

Committee Report

Body:	Planning Committee
Date:	9 August 2005
Subject:	Tree Preservation Order - Land at All Saints Hospital, King Edwards Parade/Darley Road, Eastbourne, East Sussex No 112 (2005)
Report Of:	Head of Planning/Planning Manager and Senior Lawyer
Ward(s)	Meads
Purpose	This report seeks confirmation of a Tree Preservation Order.
Contact:	Jenny Saunders, Para-legal, Telephone 01323 415040 or internally on extension 5040. E-mail address: jenny.saunders@eastbourne.gov.uk
Recommendation:	That The Eastbourne Borough Council Tree Preservation Order (Land at All Saints Hospital, King Edwards Parade/Darley Road, Eastbourne, East Sussex) No. 112 (2005) be confirmed without modification

1. Introduction

1.1 On 9 February 2005 the Head of Planning/Planning Manager exercised his delegated powers and authorised the making of a tree preservation order in respect of trees on the above land. The trees are 17 Yews, 15 Holm Oaks, 1 Beech, 1 Tree of Heaven, 1 Cedar, 3 Horse Chestnuts, 1 Sycamore and 2 Walnuts.

The Head of Planning/Planning Manager took this action because the trees make a significant contribution to the visual amenities of the area and the setting of the listed buildings, and their loss would be detrimental to those amenities.

The Order was made on 1 June 2005. 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

Two residents at Dolphin Court, King Edwards Parade agreed to the order being confirmed on all 41 trees. However there is a boundary between Dolphin Court and All Saints Hospital which slopes away and has various trees and bushes there to maintain the earth bank from collapse. This bank also houses many birds, insects and other wildlife which they believe should also be preserved. These trees also help to prevent people overlooking their property.

Officers Response

The Development Control Section confirms that none of the vegetation along the bank adjoining Dolphin Court meets the criteria for inclusion in the Order, as it consists of shrubs and regenerating saplings.

The retention of the bank and the vegetation growing on it can be adequately dealt with at the planning application stage. As the site is within a conservation area no other trees can be removed without statutory notification.

Representation

From two residents in Darley Road who state that they are delighted to learn of the preservation order. The order is warmly welcomed since the trees certainly do make a significant contribution to the visual amenities of the area and the setting of the listed buildings and their loss would be seriously detrimental to these amenities.

They are concerned that the area known as the orchard has not been included in the order, after the great efforts that have been made to restore it to its former self. They feel that this is also worthy of preservation because the entire orchard provides a significant contribution to the visual amenity of the area.

They would also be especially distressed to see the destruction of trees which border the end of the orchard backing onto their property including the thriving Holm Oak Tree.

Officers Response

The Council's Arboricultural Officer says that a site survey was undertaken to schedule this Order and it is his opinion that all trees that fulfil the criteria outlined by the Town and Country Planning Act 1990 and the Town and Country Planning (Trees) Regulations 1999 have been protected on this site. To meet the criteria for a tree preservation order, a tree should be visible from a public place, such as a road or footpath, and therefore provide a reasonable degree of public amenity. In addition, it is considered best practice that any tree that is included in a tree preservation order should have a good life expectancy.

Unfortunately the Orchard area cannot be classified as providing significant public visual amenity and the trees can only be classified as having a short

future life expectancy, due to their condition.

During the survey the Leylandii hedge and Holm Oak that borders the respondent's property were noted. Again these trees do not fulfil the criteria necessary for protection by a tree preservation order, as they do not provide significant visual amenity from a public place.

It should be noted that the continuation of a screen at the rear of the respondent's property could be achieved during the planning application process, with the use of planning conditions and landscaping plans. The best future use of the orchard area is another issue that has to be determined during the Planning application process.

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
HEAD OF PLANNING/PLANNING MANAGER**

**JEREMY CHAMBERS
SENIOR LAWYER**

Background Papers:

The Background Papers used in compiling this report can be found on file PL/2/73