

COMMITTEE: Planning and Licensing

DATE: 11 December 2001

SUBJECT: Tree Preservation Order – Land at 13 – 15 The Goffs, Eastbourne Order No: 64

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 13 – 15 The Goffs Eastbourne, East Sussex) No. 64 (2001) be confirmed without modification

1. Introduction

- 1.1 At the meeting of the Committee on 13th July 1999 it was resolved that a tree preservation order be made in respect of trees on the above land. The trees are shown on the enclosed Order plan.

The Order was made on 28th September 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

Mr and Mrs Chapman- They are concerned that the size of tree T23 (which is a Beech tree) and closeness of it to their flat (which they are in the process of purchasing) would seriously obscure their view and that it would lessen the amount of natural light into their flat. They believe that when in full leaf the tree will probably require the use of artificial light in the daytime. They ask that the order be modified to allow "a substantial reduction in the height and diameter" of tree T23.

Mr and Mrs Chapman say that they initially noted the tree in the sale booklet and committed themselves to the purchase of their flat before gaining access to the grounds. Upon gaining access, they realised the full dimensions of the tree.

Officers Response

For the development of the site a number of trees were felled, however certain trees were identified as being of significant amenity value hence the reason for the tree preservation order.

The order gives both protection to the trees and the Council control over any works to the trees. The existence of the Order in its current form does not preclude the carrying out of works to tree T23, but such works would have to be authorised by the Council, any application would be considered on its merits, however, permission would not automatically be granted.

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 and or works to be carried out to the trees will need prior permission from the Council.

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/2/24