. of Stems	Stem Diam. (mm)	Stem 2 (mm)	Stem 3 (mm)	Spread N (m)	Spread E (m)	Spread S (m)	Spread W (m)	Cond. Class	Life Expectancy	BS5837 Sub. Cat.	BS5837 Quality
231293.8 642308.1	35	Sycamore <i>Acer pseudoplatanus</i> <i>Suppressed canopy.</i>	Semi-mature	No	16	6	1	200			1	2	1	1	Fair	10 to 20 yrs	1	C
231292 642308.2	36	Sycamore <i>Acer pseudoplatanus</i>	Semi-mature	No	18	4	1	300			2	3	4	3	Fair	20 to 40 yrs	1	B
231291.1 642311.9	37	Sycamore <i>Acer pseudoplatanus</i>	Semi-mature	No	18	16	2	230	160		1	1	1	1	Poor	10 to 20 yrs	1	C
231293.6 642314.1	38	Sycamore <i>Acer pseudoplatanus</i>	Young	No	17	15	1	150			1	1	1	1	Poor	10 to 20 yrs	1	C
231294.8 642313	39	Sycamore <i>Acer pseudoplatanus</i>	Semi-mature	No	18	15	1	260			2	3	2	2	Fair	20 to 40 yrs	1	B
231302.4 642314.1	40	Sycamore <i>Acer pseudoplatanus</i> <i>Basal cavity with advanced decay</i>	Semi-mature	No	13	3	1	120			1	1	1	1	Poor	<10 yrs	1	U
231301.8 642315.2	41	Sycamore <i>Acer pseudoplatanus</i>	Semi-mature	No	19	12	1	340			2	3	4	4	Fair	20 to 40 yrs	1	B
231301.2 642315.1	42	Sycamore <i>Acer pseudoplatanus</i> <i>Some trees are double tagged, numbering is inconsistent. Tagged 42 and 55</i>	Semi-mature	No	18	14	1	280			2	1	4	3	Fair	20 to 40 yrs	1	B
231303 642317.8	43	Sycamore <i>Acer pseudoplatanus</i> <i>Basal cavity with decay.</i>	Semi-mature	No	17	8	1	250			1	4	2	1	Poor	<10 yrs	1	U

Eastings Northing	Tree ID	Common Name <i>Latin Name</i>	Age Class	Likely Bat Habitat	Height (m)	Crown Height (m)	Nos. of Stems	Stem Diam. (mm)	Stem 2 (mm)	Stem 3 (mm)	Spread N (m)	Spread E (m)	Spread S (m)	Spread W (m)	Cond. Class	Life Expectancy	BS5837 Sub. Cat.	BS5837 Quality
231305.4 642317.5	44	Sycamore <i>Acer pseudoplatanus</i> <i>Large basal cavity.</i>	Semi-mature	No	15	3	1	230			1	4	2	1	Poor	<10 yrs	1	U
231305 642319.2	45	Silver Birch <i>Betula pendula</i> <i>Leaning north, cavities.</i>	Semi-mature	No	16	4	1	280			4	3	1	1	Poor	<10 yrs	1	U
231304.1 642319.2	46 56	Sycamore <i>Acer pseudoplatanus</i>	Semi-mature	No	19	12	1	370			5	4	4	3	Fair	20 to 40 yrs	1	B
231302.8 642318.6	47	Sycamore <i>Acer pseudoplatanus</i> <i>Suppressed canopy.</i>	Semi-mature	No	19	4	1	220			5	1	1	2	Fair	10 to 20 yrs	1	C
231301.2 642318.1	48	Sycamore <i>Acer pseudoplatanus</i>	Semi-mature	No	19	9	1	340			4	3	3	5	Fair	20 to 40 yrs	1	B
231296 642315.7	49	Sycamore <i>Acer pseudoplatanus</i> <i>Ivy clad, suppressed canopy.</i>	Semi-mature	No	18	12	1	300			3	2	2	4	Fair	10 to 20 yrs	1	C
231292.1 642316.2	50	Sycamore <i>Acer pseudoplatanus</i>	Semi-mature	No	19	14	1	340			4	3	3	3	Good	20 to 40 yrs	1	B
231291.2 642314.1	51	Sycamore <i>Acer pseudoplatanus</i>	Semi-mature	No	19	10	2	230	220		1	2	2	3	Poor	10 to 20 yrs	1	C
231286.2 642317.4	51 a	Sycamore <i>Acer pseudoplatanus</i> <i>Ivy clad, suppressed canopy</i>	Semi-mature	No	18	8	1	270			4	1	1	4	Fair	10 to 20 yrs	1	C

Eastings Northing	Tree ID	Common Name <i>Latin Name</i>	Age Class	Likely Bat Habitat	Height (m)	Crown Height (m)	Nos. of Stems	Stem Diam. (mm)	Stem 2 (mm)	Stem 3 (mm)	Spread N (m)	Spread E (m)	Spread S (m)	Spread W (m)	Cond. Class	Life Expectancy	BS5837 Sub. Cat.	BS5837 Quality
231278.8 642318.1	52	Sycamore <i>Acer pseudoplatanus</i>	Semi-mature	No			2	280	300		5	4	4	4	Fair	20 to 40 yrs	1	B
231291.9 642320.3	53	Sycamore <i>Acer pseudoplatanus</i>	Semi-mature	No	19	12	1	330			4	2	2	4	Fair	20 to 40 yrs	1	B
231299.8 642329.3	58	Sycamore <i>Acer pseudoplatanus</i> <i>Ivy clad.</i>	Semi-mature	No	19	12	1	320			2	4	1	2	Fair	20 to 40 yrs	1	B
231298.6 642328.1	59	Sycamore <i>Acer pseudoplatanus</i>	Early-mature	No	19	9	1	410			1	5	4	3	Fair	20 to 40 yrs	1	B
231296.9 642329	60	Sycamore <i>Acer pseudoplatanus</i>	Semi-mature	No	20	14	1	330			5	1	1	4	Fair	20 to 40 yrs	1	B
231295 642325.5	61	Sycamore <i>Acer pseudoplatanus</i>	Semi-mature	No	19	10	2	270	290		4	3	4	3	Fair	20 to 40 yrs	1	B
231302 642331.7	62	Sycamore <i>Acer pseudoplatanus</i> <i>Ivy clad.</i>	Semi-mature	No	20	5	2	240	370		5	4	3	5	Fair	20 to 40 yrs	1	B
231304.8 642340.1	62a	Sycamore <i>Acer pseudoplatanus</i>	Early-mature	No	20	4	1	420			3	3	3	5	Good	20 to 40 yrs	1	B
231308.1 642343.7	62b	Sycamore <i>Acer pseudoplatanus</i>	Early-mature	No	20	5	1	430			5	2	4	5	Fair	20 to 40 yrs	1	B



Eastings Northing	Tree ID	Common Name <i>Latin Name</i>	Age Class	Likely Bat Habitat	Height (m)	Crown Height (m)	Nos. of Stems	Stem Diam. (mm)	Stem 2 (mm)	Stem 3 (mm)	Spread N (m)	Spread E (m)	Spread S (m)	Spread W (m)	Cond. Class	Life Expectancy	BS5837 Sub. Cat.	BS5837 Quality
231310.6 642347.3	63	Sycamore <i>Acer pseudoplatanus</i>	Semi-mature	No	19	9	1	320			2	3	4	1	Fair	20 to 40 yrs	1	B
231306.8 642349.1	64	Sycamore <i>Acer pseudoplatanus</i>	Early-mature	No	19	5	2	430	330		3	2	4	5	Fair	20 to 40 yrs	1	B
231312.5 642360.8	64a	Sycamore <i>Acer pseudoplatanus</i>	Mature	No	20	4	1	580			6	5	6	6	Good	20 to 40 yrs	1	B
231313.5 642358.1	65	Wych Elm <i>Ulmus glabra</i>	Young	No	6	1	1	100			1	2	1	1	Fair	10 to 20 yrs	1	C
231318.7 642365.6	66	Sycamore <i>Acer pseudoplatanus</i>	Semi-mature	No	20	10	1	360			2	4	4	3	Fair	20 to 40 yrs	1	B
231319.5 642367.7	67	Sycamore <i>Acer pseudoplatanus</i>	Semi-mature	No	20	15	2	320	330		4	4	4	4	Fair	20 to 40 yrs	1	B
231315.8 642367.3	68	Sycamore <i>Acer pseudoplatanus</i>	Semi-mature	No	20	5	1	320			1	3	2	5	Fair	20 to 40 yrs	1	B
231315.1 642366.8	69	Sycamore <i>Acer pseudoplatanus</i> <i>Ivy clad, tall and spindly.</i>	Semi-mature	No	20	17	1	260			1	1	3	1	Poor	10 to 20 yrs	1	C
231323.9 642368.8	70	Sycamore <i>Acer pseudoplatanus</i>	Semi-mature	No	20	15	1	290			3	3	3	3	Good	20 to 40 yrs	1	B
231324.7 642369.4	71	Sycamore <i>Acer pseudoplatanus</i> <i>Tall and spindly, ivy clad.</i>	Semi-mature	No	20	16	1	230			3	2	2	2	Poor	10 to 20 yrs	1	C

Eastings Northing	Tree ID	Common Name <i>Latin Name</i>	Age Class	Likely Bat Habitat	Height (m)	Crown Height (m)	Nos. of Stems	Stem Diam. (mm)	Stem 2 (mm)	Stem 3 (mm)	Spread N (m)	Spread E (m)	Spread S (m)	Spread W (m)	Cond. Class	Life Expectancy	BS5837 Sub. Cat.	BS5837 Quality
231328.5 642367.9	72	Sycamore <i>Acer pseudoplatanus</i> <i>Tall and spindly, ivy suppressed.</i>	Semi-mature	No	21	13	1	290			2	2	2	2	Fair	10 to 20 yrs	1	C
231330.2 642371.1	73	Sycamore <i>Acer pseudoplatanus</i> <i>Tall and spindly, suppressed canopy.</i>	Semi-mature	No	21	18	1	210			2	2	2	2	Poor	10 to 20 yrs	1	C
231326.7 642371	74	Sycamore <i>Acer pseudoplatanus</i>	Semi-mature	No	21	10	1	310			3	1	2	4	Good	20 to 40 yrs	1	B
231329.9 642363.9	77	Sycamore <i>Acer pseudoplatanus</i> <i>Ivy clad, tall and spindly.</i>	Semi-mature	No	20	16	1	220			3	3	3	3	Poor	10 to 20 yrs	1	C
231331.8 642372.8	78	Sycamore <i>Acer pseudoplatanus</i>	Semi-mature	No	21	10	1	360			3	5	2	3	Good	20 to 40 yrs	1	B
231332.6 642377.5	79	Sycamore <i>Acer pseudoplatanus</i>	Semi-mature	No	21	17	1	280			2	3	2	2	Fair	20 to 40 yrs	1	B
231340.1 642379.7	80	Silver Birch <i>Betula pendula</i> <i>Cavities.</i>	Semi-mature	No	20	10	2	220	170		3	3	3	3	Poor	10 to 20 yrs	1	C
231338.5 642383.8	81	Sycamore <i>Acer pseudoplatanus</i>	Young	No	12	4	1	130			3	2	1	1	Poor	10 to 20 yrs	1	C

Eastings Northing	Tree ID	Common Name <i>Latin Name</i>	Age Class	Likely Bat Habitat	Height (m)	Crown Height (m)	Nos. of Stems	Stem Diam. (mm)	Stem 2 (mm)	Stem 3 (mm)	Spread N (m)	Spread E (m)	Spread S (m)	Spread W (m)	Cond. Class	Life Expectancy	BS5837 Sub. Cat.	BS5837 Quality
231335.3 642381.5	82	Sycamore <i>Acer pseudoplatanus</i> <i>Compression forks with included bark at 2m.</i>	Mature	No	21	10	1	450			3	5	5	3	Fair	10 to 20 yrs	1	C
231336.5 642386.1	83	Sycamore <i>Acer pseudoplatanus</i>	Mature	No	21	5	1	800			5	5	3	4	Fair	20 to 40 yrs	1	B
231334.3 642380.8	84	Sycamore <i>Acer pseudoplatanus</i> <i>Ivy clad, tall and spindly.</i>	Semi-mature	No	21	19	1	330			2	2	2	2	Poor	10 to 20 yrs	1	C
231333.2 642383.8	85	Sycamore <i>Acer pseudoplatanus</i> <i>Ivy clad, weak unions.</i>	Semi-mature	No	20	9	2	130	250		5	1	2	2	Poor	10 to 20 yrs	1	C
231324.9 642378.9	85 a	Sycamore <i>Acer pseudoplatanus</i> <i>Tall and spindly, suppressed canopy.</i>	Semi-mature	No	21	18	2	240	120		3	2	1	1	Fair	10 to 20 yrs	1	C
231328.6 642384.3	86	Sycamore <i>Acer pseudoplatanus</i> <i>Compression forks with included bark at base</i>	Semi-mature	No	20	9	3	330	250	230	5	1	2	4	Poor	10 to 20 yrs	1	C
231325.3 642376.8	86a	Sycamore <i>Acer pseudoplatanus</i> <i>Ivy clad, suppressed canopy.</i>	Semi-mature	No	21	18	1	250			3	3	3	3	Fair	20 to 40 yrs	1	B
231326.8 642383.1	87	Sycamore <i>Acer pseudoplatanus</i> <i>Ivy clad.</i>	Semi-mature	No	21	11	1	330			5	2	2	3	Fair	20 to 40 yrs	1	B

Eastings Northing	Tree ID	Common Name <i>Latin Name</i>	Age Class	Likely Bat Habitat	Height (m)	Crown Height (m)	Nos. of Stems	Stem Diam. (mm)	Stem 2 (mm)	Stem 3 (mm)	Spread N (m)	Spread E (m)	Spread S (m)	Spread W (m)	Cond. Class	Life Expectancy	BS5837 Sub. Cat.	BS5837 Quality
231318.6 642372.3	87 a	Sycamore <i>Acer pseudoplatanus</i>	Semi-mature	No	21	11	1	230			3	3	3	3	Fair	20 to 40 yrs	1	B
231328.6 642381	88	Sycamore <i>Acer pseudoplatanus</i> <i>Weak unions at base.</i>	Semi-mature	No	21	17	4	200	220	240	3	2	2	2	Poor	10 to 20 yrs	1	C
231317.2 642371.7	88 a	Sycamore <i>Acer pseudoplatanus</i> <i>Tall and spindly.</i>	Semi-mature	No	20	5	1	130			1	1	1	1	Poor	10 to 20 yrs	1	C
231315.9 642369.8	89 a	Sycamore <i>Acer pseudoplatanus</i>	Semi-mature	No	21	11	1	380			3	3	4	3	Good	20 to 40 yrs	1	B
231327.7 642380.3	89	Sycamore <i>Acer pseudoplatanus</i> <i>Tall and spindly suppressed canopy.</i>	Semi-mature	No	20	18	2	100	190		2	2	2	2	Fair	10 to 20 yrs	1	C
231328.2 642380	90	Sycamore <i>Acer pseudoplatanus</i> <i>Tall and spindly.</i>	Young	No	20	19	1	170			1	1	1	1	Poor	10 to 20 yrs	1	C
231316.8 642373.8	90 a	Sycamore <i>Acer pseudoplatanus</i> <i>Tall and spindly.</i>	Semi-mature	No	21	18	1	200			2	2	2	2	Poor	10 to 20 yrs	1	C
231315.9 642373	91	Sycamore <i>Acer pseudoplatanus</i> <i>Tall and spindly.</i>	Semi-mature	No	20	18	1	180			1	1	1	1	Poor	10 to 20 yrs	1	C

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231314 642373.5	92	Sycamore <i>Acer pseudoplatanus</i>	Semi-mature	No	21	7	1	310			5	2	3	3	Fair	20 to 40 yrs	1	B
231314.2 642376	93	Sycamore <i>Acer pseudoplatanus</i>	Semi-mature	No	21	12	1	310			4	3	3	4	Good	20 to 40 yrs	1	B
231316.9 642378.3	94	Sycamore <i>Acer pseudoplatanus</i>	Semi-mature	No	21	2	1	330			5	2	4	4	Fair	20 to 40 yrs	1	B
231326.3 642386.1	95	Sycamore <i>Acer pseudoplatanus</i> <i>Tall and spindly, sparse canopy.</i>	Young	No	18		2	100	130		1	1	1	1	Poor	10 to 20 yrs	1	C
231323.8 642390.2	96	Sycamore <i>Acer pseudoplatanus</i>	Early-mature	No	20	4	1	390			5	4	2	4	Fair	20 to 40 yrs	1	B
231323.3 642390	97	Hawthorn <i>Crataegus monogyna</i>	Semi-mature	No	9	3	4	100	100	100	4	1	1	3	Fair	10 to 20 yrs	1	C
231321.6 642389.3	98	Sycamore <i>Acer pseudoplatanus</i>	Semi-mature	No	21	4	1	350			6	4	3	4	Good	20 to 40 yrs	1	B
231319.6 642389	99	Sycamore <i>Acer pseudoplatanus</i> <i>Suppressed canopy.</i>	Semi-mature	No	17	4	1	210			5	2	1	3	Fair	10 to 20 yrs	1	C
231313.4 642389	100	Common Oak <i>Quercus robur</i>	Semi-mature	No	19	3	1	280			4	1	3	3	Good	20 to 40 yrs	1	B

Eastings Northing	Tree ID	Common Name <i>Latin Name</i>	Age Class	Likely Bat Habitat	Height (m)	Crown Height (m)	Nos. of Stems	Stem Diam. (mm)	Stem 2 (mm)	Stem 3 (mm)	Spread N (m)	Spread E (m)	Spread S (m)	Spread W (m)	Cond. Class	Life Expectancy	BS5837 Sub. Cat.	BS5837 Quality
231312.7 642369.7	101	Sycamore <i>Acer pseudoplatanus</i> <i>Suppressed canopy.</i>	Semi-mature	No	20	5	1	260			1	1	4	4	Fair	10 to 20 yrs	1	C
231320.1 642387.7	102	Sycamore <i>Acer pseudoplatanus</i>	Semi-mature	No	21	12	1	300			5	3	1	3	Good	20 to 40 yrs	1	B
231320.3 642384.9	103	Sycamore <i>Acer pseudoplatanus</i> <i>Weak unions at base.</i>	Early-mature	No	21	8	4	340	290	140	4	3	2	3	Fair	20 to 40 yrs	1	B
231310.9 642384.3	104	Common Lime <i>Tilia europaea</i> <i>Co dominant stems with included bark and compression forks at base.</i>	Early-mature	No	21	4	2	390	400		4	3	4	3	Fair	20 to 40 yrs	1	B
231311.2 642382.6	105	Hawthorn <i>Crataegus monogyna</i>	Semi-mature	No	15	3	3	120	130	180	2	2	2	2	Fair	10 to 20 yrs	1	C
231310 642377.8	106	Wych Elm <i>Ulmus glabra</i>	Young	No	8	2	2	110	120		3	2	1	4	Fair	10 to 20 yrs	1	C
231295.5 642378.3	108	Sycamore <i>Acer pseudoplatanus</i> <i>Ivy clad.</i>	Semi-mature	No	17	4	2	260	430		4	3	3	4	Fair	20 to 40 yrs	1	B
231296.1 642372.4	110	Sycamore <i>Acer pseudoplatanus</i> <i>Weak union at base.</i>	Semi-mature	No	16	2	2	240	240		4	2	2	3	Fair	20 to 40 yrs	1	B
231307.2 642375.2	111	Hawthorn <i>Crataegus monogyna</i>	Semi-mature	No	5	1	1	170			2	1	2	2	Fair	10 to 20 yrs	1	C

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231302.1 642367.6	112	Sycamore <i>Acer pseudoplatanus</i> <i>Basal cavity with decay.</i>	Early-mature	No	20		1	400			3	3	4	3	Fair	20 to 40 yrs	1	B
231303.8 642362.6	113	Wych Elm <i>Ulmus glabra</i>	Semi-mature	No	12	3	1	170			3	1	3	4	Fair	20 to 40 yrs	1	B
231307.9 642365.2	114	Wych Elm <i>Ulmus glabra</i> <i>Suppressed.</i>	Young	No	11	3	1	100			3	2	2	3	Fair	10 to 20 yrs	1	C
231309.8 642364.6	115	Sycamore <i>Acer pseudoplatanus</i> <i>Tall and spindly.</i>	Young	No	12	8	1	100			3	1	1	2	Poor	10 to 20 yrs	1	C
231308.3 642361	116	Hawthorn <i>Crataegus monogyna</i>	Semi-mature	No	13	2	1	230			2	1	2	2	Fair	10 to 20 yrs	1	C
231290.5 642368.4	118	Sycamore <i>Acer pseudoplatanus</i> <i>Weak union at 2m</i>	Semi-mature	No	17	5	1	360			5	2	1	4	Fair	20 to 40 yrs	1	B
231291.9 642368.9	119	Common Oak <i>Quercus robur</i> <i>Ivy clad.</i>	Semi-mature	No	18	4	4	220	320	130	5	2	1	2	Fair	20 to 40 yrs	1	B
231289.8 642366.7	120	Sycamore <i>Acer pseudoplatanus</i> <i>Weak union at 2m.</i>	Early-mature	No	19	6	1	470			3	4	3	4	Fair	20 to 40 yrs	1	B

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231291.5 642366.1	121	Sycamore <i>Acer pseudoplatanus</i>	Semi-mature	No	19	5	1	280			4	2	1	1	Fair	20 to 40 yrs	1	B
231292.7 642363.6	122	Sycamore <i>Acer pseudoplatanus</i> <i>Suppressed canopy.</i>	Young	No	18	7	2	140	130		4	2	1	1	Poor	10 to 20 yrs	1	C
231294.6 642363.2	123	Sycamore <i>Acer pseudoplatanus</i> <i>Weak union at 4m</i>	Semi-mature	No	20	9	1	330			3	4	4	3	Fair	20 to 40 yrs	1	B
231295.6 642362	124	Common Elder <i>Sambucus nigra</i>	Young	No	6	4	1	100			1	3	1	1	Poor	10 to 20 yrs	1	C
231285.8 642364.3	125	Sycamore <i>Acer pseudoplatanus</i> <i>Ivy clad.</i>	Semi-mature	No	18	6	1	340			4	1	1	4	Fair	20 to 40 yrs	1	B
231286.2 642363.1	126	Sycamore <i>Acer pseudoplatanus</i> <i>Ivy clad.</i>	Semi-mature	No	19	12	1	300			3	4	2	3	Fair	20 to 40 yrs	1	B
231293.1 642360.4	127	Hawthorn <i>Crataegus monogyna</i>	Semi-mature	No	12	2	1	170			1	3	2	1	Fair	10 to 20 yrs	1	C
231285.7 642360.7	128	Sycamore <i>Acer pseudoplatanus</i> <i>Weak unions at 5m</i>	Semi-mature	No	19	4	1	360			2	7	4	3	Fair	20 to 40 yrs	1	B
231290.8 642358.6	129	Sycamore <i>Acer pseudoplatanus</i>	Semi-mature	No	18	14	1	210			1	5	4	1	Fair	10 to 20 yrs	1	C



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231282.3 642359.5	130	Sycamore <i>Acer pseudoplatanus</i> <i>Sparse canopy, suppressed.</i>	Semi-mature	No	18	4	2	200	120		1	4	1	1	Poor	10 to 20 yrs	1	C
231283 642360.1	131	Sycamore <i>Acer pseudoplatanus</i> <i>Weak unions at base.</i>	Semi-mature	No	20	6	3	250	240	220	4	2	2	5	Fair	20 to 40 yrs	1	B
231283.4 642353.8	132	Common Oak <i>Quercus robur</i>	Young	No	16	13	1	150			1	4	1	1	Poor	20 to 40 yrs	1	C
231280.2 642352.2	133	Sycamore <i>Acer pseudoplatanus</i>	Semi-mature	No	20	4	1	360			5	3	1	4	Good	20 to 40 yrs	1	B
231278.9 642352.2	134	Sycamore <i>Acer pseudoplatanus</i> <i>Suppressed canopy.</i>	Semi-mature	No	17	12	1	200			1	1	1	5	Poor	10 to 20 yrs	1	C
231278.3 642354	135	Sycamore <i>Acer pseudoplatanus</i> <i>Suppressed canopy.</i>	Semi-mature	No	18	5	1	230			5	1	1	5	Fair	10 to 20 yrs	1	C
231281.2 642349.7	136	Sycamore <i>Acer pseudoplatanus</i> <i>Compression forks with included bark at base.</i>	Semi-mature	No	21	6	2	350	210		4	6	4	4	Fair	10 to 20 yrs	1	C
231276 642350.6	137	Sycamore <i>Acer pseudoplatanus</i> <i>Weak unions, ivy clad.</i>	Semi-mature	No	19	5	2	100	250		6	4	2	2	Fair	20 to 40 yrs	1	B

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231275.6 642350.1	138	Sycamore <i>Acer pseudoplatanus</i> <i>Ivy clad.</i>	Semi-mature	No	20	6	1	360			6	2	2	3	Fair	20 to 40 yrs	1	B
231276.9 642348.9	139	Sycamore <i>Acer pseudoplatanus</i> <i>Tall and spindly, suppressed canopy.</i>	Semi-mature	No	20	17	1	170	170	90	3	1	1	2	Poor	10 to 20 yrs	1	C
231276.9 642346.6	140	Sycamore <i>Acer pseudoplatanus</i> <i>Cavity at base.</i>	Semi-mature	No	21	15	3	200	250	140	3	1	2	3	Fair	10 to 20 yrs	1	C
231279.2 642344.1	141	Sycamore <i>Acer pseudoplatanus</i> <i>Weak unions at base.</i>	Semi-mature	No	20	10	4	180	200	180	3	2	3	3	Fair	10 to 20 yrs	1	C
231278.2 642343.3	142	Sycamore <i>Acer pseudoplatanus</i> <i>Ivy clad, tall and spindly.</i>	Semi-mature	No	21	18	1	230			1	1	3	1	Poor	10 to 20 yrs	1	C
231280.7 642343.9	143	Sycamore <i>Acer pseudoplatanus</i> <i>Tall and spindly.</i>	Young	No	19		1	120			1	1	1	1	Poor	10 to 20 yrs	1	C
231281 642343.4	144	Sycamore <i>Acer pseudoplatanus</i> <i>Weak unions at base.</i>	Semi-mature	No	21	12	3	100	300	210	4	3	3	2	Fair	20 to 40 yrs	1	B
231273.2 642345.5	145	Sycamore <i>Acer pseudoplatanus</i>	Semi-mature	No	18	8	1	230			5	2	2	1	Fair	20 to 40 yrs	1	B

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231272.6 642344.4	146	Sycamore <i>Acer pseudoplatanus</i> <i>Compression forks with included bark at base, next to path.</i>	Semi-mature	No	20	7	2	280	240		5	2	2	5	Fair	<10 yrs	1	U
231274.4 642343.1	147	Sycamore <i>Acer pseudoplatanus</i>	Semi-mature	No	20	4	1	280			2	1	5	4	Fair	20 to 40 yrs	1	B
231285.6 642343.2	148	Sycamore <i>Acer pseudoplatanus</i> <i>Ivy clad.</i>	Semi-mature	No	21	6	1	360			6	2	2	4	Fair	20 to 40 yrs	1	B
231286.4 642343.1	149	Sycamore <i>Acer pseudoplatanus</i> <i>Ivy clad.</i>	Semi-mature	No	21	18	1	370			4	4	1	3	Fair	20 to 40 yrs	1	B
231286.7 642341.3	150	Sycamore <i>Acer pseudoplatanus</i> <i>Weak unions at base.</i>	Semi-mature	No	21	17	3	140	240	230	3	4	2	3	Fair	20 to 40 yrs	1	B
231288.8 642339.6	151	Sycamore <i>Acer pseudoplatanus</i>	Semi-mature	No	21	17	1	360			2	4	3	3	Good	20 to 40 yrs	1	B
231286.8 642330.6	152	Sycamore <i>Acer pseudoplatanus</i>	Semi-mature	No	21	11	2	280	300		3	4	4	2	Good	20 to 40 yrs	1	B
231285.5 642330.6	153	Sycamore <i>Acer pseudoplatanus</i> <i>Ivy clad.</i>	Semi-mature	No	21	18	1	300			2	3	1	2	Fair	20 to 40 yrs	1	B

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231288.4 642327.7	154	Sycamore <i>Acer pseudoplatanus</i>	Semi-mature	No	21	10	1	300			2	4	4	2	Good	20 to 40 yrs	1	B
231286.9 642326.1	155	Sycamore <i>Acer pseudoplatanus</i> <i>Leaning bole, compression forks with included bark at 1m.</i>	Semi-mature	No	21	12	2	210	300		2	4	4	2	Fair	10 to 20 yrs	1	C
231284.8 642327.1	156	Sycamore <i>Acer pseudoplatanus</i>	Semi-mature	No	21	8	1	300			4	3	3	4	Good	20 to 40 yrs	1	B
231280.8 642337.8	157	Sycamore <i>Acer pseudoplatanus</i>	Semi-mature	No	21	10	1	220			2	3	1	2	Fair	20 to 40 yrs	1	B
231281 642336	158	Sycamore <i>Acer pseudoplatanus</i>	Semi-mature	No	21	9	1	310			3	3	3	3	Good	20 to 40 yrs	1	B
231277.8 642335.2	159	Sycamore <i>Acer pseudoplatanus</i>	Semi-mature	No	21	11	1	260			4	2	1	4	Fair	20 to 40 yrs	1	B
231282.9 642340	161	Sycamore <i>Acer pseudoplatanus</i> <i>Compression fork with included bark at base.</i>	Semi-mature	No	21	8	2	260	220		4	2	2	2	Fair	10 to 20 yrs	1	C
231279.5 642339.5	162	Sycamore <i>Acer pseudoplatanus</i> <i>Large compression fork with included bark at base</i>	Early-mature	No	21	8	1	400			4	2	2	4	Poor	<10 yrs	1	U
231278.2 642338.7	163	Sycamore <i>Acer pseudoplatanus</i> <i>Suppressed canopy.</i>	Semi-mature	No	20	10	2	220	170		2	1	2	4	Fair	10 to 20 yrs	1	C

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231279.3 642337.7	164	Sycamore <i>Acer pseudoplatanus</i> <i>Weak unions at base, deadwood.</i>	Semi-mature	No	20	12	4	130	140	180	2	1	1	3	Poor	10 to 20 yrs	1	C
231276 642338.2	165	Sycamore <i>Acer pseudoplatanus</i> <i>Suppressed and spindly.</i>	Semi-mature	No	12	4	2	100	130		3	1	1	5	Poor	10 to 20 yrs	1	C
231278.8 642339.3	1387	Sycamore <i>Acer pseudoplatanus</i>	Semi-mature	No	21	9	1	270			2	1	1	5	Fair	20 to 40 yrs	1	B
231267.5 642336.2	167	Sycamore <i>Acer pseudoplatanus</i> <i>Weak unions at base, ivy clad.</i>	Semi-mature	No	18	5	4	220	230	150	4	4	4	3	Fair	10 to 20 yrs	1	C
231266.2 642334.7	168	Sycamore <i>Acer pseudoplatanus</i>	Semi-mature	No	19	10	1	300			4	3	4	4	Fair	20 to 40 yrs	1	B
231265.6 642333.5	169	Sycamore <i>Acer pseudoplatanus</i> <i>Compression fork with included bark at base.</i>	Semi-mature	No	17	10	3	200	170	160	2	3	2	4	Poor	<10 yrs	1	U
231264.1 642331.9	170	Sycamore <i>Acer pseudoplatanus</i> <i>Tall and spindly.</i>	Young	No	10	5	2	90	80		1	1	1	4	Poor	10 to 20 yrs	1	C
231263 642330.4	171	Sycamore <i>Acer pseudoplatanus</i> <i>Compression fork with included bark at base.</i>	Semi-mature	No	18	8	2	240	180		4	1	1	1	Poor	<10 yrs	1	U

Easting Northing	Tree ID	Common Name <i>Latin Name</i>	Age Class	Likely Bat Habitat	Height (m)	Crown Height (m)	Nos. of Stems	Stem Diam. (mm)	Stem 2 (mm)	Stem 3 (mm)	Spread N (m)	Spread E (m)	Spread S (m)	Spread W (m)	Cond. Class	Life Expectancy	BS5837 Sub. Cat.	BS5837 Quality
231262.6 642329.5	172	Sycamore <i>Acer pseudoplatanus</i> <i>Compression fork with included bark at base.</i>	Semi-mature	No	21	11	3	290	90	200	3	2	4	4	Fair	<10 yrs	1	U
231261.8 642328	173	Sycamore <i>Acer pseudoplatanus</i>	Semi-mature	No	14	4	1	330			4	2	4	4	Fair	20 to 40 yrs	1	B
231271.5 642333.1	175	Sycamore <i>Acer pseudoplatanus</i> <i>Basal cavity.</i>	Semi-mature	No	21	9	1	270			5	2	2	3	Fair	10 to 20 yrs	1	C
231275.7 642331.2	178	Sycamore <i>Acer pseudoplatanus</i>	Semi-mature	No	21	15	1	330			4	3	4	4	Fair	20 to 40 yrs	1	B
231281.9 642331.3	179	Sycamore <i>Acer pseudoplatanus</i> <i>Tall and spindly.</i>	Semi-mature	No	21	18	1	190			1	1	1	1	Poor	10 to 20 yrs	1	C
231282 642326.6	180	Sycamore <i>Acer pseudoplatanus</i>	Semi-mature	No	21	13	1	270			3	1	4	3	Fair	20 to 40 yrs	1	B
231282.9 642324.9	181	Sycamore <i>Acer pseudoplatanus</i> <i>Basal cavity, suppressed.</i>	Young	No	10	7	1	130			1	1	2	3	Poor	10 to 20 yrs	1	C
231280.6 642326.4	183	Sycamore <i>Acer pseudoplatanus</i>	Semi-mature	No	21	12	1	270			2	2	4	4	Fair	20 to 40 yrs	1	B

Eastings Northing	Tree ID	Common Name <i>Latin Name</i>	Age Class	Likely Bat Habitat	Height (m)	Crown Height (m)	Nos. of Stems	Stem Diam. (mm)	Stem 2 (mm)	Stem 3 (mm)	Spread N (m)	Spread E (m)	Spread S (m)	Spread W (m)	Cond. Class	Life Expectancy	BS5837 Sub. Cat.	BS5837 Quality
231306.5 642373.3	<b>1388</b>	Sycamore <i>Acer pseudoplatanus</i>	Semi-mature	No	21	9	1	310			4	3	3	3	Fair	20 to 40 yrs	1	B
231271.8 642327.5	<b>184</b>	Sycamore <i>Acer pseudoplatanus</i> <i>Weak unions at base.</i>	Semi-mature	No	21	5	2	290	250		4	2	2	4	Fair	20 to 40 yrs	1	B
231272.3 642324.7	<b>185</b>	Sycamore <i>Acer pseudoplatanus</i>	Semi-mature	No	20	8	1	290			4	1	3	4	Fair	20 to 40 yrs	1	B
231270 642324.8	<b>186</b>	Sycamore <i>Acer pseudoplatanus</i>	Semi-mature	No	21	3	1	250			4	1	1	5	Fair	20 to 40 yrs	1	B
231270.2 642323.1	<b>187</b>	Sycamore <i>Acer pseudoplatanus</i>	Semi-mature	No	20	5	2	350	150		1	2	2	5	Fair	20 to 40 yrs	1	B

### Tree Survey Assessment Criteria

The tree survey is undertaken in accordance with a range of criteria listed in BS 5837:2012 *Trees in Relation to Design, Demolition and Construction-Recommendations*.

#### Quality Category

Category A: (HIGH quality, trees with particular merit with an estimated remaining life expectancy of at least 40 years).

Category B: (MODERATE quality with an estimated remaining life expectancy of at least 20 years).

Category C: (LOW quality with an estimated remaining life expectancy of at least 10 years).

Category U: (UNSUITABLE quality, in such condition that they cannot realistically be retained as living trees in the context of the current land use. Life expectancy less than 10 years).

**Sub Categories:** The BS 5837 subcategories: 1 - mainly Arboricultural Qualities, 2 - mainly landscape qualities, 3 - Cultural qualities.

#### Tree Condition

Defects or diseases and relevant observations have been recorded under condition of Crown, Stem, Basal area and Physiological condition. It is important to appreciate that in BS5837 criteria only basic condition categories are recorded and the inspection process does not constitute a tree safety survey.

The overall condition of a tree has been referred to as one of the following:

- Good: A sound tree needing little if any attention at the time of survey.
- Fair: A tree with minor but rectifiable defects or in the early stages of stress, from which it may recover. The tree may have structural weaknesses which might result in failure.
- Poor: A tree with clear and obvious major structural and or physiological defects or stressed such that it would be expensive to retain and necessarily requires to be inspected on a regular basis for safety purposes.
- Decline: Irreversible with death inevitable in the short term.
- Dead. To be removed unless stated to the contrary.

#### Age Class

Age Class and Life Expectancy are clearly related but the distinction is necessary due to the variation between tree species. Knowledge of the longevity of individual species has been applied to determine the relative age and life expectancy categories in which trees are placed.

Age class is classified as:

- Y: Young trees up to 15 years of age.
- SM: Semi-mature trees less than 1/3<sup>rd</sup> life expectancy.
- EM: Early Mature trees between 1/3<sup>rd</sup> and 1/2 of life expectancy.
- M: Mature trees between 1/2 and 2/3<sup>rd</sup> of life expectancy.
- LM: Late mature - A senescent or moribund specimen with a limited safe useful life expectancy.
- V: Veteran status – a tree of significant age and character such that even in poor condition the tree has a value for retention for arboricultural or ecological reasons.



**Safe Useful Life Expectancy (SULE)**

The survey schedule identifies a Safe Useful Life Expectancy (SULE) for each tree. This is a subjective assessment of the number of years that the tree can be expected to survive without deteriorating to the extent that safety is compromised. The estimated remaining contribution is given in ranges of years (<10, 10 to 20, 20 to 40, >40).

*It is important to note that SULE does not in any way suggest that regular inspection and remedial work can be ignored. SULE does not take into account routine management that will be required to deal with minor structural or cultural problems, or damage that may arise from climatic or other physical intervention. The SULE value given for each tree reflects the following opinion based on current tree condition and environmental considerations:*

**<10 years.** The tree has very limited prospects, due to terminal decline or major structural problems. Its removal should be planned within the next 10 years, unless immediate removal is recommended for safety reasons.

**10-20 years.** The tree has obvious structural or physiological problems that cannot be rectified, and decline is likely to continue. Removal or major tree surgery work may be necessary, or the species is approaching its normal life expectancy and decline due to senescence can be expected within this timeframe.

**20-40 years.** Relatively minor defects may exist that are likely to increase safety risks or general tree health over a longer period of time. At this stage it is not possible to fully predict the impact of such defects. Or the species is approaching its normal life expectancy and due to senescence decline can be expected within this timeframe.

**>40.** There is currently no health or structural problems evident, and the tree can be expected to survive safely for 40 or more years.

## **Arboricultural Method Statement – Guidance**

### **Introduction**

The Arboricultural Method Statement provides guidance taking into account the effects of any tree loss required to implement the design, and any potentially damaging activities proposed in the vicinity of retained trees. The method statement may require to be revised in the light of specific proposals as the design plan develops or is amended.

In addition to the impact of the permanent works, account must be taken of the build-ability of the scheme in terms of how trees may be affected by access, adequate working space and provision for the storage of materials during the development.

The location and dimensions of all proposed excavations or changes in ground level, including any that might arise from the implementation of the recommended mitigation measures requires being assessed.

### **Recommendations**

1. *The Method Statement and Tree Protection Plan should be communicated to all members of the Construction Team.*
2. *Tree protection measures should be implemented, including the erection of a tree protection fence and Hand Dig method within the rooting zone of trees.*
3. *Contractor parking to be on existing hard standing.*
4. *It is imperative that no materials, fuel or other material is stored within the rooting zones of any trees.*

### **Tree Constraints and Root Protection Area (RPA): Information**

Tree root protection distances are calculated using BS5837:2012 recommendations. Where the precautionary distance is impeded for trees to be retained mitigation measures are advocated. In circumstances where a tree is to be removed for the design proposal to progress and no alternative is available tree felling require to be agreed by the Planning Authority prior to construction or demolition activity.

Below ground constraints to development are represented by the area surrounding the tree that contains sufficient rooting volume to ensure survival of each tree to be retained. This is referred to as the RPA and is shown as a 12 sided hatched circle (dodecagon) of a given radius, calculated using the formula below. The circle may be modified in shape to maintain a similar total area depending on the presence of surrounding obstacles. A RPA is equivalent to a circle with a radius 12 x the stem diameter for single stem trees and 10 x the basal diameter for trees with more than one stem arising less than 1.5 metres above ground level.

Table 1: Formula taken from 'Table 2: Calculating the RPA', British Standard 5837 (2012)

RPA (m<sup>2</sup>) = (stem diameter (mm) x 12 / 1000) <sup>2</sup> x 3.142 This figure should be capped to 707m<sup>2</sup>, equivalent to a circle with a radius of 15m, or a square with approximately 26m sides.

### Root Protection Information

*The rooting zone of trees is indicated by the grey dodecagons on site maps.*

Construction access may take place within the RPA if suitable ground protection measures are in place. This may comprise single scaffold boards over a compressible layer laid onto geo-textile materials for frequent pedestrian movements. Vehicular movements over the RPA will require the calculation of expected loading and may require the use of proprietary protection systems.

### Recommendations

1. *Prior to construction a Tree Protection Plan is normally required showing Construction Exclusion Zones (CEZ) behind a Tree Protection Fence which eliminates the need for further ground protection measures within this area.*
2. *Where excavation is required through the rooting zone of trees to be retained a hand dig excavation through the root system is recommended. Unearthed roots should be severed using secateurs and wrapped with wet hessian. Excavated trenches should be re-filled within 12 hours with soil. If operational require a longer period trenches should be covered over with plastic sheeting and refilled within 48 hours.*

### Changes in levels: Information

Where it is shown that the construction of a walls or buildings encroaches within the RPA of a retained tree, the foundations of the wall or building will be excavated in such a manner so as to minimize the detrimental effect of the construction on the tree's roots.

*In these situations any excavations within the RPA of an affected tree will only be undertaken following exploration of the existing root system by a hand dig approach and the necessary root pruning undertaken to allow excavation without unnecessary pulling and tearing of the roots to be retained.*

### Installation and layout of services Information

In the situation that excavations within the RPA of a tree is required that has not been previously considered by the Implications Assessment, this should only be undertaken following exploration of the existing root system with an air spade and the necessary root pruning undertaken to allow excavation.

### Overhead Services: Information

All routes for overhead services should they be required will aim to avoid the trees. Where this is unavoidable, any tree work will be agreed prior to commencement with the Arboricultural Officer. All service providers (Statutory Authorities) will be consulted prior to commencement of works with the aim of minimizing the number of service runs on the site.

### **Tree Protection Barriers Information**

Retained trees require to be adequately protected during works. Measures to protect these should follow the best practice principles set out in British Standard 5837: (2012). These have been broadly summarised below:

All trees retained on site will be protected by barriers or ground protection where indicated in accordance with British Standard 5837: (section 4.6). Fencing will be erected prior to commencement of construction and before the erection of any temporary structures. Once set up, fences should not be removed or altered without prior consultation with the Arboricultural advisor.

Pre-development tree works should be undertaken prior to the installation of fencing.

The fencing must be fixed into the ground to withstand accidental impact from machinery, erected prior to site start and retained on site and intact through to completion of development. All weather notices shall be erected on said fencing with words "Construction exclusion zone - Keep out". Within the fenced off areas creating the Construction Exclusion Zones the following prohibitions must apply:- \*No vehicular or plant access \*No raising or lowering of the existing ground level \* No mechanical digging or scraping \* No storage of temporary buildings, plant, equipment, materials or soil \* No hand digging \* No lighting of fires \* No handling discharge or spillage of any chemical substance, including cement washings Reason: To ensure that existing trees are protected during construction from damage in the interests of maintaining the existing woodland setting and the visual and environmental amenity of the area.

Any trees that are not retained should be felled prior to the erection of protective fencing. Particular attention needs to be given by approved contractors to minimise damage or disturbance to retained specimens. All tree works should follow best practice procedures as set out in British Standard 3998: 'Tree Work - Recommendations' (2010).

All trees should be maintained in good condition on site and be regularly inspected annually (where overall condition requires) and after any major storm events, with safety as a priority.

### **Recommendations**

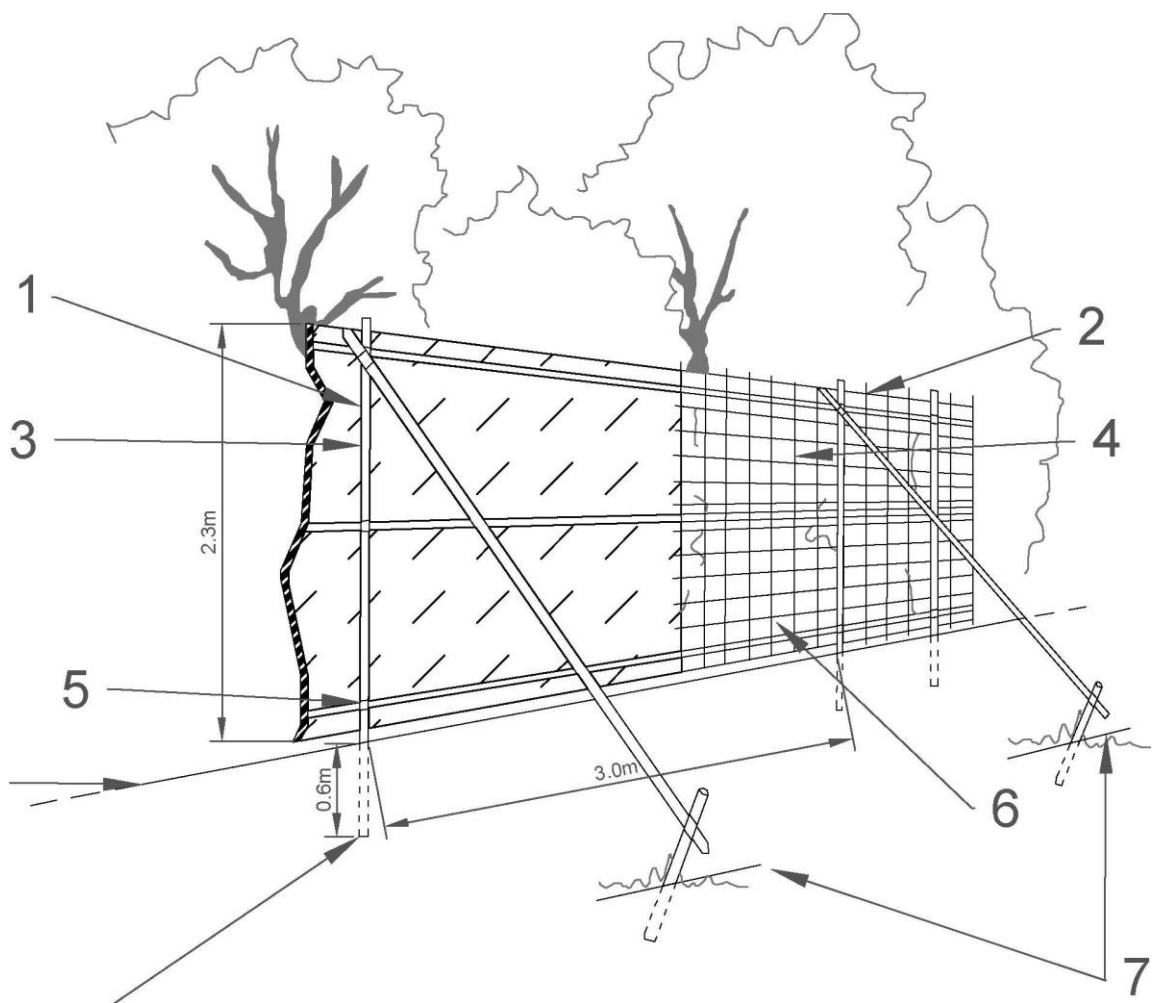
1. *Fencing should be strong and suitable for the location, type and proximity of construction activity. Barriers must remain rigid and complete.*
2. *Fencing should comprise a scaffold framework comprising a vertical and horizontal framework. For particular areas where construction activity is anticipated to be intense higher fencing may be necessary. Typical fencing specifications are illustrated in Figure 1.*
3. *Following a change of land use trees should be inspected on a regular basis where they are in close proximity to frequently occupied spaces.*

## Removal of Tree Protection Fencing

Tree protection fencing should remain in place throughout the period of construction. No heavy plant should access the RPA of any tree.

**Figure 1: Protective Fencing Specifications** Based on BS5837 (2012) - Recommendations

1. Standard scaffold poles.
2. Uprights to be driven into the ground.
3. Panels secured to uprights with wire ties and where necessary with standard scaffold clamps.
4. Weldmesh wired to the uprights and horizontals.
5. Standard clamps
6. Wire twisted and secured on the inside face of fencing to avoid easy dismantling.
7. Ground level.



### **Protection outside the exclusion zone**

Once the areas around trees have been protected by the fencing, any works on the remaining site area may be commenced providing activities do not impinge on protected areas. Notices should be placed on fencing to indicate that operations are not permitted within the fenced area.

Wide or tall loads etc. should not come into contact with retained trees. Banksmen should supervise transit of vehicles, jibs, booms etc. where this is in close proximity to retained trees.

Oil, bitumen, cement or other material that is potentially injurious to trees should not be stacked or discharged within 10m of a tree bole. No concrete mixing should be done within 10m of a tree. Allowance should be made for the slope of ground to prevent materials running towards trees.

No fires should be lit where flames are anticipated to extend to within 5m of tree foliage, branches or trunk, taking into consideration wind direction and size of fire.

Notice boards, telephone cables or other services should not be attached to any part of a retained tree.

### **Protection of Trees Close to the Site: Information**

All trees located outside the boundaries of the assessment site yet within close proximity to works should be adequately protected during the course of the development by barriers or ground protection around the calculated RPA. Any trees which are to be retained and whose RPAs may be affected by the development should be monitored to identify any alterations in quality with time and to assess and undertake any remedial works required as a result.

### **Protection for Aerial Parts of Retained Trees: Information**

Where it is deemed necessary to operate a wide or tall load, plant bearing booms, jibs and counterweights or other such equipment, as part of construction works, and such equipment would have potential to cause injurious contact with crown material i.e. low branches and limbs, of retained trees within the RPA fencing, it is best advised that appropriate, but limited tree surgery, be carried out beforehand to remove any obvious problem branches. This is classed as 'Access Facilitation Pruning', British Standard 5837: (2012) paragraphs 8.8.1.2. Any such pruning should be undertaken in accordance with a specification prepared by an arboriculturist.

In the event of having caused any such branch or limb damage to retained trees it is strongly recommended that suitable tree surgery be carried out, in accordance with British Standard 3998: 'Tree Work - Recommendations' (2010), to correct the damage.

### **Recommendations**

*It is strongly advised that a pre-commencement site meeting is held with contractors who are responsible for operating machinery, as described above, to firstly highlight the potential for damage occurring to tree crowns and to ensure that extra care is applied when manoeuvring machinery during such operations within close proximity to retained trees to avoid any contact.*

### **Demolition of existing buildings and surfaces: Information**

In advance of demolition to buildings and manmade surfaces tree protection fencing must be in place and a suitable location for spoil allocated.

**Exposure due to tree removal: Information**

Wind throw (wind blow) is a consideration when trees are removed from any group.

**Construction site access: Information**

The access and egress for the operation should occur via existing hard standing or a new access created away from tree rooting zones unless otherwise agreed and protection measures put in place.

**Recommendation**

*In the pre-construction briefing it should be made clear that parking or traversing heavy plant on areas adjacent to trees to be retained will damage tree roots.*

**Construction site layout (offices, parking) Information**

*With the current availability of open ground and roadside parking, no structures or vehicle parking associated with site management should be required within areas where trees are present.*

**Construction site materials storage Information**

Materials should be stored in a designated area. The space for storing (whether temporary or long-term) materials, spoil and fuel and the mixing of cement and concrete; should be accommodated within this designated area.

The effects of slope on the movement of potentially harmful liquid spillages towards or into protected areas have been considered. Arrangements should be made in the storage area to ensure no spillages are capable of running into or blown onto tree rooting areas.

Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bund compound shall be at least equivalent to the capacity of the tank plus 10%. If there is a multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses shall be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.

**Planting: Information**

As stated in BS 5837:2012, regular maintenance of newly planted trees is of particular importance for at least three years during the critical post-planting period and might, where required by site conditions, planning requirements or legal agreement, be necessary for five years or more. Please refer to BS 8545:2014 *Trees: from nursery to independence in the landscape Recommendations*.

**Wildlife: Information**

Wildlife is protected in law and it is a legal requirement that Bats, and nesting birds or other protected species are not disturbed.

Tree removal works should be undertaken out with the bird nesting season or alternatively, following a thorough inspection of the trees to be removed including conducting an aerial inspection if necessary. The presence of dense ivy on trees will require the specific requirement to check the presence of bird nests between March and the end of September.

**Tree Surgery: Information**

All tree work should it become necessary will be agreed and carried out in line with BS 3998:2010 (Recommendations for Tree Works).

**Recommendations**

*Tree Contractors - Management Recommendations & Control measures:*

1. *All tree surgery operations are governed by the British Standard 3998, "Recommendations for Tree Works". Contractors employed must be required to comply with this standard, and any future pruning works should be conducted by a fully qualified and fully insured, reputable Arboricultural contractor. Such a contractor should provide evidence of insurance and qualifications for all classes of tree surgery operations.*
2. *A method statement and risk assessment should be requested for inspection prior to the commencement of works.*
3. *The general tree protection measures shall apply to the tree surgery teams.*
4. *All contractor vehicles to be parked outside the (Construction Exclusion Zone –CEZ).*
5. *No re-fuelling of machinery to take place within the CEZ and not within 10m of the CEZ or uphill of it.*
6. *Re-inspections should be conducted annually, and it is advised that the timing of tree inspection timing should be varied for the most comprehensive results.*

**Monitoring**

In accordance with item 6.3 of BS5837:2012, the site and associated development should be monitored regularly by a competent Arboriculturist to ensure that the tree protection measures are complied with.

**Post Development Implications**

The design of the development should aim to ensure no future pressures for tree removal arise.



### Report limitations

1. The survey is only concerned with the arboriculture aspects of the site.
2. The report is based on visual inspections conducted from ground level with the purpose of categorising trees in relation to design, demolition and construction and does not provide reliable data on tree safety. This report is not, nor should it be taken to be, a full or thorough assessment of the health and safety of trees on or adjacent to the site, and therefore it is recommended that detailed tree inspections of retained trees are undertaken on a regular basis with the express purpose of complying with the landowner's duty of care and satisfying health and safety requirements.
3. The statements made in this report do not take account of the effects of extremes of climate, vandalism or accident, whether physical, chemical or fire.
4. The authority of this report ceases within one year from the date of the survey or when any site conditions change, soil levels are altered near trees, tree work undertaken, or following severe weather occurrences which supersede the current validity of the report.
5. The validity, accuracy and findings of this report will be directly related to the accuracy of the information made available prior to and during the inspection process. No checking of independent third-party data will be undertaken.
6. Any observations that are made regarding the condition of built structures and hydrology are from a laypersons view. The legal property on which the trees stand is not assessed.
7. The report contains Visual Tree Inspections undertaken from ground level. Visual inspections relate only to those parts of the tree which are visible. Roots are not inspected and during summer when trees are in leaf parts of the canopy may not be visible. Where a tree or parts of a tree could not be inspected due to epicormic growth, ivy or restricted access, liability is not accepted. Only the visible pathogens are recorded; this does not confirm the absence of other pathogens but that no fungal fruiting bodies, or other signs, were visible at the time of the survey.

Ayrshire Tree Surgeons cannot accept any liability in connection with the following:

- I. A tree which has not been subject to a full and thorough inspection.
- II. For any part of a tree that is not visible from the ground near the tree.
- III. Where excavations have taken place within the rooting area of a tree.
- IV. Branch or limb failure resulting from conditions associated with Summer Branch Drop.
- V. The effect of extreme weather events, climate, vandalism or accident, whether physical, chemical or fire.

- VI. Where tree surgery work is not carried out in accordance with current good practice
8. Felling licenses are the responsibility of the tree owner. The Forestry Commission controls tree felling by issuing felling licences. In any calendar quarter, you may fell up to 5 cubic metres without a licence if no more than two cubic metres are sold. Timber volumes are not assessed.
  9. Planning restrictions applying to tree works remain the responsibility of the tree owners.
  10. No failsafe guarantees can be given regarding tree safety because the lightweight construction principles of nature dictate a natural failure rate of intact trees. Trees are living organisms and can decline in health rapidly due to biotic and abiotic influences. Therefore, failure of intact trees can never be ruled out due to the laws and forces of nature.
  11. This report has been prepared exclusively by the Ayrshire Tree Surgeons Ltd for the 'Client' and no responsibility can be accepted for actions taken by any third party arising from their interpretation of the information contained in this document. No other party may rely on the report and if they do, then they rely upon it at their own risk.



Christopher Calvey - Ayrshire Tree Surgeons Ltd

**Appendix 1: Project Contact Details**

**Landowner**

Stuart McLean & Susan Pearce

[Redacted]  
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**Ayrshire Tree Surgeons Ltd**

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**Architect**

Simon Ash

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[Redacted]  
[Redacted]

## Appendix 2: References

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Institute of Chartered Foresters Tel: 0121 225 2705

8th March 2024

North Ayrshire Council,  
Cunninghame House,  
Irvine  
KA12 8EE

To whom it may concern,

Having been advised of the Notice of Review making application for the decision to refuse application [23/00697/PP: Site to North West of Eglinton House, Kilwinning](#) to be reviewed by the Council's Local Review Body, the residents of Knightsbridge House collectively wish to make the following representations in response to the submitted Appeal report:

With regard to the objection raised in relation to Policy1(CountrysideObjective), the Appeal document states:

*5.3 Currently the applicant can legally offer the site for camping for payment for up to 28 days in a calendar year without the need for approval.*

*5.4 Within the Scottish right to roam legislation my client is able to offer this site as a free venue for wild camping.*

*5.5 Camping is an acceptable use for the site however the two options available to the applicant offer no viable means of managing the site to regulate for being a good neighbour.*

*5.6 Temporary permission affords the council an opportunity to manage permissible camping and decide further down the line if this type of development works within the park setting.*

*5.7 The applicant submits that if the site is suitable for limited and wild camping it would make more sense to offer a managed approach for the benefits of the park.*

In response:

1. Limited camping is restricted to a maximum of 28 days a year, which would have a considerably lower impact on the environment and local residents than a year round managed glamping site.
2. Similarly, the Scottish Access Code is clear on the concept that wild camping should 'leave no trace' to avoid damaging the natural environment or disturbing local wildlife. It is highly unlikely that there would be significant numbers of people interested in wild camping at this site, so, again, this is a very different proposition to the impact that a year round glamping pod site would have on the locality.

There is therefore no logic to the idea that if the site is suitable for limited and wild camping it would make more sense to offer a managed approach, as the concepts are simply not comparable, and the impact of limited/wild camping in portable tents bears no relation to the proposed development of glamping pods.

The applicant also states they have no viable means of managing the site to regulate for being a good neighbour if it is used for limited/wild camping, but ultimately they have to give permission to anyone, including wild campers, to camp on the land. Surely that gives more than a fair measure of control over who is permitted to use the land. The applicant would have exactly the same access to oversee and manage the grounds irrespective of who is occupying the site. If they are unable to control the behaviours of a small number of wild campers, they will be equally unable to manage the behaviours of glampers.

With regard to the objection raised in relation to Policy2(Placemaking), the Appeal document states:

*6.2 The rustic nature of the proposed buildings is in character to the surrounding woodland. The **temporary nature of the application** (5 years) affords the council time to consider more long term aesthetics should the development be sustainable financially.*

*6.3 By granting **temporary approval** for the development the council can manage the impact on the park for a predefined period to determine if any perceived negative impacts resulting from*

*noise and disturbance are present. Block bookings already established in the park are more likely to result in nuisance as they are more likely to bring together groups who are know to one another. Individual booking can be managed to avoid this problem.*

*6.5 The applicant contends that the development would accord with the Strategic Policy 2 and granting a time limited approval offers the applicant an opportunity to prove the concept.*

In response:

The applicant states repeatedly that this is a temporary application. However, on the submitted planning application 23/00697/PP in response to the question “Is this a temporary permission?”, the applicant has actually ticked “No”.

---

Is this a temporary permission? *	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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[screenshot taken from Planning Application 23/00697/PP on OPIS]

Presumably this is an error, but it needs to be rectified to ensure absolute clarity for the future.

The applicant’s response repeatedly refers to the ‘temporary’ nature of the approval being sought, but it seems apparent that the intention from the outset is for a permanent settlement. For structural integrity in an area that can be severely impacted by high winds and storms, the glamping pods will require substantial foundations, as will a toilet/shower block. The planning application states that a sewage treatment plant will be installed and the site will have a mains water connection.

None of the above are conducive to a temporary development and cannot be easily dismantled. We are concerned that should so-called ‘temporary’ permission be granted, at the end of the proposed temporary development period the applicant will be counting on the permanence of the structures as an argument in favour of retaining and further developing the settlement irrespective of any adverse impact that has become evident.

From the perspective of the local residents, 5 years is not a temporary time-frame and it gives us considerable concern that there would be no redress to the expected noise, traffic and general disruption of this development for such a length of time.

In responding to the objection in relation to Strategic Policy 2, the Appeal document has focused predominantly on the the development/maintenance/improvement of the woodland. However, the Decision notice states that the proposed development would be contrary to the Safe and Pleasant quality of Strategic Policy 2 (Placemaking) because: *The proposed tourism use on the site would be likely to result in adverse noise and disturbance, the effects of which would have a negative impact on the established amenity of the area and its residents*

This does not appear to have been addressed at all in the Appeal document. The Review Body will be aware from the original representations that there were a considerable number of concerns raised about the impact of increased traffic on the current road. The suggestion that this development will have far less impact than the block bookings at the existing camping site is irrelevant as that campsite is not accessed via the private road on which the planned glamping site is situated.

It was pointed out in many of the original representations that the site is on a private road and there does not appear to be any evidence that permission for access has been sought, or that any agreement regarding future financial/other consideration to maintain the road has been put in place.

The Roads consultation response raised no objections from North Ayrshire council simply because, as they pointed out, they do not own the road and therefore are not in a position to object.

Does the applicant have express permission from the current owner of the road to use it for commercial purposes?

Based on these observations we do not feel that this development in any way accords with the Strategic Policy 2 and granting a time limited approval is simply a back door route to getting a permanent structure in place.

With regard to the objection raised in relation to Policy 11 (Historic Gardens and Designed Landscapes), the Appeal document states:

*8.1 Site is located within the park. The land surrounding the site is mainly agricultural and used for livestock and the Pony Partnership. This development will have limited, if any, impact on the historical setting and to suggest that it brings down the character of the park is humorous verging on hysterical.*

*8.2 The applicant submits that raising this issue is irrelevant to the argument as the main Historical features of the park are a substantial distance from the site. Notwithstanding this the buildings are within the forested area and are screened, mostly from the park.*

In response:

The objection raised in relation to Policy 11 stated that the removal of a large number of trees and other vegetation as a result of the development of the land would not be compatible with the proper management of the historic landscape because it would, amongst other things, *fragment the woodland area on this historic western approach route to Eglinton castle.*

The applicant has themselves acknowledged that trees and vegetation will need to be cleared. Furthermore, the planning drawings show a significant portion of the site given over to a car park at the front of the site. These developments will directly and considerably impact the western approach road. The derisory tone of the applicant's response in suggesting that a degree of respect for the historic setting is hysterical does not bode well for a sensitive development in this historic landscape.

We would like the Review Body to consider these additional representations, together with the considerable number of original representations, and uphold the existing refusal of the planning permission.

Yours Faithfully,

Residents of Knightsbridge House:

Ms L Sutherland  
Mr C McBlain  
Mrs P McBlain  
Mr S Hunt  
Ms T Howe  
Mr K Tulpin  
Ms R Campbell  
Mrs C McColl  
Ms K Wilson  
Ms S Alexander  
Mr R Woodhouse

Hi Diane,  
Sincere apologies for late submission.

My wife and I still object to the planning application 23/00697/PP

In addition to all of our reasons given in our previous comments we would like to make 2 additional new comments.

1. The developer is under investigation by Scottish Forestry.  
It is our understanding that Scottish Forestry are investigating the developer. It may be of interest to the Committee to find out if this investigation has implications relating to any temporary approval of this appeal.

2. Surface water run off from the site onto main road into the park is becoming a hazard - photos attached.

Kind regards,

Joe and Helen Broussard









**Subject:** Re: Planning Application: 23/00697/PP: Site to North West of Eglinton House, Kilwinning

Diane

Please find below my clients response to the representation.

North Ayrshire Council

#### Policy 1

If land is left open there is no management or control, over wild camping that is an irrefutable fact.

Wild camping is common within the park and it seems logical if a private site were left open, and the Rangers have no authority, then campers will migrate to that area of the park. While wild camping has a tread lightly approach and litter should be taken off site. If this was a realistic policy which everyone adhered to there would be no requirement for litter patrols in towns and on road sides. Where humans roam litter follows that is an absolute fact.

Paying guests are more easily managed and better managements creates better guests.

#### Policy 2

The application lodged on the portal has a facility to copy a previous application. Both the applicant and the agent are dyslexic and in undertaking the filling of the application form both missed the box to tick however stated in writing on the form that this was for a temporary permission. The intention therefore was clear. This was probably an oversight by the planning officer as the council was fully aware of the agents condition and as the application was clearly assessed on full permission being permanent. There is, therefore, an argument for failing to make reasonable adjustment contrary to the Equality Act.

With temporary approval being granted the applicant is determined that the business model works and the applicant will be able to prove this. Proving the business model also clarifies the concerns raised by the dissenters without any future risk. If the project doesn't work then the land will be returned to its previous state. If it does then the area will be enriched by it and everyone benefits.

The roads department have clarified that 7 additional cars on the road within the park will not have a major impact on the park.

#### Policy 11

Removal of the trees is necessary for the health of the remaining trees.

As stated above the Agent and Applicant are both dyslexic and therefore the tone may be understood by the objectors to be derisory however this is not the case and is probably a misinterpretation of the facts the agent was imparting. As a more modern architect the agent is sympathetic to historical structures but they should be a source of inspiration never a barrier to development or progress.

With the exception of Eglinton House the surrounding land is a commercial enterprise. Within this area of the park in addition to agriculture operates numerous enterprises including but not limited to Weiston House Kennels, Pony Partnership, and Kilwinning Model Railway Club. Additionally the residents of Knightsbridge House purchased their properties less than 150 metres of a much larger camping site which has little in management control and are complaining about a managed site more that 700m away.

Simon Ash (Director)

Ash Architectural.

## REPORT OF HANDLING



North Ayrshire Council  
Comhairle Siorrachd Àir a Tuath

<b>Reference No:</b>	23/00697/PP
<b>Proposal:</b>	Tourism development comprising the erection of 7 no. glamping pods, shower/toilet block and the formation of a car park and footpaths
<b>Location:</b>	Site To North West Of Eglinton House, Kilwinning, Ayrshire,
<hr/>	
<b>LDP Allocation:</b>	Countryside/Rural Community
<b>LDP Policies:</b>	SP1 - The Countryside Objective / Strategic Policy 2 / Detailed Policy 10 - Listed Buildings / Detailed Policy 11 - Historic Gardens / Detailed Policy 14- Green & Blue Infrastr / Detailed Policy 15- Landscape & Seascape / Detailed Policy 29 - Energy Infrastructu /
<hr/>	
<b>Consultations:</b>	Yes
<b>Neighbour Notification:</b>	Neighbour Notification carried out on 12.10.2023 Neighbour Notification expired on 02.11.2023
<b>Advert:</b>	Setting of Listed Building Published on:- 18.10.2023 Expired on:- 08.11.2023
<hr/>	
<b>Previous Applications:</b>	22/00530/PP for Tourism development comprising the erection of 7 no. glamping pods, office, shower/toilet block, workshop and single storey dwelling house to include the formation of associated access road and parking, drainage infrastructure, tree removal and landscaping works Application Refused on 13.09.2022
<b>Appeal History Of Site:</b>	None

### Relevant Development Plan Policies

SP1 - The Countryside Objective  
The Countryside Objective

We recognise that our countryside areas play an important role in providing homes, employment and leisure opportunities for our rural communities. We need to protect our valuable environmental assets in the countryside while

promoting sustainable development which can result in positive social and economic outcomes.

We want to encourage opportunities for our existing rural communities and businesses to grow, particularly on Arran and Cumbrae, and to support these areas so that they flourish.

We also recognise that, in general, countryside areas are less well suited to unplanned residential and other developments because of their lack of access to services, employment and established communities. We will seek to protect our prime and locally important agricultural land from development except where proposals align with this spatial strategy.

In principle, we will support proposals outwith our identified towns and villages for:

- a) expansions to existing rural businesses and uses such as expansions to the brewery and distillery based enterprises in the area.
- b) ancillary development for existing rural businesses and uses, including housing for workers engaged in agriculture or forestry.
- c) developments with a demonstrable specific locational need including developments for renewable energy production i.e. wind turbines, hydroelectric schemes and solar farms.
- d) tourism and leisure uses, where they would promote economic activity, diversification and sustainable development, particularly where they develop our coastal tourism offer/ infrastructure.
- e) developments which result in the reuse or rehabilitation of derelict land or buildings (as recognised by the Vacant and Derelict Land Survey) for uses which contribute to the Green and Blue Network such as habitat creation, new forestry, paths and cycle networks.
- f) sensitive infilling of gap sites consolidating existing developments where it would define/provide a defensible boundary for further expansion.
- g) small-scale expansion of settlements on Arran and Cumbrae for community led proposals for housing for people employed on the island, where a delivery plan is included, and infrastructure capacity is sufficient or can be addressed by the development and where the proposal meets an identified deficiency in the housing stock and is required at that location. All proposals will be expected to demonstrate the identified housing need cannot be met from the existing housing land supply.
- h) new housing in the countryside where it is a replacement or converted building or it is a house of exceptional design quality.
- i) sympathetic additions to existing well-defined nucleated groups of four or more houses (including conversions) in close proximity to one another and visually identifiable as a group with some common feature e.g. shared access. Additions will be limited to 50% of dwellings existing in that group as of January 2005 up to a maximum of four new housing units (rounded down where applicable).

## Strategic Policy 2

### Placemaking

Our Placemaking policy will ensure we are meeting LOIP priorities to make North Ayrshire safer and healthier by ensuring that all development contributes to making quality places.

The policy also safeguards, and where possible enhances environmental quality through the avoidance of unacceptable adverse environmental or amenity impacts. We expect that all applications for planning permission meet the six qualities of successful places, contained in this policy. This is in addition to establishing the principle of development in accordance with Strategic Policy 1: Spatial Strategy.

23/00697/PP

These detailed criteria are generally not repeated in the detailed policies section of the LDP. They will apply, as appropriate, to all developments.

### Six qualities of a successful place

#### Distinctive

The proposal draws upon the positive characteristics of the surrounding area including landscapes, topography, ecology, skylines, spaces and scales, street and building forms, and materials to create places with a sense of identity.

#### Welcoming

The proposal considers the future users of the site and helps people to find their way around, for example, by accentuating existing landmarks to create or improve views (including sea views), locating a distinctive work of art in a notable place or making the most of gateway features to and from the development. It should also ensure that appropriate signage and lighting is used to improve safety and illuminate attractive buildings.

#### Safe and Pleasant

The proposal creates attractive places by providing a sense of security, including by encouraging activity, considering crime rates, providing a clear distinction between private and public space, creating active frontages and considering the benefits of natural surveillance for streets, paths and open spaces.

The proposal creates a pleasant, positive sense of place by promoting visual quality, encouraging social and economic interaction and activity, and by considering the place before vehicle movement.

The proposal respects the amenity of existing and future users in terms of noise, privacy, sunlight/daylight, smells, vibrations, glare, traffic generation, and parking. The proposal sufficiently investigates and responds to any issues of ground instability.

#### Adaptable

The proposal considers future users of the site and ensures that the design is adaptable to their needs. This includes consideration of future changes of use that may involve a mix of densities, tenures, and typologies to ensure that future diverse but compatible uses can be integrated including the provision of versatile multi-functional greenspace.

#### Resource Efficient

The proposal maximises the efficient use of resources. This can be achieved by re-using or sharing existing resources and by minimising their future depletion. This includes consideration of technological and natural means such as flood drainage systems, heat networks, solar gain, renewable energy and waste recycling as well as use of green and blue networks.

#### Easy to Move Around and Beyond

The proposal considers the connectedness of the site for people before the movement of motor vehicles, by prioritising sustainable and active travel choices, such as walking, cycling and public transport and ensuring layouts reflect likely desire lines, through routes and future expansions.

### Detailed Policy 10 - Listed Buildings

#### Policy 10:

#### Listed Buildings

23/00697/PP

We will support proposals for the re-use and restoration of a Listed Building where the special architectural or historical interest of the building is preserved and enhanced. This can include the restoration of original features which have previously been lost due to development or demolition. The layout, design, materials, scale, siting and use of any development affecting a Listed Building or its setting should be appropriate to the character and appearance of the listed building.

Enabling development may be acceptable where it can be clearly shown to be the only means of preventing the loss of the asset and securing its long-term future. Any development should be the minimum necessary to achieve these aims. The resultant development should be designed and sited carefully to preserve or enhance the character and setting of the historic asset.

There is a presumption against the demolition of Listed Buildings and will only be supported in the following exceptional circumstances:

- i) The building is not of special interest; or
- ii) The building is incapable of repair and reuse through the submission and verification of a thorough structural condition report produced by a qualified structural engineer; or
- iii) The repair of the building is not economically viable, and it has been marketed at a price reflecting its location and condition to potential restoring purchasers for a reasonable period; or
- iv) The demolition of the building is essential to delivering significant benefits to the wider community economically, socially or environmentally

Detailed Policy 11 - Historic Gardens  
Policy 11:

#### Historic Gardens and Designed Landscapes

We will promote the development of Landscape Management Plans that seek to prioritise the preservation and enhancement of our Historic Gardens and Designed Landscapes by supporting applications for the Landscape Management Plan Grants Scheme (or similar) to ensure that these important assets are managed appropriately.

We will only support development proposals affecting Historic Gardens and Designed Landscapes and their setting when they are in line with Landscape Management Plans or otherwise preserves and enhances their importance. Development proposals should also seek to preserve important vistas to, from or within the Historic Garden and Designed Landscape.

Gardens and Designed Landscapes can be fragile and are easily damaged or lost if not properly managed. We also recognise that these landscapes are dynamic, and change is inevitable. Change may also be desirable where proposals preserve and enhance the Inventory of Designed Landscapes.

Detailed Policy 14-Green & Blue Infrastr  
Policy 14:

#### Green and Blue Infrastructure

All proposals should seek to protect, create, enhance and/or enlarge our natural features and habitats which make up our green and blue infrastructure (including open space), ensuring no unacceptable adverse environmental impacts occur.

Green and blue infrastructure should be multi-functional, accessible and integral to its local circumstances. For example, Sustainable Urban Drainage Systems (SuDS) have the potential to play a key role in the delivery of meaningful blue and green infrastructure, providing amenity and improving biodiversity as well as providing a sustainable flood risk solution. We will require details of the proposed arrangements for the long-term management and maintenance of green infrastructure, and associated water features, to form a key part of any proposal.

Our Open Space Strategy (2016-2026) highlights the need for an audit which identifies valued and functional green and blue infrastructure or open space capable of being brought into use to meet local needs. We will support the temporary use of unused or underused land as green infrastructure including where it consists of advanced structure planting to create landscape frameworks for future development. Support will be given to proposals which seek to enhance biodiversity from new development where possible, including the restoration of degraded habitats and the avoidance of further fragmentation or isolation of habitats. We will also support proposals that are in accordance with the vision and outcomes of the Central Scotland Green Network as well as those of the Garnock Connections Project.

#### Detailed Policy 15-Landscape & Seascape Policy 15:

##### Landscape and Seascape

We will support development that protects and/or enhances our landscape/seascape character, avoiding unacceptable adverse impacts on our designated and non-designated landscape areas and features. In particular, we will consider the following:

##### a) National Scenic Areas

Development that affects the North Arran National Scenic Area including the need to protect existing sport and recreation interests, will only be supported where:

- i) the objectives of the designation and the overall integrity of the area will not be compromised; or
- ii) any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

##### b) Special Landscape Areas

We will only support development which affects Special Landscape Areas where it would not have an unacceptable impact on their special character, qualities and setting.

##### c) Wild Land

We will only support development within Wild Land areas where any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation.

##### d) Local Landscape Features

Where appropriate, development should take into consideration its individual and cumulative impacts on landscape features, including:

- i) patterns of woodlands, fields, hedgerows and trees;
- ii) lochs, ponds, watercourses, wetlands, the coast and wider seascape;
- iii) settlement setting, including approaches to settlements;



- iv) the setting of green network corridors, such as important transport routes and the cycle and footpath network;
- v) historic, natural and recreational features of interest, skylines and hill features, including important views to, from and within them.

For all development with the potential to have an impact on either Landscape Character or Landscape features (including their setting), appropriate mitigation measures should be considered as part of any planning application. Where there is potential for development to result in significant adverse landscape/visual impact, a landscape and visual impact assessment (LVIA) will be required. The Ayrshire Landscape Character Assessment (SNH, 1998) and North Ayrshire Settlement Development Strategy (Entec, 2008) provide further information on designations such as Local Landscape Character Areas and the Potential Limit of Development Expansion areas as shown on the map on page 81 and on our online proposals map. These landscape assessment documents, and any new or updated landscape assessments, will be key considerations in determining whether development proposals would be acceptable within the landscape.

#### Detailed Policy 29 - Energy Infrastructure Policy 29:

##### Energy Infrastructure Development

We will support development proposals for energy infrastructure development, including wind, solar, tidal, cropping and other renewable sources, where they will contribute positively to our transition to a low carbon economy and have no unacceptable adverse environmental impacts, taking into consideration (including cumulatively) the following:

##### Environmental

- o Communities and individual dwellings - including visual impact, residential amenity, noise and shadow flicker;
- o Water quality;
- o Landscape - including avoiding unacceptable adverse impacts on our landscape designations;
- o Effects on the natural heritage - including birds;
- o Carbon rich soils including peat;
- o Impacts on the historic environment - including scheduled monuments, listed buildings and their settings.

##### Community

- o Establishing the use of the site for energy infrastructure development;
- o providing a net economic impact - including socio-economic benefits such as employment, associated business and supply chain opportunities;
- o Scale of contribution to renewable energy generation targets;
- o Public access - including impact on long distance walking and cycling routes and scenic routes identified in the National Planning Framework;
- o Impacts on tourism and recreation;
- o Specific locational opportunities for energy storage/generation.

##### Public Safety

- o Greenhouse gas emissions;
- o Aviation and defence interests and seismological recording;

- o Telecommunications and broadcasting installations - particularly ensuring that transmission links are not compromised; radio telemetry interference and below ground assets;
- o Road traffic and adjacent trunk roads;
- o Effects on hydrology, the water environment and flood risk including drinking water quality and quantity (to both the public and private water supplies);
- o Decommissioning of developments - including ancillary infrastructure, and site restoration and aftercare.

Proposals should include redundancy plans which will demonstrate how apparatus will be timeously removed as reasonably soon as the approved scheme ceases operation. There may be a requirement for financial bonds to ensure that decommissioning can be achieved. Taking into consideration the above, proposals for wind turbine developments should accord with the Spatial Framework (as mapped) and consider the current Landscape Capacity Study for Wind Farm Development in North Ayrshire. This study will be used as a point of reference for assessing all wind energy proposals including definitions of what small to large scale entails.

#### Buildings: Low and Zero Carbon Generating Technology

Proposals for all new buildings will be required to demonstrate that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies. A statement will be required to be submitted demonstrating compliance with this requirement. The percentage will increase at the next review of the local development plan.

This requirement will not apply to:

1. Alterations and extensions to buildings
2. Change of use or conversion of buildings
3. Ancillary buildings that stand alone and cover an area less than 50 square metres
4. Buildings which will not be heated or cooled, other than by heating provided solely for frost protection.
5. Buildings which have an intended life of less than two years.

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## Description

The application seeks planning permission to develop a tourism facility comprising 7 glamping pods, a shower/toilet block, footpaths and car parking within a woodland site to the west of Eglinton House at Eglinton Country Park in the rural area to the southeast of Kilwinning.

At present, the site consists of a small woodland area edged with fencing approximately 1m in height which adjoins horse grazing land to the west (across a minor road) and to the north. There is a dwellinghouse on the land immediately to the east, a category B listed building known as Eglinton House, which is set within densely wooded grounds. The grazing land to the west includes a timber stables

23/00697/PP

block and a parking area. To the south is the private access road leading from the A737 at Irvine Road, Kilwinning to the new housing development at Eglinton Stables and Swan Mews, across which is an area of maintained grassland. The private access road is also a walking route into the country park from Kilwinning.

According to the submitted documents, the development involves the removal of around half of the trees within the woodland in order to clear land for the building works and access/parking arrangements. A tree survey submitted with the application, dating from June 2022, states that most of the trees in the woodland are self-seeded sycamores of around 30 years in age, that the trees are not good specimens and would have a life span of 20 - 30 years given the crowded growing conditions. The applicants advise that a number of trees need to be removed on safety grounds, irrespective of the proposed development. They also advise that replacement trees and hedgerows would be planted.

An inspection of the site which took place during November 2023 indicated that many of the trees and vegetation illustrated in the submitted tree survey report have already been felled. Whilst some of the felling has taken place below the overhead electricity line which runs through the site, evidently for safety reasons, the majority of the land that has cleared of trees is not within the immediate vicinity of the overhead line corridor. A sign has been posted on the site stating that "due to sycamore dieback and fungal rot there will be forest management operations taking place to improve the safety and quality of the trees. There will be restocking of the land with native trees once the affected tree stock has been felled." It should be noted that the tree survey has not been updated since the time of the previous planning application for the site, which was considered during 2022 (ref. 22/00530/PP). The tree survey did not indicate the presence of many diseased trees on the site.

The proposed glamping pods would be located at the north end of the site. There would be seven in total, with footpath access from a proposed car park at the south west corner of the site. Each pod would provide a single room with space for a double bed and some indoor activity space. None of the pods would have a WC or shower room, since these facilities would be provided at a communal facility. Three designs are proposed, all clad using timber with shingle roofs. Two designs would have curved roof profiles, the other would have an asymmetrical gabled roof.

The only other building proposed would be a communal shower/toilet block. This would be sited just south of the central part of the site, approximately 7m from the eastern site boundary with Eglinton House. The building would consist of WC and shower facilities for male, female and disabled visitors, as well as outside sinks with weather protection from the roof overhead. The building design would be a conventional timber cabin with gable ends, approximately 4m in height to ridge level. The shower block would be linked by a footpath to the main path leading from the car park to the glamping pods.

In addition to the tree survey report, the applicant has prepared and submitted the following documents in support of the application:

#### Habitat Report

The report, dated 9th June 2022, follows a preliminary ecological appraisal which was conducted at the site and immediately surrounding area in May 2022. It reports on findings and considers both the vegetation on the site as well as surveys for protected species. During the survey, which the author described as a 'snapshot', no  
23/00697/PP

protected habitats were found although there was evidence of the site being used as a route for animals passing through. The report concluded with a series of recommendations for project progression as well as general biodiversity enhancement. (Note: The habitat report is the same as was submitted with the 2022 planning application, and has not been updated. The author of the report states that its findings were valid from one year from the date of issue).

#### Coal Mining Report (provided by The Coal Authority)

The report advises that the property is in a surface area that could be affected by underground mining in 4 seams of coal at 40m to 100m depth, and last worked in 1902. Any movement in the ground due to coal mining activity associated with these workings should have stopped by now. In addition the property is in an area where the Coal Authority believes there is coal at or close to the surface. This coal may have been worked at some time in the past. The potential presence of coal workings at or close to the surface should be considered, particularly prior to any site works or future development activity, as ground movement could still be a risk. Note: a coal mining risk assessment for the proposed development has not been submitted.

In terms of the relevant planning history for the site, an application seeking planning permission for a tourism development comprising the erection of 7 no. glamping pods, office, shower/toilet block, workshop and single storey dwelling house to include the formation of associated access road and parking, drainage infrastructure, tree removal and landscaping works was refused permission on 13th September 2022. The decision was not subject to local review.

The application requires to be considered in terms of Strategic Policy 1 (The Countryside Objective), Strategic Policy 2 (Placemaking), Policy 10 (Listed Buildings), Policy 11 (Historic Gardens and Designed Landscapes), Policy 14 (Green and Blue Infrastructure), Policy 15 (Landscape and Seascape) and Policy 29 (Low and Zero Carbon Energy). National Planning Framework 4 is also of relevance.

### **Consultations and Representations**

The application was subject to the statutory neighbour notification process, and included a notice in a local newspaper. 35 representations were received, with 11 expressing support and 24 opposing the proposals.

Summary of representations in support of the development:

1. The development would be a valuable addition to bring much needed tourist accommodation to Kilwinning and would help local businesses not only Kilwinning but the surrounding towns.

Response: Noted. See Analysis.

2. The proposal would add to the aesthetic landscape and create simple, yet pleasing to the eye, tourist accommodation for visitors wishing to stay within a beautiful setting in preference to a cement carbuncle in the local towns and villages. We should all consider the environment and the impact any planning application has on our countryside, and this has obviously been important to the applicant in choosing glamping pods rather than using materials which may be detrimental to the countryside. Footpaths for walkers, cyclists and perhaps horses, can only benefit and boost tourism in the area.

Response: Noted. See Analysis.

3. This would tidy up woodland area and bring sanctuary to mental health and new habitat for wild life.

Response: Noted. See Analysis.

4. The area is really needing development, and is currently rather sad looking. The proposed development will be a massive benefit to the community and the park.

Response: Noted. See Analysis.

5. The plan appears to be mindful of the area and not too obtrusive. It is also relatively small in scale and so will have little to no impact on local roads and congestion.

Response: Noted. See Analysis.

Summary of representations objecting to the development:

1. This application is substantially the same as the previous refusal. Loss of woodland and trees at a prominent location within the parkland. Considerable tree felling and vegetation removal has already taken place since the last planning application was refused in 2022. It is claimed that many of the trees which have been felled were healthy and free of disease.

Response: Noted. See Analysis.

2. Adverse impacts on a protected greenspace including loss of habitats at an important area for a large variety of wildlife.

Response: Noted. See Analysis.

3. Adverse impacts on nearby residents, horses and wildlife. The lack of on-site management for a facility of this type would give rise to a range of problems for residents, horses and wildlife such as increased noise/disturbance, anti-social behaviour, bright light during night time, refuse disposal and privacy impacts.

Response: Noted. See Analysis.

4. Unacceptable traffic impacts on a single track private road used by many for walking to/from Eglinton Country Park, leading to a greater risk of accidents because of increased traffic. Traffic is already increasing because of new housing development taking place at Swan Mews, the development of which has restarted during 2023. The proposed parking area would not appear to have sufficient turning space, leading to more safety issues on the road.

Response: Noted. See Consultations and Analysis.

5. Adverse impacts on the setting and privacy of Eglinton House, a unique category B listed building.

Response: Noted. See Analysis.

6. Adverse impacts on the Designed Landscape, representing a loss of its cultural history.

Response: Noted. See Analysis.

7. There is already a designated area for camping and motorhomes at Eglinton Country Park which is accessed from a two way road and is supported by the country park facilities. There is no need or demand for this development, which would be better suited in open land the countryside away from existing housing rather than being squashed into a small woodland in a beautiful country park.

Response: The application requires to be determined on its specific merits against the provisions of the Local Development Plan and other material considerations.

8. The development is being progressed by stealth, with a considerable number of trees and other vegetation having been removed to clear the ground to make way for the proposals. The economic benefits to the area are questionable and would be very limited. This development is contrary to the Local Development Plan.

Response: See Analysis.

#### Consultations

Architectural Heritage Society of Scotland - Given that the development is within a designated designed landscape, a degree of care is required. While the tree survey is to be welcomed, we would question whether the impact of the development on the designed landscape can be assessed fully in the absence of detailed proposals for what is to happen to the existing trees and any proposed replacement planting.

Response: Noted. See Analysis.

Kilwinning Community Council - Objects. The loss of the established woodland is not justified. There is no need for development on this site and it is contrary to the Local Development Plan. The proposed buildings do not complement the historic character of Eglinton Castle and the Country Park. The development is not in keeping with the distinctive environment of the Park, which is listed on the Register of Historic Gardens and Designed Landscapes. Losing trees and installing glamping pods would represent a change to the character of the park. Visitors enjoy the Park and its facilities during the day whereas this development would result in the Park being used at night which could set a precedent with unknown consequences. The Police already have to deal with anti-social behaviour in the Park on occasions.

Response: Noted. See Analysis.

NAC Arboricultural Officer - It is apparent from visiting the site that a large number of trees have already been removed. The location of tree removals in the main mirror the footprint of the proposed development. Given the number of trees removed and the large gaps created within the woodland, those trees that remain are now more prone to windthrow.

Ground works have also been carried out to remove the stumps and as such almost half of the woodland has been cleared. This may also have affected the roots of those trees that remain. Given the extent of these works and how they have impacted on the woodland no further comments can be made regarding the suitability of incorporating the proposed development within the woodland: With the

23/00697/PP

exception that placing any structures near those retained trees would come with a greater element of risk as most of the remaining trees are more exposed to wind given the removal works.

Response: The above matters were raised with the applicant's agent in order to provide the opportunity for a response (eg. in the form of an updated tree survey). However, no update to the original tree survey has been forthcoming.

NAC Active Travel and Transportation - no objections. The access road serving the proposed development is currently a private road under the ownership and control of a third party (the Swan Mews developer). The road was intended to be brought up to an adoptable standard however the developer (or their successor) to date has not followed the correct procedure under the Road Construction Consent (RCC) process to enable the Council to adopt the road. Unless the developer or their successor re-engages in the RCC process, the route is likely to remain under their private control. As such, the applicant should discuss matters with the third party/developer.

Response: Noted. In the event of planning permission being granted, conditions could be attached to ensure the above requirements are met.

Scottish Water - no objections. There is sufficient water supply capacity to serve the proposed development. There is currently sufficient capacity for a foul only connection to service the proposed development.

Response: Noted. No information for the treatment and disposal of waste water and surface water has been detailed in the submitted plans or supporting information. In the event of planning permission being granted, a condition could be attached to secure the necessary details.

Scottish Wildlife Trust - is concerned that many trees have been felled in this woodland site, and some stumps also removed prior to making the planning application. This will inevitably have appreciably altered the ecology of the area before commencement of the work detailed in the application.

Response: Noted. See Analysis.

## **Analysis**

In terms of the adopted LDP, the site is located within a rural area allocated as countryside. The proposal therefore requires to be considered in terms of Strategic Policy 1 (The Countryside Objective) and Strategic Policy 2 (Placemaking) in addition to Policy 10 (Listed Buildings), Policy 11 (Historic Gardens and Designed Landscapes), Policy 14 (Green and Blue Infrastructure), Policy 15 (Landscape and Seascape) and Policy 29 (Low and Zero Carbon Energy). NPF 4 will also be considered following analysis of the relevant LDP policies.

Criterion (d) of Strategic Policy 1 (The Countryside Objective) (SP1) states that tourism and leisure uses, where they would promote economic activity, diversification and sustainable development, particularly where they develop North Ayrshire's coastal tourism offer/infrastructure will be supported in principle. In this instance, it is proposed to develop 7 glamping pods which would contribute to the area's tourist offer.

Whilst noting the potential tourism and economic benefits which could accrue from developments of this nature, however limited, it is not considered that a previously undeveloped woodland site within a historic designed landscape on the edge of Eglinton Country Park represents an appropriate location for a glamping development due to the extensive loss of trees and environmental impacts the proposed development would result in. Furthermore, it is not considered that the proposals would represent a sustainable form of development given the substantial loss of flora and woodland cover, the adverse landscape and visual impacts on the setting of the nearby listed building, and on the designed landscape. The adverse environmental impacts the proposed development would directly result in are not justified by any economic benefits which might arise. It is noted that considerable tree felling has taken place on the land since the 2022 planning application was determined. It is understood that earlier in 2023, Scottish Forestry granted felling permission for parts of the woodland, with restocking of the trees required by 2026. The proposed development would involve some land having to be permanently left clear of trees and other planting to provide space. The type of use proposed would involve members of the public spending time in the woodland for overnight stays, with consequent impacts on its potential to regenerate for nature and wildlife.

Criterion (c) covers proposed developments with a specific locational need. It is not considered that the proposals have a site specific locational need, other than to provide a setting for the glamping pods. There is nothing in the application which could not be developed elsewhere. It is not considered that unplanned sporadic development on this particular parcel of woodland on the fringes of Eglinton Country Park would be in the best interests of the designed landscape character of the area.

In summary, it is not considered that the proposed development would accord with Strategic Policy 1.

Strategic Policy 2 (Placemaking) sets out the Six Qualities of a Successful Place which all planning applications are expected to meet. Its stated purpose is to ensure "all development contributes to making quality places". Strategic Policy 2 also states that "the policy also safeguards, and where possible enhances environmental quality through the avoidance of adverse environmental or amenity impacts."

A brief comment on each of the Six Qualities of A Successful Place follows below:

#### Welcoming

The proposed development would be sited within a woodland area on one of the main pedestrian/cycle approaches to Eglinton Castle from Kilwinning. The private access also serves a number of houses (with more currently under construction) and equestrian uses. Since the determination of the previous application for the site during 2022, a considerable quantity of the woodland has been removed, which has exposed much of the site to the wider area and alter the established landscape character.

#### Distinctive

The proposed glamping pods would have a distinctly 'rustic' character, whereas the other building on the site would be reminiscent of a typical forestry cabin.

#### Safe and Pleasant

It is considered that the development has the potential to result in adverse amenity impacts on the adjacent dwelling and the surrounding rural area arising from the presence of visitors staying at the site. The site and surrounding rural area is



presently quiet and largely undisturbed by human activity during the hours of darkness. The proposed tourism use on the site would be likely to result in adverse noise and disturbance, the effects of which would have a negative impact on the established amenity of the area and its residents.

Furthermore, woodland loss at the site would have an adverse visual and landscape impact on the setting of the adjacent dwelling, Eglinton House, as well as the character of the designed landscape surrounding Eglinton Castle, which dates back to the early 1800s.

In this way, it is considered that the Safe and Pleasant characteristics of the present situation would be diminished.

#### Resource Efficient

No information has been provided with respect to renewable energy or waste water treatment for the proposals. However, as noted above, this information could be secured by condition in the event of planning permission being granted.

#### Easy to Move Around and Beyond

The site is located in a rural location within walking distance of Kilwinning.

#### Adaptable

Not relevant.

It is considered that the proposed development would not accord with Strategic Policy 2 primarily on the basis that it would result in adverse impacts on what is presently a Safe and Pleasant undeveloped site within a predominately rural environment.

Turning to the relevant detailed policies, the following are of note:

#### Policy 10 (Listed Buildings)

Due to the proximity of the site to the category B listed Eglinton House on the neighbouring land to the east of the site Policy 10 requires consideration. The policy states that "the layout, design, materials, scale, siting and use of any development affecting a Listed Building or its setting should be appropriate to the character and appearance of the listed building."

Eglinton House, also known as Garden Cottage, dates from 1798. It was built around the time that the Eglinton gardens and landscape were being re-planned and re-planted. The house is single storey with a six sided room at its centre and an attic room above. Eglinton House has a distinct V shape on plan, a centre columned veranda and is finished in red brick with white painted stone dressing. It is described by Historic Environment Scotland as "an attractive estate cottage, at one time the head gardener's dwelling". The house was extended to the west with a modern wing around 13 years ago. It is thus a particularly unique and unusual building, the setting of which greatly benefits from all of the woodland which surrounds it, and not just the woodland within its immediate curtilage. The scale of tree loss involved with the submitted proposals would have a significant adverse impact on the setting of Eglinton House. Tree felling works undertaken to date have already exposed the western side of the Eglinton House curtilage, leaving it open to views from the woodland area that remains. It is not considered that the proposed development would be appropriate in close proximity to Eglinton House. The proposal, therefore, does not accord with Policy 10.

### Policy 11 - Historic Gardens and Designed Landscapes

Historic Environment Scotland (HES) designated Eglinton Castle as an historic garden and designed landscape in 1987. It notes that "the parkland landscape and architectural features make an important contribution to the surrounding scenery. The designed landscape has a rich history in association with the Eglinton family." The historical level of interest is classed by HES as "outstanding."

The above policy states that the Council "will only support development proposals affecting Historic Gardens and Designed Landscapes and their setting when they are in line with Landscape Management Plans or otherwise preserves and enhances their importance. Development proposals should also seek to preserve important vistas to, from or within the Historic Garden and Designed Landscape.

It also notes that "Gardens and Designed Landscapes can be fragile and are easily damaged or lost if not properly managed. We also recognise that these landscapes are dynamic and change is inevitable. Change may also be desirable where proposals preserve and enhance the Inventory of Designed Landscapes."

In the absence of a Landscape Management Plan for Eglinton Castle, the main consideration is to ensure that development proposals "preserve and enhance" their importance. It is not considered that the removal of a large number of trees and other vegetation followed by the development of the land in the manner proposed would be in the best interests of this historic landscape. The proposed development would permanently alter the setting for Eglinton House and fragment the woodland area on this historic western approach route to Eglinton Castle. It is not considered that the degree of change proposed would "preserve and enhance" the designed landscape of Eglinton Castle. The proposal, therefore, does not accord with Policy 11.

### Policy 14 (Green and Blue Infrastructure)

This policy notes that all proposals should seek to protect, create, enhance and/or enlarge our natural features and habitats, and make provision for including new features that would improve biodiversity. The application is supported by both an Arboricultural report and preliminary ecological appraisal, the focus of which has been on tree health and whether or not any protected species were noted during a survey carried out in May 2022. The survey reports are no longer up to date and do not reflect recent changes that have been carried out. As discussed above, it is not considered that the loss of woodland to make way for development is justified. Scottish Forestry issued permission (ref. FPA-10287) on 15th March 2023 for the felling of 0.4 hectares of woodland at the site. The reasons for the felling permission have not been published. However, restocking is required by 15th June 2026. There are no replanting proposals included with the planning application.

### Policy 15 - Landscape and Seascape

Part (d) of this policy notes that, where appropriate, development should take into consideration its individual and cumulative impacts on landscape features, including (i) patterns of woodlands, fields, hedgerows and trees; (v) historic, natural and recreational features of interests, skylines and hill features, including important views to, from and within them.

With reference to the Entec Landscape Capacity Study which was commissioned by the Council in 2008, it notes the "presence of small areas of woodland including the Estate Landscape features at the edge of Eglinton Park" and highlights that the "retention of Eglinton Estate Landscape are the principal requirements for the

landscape strategy in this area". Arising from these recommendations, the policies of the LDP act to protect the Designed Landscape around Eglinton Castle given its historic significance for North Ayrshire. It is not considered that the proposed scheme for the site would be compatible with the continued need to protect such assets from loss to inappropriate development. As noted above, Scottish Forestry require the restocking of the woodland by June 2026.

#### Policy 29 (Energy Infrastructure Development (Buildings))

The submitted design statement does not indicate how the proposed buildings would utilise low or zero carbon energy heat and power systems. However, in the event of planning permission being granted, a condition could be attached to address this matter.

National Planning Framework 4 (NPF 4) also requires consideration since this is now part of the development plan (since 13th February 2023). In addition to the national spatial strategy, NPF 4 contains a suite of national planning policies. There are a number of policies of particular relevance to this application.

Firstly, Policy 1 of National Planning Policy states that "when considering all development proposals significant weight will be given to the global climate and nature crises."

Part (a) of Policy 3 states that "development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible." Part (c) states "proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development."

Policy 5 states that "development proposals will only be supported if they are designed and constructed:

- i. In accordance with the mitigation hierarchy by first avoiding and then minimising the amount of disturbance to soils on undeveloped land; and
- ii. In a manner that protects soil from damage including from compaction and erosion, and that minimises soil sealing."

Policy 6 states that:

"Development proposals will not be supported where they will result in:

- i. Any loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition;
- ii. Adverse impacts on native woodlands, hedgerows and individual trees of high biodiversity value, or identified for protection in the Forestry and Woodland Strategy;
- iii. Fragmenting or severing woodland habitats, unless appropriate mitigation measures are identified and implemented in line with the mitigation hierarchy;
- iv. Conflict with Restocking Direction, Remedial Notice or Registered Notice to Comply issued by Scottish Forestry.

"c) Development proposals involving woodland removal will only be supported where they will achieve significant and clearly defined additional public benefits in accordance with relevant Scottish Government policy on woodland removal. Where woodland is removed, compensatory planting will most likely be expected to be delivered."

Policy 7 states that "development proposals affecting nationally important Gardens and Designed Landscapes will be supported where they protect, preserve or enhance their cultural significance, character and integrity and where proposals will not significantly impact on important views to, from and within the site, or its setting."

Policy 20 states that "development proposals in regional and country parks will only be supported where they are compatible with the uses, natural habitats, and character of the park."

Finally, Policy 30 states that "development proposals for new or extended tourist facilities or accommodation, including caravan and camping sites, in locations identified in the LDP, will be supported." Part (b) of Policy 30 states that "proposals for tourism related development will take into account:

- i. The contribution made to the local economy;
- ii. Compatibility with the surrounding area in terms of the nature and scale of the activity and impacts of increased visitors;
- iii. Impacts on communities, for example by hindering the provision of homes and services for local people;
- iv. Opportunities for sustainable travel and appropriate management of parking and traffic generation and scope for sustaining public transport services particularly in rural areas;
- v. Accessibility for disabled people;
- vi. Measures taken to minimise carbon emissions;
- vii. Opportunities to provide access to the natural environment.

Taking the National Planning Policies collectively, it is noted that tourism facilities and accommodation can be supported in locations identified in the LDP. In this instance, the application site has not been specifically identified for tourism facilities nor accommodation through the North Ayrshire LDP, although it is acknowledged that, in principle, rural locations are considered potentially suitable for tourism developments in terms of the Countryside Objective.

A key national policy concern relates to the environmental impacts of development on matters ranging from soil, woodlands, biodiversity, built and natural heritage, carbon emissions through to environmental sustainability. With regard to the impact of works carried out to date on the site, it is noted that the soil has largely been stripped of the long established groundcover vegetation, the consequences of which may have been to increase surface water run-off from the site and reduce biodiversity, at least in the short term. Notably, the National Planning Policies do not support woodland removal unless "they will achieve significant and clearly defined additional public benefits" - it is not considered that the proposed development would achieve a public benefit as has been claimed by the applicants, and there is no sound evidence to substantiate the claims made by supporters of the proposal in this respect. Rather, it is considered that the partial loss of an established woodland habitat for the proposed development does not justify any limited local economic benefits which might accrue, especially as there is no identifiable need for such a development on this specific site.

The woodland at Eglinton is within one of a limited number of nationally important Gardens and Designed Landscapes. It is further considered that the proposed development would not be "compatible with the uses, natural habitats, and character" of Eglinton Country Park as a result of woodland loss, habitat fragmentation, adverse amenity impacts and adverse landscape/visual impacts on

the setting of a category B listed building. In summary, it is therefore considered that the proposed development would be contrary to the National Planning Policies as set out in NPF 4 due to the constraints and characteristics of the site.

In conclusion, whilst noting that a number of elements have been removed from the proposed development since the earlier application was considered during 2022 (including a dwellinghouse, workshop and office), it is still not considered that the site is appropriate for the revised version of the proposals in terms of the development plan. Given the sensitivities of the site and its location, there are no other material considerations that would warrant a departure from the provisions of the development plan. Accordingly, since there is no convincing justification to grant the application, planning permission should be refused.

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## **Decision**

Refused

Case Officer - Mr A Hume

**Appendix 1 - Drawings relating to decision**

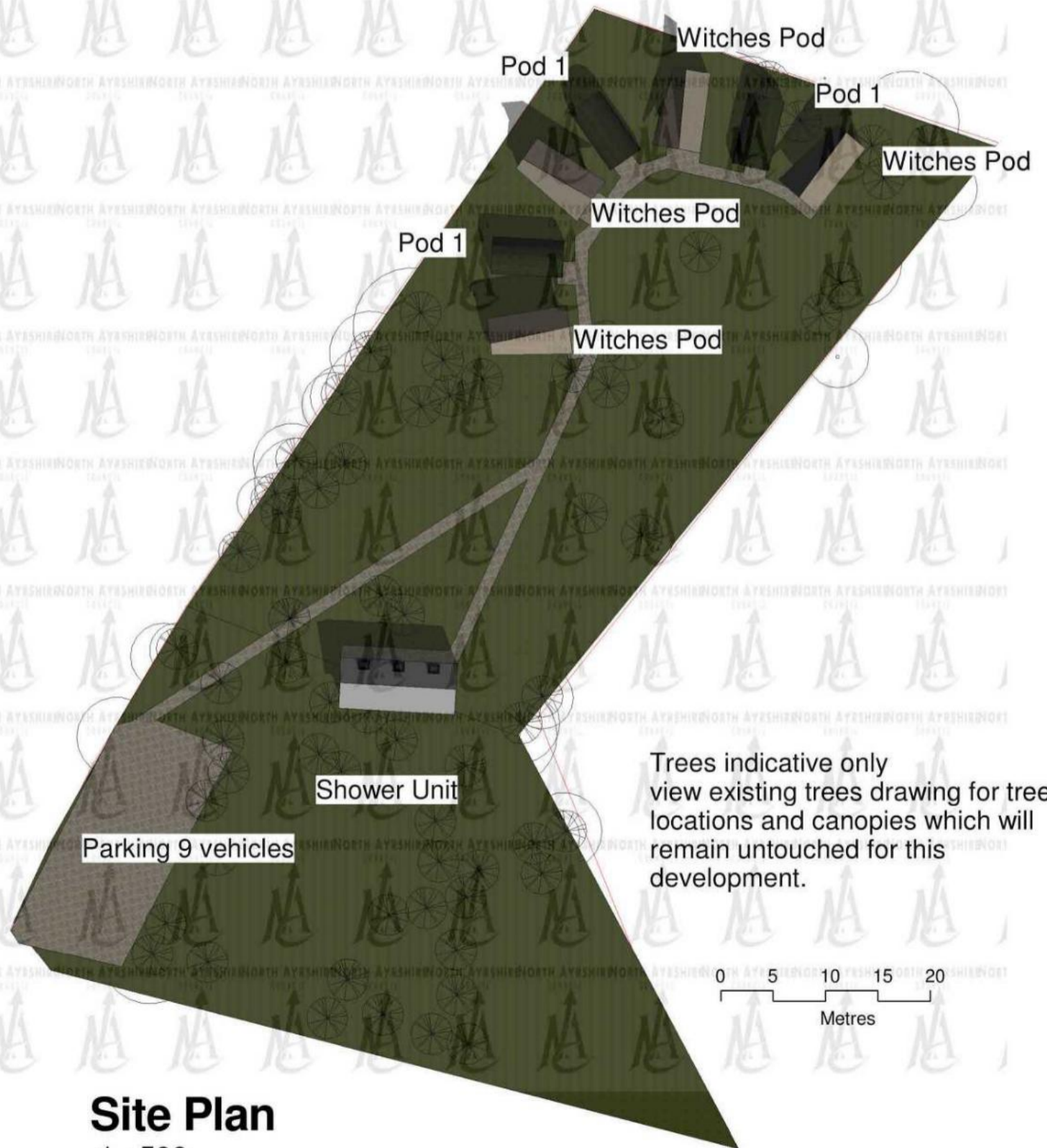
<b>Drawing Title</b>	<b>Drawing Reference (if applicable)</b>	<b>Drawing Version (if applicable)</b>
Location Plan	A1-00	
Block Plan / Site Plan	A1-01	
Proposed Plans and Elevations	A1-05	
Proposed Plans and Elevations	A1-07	
Proposed Plans and Elevations	A1-08	
Proposed Plans and Elevations	A1-08	



**Location Plan**

1 : 2500

7 no. Glamping Pods



Trees indicative only  
view existing trees drawing for tree  
locations and canopies which will  
remain untouched for this  
development.

**Site Plan**

1 : 500



**North Ayrshire Council**  
Comhairle Siorrachd Àir a Tuath

Yvonne Balk : Head Of Service (Housing & Public Protection)

No N/23/00697/PP

(Original Application No. N/100583113-003)

Type of Application: Local Application

**REFUSAL OF PLANNING PERMISSION**

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT, 1997,  
AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006.  
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND)  
REGULATIONS 2013

To : Mr & Ms S McLean / Pearce  
c/o Highstreet Architects Fao Simon Ash  
1 Pottery Cottage  
Coalhall  
KA6 6ND

With reference to your application received on 11 October 2023 for planning permission under the above mentioned Acts and Orders for :-

Tourism development comprising the erection of 7 no. glamping pods, shower/toilet block and the formation of a car park and footpaths

at Site To North West Of Eglinton House  
Kilwinning  
Ayrshire

North Ayrshire Council in exercise of their powers under the above-mentioned Acts and Orders hereby refuse planning permission on the following grounds :-

1. The proposed development would be contrary to the provisions of the North Ayrshire Local Development Plan Strategic Policy 1 (The Countryside Objective) in respect of the following:
  - The extent of tree loss and groundworks would result in the loss of the established woodland character of the site, and would therefore not represent a sustainable form of development;
  - There is no specific locational need for the development to be located on the site;
  - No justification been provided to demonstrate that the economic benefits of the development would outweigh its adverse environmental impacts.
2. The proposed development would be contrary to the provisions of Policy 10 (Listed Buildings) of the North Ayrshire Local Development Plan in terms of its layout, design, materials, scale, siting and use. No consideration has been given in the application to the impact the development would have on the historic setting of Eglinton House, and in relation to the contrasting layout and building character arising from the proposals.
3. The proposed development would be contrary to the provisions of Policy 11 (Historic Gardens and Designed Landscapes) of the North Ayrshire Local Development Plan since it is not considered that the removal of a large number of trees and other vegetation followed by the development of the land in the manner proposed



would be compatible with the proper management of the historic landscape. The development would permanently alter the setting for Eglinton House and fragment the woodland area on this historic western approach route to Eglinton Castle. It is therefore not considered that the degree of change proposed would "preserve and enhance" the designed landscape of Eglinton Castle.

4. The proposed development would be contrary to the Safe and Pleasant quality of Strategic Policy 2 (Placemaking) of the North Ayrshire Local Development Plan in respect of the adverse amenity impacts on the adjacent dwelling and the surrounding area arising from the presence of visitors staying at the site. The site and surrounding rural area is presently quiet and largely undisturbed by human activity during the hours of darkness. The proposed tourism use on the site would be likely to result in adverse noise and disturbance, the effects of which would have a negative impact on the established amenity of the area and its residents.
5. Due to the loss of woodland habitat and associated biodiversity loss, the proposed development does not accord with the following national planning policies as set out in National Planning Framework 4 (adopted 13th February 2023):
  - Policy 1 (significant weight to be given to the nature and climate crises);
  - Policy 3 (biodiversity);
  - Policy 5 (disturbance to soils on undeveloped land);
  - Policy 7 (protection of nationally important Gardens and Designed Landscapes);
  - Policy 20 (development in country parks only supported where they are compatible with the uses, natural habitats, and character of the park).

The woodland at Eglinton is within one of a limited number of nationally important Gardens and Designed Landscapes. It is considered that the proposed development would not be "compatible with the uses, natural habitats, and character" of Eglinton Country Park as a result of woodland loss, habitat fragmentation, adverse amenity impacts and adverse impacts on the setting of a category B listed building.

Dated this : 4 December 2023



.....  
for the North Ayrshire Council

(See accompanying notes)



**North Ayrshire Council**  
Comhairle Siorrachd Àir a Tuath

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997  
AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006.  
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND)  
REGULATIONS 2013 – REGULATION 28

Yvonne Baulk : Head Of Service (Housing & Public Protection)

**FORM 2**

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Committee Services, Chief Executive's Department, Cunninghame House, Irvine, North Ayrshire, KA12 8EE.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

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**NORTH AYRSHIRE COUNCIL**

**24 April 2024**

**Local Review Body**

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**Title:** **Notice of Review: 22/00978/PP: Johnstons Marine Stores, The Old Pier, Lamlash, Brodick, Isle of Arran**

**Purpose:** To submit, for consideration of the Local Review Body, a Notice of Review by the applicant in respect of a planning application refused by officers under delegated powers.

**Recommendation:** That the Local Review Body considers the Notice of Review.

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**1. Executive Summary**

1.1 The Town and Country Planning (Scotland) Act 1997, as amended by the Planning (Scotland) Act 2006, provides for certain categories of planning application for "local" developments to be determined by appointed officers under delegated powers. Where such an application is refused, granted subject to conditions or not determined within the prescribed period of 2 months, the applicant may submit a Notice of Review to require the Planning Authority to review the case. Notices of Review in relation to refusals must be submitted within 3 months of the date of the Decision Notice.

**2. Background**

2.1 A Notice of Review was submitted in respect of Planning Application 22/00978/PP for demolition of existing timber building and construction of new retail outlet, workshop and accommodation above at Johnstons Marine Stores, The Old Pier, Lamlash, Brodick, Isle of Arran.

2.2 The application was refused by officers for the reasons detailed in the Decision Notice.

2.3 The following related documents are set out in the appendices to the report:

- Appendix 1 - Notice of Review documentation;
- Appendix 2 - Representations received from interested parties;
- Appendix 3 - Comments from applicant on further representations received;
- Appendix 4 - Report of Handling;
- Appendix 5 - Location Plan; and
- Appendix 6 - Planning Decision Notice.

**3. Proposals**

3.1 The Local Review Body is invited to consider the Notice of Review.

#### **4. Implications/Socio-economic Duty,**

##### **Financial**

4.1 None arising from the recommendation of this report.

##### **Human Resources**

4.2 None arising from the recommendation of this report.

##### **Legal**

4.3 The Notice of Review requires to be considered in terms of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning (Scotland) Act 2006, and the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.

##### **Equality/Socio-economic**

4.4 None arising from the recommendation of this report.

##### **Environmental and Sustainability**

4.5 None arising from the recommendation of this report.

##### **Key Priorities**

4.6 None arising from the recommendation of this report.

##### **Community Benefits**

4.7 None arising from the recommendation of this report.

#### **5. Consultation**

5.1 Interested parties (both objectors to the planning application and statutory consultees) were invited to submit representations in terms of the Notice of Review and no further representations were received.

Craig Hatton  
Chief Executive

For further information please contact **Craig Stewart, Committee Services Officer**, on **01294 324130**.

#### **Background Papers**

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# NOTICE OF REVIEW

Under Section 43A(8) Of the Town and County Planning (SCOTLAND) ACT 1997 (As amended) In Respect of Decisions on Local Developments

The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (SCOTLAND) Regulations 2013

The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2013

**IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.**

**PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS ELECTRONICALLY VIA <https://www.eplanning.scot>**

1. Applicant's Details		2. Agent's Details (if any)	
Title	Mr	Ref No.	
Forename	Adam	Forename	
Surname	Norman	Surname	
Company Name	Johnston's Marine Stores	Company Name	
Building No./Name		Building No./Name	
Address Line 1		Address Line 1	
Address Line 2		Address Line 2	
Town/City		Town/City	
Postcode		Postcode	
Telephone		Telephone	
Mobile		Mobile	
Fax		Fax	
Email		Email	
3. Application Details			
Planning authority	North Ayrshire Council		
Planning authority's application reference number	No N/22/00978/PP and orig N/100611145-001		
Site address	<p>Johnston's Marine Stores, Old Pier, Lamlash, Isle of Arran. KA27 8JN</p>		
Description of proposed development	<p>Demolition and rebuild of existing shop with small living accommodation above part of it.</p>		

Date of application	20/12/2022	Date of decision (if any)	12 December 2023
<p><u>Note.</u> This notice must be served on the planning authority within three months of the date of decision notice or from the date of expiry of the period allowed for determining the application.</p>			
<b>4. Nature of Application</b>			
Application for planning permission (including householder application)			<input checked="" type="checkbox"/>
Application for planning permission in principle			<input type="checkbox"/>
Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition)			<input type="checkbox"/>
Application for approval of matters specified in conditions			<input type="checkbox"/>
<b>5. Reasons for seeking review</b>			
Refusal of application by appointed officer			<input checked="" type="checkbox"/>
Failure by appointed officer to determine the application within the period allowed for determination of the application			<input type="checkbox"/>
Conditions imposed on consent by appointed officer			<input type="checkbox"/>
<b>6. Review procedure</b>			
<p>The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.</p> <p>Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.</p>			
Further written submissions			<input type="checkbox"/>
One or more hearing sessions			<input type="checkbox"/>
Site inspection			<input checked="" type="checkbox"/>
Assessment of review documents only, with no further procedure			<input type="checkbox"/>
<p>If you have marked either of the first 2 options, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing necessary.</p>			
<p>As your members may not be familiar with Lamlash on Arran I believe a visit would be the most useful method of review and to be able to understand the details in question.</p>			
<b>7. Site inspection</b>			
<p>In the event that the Local Review Body decides to inspect the review site, in your opinion:</p>			
Can the site be viewed entirely from public land?			<input checked="" type="checkbox"/>
Is it possible for the site to be accessed safely, and without barriers to entry?			<input type="checkbox"/>

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

## 8. Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. **Note:** you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

Refusal point 1 "outlook from and residential amenity of neighboring properties."

The original plan was revised with my planning officer, pulling the upper floor back to allow a compromise with the neighbor who was the only complainant an acceptable outlook. The roof line is in keeping with his building and allowed him full light and sun. Please note that my building is within the roof silhouette of the lifeboat building and so does not affect the permeability of view of many other residents here.

Refusal point 2 "Conservation Area"

This area by the pier is commercial and has a variety of buildings built in recent times with no particular theme or construction. My planning officer agreed, I thought, that this particular area has not been treated in any special way and is different to the rather more historic buildings down the sea front. See pics Lamlash slipway.

Refusal Point 3 "Policy 23: Flood Risk"

I believe the detailed flood risk assessment shows that the new building is in no danger immediately in a 1 in 200 year event if its guidelines are followed as planned and the flat above is safe with sea level rise in 80 years time if such an event happens. The tide will go down after an hour and it would anyway be possible to escape to the road quite easily as shown if required. Please note that the land of Arran is rising due to isostatic rebound and will limit the sea level rise to some extent.

For the above reasons I believe the refusal is unfair and enclose helpful items to back this up. I do not understand why there are such differences of opinion in the planning department and it may be that they are not familiar with the area. I am also a Launch authority for the lifeboat and an officer in charge in our local coastguard and it would be beneficial to live close to the lifeboat station.

Have you raised any matters which were not before the appointed officer at the time your application was determined? Yes  No

If yes, please explain below a) why your are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

NB. A fully detailed and very expensive flood risk assessment was provided to the planning office as requested after the initial application but before the application was determined I believe. Hence the delay as this took quite some time. We had already suitably planned the ground floor to deal with flooding in the original plans. These plans are still in line with those suggested in the flood risk assessment. In the future toward the probably end life of the building the lower shop may become flooded due to sea level rise. This would be in an unusual 1 in 200 year event and it would not affect the structural stability of the building or electricity points and would be relatively easily cleaned up. The living accommodation above would not be affected.

The pictures I am submitting now were not part of the original application but I feel may help if you have not visited Arran or are not familiar with this local area. The appointed officer who did visit the site could see this information with his own eyes and I believed was happy with the amended plans which we had gone through.

## 9. List of Documents and Evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review

Pictures of Lamlash slipway 1964 and present day to me clearly show that the argument about my proposed building not complying with the conservation area is not true as it would seem there have been no attempts to preserve this commercial area in recent years.

The pictures 3 concept to 16 show the impression of the building within the current buildings and placement. I believe it does fit in with the skylines and building forms of adjacent buildings and combines the roof of the wheelhouse flat with that of the lifeboat station apex roof. My architect spent a lot of time trying to achieve this. My plan was to fit solar panels on the smaller south facing roof elevation for a greener future. If you have any better ideas I would be open to them.

The flood risk assessment should be available to you already on file.  
I assume you can see the original application documents.

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

## 10. Checklist

Please mark the appropriate boxes to confirm that you have provided all supporting documents and evidence relevant to your review:

Full completion of all parts of this form


Statement of your reasons for requesting a review

All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

## DECLARATION

I, the applicant/agent hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

  Name:  Date:

Any personal data that you have been asked to provide on this form will be held and processed in accordance with Data Protection Legislation.



**From:** [scott ewart](#)  
**To:** [Diane Mccaw \( Committee Services Officer / Committee & Member Serv \)](#)  
**Subject:** Re: Planning Application 22/00978/PP: Johnstons Marine Stores, The Old Pier, Lamlash, Brodick KA27 8JN  
**Date:** 08 March 2024 10:31:54

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You don't often get email from [scotthewart@outlook.com](mailto:scotthewart@outlook.com). [Learn why this is important](#)

**Caution:** This is an external email and could be malicious. Do not click on links or open attachments unless you recognise the sender and know the content is safe.

Hi Diane,

Thank you for informing me about Mr Normans Notice of Review.

You've have asked me if I would like to make any further representations about this application and that the Review Body will also be made aware of my original representations.

I still object to Mr Normans application and wish to add a further reason as to why.

Impact on Residential and Enviromental Amenity:

The proposed demolition and construction may have adverse effects on the residential amenity of neighbouring properties, including increased noise, disruption, dust and changes in the local environment.

Thank you for reaching out to me.

Kind regards

Mr Scott Ewart

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**From:** Diane Mccaw ( Committee Services Officer / Committee & Member Serv )  
<[dianemccaw@north-ayrshire.gov.uk](mailto:dianemccaw@north-ayrshire.gov.uk)>

**Sent:** 05 March 2024 14:29

**Cc:** Shannon Wilson ( Committee Services Officer / Committee & Member Serv )  
<[ShannonWilson@north-ayrshire.gov.uk](mailto:ShannonWilson@north-ayrshire.gov.uk)>

**Subject:** Planning Application 22/00978/PP: Johnstons Marine Stores, The Old Pier, Lamlash, Brodick KA27 8JN

### **To Interested Parties:**

I refer to the above planning application, which was determined by officers of the Council under delegated powers and refused in December 2023. A copy of the Council's Decision Notice in relation to this application is enclosed for your information.

In terms of Town and Country Planning (Scotland) Act 1997 and the Town and Country Planning (Scheme of Delegation and Local Review Procedure) (Scotland) Regulations 2013, the applicant has submitted a Notice of Review, making application for the decision to refuse the application to be reviewed by the Council's Local Review Body.

In accordance with the Regulations, I am writing to you as an interested party (i.e. a supporter, objector or statutory consultee) to the application to ask if you wish to make any further representations in relation to the review. The Review Body will also be made aware of your original representations.

Please note that, if you do wish to make further representations, you have 14 days from the date of receipt of this notice to make such written representations. Your further representations should, therefore, reach me no later than **19 March 2024**.

The applicant will then be sent a copy of your further representations and will be entitled to make comment on them. The Local Review Body will be advised both of your further representations and the applicant's comments on them.

Please note that all documentation in relation to this review, including the applicant's Notice of Review and any representations you make, will be placed online at [www.eplanning.north-ayrshire.gov.uk](http://www.eplanning.north-ayrshire.gov.uk). Alternatively, please telephone 01294 324133 for an appointment to view the documentation in relation to this review at Cunninghame House, Irvine.

Finally, please note that the information included in your correspondence as an interested party will form part of the LRB agenda, which is required by law to be published online. Personal data (information relating to you) will be redacted prior to publishing and all data will be processed in line the Council's Privacy Policy and all relevant information legislation.

Should you have any queries in relation to the procedure, please do not hesitate to contact me.

Kind regards,

Diane

Diane McCaw  
Committee Services Officer  
Democratic Services  
North Ayrshire Council, Cunninghame House, Irvine KA12 8EE  
Tel: 01294 324133  
Email: [dianemccaw@north-ayrshire.gov.uk](mailto:dianemccaw@north-ayrshire.gov.uk)

**I'm working in an agile way therefore the best way to contact me is by email.**

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[North Ayrshire Council Website](#)

Response to Mr Scott Ewart's Comments:

Dear Diane,

Mr Ewart had previously stated that his view and outlook would be spoiled from his flat above the coffee shop by my proposed building. A lot of time was spent with my planning officer, myself and my architect and the upstairs front of my building was redesigned allowing him an outlook of Holy Isle and the bay which we thought was a good compromise between us. The roof line which matches his also allows him unlimited light and sun to his terrace. To the right he currently sees only the roof of the lifeboat station so his view is unaltered at this angle.

I believe and so do many of the locals and boat owners that the shop provides a great amenity for this part of the village and also somewhere for tourists to buy goods and enjoy the local pier and I cannot see why it would make any detrimental change for the worse and indeed believe the new building would be a great enhancement to the area around the pier.

With regard to disruption, noise and dust while building. This has to be kept to a minimum and I would of course wish to do this but eventually all buildings have to be replaced and new ones rebuilt. I am hoping to be able to complete and have the shop running for the summer months as that is very important for trade and is a time when the pier and area is at its best.

Best Regards,

Adam Norman.

## REPORT OF HANDLING



North Ayrshire Council  
Comhairle Siorrachd Àir a Tuath

<b>Reference No:</b>	22/00978/PP
<b>Proposal:</b>	Demolition of existing timber building and construction of new retail outlet; workshop and accommodation above
<b>Location:</b>	Johnstons Marine Stores, The Old Pier, Lamlash, Brodick Ayrshire
<b>LDP Allocation:</b>	General Urban Area
<b>LDP Policies:</b>	SP1 - Towns and Villages Objective / Strategic Policy 2 / Detailed Policy 9 - Conservation Areas / Detailed Policy 23-Flood Risk Management / Detailed Policy 29 - Energy Infrastructure /
<b>Consultations:</b>	Yes
<b>Neighbour Notification:</b>	Neighbour Notification carried out on 06.01.2023 Neighbour Notification expired on 27.01.2023
<b>Advert:</b>	Development in Conservation Area Published on:- 20.01.2023 Expired on:- 10.02.2023
<b>Previous Applications:</b>	21/00997/CAC for Demolition of single storey shop and workshop buildings to facilitate the redevelopment of the land Application Refused on 17.12.2021 21/00998/PP for Erection of building comprising of shop, workshop and residential use on upper level including demolition of existing structure Application Refused on 17.12.2021 22/00977/CAC for Demolition of single storey shop and workshop buildings to facilitate the redevelopment of the land Application Refused on 12.12.2023
<b>Appeal History Of Site:</b>	None

### Relevant Development Plan Policies

SP1 - Towns and Villages Objective  
Towns and Villages Objective

Our towns and villages are where most of our homes, jobs, community facilities, shops and services are located. We want to continue to support our communities, businesses and protect our natural environment by directing new development to our towns and villages as shown in the Spatial Strategy. Within urban areas (within the settlement boundary), the LDP identifies town centre locations, employment locations and areas of open space. Most of the remaining area within settlements is shown as General Urban Area. Within the General Urban Area, proposals for residential development will accord with the development plan in principle, and applications will be assessed against the policies of the LDP. New non-residential proposals will be assessed against policies of this LDP that relate to the proposal.

In principle, we will support development proposals within our towns and villages that:

- a) Support the social and economic functions of our town centres by adopting a town centre first principle that directs major new development and investment to town centre locations as a priority including supporting town centre living.
- b) Provide the right new homes in the right places by working alongside the Local Housing Strategy to deliver choice and variety in the housing stock, protecting land for housing development to ensure we address housing need and demand within North Ayrshire and by supporting innovative approaches to improving the volume and speed of housing delivery.
- c) Generate new employment opportunities by identifying a flexible range of business, commercial and industrial areas to meet market demands including those that would support key sector development at Hunterston and i3, Irvine.
- d) Recognise the value of our built and natural environment by embedding placemaking into our decision-making.
- e) Prioritise the re-use of brownfield land over greenfield land by supporting a range of strategic developments that will deliver:
  - o regeneration of vacant and derelict land through its sustainable and productive re-use, particularly at Ardrossan North Shore, harbour and marina areas, Montgomerie Park (Irvine) and Lochshore (Kilbirnie).
  - o regeneration and conservation benefits, including securing the productive re-use of Stoneyholm Mill (Kilbirnie) and supporting the Millport Conservation Area Regeneration Scheme.
- f) Support the delivery of regional partnerships such as the Ayrshire Growth Deal in unlocking the economic potential of the Ayrshire region.

## Strategic Policy 2

### Placemaking

Our Placemaking policy will ensure we are meeting LOIP priorities to make North Ayrshire safer and healthier by ensuring that all development contributes to making quality places.

The policy also safeguards, and where possible enhances environmental quality through the avoidance of unacceptable adverse environmental or amenity impacts. We expect that all applications for planning permission meet the six qualities of successful places, contained in this policy. This is in addition to establishing the principle of development in accordance with Strategic Policy 1: Spatial Strategy. These detailed criteria are generally not repeated in the detailed policies section of the LDP. They will apply, as appropriate, to all developments.

### Six qualities of a successful place

### Distinctive

The proposal draws upon the positive characteristics of the surrounding area including landscapes, topography, ecology, skylines, spaces and scales, street and building forms, and materials to create places with a sense of identity.

### Welcoming

The proposal considers the future users of the site and helps people to find their way around, for example, by accentuating existing landmarks to create or improve views (including sea views), locating a distinctive work of art in a notable place or making the most of gateway features to and from the development. It should also ensure that appropriate signage and lighting is used to improve safety and illuminate attractive buildings.

### Safe and Pleasant

The proposal creates attractive places by providing a sense of security, including by encouraging activity, considering crime rates, providing a clear distinction between private and public space, creating active frontages and considering the benefits of natural surveillance for streets, paths and open spaces.

The proposal creates a pleasant, positive sense of place by promoting visual quality, encouraging social and economic interaction and activity, and by considering the place before vehicle movement.

The proposal respects the amenity of existing and future users in terms of noise, privacy, sunlight/daylight, smells, vibrations, glare, traffic generation, and parking. The proposal sufficiently investigates and responds to any issues of ground instability.

### Adaptable

The proposal considers future users of the site and ensures that the design is adaptable to their needs. This includes consideration of future changes of use that may involve a mix of densities, tenures, and typologies to ensure that future diverse but compatible uses can be integrated including the provision of versatile multi-functional greenspace.

### Resource Efficient

The proposal maximises the efficient use of resources. This can be achieved by re-using or sharing existing resources and by minimising their future depletion. This includes consideration of technological and natural means such as flood drainage systems, heat networks, solar gain, renewable energy and waste recycling as well as use of green and blue networks.

### Easy to Move Around and Beyond

The proposal considers the connectedness of the site for people before the movement of motor vehicles, by prioritising sustainable and active travel choices, such as walking, cycling and public transport and ensuring layouts reflect likely desire lines, through routes and future expansions.

## Detailed Policy 9 - Conservation Areas

### Policy 9:

#### Preserving and Enhancing our Conservation Areas

Development within or adjacent to a Conservation Area, that preserves or enhances its character and appearance, and is consistent with any relevant Conservation Area Appraisal or Management Plan, will be supported providing it can be demonstrated

that it retains appropriate scale, proportion, siting, massing, design, and use of materials whilst not inhibiting high quality innovative design.

There is a presumption against the demolition of unlisted buildings that contribute positively towards the character and appearance of a Conservation Area. Proposals will only be supported in the following exceptional circumstances:

i) The proposal is accompanied by a suitable redevelopment of the site which contributes positively toward the character and appearance of the Conservation Area. Such proposals should also include interim landscaping or sensitive screening of the site. We will also expect proposals to be accompanied by an implementation timetable and where the redevelopment period is considered to be excessive the demolition will generally be resisted.

AND

ii) A competent assessment of the building's contribution to the Conservation Area has concluded that there is little or no value in the building's retention; and

o The repair or reuse of the building is not economically viable; or

o The demolition of the building is essential to delivering significant benefits to the wider community economically, socially or environmentally.

Works to trees within Conservation Areas will be supported where they are:

o Part of an agreed scheme of tree management; or

o Required on the grounds of safety or nuisance; or

o Directed towards trees which are not of a material value to the conservation area (i.e. the trees are small, self-seeded saplings; or not otherwise visible to the public/neighbours - they are remotely located; or fast growing tree species such as conifers, leylandii etc.); or

o In association with a wider development proposal which would enhance the amenity of the conservation area overall - including one where suitable replacement trees can be accommodated.

Further information on our Built Heritage Designations can be found in schedule 9.

## Detailed Policy 23-Flood Risk Management

### Policy 23:

#### Flood Risk Management

We will support development that demonstrates accordance with the Flood Risk Framework as defined in Scottish Planning Policy and shown in schedule 7, relevant flood risk management strategies and local flood risk management plans. We will also support schemes to manage flood risk, for instance through natural flood management, managed coastal realignment, wetland or green infrastructure creation.

Generally, development should avoid locations of flood risk and should not lead to a significant increase in the flood risk elsewhere. Land raising and elevated buildings will only be supported in exceptional circumstances, where it is shown to have a neutral or better impact on flood risk outside the raised area.

Development proposals should:

o Clearly set out measures to protect against, and manage, flood risk.

o Include sustainable urban drainage systems (SuDS) where surface water is proposed to be discharged to the water environment, in accordance with the Water Environment (Controlled Activities) (Scotland) Regulations 2011 as amended.

o Include provision of temporary/construction phase SuDS.

o include appropriate long-term maintenance arrangements.



- o Be supported by an appropriate flood risk assessment where at risk of flooding from any source in medium to high risk areas and for developments in low to medium risk areas identified in the risk framework (schedule 7).
- o Take account of SEPA's flood risk and land use vulnerability guidance (2018) and any relevant updates to, or replacements of this guidance.

Detailed Policy 29 - Energy Infrastructure  
Policy 29:

Energy Infrastructure Development

We will support development proposals for energy infrastructure development, including wind, solar, tidal, cropping and other renewable sources, where they will contribute positively to our transition to a low carbon economy and have no unacceptable adverse environmental impacts, taking into consideration (including cumulatively) the following:

Environmental

- o Communities and individual dwellings - including visual impact, residential amenity, noise and shadow flicker;
- o Water quality;
- o Landscape - including avoiding unacceptable adverse impacts on our landscape designations;
- o Effects on the natural heritage - including birds;
- o Carbon rich soils including peat;
- o Impacts on the historic environment - including scheduled monuments, listed buildings and their settings.

Community

- o Establishing the use of the site for energy infrastructure development;
- o providing a net economic impact - including socio-economic benefits such as employment, associated business and supply chain opportunities;
- o Scale of contribution to renewable energy generation targets;
- o Public access - including impact on long distance walking and cycling routes and scenic routes identified in the National Planning Framework;
- o Impacts on tourism and recreation;
- o Specific locational opportunities for energy storage/generation.

Public Safety

- o Greenhouse gas emissions;
- o Aviation and defence interests and seismological recording;
- o Telecommunications and broadcasting installations - particularly ensuring that transmission links are not compromised; radio telemetry interference and below ground assets;
- o Road traffic and adjacent trunk roads;
- o Effects on hydrology, the water environment and flood risk including drinking water quality and quantity (to both the public and private water supplies);
- o Decommissioning of developments - including ancillary infrastructure, and site restoration and aftercare.

Proposals should include redundancy plans which will demonstrate how apparatus will be timeously removed as reasonably soon as the approved scheme ceases

operation. There may be a requirement for financial bonds to ensure that decommissioning can be achieved. Taking into consideration the above, proposals for wind turbine developments should accord with the Spatial Framework (as mapped) and consider the current Landscape Capacity Study for Wind Farm Development in North Ayrshire. This study will be used as a point of reference for assessing all wind energy proposals including definitions of what small to large scale entails.

#### Buildings: Low and Zero Carbon Generating Technology

Proposals for all new buildings will be required to demonstrate that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies. A statement will be required to be submitted demonstrating compliance with this requirement. The percentage will increase at the next review of the local development plan.

This requirement will not apply to:

1. Alterations and extensions to buildings
2. Change of use or conversion of buildings
3. Ancillary buildings that stand alone and cover an area less than 50 square metres
4. Buildings which will not be heated or cooled, other than by heating provided solely for frost protection.
5. Buildings which have an intended life of less than two years.

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## Description

Planning permission is sought for the erection of a replacement two-storey building on the site currently occupied by Johnston's Marine Stores, a single storey building within Lamlash conservation area.

A separate application for Conservation Area Consent (22/00977/CAC) was submitted seeking authorisation for the complete demolition of the existing building on the site and this Report on Handling refers to both applications.

The proposed building would comprise a ground floor workshop and shop having a flat roof some 3.3m high with a residential flat and roof terrace above. The off-set pitched roof over the flat would then be 6.9m high at the ridge.

The ground floor of the 143m<sup>2</sup> two-storey building would have a 14m long frontage onto The Old Pier and an 11.4m southeast side elevation onto a lane between the site and the RNLI building to the south.

The ground floor of the proposed building would contain a 45m<sup>2</sup> chandlery shop and a c.98m<sup>2</sup> boat repair workshop with an internal car parking space. The upper flat would have a floor plan of 80m<sup>2</sup> and would be at the southwest corner of the building over the workshop below, with the remaining flat roof over the lower shop forming a small roof terrace to the west side delineated by a fence and associated

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with the flat. The remaining flat roof to the north side would abut the balcony of a neighbouring upper flat over the Wheelhouse café but would be unused in this proposal.

The front (northeast) elevation would feature the entrance door to the proposed upper flat, five large shopfront windows and a roller shutter door to the workshop/parking space. There would be windows to the southeast and southwest side elevations of the lower workshop.

There would be windows to three sides of the upper flat with no windows on the northwest elevation facing the neighbouring flat. The off-set pitched roof over the flat would feature solar photovoltaic panels on its southeast slope. A 14.5m<sup>2</sup> area to the northwest front of the flat would be fenced off to provide a small 'garden' roof terrace to the flat and differentiate it from the remaining flat roof area. There would be no access over the remaining flat roof to prevent privacy or residential amenity issues for the neighbouring flat.

The proposed external finishes of the building would be proprietary steel wall cladding and roof panels.

The application was initially supported by a Design, Access and Heritage Statement and, later by a Flood Risk Assessment.

The existing 92m<sup>2</sup> building is L shaped in plan form and comprises a shop in a single storey block with a dual pitched and hipped roof and an attached single storey workshop with front and rear facing gables. The front elevations of both face The Old Pier, which takes access from the A841.

The site is bounded by an RNLI Station and Lamlash Pier, which is a Category B listed building, to the southeast and by a boatyard to the southwest. To the northwest is an adjoining two-storey building which houses a cafe with a residential flat above. There is a house to the northeast on the opposite side of the pier access road.

In the adopted Local Development Plan ('the LDP'), the site is located within the village of Lamlash and within the Lamlash conservation area.

Relevant LDP policies include:

Strategic Policy 1 (the Towns and Villages Objective);  
Strategic Policy 2: Placemaking;  
Policy 9: Preserving and Enhancing our Conservation Areas;  
Policy 23: Flood Risk Management; and  
Policy 29 Energy Infrastructure Development.

In terms of Planning history, applications for planning permission (21/00998/PP) and Conservation Area Consent (21/00997/CAC) for a similar proposal were refused in December 2021 as contrary to Strategic Policy 2: Placemaking, Policy 9: Conservation Areas and Policy 23: Flood Prevention in the LDP.

The consideration of the applications was extended to allow further Flood Risk Assessment to be submitted and/or amended designs to be submitted. An FRA study was later submitted.

## Consultations and Representations

The statutory neighbour notification was undertaken and the planning application was advertised in the local press (Arran Banner). The application for Conservation Area Consent was advertised in the Arran Banner and the Edinburgh Gazette.

Two objections to the proposal were received, the points of which are summarised as follows:

**OBJECTION 1: Insufficient parking.** Although an internal car park space is indicated, this would be unlikely to be permanently used due to the demands of the boat repair workshop business.

**RESPONSE:** Active Travel and Transport was consulted on road safety and parking impacts and the response is in the following section.

**OBJECTION 2: Daylight/ Residential amenity/ Views.** Although the design has been amended since a previous planning refusal, the upper flat would still have an overbearing adverse effect on the residential amenity of the neighbouring Wheelhouse flat by loss of daylight and outlook from its windows, which would then only look onto the blank wall of the new flat.

**RESPONSE:** There is no right to a specific view in Planning law but matters of reasonable amenity and light are assessed in the following Analysis.

### CONSULTATIONS:

Historic Environment Scotland was consulted on the Conservation Area Consent application and Roads, SEPA and Flooding Services on the Planning Application.

**HISTORIC ENVIRONMENT SCOTLAND:** No comments

**RESPONSE:** Noted

**NAC ACTIVE TRAVEL AND TRANSPORT:** No objection. Welcomed the internal parking space added since the previous refusal but recommended that this be retained as an open pend rather than behind a shutter. Indicated that a Road Opening Permit would be required for a drop-kerb footway crossing for the parking space.

**RESPONSE:** Comments noted. It is also noted that an open pend into the building would be likely to conflict with the required flood control measures at the site.

**NAC FLOODING SERVICES:** Objects. The site is at risk of coastal flooding during the 1 in 200 year flood event as found in the 2018 Lamlash Flood Study commissioned by the Council in 2018 and so unsuitable for residential development in principle. Notes that the Council's study is more detailed and up to date and shows flood extents differing from the SEPA flood maps.

**RESPONSE:** No Flood Risk Assessment was submitted with the initial application. Flooding Services was re-consulted once an FRA was submitted. The Council Flooding Engineers noted that the FRA itself confirmed that the site is at medium to high risk of direct inundation from the sea and the development would constitute an increase in the land vulnerability classification.

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Flooding Services confirmed that Policy 22 of NPF4 would only support the development if the site were identified in the LDP as requiring to be brought into positive use AND where the long term safety and flood resilience of the site could be secured. The Flooding Service response noted that the site is not designated for any particular use in the LDP and did not consider that the resilience measures identified in the FRA demonstrate that the long term safety and flood resilience would be delivered.

In light of this, Flooding Services upheld the objection to the development as unsuitable for residential use. The existing retail use could continue.

SEPA: No objection.

RESPONSE: Noted.

## **Analysis**

The Town and Country Planning (Scotland) Act requires that planning applications be determined with regard to the development plan and any other material considerations. The development plan comprises the North Ayrshire Local Development Plan (the LDP), adopted in November 2019, and National Planning Framework 4.

Assessment against the relevant policies follows:

The application site is within the General Urban Area of Lamlash, as identified in the LDP and is also within the Lamlash conservation area.

Replacing an existing commercial building with mixed commercial and residential building would be acceptable in the LDP and the principle of the proposal therefore raises no significant land use policy issues in relation to the Towns and Villages Objective of Strategic Policy 1. In order to fully accord with SP1, proposals also require to accord with Strategic Policy 2.

The detail of the application requires to be considered in terms of Strategic Policy 2: Placemaking; Policy 9: Preserving and Enhancing our Conservation Areas, and Policy 23: Flood Risk Management. The Council produced a Conservation Area Appraisal and Management Plan for Lamlash ("the Lamlash Conservation Area Assessment") to support the analysis of such proposals.

The Placemaking Policy in the LDP seeks to ensure that "all development contributes to making quality places". The policy also "safeguards, and where possible enhances environmental quality through the avoidance of adverse environmental or amenity impacts."

In relation to the six listed qualities of a successful place, the most relevant here are 'distinctive' and 'safe and pleasant'.

The overall appearance of the proposed building would represent an improvement in visual amenity over the existing, somewhat 'worn' building. The proposed external finishing materials would reflect the character of many surrounding functional harbourside buildings. However, the upper addition would be a significant intrusion

on the skyline and out of character when viewed from the heart of the conservation area to the west.

It is considered that the existing adjacent upper flat over the Wheelhouse café is itself unusual within the surrounding area and does not form a precedent for further such intrusions on the skyline. It is not therefore agreed that the proposal draws on positive characteristics of the surrounding area, skylines, spaces and scales etc as required to demonstrate the quality 'Distinctive'.

The proposal would enhance the amenity of the owner/applicant of the building as it would allow him to live and work at the same location. However, as the proposed building would obstruct the outlook which could be expected from that adjacent Wheelhouse flat to the detriment of its residential amenity, it is concluded that the proposed development would adversely affect the amenity of existing users in terms of sunlight & daylight and adversely affect the privacy of users of the neighbouring upstairs flat.

The proposal does not therefore satisfy the listed quality 'Safe and Pleasant'.

Given these considerations, the proposal does not satisfy Strategic Policy 2. Consequently, as mentioned above, it also would not therefore fully accord with Strategic Policy 1.

In terms of Policy 9 on Conservation Areas, as above the scale and massing of the building is considered to be out of scale with the overall character of buildings at this part of the Conservation Area and would be a relatively prominent addition to the skyline in views from the central part of the CA at Lamlash Green towards the harbour. Policy 9 states that the demolition of unlisted buildings in a conservation area shall only be supported in exceptional circumstances where a suitable redevelopment of the site is proposed which would contribute positively to the character and appearance of the conservation area or that the demolition of the building is essential to delivering significant benefits to the wider community economically, socially or environmentally.

No such significant wider benefits have been demonstrated and, as above, the proposed redevelopment is not considered acceptable and would not preserve or enhance the character or setting of the Conservation Area. The proposal cannot therefore be supported under Policy 9.

Turning to Policy 23 on Flood Risk Management, it is noted that the previous proposals in 2021 were refused partly on lack of sufficient flood prevention measures and that SEPA did not object on flood prevention grounds to this application.

However, the local Flooding Authority gave significant consideration to the proposals and confirmed that the Lamlash Flood Study, which was commissioned by North Ayrshire Council and provides a more up to date account of predicted flooding than SEPA's flood maps, found that the site was at risk of flooding from the Firth of Clyde during the 1 in 200 year flood event.

The Flooding Engineers further concluded that the flood prevention measures identified in the submitted FRA could not meet the requirements of Policy 22 on Flooding in the NPF4 and so the proposal is not satisfactory in terms of flood prevention. The proposal does not therefore accord with LDP Policy 23.

In terms of Policy 29: Energy Infrastructure Development, proposals for new buildings require to demonstrate how the carbon emissions reductions targets set by Scottish Building Standards shall be met. The Design Statement identified various measures including Air Source Heat Pumps which would be secured and monitored via the Building Warrant Process and the proposals would therefore comply with Policy 29.

However, given the above analysis, it is found that the proposals are contrary to Strategic Policy 2, Policy 9 and Policy 23 of the LDP. As above, initial analysis also finds that the proposal would be contrary to NPF4 in terms of Flood Prevention measures.

In summary, the proposal appears to be a piecemeal attempt to solve various commercial, residential, neighbour and other issues affecting the building owner rather than a cohesive design to provide an appropriate new building to enhance or at least preserve the conservation area character. Flood risk remains a fundamental issue and the Flooding Authority has objected. The issues which led to the refusal of the previous applications in 2021 have not been resolved. Significant time was allowed for these issues to be resolved but it is concluded that the proposal cannot fundamentally accord with the Development Plan in its current form.

It is possible that future proposals to rebuild the existing single storey commercial unit and eliminate the residential element may be able to accord with the Plan but, as presented, the proposals are contrary to the Development Plan and both applications should therefore be refused. There are no other material considerations.

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## **Decision**

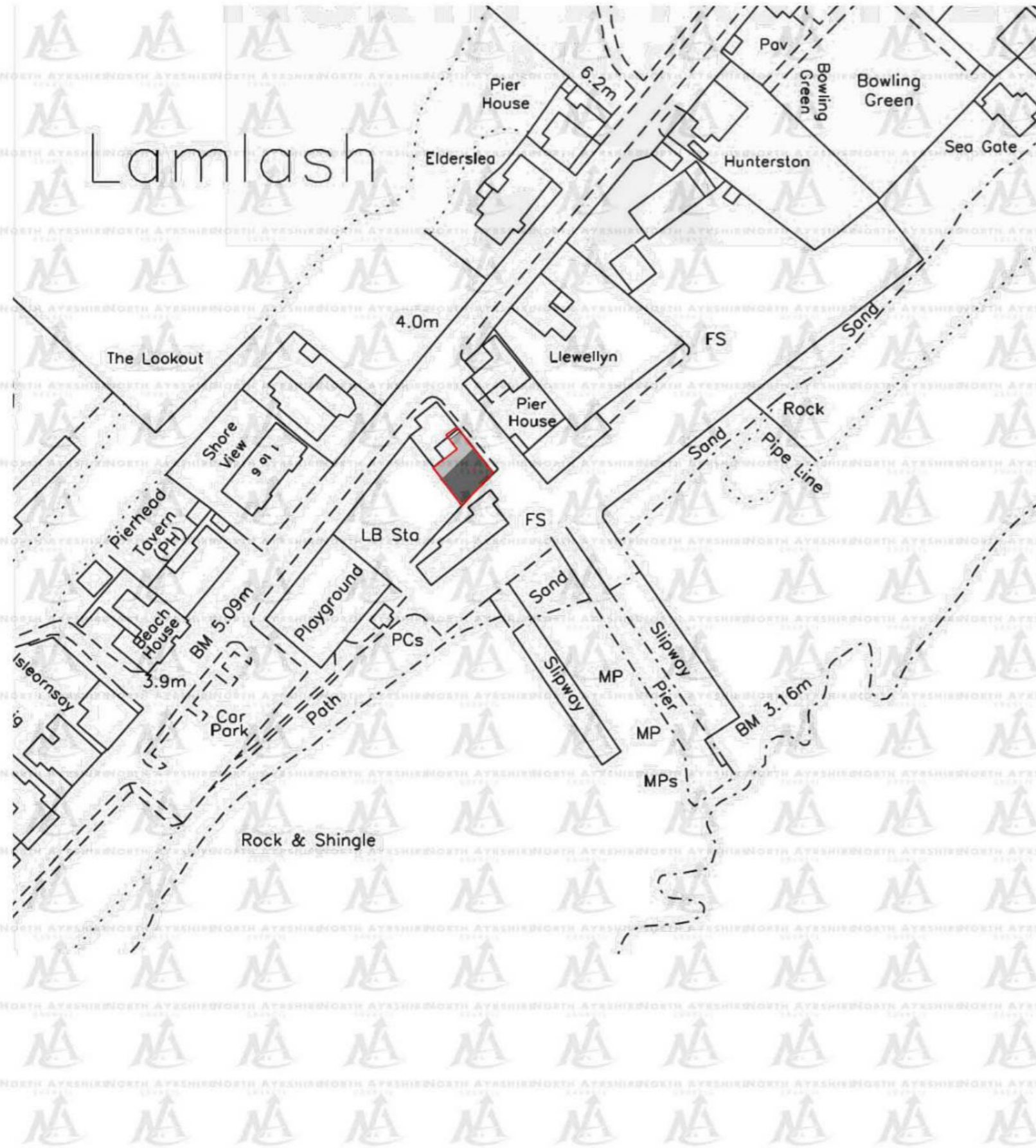
Refused

Case Officer - Mr Neil McAteer

**Appendix 1 - Drawings relating to decision**

<b>Drawing Title</b>	<b>Drawing Reference (if applicable)</b>	<b>Drawing Version (if applicable)</b>
Sections		
Existing Plans and Elevations		
Location Plan		
Sections		
Proposed Plans and Elevations		





Lamlash

 <h1>Eden Architecture</h1> <p>Environmental Design</p>	
<p>Director Mr M Archer</p> <p>Architectural Design Design and Build, Energy Management</p> <p>W: <a href="http://www.edenarchitecture.co.uk">www.edenarchitecture.co.uk</a> T: 0344 500 3323 M: 07469245677</p>	
Client:	Mr A Norman
Address:	S.V. Eva; Lamlash Yacht Club The Old Pier; Lamlash; KA27 8JN
Drawing:	Site Location Plan
Date:	8 October 2021
Scale:	1:1,250
Paper size:	A2



**North Ayrshire Council**  
Comhairle Siorrachd Àir a Tuath

Yvonne Bauk : Head Of Service (Housing & Public Protection)

No N/22/00978/PP

(Original Application No. N/100611145-001)

REFUSAL OF PLANNING PERMISSION

Type of Application: Local Application

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT, 1997,  
AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006.  
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS  
2013

To : Johnstons Marine Stores Fao Mr Adam Norman  
c/o Eden Architecture: Environmental Design Fao Mike Archer  
1 Stepping Stones  
Maulds Meaburn  
Penrith  
Cumbria  
CA10 3HN

With reference to your application received on 5 January 2023 for planning permission under the above mentioned Acts and Orders for :-


Demolition of existing timber building and construction of new retail outlet; workshop and accommodation above

at Johnstons Marine Stores  
The Old Pier  
Lamlash  
Brodict  
Ayrshire  
KA27 8JN

North Ayrshire Council in exercise of their powers under the above-mentioned Acts and Orders hereby refuse planning permission on the following grounds :-

1. The proposal is contrary to Strategic Policy 2: Placemaking of the adopted North Ayrshire Local Development Plan because the proposal would not draw on positive characteristics of the surrounding area in respect of skylines and building forms and would adversely affect the outlook from and residential amenity of neighbouring properties.
2. That the proposal is contrary to Policy 9: Preserving and Enhancing our Conservation Areas of the adopted North Ayrshire Local Development Plan because it has not been demonstrated the height and scale of the building would preserve or enhance the character of the conservation area or accord with the strategy identified in the Lamlash Conservation Area Assessment
3. The proposal is contrary to the Policy 23: Flood Risk Management of the adopted North Ayrshire Local Development Plan because it has not been demonstrated that the proposal includes sufficient measures to protect against and manage flood risk.

Dated this : 12 December 2023

  
.....  
for the North Ayrshire Council

(See accompanying notes)



**North Ayrshire Council**  
Comhairle Siorrachd Àir a Tuath

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997  
AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006.  
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS  
2013 – REGULATION 28

Yvonne Baulk : Head Of Service (Housing & Public Protection)

**FORM 2**

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Committee Services, Chief Executive's Department, Cunninghame House, Irvine, North Ayrshire, KA12 8EE.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

