

# Committee Report

**Body:** Planning Committee  
**Date:** **28<sup>th</sup> September 2010**  
**Subject:** **Tree Preservation Order – Land at 2 Garnet Drive Eastbourne No 146 (2010)**  
**Report Of:** Senior Head of Development and Environment and Lawyer to the Council  
**Ward(s)** **Ratton**  
**Purpose** **This report seeks confirmation of a Tree Preservation Order.**  
**Contact:** Geraldine Winmill, Senior Local Land Charges Officer, Telephone: 01323 415015 or internally on extension 5015.  
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**Recommendation:** That The Eastbourne Borough Council Tree Preservation Order (Land at 2 Garnet Drive, Eastbourne, East Sussex) No. 146 (2010) be confirmed without modification.

## **1. Introduction**

- 1.1 On 8<sup>th</sup> June 2010 the Senior Head of Development and Environment exercised his delegated powers and authorised the making of a tree preservation order in respect of a tree on the above land.

The Senior Head of Development and Environment 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 8<sup>th</sup> July 2010. [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**

From:

Mr G J & Mrs L M McKenzie-Gibson  
4 Garnet Drive,  
Eastbourne,  
East Sussex  
BN20 9AE

[Copy of letter attached]

### **Officers Response**

The Development Control Section says the Order will not prevent appropriate works being carried out, but gives the Council the opportunity to prevent unsuitable works that would imbalance the tree, threaten its health, or reduce the visual amenity it offers. Tree Preservation Orders do not impose any duty on owners to maintain trees on their property, and this is the same for trees not covered by Orders.

There is no reason to suggest that properly constructed drains would be affected by tree roots; if damage does occur in the future, then appropriate works would be permitted through the application process.

The tree is unlikely to reach the size identified in the letter due to the soil conditions in the area. Nevertheless it is a good specimen, and makes a valuable contribution to the visual amenities of the area. Whilst copper beeches may be a quirk of nature, they have been in existence for hundreds of years.

#### **4. Human Resources**

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. 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.

#### **7. Financial Implications**

There are none.

**8. Youth and Anti-Poverty Implications**

There are none.

**9. Conclusion**

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**

**Background Papers:**

The Background Papers used in compiling this report can be found on file PL/2/107.

GW/PL/2/107