

TPO E/07/22

120 Centre Drive,
Newmarket, CB8 8AP

Confirmation of Tree Preservation Order



East Cambridgeshire
District Council

Town and Country Planning Act 1990
Town and Country Planning
(Tree Preservation) (England)
Regulations 2012

**TREE PRESERVATION
ORDER**
No. E/07/22

120 Centre Drive
Newmarket
Suffolk
CB8 8AP

- T1 - Lime
- T2 - Lime
- T3 - Lime
- T4 - Lime
- T5 - Lime
- T6 - Lime

PLANNING SERVICE

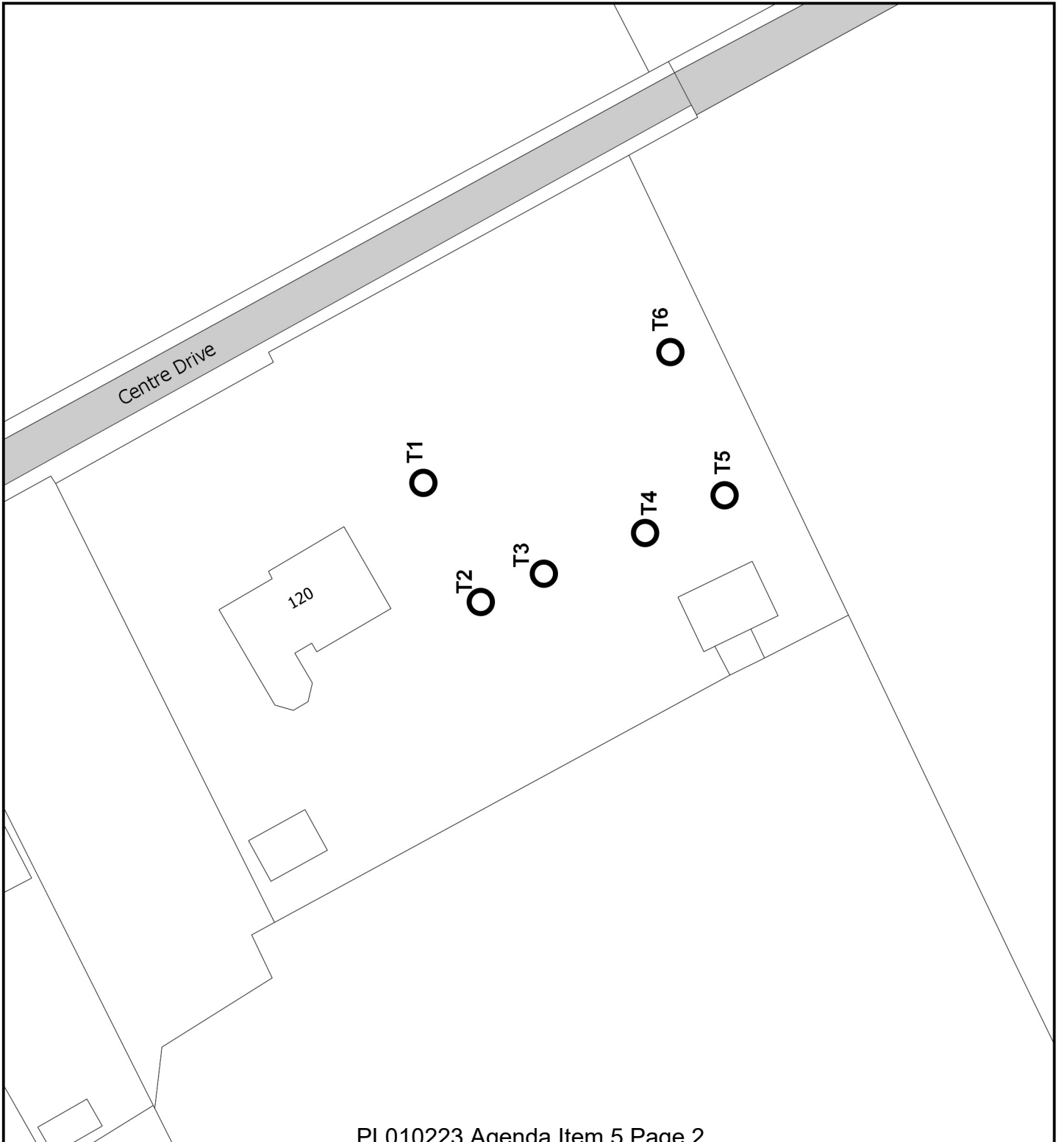
The Grange, Nutholt Lane, Ely, Cambs CB7 4EE
R. Saunt, Planning Manager

The tree locations are indicative and
may not reflect the exact locations

Date: 13/09/2022
Scale: 1:450



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TPO/E/07/22 Committee Report

Proposal: Confirmation of Tree Preservation Order E/07/22
Location: 120 Centre Drive Newmarket Suffolk CB8 8AP
Applicant: N/A
Agent: N/A
Reference No: TPO/E/07/22
Case Officer: Kevin Drane, Trees Officer
Parish: Cheveley

Ward: Woodditton
Ward Councillors: Councillor Amy Starkey
Councillor Alan Sharp

Report no. **[X143]**

1.0 THE ISSUE

1.1 To confirm a Tree Preservation Order (TPO) for six trees in the garden of 120 Centre Drive Newmarket Suffolk CB8 8AP. This matter is being referred to Committee due to objections received within the 28 days consultation period, which ended on 10th October 2022, and for the requirement to confirm the TPO within six months to ensure the trees are protected for public amenity.

2.0 RECOMMENDATIONS

2.1 It is recommended that:

The TPO is confirmed, for the following reasons: The trees are a prominent feature, visible from the public realm, in good health, they offer a significant visual contribution to the amenity of the local landscape in this part of Newmarket and they are a historical remnant of the former land use when they lined the estate railway line.

3.0 COSTS

If a TPO is made and confirmed, then subsequent applications made for tree works would carry with them an opportunity to claim compensation if, as a result of the Council's decision, the applicant suffers any loss or damage within 12 months of that decision being made.

4.0 **BACKGROUND**

- 4.1 The Order was made following multiple enquiries relating to the possible removal of the trees by Arboricultural contractors and the subsequent tree officers visit to site.
- 4.2 The TPO was served under Section 201 of the Town & Country Planning Act 1990, on 13th September 2022 because:
- The trees were assessed to have significant amenity value, as they make a significant visual contribution to the local landscape in this part of Newmarket.
- 4.3 An objection to the serving of the TPO was received in writing from the tree owner during the statutory consultation period. The letter of objection is in Appendix 1. The details of the objection were:
- No details as to the reason for objection to the serving of the TPO has been formally received but pre-application advice has been sought from the planning team in relation to development of the site.
- 4.4 No objections or support for the serving of the TPO has been received from any other party.
- 4.5 Given the comments received, including the objection to the serving of the TPO, it was considered appropriate for the Planning Committee Members to consider all the matter and reach a democratic decision on the future protection of the six TPO trees.

5.0 **CONCLUSIONS**

- 5.1 As part of the process for making the new TPO the trees were assessed relating to their current condition and no issues were noted relating to the foreseeable failure of any of the trees and there was no visible indication that the trees are in poor health. The former management of 3 of these trees by pollarding should not be viewed negatively, many of this country's oldest and most valued trees are pollards and it known to extend their life expectancy. The un-pollarded trees have a natural shape that has not been significantly altered by any former pruning there are no defects visible.
- 5.2 The extent of the site and modern construction practices does not exclude development of the site.
- 5.3 Whilst determining if the trees are of sufficient amenity value or not is to some extent subjective, these trees are visible from the public highway. The Trees Officer remains of the opinion that the trees make a significant visual contribution to the local landscape, the amenity and character of the area and a historic link to the site previous use.

- 5.4 Amenity is a subjective term open to individual interpretation. The Act does not define ‘amenity’ nor does it prescribe the circumstances in which it is in the interests of amenity to make a TPO. A public amenity can be described as a feature which benefits and enhances an area contributing to the areas overall character for the public at large. In this case the trees are large and visible from the public highway as well as neighbouring gardens and they are considered to benefit the area in relation to their contribution to the landscape and therefore considered a significant public amenity.
- 5.5 If the Planning Committee decide not to confirm the TPO, the TPO will lapse and the owner can then remove the trees or prune it if they wished to, without any permission required from the Council.

Appendix 1 - Letter of objection to the TPO from the tree owner.

Appendix 2 – Documents:

- ECDC TPO Assessment Sheet
- Copy of the TPO/E/07/22 document and plan

<u>Background Documents</u>	<u>Location(s)</u>	<u>Contact Officer(s)</u>
Town & Country Planning Act 1990 Town & Country Planning (Tree Preservation) (England) Regulations 2012 National Planning Policy Guidance from 6 th March 2014 http://planningguidance.planningportal.gov.uk/blog/guidance/tree-preservation-orders/how-are-offences-against-a-tree-preservation-order-enforced-including-tree-replacement/	Kevin Drane, Trees Officer Room No. 002 The Grange Ely	Kevin Drane Trees Officer 01353 665555 kevin.drane@eastcambs.gov.uk
East Cambridgeshire District Local Plan 2015		
Natural Environment – Supplementary Planning Document (SPD) Adopted 24 September 2020.		

Appendix 1 – Letter of objection to the TPO from the tree owner

Kevin Drane

From: a.hodgskiss <[REDACTED]>
Sent: 05 October 2022 13:48
To: Kevin Drane
Subject: [EXTERNAL] TPO 120 Centre Drive Newmarket CB8 8AP

Caution: External email. Do not click links or open attachments unless you recognise the sender and know the content is safe. The original sender of this email is a.hodgskiss <[REDACTED]>

Dear Mr Drane

Please accept this email as our objection to the provisional TPOs placed on the 6 lime trees in the garden of 120 Centre Drive Newmarket Suffolk CB8 8AP dated 13th September 2022 as we have a formal interest in this area of garden land

Could I please ask you to acknowledge receipt of this email

Kind regards

Andrew

Andrew Hodgskiss

Appendix 2 - ECDC TPO Assessment Sheet

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Postal Address/Location		120 Centre Drive Newmarket Suffolk CB8 8AP	
Date:	12/09/2022	Surveyor:	Kevin Drane

DESCRIPTION OF TREE(S) – Please continue on separate sheet if needed		
Category	Description (incl. species)	Situation
T1	Lime previously pollarded at approx. 6m from ground	to left/south of house no.120
T2	Lime previously pollarded at approx. 6m from ground	to left/south of house no.120
T3	Lime previously pollarded at approx. 6m from ground	to left/south of house no.120 and driveway for outbuildings
T4	Lime maiden tree minor works to lower crown previously undertaken	Between T3 and T4 to front of outbuilding
T5	Lime maiden tree minor works to lower crown previously undertaken	adjacent to southern boundary
T6	Lime maiden tree minor works to lower crown previously undertaken	adjacent to southern boundary

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

- 5) Good Highly suitable
- 3) Fair/satisfactory Suitable
- 1) Poor Unlikely to be suitable
- 0) Dead/dying/dangerous* Unsuitable

Score & Notes T1 = 3, T2 = 3, T3 = 3, T4 = 5, T5 = 5, T6 = 5
T1 and T2 will require re-pollarding as appropriate reducing score

* Relates to existing context and is intended to apply to severe irremediable defects only

b) Retention span (in years) & suitability for TPO

- 5) 100+ Highly suitable
- 4) 40-100 Very suitable
- 2) 20-40 Suitable
- 1) 10-20 Just suitable
- 0) <10* Unsuitable

Score & Notes T1 = 5, T2 = 5, T3 = 5, T4 = 5, T5 = 5, T6 = 5
Potential life expectancy of 800 years currently 100-150yrs

*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- | | |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees | Highly suitable |
| 4) Large trees, or medium trees clearly visible to the public | Suitable |
| 3) Medium trees, or large trees with limited view only | Barely suitable |
| 2) Young, small, or medium/large trees visible only with difficulty | Probably unsuitable |
| 1) Trees not visible to the public, regardless of size | |

Score & Notes T1 = 4, T2 = 4, T3 = 4, T4 = 5, T5 = 5, T6 = 5
trees visible clearly from public highway T1-T3 only

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of formal arboricultural features, or veteran trees

Score & Notes T1 = 3, T2 = 3, T3 = 3, T4 = 3, T5 = 3, T6 = 3
Lime trees of similar ages exist in gardens for the majority of the length of Centre Drive likely historic remnant of previous land

- 4) Tree groups, or principal members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)
- 1) Trees with poor form or which are generally unsuitable for their location

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- 5) Immediate threat to tree inc. S.211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

**Score & Notes T1 = 5, T2 = 5, T3 = 5, T4 = 5, T5 = 5, T6 = 5
ECDC contacted by tree surgeon to check tree protection as
client wanting to remove the trees**

Part 3: Decision guide

- Any 0 Do not apply TPO
- 1-6 TPO indefensible
- 7-11 Does not merit TPO
- 12-15 TPO defensible just
- 16+ Definitely merits TPO

Add Scores for Total:
T1 = 20, T2 = 20,
T3 = 20, T4 = 23,
T5 = 23, T6 = 23

Decision:
All 6 tree are suitable for protection via a
TPO.

Dated: 13th September 2022

TPO/E/07/22

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TOWN AND COUNTRY PLANNING ACT 1990

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TREE

PRESERVATION

ORDER

Relating to: - 120 Centre Drive Newmarket Suffolk CB8 8AP

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Printed and Published by:
East Cambridgeshire District Council The Grange Nutholt Lane Ely Cambs CB7 4EE

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ORDER.TPO

**TOWN AND COUNTRY PLANNING (TREE PRESERVATION) (ENGLAND)
REGULATIONS 2012**

TREE PRESERVATION ORDER

**Town and Country Planning Act 1990
The Tree Preservation Order at 120 Centre Drive Newmarket Suffolk CB8 8AP ,
TPO/E/07/22 2022**

The East Cambridgeshire District Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

1. This Order may be cited as the Tree Preservation Order at 120 Centre Drive Newmarket Suffolk CB8 8AP , TPO/E/07/22 2022

Interpretation

2. (1) In this Order “the authority” means the East Cambridgeshire District Council
- (2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

Effect

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
- (2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to exceptions in regulation 14, no person shall-
 - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 13th day of September 2022

Signed on behalf of the East Cambridgeshire District Council



.....
Authorised by the Council to sign in that behalf

CONFIRMATION OF ORDER

This Order was confirmed by East Cambridgeshire District Council without modification on the day of

OR

This Order was confirmed by East Cambridgeshire District Council, subject to the modifications indicated by , on the day of

.....
Authorised by the Council to sign in that behalf

DECISION NOT TO CONFIRM ORDER

A decision not to confirm this Order was taken by East Cambridgeshire District Council on the day of

.....
Authorised by the Council to sign in that behalf

VARIATION OF ORDER

This Order was varied by the East Cambridgeshire District Council on the day of under the reference number

.....
Authorised by the Council to sign in that behalf

REVOCATION OF ORDER

This Order was revoked by the East Cambridgeshire District Council on the day of under the reference number

.....
Authorised by the Council to sign in that behalf

**SCHEDULE
SPECIFICATION OF TREES**

Trees specified individually
(encircled in black on the map)

Reference on map	Description	Situation
T1	Lime previously pollarded at approx 6m from ground	To the left/south of house no 120
T2	Lime previously pollarded at approx 6m from ground	To the left/south of house no 120
T3	Lime previously pollarded at approx 6m from the ground	To the left/south of house no 120 and driveway for outbuildings
T4	Lime maiden tree minor works to lower crown previously undertaken	Between T3 and T4 to front of outbuilding
T5	Lim maiden tree minor works to lower crown previously undertaken	Adjacent to southern boundary
T6	Lime maiden tree minor works to lower crown previously undertaken	Adjacent to southern boundary

Trees specified by reference to an area
(within a dotted black line on the map)

Reference on map	Description	Situation
	NONE	

Groups of trees
(within a broken black line on the map)

Reference on map	Description (including number of trees in the group)	Situation
	NONE	

Woodlands
(within a continuous black line on the map)

Reference on map	Description	Situation
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Appendix 2 - Copy of the TPO/E/07/22 Plan



**East Cambridgeshire
District Council**

Town and Country Planning Act 1990
Town and Country Planning
(Tree Preservation) (England)
Regulations 2012

**TREE PRESERVATION
ORDER
No. E/07/22**

120 Centre Drive
Newmarket
Suffolk
CB8 8AP

**T1 - Lime
T2 - Lime
T3 - Lime
T4 - Lime
T5 - Lime
T6 - Lime**

PLANNING SERVICE

The Grange, Nutholt Lane, Ely, Cambs CB7 4EE
R. Saunt. Planning Manager

The tree locations are indicative and
may not reflect the exact locations

Date: 13/09/2022
Scale: 1:450



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