

**COMMITTEE:** Planning

**DATE:** 30th September, 2014

**SUBJECT:** Tree Preservation Order – Land at 91 Parkway, Eastbourne, East Sussex No. 170 (2014)

**REPORT OF:** Senior Head of Development and Environment and Lawyer to the Council

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**WARD** Ratton.

**PURPOSE** This report asks the Planning Committee to confirm the aforementioned Tree Preservation Order on behalf of the planning authority.

**CONTACT:** Victoria Simpson, Lawyer to the Council, Telephone 01323 415018 or internally on extension 5018.  
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**RECOMMENDATION:** That The Eastbourne Borough Council Tree Preservation Order (Land at 91 Parkway, Eastbourne, East Sussex) No. 170 (2014) be confirmed without modification.

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## **1.0 Introduction**

1.1 On 4th June, 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 individual trees marked T1 to T7 are 1 Lime (T1) and 6 Yew (T2 to T7). The group of trees within G1 consist of 7 Yew, 9 Ash and 1 Sycamore. The group of trees within G2 consist of 4 Ash.

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 5th June, 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.

## **2.0 Confirmation Procedure**

The Committee must now decide whether to confirm the order. The Committee may either:

- 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.

### **3.0 Consultation**

- 3.1 Copies of the order and statutory notice were served on the owners and occupiers of the land and adjoining land.
- 3.2 Letters of objection to the confirmation of a Tree Preservation Order have been received from one of the owners of the property and from residents of one property in Parkway. Copies of these letters are attached at Appendix 2 and Appendix 3 for your information.
- 3.3 The officer's response to the objections received is attached at Appendix 4.
- 3.4 Letters of supporters of the order have been received and a copy of a letter is attached at Appendix 5. This letter and seven others containing the same text were received within the deadline from interested parties.
- 3.5 It will be noted that the points on which the objectors and the Council differ include the following:
- 1) how scoring was applied using the TEMPO system. The objector considers that separate scoring was not used for each single tree and group while the Council states that although an initial assessment was based on the trees' group value, individual scoring was done on a further visit
  - 2) whether the visual amenity requirement is made out, and
  - 3) whether the impact of a restrictive covenant on the facts obviates the need for a Tree Preservation Order to be made.

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

### **6.0 Human Rights**

6.1 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.

## **7.0 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**

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### **Background Papers:**

The Background Papers used in compiling this report can be found in PLAN/64.

To inspect or obtain copies of background papers please refer to the contact officer listed above.