

Forest Heath District Council

**DEVELOPMENT
CONTROL
COMMITTEE**

7 OCTOBER 2015

DEV/FH/15/041

Report of the Head of Planning and Growth

**PLANNING APPLICATION DC/15/1635/TPO (TREE PRESERVATION ORDER) -
AMENITY LAND TO THE REAR OF 1 TO 41 NORFOLK AVENUE, NEWMARKET**

Synopsis:

Application under the Town and Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990 and associated matters.

Recommendation:

It is recommended that the Committee determine the attached application and associated matters.

CONTACT OFFICER

Case Officer: Matthew Gee
Tel. No: 01638 719792

Committee Report

Date Registered: 12/08/2015 **Expiry Date:** 07/10/2015
Case Officer: Matthew Gee **Recommendation:** Approve with conditions
Parish: Newmarket **Ward:** St. Mary's
Proposal: TPO/1956/012 - Tree Preservation Order - works to 38 No. trees in areas A1, A2 and A3
Site: Amenity Land to the Rear of 1 to 41 Norfolk Avenue, Newmarket
Applicant: Forest Heath District Council

Background:

This application is referred to the Development Control Committee because it has been submitted by Forest Heath District Council.

Proposal:

1. Permission is sought for works to 38 protected trees including felling, crown reductions, crown raising, and branch removal

Application Supporting Material:

2. Information submitted with the application as follows:
 - Location plan
 - Schedule of works

Site Details:

3. The site lies on land to the rear of the dwellings along Norfolk Avenue, Newmarket. The area consists of a pathway with a number of large mature trees along its bank, with a number of the trees hanging over into neighbouring gardens.

Planning History:

4. A number of applications for tree works have been approved over previous years.

Consultations:

5. Tree officer: No objection subject to conditions

Representations:

6. Parish Council: No response received at the time of writing the report – to be updated verbally at the meeting.
7. Letter of support – 9 Norfolk Avenue

Policy: The following policies of the Forest Heath Core Strategy (2010) have been taken into account in the consideration of this application:

8. Forest Heath Core Strategy (2010):
 - Policy CS3 Landscape Character and the Historic Environment

Other Planning Policy:

9. National Planning Policy Framework (2012)

Officer Comment:

10. The application site consists of a tree belt located to the rear of Norfolk Avenue, Derby Way, Rochfort Avenue and Durham Way. The tree belt is relatively narrow but contains a number of mature trees which together form a prominent landscape feature. Over recent years a number of complaints have been received by the council in relation to the impact of these trees on properties in the area in terms of overhanging branches. In addition, a number of the horse chestnut trees have been identified as having the presence of bleeding canker. In response the District Council has proposed a number of works to the trees in order to reduce the nuisance caused by their dominance and to mitigate against the risk of failure.
11. The proposed works include the felling of 12 trees all of which are either of poor form and condition or have the presence of disease. As a result these trees are at risk of failure. The majority of the other works are to raise crowns in order to allow a safe pedestrian passage along the path and to alleviate the dominance of some trees in terms of their impact in overhanging the rear garden of the adjoining properties.
12. The works include the replanting of 4 Yew and Holly trees which is a considerably lower number than those being removed, however it is argued that the replanting of any additional trees would run the risk of failure due to the conditions. It is considered that the area would still benefit from substantial tree cover following the proposed felling and given the issues of nuisance arising from existing heavy tree cover the level of replacement planting is considered acceptable.

Conclusion:

13. In conclusion, the principle and detail of the proposal is considered to be acceptable and in compliance with relevant development plan policies and the National Planning Policy Framework.

Recommendation:

14. It is recommended that consent for the work is **APPROVED** subject to the following conditions:

1. The works which are the subject of this consent shall be carried out within two years; and
2. The authorised works shall be carried out to the latest arboricultural standards.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:

<https://planning.westsuffolk.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

Alternatively, hard copies are also available to view at Planning, Planning and Regulatory Services, Forest Heath District Council, District Offices, College Heath Road, Mildenhall, Suffolk, IP28 7EY