



City of Westminster

Executive Summary and Recommendations

Title of Report: **Tree Preservation Order No. 628
(2015)
11 Gerald Road, London SW1W
9EH**

Date: **27th October 2015**





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(2015) 11 Gerald Road, London
SW1W 9EH**

Date: 27th October 2015

Summary of this Report

The City Council has made a Tree Preservation Order (TPO) to protect one London Plane tree (T1) located in the rear garden at 11 Gerald Road London SW1W 9EH. The TPO is provisionally effective for a period of six months from 29th May 2015 during which time it may be confirmed with or without modification. If not confirmed, the TPO will lapse after 28th November 2015.

The TPO was made because the tree has significant amenity value and makes a positive contribution to the character and appearance of the area. The City Council, having been made aware of the proposal to remove T1 considers it expedient in the interests of the amenity that a TPO is made in order to safeguard its preservation and future management.

Objection to the TPO has been made by Norman Rourke Pryme Limited and ACS Consulting on behalf of the owner of 11 Gerald Road.

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

Recommendations

The Sub-Committee should decide EITHER

(a) NOT to confirm Tree Preservation Order No. 628 (2015); OR

(b) Confirm Tree Preservation Order No. 628 (2015) with or without modification with permanent effect.



City of Westminster

Committee Report

Item No:	
Date:	27 October 2015
Classification:	General Release
Title of Report:	Tree Preservation Order No. 628 (2015) 11 Gerald Road, London SW1W 9EH
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 628 (2015), authorised by the Operational Director Development Planning acting under delegated powers on 28th May 2015, was served on all the parties whom the Council is statutorily required to notify and took effect on 29th May 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 628 (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 Belgravia 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 has outgrown its current location and has the potential to further dominate the property as it increases in size. The tree causes excessive nuisance associated with leaf and debris fall and the leaf hairs cause respiratory problems to the house holders. The tree also causes dense shade and prevents the residents from fully enjoying the property and its garden.
- 1.5 Subsequent to the making of the TPO the City Council received two objections.

2. Objection by Norman Rourke Pryme Limited

- 2.1 On 26th June 2015 the Head of Legal and Democratic Services received an email from Norman Rourke Pryme Limited objecting to the grounds for making the TPO, namely the significant public amenity value of the tree and the need to safeguard its preservation and future management.

3. Objection by ACS Consulting on behalf of the owner of 11 Gerald Road

- 3.1 On 26th June 2015 the Head of Legal and Democratic Services received a formal objection from ACS Consulting.
- 3.2 The grounds for objection were as follows:
 - 3.2.1 The TPO is not appropriate on the basis that the tree is secluded and is not visible by the general public from a public place.

3.2.2 The tree's general health and condition does not warrant protection in its own right.

3.2.3 The tree has no cultural or historic significance.

3.2.4 The tree does not make a significant contribution to the character and appearance of the conservation area.

4. Revised Objection by ACS Consulting

4.1 On 7th July 2015 the Head of Legal and Democratic Services received revised objection from ACS Consulting.

4.2 The grounds for objection were as follows:

4.2.1 The TPO is not appropriate on the basis that the tree does not meet the criteria in Government Guidance.

4.2.2 The Council's Belgravia Conservation Area Audit recognises the importance of trees but states that they should be in scale with their surroundings. T1 has out grown its locality and is inappropriate in this small garden.

4.2.3 The tree is not visible by the general public from a public space and the tree's general health and condition does not warrant protection.

4.2.4 The tree has no cultural or historic significance

4.2.5 The tree does not make a significant contribution to the character and appearance of the conservation area.

5. Response to Objection

5.1 The City Council's Arboricultural Officer responded to the objection by letter dated 18th September 2015.

5.1 The City Council considers the tree is of significant amenity value, an appropriate size and species for the location and makes a positive contribution to the character and appearance of the conservation area.

5.2 The amenity value of the tree was assessed by considering the visibility, the individual, collective and wider impact and any other factors.

5.3 The tree is visible from the neighbouring properties and partially visible from Burton Mews.

5.4 The tree is a significant specimen with good form and an attractive appearance.

5.5 The tree is not considered to be over dominant in the garden.

- 5.6 The tree enhances the rear garden views and softens the appearance of the tall buildings and as such makes a positive contribution to the character and appearance of the conservation area.
- 5.7 The tree makes some contribution to carbon dioxide absorption and nature conservation.

6. Support for retaining the London Plane Tree (T1)

- 6.1 In response to consultation on the section 211 notice of intent to remove the tree the City Council received two letters of objection to tree removal together with objections from the Belgrave Square Garden Committee, The Belgravia Society and the Grosvenor Estate.
- 6.2 In response to an application for consent to remove the tree the City Council received five objections to tree removal.

7. Ward Member Consultation

- 7.1 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.

8. Conclusion

- 8.1 In the light of the representations received from the objectors 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 628 (2015)

Background Papers

1. Objection by email dated 26th June 2015
2. Objection by letter dated 22nd June 2015
3. Revised objection by letter dated 7th July 2015
4. Responses to consultation and application for consent
5. Letter to objector dated 18th September 2015

TREE PRESERVATION ORDER
TOWN AND COUNTRY PLANNING ACT 1990
CITY OF WESTMINSTER TREE PRESERVATION ORDER 628 (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 628 (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 29th day of May 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 134
59103

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	11 Gerald Road, London SW1W 9EH

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

Map produced by Corporate GIS Team
 Date: May 2015 Map Reference: 628

Tree Preservation Order Westminster No. 628.
 11 Gerald Road, London, SW1W 9EH

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The Head of Legal and Democratic Services

Signed:

[Signature]
 Principal Solicitor

DATED

29th May

2015

THE TOWN AND COUNTRY PLANNING
ACT 1990 (AS AMENDED)

CITY OF WESTMINSTER

TREE PRESERVATION ORDER 628 (2015)

11 Gerald Road
London
SW1W 9EH

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