

Committee Report

Body: Planning Committee

Date: Tuesday, 30th October, 2012

Subject: Tree Preservation Order - Land at Elmwood, 5 Arundel Road No. 153 (2012)

Report Of: Senior Head of Development and Environment and Lawyer to the Council

Ward Upperton

Purpose This report seeks confirmation of a Tree Preservation Order.

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Recommendation: That The Eastbourne Borough Council Tree Preservation Order (Land at Elmwood, 5 Arundel Road, Eastbourne, East Sussex) No. 153 (2012) be confirmed without modification.

1. Introduction

1.1 On 22nd May, 2012 the Development Manager exercised his delegated powers and authorised the making of a tree preservation order in respect of trees on the above land. The trees are 1 Sycamore, 1 Wheatley Elm, 1 Yew, 2 Scots Pine, 1 Holm Oak and 5 Common Beech.

The Development Manager took this action because the trees make a significant contribution to the visual amenities of the area, and their loss would be detrimental to those amenities. The Order was made on 14th August, 2012. A copy of the Order plan is attached.

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

2.1 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

Received from a resident of Fitzalan House, Arundel Road.

The resident objects to the Tree Preservation Order in respect of the Sycamore tree, designated T1 in the plan and schedule. The grounds for the objection are:-

(1) The tree abuts the boundary wall of the resident's property and has already damaged and displaced the brick work.

(2) The tree abuts the retaining wall which demarcates the boundary of the Elmwood property and the public highway in Arundel Road. This retaining wall is contiguous with the retaining wall of Fitzalan House. The tree will eventually displace the retaining wall in both properties and so create a risk to the public using the footpath.

Officer's Response

The Planning Section says the tree provides significant visual amenity, but does not require immediate removal.

If future repair works require the removal of the tree, the Order will provide the means for the Council to safeguard the visual amenity it provides by securing the planting of a replacement tree. If there is no alternative course of action available or reasonable, the Order would not preclude consent being granted for the removal of the tree at an appropriate time.

- 3.3 Nine letters of objections were received from various residents of Fitzalan House on 27th September, 2012. These objection letters were received out of time as the period of objection expired on 17th September, 2012. However, these letters are identical in their contents to the above objection being considered by the Planning Committee. Letters were sent to these residents explaining that their objection letters were out of time and a telephone call was received from one of the residents who could not recall signing the objection letter.

4. Resource Implications

- 4.1 Financial

There are none.

- 4.2 Staffing

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. 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.

**JEFF COLLARD
SENIOR HEAD OF DEVELOPMENT AND ENVIRONMENT**

**VICTORIA SIMPSON
LAWYER TO THE COUNCIL**

Background Papers:

The Background Papers used in compiling this report can be found on file PL/2/114.