

Body: Planning Committee
Date: **1 March 2016**
Subject: **Tree Preservation Order - Land at 63 Carlisle Road, Eastbourne**
No. 176 (2016)
Report Of: Senior Head of Community
Ward(s) **Meads**
Purpose **This report seeks confirmation of a Tree Preservation Order.**
Contact: Jane Sabin, Specialist Advisor (Planning) Customer First on telephone number 01323 415212 or internally on extension 5212.
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Recommendation: That The Eastbourne Borough Council Tree Preservation Order (Land at 63 Carlisle Road, Eastbourne, East Sussex) No.176 (2016) be confirmed without modification as follows.

1. Introduction

1.1 On 17 November 2015 the Senior Specialist Advisor (Planning) exercised his delegated powers and authorised the making of a tree preservation order in respect of trees on the above land. The trees are five Quercus ilex (Holm oak).

The Senior Specialist Advisor (Planning) took this action because a section 111 notification had been received to fell some of the trees, which make a significant contribution to the visual amenity of the area.

The Order was made on 19 November 2015 (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.

Representation/Objection

From the owner of Flat 2, 63 Carlisle Road, who considers that her flat is adversely affected by T1, T2 and T3. Whilst the benefit of trees is appreciated, it is questioned how these trees provide any significant amenity benefit to this particular area whatsoever. The trees shed leaves all year round and constantly litter cars and pavements with leaves, presenting a danger to pedestrians. It is not reasonable to expect owners of property to be constantly subjected to the cost of maintaining such enormous trees unduly or be liable for potential accidents.

The trees block out sunlight to the building, in particular the basement and first floor, and cause constant blocked drains, resulting in the flooding of the property. Blocked drains because of excessive leaves are a contributing cause; lack of sunlight and excess water are causing damp to the internal walls of the flat. The roots must also be huge and extend below ground over a considerable area, and may be contributing to the damp. The flat has been treated for damp on a number of occasions, but continues to seep through within days/weeks. The trees should be removed or reduced considerably at the soonest opportunity, not protected. It is ridiculous to suggest the trees are of benefit to local area; they are unsightly and unnecessary, and expensive to maintain. The flat is now damp and dismal. The preservation of trees should not take precedence over encouraging a property to fall into a situation where one is prevented from living in it due to damp and drain blockage. The drainage for the flat is being looked at but regardless of this the trees are still a great problem for the property.

Officers Response

The Specialist Advisor (Arboriculture) assessed the trees using the TEMPO (Tree Evaluation Method for Preservation Orders) scoring system, which is a method tested in the courts to ascertain whether trees are suitable for protection by a Tree Preservation Order. The trees are entirely visible from a public place, and make a significant contribution to the visual amenity of the area; they continue the line of protected trees situated in the adjoining property (Whittington Lodge) which are covered by Tree Preservation Order 142. The section 211 notice received provided no evidence to support the claim that the trees are the cause of damp. The only option available to the Council to prevent the felling of the trees is to make a Tree Preservation Order. No evidence has been submitted with the objection. The issue of damp may not be related to the trees, since trees tend to reduce damp rather than be the cause; leaf fall can be addressed by manual methods (sweeping and/or using guards), and is not a substantive reason to fell trees.

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. Legal Implications

The Council has the power to make and confirm a tree preservation order under S.198 of the Town and County Planning Act 1990. The procedure to be followed is contained in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

7. 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.

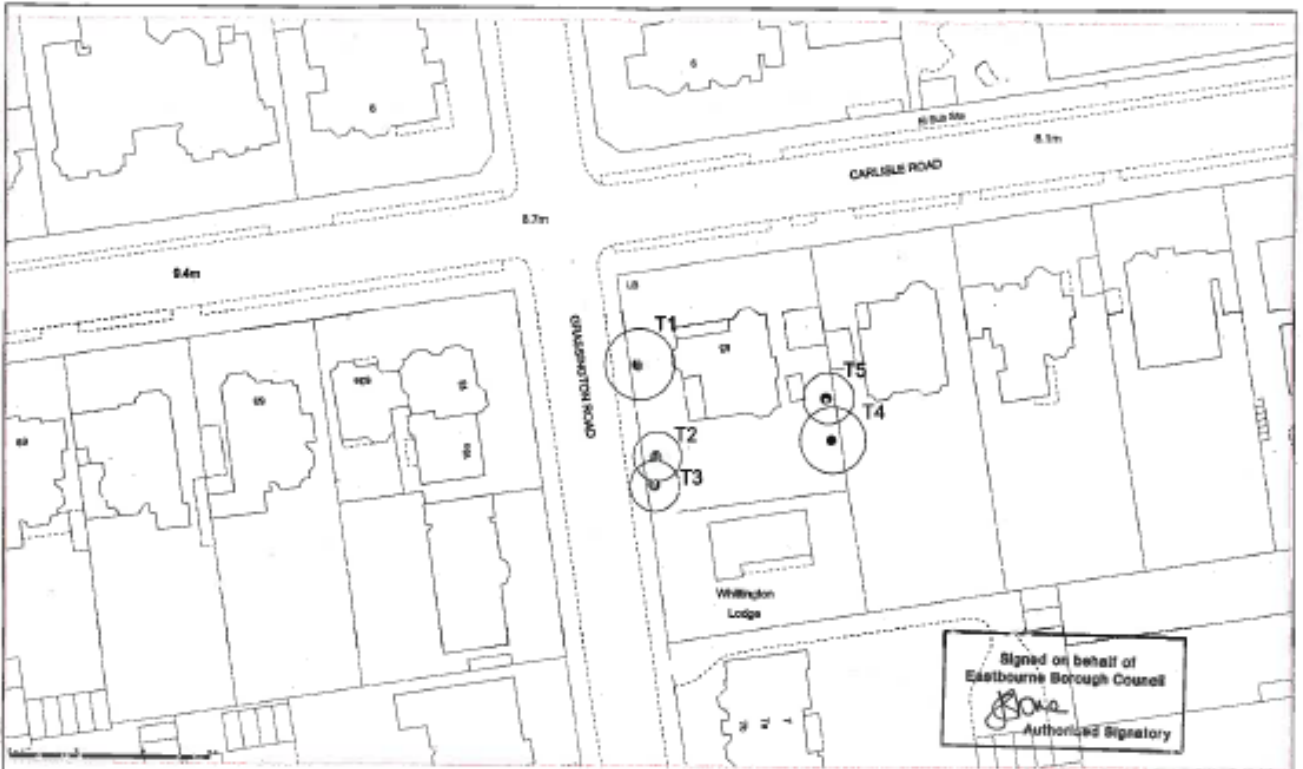
8. Conclusion and Recommendation


- 8.1 The trees make a significant contribution to the visual amenity of the area. It is therefore recommend that the Tree Preservation Order be confirmed without modification.

IAN FITZPATRICK
SENIOR HEAD OF COMMUNITY

Background Papers:

The Background Papers used in compiling this report can be found on files:
004509EBC-DF
TPO 176



Signed on behalf of
Eastbourne Borough Council

 Authorized Signatory



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TPO 116

Land at 63 Carls Road Eastbourne

