

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 22 March 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Little Venice	
Subject of Report	Open Space At The Rear Of, 4-54 Warrington Crescent, London, W9 1ED		
Proposal	Proposed long term management plan for Formosa Amenity Garden London W9		
Agent	The Directors Of Formosa Amenity Ltd		
On behalf of	Formosa Amenity Ltd		
Registered Number	16/01646/XXXX	Date amended/ completed	9 December 2015
Date Application Received	9 December 2015		
Historic Building Grade	Unlisted		
Conservation Area	Maida Vale		

1. RECOMMENDATION

For Committee's consideration:

Does Committee agree that the proposed long term management plan for Formosa Amenity Garden is acceptable, including:

- the principle of tree removal and replacement
- the timescale of tree removal and replacement
- the numbers and species of replacement trees and the intended garden design.

2. SUMMARY

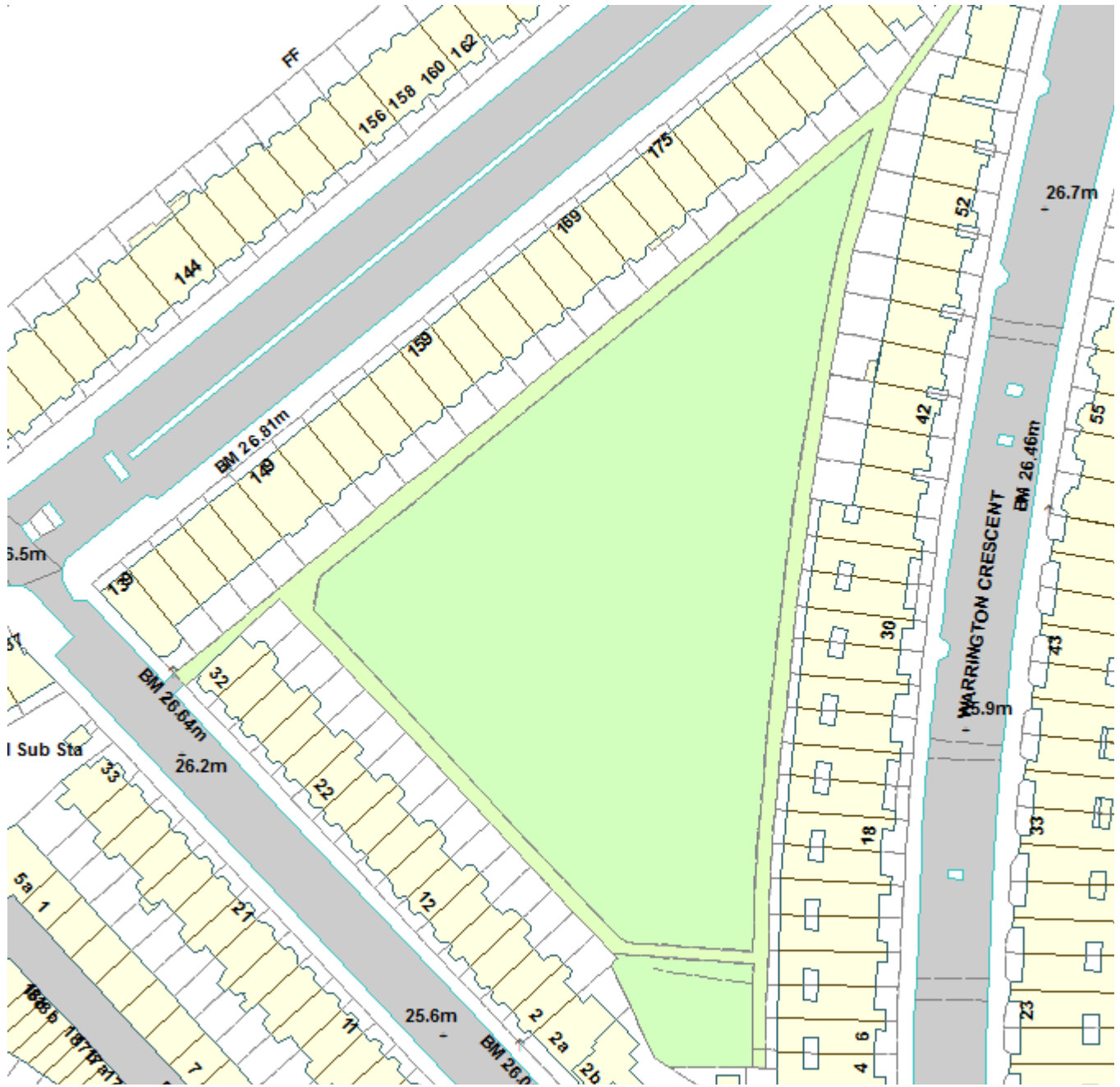
Formosa Amenity Garden is a private communal garden bounded by properties on Sutherland Avenue, Warrington Crescent, Formosa Street and Castellain Road. Most of the trees in the garden are protected by a Tree Preservation Order. Formosa Amenity Limited manage the garden and have prepared a long term management plan which proposes the removal of 46 existing pollarded London plane trees which line the perimeter of the garden over a period of 35 years, and provision of replacement trees. The removal of the majority of existing trees from the garden is proposed in response to concerns over the risk of subsidence damage, the health, condition and longevity of the trees, their poor appearance, shade and the continued cost of carrying out tree surgery on a regular basis. Formosa Amenity Limited seek the Committee's agreement to the long term management of the garden in order to provide confidence that future formal applications for tree removal will be

approved, provided they are in line with the management plan, and provided the management plan is being implemented successfully.

In support of their case Formosa Amenity Limited have carried out extensive consultation with residents over a period of 5 years and have appointed a landscape architect to prepare a detailed masterplan which has been revised several times in response to the consultation exercise.

Whilst the removal of trees on the grounds of future subsidence risk is not considered appropriate, there is more compelling argument for the gradual removal of the trees over the next 35 years on the basis of their health and condition and life expectancy. The long timescale for tree removal, and the proposal to plant replacement trees prior to removing any existing trees should help to ensure landscape continuity. The design is well conceived in terms of species choice and ultimate canopy cover that the new trees could provide.

3. LOCATION PLAN



4. PHOTOGRAPHS



5. CONSULTATIONS

WARD MEMBER CONSULTATION

Councillors for Little Venice have been consulted. Any views received will be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 250

Total No. of replies: 4

No. of objections: 1

No. in support: 3

PRESS ADVERTISEMENT / SITE NOTICE: No

6. BACKGROUND INFORMATION

6.1 The Site

Formosa Amenity Garden is a private communal garden located at the rear of residential properties on Sutherland Avenue, Warrington Crescent, Formosa Street and Castellain Road. It is within the Maida Vale Conservation Area, and the majority of trees are protected by a Tree Preservation Order made in 1992. About 85 properties surround the garden, many of which are divided into flats. Most of the ground floor properties have direct access on to the garden, and there are gated accesses on Castellain Road.

The garden was laid out in the late 19th century when the properties were developed. 46 London planes line the perimeter of the garden, which are part of the original planting scheme. These trees were brought into a regime of heavy crown reduction/ pollarding in the late 1990s and are now pollarded every two years.

In addition to the perimeter plane trees, there is a large London plane close to the centre of the garden which has a natural spreading canopy, and is also part of the original planting scheme, along with some later planting of different species of large growing trees such as redwood and cedar, and some smaller ornamental trees such as magnolia and purple leaf plum.

Formosa Amenity Limited are responsible for management of the garden. The freeholders of the surrounding properties are shareholders of the company and can vote at the Annual General Meetings. Other residents also have access to the garden.

6.2 Recent Relevant History

There have been a large number of tree works applications in this garden.

In 1992 a proposal to remove 16 trees and pollard 45 trees resulted in the making of Tree Preservation Order Westminster 419.

A subsequent application to remove 13 London planes and 1 sycamore was refused and an appeal dismissed (92/05859/TPO). The Secretary of State commented 'if suitable replacements are planted and allowed to establish, it would provide a rational justification for a programme of removing existing trees, but until such time it would be preferable to retain all of the existing trees'.

A further application for large scale tree removal in 1999 was subject to an appeal against non-determination (99/11599/TPO). It was resolved that some limited tree removal would be appropriate but not the extent of tree removal which was proposed as part of this application.

Since the late 1990s/ early 2000s, consent has been granted every two years to repollard the perimeter London plane trees.

The removal of 4 London plane trees was refused consent in 2006 (06/05613/TPO), and a further application to remove 1 tree was refused consent in 2007 (07/04845/TPO).

Removal of 5 of the perimeter London plane trees has been agreed by the City Council over the past 10 years, on the grounds of the poor condition of the trees.

7. THE PROPOSAL

The applicant seeks the Council's endorsement of a long term management plan for Formosa Amenity Garden. It is not a formal application for consent to remove trees, but endorsement of the management plan is sought in order to provide assurance that future applications for tree removal are unlikely to be refused consent provided the plan is being implemented.

8. DETAILED CONSIDERATIONS

8.1 Reasons for the proposal

The supporting documents identify a number of issues with the 46 London plane trees which line the perimeter of the garden.

Risk of subsidence damage.

Formosa Amenity Limited advises that two surveys carried out in 1997 and 2011 revealed that 44 of the 86 properties surrounding the garden had suffered cracks and 17 properties had been underpinned. Over the past 20 years there have been at least 6 claims against the Formosa Amenity in relation to subsidence damage.

The applicant considers there is a possibility that trees may have contributed to subsidence damage.

In response to the risk of subsidence damage a regime of pollarding was put in place on a two yearly cycle in the early 2000's, in order to limit water uptake by the trees. The applicant reports anecdotal evidence that despite the pruning regime damage to some buildings continues to occur.

Appearance of the perimeter trees

The applicant considers the appearance of the trees is such that they are far from magnificent and the piecemeal removal of several trees over recent years on the grounds of their poor condition or health has resulted in gaps appearing in the otherwise regularly spaced trees.

Longevity of the perimeter trees

The applicant advises that in the last 3 years, 2 trees have died or become dangerous. Two thirds of the perimeter trees are reported to have significant cavities and the continued heavy crown reduction regime means the trees lack sufficient energy reserves to effectively resist the spread of decay.

Shade

Whilst some residents on Sutherland Avenue complain of shade as a result of the trees, particularly in the second year after their regular pollarding, other residents are keen for more shade to be cast by trees with wider spreading canopies than the perimeter London planes. The applicant considers the garden plan will assist in meeting these concerns.

8.2 Options considered by the Directors of Formosa Amenity Limited

The supporting documents consider only one alternative to the long term removal and replacement of the perimeter London plane trees, namely the continued pollarding of the trees and their replacement on an ad hoc basis when they need to be removed. The applicant does not consider this to be desirable due to the continued cost of tree surgery, perpetuating the poor appearance of the trees. Replacement of trees on a like for like basis in the same arrangement would also eventually lead to a repetition of the current issues experienced with the trees.

8.3 Residents views

In 2010 Formosa Amenity Ltd Annual General Meeting (AGM) resolved to develop options for the trees and garden to address issues of subsidence.

In 2012 an informal view was sought from Council officers regarding the future of the garden and the protected trees. The AGM of Formosa Amenity Ltd 2012 considered options for management of the garden and voted in favour of developing a long term management plan. The Board of Directors of Formosa Amenity subsequently engaged with 30-40 residents to help develop an understanding of residents views, and then commissioned a landscape architect to draw up design proposals. At a 'town-hall' meeting in 2013, to which all residents were invited, there was a large vote in favour of progressing the new garden design (28 for, 5 against). Feedback from the meeting resulted in revised garden design proposals, which went through several iterations, until in 2013 the AGM voted in favour of a revised design (27 for, 1 against and 2 abstentions).

8.4 Appraisal

Risk of subsidence damage

Past applications for large scale tree removal with Formosa Amenity Garden were made in the 1990s and 2000's on the grounds of subsidence damage, but consent was refused for most of these applications. However, over this period, a heavier tree pruning regime was agreed in order to control the risk of subsidence damage. The trees are now pollarded every 2 years.

It is not considered that the removal of the perimeter London planes on the basis of possible future subsidence damage would be acceptable. There are many mature trees in Westminster on clay soils and in similar proximity to buildings. In the absence of detailed evidence it is not possible to predict that a particular tree will cause damage to a particular building. Applications for work to protected trees submitted on the grounds of subsidence damage require the submission of detailed technical information such as crack or level monitoring and sub soil

and foundation details to support such proposals. Endorsing tree removal on the basis of future subsidence risk without sufficient technical evidence would create an unfortunate precedent which could result in large numbers of trees being removed throughout the north of Westminster.

Longevity, health and condition of the existing trees

A more persuasive justification for tree removal and replacement is made on the grounds of the health, condition and longevity of the 46 perimeter London plane trees. Most of these pollarded trees are unlikely to survive for more than 40 years. There is a reasoned argument that the implementing a phased programme of tree removal and replacement over an extended time period with reference to an agreed landscape masterplan carries weight over the option of piecemeal removal of trees and uncertainty over when and whether trees are replaced.

Timescale

The applicant intends to plant 15 large growing new trees in the first year of implementation of their plan, and prior to removing any of the existing trees. Planting trees which will form the main structure of the future garden design at the outset is welcomed, as the trees will be able to contribute to landscape continuity. The timescale for tree removal, over 35 years, would allow the new trees to grow and develop and provide a meaningful contribution to amenity by the time that all of the existing perimeter London plane trees are removed.

Design

The linear arrangement of the existing London plane trees around the perimeter of the garden is the original planting design. Formosa Amenity Limited intend to alter this to create a more informal layout with large growing specimen trees and new elliptical planting beds with smaller ornamental trees, shrubs and ground cover plants. The beds have been positioned to provide elements of screening whilst retaining an open 'pleasure ground' arrangement suitable for areas of children's play and areas for more quiet recreation. The proposed larger growing specimen trees are arranged in the lawns away from the perimeter of the garden to allow sufficient space for new trees to develop natural canopies without the need for regular tree surgery to address concerns about proximity to dwellings.

15 large growing specimen trees are proposed alongside retention of an existing London plane, cedar, redwood and false acacia. Four new London plane trees are proposed together with a variety of other species such as tulip tree and kastura. The provision of new London planes means that this species will remain the dominant structural tree in the garden. This is welcomed as it is the characteristic tree in Formosa Amenity Garden and in other nearby private communal gardens, as well as in streets and other private gardens within Maida Vale. The choice of species for other large growing trees is well considered and increases diversity. Fewer large specimen trees are proposed than exist at present, but the new trees could ultimately attain their natural heights and spreads without the need for significant tree surgery, so it appears that the design would achieve equivalent or greater tree canopy cover than the current arrangement. The natural form of the new trees would provide a high visual amenity value in comparison to the existing pollarded trees, as well as other important benefits derived from large canopy trees in terms of air quality and pollution absorption. Whilst it is regrettable that the historic linear arrangement of the plane trees is not intended to be replicated in the new design, on balance the benefits of the new design, and the provision of large growing naturally formed trees with potentially high amenity value is considered to outweigh any harm caused by not retaining the original planting plan.

Resident's views

Past applications to remove trees in the garden have generated numerous and strong opinions, both for and against tree removal. Formosa Amenity Limited has undertaken a deliberately measured approach to their consultation on the proposals and has considered the ways they have communicated their plans carefully. In doing so, it appears a significant majority agreement has been reached on the long term management plan.

8.5 Policy Considerations

The National Planning Policy Framework (NPPF) sets out that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, and minimising impacts on biodiversity and providing net gains in biodiversity.

In addition, local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Policy S25 of Westminster's City Plan: Strategic Policies adopted in November 2013 aims to conserve Westminster's extensive heritage assets including listed buildings and conservation areas.

Policy S38 of Westminster's City Plan: Strategic Policies adopted in November 2013 aims to protect and enhance biodiversity and green infrastructure.

UDP Policy DES 9 aims to preserve or enhance the character or appearance of conservation areas and their settings.

UDP Policy ENV16 states that trees subject to Tree Preservation Orders will be safeguarded unless dangerous to public safety or, in rare circumstances, when felling is required as part of a replanting programme.

In considering this proposal special attention should be paid to the desirability of preserving or enhancing the character and appearance of the conservation area. The information leaflet for Maida Vale Conservation Area advises 'The tree lined streets, vistas and major private amenity spaces combine to give the entire area a leafy character and enhance the character of the buildings and the layout of roads'.

8.6 Conclusion

The long term management plan has been carefully thought out, and if implemented successfully it will provide new trees in an attractive garden design for future generations to enjoy. Whilst there is likely to be some loss of amenity and harm to the character and appearance of the conservation area in the short term, this is mitigated by the design, and the long timescale over which removal of trees is envisaged, and there is a rational basis for gradual tree removal on the grounds of the likely longevity of the existing perimeter trees. If Committee agrees to endorse the plan, then future applications for tree removal can be dealt with under delegated authority,

provided that they conform with the masterplan and provided the masterplan is being implemented successfully.

9. BACKGROUND PAPERS

1. Proposed Long Term Management Plan for Formosa Amenity Garden London W9 dated November 2015
2. Letter from City Council to applicant dated 03 February 2012
3. Email from City Council to applicant dated 24 February 2016
4. Email from applicant to City Council dated 02 March 2016
5. Letter of consultation from City Council to residents dated 02 March 2016
6. Email seeking views of ward councillors dated 02 March 2016
7. Email from owner/ occupier of 179 Sutherland Avenue dated 06 March 2016
8. Email from owner/ occupier of 26/28 Warrington Crescent dated 09 March 2016
9. Email from owner/ occupier of 14 Castellain Road dated 08 March 2016
10. Email from owner/ occupier of 145 Sutherland Avenue dated 08 March 2016

(Please note: All the application drawings and other relevant documents are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT BARBARA MILNE ON 020 7641 2922 OR BY EMAIL AT bmilne@westminster.gov.uk

9 KEY DRAWINGS

Existing tree plan



Year 1 masterplan

Year 1 Masterplan

Plan showing all existing trees and proposed 1st phase trees including birch groves have been planted.

- Gleditsia triacanthos x 2, Liquidambar tulipifera, Liquidambar 'Worplesdon', Planatanus hispanica x 3, Catalpa bignonioides, Davidia involucreta, Tilia henryana, Prunus Tai-Hoku x 2, Sorbus intermedia Brouwers, Malus hupehensis



Formosa Amenity Garden Year 1 Masterplan

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End of year 20 masterplan

End of year 20 Masterplan

Plan showing all planting at 20 years of maturity.

Plane Trees removed as follows:
Year 11: T15, T17, T5
Year 14: T20, T22, T24
Year 17: T53, T31, T37
Year 20: T41, T38, T35



Formosa Amenity Garden End of year 20 Masterplan

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End of year 50 masterplan

