

Committee Report

Body: Planning Committee
Date: Tuesday, 5th August, 2014
Subject: Tree Preservation Order - Land at 26 Saffrons Park, Eastbourne, East Sussex No. 166 (2014)
Report Of: Senior Head of Development and Environment and Lawyer to the Council
Ward(s) Meads
Purpose This report asks the Planning Committee to confirm the afore-mentioned Tree Preservation Order on behalf of the planning authority.
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Recommendation: That The Eastbourne Borough Council Tree Preservation Order (Land at 26 Saffrons Park, Eastbourne, East Sussex) No. 166 (2014) be confirmed without modification.

1. Introduction

- 1.1 On 9th April, 2014, a Senior Specialist Adviser at the Council exercised his delegated powers by authorising the making of a provisional tree preservation order in respect of trees on the above land. The trees are 1 Sycamore, 1 Yew and 1 Scots Pine.

The Senior Specialist Adviser made the provisional tree preservation order having taken the view that the relevant trees made a significant contribution to the visual amenity of the area, and as their loss would be detrimental to that amenity it was expedient to make the order.

The Order was made on 1st May, 2014. A copy of the Order plan is attached (Appendix 1).

- 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 either without modification or subject to such modification as it considers expedient; or
- decline to confirm the Order, in which case it lapses.

Before making a decision the Committee must first take into account any

objections or representations made within the prescribed period. Objections and representations have been received in and those are detailed below.

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 Objections have been received from the owners and residents of five properties in Saffrons Park. These have been summarised as follows:

Objections received in respect of the Sycamore tree designated T1 on the plan.

- The Sycamore tree in the front of the property needs to be cut down because its leaves are blocking the drain pipe and are also preventing the growth of the Yew tree which it is very close to.
- The Sycamore tree is unsightly and almost completely obscures the Yew tree behind it as viewed from the roadway. The tree is oversized considering its close proximity to the building at No. 26 and to the roadway. It is not uncommon after a storm to see tree debris scattered on the road surface. The tree creates a nuisance as its floating seed pods are littered everywhere, blocking the gutters, drainpipes and soakaway grilles on the driveways.
- The Sycamore tree is a diseased tree covered with ivy which will eventually lead to its demise. Sycamore trees are virtually considered weeds and grow prolifically in all areas.

Objections received in respect of the Scots Pine tree designated T3 on the plan.

- Having been straight 16 years ago, the Scots Pine tree is now leaning 15 to 20 degrees. It shakes in even slight winds and is located next to the master bedroom at No. 26. This causes a lot of anxiety and sleep disturbance. Branches have fallen very close to family members when they have been in the garden. The tree is only 4 metres from the kitchen wall which means the gutters have to be cleaned twice a year as they get blocked with sharp leaves.
- The Scots Pine also appears to be top heavy and when very windy can be seen to be rocking backwards and forwards. After a storm it is not uncommon for debris to be scattered on the ground. This Scots Pine tree is not uniquely placed in Saffrons Park as there are a number of other such trees a short distance away within easy view.
- The Scots Pine is perched on a bank. It has not grown straight, leans dangerously over the road and rocks violently in high winds. It seems unreasonable that the Council is permanently creating a situation which is offering protection to tall top-heavy trees which are clustered together dangerously without having regard to the safety of passers-by.

Objection in respect of the Yew tree designated T2 on the plan and generally.

All three of the trees are extremely tall. Located within a few feet of each other, they are growing into each other and cannot be seen in isolation. The Yew tree can hardly be seen from the roadway.

The Officer's response to the objections received.

- (1) The Council's Specialist Advisor (Arboriculture) has carried out a TEMPO evaluation (Tree Evaluation Method for Tree Preservation Orders), which indicated that the trees merit the making of an Order.
- (2) The trees make an important contribution to the visual amenity of the area, and are an original feature of Saffrons Park. They have significant group value, and to remove two of the trees leaving one *Taxus* spp (yew) would be detrimental to the visual amenity of the area.
- (3) The owner of any trees has a duty to ensure they are in a safe condition; to date no evidence has been produced indicating any of the trees which are the subject of the Order are in poor health or in a dangerous condition. Where such evidence is received, and the Council is satisfied that a tree requires removal, for instance for health and safety reasons or through disease, then consideration will be given to using the Council's discretion to grant consent through the normal application process.
- (4) The *Pinus sylvestris* (Scots pine) is tall and has an historic lean but this does not make a tree unsafe and is not classed as evidence that it is in an unsafe condition; it has been inspected by a competent arborist recently, and no evidence was then found to warrant its removal. The growth habit of this species is naturally a top heavy look in maturity, as all the growth is situated at the very top of the tree.
- (5) Dropping seeds and leaf litter are not sufficient grounds to fell trees. Gutter guards can be used to abate this aspect of nuisance.

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 are considered to make a significant contribution to the visual amenity of the area.

6. Human Rights

Whilst the owners of land have the right to peaceful enjoyment of their property, tree preservation orders are the principal regulatory means for protecting trees and the local planning authority is empowered to make an Order to protect trees which it considers to be of amenity value to local communities.

7. Conclusion

- 7.1 The trees make a significant contribution to the visual amenity of the area. It is therefore recommended that this 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 in PLAN/56.