

Application Number: PS/540/15/406

**TOWN AND COUNTRY PLANNING ACT 1990 THE COUNCIL OF THE
BOROUGH OF MILTON KEYNES - ON LAND AT 41 STRATFORD ROAD,
WOLVERTON- TREE PRESERVATION ORDER 2016**

AT 41 Stratford Road, Wolverton, Milton Keynes

Ward: Wolverton

Parish: Wolverton & Greenleys Town
Council

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1.0 INTRODUCTION

(A brief explanation of what the application is about)

1.1 The Site

The site contains a mid-terrace residential property located on Stratford Road within Wolverton Conservation Area. The property has a rear garden to the south in which is a substantial (approximately 40ft tall) Lime tree to which this application relates to. The tree overhangs the boundary between the application site and 42 (an estate agents on the ground floor) & 42A (a residential property on the first floor) Stratford Road. The tree overhangs the rear parking area used by 42 & 42A which was formerly the rear garden of the property.

1.2 List of trees:

1 x Lime Tree (T1)

1.3 An Order was served on 20th June 2016 under the delegated powers of the Head of Development Management. Notices of the making of the Order were served and displayed on site on 20th June 2015. The Order was served in response to the Arboricultural Officer's recommendation regarding the tree's public benefit to the historical setting and its amenity value to the local landscape and wider street scene. The tree was considered to be in good condition. The Arboricultural Officer recommended that the application to fell the tree made under a Tree in Conservation Area Notice of Intent (16/01275/TCA) should be refused and the Tree Preservation Order served.

1.4 Reason for Reporting Application to Development Control Panel

An objection from the occupier 42 Stratford Road has been received to the confirmation of the Tree Preservation Order.

- 1.5 The Lime tree will lose its protection should the Order not be confirmed within six months of making the Order, which would be on 19th December 2016. This application needs to be determined before this date, as an item of urgent business, or the protection offered by the Tree Preservation Order would be lost and the tree could be felled without any replacement tree being required to be provided.

2.0 RELEVANT POLICIES

(The most important policy considerations relating to this application)

2.1 National Policy

Town and Country Planning Act (1990) as amended Section 211

National Planning Policy Framework (March 2012)

Section 11 – Conserving and enhancing the natural environment

2.2 Local Policy

Milton Keynes Local Plan 2005-2011 adopted 2005

HE6 – Conservation Areas

Milton Keynes Core Strategy 2012

Policy CS19 the Historic and Natural Environment

3.0 MAIN ISSUES

(The issues which have the greatest bearing on the decision)

- 3.1 Whether the Tree Preservation Order should be confirmed

4.0 RECOMMENDATION

(The decision that officers recommend to the Committee)

- 4.1 It is recommended that the Order be confirmed without modifications. The tree in question is considered to have significant public benefit in regard to the historical setting and amenity value to the immediate area and to the wider public realm. It is considered that the confirming of the Tree Preservation Order to safeguard its amenity value and allow appropriate control of any future work to the trees is justified.
- 4.2 The Order may be confirmed with or without modification under Section 199 of the Town and Country Planning Act 1990. Alternatively the Development Control Panel may decide not to confirm the order which would allow the tree to be felled. No replacement tree could be conditioned if the Tree Preservation Order is not confirmed.
- 4.3 It should be noted that there is no right of appeal following the confirmation of a Tree Preservation Order so only a challenge could be made through the

submission of a judicial review to the High Court. A right of appeal would apply should the Tree Preservation Order be confirmed and an application to carry out works to the tree which is the subject of a Tree Preservation Order is refused.

5.0 CONSIDERATIONS

(An explanation of the main issues that have led to the officer Recommendation)

- 5.1 A Tree Preservation Order acts as a means of preventing unlawful works being undertaken to valued tree(s) and is a tool to be used by the Local Authority to police this procedure. Once a Tree Preservation Order has been served, the owner of the tree must apply to carry out certain works, which may or may not be approved by the Local Authority. The Tree Preservation Order does not specifically prevent works from being undertaken, especially if the works are deemed to be necessary for reasons of health of the tree or public safety, but rather ensures that work is not undertaken which may cause harm to the tree. The Arboricultural Officer has undertaken a site visit and has not identified any parts of the tree which show signs of major limb loss. Most trees naturally shed small branches as part of self-regulating their health. These branches are usually smaller than 25 millimetres in diameter which are not large enough to cause health and safety concerns.
- 5.2 The Arboricultural Officer has undertaken an evaluation of the level of amenity the tree has using the Capital Asset Value for Amenity Trees (CAVAT) system. The amenity of the tree is valued at £12,931 which is a significant level of amenity. The tree is visible from several areas of the Conservation Area including from the rear elevations of a number of properties on Church Street as well as the access alleyway between Stratford Road and Church Street. The tree is also visible from a section of Cambridge Street between Stratford Road and Church Street. It is considered that the tree's removal would adversely affect the character and appearance of the area given that this part of Wolverton Conservation Area does not have a high number of mature trees. This lack of mature trees does not mean that those which exist are unimportant, but, instead, are of particular value, contributing an element of greenness to an otherwise intensively built landscape.
- 5.3 The comment received raises concerns regarding the Tree creating a sap which covers the cars parked to the rear of No.42 Stratford Road. The sap is a sugar based solution created by the tree for reasons of protection from insects. The sap is sugar based and has no harmful chemicals which could cause damage to the cars parked to the rear of No.42 Stratford Road. Leaves and flower buds are also shed on a seasonal basis and cause no harm to paint work of cars. As outlined by the Arboricultural Officer, this is only a seasonal occurrence and does not occur throughout the year. The sap can easily be cleaned off, or parking avoided under the tree during the period of sap production or during the shedding of leaves.
- 5.4 Based on the above matters, it is considered that the loss of the tree would have a detrimental impact on the character and appearance of the Conservation Area due to its high level of amenity. The matters raised by the

objector do not outweigh the amenity value of the tree and as such it is recommended that the Tree Preservation order be confirmed.



Appendix to 16/01275/TCA

A1.0 RELEVANT PLANNING HISTORY

(A brief outline of previous planning decisions affecting the site – this may not include every planning application relating to this site, only those that have a bearing on this particular case)

- A1.1 16/01275/TCA
Notification of intention to fell 1 Lime tree
TCATPO 22.06.2016

A2.0 ADDITIONAL MATTERS

(Matters which were also considered in producing the Recommendation)

- A2.1 None

A3.0

CONSULTATIONS AND REPRESENTATIONS

(Who has been consulted on the application and the responses received. The following are a brief description of the comments made. The full comments can be read via the Council's web site)

Comments

A3.1 The Town Council and Ward Councillors were consulted on the Tree on a Conservation Area application and the following comments were received:

Parish - Wolverton & Greenleys

Provided that there is no TPO in place for the proposed tree there is no objection to the removal of this tree on the basis that it is having a direct impact on their neighbours property

Noted

Ward - Wolverton - Cllr Miles **(No comments received)**

Noted

Ward - Wolverton - Cllr Middleton **(No comments received)**

Noted

Ward - Wolverton - Cllr Marland **(No comments received)**

Noted

Landscape Services Manager – Trees:

Noted and discussed in paragraphs 5.1-5.4

“I have carried out an evaluation of the tree using the CAVAT (Capital Asset Value for Amenity Trees) system. The value of the tree has been assessed as £12,931.

CAVAT provides a basis for managing trees in the UK as public assets rather than liabilities. CAVAT works by calculating a unit value for each square centimetre of tree

stem, by extrapolation from the average cost of a range of newly planted trees.

Comments in response to objection regarding the serving of the TPO:

The tree is of a significant height (14m), and large enough crown spread (9m) to be of a significant visual benefit to the properties and street scene of the local area. Although the tree may not be visible from the front of the property it is highly visible from the publically accessible road to the rear of the property which runs parallel to Stratford Road and both Cambridge Road. I therefore disagree with the complainant and would reiterate that the tree has a significant visual value to the local landscape.

The tree is a Lime, and the nature of these trees, as with many species, is to react to insect and aphid attack by producing a barrier to prevent destruction of the canopy. This natural defence mechanism can take many forms, however in the case of Limes the tree produces a sugar based liquid that extrudes from the pores of the tree and thus prevents the insects from destroying the leaf and chlorophyll content of the tree structure. Due to the amount of liquid produced, it is not uncommon for the excess liquid to drip from the tree. This is only a seasonal occurrence and soon stops once the trees defence mechanism doesn't require it anymore. The sugar solution can cover items located below the canopy in an overall sticky solution, however as this is a naturally produced solution with no harmful chemicals in it, it does not damage the paintwork of cars. If left too long then a black mould may start to grow on

the sugar solution, however regular washing of the affected items will ensure that this will not happen. On visiting the site, I noted that there is sufficient room at the rear of the property for cars to be parked away from the canopy of the tree during the short period the excess liquid is dripping.

From a visual inspection of the tree, I was unable to locate where the alleged large branches (cited in the complaint), had fallen from. Small branches are shed naturally by trees as a means of self-regulating their health and wellbeing, and when branches are no longer required they die and fall off the tree. I would dispute that branches larger than 25mm in diameter have fallen from the tree and from the evidence I observed on site any twigs/branches that have been shed are below this size.”

Local Residents

The occupiers of the following properties were notified of the serving of the Tree Preservation order: Noted

41, 42 & 42A Stratford Road.

A notice was also posted notifying members of the public about the Tree Preservation Order. Noted

An objection from 42 Stratford Road was received in regards to the serving of the Tree Preservation Order raising the following comments :

- Branches have broken off and fallen due to adverse weather conditions previously, the tree poses a safety risk. Noted and discussed in paragraph 5.1

- The tree does not have high amenity value as it is on private property and is not visible in the local streetscene in Wolverton.
Noted and discussed in paragraph 5.2
- Leaves flowering buds litter cars parked to the rear of No.42
Noted and discussed in paragraph 5.3
- Sap leaves a sticky residue on cars parked to the rear of No.42
Noted and discussed in paragraph 5.3