

**COMMITTEE:** Planning and Licensing

**DATE:** 6<sup>th</sup> November 2001

**SUBJECT:** Tree Preservation Order – Land at 2 – 4 Mill Gap Road, Eastbourne Order No: 74

**REPORT OF:** Head of Planning and Legal Services Manager

**Ward:** Upperton

**Purpose:** This report seeks confirmation of a Tree Preservation Order.

**Contact:** Miss Terry Morris Telephone 01323 415067 or internally on extension 5067.

**Recommendations** : That The Eastbourne Borough Council Tree Preservation Order (Land at 2- 4 Mill Gap Road, Eastbourne, East Sussex) No. 74 (2001) be confirmed without modification

## **1. Introduction**

- 1.1 On 12 June 2001 the Head of Planning exercised his delegated powers and authorised the making of a tree preservation order in respect of a group of trees on the above land.

The Head of Planning took this action because the site was under threat from development and the trees currently have no other form of protection. The trees make an enormous contribution to the visual amenities of the area and their loss would be severely detrimental.

The Order was made on 13<sup>th</sup> June 2001.

- 1.2 The Order will continue in force until the expiration of a period of six months from the making of the Order or the date on which the Order is confirmed, whichever first occurs.

## **2. Confirmation Procedure**

The Committee must now decide whether to confirm the Order. The Committee may:

- confirm an Order without modification or subject to such modification as it considers it expedient; or
- decline to confirm the Order, in which case it lapses.

Before making a decision the Committee must take into account any objections or representations made within the prescribed period.

## **3. Consultations**

- 3.1 Copies of the Order and statutory notice have been served on the owners and occupiers of the land and adjoining land.
- 3.2 The following is a summary of the representations and objections received together with the response of officers.

#### **Objection/ Representation**

Sheppard Consulting Civil & Structural Engineers - They are concerned that their planning application for works on the site will be stopped due to the fact that some trees will need to be felled in order to carryout the works.

#### **Officers Response**

There is no question of permission being refused to remove trees when absolutely necessary. It is accepted that some trees will have to be felled to carry out essential repairs to some of the boundary walls. The tree preservation order will however ensure felling is carried out under the control of the council and that replacements can be provided where appropriate rather than relying on good will.

#### **Objection/ Representation**

Hazel Bennett of Mill Gap Cottage - The trees obstruct her property and there is a potential risk of damage to the same although no damage has been caused by the trees to-date.

#### **Officers Response**

Same as above.

#### **Conclusion from Officers**

It is considered that the order is necessary to ensure the long term protection of the trees on site, which make an enormous contribution to the visual amenities of the area, the tree preservation order does ensure where trees need to be removed and felled that they will be replaced.

#### **4. Human Resources**

There are none.

#### **5. Environmental Implications**

The confirmation of the Order will ensure the protection of the trees, which make a significant contribution to the visual amenity of the area.

#### **6. Human Rights**

Whilst the owners have the right to the peaceful enjoyment of their property, the Council have the right to make the Order to preserve and protect the visual amenity to which the trees make a significant contribution.

#### **7. Financial Implications**

There are none.

**8. Youth and Anti-Poverty Implications**

There are none.

**9. Conclusion**

The trees make a significant contribution to the visual amenity of the area. We therefore recommend that the Tree Preservation Order be confirmed without modification.

**TIM COOKSON  
HEAD OF PLANNING**

**MARK REYNARD  
LEGAL SERVICES MANAGER**

**Background Papers:**

The Background Papers used in compiling this report can be found on file PL/2/33