

A Sorry Sight : 4 Down, How Many More to Go?



Following permission given by Milton Keynes Council (MKC) four mature trees in front of the Baptist Church in Cofferridge Close have been felled and five more severely pollarded. These were amongst the largest and most attractive trees in the Close and earmarked for preservation in the Planning Application for the proposed new supermarket. In addition a group of smaller trees has been cleared without planning permission. This action increases to 56 the number of mature trees that will be destroyed for proposed future development in Cofferridge Close.

We have four questions for MKC....

1. Why has MKC played down the considerable local amenity value of these trees?

The MKC Decision Notice says they have considered local amenity value in granting permission. The Decision Notice dated 01/03/2012 says the impact on amenity will not be significant because: "*In Cofferridge Close however there is established planting within the car park and this partially obscures the views externally.*"

However if planning application 11/00143/FUL for a large supermarket and car park in Cofferridge Close goes ahead a further 18 mature trees will be felled on the Budgens/Baptist Church side of Cofferridge Close and another 34 in the rest of the Close making a total loss of 56 mature trees (N.B. the tree report commissioned by Barton Wilmore counts the group of 7 apple trees on the green as one tree and the pear trees on the end wall of the office block as one) .

Ironically, the trees that have just been felled and severely pollarded were the only big mature trees that would have been left standing on that side of the Close in the supermarket proposal prepared by Barton Wilmore.



Before..... andAfter

The view of MKC appears to be that in the absence of Tree Preservation Orders (TPOs) on any of the trees in Cofferridge Close this application did not warrant more rigorous consideration by them. However, the *Town & Country Planning Act 1990* makes special provision for the protection of trees in a conservation area that are not subject to a TPO.

The effect of loss of trees is a material planning consideration in a planning application in a conservation area. "Visual amenity" is a measure of the visual quality of an area experienced by residents, workers and visitors. It is the collective impact of trees and landscaping that makes a place a pleasant area to be. In their responses to the Cofferridge Close supermarket application MKC officers barely challenge the proposal to take out many mature trees and remove most of the green space in order to make space for car parking, and the case for preservation of this town centre landscape is barely touched upon. In addition the contribution the mature trees and green space in the Close make to the Conservation Area as a whole is not highlighted as it should be.

2. Why no community consultation?

In line with the legal requirement on 20/01/2012 the Baptist Church applied for consent to carry out work on trees in the Cofferridge Close conservation area (planning application number 12/00109/TCA, also known as a Section 211 notice); this is apparently linked to an eventual project to build an atrium extension to the back of the Church¹.

1 See p22 of the report from the Planning Application by the Urban Forestry Organisation : "*.... Having studied the development proposals for the extension to the Stony Stratford Community Church we have consolidated our views on tree retention and removal as follows: Tree numbers 4, 7, 8 and 10 are to be removed. Tree number 10 will be replaced with a tree of similar species. The other seven trees will be retained.*"

MKC gave scant notice of this application to residents in the neighbourhood. The decision notice was given by MKC on 01/03/2012 saying no objections had been received. This is inaccurate. The Town Council wrote to Milton Keynes Planning Department on 29/02/2012 to request that crown reduction rather than pollarding should be carried out.

No representations were received from third parties i.e. immediate neighbours or others with an interest quite simply because no community consultation was undertaken. The proposal to cut down and severely pollard these trees would certainly have been opposed by many local residents if they had been informed. The only notice MKC gave of this application for major tree work in a conservation area was one small technical notice posted in Horsefair Green. Furthermore the MKC Conservation Officer was not consulted on this work.

Government guidance on good practice in this respect says:

'Although the LPA are not required to publicise a section 211 notice they are advised to consider seeking the views of local residents, authorities or groups, particularly in cases where there is likely to be public interest. There are likely to be cases where the LPA consider no publicity is warranted. In cases where they believe some publicity is warranted, the LPA should decide what form it should take having regard to the particular circumstances of the case. They may decide to invite views on the proposal, for example, by writing to nearby residents and groups or by displaying a site notice or even by placing an advertisement in a local newspaper. If the LPA decide to publicise the proposal they should, of course, take into account any comments duly submitted before deciding whether or not to intervene by making a TPO.'

3. Why did MKC not query the Application, given that the assessment of the trees in question conflicted with an earlier tree report dated January 2011?



Before..... and.....After

A Tree Report dated January 2011 is part of the current planning application to redevelop Cofferidge Close and is available to read on the MKC Planning Department public access site

(see the 'Documents' file for application number 11/00143/FUL). The conclusions of this Report conflict with the tree assessment presented in support of the felling and pollarding that has just taken place (available to read under application number 12/00109/TCA). In summary the conflicts are as follows:-

- 12/00109/TCA Tree no 4, Ash: *felled*. The same tree (no 16) in the Jan 2011 report required no action at time of survey and had a retention span of 20-40 years.
- 12/00109/TCA Tree no 7 , Ash : *felled*. The same tree (no 19 in the Jan 2011 report) was recommended for crown reduction by 20% and had a retention span of 20-40 years.
- 12/00109/TCA Tree no 8, Lime: *felled*. This same tree (no 20 in the Jan 2011 report) was recommended for crown restoration pruning and had a retention span of 20-40 years.
- 12/00109/TCA Tree no. 10, Sycamore : *felled*. This same tree (no 22 in the Jan 2011 report) required no action at the time of survey and had a retention span of 10-20 years.

Of the five trees that have been severely pollarded, the Jan 2011 report recommended crown restoration for three and minor or no action required for the other two.

4. What action does MKC intend to take over the unauthorised felling of a group of trees ?

The information provided to MKC Planning Department in the application for this tree work was not comprehensive, as it did not include a group of six trees (identified as TG2 in the January 2011 report) that were actually felled at the same time as the others. The decision from MKC did not authorize the cutting down of this group of trees.

As a group these trees were recorded in Jan 2011 as 6 metres high and with an estimated collective diameter at 1.5 meters above ground level of 600mm. The group included hazel, sycamore and a fig tree with a retention span of up to 40 years. *The image to the right shows the stump of one of these trees, to give some idea of the size of the main tree in this group.* Some of the trees in this group are almost certainly within the category of trees that require permission to be felled in a Conservation Area.



Anyone who destroys or damages a tree in a conservation area without giving a section 211 notice is guilty of an offence, and, if convicted in the Magistrate's Court, is liable for a fine of up to £20,000 (*Tree Protection Orders: A Guide to the Law and Good Practice' 2006*, amended 2009, Department for Communities and Local Government – note that this document makes special provision for trees in a conservation area which are not subject to a Tree Preservation Order).

In conclusion

People in Stony Stratford are getting a foretaste of possible future tree vandalism on a much bigger scale when a further 52 mature trees would be destroyed to accommodate the car parking needed for a large supermarket.

Stony Stratford Ward and Town Councillors have requested that MKC explain the process that led to the decision to grant permission to fell and pollard in the town's Conservation Area without due care and consultation.



A sorry sight, indeed...

If you are upset by what has happened to the trees outside the Baptist Church and what might happen to the rest of the Cofferridge Close trees if the supermarket application is granted then write to Jackie Fox at MK Council or email her at :

jackie.fox@milton-keynes.gov.uk