

# Committee Report

<b>Body:</b>	<b>Planning Committee</b>
<b>Date:</b>	<b>5 December 2006</b>
<b>Subject:</b>	<b>Tree Preservation Order - Land at The Manse, 7 Dittons Road, Eastbourne, East Sussex No 119 (2006)</b>
<b>Report Of:</b>	Planning Manager and Solicitor to the Council
<b>Ward(s)</b>	<b>Upperton</b>
<b>Purpose</b>	<b>This report seeks confirmation of a Tree Preservation Order.</b>
<b>Contact:</b>	Jenny Saunders, Trainee Licensed Conveyancer, Telephone 01323 415040 or internally on extension 5040. E-mail address: <a href="mailto:jenny.saunders@eastbourne.gov.uk">jenny.saunders@eastbourne.gov.uk</a>
<b>Recommendation:</b>	That The Eastbourne Borough Council Tree Preservation Order (Land at The Manse, 7 Dittons Road, Eastbourne, East Sussex) No. 119 (2006) be confirmed without modification

## 1.0 Introduction

- 1.1 On 25 August 2006 the 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 a Horse Chestnut, a Copper Beech and a Wheatley Elm.

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

The Order was made on 4 September 2006. 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**

- 2.1 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 only objection received together with the response of officers.

### **Objection**

Received from a neighbour to the property who wished it to be noted that the Horse Chestnut tree (identified as T1 on the Order Plan) has caused and is continuing to cause significant damage to their property.

### **Officers Response**

The Development Control Section says that they are not aware of any significant damage to the neighbour's property and this has been confirmed by the Council's Arboriculturalist. There is some minor cracking to the drive, but this could have been caused by the shrubs recently removed by the owners of the property, or an incorrectly laid drive. It is advised that the neighbours should contact their insurers if they consider that their property has been damaged by the preserved tree.

## **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**

- 6.1 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**

- 7.1 There are none.

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

There are none.

**9. Conclusion**

- 9.1 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  
PLANNING MANAGER**

**JEREMY CHAMBERS  
SOLICITOR TO THE COUNCIL**

**Background Papers:**

The Background Papers used in compiling this report can be found on file PL/2/80