

Forest Heath District Council

**DEVELOPMENT
CONTROL
COMMITTEE**

6 AUGUST 2014

DEV14/127

Report of the Head of Planning and Regulatory Services

TREE PRESERVATION ORDER - FOREST HEATH DISTRICT COUNCIL - TREE PRESERVATION ORDER: TPO 1, 2014 – PRESTIGE PLACE STABLES SNAILWELL ROAD, NEWMARKET

Synopsis:

A provisional Tree Preservation Order (TPO) was served on five groups of trees on 21st May 2014. The statutory consultation period for the TPO expired on 02 July 2014. No objections have been received in relation to the TPO.

It is recommended that Members **confirm** the TPO.

Commentary:

1. The District Council's Standing Orders allow for the making of provisional Tree Preservation Orders by your Officers, subject to reporting such action at the next Development Control Committee.
2. The five groups of trees which are subject of this TPO are situated within the grounds of Prestige Place Stables, set back from Snailwell Road, within the Conservation Area of Newmarket. The groups comprise of:

G1 - 1 Lime, 1 Sycamore and 1 Horse Chestnut
G2 - 24 Sycamore, 1 Cherry spp. and 3 Poplars
G3 - 4 Lime, 23 Elm, 20 Beech, 46 Sycamore and 8 Horse Chestnut
G4 - 6 Sycamore
G5 - 4 Sycamore.
3. The site extends over approximately 2.6 hectares of land which has recently been subject to major development to form a racehorse training facility. Adjacent to the north-west of the site are residential properties forming part of Malcolm Way and to the south lies a residential property - The Kremlin. The site is otherwise surrounded by racehorse stables, namely Stanley House Godolphin complex (North), Kremlin Cottage Stables (West), LA Grange Stables (South-West), Bedford House Stables (South-East) and Kremlin Cottage Stables (West).

4. A section 211 notice for work to trees in a Conservation Area (DC/14/0650/TCA) was submitted on 09.04.2014 for extensive tree works on the site for a number of reasons.
5. Forest Heath's Arboricultural Consultant visited the site on 29th April 2014 and all the trees were assessed in the light of the work proposed in the schedule and report submitted by the tree contractor. The proposals were generally supported and the need for the work arises because of the condition of the trees and the level of risk they pose to users and structures at the site.
6. Forest Heath's Landscape Ecology and Tree Officer felt that whilst generally the proposed work may be necessary and acceptable the overall proposal including the felling of many of the trees is excessive.
7. Newmarket Town Council and Cllr Hirst, Ward Councillor for Severals, have objected to notification DC/14/0650/TCA and Newmarket Town Council has requested that a TPO is served.
8. Furthermore three third party objections to notification DC/14/0650/TCA have been received from residents in Malcom Way and an interested Newmarket resident.
9. The Tree Officer supports a TPO on these groups of trees and has made the following comments:

"This site is located within the conservation area and the existing trees provide a mature landscape structure for the site and contribute significantly to the amenity of the locality. An application to fell many of the trees seems excessive and this tree preservation order is required to ensure that the tree belts are retained and that those trees that need to be removed for arboricultural reasons are replaced."
10. The owner of the trees and the occupiers of the immediate neighbouring properties have been served with a copy of the provisional TPO. No objections have been received.
11. A provisional TPO has been served and it is recommended that Members confirm this TPO to enable the future retention and replacement of the trees.

Finance/Budget/Resource Implications:

12. Works to or removal of a tree covered by a TPO will require the formal consent of the Local Planning Authority before any work can be carried out. Currently all such applications are submitted to the Local Planning Authority and do not attract a fee. The Council's Planning Services and Tree Officer will deal with subsequent applications arising as a result of the TPO without any additional fee income. There may also be appeals should TPO consent be refused.
13. Should an application for works to a preserved tree (or for its removal) be refused, the Local Planning Authority may in certain circumstances, be liable to pay compensation to the affected property owner, should the trees cause damage to a property. Such claims are, however, rare and, in this instance, considered unlikely given the assessment of the arboricultural officers.

Environmental Impact and Sustainability:

14. Removal of any trees, which are considered to be worthy of protection in the public interest, would detract from the amenities of the local environment.

Policy Compliance/Power:

15. The Local Planning Authority has powers under the Town & Country Planning Act 1990 and the Town & Country Planning (Trees) Regulations to make a TPO if it appears expedient in the interests of amenity to do so.

16. The making of a TPO in this instance, is in line with the powers and policies of the Council.

Performance Management Implications:

17. The applications determined under the TPO provisions and any subsequent appeals are not currently the subject of any national or local performance indicators.

Legal Implications:

18. The provisional TPO is served on the owner and occupier of the land affected by the TPO, and also on owners and occupiers of adjoining land, who have a period within which to make objections or representations to the Order. The statutory consultation period expired on 21st May 2014.

Human Rights Act and Diversity Implications:

19. These matters have been assessed in relation to and are considered to comply with the requirements of the Human Rights Act 1998. In relation to Article 6, interested parties have been advised of the making of this provisional Tree Preservation Order and their views have been considered within this report. Any interference with Rights under Article 8 and Article 1 of the First Protocol are necessary in the public interest.

Crosscutting Implications:

20. None.

Risk Assessment:

21. As set out above, the Council may, in certain circumstances, be required to pay compensation to owners of properties damaged by preserved trees, if the Council has refused consent to carry out works to the affected tree and such works may have prevented the damage. These claims, however, are rare.

Council Priorities:

22. The Council is keen to safeguard the built and natural environment.

Recommendation:

23. It is recommended that the report be noted and Members confirm the Tree Preservation Order.

Documents Attached:

Working Paper 1 – Location Plan

Steven Wood
Head of Planning and Regulatory Services
29 July 2014

CONTACT OFFICER

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