

Application Number: 18/01806/TPO

Description Tree preservation order for consent to prune four trees back to the boundary fence line to the rear of No. 73, 75, 77 and 79 Milford Avenue.

AT 77 Milford Avenue, Stony Stratford, Milton Keynes, MK11 1EZ

FOR Mrs Denise Brunning

Target: 20.08.2018

Extension of Time: 28.09.2018

Ward: Stony Stratford

Parish: Stony Stratford

Report Author/Case Officer: Olivia Farrell
Planning Officer

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Team Manager: Nicola Thompson: nicola.thompson@milton-keynes.gov.uk

1.0 RECOMMENDATION

It is recommended that consent be granted subject to the conditions set out at the end of this report.

2.0 INTRODUCTION

The Site

- 2.1 The four trees associated with this application (T1, T2, T3 and T4) are located to the rear of No. 73, 75, 77 and 79 Milford Avenue, in Stony Stratford. The four trees include three Sycamore trees and one White Poplar tree.
- 2.2 Each of the four trees that form part of this application are under a group tree preservation order which was confirmed on 30th March 1994 under the reference PS/540/15/164.

The Proposal

- 2.3 This application seeks consent under Regulation 16 of the Town and Country Planning (Tree Preservation) (England) Regulations for consent to prune four trees (T1, T2, T3 and T4) back to the boundary fence line to the rear of No. 73, 75, 77 and 79 Milford Avenue.

Reason for referral to committee

- 2.4 This application is referred to the Development Control Panel for determination as the applicant is a Ward Councillor for Stony Stratford.

3.0 RELEVANT POLICIES

3.1 National Planning Policy Framework (2018)

Section 15 – Conserving and enhancing the natural environment

3.2 Saved Policies of the Local Plan 2001-2011 (2005)

Policy D1 - Impact of Development Proposal on Locality

3.3 The Town and Country Planning (Tree Preservation) (England) Regulations 2012.

3.4 Human Rights Act 1998

There may be implications under Article 8 and Article 1 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these potential issues are in this case amply covered by consideration of the environmental impact of the application under the policies of the development plan and other relevant policy guidance.

4.0 MAIN ISSUES

Impact of the proposed works on the local area and the health of the trees.

5.0 CONSIDERATIONS

Impact of the proposed works on the local area and the health of the trees.

- 5.1 With regards to the impact on the local area, the proposal would be assessed against saved policy D1 of the Milton Keynes Local Plan 2001-2011, the relevant parts of which for this application are as follows:

(v) Physical damage to the site and neighbouring property including statutorily protected and other important built and natural features and wildlife habitats.

- 5.2 The proposed works involve pruning four trees to the rear of No. 73, 75, 77 and 79 Milford Avenue. The works have been justified as the four trees (T1, T2, T3 and T4) are currently significantly overhanging into each of the gardens of No.73, 75, 77 and 79 Milford Avenue and are creating a significant amount of shade to the rear of

these gardens. In addition, the trees are also creating a significant loss of sunlight to the greenhouse to the rear of No. 77 Milford Avenue.

- 5.3 The MKC Arboricultural Officer was consulted and did not object to the application, commenting that the maintenance of the trees has not been routinely undertaken by Milton Keynes Council, and as such the trees have grown unchecked both in height and width. During a site visit the MKC Arboricultural Officer confirmed that the branches of many of the trees are now overhanging the rear gardens to the North West, which are the gardens of numbers 27 to 93 Milford Avenue. As such, the Arboricultural Officer recommended that the application be approved, thus allowing for the reduction in length of the side laterals to the north west of the trees canopies.
- 5.4 Therefore, while the works would be partially visible from the streetscene, they would not remove the affected trees completely and would preserve them for the future. Therefore the impact of the proposed works on the health of the four trees (T1, T2, T3 and T4) and the local area is considered to be acceptable. It is noted within the application form that the proposed works will be completed outside of nesting season and will be undertaken by a fully qualified arborist. Therefore, to ensure this is the case, it is recommended that an additional condition be placed on the decision notice requiring that the works to the tree shall be carried out by a competent, qualified and experienced tree surgeon.
- 5.5 The proposed work would not therefore be contrary to saved policy D1 (v) of the Milton Keynes Local Plan 2001-2011, and the case officer considers that the application is acceptable.

6.0 CONCLUSIONS

6.1 It is recommended that the proposed works are approved, subject to the conditions set out in section 7 of this report.

7.0 CONDITIONS

1. The tree works hereby permitted shall be begun before the expiration of two years from the date of this permission.

Reason: To prevent the accumulation of tree preservation order permissions; to enable the Local Planning Authority to review the suitability of the works in the light of altered circumstances; and to comply with in part 4 of The Town and Country Planning (Tree Preservation) (England) Regulations 2012.

2. The tree works shall be carried out according to the provisions of BS3998:2010 and current arboriculture industry best practice. The Local Authority Arboriculture Officer shall be given a week's notice before the works are carried out so they have

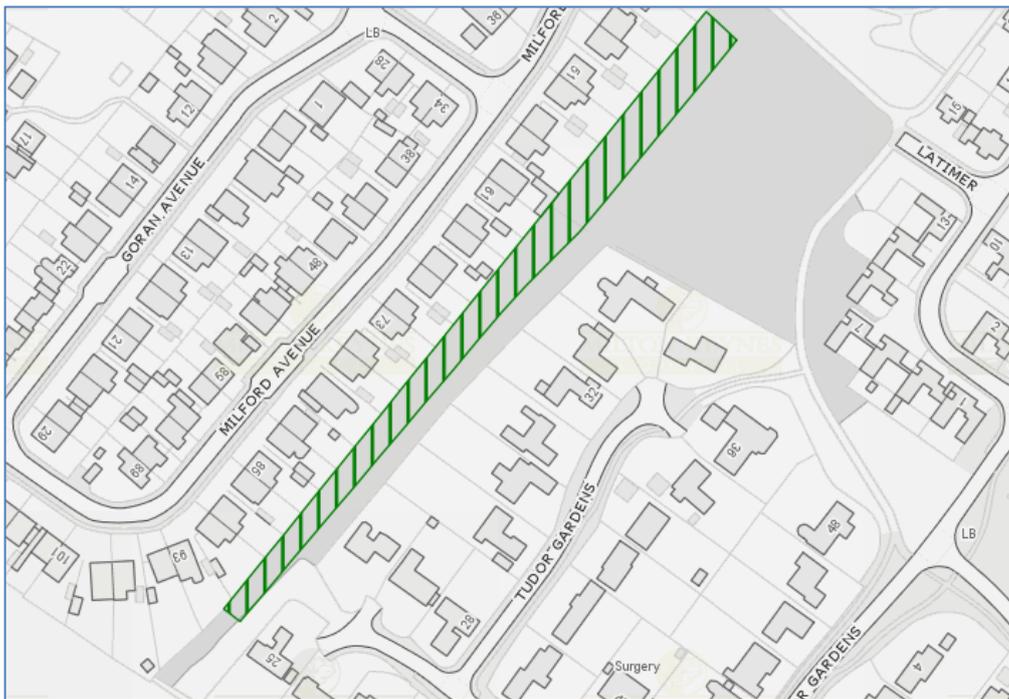
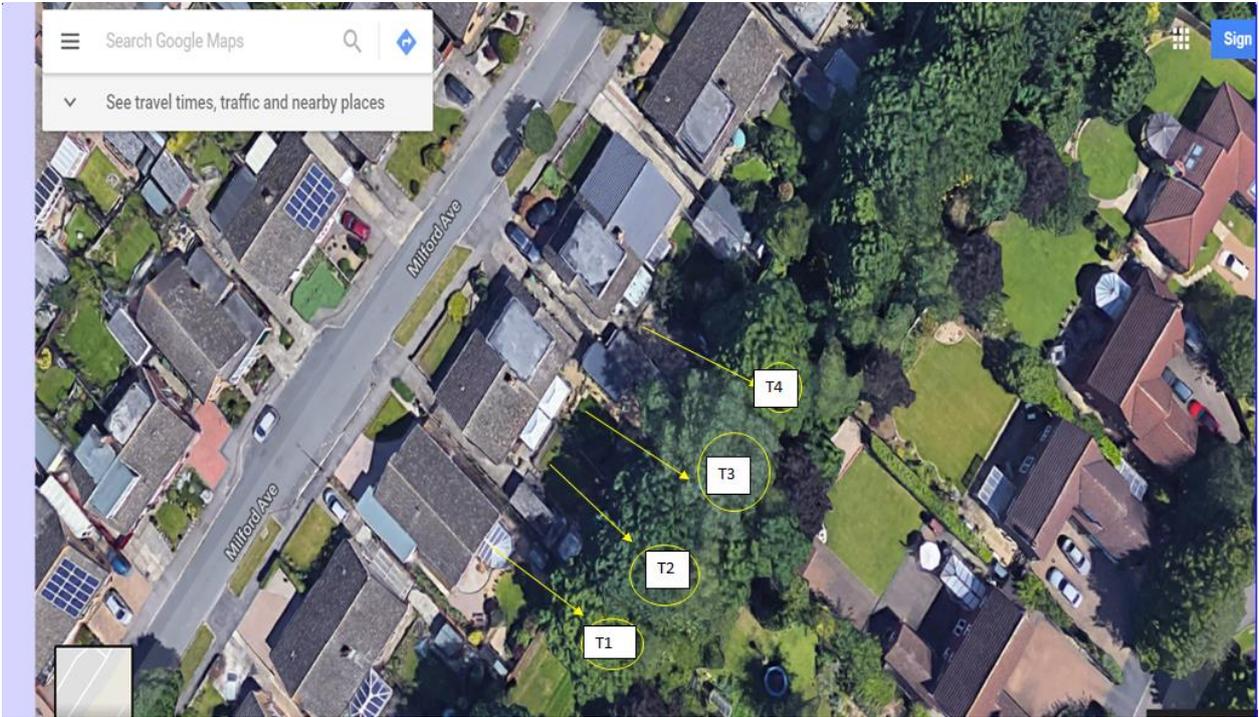


an opportunity to attend on site and agree the exact extent of the works with those carrying them out.

Reason: To safeguard the appearance of the area.

3. The tree works shall be carried out by a competent, qualified and experienced tree surgeon according to the provisions of BS3998:2010 and current arboriculture-industry best practice.

Reason: To safeguard the appearance of the area.



Appendix to 18/01806/TPO

A1.0 RELEVANT PLANNING HISTORY

No relevant planning history on the site.

A2.0 ADDITIONAL MATTERS

None.

A3.0 CONSULTATIONS AND REPRESENTATIONS

A3.1 Ward Councillor Brunning
No response received.

A3.2 Ward Councillor Marklew
No response received.

A3.3 Ward Councillor Wilson
No response received.

A3.4 Stony Stratford Council
No Objection
"No comment to make subject to the view of the MKC Arboricultural Officer."

A3.5 MKC Arboricultural Officer
No Objection

"The applicant has requested that four trees that are overhanging the rear gardens of numbers 73, 75, 77 and 79 Milford Avenue, MK11 1EZ, are pruned back to the boundary fence line, in accordance to and complying with Common Law.

Because the trees are protected by a TPO (ref PS/540/15/164, confirmed on 30-03-1994, an application to the Local Authority has been submitted.

I have visited the site and can confirm that the four trees that are overhanging the gardens of the four said properties are three [3] Sycamores and one [1] White Poplar. The trees are part of an avenue of semi-mature trees planted between Milford Avenue and Tudor Gardens, Although a hedgerow of trees is indicated to be in the same location on the 1880 map of the area, it is my opinion that none of the existing trees date back to that period in time. The 1980 plans indicate some new planting having been undertaken in the mid 1970's. The trees are therefore approximately 50 years old and planted in a double avenue as shown in photo 1.



Maintenance of the trees has not been routinely undertaken by Milton Keynes Council, and as such the trees have grown unchecked both in height and width. The branches of many of the trees are now overhanging the rear gardens to the North West, which are the gardens of numbers 27 to 93 Milford Avenue.

The applicant has requested the pruning back of the trees of four properties only.

The extent of overhang can be seen in the photographs 2 & 3 below. It is my recommendation that the application be approved, thus allowing for the reduction in length of the side laterals to the north west of the trees canopies. The length of reduction will vary from branch to branch, but is expected to be in the region of between 2 and 4 metres. All pruning is to be undertaken by a competent and professional arboricultural company, and all works are to comply with the current British Standards, reference BS3998:2010 Tree Work Recommendations.”