

<b>COMMITTEE:</b>	<b>PLANNING AND LICENSING</b>
<b>DATE:</b>	<b>12 MARCH 2002</b>
<b>SUBJECT:</b>	<b>TREE PRESERVATION ORDER – LAND ON THE SOUTH EAST SIDE OF PEVENSEY BAY ROAD, EASTBOURNE</b>
<b>REPORT OF:</b>	<b>HEAD OF PLANNING AND ACTING HEAD OF LEGAL AND PROPERTY SERVICES</b>
<b>Ward:</b>	<b>St Anthony's</b>
<b>Purpose:</b>	<b>This report seeks confirmation of a Tree Preservation Order.</b>
<b>Contact:</b>	Miss Jenny Saunders Telephone 01323 415040 or internally on extension 5040
<b>Recommendation:</b>	That The Eastbourne Borough Council Tree Preservation Order (Land on the South East Side of Pevensey Bay Road Eastbourne East Sussex) No. 77 (2001) be confirmed without modification
<b>1.</b>	<b><u>Introduction</u></b>

1.1	<p>On 22 October 2001 the Head of Planning exercised his delegated powers and authorised the making of a tree preservation order in respect of trees on the above land. The trees are Pinus spp (Pine) Acer Pseudoplatanus (Sycamore) Ulex Europeaus (Gorse) and Hippophae Rhamnoides (Sea Buckthorn).</p> <p>The Head of Planning took this action because the copse is under threat of removal as a result of a proposed development on the site, it makes a valuable contribution to the visual amenities of the area, and is worthy of retention.</p> <p>The Order was made on 25 October 2001. A copy of the Order plan is attached.</p>	
1.2	<p>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.</p>	
2.	<b><u>Confirmation Procedure</u></b>	
3.	<b><u>Consultations</u></b>	
3.1	<p>Copies of the Order and statutory notice have been served on the owners and occupiers of the land and adjoining land.</p>	
3.2	<p>The following is a summary of the objections received together with the response of officers.</p> <p><b>Objection by Sovereign Harbour Limited</b></p> <p>The trees are not of a high quality and are inferior specimens. The copse encroaches into an important area of development land at Sovereign Harbour and is not an appropriate way to screen future development.</p> <p>The company intends to formulate a landscape scheme for any future development. This would result in a structured landscape / screen. The Order on its own would not provide any significant benefit.</p> <p><u>Officer response</u></p> <p>It is acknowledged that the individual trees are not outstanding, but as a group they do have significant visual merit which helps to screen part of the site from Pevensey Bay Road.</p> <p>The presence of a Tree Preservation Order does not necessarily act as an impediment to the proposed development of the site as indicated in the current application for the B &amp; Q warehouse store and associated garden centre and builder's yard. In the event of the application being approved, however, the existence of the Order would reinforce the importance of securing a substantial replacement planting scheme (with semi-mature trees) as part of the structured landscaping scheme referred to by Sovereign Harbour Limited.</p> <p><b>Objection by Gazeley Properties Limited</b></p>	

Officer response

The comments made by Gazeley Properties Limited also relate to the issues surrounding the proposed B & Q store and these are covered in the response to the objection by Sovereign Harbour Limited.

4.	<b><u>Human Resources</u></b>	
	There are none.	
5.	<b><u>Environmental Implications</u></b>	
	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.	<b><u>Human Rights</u></b>	
	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.	<b><u>Financial Implications</u></b>	
	There are none.	
8.	<b><u>Youth and Anti-Poverty Implications</u></b>	
	There are none.	
9.	<b><u>Conclusion</u></b>	
	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.	

<b>TIM COOKSON</b>	<b>MARK REYNARD</b>	
<b>HEAD OF PLANNING</b>	<b>ACTING HEAD OF LEGAL AND PROPERTY SERVICES</b>	
<b>Background Papers:</b>		
The Background Papers used in compiling this report can be found on file		PL/2/38