

17th August 2023

Ref: SJA ltr 23266-01

Dear Gabriel,

Re.: Arboricultural constraints at 8 Village Close, Belsize Lane.

1. Further to your instruction, we visited the above address on Wednesday 24th May 2023 and surveyed the trees growing within and adjacent to the site in accordance with British Standard BS 5837:2012, *Trees in relation to design, demolition and construction — Recommendations*, Section 4.4. Please find attached a tree survey schedule, along with a tree constraints plan (TCP).
2. These documents form a baseline assessment to enable the design of a potential re-development to take proper account of the below-ground and above-ground constraints associated with existing trees, and to assist the architects and the SuDS engineer.
3. Our assessment of which trees might have to be retained, and which can be removed, is based on:
 - whether any trees are classed as ‘veteran’, because their age, size or contribution is of cultural, historical, landscape or nature conservation value;
 - which trees’ removal could have a significant and adverse impact on the character and appearance of the local landscape, on amenity or on biodiversity; and therefore, would be unlikely to comply with national planning policy guidance;
 - which trees are important to / significant features of the local landscape, such that their removal would be contrary to local planning policies¹; and

- our assessment of the trees, in accordance with BS5837:2012, as summarised in the notes that accompany the tree survey schedule.

4. As trees growing outside the boundaries of the site are not within your control, we have assumed they will be retained, irrespective of their size, age or condition.

5. Based on the above, we have identified on the TCP the trees whose removal we consider justifiable in the context of a proposed development. The canopy extents of these are hatched **light blue**.

6. Whilst the removal of any of these trees might be justified, it does not follow that the removal of all of them is necessarily justifiable; particularly if together they provide boundary screening or are readily visible in views from outside the site. Moreover, a tree shown as one whose removal is justifiable does not mean that it must be removed, nor that its removal is necessarily desirable; it means simply that its removal, if it were to occur, would not have a significant adverse impact on the character and appearance of the local landscape, and therefore it shouldn't be considered a constraint on a proposed layout.

7. By contrast, the canopies of the off-site trees, which presumably will have to be retained, and of the on-site trees likely to have to be retained are hatched **light green**, the principal ones being:

T3 – European lime to W of site.

T6 – European lime in S part of site.

T8 – European Lime to SW of site.

T9 – Horse chestnut to SW of site.

8. These are the trees on the plan with the largest RPAs.

9. We understand that some of the trees are covered by a Tree Preservation Order (TPO). These are: European lime (T3), European lime (T6), European Lime (T8) and Horse chestnut (T9)/ These are identified in the tree survey schedule and shown on the TCP. The presence of a TPO does not necessarily mean that European Lime (T6) (the only TPO protected onsite tree) must be retained; but it does mean that the LPA is likely

to attach greater importance to its retention, irrespective of the category assigned to it under BS 5837:2012.

10. The site is not within a conservation area, and consequently there are no constraints on onsite trees in this regard. However, it immediately abuts the Belsize Park Conservation Area to the N and W of site covering ash trees (T1-2) and European lime (T3). Some other trees on or around this site are visible from the conservation area. Accordingly, these specimens might be considered to contribute to the character of this conservation area.

11. The recommended root protection areas (RPAs)^[2] of trees that might have to be retained have been calculated in accordance with BS 5837:2012. The limits of these determine the extent of the developable areas of the site, as defined by the **bold red lines** on the plan. These represent the closest points to the trees identified for retention that any development and construction operations, including installation of drainage and underground services or any associated excavations, could take place without encroaching into their RPAs.

12. However, as there cannot be any excavation or soil disturbance within the bold red lines, layout, highway and drainage design should take account of the extent of over dig or working space that may be needed around proposed structures, and of the impact of construction outside RPAs that could affect soil hydrology within RPAs. Consequently, appropriate off-sets from the bold red lines should be incorporated into the design of these features.

13. To avoid damage to, or the unacceptable cutting back of, tree canopies during construction, we have applied a minimum 2m offset from the existing extents of small or ornamental species and a minimum 3m from species of large ultimate size, which should allow sufficient working space around proposed buildings. In most, but not all circumstances, this will also allow for a reasonable amount of lateral growth in the future. These offsets are defined by the **bold blue** lines on the TCP. Ancillary structures, such

[2] The “*minimum area around a tree deemed to contain sufficient roots and rooting volume to maintain the tree’s viability, and where the protection of the roots and soil structure is treated as a priority.*” BS 5837:2012, paragraph 3.7.

as garages, sheds or bin stores might be located up to, or even beneath, tree canopies, but must not encroach into RPAs.

14. Owners of land that is overhung by the canopies of off-site trees have the common law right to cut these canopies back to their boundary, subject to those trees not being covered by a Tree Preservation Order or being within a Conservation Area. Exercising this right is usually acceptable in the case of small trees, and consequently small low quality off-site trees are shown to be cut back on the TCP. Conversely, cutting back to the boundary of a large, visible or high-quality off-site tree is likely to lead to an objection being made by the LPA; and so, pruning back of large off-site trees has neither been considered nor shown on the TCP.

15. Irrespective of whether a proposed development includes the removal of trees that contribute to the local landscape or not, the LPA may require space to be included in the proposed layout for new tree planting, to mitigate, maintain or enhance the arboricultural character of the local landscape. This may need to include boundary planting to replace or reinforce screening or to soften the proposed built form.

16. Accordingly, a planning application based on a layout that respects the constraints shown on the TCP should not give rise to any arboricultural objections from the LPA.

17. We trust this supplies you with sufficient information for now: if you have any queries or wish to discuss any points, please don't hesitate to contact us.

Yours sincerely

SJA trees

Simon Jones Associates Limited