

<b>Body:</b>	Planning Committee
<b>Date:</b>	Tuesday 15 April 2014
<b>Subject:</b>	Tree Preservation Order – Land at St. Saviour's and St. Peter's Vicarage, Spencer Road, Eastbourne, East Sussex No. 164 (2013)
<b>Report Of:</b>	Senior Head of Development and Environment and Lawyer to the Council
<b>Ward</b>	Meads
<b>Purpose</b>	This report seeks confirmation of a Tree Preservation Order
<b>Recommendation(s):</b>	That the Eastbourne Borough Council Tree Preservation Order (Land at St. Saviour's and St. Peter's Vicarage, Spencer Road, Eastbourne, East Sussex) No. 164 (2013) be confirmed without modification.
<b>Contact:</b>	Diane Fearn, Paralegal/Admin. Assistant, Telephone 01323 415029 or internally on extension 5029. E-mail address: <a href="mailto:diane.fearn@eastbourne.gov.uk">diane.fearn@eastbourne.gov.uk</a>

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## **1.0 Introduction**

- 1.1 On 1st October, 2013 the Development Control 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 2 Evergreen Oak and 3 Sycamore.
- 1.2 The Development Control Manager took this action because the trees makes a significant contribution to the visual amenities of the area, and their loss would be detrimental to those amenities. The Order was made on 11th November, 2013. A copy of the Order plan is attached (Appendix 1).
- 1.3 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.

## **2.0 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.

### **3.0 Consultation**

- 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 A letter dated 28th December, 2013 has been received on behalf of the Management Company of a block of flats known as Barchester Place, 1 Hardwicke Road, Eastbourne. A copy of the letter dated 28th December, 2013 is attached (Appendix 2) which sets out the observations with regard to the Order.

The responses from the Council's officers with regard to the contents of the letter of 28th December, 2013 are set out below:-

#### **Natural daylight**

An application in 2011 was approved to undertake a crown reduction for this reason and should still be preventing this issue; a further application to thin the re-growth would be deemed acceptable.

#### **Litter caused by twigs, leaves and guano**

Detritus in the form of leaf and twig litter is not a sufficient reason to prevent the making of an Order.

#### **Branches becoming a danger due to the size**

Should an application be made which indicates the tree is causing a danger to residents of Barchester Court, it would be assessed on the evidence provided, and an inspection of the trees. An Order does not prevent appropriate maintenance of trees.

#### **Noises created by a tree**

Most trees do create some noise during windy conditions with the wind passing through the crown of the tree but this is not a sufficient reason to prevent the making of an Order. The Order will not increase this, nor the number of birds using the trees.

#### **Balcony doors**

Moths, birds, dust and insects flying into a room could all happen with or without the presence of trees, and is not a sufficient reason to prevent the making of an Order.

#### **Natural growth**

It is not considered that natural growth is untidy or intrusive.

#### **Undesirables**

An application to crown lift the lower branches of the trees would alleviate this issue.

#### **Value of flats**

The trees predate the development of Barchester Court, and the value of the flats would have reflected their presence when they were first marketed. The Order would not affect the status quo in any way.

The suggestion that the trees are due to be lopped indicated that the trees were under threat and the making of the Order was necessary to prevent inappropriate works, or their removal. The trees provide an effective screen and contribute to the visual amenities of the area, particularly in this town centre location. The trees have been regularly maintained by the owners (the Diocese) since the construction of Barchester Court, and the making of the Order would not hinder the ongoing management of the trees.

#### **4.0 Resource Implications**

##### 4.1 Financial

There are none.

##### 4.2 Staffing

There are none.

#### **5.0 Environmental Implications**

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

#### **6.0 Human Rights**

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

#### **7.0 Conclusion**

7.1 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**

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#### **Background Papers:**

The Background Papers used in compiling this report can be found in PLAN/39.