



City of Westminster

Executive Summary and Recommendations

**Title of Report: Tree Preservation Order No. 624
(2015)
Westminster Synagogue, Rutland
Gardens, London SW7 1BX**

Date: 6th October 2015





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(2015) Westminster Synagogue,
Rutland Gardens, London SW7
1BX**

Date: 6 October 2015

Summary of this Report

The City Council has made a Tree Preservation Order (TPO) to protect four London Plane trees (T1, T2, T3 & T4) located in the courtyard area to the north of Westminster Synagogue. The TPO is provisionally effective for a period of six months from 22nd April 2015 during which time it may be confirmed with or without modification. If not confirmed, the TPO will lapse after 21st October 2015.

The TPO was made because the trees are considered to make a valuable contribution to public amenity, nature conservation and to the character and appearance of the Knightsbridge conservation area. The City Council, having been made aware of the proposal to remove T2 considers it expedient in the interests of the amenity that a TPO is made in order to safeguard its preservation and future management and the future management of trees T1, T3 and T4.

Objection to the TPO has been made by The President of Westminster Synagogue.

The City Council's Arboricultural Officer has responded to the objection.

Recommendations

The Sub-Committee should decide EITHER

(a) NOT to confirm Tree Preservation Order No. 624 (2015); OR

(b) Confirm Tree Preservation Order No. 624 (2015) with or without modification with permanent effect.



City of Westminster

Committee Report

Item No:	
Date:	6 October 2015
Classification:	General Release
Title of Report:	Tree Preservation Order No. 624 (2015) Westminster Synagogue, Rutland Gardens SW7 1BX
Report of:	The Director of Law
Wards involved:	Knightsbridge and Belgravia
Policy context:	
Financial summary:	No financial issues are raised in this report.
Report Author:	James Holliman
Contact details	jholliman@westminster.gov.uk

1. Background

- 1.1 Under current legislation the City Council has the power to make and to confirm Tree Preservation Orders within the City of Westminster. Tree Preservation Order 624 (2015), authorised by the Operational Director Development Planning acting under delegated powers on 14th April 2015, was served on all the parties whom the Council is statutorily required to notify and took effect on 22nd April 2015.
- 1.2 The purpose of a Tree Preservation Order is to protect the tree or trees concerned in the interest of amenity and, to this end, to control their management and replacement if they have to be removed. The presence of a Tree Preservation Order does not prevent works to the tree being undertaken, but the TPO does give the Council the power to control any such works or require replacement if consent is granted for trees to be removed.
- 1.3 Tree Preservation Order 624 (2015) was made following the receipt by the City Council of six weeks notice of intention to remove the London Plane tree (T2) submitted under section 211 of the Town and Country Planning Act 1990 (Trees in Conservation Areas). The Tree is situated within the Knightsbridge Conservation Area. On receipt of such notice the City Council can either raise no objections to the works or make a Tree Preservation Order.
- 1.4 Removal of the London Plane tree was proposed on the grounds that the tree is touching and damaging the boundary wall. The applicant considers the wall cannot be repaired without removing the tree.
- 1.5 Subsequent to the making of the TPO the City Council received one objection.

2. Objection by the President of Westminster Synagogue

- 2.1 On 18th May 2015 the Head of Legal and Democratic Services received a formal objection from The President of Westminster Synagogue.
- 2.2 The grounds for objection were as follows:
 - 2.2.1 The boundary wall is damaged and cannot be replaced without causing substantial damage to the trees.
 - 2.2.2 The trunk of T2 is expected to contact the boundary wall within six years and will eventually push the wall over.
 - 2.2.3 If T2 is allowed to push the wall over it is likely to destabilise T3 and there is every likelihood that T3 will fall as well.
 - 2.2.4 The report of the Council's structural engineer was not disclosed to you.
 - 2.2.5 Replacing sections of the wall with railings is unacceptable on grounds of security and aesthetics.

2.2.6 The proposed Helifix system would not provide sufficient strength to resist pressure from T2. It is not clear whether the Council's structural engineer was made aware of this.

2.2.7 It is not clear why permission was granted to remove T3 alone. The decision to permit removal of T3 is inconsistent with the decision to make the TPO.

2.2.8 The TPO will prevent the future pruning of the retained trees.

2.2.9 The refusal to allow removal of T2 increases the risk of fatalities.

3. Response to Objection

- 3.1 The trees are considered to have significant amenity value and make a positive contribution to the character and appearance of the conservation area.
- 3.2 It would be possible to repair the wall in a modified form and retain the trees.
- 3.3 The proposed Helifix system of stainless steel ties to strengthen the wall would not have sufficient strength to resist pressure from T1 and it would therefore be preferable to explore alternative means of repair.
- 3.4 The TPO does not preclude the possibility of pruning the trees.
- 3.5 It would be possible to retain the trees along the east boundary if wall sections are removed and replaced with railings.
- 3.6 The wall fronting Kensington Road could be partially rebuilt with metal railings spanning across gaps left in front of T1 and T2.
- 3.7 It was considered expedient to make the TPO to protect the trees and allow time for further investigation into options for the repair or rebuilding the wall.

4. Ward Member Consultation

- 4.1 Ward member comments were sought in this matter but no responses have been received. Should any comments be received, they will be reported to the Committee at the meeting.

5. Conclusion

- 5.1 In the light of the representations received from the objector it is for the Planning Applications Sub-Committee to decide whether to confirm the TPO, with or without modification, or whether the TPO should not be confirmed.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT JAMES HOLLIMAN, PLANNING AND PROPERTY SECTION, LEGAL SERVICES ON 020 7641 2837 (FAX 020 7641 2761) (Email jholliman@westminster.gov.uk)

Local Government (Access to Information) Act 1985

Appendix 1 - Copy of TPO 624 (2015)

Background Papers

1. Objection letter dated 14th May 2015
2. Letter to objector dated 11th June 2015

TREE PRESERVATION ORDER
TOWN AND COUNTRY PLANNING ACT 1990
CITY OF WESTMINSTER TREE PRESERVATION ORDER 624 (2015)

The Westminster City Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order –

Citation

1. This Order may be cited as The City of Westminster Tree Preservation Order 624 (2015)

Interpretation

2. (1) In this Order “the authority” means Westminster City Council.

(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

Effect

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall –
 - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 22nd day of April 2015

THE COMMON SEAL OF THE LORD)
MAYOR AND CITIZENS OF THE)
CITY OF WESTMINSTER was)
hereunto affixed by order:)




~~Head of Legal and Democratic Services~~
Principal Solicitor

Seal No 127
58958

SCHEDULE
SPECIFICATION OF TREES

Trees specified individually
(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	London Plane	Westminster Synagogue, Rutland Gardens, London SW7 1BX
T2	London Plane	Westminster Synagogue, Rutland Gardens, London SW7 1BX
T3	London Plane	Westminster Synagogue, Rutland Gardens, London SW7 1BX
T4	London Plane	Westminster Synagogue, Rutland Gardens, London SW7 1BX

Trees specified by reference to an area
(within a dotted black line on the map)

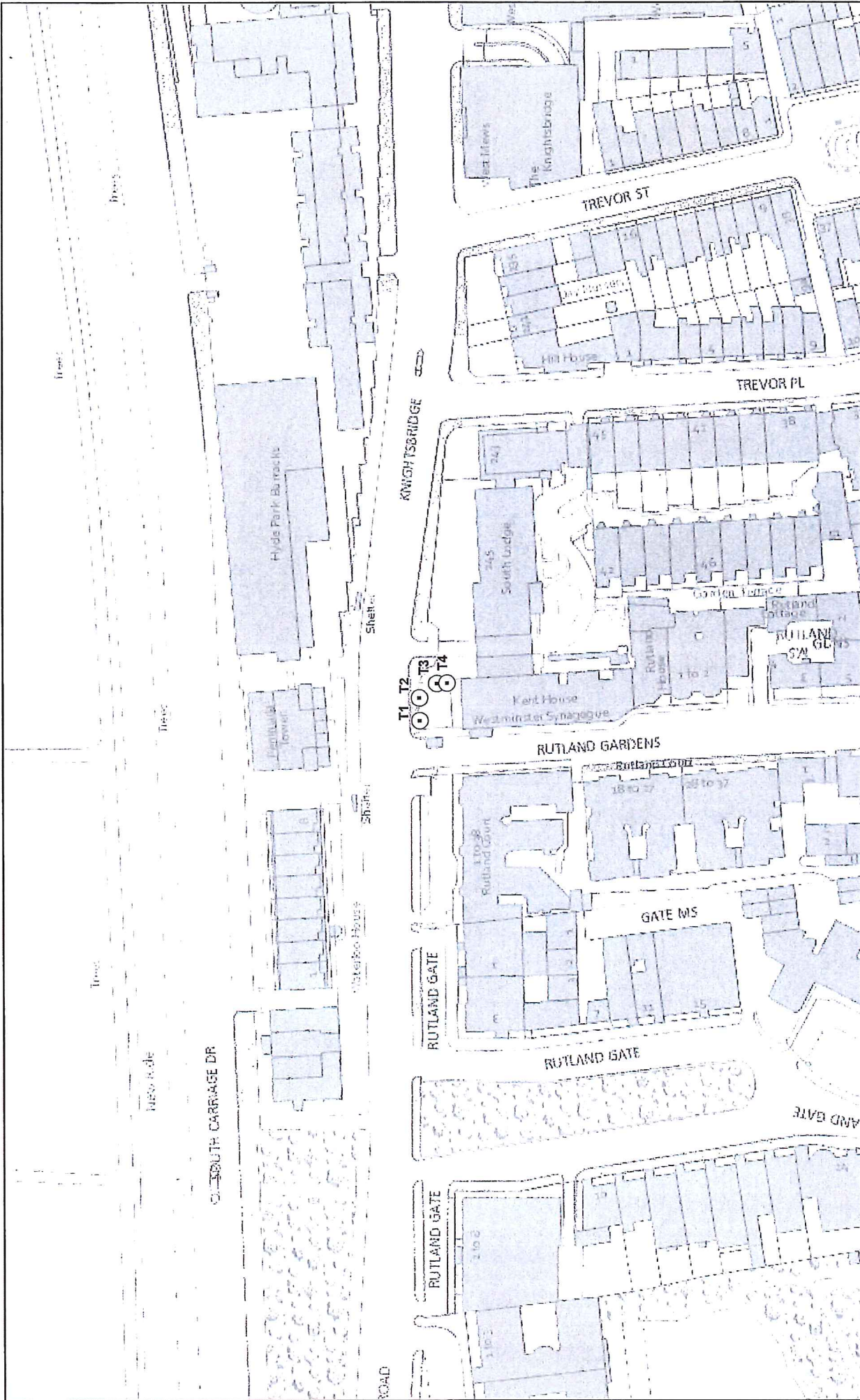
<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
None		

Groups of trees
(within a broken black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
None		

Woodlands
(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
None		



Scale 1:1,250
 0 5 10 20 Metres

City of Westminster
 Corporate GIS Team

Tree Preservation Order Westminster no 624:
 Westminster Synagogue, Rutland Gardens, London, SW7 1BX

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~~The Head of Legal and Democratic Services~~

Signed:

Principal Solicitor

DATED 22nd April 2015

THE TOWN AND COUNTRY PLANNING
ACT 1990 (AS AMENDED)

CITY OF WESTMINSTER

TREE PRESERVATION ORDER 624 (2015)

Westminster Synagogue
Rutland Gardens
London
SW7 1BX

TREE PRESERVATION ORDER
MADE FOR THE PURPOSES
OF SECTION 198 OF THE
TOWN AND COUNTRY
PLANNING ACT 1990
(AS AMENDED)

Peter G Large
Head of Legal and Democratic Services
Westminster City Council
Westminster City Hall
Victoria Street
LONDON SW1E 6QP