

Report

Body: **Planning Committee**
Date: **19 June 2007**
Subject: **Tree Preservation Order - Land known as Ripley Chase, 17 The Goffs, Eastbourne, East Sussex No 122 (2007)**
Report Of: Planning Manager and Solicitor to the Council
Ward(s) **Upperton**
Purpose **This report seeks confirmation of a Tree Preservation Order.**
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Recommendation: That The Eastbourne Borough Council Tree Preservation Order (Land known as Ripley Chase, 17 The Goffs, Eastbourne, East Sussex) No. 122 (2007) be confirmed without modification

1.0 Introduction

1.1 On 27 February 2007 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 4 Pine Trees and 1 Elm.

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

The Order was made on 15 March 2007. 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.

2.0 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.

3.0 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 a representative of the Managing Agent at Ripley Chase who asked what had instigated the order. He was in the process of instructing contractors to take up part of the front driveway which has been severely affected by the nearby tree roots. The work is necessary and urgent due to health and safety issues for not only the residents, some of whom are elderly, but also visitors to the property.

Officers Response

The Development Control Section says that they instigated the order themselves after having received several enquiries by local contractors who had been asked for estimates to remove several large pine trees at the site. An officer from the Development Control Section met with the representative of the Managing Agent at the site on 12 April 2007 together with the Council's Arboriculturist. There are some cracks on the drive together with an area where the ground appears to have sunk however this is not clear evidence of damage caused by tree roots. It was agreed that trial holes would be dug and that the Council would inspect them in order to establish whether the tree roots have had any impact on the condition of the drive. The Council would then, if necessary make recommendations for suitable works, if required.

4.0 Human Resources

There are none.

5.0 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.

6.0 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.

7.0 Financial Implications

There are none.

8.0 Youth and Anti-Poverty Implications

There are none.

9.0 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
PLANNING MANAGER**

**JEREMY CHAMBERS
SOLICITOR TO THE COUNCIL**

Background Papers:

The Background Papers used in compiling this report can be found on file PL/2/85