

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 11 May 2021	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Abbey Road	
Subject of Report	10 Blenheim Road, London, NW8 0LU		
Proposal	1 x weeping ash: fell		
Agent	Russell Taylor Architects		
On behalf of	Sun		
Registered Number	20/07788/TPO	Date amended/ completed	14 January 2021
Date Application Received	7 December 2020		
Historic Building Grade			
Conservation Area	St John's Wood		

1. RECOMMENDATION

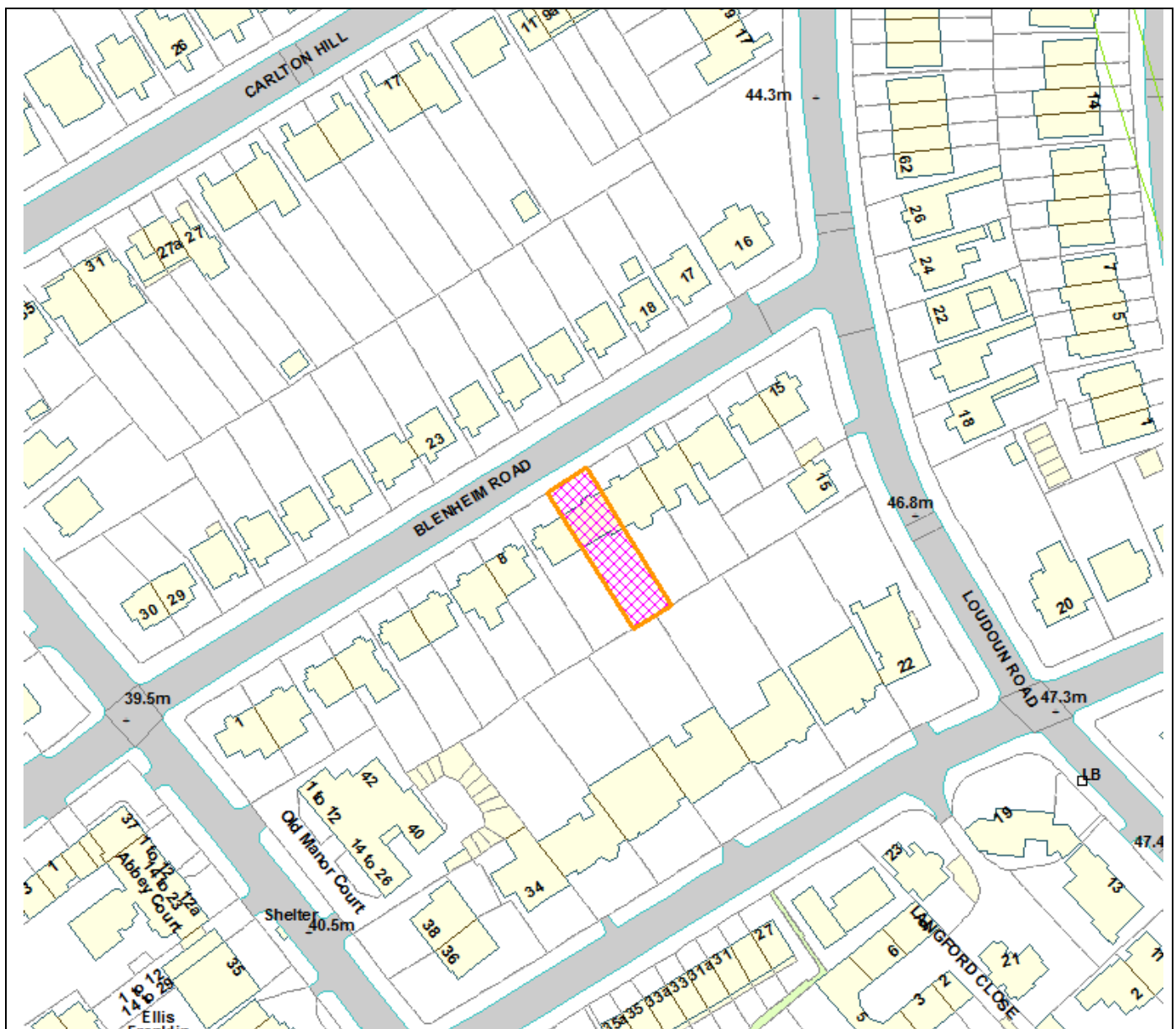
Grant conditional consent

2. SUMMARY

Consent is sought to remove one weeping ash tree from the rear garden of 10 Blenheim Road on the grounds of its condition. The key issues are the loss of amenity should the tree be removed balanced with the evidence in support of tree removal.

Members will already have considered the report of the Director of Law concerning the confirmation of Tree Preservation Order no 672 which protects the weeping ash tree. If members decide not to confirm the Order, then no decision is necessary on the application to remove the tree and it can be removed without further reference to the City Council.

3. LOCATION PLAN



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4. PHOTOGRAPHS









5. CONSULTATIONS

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 9

Total No. of replies: 1

No. of objections: 1

No. in support: 0

An objection to the tree removal has been made on the grounds that it is a magnificent, historical and ecologically important tree.

PRESS ADVERTISEMENT / SITE NOTICE:

No

6. BACKGROUND INFORMATION

6.1 The Application Site

This application lies in the St John's Wood Conservation Area. 10 Blenheim Terrace is a Grade II Listed Building.

The weeping ash tree T1 is located in the rear garden of 10 Warwick Avenue. It is an unusual specimen with an attractive contorted stem, rounded crown and weeping canopy. It has not been routinely managed for about 20 years and is somewhat overgrown.

The tree is not visible from a public location but can be seen from a number of neighbouring properties. It is considered to make a positive contribution to the character and appearance of the St John's Wood Conservation Area.

6.2 Recent Relevant History

20/07368/TCA

1 x ash: fell

Decision: TPO 672 made on 4th December 2020

On 17th November 2020 six weeks' notice of intent to remove the weeping ash tree was submitted to the City Council, by Graftin' Gardeners arboricultural contractors, on the grounds of the condition of the tree.

Following receipt of such notice, the City Council can either make a TPO, or raise no objections to tree removal. Insufficient evidence was submitted with the conservation area notification to support tree removal and so it was considered expedient that a TPO be made in view of the contribution that the tree makes to the character and appearance of the conservation area. The TPO was made on 4th December 2020.

Two objections to the order were received. One objection was received from Graftin'

Gardeners who submitted the original six weeks notification of intent, but this was subsequently withdrawn.

One objection was received from Russell Taylor Architects on behalf of the owner of 10 Blenheim Road. The objection from Russell Taylor Architects is the subject to the report of the Director of Law, which members will have already considered.

If members have decided not to confirm the Order, then no decision is necessary on the application to remove the tree and it can be removed without further reference to the City Council.

7. THE PROPOSAL

1 x weeping ash: fell

8. DETAILED CONSIDERATIONS

8.1 Reasons for the application

The removal of the weeping ash tree is proposed due to its structural condition.

8.2 Supporting information

The applicants have submitted two reports in support of tree removal.

Arboricultural Condition Report from R. Howarth & Co Ltd dated 21st January 2021

This includes details of a climbing inspection and investigations carried out with a mallet and probe. Areas of decay were photographed and measured. The cross section of the report showed a significant area of decay on the east side of the trunk and various smaller pockets of decay in the contorted branches. The report did not provide enough information about the extent of decay to determine whether the tree could be retained or not.

Connick Tree Care Arboricultural Report (Microdrill) dated 16th February 2021

This includes details of testing with a resistograph microdrill, which measures internal decay and remaining sound wood. The testing identified a significant internal area of decay on the west side of the main trunk. The report considered that the tree could possibly be retained if it were subjected to a substantial crown reduction but concluded that the preferred option would be to remove the tree.

8.3 Appraisal

The weeping ash tree is an attractive and unusual specimen. It is considered to be appropriate in size, species and location to its setting, and to make a positive contribution to the character and appearance of the St Johns Wood Conservation Area.

The climbing inspection carried out in January 2021 recorded several cavities and decay pockets. The most significant area of decay was recorded on the east side of the trunk. The resistograph testing carried out in February 2021 identified significant internal decay, which was most advanced on the west side of the trunk. The amount of decay in

the trunk renders the tree at risk of failure.

It is possible that the risk of tree failure could be managed through substantial crown reduction. However, this would require the removal of large proportion of the tree's crown thereby reducing its amenity value and also lowering its energy reserves. As the decay is affecting a large area of the trunk and will be progressive, managing the risk through pruning is likely to be a short-term solution at best and at worst would not adequately manage the risk.

The extent of decay is significant and so it is considered that tree removal is appropriate.

8.4 Tree replacement

If consent is granted to the TPO application the provision of a replacement tree can be required by condition. (If the TPO has not been confirmed then no replacement can be required.)

8.5 Appeal

Should consent for tree removal be refused, the applicant can exercise a right to appeal.

8.6 Other UDP/Westminster 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 34 of Westminster's City Plan 2019-2040 (April 2021) aims to protect and enhance the City's green infrastructure and states that trees of amenity, ecological and historic value and those which contribute to the character and appearance of the townscape will be protected.

Policy 39 of Westminster's City Plan 2019-2040 (April 2021) states that features that contribute positively to the significance of conservation areas and their settings will be conserved and opportunities taken to enhance conservation areas and their settings, wherever possible.

Whilst there is no requirement to have regard to Development Plan policies when determining Tree Preservation Order applications, special attention should be paid to the desirability or preserving or enhancing the character and appearance of the conservation area.

8.7 Westminster City Plan

The City Plan 2019 - 2040 was adopted at Full Council on 21 April 2021. Therefore, in accordance with s.38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan adopted in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 8.9). As set out in s.38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

The City Plan 2019 - 2040 (April 2021) policies referred to in the consideration of this application are considered to be consistent with the NPPF 2019 unless stated otherwise.

8.10 Planning Obligations

Planning obligations are not relevant in the determination of this application.

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: ROSALIE DOBSON BY EMAIL AT rdobson@westminster.gov.uk.

DRAFT DECISION LETTER

Address: 10 Blenheim Road, London, NW8 0LU

Proposal: 1 x ash: fell

Reference: 20/07788/TPO

Plan Nos:

Case Officer: Rosalie Dobson

Direct Tel. No. 07790386383

Recommended Condition(s) and Reason(s)

- 1 A replacement tree is to be planted within twelve months of the removal of the existing tree. The position, size and species of the replacement tree are to be agreed in writing by the City Council prior to planting taking place. Details of soil preparation, staking, irrigation and maintenance of the tree are also to be agreed in writing by the City Council prior to planting taking place.

Reason:

To ensure the continued amenity provided by the weeping ash tree and the planting of an appropriate species and in order to preserve the character and appearance of this part of the St John's Wood Conservation Area.

- 2 The tree work specified above must be carried out within 2 years of the date of this decision.

Reason:

To ensure the work is only carried out once in respect of this consent and allow the City Council the opportunity to reconsider its decision in the light of prevailing circumstances, and consult on the case in the event of the consent expiring before implementation.

- 3 The tree work specified above must be carried out in accordance with British Standard 3998: 2010 Tree work - Recommendations.

Reason:

To maintain the health and amenity of any retained or replacement trees.

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Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.

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BACKGROUND PAPERS - 10 Blenheim Road, London, NW8 0LU, 20/07788/TPO

1. Letter from occupier of 9 Blenheim Road, London, dated 29 January 2021