Westminster City Council

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City of Westminster

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John Walker
Director of Planning

Please reply to: Barbara Milne
Direct Line/Voicemail: 020 7641 2922
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Your Ref:
My Ref:
Date: 14 June 2017

Dear Mr Hughes

THE TOWN AND COUNTRY PLANNING ACT 1990
CITY OF WESTMINSTER TREE PRESERVATION ORDER (TPO) 635 (2017)

39 BROOK STREET LONDON W1K 4JE

Thank you for your letter of 09 February 2017 and email of 08 June 2017, objecting to the making of a Tree Preservation Order (TPO) for the Indian bean tree at the above location. They have been passed to me for response. I will also refer to the report prepared for you by John Harraway dated February 2017.

Objection summary

The letter of objection dated 09 February 2017 sets out that:

- The making of the TPO does not follow Planning Policy Guidance in relation to the making of TPOs.
- The TPO protects a tree which is in an unsafe condition.

The email of 08 June 2017 sets out that:

- In this case removing a tree that is in such poor condition with such poor prospects is the most appropriate way forward.

Response to objection

In summary the Indian bean tree is of amenity value such that it contributes to a pleasant outlook from nearby properties and it makes a positive contribution to the conservation area. The structural defects noted in the tree are not sufficient to justify its loss. I reassessed the physiological condition of the tree in June 2017 and found leaf coverage to be sparse. Whilst I am not optimistic that crown reduction would extend the life expectancy of the tree, it is possible.

Explanation for the reasons for making the TPO and evidence of assessment of the amenity value of the tree.

My report dated 10 January 2017 was sent you on 10 February, and recommended the making of a TPO for the Indian bean tree. In the report I set out my assessment of the tree which reflects the structured amenity assessment suggested in current national Planning

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Practice Guidance (Tree Preservation Orders and Trees in conservation areas (March 2014)). In my assessment I concluded that the tree is of public amenity value.

Tree safety

My inspection of the tree in January this year found various defects including some decay on the upper side of the trunk and at crown break and on the eastern limb, but I did not consider that there was enough information to justify the removal of the tree on the basis of these defects.

The more detailed assessment that you commissioned by John Harraway found that despite the indications of previous basal movement and the presence of internal faults, the lower stem appears stable at present. The report of John Harraway advised that the continued stability of the tree should not be assumed and some reduction in the current size of the crown should be considered if it is to be retained beyond the short term.

Your application for consent to reduce the crown of the tree has been agreed under delegated authority and your tree consultant should receive the decision letter shortly.

Tree condition

My initial assessment of the found the tree to be in reasonable condition for its age, but it had low vigour. On re-inspection in June this year to examine the tree in leaf, I found the leaf coverage to be sparse. On the basis of that re-inspection, I consider it is more likely than not that the reduction of the tree will hasten its demise of the tree, but it is possible that it could extend its safe life expectancy. On this basis I appreciate the comments you make about the removal of the tree at this stage, although if the tree is valued locally then it strengthens the case to endeavour to retain it. I note the quote that you take from the Council's supplementary planning guidance Trees and the Public Realm (September 2011), but this sets out a case for tree removal in the specific context of trees which are cause of private amenity problems.

The matter will now be considered by a Planning Applications Committee, where Councillors will decide whether or not to confirm the Tree Preservation Order. At present the intended date of the Committee is 4 July, although if this is altered I will ask my colleagues in the Legal section to let you know. Your application for consent to remove the tree will be reported at the same time.

Yours sincerely

Barbara Milne

Barbara Milne
Senior Arboricultural Officer