

**THE COUNCIL OF THE BOROUGH OF MILTON KEYNES (5
WHADDON WAY, BLETCHLEY) TREE PRESERVATION
ORDER 2006**

INTRODUCTION

The above Order was made on 11th September 2006 under the delegated powers of the Area Planning Officer, minute reference CL64/01, in accordance with instructions dated 30th August 2006. The Order covers 8 individual trees being 1 Maple, 1 Spruce, 1 Willow, 1 Birch, 2 Cherry, 1 Ash and 1 Larch on land within the curtilage of 5 Whaddon Way, Bletchley, Milton Keynes. Notices of the making of the Order were served the day the Order was made and on 16th October 2006.

BACKGROUND

The Council made the order as the proposed development of the site for the erection of 16 residential apartments and the demolition of the existing dwelling house would result in the removal of the Maple, Spruce, Willow, Birch, Ash, Larch and Cherry trees, which are considered to have a high amenity value and considered that the trees should be retained as part of any scheme or replacement trees provided.

OBJECTIONS AND SUPPORT

Two objections and three letters supporting the making of the Order have been received:

One objection has been made by Mr & Mrs Jenkinson of 5 Whaddon Way Bletchley, the owners of the site on which the trees are situate. The salient points of which are as follows:

1. They concede that some of the trees have some amenity value but question the Council's assertion that the trees have a high amenity value as some are "not visible from any public place".
2. Specific reference to trees listed in the TPO as follows:
 - a. T1 Maple – not in good condition, badly forked and not visible from Whaddon Way or Buckingham Road redway;
 - b. T2 Willow – is regularly lopped, most recently at request of a neighbour who complained about shading his garden. Mr & Mrs Jenkinson also comment on concerns that high winds cause quite large branches to crack and fall;
 - c. T3 Silver Birch – not long lived tree and not a good specimen;
 - d. T4 Cherry – not visible from a public place, very poor specimen, has been heavily lopped on one side;
 - e. T5 "Bird" Cherry – no comments;
 - f. T6 Ash – large branches have been lopped which intruded into garden; 80% of branches overhang public land bordering Buckingham Road redway;
 - g. T7 Norway Spruce – very poor specimen, it is small and quite insignificant in the context of the garden;
 - h. T8 Larch – close proximity to pedestrian pathway along Whaddon Way, roots could further distort the path and impinge on underground telephone cables. This tree ought to be felled.
3. These objections show inconsistency within the TPO in their choice and validity. It is assumed that the intention behind the TPO is more to impede a development



Map referred to in the Council of the Borough of Milton Keynes
 (Land at No. 5 Whaddon Way, Bletchley).
 Tree Preservation Order 2006. Scale 1:500
 Ordnance Survey Map Grid Reference: SP 484763, 233105
 The Common seal of the Council of the Borough of Milton Keynes was hereunto affixed in the presence of:
 Head of Legal Services and Monitoring Officer.

Land at No. 5 Whaddon Way, Bletchley.
 (198)

TPO PLAN

MK HBS GIServices / N Kingsley / 22/08/06

Scale 1:500

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planning application rather than to preserve trees for the neighbourhood.

The second objection has been made by Mr A Belson Trading as “The Tree Man” on behalf of his clients Mr and Mrs Jenkinson:

The salient points of which are as follows:

1. Specific reference to trees listed in the TPO as follows:
 - a. T1 Maple – this is a young tree with poorly formed main stem union and presently has no amenity value.
 - b. T2 Willow – This tree has some amenity value but has been pruned three times in order to keep neighbours happy. This has led to an odd looking crown with an unnatural appearance. Due to its previous management, this species will need to be pruned on a regular basis as the regrowth is always vigorous, uncontrolled and weakly attached and because of this it is not suitable to include in a TPO.
 - c. T4 Cherry – There is early decay in the lower main stem and the tree is very misshapen due to the presence of other adjacent trees.
 - d. T6 Ash – This is a young tree with the potential to grow much larger and it does have amenity value, however, it is a woodland tree growing in a suburban garden. I consider the long term retention of the tree to be too great a responsibility for my clients.
 - e. T7 Spruce – This is a poor specimen of what is essentially a timber or commercial crop tree, rarely in harmony with a suburban garden.
 - f. T8 Larch – This is a young commercial crop tree with no particular arboricultural merit. It has very little amenity value at present but has the potential to grow much larger. Mr Jenkinson could reduce or remove the Western Red Cedar hedge at the front of the site, exposing the tree which in time could affect the Jenkinsons’ reasonable enjoyment of their property.
2. The rear gardens of Prestwick Close appear to have no more than an ornamental or fruiting tree and the front gardens of other properties along Whaddon Way are generally devoid of tree planting but there is adequate street tree planting in the verge.
3. This is a weak TPO which includes trees with no visual amenity value. It is unreasonable to include so many trees in a suburban garden when the general character of other gardens in the area is of lawns with shrubs and ornamental trees. The purpose of a TPO is to preserve the best trees in the interest of public visual amenity, not to prevent or hinder development at it would appear on this site.

PLANNING RESPONSES

The Planning Officer has commented as follows in response to the objections raised by Mr and Mrs Jenkinson:

1. A tree preservation order can be made on any tree that is considered to possess an amenity value. The Council’s Arboricultural Officer has carried out an assessment and advises that the trees have a positive value. It is general practice of the Council to serve a TPO on trees that are under threat, most usually from the threat of development. This ensures the retention of a tree or trees so that they can be

considered in the planning and development of the site with the best trees retained within developments.

2. The Council made a TPO on the trees in the grounds of 5 Whaddon Way following the submission of a planning application. The layout plans indicated that all of the trees would be removed and none retained.
3. Local residents considered that the trees were a prominent visual feature with a high amenity value and a positive benefit to the wider community as the trees can be seen both from Buckingham Road and the rear gardens of adjoining properties in Whaddon Way and Prestwick Close.
4. This view was reaffirmed by the council's Landscape Officer.
5. The planning application was subsequently refused, reasons being "The proposed development would have a detrimental impact on a group of significant trees, which have a high amenity value and fails to make provision for enhanced biodiversity. The development would be inconsistent with policies D1 (v) and NE3 of the Milton Keynes Local Plan (2001 – 2011)."
6. There is no evidence that Trees Marked T1 to T8 in the TPO are in poor condition, cause unacceptable overshadowing, or damage to the adjacent footpaths.

The Planning Officer has commented as follows in response to the objections raised by Mr Belson, trading as "The Tree Man":

I reiterate the comments made in response to Mr and Mrs Jenkinsons objections that I believe also respond to the objections made by Mr Belson.

Although Mr Belson has submitted information on the condition of the trees covered by the TPO, I would await the views of the Council's own arboricultural expert on this matter.

If at any point any of the trees do cause unacceptable overshadowing or are in a dangerous condition, an application could be submitted to deal with this under the Tree Preservation Order and the Council could decide on the merits of the case. If a tree needed to be felled a replacement would need to be planted on the site.

LANDSCAPE RESPONSES

The Landscape Officer has commented as follows:

1. The trees at this site were protected as they were thought to be under threat from a potential redevelopment of the site into a block of flats. The protection of the trees now allows them to be taken into account as existing site features when deciding on the layout of any new development.
2. The issue of visibility of the trees from areas outside the site does not appear to be quite as the objector claims. In addition it is not just the visibility of the trees from outside the site that is a consideration, but also that they may be required for their amenity value to users/residents within any redevelopment of the site, particularly if there are to be common landscaped areas.

Most of the trees are clearly visible above the rooftops in Prestwick Close providing a green backdrop to the properties there, which is all the more important as there is no significant tree cover in Prestwick Close itself. The Willow and Birch are clearly visible from the redway on Buckingham Road as are both Cherries, the Ash and to a lesser extent the Spruce and the Larch.

The Ash and one of the Cherries can be seen between the conifer hedge frontage and the house when walking south along the west pavement of Whaddon Way and again on the right after passing the hedge.

3. The Maple is visible to users of Whaddon Way, Buckingham Road and the associated redways, but only as brief glimpses between the massed canopies of the other trees, nevertheless it makes a reasonable contribution to the general tree cover of the site. This tree is however much more prominent on the Prestwick Close side to both users and residents in the Close.

The Maple did not appear to be in particularly poor condition at the time of the initial site visit. Its condition can be reassessed at the planning application stage and taken into account with all the other factors when deciding whether it will ultimately be retained or not.

4. The Willow is a prominent tree and worthy of protection, the TPO will not necessarily prevent tree surgery works being carried out upon it, and indeed such work may be required for its integration into a new development of the site.
5. The Birch is not long lived compared to some other trees but in urban areas its safe useful life expectancy may be up to 60 - 80 years and I would estimate that this tree while mature, may have a 20 year life expectancy. Its crown is a little unbalanced due to competition with another Birch now gone, to its immediate south. It should re-balance itself in time by growing into the space created.
6. The Cherry T4 is clearly visible from the redway and Buckingham Road and is of reasonable form.
7. I would contest that the crown of the Ash is particularly unbalanced, certainly it appears to have been crown raised on the north side but the degree of overhang is roughly even on both sides of the boundary.
8. The Spruce is a reasonable specimen of the type and it is indeed grown as a timber tree in plantations and forests, however this does not indicate that it has any greater or lesser value than any other tree. While it is small at the moment compared to its potential height this does not go against it, as it has considerable potential for future growth and amenity value. It is important rather than insignificant in terms of the garden in that it makes a reasonable contribution to the overall tree cover of the site.
9. In my opinion the Larch is a fine species and worthy of any garden that is large enough to accommodate it. If roots may cause damage to the nearby path, they are as likely to come from the conifer hedge, which is between the Larch and the pavement, as from the Larch. If the tree had been causing problems with services entering the property it would most likely have been felled some time ago, and if the property is to be re-developed very soon, the routes of new services entering the site can be laid to avoid the tree roots.

The intention when serving this TPO was not to impede a development planning application rather to preserve trees for the neighbourhood. The main reason for serving the TPO is to protect the trees until such time as a decision can be made about their retention or removal as part of any re-development of the site. The amenity value of trees may also increase with time through their development in terms of physical growth and the evolution of the site

usage. Retention of existing trees as part of a new development may give the site a mature element, continuity of visual amenity and enhancement of property values.

RECOMMENDATION

The Order may now be confirmed with or without modification under Section 199 of the Town and Country Planning Act 1990. It is recommended that the Order be confirmed without modification.