

COMMITTEE:	Planning and Licensing	
DATE:	15 January 2002	
SUBJECT:	Tree Preservation Order – Land at Cedar Cottage Jordans Lane West, Eastbourne	
REPORT OF:	Head of Planning and Legal Services Manager	
Ward:	Ratton	
Purpose:	This report seeks confirmation of a Tree Preservation Order.	
Contact:	Miss Terry Morris Telephone 01323 415067 or internally on extension 5067	
Recommendations:	That The Eastbourne Borough Council Tree Preservation Order (Land at Cedar Cottage Jordans Lane West, Eastbourne, East Sussex) No. 76 (2001) be confirmed without modification	
1.	<u>Introduction</u>	

1.1	<p>On 20th September 2001 the Head of Planning exercised his delegated powers and authorised the making of a tree preservation order in respect of a tree on the above land. This tree was a Cupressus Macrocarpa (Monterey Cypress).</p> <p>The Head of Planning took this action because the owner of Cedar Cottage, Jordans Lane West applied in March 2001 to fell the Cupressus Macrocarpa, which was protected by a planning condition. After long discussions with the applicant and the Council's Arboriculturist, the application was refused. The applicant has contacted another tree surgeon regarding the removal of the tree. A planning condition will not ensure the long term retention of the tree and therefore a tree preservation order is necessary to protect the tree.</p> <p>The Order was made on 2nd October 2001.</p>	<p>Planning exercised his delegated powers and authorised the making of a tree preservation order in respect of a tree on the above land. This tree was a Cupressus Macrocarpa (Monterey Cypress).</p> <p>The Head of Planning took this action because the owner of Cedar Cottage, Jordans Lane West applied in March 2001 to fell the Cupressus Macrocarpa, which was protected by a planning condition. After long discussions with the applicant and the Council's Arboriculturist, the application was refused. The applicant has contacted another tree surgeon regarding the removal of the tree. A planning condition will not ensure the long term retention of the tree and therefore a tree preservation order is necessary to protect the tree.</p> <p>The Order was made on 2nd October 2001.</p>
1.2	<p>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.</p>	<p>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.</p>
2.	<p><u>Confirmation Procedure</u></p>	
	<p>The Committee must now decide whether to confirm the Order. The Committee may:</p> <ul style="list-style-type: none"> · 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. <p>Before making a decision the Committee must take into account any objections or representations made within the prescribed period.</p>	<p>The Committee must now decide whether to confirm the Order. The Committee may:</p> <ul style="list-style-type: none"> · 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. <p>Before making a decision the Committee must take into account any objections or representations made within the prescribed period.</p>
3.	<p><u>Consultations</u></p>	
3.1	<p>Copies of the Order and statutory notice have been served on the owners and occupiers of the land and adjoining land.</p>	<p>Copies of the Order and statutory notice have been served on the owners and occupiers of the land and adjoining land.</p>
3.2	<p>No objections or representations were received regarding the tree preservation order but lengthy discussion took place with the owner of Cedar Cottage Jordans Lane West before it was made regarding the application to fell the Cupressus Macrocarpa.</p>	<p>No objections or representations were received regarding the tree preservation order but lengthy discussion took place with the owner of Cedar Cottage Jordans Lane West before it was made regarding the application to fell the Cupressus Macrocarpa.</p>

4.	<u>Human Resources</u>	
	There are none.	
5.	<u>Environmental Implications</u>	
	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.	<u>Human Rights</u>	
	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.	<u>Financial Implications</u>	
	There are none.	
8.	<u>Youth and Anti-Poverty Implications</u>	
	There are none.	
9.	<u>Conclusion</u>	
	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.	
TIM COOKSON		
MARK REYNARD		
HEAD OF PLANNING		
LEGAL SERVICES MANAGER		

Background Papers:	
The Background Papers used in compiling this report can be found on file <i>PL/2/37</i>	