



City of Westminster

Executive Summary
and Recommendations

Title of Report: Tree Preservation Order No. 664 – 30 Clifton Hill,
London, NW8 0QG

Date: 24th November 2020



Summary of this Report

On 6th July 2020 the City Council made a provisional Tree Preservation Order (TPO) to protect one London plane tree (labelled T1 on the TPO plan) located at 30 Clifton Hill, London, NW8 0QG (the Property). The TPO is provisionally effective for a period of six months from the date it was made (6th July 2020) during which time it may be confirmed with or without modification. If not confirmed, the TPO will lapse after 6th January 2021.

The TPO was made because the tree has significant amenity value and makes a positive contribution to the St John's Wood conservation area. The City Council, having been made aware of the proposal; to remove the London plane tree (T1), considered it expedient in the interests of amenity that a TPO was made, in order to safeguard preservation and future management.

Confirmation of the TPO will not preclude the appropriate management or removal of the tree in the future, subject to the merits of a future application.

An objection to the TPO has been received from:-

- **Sedgwick International UK**, 4 North Court, South Park Business Village, Maidstone, ME15 6JZ, GB (on behalf of the Owners of 30 Clifton Hill)

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. 664 (2020); OR

(b) TO CONFIRM Tree Preservation Order No. 664 (2020) with or without modification with permanent effect.



City of Westminster

Committee Report

Item No:	
Date:	24 th November 2020
Classification:	General Release
Title of Report:	Tree Preservation Order No. 664 (2020) 30 Clifton Hill, London, NW8 0QG
Report of:	30 Clifton Hill, London, NW8 0QG
Wards involved:	Abbey Road
Policy context:	No requirement to have regard to Development Plan policies when confirming a TPO but special attention must be paid to desirability of preserving enhancing the character and appearance of the conservation area Notwithstanding the above – the following planning policies are of relevance: S25, S38, S31 - Westminster City Plan (Nov 2016) DES 9; ENV16 - UDP
Financial summary:	No financial issues are raised in this report.
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1. **Background**

- 1.1 Under the Town and Country Planning Act 1990 (the “1990 Act”) and the Town and Country Planning (Tree Preservation) (England) Regulations 2012 (the “2012 Regulations”) the City Council has the power to make and to confirm Tree Preservation Orders within the City of Westminster. Tree Preservation Order 664 (2020) authorised under delegated powers was served on all the parties whom the Council is statutorily required to notify and took effect on 6th July 2020.
- 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 must 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 664 (2020) was made following the receipt by the City Council of six weeks’ notice of intention to remove the London plane tree (shown labelled T1 of the TPO Plan). Under section 211 of the 1990 Act it is a defence to the offence of removing a tree in a conservation area if the person undertaking the works has provided 6 weeks’ notice to the local planning authority in advance of doing so. The service of such a notice effectively leaves the City Council in a position where it must either accept the notice and allow for the tree to be removed or to take further protective action by making a TPO.
- 1.4 The London plane is located in the rear garden of 30 Clifton Hill. It is a prominent tree, visible from Clifton Hill over and between the houses and is also highly visible from the rear gardens of adjacent properties. The tree is about 20m tall, with a broad and dominant crown. By virtue of its form and location, the tree makes a significant contribution to public amenity.
- 1.5 The tree is considered by the Council’s Tree Section to have high amenity value and to make a significant contribution to the character and appearance of the St John’s Wood conservation area. The Provisional TPO was subsequently made for the reasons set out above and as more particularly set out in the Arboricultural Officer’s report.
- 1.6 The initial reason given by the Applicant for the proposed removal of the London plane was:

the tree roots are causing movement to the foundations of the property at 30 Clifton Hill

1.7 The evidence submitted by the applicant in support of the proposed removal of the London plane consisted of:

- Sketch plan
- Site investigation report
- Engineering appraisal report
- Arboricultural Assessment Report

The site investigations and laboratory tests found:

- The property foundations are 700mm below ground level.
- The soil is shrinkable clay and there is some evidence of desiccation.
- Roots identified as *Platanus* spp (London plane) were found beneath the depth of the foundations in one of the two trial pits.

1.8 Subsequent to making the TPO the City Council received one objection.

1.9 It is also noted that in addition to the background to the TPO process discussed above, the City Council has granted consent for two planning applications to construct a basement beneath the rear garden of 30 Clifton Hill, under reference numbers 17/08115/FULL and 20/03115/FULL. These permissions have some relevance to the provisional TPO which protects the London plane at the rear of the property. Neither planning permission has been implemented. However, if a basement were constructed this would have the same effect as underpinning the property. That is to say, any vegetation related movement to the property would be prevented by the construction of the basement.

2 Objection

2.1 The Council's Legal Service received an Email dated 24 July 2020 from Sedgwick International UK objecting to the TPO on the grounds that:

The London plane needs to be removed to mitigate the subsidence damage occurring at the Owner's property. The Owner is very anxious for this to be completed as soon as possible as the damage at the property is continuing to get worse and is causing high levels of stress for her and her family.

3. Response to Objection

- 3.1 The City Council's Arboricultural Officer responded to the objection by Email dated 8th September 2020. The Officer noted, the London plane tree (T1) is of good form and makes a significant contribution to public amenity, and the loss of the tree would cause harm to the character and appearance of the immediate area and this part of the conservation area. Site investigations submitted with the notification to remove the tree found tree roots of London plane beneath the property foundations and also found that the soil was desiccated shrinkable clay, however; without level and/or crack monitoring and detailed assessment of the damage and repair options it is not possible to conclude that movement is caused by tree roots or what the implications for repair options might be; the removal of the tree is therefore considered premature and a Tree Preservation Order was made.

4. Email in Support

- 4.1 The Council's Legal Service received an Email dated 2nd September 2020 from the Owner of a nearby property in support of the TPO on the grounds that:

"The tree constitutes a vital part of the landscape by offering a magnificent view for the residents. Moreover, the tree is the leaving (sic) area for the variety of birds and squirrels. We strongly believe that removing the tree will have a very detrimental ecological impact to the whole area and dramatically worsen the landscape and the views for the residents. Please help us to save the tree".

5. Ward Member Consultation

- 5.1 The Ward Members have been consulted in relation to this matter. No responses have been received at the time of finalising this report. Any responses received between the time of finalising this report and the date of the sub-committee will be presented at the sub-committee.

6. Conclusion

- 6.1 In light of the representations received from the objectors it is for the Planning Applications Sub-Committee to decide EITHER

(a) NOT TO CONFIRM Tree Preservation Order No. 664 (2020); OR

(b) TO CONFIRM Tree Preservation Order No. 664 (2020) with or without modification with permanent effect.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT
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Local Government (Access to Information) Act 1985

Background Papers

1. Copy of Provisional TPO 664 (2020)
2. Photographs of T1
3. Objection email from Sedgwick International UK dated 24 July 2020
4. Response email from the City Council's Arboricultural Officer to Sedgwick International UK dated 8th September 2020
5. Email of support dated 2nd September 2020
6. Email from City Council's Arboricultural Officer re Planning Permission 1708115FULL and 2003115FULL
7. Report of Council's Arboricultural Officer dated 30th June 2020 recommending making of the Provisional Order