

Delegated Officer Report

London Borough of Tower Hamlets Milligan Street, Limehouse TPO 2012/1

Delegated Report to consider representations made in response to the service of the Interim TPO and to confirm a modified TPO.

1. Notification that the trees were to be removed.

- 1.1 Officers were alerted to the proposed removal of the 4 Plane trees by an LBTH 'Members Enquiry' highlighting proposals for the trees removal and seeking an assessment of the trees and their possible protection on the 19th November 2012.
- 1.2 The original enquiry from Councillor Zara Davis (Millwall Ward) asked whether the trees were within a Conservation Area or whether they could be protected by a Tree Protection Order.

"I understand that a group of plane trees at the junction of Milligan Street and Three Colt Street will be cut down by a management company within the next week or so (photo of the trees, and letter from the management company are attached). Please can the Council confirm, as a matter of urgency, whether these trees fall within the Narrow Street conservation area, or whether there are other requirements for these trees to be protected? If not, can the Council investigate whether these trees should be protected by Tree Preservation Orders or similar measures? Whilst the Council carries out these investigations, would the relevant department consider contacting the management agency and requesting that they hold off from cutting down the trees".

*Councillor Zara Davis
Millwall Ward*

- 1.3 Officers in the Plan Delivery Team asked the Council's Senior Tree Officer to assess the trees with regard to the possibility of serving an Interim Tree Preservation Order: This was done using a Tree Evaluation Method for Preservation Orders (TEMPO) assessment, the accepted industry standard.

2. The Senior Tree Officers View

- 2.3 The trees have significant public amenity and are growing in a public open space, clearly on view to the wider public.

3 Decision to serve an interim notice based on this view

- 3.1 In light of the advice provided a delegated officer report was prepared seeking approval for the designation of an Interim TPO and the Interim TPO itself was prepared.

4. Date the TPO served

- 4.1 Once agreed, the Interim TPO was signed and sealed, and was then served to the Management Company intending to remove the trees on the 5th day of December 2012. A SIM search also identified the freehold owners of the site, however, identification was delayed and the Interim TPO was served on the owners of the site on the 25th March 2013.
- 4.2 Once the Interim TPO was prepared, consultation was undertaken and those consulted were given 28 days in which to make representation. The owners whilst notified later were similarly given the statutory 28 days notice in which to make representation.
- 4.3 All representations needed to be received on or before the 28th April, thus giving the opportunity for their due consideration prior to deciding whether to confirm the TPO.

5. Consultation

- 5.1 Once the Interim TPO was prepared, consultation was undertaken and those consulted were given 28 days in which to make representation. Owners and adjoining residents were give 28 days in which to make representations.
- 5.2 The designation was also advertised on the Councils website under current consultations including details of how a representation could be made..
- 5.3 Written notification to neighbouring addresses was also undertaken. A letter setting out the designation of the TPO together with details of how a representation could be made and including a copy of the sealed TPO was sent out.
- 5.4 The following addresses were captured by the GIS Team and were notified of the consultation:
- Flat 1 – 2, 135 Three Colt Street, London, E14 8AP
 - Flat 3A, 4, 139 Three Colt Street, London, E14 8AP
 - Wharfside Stores, 92 Three Colt Street, London, E14 8AP
 - Flat 1 – 44, 94 Three Colt Street, London, E14 8AP
 - 96B Three Colt Street, London, E14 8AP
 - Flat 1 – 6, Wharfside Stores, 92 Three Colt Street, London, E14 8AP
 - 104 Three Colt Street, London, E14 8AZ
 - 106 Three Colt Street, London, E14 8AZ
 - 108 Three Colt Street, London, E14 8AZ
 - 110 Three Colt Street, London, E14 8AZ
 - 110A Three Colt Street, London, E14 8AZ

- 2 Milligan Street, London, E14 8AU
 - Flat 1 – 8, 15 Milligan Street, London, E14 8AT
- 5.5 A number of the addresses supplied by GIS came back undelivered. Officers tried to deliver these by hand but the addresses could not be found. GIS were notified. The addresses undelivered and which did not exist were:-
- Flats 1-9, 18-20, 28-30, 36-40, 94 Three Colt Street
 - 96b Three Colt St
 - Wharfside Stores, 92 Three Colt St
 - Flat 1, 3, 4, 5, 6 Wharfside Stores

6. Representations Received

6.1 In response to the consultation the following representations / objections to the proposals have been received:

- **Johan De Mulder**, director of Dundee Court Management Company
- **Jackie McCombe**, director of Dundee Court Management Company
- **Haley Blackman**, managing agents for the site Dundee Court 15 Milligan
- **Steve Haworth**, resident of Dundee Court

Copies of these representations are included at Appendix B

6.2 The substance of the objections are as follows:-

- (1) The existing trees are not of significant amenity value. They have been the subject of much pruning in the past and are a poor shape. Better amenity value can be achieved via the resident's proposals for replacement trees,
- (2) Plane Trees are of an inappropriate scale for this space. (4 of the original 8 trees were removed some 2 or 3 years ago). More appropriate trees would maintain their natural shape and would offer better amenity value.
- (3) The root systems of these large trees are disrupting the small paving blocks in the public space. This is causing a trip hazard and associated Health and Safety issue for those members of the public who cross this space. This trip hazard will increase as the London Plane tree trunks and root systems grow further, over time.
- (4) When in leaf, the existing trees now block significant amounts of natural light, and are now taller than the highest flats in the nearby 3 storey block.
- (5) At this time of economic pressures and budget restraints for the Council, the residents proposal for replacement trees will save the Council and the residents money, [the cost to the Council of

periodic clearing up the large autumnal leaf fall from the cafe area / public space, and costs associated with lopping / topping / maintaining the existing trees].

(6) The trees are posing subsidence problems with the building.

6.3 Whilst objecting to the protection of the existing Plane trees for the reasons outlined above, the residents had made proposals to the Managing Agent for replacement of the existing trees in April 2012. The trees they proposed were as follows :

- a) Maple [Acer Brilliantissimum]
- b) Mountain Ash [Sorbus Aucuparia]
- c) Sunburst / Honeylocust [Gleditsia Triacanthos].

The residents were offering to fund the replacement trees and felt that they offered cost savings in terms of reduced maintenance and clearance of leaf fall in the autumn.

7. Consideration of the arguments presented

71 The Council Senior Tree Officer was asked for his consideration of the representations made. His response is set out below.

1. *Existing amenity value is the issue here hence the TPO, and retention of the existing trees is the way forward not replacing them.*
2. *Retention of the trees through a maintenance regime of pollarding is the way forward - constraining the trees size as suitable for the area.*
3. *In this instance the matter is with the choice of surface not the trees root activity, as whatever trees were there would at some point have an effect upon the surface.*
4. *Right to light where trees are concerned does not exist therefore is not actually a valid objection, yet the pollarding regime - every two years will provide relief.*
5. *The cost to the Authority is minimal as we would sweep the streets regardless and whatever trees were growing there would shed leaves/fruit.*
6. *The choices of species as likely alternatives are in the main unsuitable - thus ornamental Maple is usually a short life tree and not one that would be recommended for such a site.*

Rowan trees are very unsuitable due to the fact that the local ambient temperature is too high, resulting in difficulty of establishment and eventual early death.

Gleditsia are of little visual impact in such locations and are costly and can be difficult to establish as well as maintain.

7. *In terms of the potential and foreseeable risk of subsidence, providing the trees are managed in the way that they have been for the recent past, ie regularly pollarded, it's my professional view, based upon current Arboricultural Practice, that the risk is significantly reduced to warrant retention of the trees and that this does not constitute a significant objection to the TPO being confirmed.*

8. *In my professional opinion the trees are most suitable for the location and with proper care and maintenance that the Managing agent has in principal agreed, there should be many years of quiet enjoyment to be gained from the existing trees and therefore clearly warrant the TPO. This is clearly shown from the TEMPO evaluation.*

7.2 In respect of the objection stating that the trees pose a risk of subsidence to the buildings, there is nothing to indicate that the trees present a subsidence problem at the current time. If in the future there is any sign that the trees are causing (or are likely to be causing) subsidence, the consents procedure allows for an application to be made to the local authority to cut down a tree/the trees and evidence of damage would need to be provided by a suitably qualified expert at this stage. There are also provisions in the regulations which allow works if there is an immediate risk of harm.

7.3 The Council's Senior Tree Officer has suggested that ongoing consent could be granted for pollarding these trees every two years, thus assisting with the ongoing maintenance of the trees and ameliorating the risk of subsidence.

8. Recommendation

8.1 Following due consideration of the representations received and in light of the advice provided by the Council's Senior Tree Officer it is recommended that the Interim TPO should be confirmed. A minor typo in the original order has been noticed since the order was made and the order should refer to the Town and Country Planning (Tree Preservation)(England) Regulations **2012**, rather than 2011. It is recommended that the order should be approved as modified in order to correct this error.

9 Next steps

9.1 The TPO should be confirmed as modified to correct the error, and authority given to legal services to seal the confirmed order.

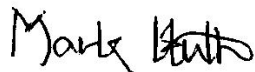
9.2 Confirmation of the Tree Preservation Order should be provided to all those formerly notified of the Interim TPO and formal confirmation of the designation provided on the Council's website.

- 9.3 It is suggested that those making representations should be responded to directly setting out the reasons for the decision of the Council to confirm the TPO. The report will be posted on the Council's website.
- 9.4 The Council's Senior Tree Officer has already had some discussions with the residents management company regarding a maintenance regime and has suggested that they seek ongoing consent for pollarding the trees every two years. We will formally incorporate his advice within this letter. He is also able to offer assistance with the application process. The letter will also offer a link to the Council's website where additional information is available regarding tree management and the application process when works to trees are proposed.

In light of the authority delegated to me this course of action is agreed.

Signed

Dated: 21.5.13

A handwritten signature in black ink that reads "Mark Hutton". The signature is written in a cursive style with a small dot at the end.

**Mark Hutton, Team Leader Plan Delivery, Strategic Planning,
London Borough of Tower Hamlets.**

Appendix A

List of Neighbour Consultees for: TPO at Milligan Street printed on 18/12/2012.

The Owner/ Occupier	Flat 1, 135 Three Colt Street, London,	E14 8AP
The Owner/ Occupier	Flat 2, 135 Three Colt Street, London,	E14 8AP
The Owner/ Occupier	Unit 3a, 139 Three Colt Street, London,	E14 8AP
The Owner/ Occupier	Unit 4, 139 Three Colt Street, London,	E14 8AP
The Owner/ Occupier	Wharfside Stores, 92 Three Colt Street, London,	E14 8AP
The Owner/ Occupier	Flat 1, 94 Three Colt Street, London,	E14 8AP
The Owner/ Occupier	Flat 10, 94 Three Colt Street, London,	E14 8AP
The Owner/ Occupier	Flat 11, 94 Three Colt Street, London,	E14 8AP
The Owner/ Occupier	Flat 12, 94 Three Colt Street, London,	E14 8AP
The Owner/ Occupier	Flat 13, 94 Three Colt Street, London,	E14 8AP
The Owner/ Occupier	Flat 14, 94 Three Colt Street, London,	E14 8AP
The Owner/ Occupier	Flat 15, 94 Three Colt Street, London,	E14 8AP
The Owner/ Occupier	Flat 16, 94 Three Colt Street, London,	E14 8AP
The Owner/ Occupier	Flat 17, 94 Three Colt Street, London,	E14 8AP
The Owner/ Occupier	Flat 18, 94 Three Colt Street, London,	E14 8AP
The Owner/ Occupier	Flat 19, 94 Three Colt Street, London,	E14 8AP
The Owner/ Occupier	Flat 2, 94 Three Colt Street, London,	E14 8AP
The Owner/ Occupier	Flat 20, 94 Three Colt Street, London,	E14 8AP
The Owner/ Occupier	Flat 21, 94 Three Colt Street, London,	E14 8AP
The Owner/ Occupier	Flat 22, 94 Three Colt Street, London,	E14 8AP
The Owner/ Occupier	Flat 23, 94 Three Colt Street, London,	E14 8AP
The Owner/ Occupier	Flat 24, 94 Three Colt Street, London,	E14 8AP
The Owner/ Occupier	Flat 25, 94 Three Colt Street, London,	E14 8AP
The Owner/ Occupier	Flat 26, 94 Three Colt Street, London,	E14 8AP
The Owner/ Occupier	Flat 27, 94 Three Colt Street, London,	E14 8AP
The Owner/ Occupier	Flat 28, 94 Three Colt Street, London,	E14 8AP
The Owner/ Occupier	Flat 29, 94 Three Colt Street, London,	E14 8AP

The Owner/ Occupier	Flat 3, 94 Three Colt Street, London,	E14 8AP
The Owner/ Occupier	Flat 30, 94 Three Colt Street, London,	E14 8AP
The Owner/ Occupier	Flat 31, 94 Three Colt Street, London,	E14 8AP
The Owner/ Occupier	Flat 32, 94 Three Colt Street, London,	E14 8AP
The Owner/ Occupier	Flat 33, 94 Three Colt Street, London,	E14 8AP
The Owner/ Occupier	Flat 34, 94 Three Colt Street, London,	E14 8AP
The Owner/ Occupier	Flat 35, 94 Three Colt Street, London,	E14 8AP
The Owner/ Occupier	Flat 36, 94 Three Colt Street, London,	E14 8AP
The Owner/ Occupier	Flat 37, 94 Three Colt Street, London,	E14 8AP
The Owner/ Occupier	Flat 38, 94 Three Colt Street, London,	E14 8AP
The Owner/ Occupier	Flat 39, 94 Three Colt Street, London,	E14 8AP
The Owner/ Occupier	Flat 4, 94 Three Colt Street, London,	E14 8AP
The Owner/ Occupier	Flat 40, 94 Three Colt Street, London,	E14 8AP
The Owner/ Occupier	Flat 41, 94 Three Colt Street, London,	E14 8AP
The Owner/ Occupier	Flat 42, 94 Three Colt Street, London,	E14 8AP
The Owner/ Occupier	Flat 43, 94 Three Colt Street, London,	E14 8AP
The Owner/ Occupier	Flat 44, 94 Three Colt Street, London,	E14 8AP
The Owner/ Occupier	Flat 5, 94 Three Colt Street, London,	E14 8AP
The Owner/ Occupier	Flat 6, 94 Three Colt Street, London,	E14 8AP
The Owner/ Occupier	Flat 7, 94 Three Colt Street, London,	E14 8AP
The Owner/ Occupier	Flat 8, 94 Three Colt Street, London,	E14 8AP
The Owner/ Occupier	Flat 9, 94 Three Colt Street, London,	E14 8AP
The Owner/ Occupier	96B Three Colt Street, London, ,	E14 8AP
The Owner/ Occupier	Flat 1, Wharfside Stores, 92 Three Colt Street, London	E14 8AP
The Owner/ Occupier	Flat 2, Wharfside Stores, 92 Three Colt Street, London	E14 8AP
The Owner/ Occupier	Flat 3, Wharfside Stores, 92 Three Colt Street, London	E14 8AP
The Owner/ Occupier	Flat 4, Wharfside Stores, 92 Three Colt Street, London	E14 8AP
The Owner/ Occupier	Flat 5, Wharfside Stores, 92 Three Colt Street, London	E14 8AP
The Owner/ Occupier	Flat 6, Wharfside Stores, 92 Three Colt Street, London	E14 8AP

The Owner/ Occupier	Flat 1, 15 Milligan Street, London,	E14 8AT
The Owner/ Occupier	Flat 2, 15 Milligan Street, London,	E14 8AT
The Owner/ Occupier	Flat 3, 15 Milligan Street, London,	E14 8AT
The Owner/ Occupier	Flat 4, 15 Milligan Street, London,	E14 8AT
The Owner/ Occupier	Flat 5, 15 Milligan Street, London,	E14 8AT
The Owner/ Occupier	Flat 6, 15 Milligan Street, London,	E14 8AT
The Owner/ Occupier	Flat 7, 15 Milligan Street, London,	E14 8AT
The Owner/ Occupier	Flat 8, 15 Milligan Street, London,	E14 8AT
The Owner/ Occupier	2 Milligan Street, London, ,	E14 8AU
The Owner/ Occupier	104 Three Colt Street, London, ,	E14 8AZ
The Owner/ Occupier	106 Three Colt Street, London, ,	E14 8AZ
The Owner/ Occupier	108 Three Colt Street, London, ,	E14 8AZ
The Owner/ Occupier	110 Three Colt Street, London, ,	E14 8AZ
The Owner/ Occupier	110A Three Colt Street, London, ,	E14 8AZ

Appendix B

Representations received.

From: Johan De Mulder [mailto:j_de_mulder@hotmail.com]
Sent: 24 January 2013 10:05
To: Conservation
Cc: Mark Hutton; Vicki Lambert; 'Jackie McCombe'
Subject: The Miligan Street, Limehouse Interim Tree Preservation Order

Dear All,

As a director at Dundee Court Management Company, I support the previous communications from Stephen Haworth, leaseholder at Dundee Court and my fellow director Jackie McCombe (see below) regarding the re-planting of a more suitable variety of trees on the square in front of the Dundee Court building. The current aggressively growing trees are not just a safety hazard but pose subsidence problems with the building.

I hope it will meet with your careful consideration.

Kind regards,

Johan

--- Original Message -----

From: Jackie McCombe

To: conservation@towerhamlets.gov.uk

Cc: mark.hutton@towerhamlets.gov.uk ; vicki.lambert@towerhamlets.gov.uk

Sent: Wednesday, January 23, 2013 2:26 PM

Subject: The Milligan Street, Limehouse Interim Tree Preservation Order

Good afternoon,

I am contacting you in my capacity as a director of Dundee Court Management Company. I understand that Stephn Haworth, leaseholder at Dundee Court, Milligan Street, E14 8AT, has already been in touch with you to discuss our problem with the London Plane trees. The directors have discussed the issue with Hallmark, our Managing Agents and have agreed that if Tower Hamlets would agree to the removal of the plane trees, we would be prepared, at our cost, to replant more suitable trees in their place.

It would be very sad to loose trees altogether from the little square, and our only reason for wishing to replace the plane trees is that they are totally unsuitable in such a limited space, with branches touching the building, and roots causing dangerous pavement disturbance. We have attempted to keep the problem under control by lopping the trees, removing displaced paving stones etc but it is an ongoing problem, and the more we prune, the faster they grow.

Obviously, we would submit planning permission for the new trees. Our horticultural specialist has advised that the ground should be left to settle for one year before replanting.

I hope this compromise meets with your approval.

Jackie McCombe

From: Haley Blackman [<mailto:hblackman@hallmarkpml.com>]

Sent: 24 January 2013 10:31

To: Conservation

Cc: Vicki Lambert; Mark Hutton

Subject: FW: The Milligan Street, Limehouse Interim Tree Preservation Order [Ref.TPO 2012/1]

Importance: High

Re. Interim Tree Preservation Order [Ref.[TPO 2012/1](#)]

- 4 London Plane Trees located in a [small public](#) open space at the junction of Milligan Street and Three Colt Street, E14

Dear Sir/Madam

I am writing with reference to the above.

As managing agents for the site Dundee Court 15 Milligan Street where these London Plane Trees are located, I wish to make known our support of the email below from Stephen Haworth regarding the removal of the trees.

I look forward to hearing from you.

Yours faithfully

Haley Blackman
Property Manager

Correspondence Address

Hallmark Property Management Limited
8 The Pavilion Business Centre
6 Kinetic Crescent
Innova Park
Enfield EN3 7FJ
Tel: 01992 761419
Fax: 01992 769416

-----Original Message-----

From: haworthstephen <haworthstephen@aol.com>

To: conservation <conservation@towerhamlets.gov.uk>

Cc: vicki.lambert <vicki.lambert@towerhamlets.gov.uk>; mark.hutton <mark.hutton@towerhamlets.gov.uk>

Sent: Mon, Jan 21, 2013 1:41 pm

Subject: The Milligan Street, Limehouse Interim Tree Preservation Order [Ref.TPO 2012/1]

Re. Interim Tree Preservation Order [Ref.TPO 2012/1]

- 4 London Plane Trees located in a small public open space at the junction of Milligan Street and Three Colt Street, E14

Objections and other representations with respect to the Interim TPO dated 5.12.12 follow below :

I live at Dundee Court, a small 3 storey block of 10 flats facing the small public space in question.

During 2012 I have, along with other residents of Dundee Court, been in discussion with the Managing Agent regarding a proposal to replace the remaining Dundee Court London Plane Trees with more suitable, more attractive trees.

I object to the Interim TPO for the reasons summarised and numbered below. [Following that summary, I expand on the reasons for objection in the representation that follows].

(1) The existing trees are not, in my view, of significant amenity value. Better amenity value can be achieved via the resident's proposals for replacement trees, [the cost of which would be borne by the residents of Dundee Court].

(2) The Council's own description agrees that the open space in question is small. London Plane Trees are potentially massive [growing to a height of 80 feet / 35metres or more]. It was inappropriate for London Plane Trees to have been specified by the developers for this small space, in the first place, [4 of the original 8 trees had to be removed some 2 or 3 years ago]. The remaining trees have now grown in to this space, and it is better now to replace these trees with more appropriate trees that can be allowed to maintain their natural shape, thus achieving better amenity value.

(3) The root systems of these large trees are disrupting the small paving blocks in the public space. This is causing a trip hazard and associated Health and Safety issue for those members of the public who cross this space. This trip hazard will increase as the London Plane tree trunks and root systems grow further, over time.

(4) When in leaf, the existing trees now block significant amounts of natural light, and are now taller than the highest flats in the nearby 3 storey block that they are growing in to.

(5) At this time of economic pressures and budget restraints for the Council, the residents proposal for replacement trees will save the Council and the residents money, [the cost to the Council of periodic clearing up the large autumnal leaf fall from the cafe area / public space, and costs associated with lopping / topping / maintaining the existing trees].

In support of the above 5 points, I would like to make the following representations :

The remaining 4 London Plane Trees are unremarkable examples of this tree species, and not, in the residents view, worthy of a permanent Tree Preservation Order. They have been lopped, topped and chopped about, and have lost their natural shape. I think that London Plane Trees are fabulous trees for parks and wider open spaces or alongside some wider roads. However, different trees for this space, in line with residents proposals, would be more suitable, and could be allowed to maintain their natural shape. That would mean minimal maintenance costs, if any, and would provide better amenity value for all concerned. In my view, that would mean a 'Win Win' situation for the Council, residents, and passers by.

The residents put forward to the Managing Agent ideas for replacement trees in April 2012. These were as follows :

- a) Maple [Acer Brilliantissimum]
 - b) Mountain Ash [Sorbus Aucuparia]
 - c] Sunburst / Honeylocust [Gleditsia Triacanthos].
- However, residents are perfectly willing to meet with

From: Stephen Haworth [<mailto:haworthstephen@aol.com>]

Sent: 22 January 2013 18:40

To: Conservation

Cc: Vicki Lambert; Mark Hutton

Subject: Fwd: The Milligan Street, Limehouse Interim Tree Preservation Order [Ref.TPO 2012/1]

Continued : the final 2 paragraphs of the e.mail below ..

However, residents are perfectly willing to meet with the Council's Tree Officer, to discuss provision of alternative tree species that may be recommended. In the opinion of residents, our proposals for alternative tree planting will provide a more varied and interesting planting solution, and better, plus less costly amenity value for the small space in question.

I therefore hope that the Council will now review it's Interim TPO proposal, and work in cooperation with residents to produce an alternative tree planting plan, which will be paid for by the residents of Dundee Court.

Steve Haworth,
Flat 8, Dundee Court,
15 Milligan Street,
E14 8AT.