

# Committee Report

**Body:** Planning Committee

**Date:** Tuesday, 21st May, 2013

**Subject:** Tree Preservation Order - Land at 23 The Goffs, Eastbourne, East Sussex No. 158 (2013)

**Report of:** Senior Head of Development 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 23 The Goffs, Eastbourne, East Sussex) No. 158 (2013) be confirmed without modification.

## 1. Introduction

1.1 On 19th February, 2013, the Development Manager exercised his delegated powers and authorised the making of a Tree Preservation Order in respect of a tree on the above land. The tree is an Elm.

The Development Manager took this action because the tree makes a significant contribution to the visual amenities of the area, and its loss would be detrimental to those amenities. The Order was made on 8th March, 2013. 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

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 a flat at 23 The Goffs.

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

The roots of the tree are causing major problems to the driveway and are only yards away from the house "23 The Goffs". If no action is taken the structure of the house will be damaged.

### **Officers' Response**

The Planning Section says that an application to prune fibrous roots would be looked upon sympathetically for roots affecting the driveway.

Alternative solutions to the issue can be found, for example using Amsterdam tree sand under the finished surface when relaying the driveway. Officers will be happy to discuss all options available to find a solution once the DBM (Tarmacadam) surface is removed.

It is considered extremely unlikely that the roots would affect the house, given the distance between them.

## **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 tree, which makes 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 tree makes a significant contribution.

## **7. Conclusion**

- 7.1 The tree makes 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**

**VICTORIA SIMPSON**  
**LAWYER TO THE COUNCIL**

### **Background Papers:**

The Background Papers used in compiling this report can be found on file PL/2/116.