

| | |
|-------------------------|--|
| COMMITTEE: | Planning and Licensing |
| DATE: | 16 April 2002 |
| SUBJECT: | Tree Preservation Order – Land at 44-46 St Leonards Road and 58 Commercial Road, Eastbourne |
| REPORT OF: | Head of Planning and Acting Head of Legal and Property Services |
| Ward: | DEVONSHIRE |
| Purpose: | This report seeks confirmation of a Tree Preservation Order. |
| Contact: | Miss J Saunders Telephone 01323 415040 or internally on extension 5040 |
| Recommendations: | That The Eastbourne Borough Council Tree Preservation Order (Land at 44-46 St Leonards Road and 58 Commercial Road, Eastbourne, East Sussex) No. 61 (2001) be confirmed without modification |

| | |
|-----------|---|
| 1. | <u>Introduction</u> |
| 1.1 | At the meeting of the Committee on 16 March 1999 it was resolved that a tree preservation order be made in respect of trees on the above land. The trees are three Robinia pseudocacias (Robinias) Aesculus spp (Chestnut) Tilia spp (Lime) Taxus baccata (Yew) Trachycarpus fortunei (Palm) Ulmus spp (Elm). A copy of the Order Plan is attached. The Order was made on 2 January 2002 |
| | |

| | |
|-----|---|
| 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. | <u>Confirmation Procedure</u> |
| | <p>The Committee must now decide whether to confirm the Order. The Committee may:</p> <ul style="list-style-type: none"> · 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. <p>Before making a decision the Committee must take into account any objections or representations made within the prescribed period.</p> |
| 3. | <u>Consultations</u> |
| 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 | <p>The following is a summary of the representations and objections received together with the response of officers.</p> <p>Objection received from resident of 54 Gables Court</p> <p>The resident mentions that during the day the residents at the front of the property have to have the light on all day and some of the residents are on a fixed income and cannot afford the expense of the electricity. Apart from that it is very depressing. The Texas Baccata (Yew) is gradually dying this will cause a nasty accident as time goes on. She is asking the we reconsider our decision and give the Contractor permission to prune the trees.</p> <p>Objection received from resident of 2 Gables Court</p> <p>The resident lives at the back of the block overlooking the car park entrance. She has a Texas Baccata (Yew) (T6) outside her bedroom window going over towards the kitchen. It takes every bit of light away from the window. Her view from the window is of the trunk which is nearly as wide as the window itself. It is very dark all day long and she has to have an electric light on all day and it has got so bad that she has to take a torch with her wherever she goes because it is expensive to keep putting the lights on and she is a pensioner. This problem continues through the winter, as well as the summer months because the tree has leaves all year long. The tree itself is brown and dead</p> |

catching the lounge windows. She would be pleased if permission could be granted to prune where necessary both for safety and giving extra light into the flat especially during the Spring and Summer when they are in full leaf.

Objection received from reside of 7 Gables Court

The resident writes regarding the trees which affect her natural light in her flat. The Robinia pseudoccacia (Robinia) (T1) affects her kitchen and bedroom. This tree along with Aesculus spp (Chestnut) (T2) and Robinia pseudoccacia (Robinia) (T3) are very close the Gables Court development with roots growing towards the building and with a great many branches. The effect of this is that she has to use electricity in the brightest daytimes in both summer and winter as the branches cut out all light. In addition, the extreme rainfalls of recent times must affect the roots – which surely is an additional anxiety.

Objection received from resident of 20 Gables Court

The resident mentions the lack of daylight to the flats. Many dead branches have fallen on the lawns during the many recent gales. She has had branches banging against her window which has been scratched by Aesculus spp (Chestnut) (T2) Also there is the danger of branches or twigs falling on the public footpath which could injure pedestrians. The resident feels that to have the trees lopped or pruned would greatly enhance the property and the road.

Objection received from resident of 50 Gables Court

The resident says that although he agrees that the trees in question do make a contribution to the visual amenities of the area, he has serious objections to leaving them in their present state. Trees Aesculus spp (Chestnut) (T2) and Tilia spp (Lime) T5 are in his view unsafe and need cutting back and pruning. Some branches are only a few feet from the fourth floor windows and when in full leaf restrict his 'right to light' considerably. In the recent winds dead branches were falling into the gardens also creating a hazard to pedestrians on the adjacent public footpaths. In light of this all residents hope that remedial work will be approved as soon as possible.

Objection received from resident of 22 Gables Court

The resident mentions that although she is not affected by the trees she has sympathy for those who are and the problems including branches hitting windows, branches snapping off and darkness in their rooms resulting in the need for electric light during the day. She mentions that all trees need regular attention including the protected trees.

Objection received from resident of 32 Gables Court

The resident is concerned about the Aesculus spp (Chestnut) (T2). She mentions that during last summer it was necessary to have an electric light on all day as the foliage on the tree was blocking out a large amount of daylight and the fact that three trees are close together does not help. This was very depressing, especially when the sun was shining brightly outside. In order to preserve the trees it would seem that regular pruning would be necessary. Would the Council see their way to allow some pruning to be done as soon as possible?

Objection received from resident of 5 Gables Court

The resident says that her main complaint is the lack of light to her flat and also the danger of falling branches on the pathway and pavement to the street which could injure residents or passers-by.

Objection received from resident of 47 Gables Court

The resident complains about the Council's refusal to allow pruning of the trees. A number of flats now are very damp as a result. She mentions that they are not asking for the removal or lopping of the trees, just pruning.

Objection received from resident of 19 Gables Court

The resident lives on the first floor and has three large trees in front of her flat. She has to keep her lights on all day because it is so dark.

Two Representations received from residents of 14 Gables Court

Both residents would like trees T1,T2, T3,T4,T5,T6,T7 and T8 preserved. In particular, tree T6 should be preserved because it is an evergreen and is full of a number of birds the whole year round including bluetits, great tits, chaffinch, greenfinch, blackbirds, starlings, pigeons, doves, magpies, robins and a pair of jays. Because the residents are not allowed to attach food to the building the residents are able to hang food from the branches for them. The trees soften the edges of the large building and enhance the building by breaking up the huge amount of brickwork. The trees seem quite healthy and if the (T6) tree is removed they hope that a replacement tree will be planted because it gives some shade and is pleasant to look at and is conveniently located in front of their windows for them to watch the birds.

Two Representations received from residents of 46 Gables Court

The residents would like to express their support for

the order. These trees add greatly to the visual and general amenity of not only this particular development, but also the area as a whole. The new developers in St Leonards Road have heavily cut back the trees in front of their new development and this has a detrimental effect on not only the character of that property but on the streetscape of St Leonards Road. It was the attractiveness of Eastbourne's tree lined streets and the feeling of coming to a town that really cared about the visual and physical amenity of the area that decided them on moving here from London. The overall standard of the town is something for which successive Councils are to be congratulated. They do not share the view of some other residents of Gables Court that the trees should be disturbed beyond normal maintenance.

Officer response:

| | |
|--|--|
| | <p>The TPO was authorised by the Planning Committee on 16 March 1999, before the existing building was constructed (1999-2000).</p> <p>Permission was granted in 2000 for extensive reduction works to the three trees (T2, T3 & T4) which appear to be the source of particular concern to residents. The trees are mature specimens, and it is inconceivable that prospective purchasers were not aware of their size and proximity to the building. The front of the building faces north west and therefore the trees do not block any direct sunlight. None of the branches actually touch the building, nor would they, even with high winds.</p> <p>The trees have been under significant stress because of the construction works, and regrowth has been slowed. The yew (T6) at the rear appears to be making a reasonable recovery, but will require further monitoring. At the present time, all are healthy and free from pest/disease problems. T2, T3 and T4 in particular have reached their limit in terms of how much foliage can be removed without killing the trees.</p> <p>The trees continue to provide significant visual amenity to the locality, and are worthy of retention. The order should be confirmed without modification to ensure that replacements can be secured in the event of any trees being lost.</p> |
|--|--|

| | |
|---|---|
| 4. | <u>Human Resources</u> |
| | There are none. |
| 5. | <u>Environmental Implications</u> |
| | 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. | <u>Human Rights</u> |
| | 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. | <u>Financial Implications</u> |
| | There are none. |
| 8. | <u>Youth and Anti-Poverty Implications</u> |
| | There are none. |
| 9. | <u>Conclusion</u> |
| | 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 ACTING HEAD OF LEGAL AND PROPERTY SERVICES |

| | |
|--|--|
| | |
| Background Papers: | |
| The Background Papers used in compiling this report can be found on file PL/2/22 | |
| | |
| | |
| | |
| | |