

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		16/11/2023	
		N/A / attached		<b>Consultation Expiry Date:</b>			
<b>Officer</b>				<b>Application Number(s)</b>			
Nick Bell				2023/4229/T			
<b>Application Address</b>				<b>Drawing Numbers</b>			
Chester Terrace Gardens Chester Terrace London NW1 4ND							
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>				
<b>Proposal(s)</b>							
<p>IN COMMUNAL GARDENS: 1 x Lime (<i>Tilia vulgaris</i>) (T209) - Remove epicormic growth.</p> <p>1 x Sweet Buckeye (<i>Aesculus flava</i>) (T214) - Prune from adjacent structure to clear lamp column by 1m.</p> <p>1 x Sweet Buckeye (<i>Aesculus flava</i>) (T215) - Lift canopy to 2.5m over footpaths.</p> <p>1 x Portuguese Laurel (<i>Laurocerasus lusitanica</i>) (T216) - Lift canopy to 2.5m over footpaths.</p> <p>1 x Norway Maple (<i>Acer platanoides</i>) (T221) - Prune from adjacent structure to clear lamp column by 1m.</p> <p>1 x Holly (<i>Ilex aquifolium</i>) (T224) - Lift canopy to 2.5m over footpaths.</p> <p>1 x Pissardi Plum (<i>Prunus cerasifera</i> 'Pissardi') (T225) - Lift canopy to 2.5m over footpaths.</p> <p>1 x Indian Bean (<i>Catalpa bignonioides</i>) (T222) - Reduce low subsiding limb to West over fence line with diametrical split by 2.5m. Final cuts to be no greater than 80mm diameter, leaving furnishing growth.</p> <p>1 x Lime (<i>Tilia vulgaris</i>) (T488) - Remove epicormic growth. Clear up to 3m.</p> <p>1 x Holm Oak (<i>Quercus ilex</i>) (T492) - Lift canopy to 3m over drive.</p> <p>1 x Cherry Plum (<i>Prunus cerasifera</i> (Myrobalan)) - Lift canopy to 3m over drive and clear lamp column by 1m.</p>							
<b>Recommendation(s):</b>		No objection to notification of intended works to tree(s) in a conservation area.					
<b>Application Type:</b>		Notification of Intended Works to Tree(s) in a Conservation Area					
<b>Conditions or Reasons for Refusal:</b>		Refer to Draft Decision Notice					
<b>Informatives:</b>							
<b>Consultations</b>							
<b>Adjoining Occupiers:</b>	No. notified	01	No. of responses	02	No. of objections	01	
			No. electronic	00			

<p><b>Summary of consultation responses:</b></p>	<p>The council received two consultation responses.</p>
<p><b>CAAC/Local groups* comments:</b> *Please Specify</p>	<p>The Regent's Park CAAC submitted a response of no objection.</p> <p>The Chester Terrace Residents Association submitted the following objection:</p> <ol style="list-style-type: none"> <li>1. Further to the recent correspondence with Mr McDonald, the Chester Terrace Residents' Association made arrangements, following the disclosure of the proposed Replacement Tree Planting programme on October 26th, to have an independent expert Chartered Arboriculturist and Arboricultural Association Registered Consultant review &amp; to advise upon the Planning Application Reference 2023/0282/P, as it appertains to the Replacement Tree Planting.</li> <li>2. We are informed that the above documents have not yet been reviewed by the Camden's Tree and Landscape Officer.</li> <li>3. We would be grateful if the following comments &amp; attachment are read &amp; considered in conjunction with all the widespread opposition that Camden has received regarding this planning application &amp; which has been listed on the Camden website &amp; in any submissions which have been received separately, directly &amp; indirectly, by Charlotte Meynell (e.g. from Richard Loftus).</li> <li>4. It is clear, from the latest documents submitted by the applicant &amp; published on the Camden website on October 26th, that the applicant is ignoring Camden &amp; has no intention of abiding by, nor adhering to, the explicit parameters set out by Camden in their email of May 16th 2023, extract below.</li> <li>5. The Chester Terrace Residents' Association considers this conduct &amp; approach to be improper &amp; we are vehemently opposed to the current October 26th proposed tree planting proposals for the reasons set out in the letter from Mr Stephens, copy below &amp; attached.</li> <li>6. We believe that the CEPC are endeavouring to cut corners &amp; to short-change residents &amp; the public at large. As Camden has unequivocally stated, the proposed planting should include the same number of replacement trees as existing, in the same locations as existing as much as possible, and with trees of a similar height to the existing.</li> <li>7. It can be seen from Mr Stephen's report that the CEPC are improperly proposing to plant extremely small trees that will take 40 – 45 years to reach the height, breadth &amp; maturity of the existing trees that they are planning to destroy &amp; cut down.</li> </ol>

8. Additionally & importantly, the calculations of future CAVAT value used in the CEPC report are suspect.
9. Moreover, it is noted, that further evidence from the CEPC to compound their efforts to ignore Camden & to do as they wish is shown in Mr Stephens' report regarding any trees dying during the first 40 years. The CEPC report states that, if trees die, they should be replaced with the same species at the initial planting size.
10. Meantime, as a macro point of principle, we consider, that the proposed destruction, being planned by the CEPC, to destroy & cut down 20 trees, is wholly unnecessary.
11. We firmly believe that the CEPC could easily consider alternative construction options for the repairs to the balustrade...which would not destroy the trees & thereby reflect them acting in a positive & constructive manner.
12. We therefore suggest that the Camden instruct the CEPC to consult with an alternative experienced expert & knowledgeable engineering firm so as to consider all the options available because the main damage to the trees is because of the access needed for a huge & unnecessary excavator (which will destroy most of the Chester Terrace Gardens, as well as all the individual trees).
13. Two core questions arise from the proposed improper actions of the CEPC
- Why can't the excavator work be done from the road rather than from the garden ? &
  - why can't a smaller excavator be used ?
14. It is the belief of the Chester Terrace Residents' Association that the proposed repair work on the balustrade is being used by the CEPC as a Trojan Horse in order to implement a fundamentally flawed report by Longstaffe-Gowan. The needless destruction of 20 trees is felt by residents to be part of a reckless & inappropriate idea to try & return Chester Terrace Gardens to what they were claimed to be like in the 1820s. We & many others consider this to be flawed, for countless reasons... first, only horse drawn carriages existed in the 1820s – there were no cars, no coaches, no lorries nor motor bikes ; second, Regent's Park itself has fundamentally altered & dramatically changed during the last 200 years ; third, the conditions in London in 2023 are fundamentally different + the socio-economic circumstances existing today, the way of life of its residents & their composition, differs significantly from 200 years ago... + in the 1820s the trees & shrubs had just been planted in the gardens (Chester Terrace was built in 1825) so understandably they had not yet become mature trees & mature shrubs.
15. Additionally, it should be noted, that if the flawed proposals of Longstaffe-Gowan are to be implemented then all the mature trees in Regents' Park

would need to be cut down & all the hedgerows on the outer circumference of Regents' Park would need to be removed. As is readily appreciated by all experts & independent people + regulators this outcome shows, unambiguously, the distorted & warped ideas being proposed by Longstaffe-Gowan.

16. Pictures of horse drawn carriages from the mid 19th century, in Longstaffe-Gowan's report, reflect a disconnection from the real world of 2023...

17. Meantime residents are also seriously concerned at the significant & material damage to the environment + the reduction in air quality if mature trees are needlessly cut down + it will also increase the noise levels for residents from the Outer Circle Road + it will reduce the security screening that the mature trees provide the houses.

18. Additionally, efforts by the CEPC to recklessly, & without any justification, cut down trees in the gardens will undermine the Mayor of London's proposals to improve air quality in London & the WHO guidelines on air pollution.

19. We therefore seek the support of Camden to issue Tree Preservation Orders in respect of all the trees in Chester Terrace Gardens because the existing trees can be seen & enjoyed by the general public. The trees are of particular importance in terms of their size, form, & screening value + they make an important contribution to the character & appearance of this conservation area. The trees also have significance in their surroundings and have a positive & wider impact on the environment.

20. We believe that the CEPC should be encouraged to act responsibly in order to properly safeguard & protect the trees in Chester Terrace Gardens. This would have a positive impact on the surrounding environment for the benefit of the general public & for all the reasons set out above.

20. We are advised that a decision regarding this planning application cannot be made by delegated powers & that the correct process is for these planning applications to be considered by the Planning Committee, at a public meeting.

21. We would be grateful if you could include all the new & additional matters & material raised in this email & attachment in the submission to the Members Briefing Panel. We note that the Camden website states that the role of the Members Briefing Panel is not to decide upon applications but to consider the nature and extent of the outstanding objections to the application.

p.s. we find it understandably puzzling that Tree numbers 214, 221, 488, 492 and 493 are scheduled for both pruning and removal... Planning Application Reference 2023/4229/T refers...

Below is an extract from a copy of the Planning Officer's email of May 16th 2023, which explicitly states the parameters set down by Camden regarding the Replacement Tree Planting

1. The proposed planting consists of fewer trees than existing, many of which are of a smaller ultimate size than the existing tree stock.
2. This is not acceptable and the proposed planting should include the same number of replacement trees as existing, in the same locations as existing as much as possible, and with trees of a similar height to the existing.
3. The proposed replacement planting scheme will therefore need to be amended – amendments can either be made prior to determination or by condition.

This clearly shows a proposed shift away from large canopy trees.

It is well established that the really valuable trees, for example, for mitigating climate change, flood risk or air pollution are large canopy trees.

I have also reviewed the CAVAT assessment produced by TMA dated October 2023:

This values the trees to be removed at £1.2m and the anticipated value of newly planted trees after 40 years to be £1.16m.

The conclusion is that the new trees will mitigate those to be removed after 40-45 years.

I have a number of comments on this:-

- The calculations of future CAVAT value are suspect. The majority of trees are assumed to put on 1cm stem diameter each year. So, for example, the crab apple T11, Malus Evereste, after 40 years is assumed to have a stem diameter of 44cm which generates a value of £49,000. This is a short lived species with an ultimate height of only 8m. If it were to survive for as long as 40 years, it would be unlikely to have a stem diameter of more than around 20cm. Assuming a stem diameter of 20cm rather than 44cm would reduce the valuation by around 80%.
- The valuation assumes no trees die over the 40 year period. The report states that, if trees die, they should be replaced with the same species at the initial planting size. Some trees will inevitably die but the reduction in value in “starting again” with new tree planting is not factored in.
- As discussed above, a move to smaller growing tree species is proposed which one would expect to result in a significant reduction in CAVAT valuation.
- To have a meaningful comparison of the value of trees to be removed with those that might be present in 40 years time, one needs to depreciate the future value over the period. Depending on the depreciation rate taken, this will result in a current devaluation of well over £1m.

My conclusion is that the Revised Tree Replacement Strategy shows a significant shift to smaller canopy species and cannot mitigate for trees

	<p>proposed for removal, even after 40 years. In the meantime, the environmental impact will clearly be much greater.</p>
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	<p>With such a significant arboricultural impact, it is suggested that alternative engineering options should be considered for works to the Chester Terrace retaining wall and balustrade, working around trees, rather than removing any that get in the way.</p>
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## Assessment

The s.211 notification is for various pruning works to various trees within Chester Terrace Gardens, which is adjacent to Chester Terrace, a grade I listed building. The works are:

- 1 x Lime (*Tilia vulgaris*) (T209) - Remove epicormic growth.
- 1 x Sweet Buckeye (*Aesculus flava*) (T214) - Prune from adjacent structure to clear lamp column by 1m.
- 1 x Sweet Buckeye (*Aesculus flava*) (T215) - Lift canopy to 2.5m over footpaths.
- 1 x Portuguese Laurel (*Laurocerasus lusitanica*) (T216) - Lift canopy to 2.5m over footpaths.
- 1 x Norway Maple (*Acer platanoides*) (T221) - Prune from adjacent structure to clear lamp column by 1m.
- 1 x Holly (*Ilex aquifolium*) (T224) - Lift canopy to 2.5m over footpaths.
- 1 x Pissardi Plum (*Prunus cerasifera* 'Pissardi') (T225) - Lift canopy to 2.5m over footpaths.
- 1 x Indian Bean (*Catalpa bignonioides*) (T222) - Reduce low subsiding limb to West over fence line with diametrical split by 2.5m. Final cuts to be no greater than 80mm diameter, leaving furnishing growth.
- 1 x Lime (*Tilia vulgaris*) (T488) - Remove epicormic growth. Clear up to 3m.
- 1 x Holm Oak (*Quercus ilex*) (T492) - Lift canopy to 3m over drive.
- 1 x Cherry Plum (*Prunus cerasifera* (Myrobalan)) - Lift canopy to 3m over drive and clear lamp column by 1m.

The trees are highly visible from the public realm and contribute to the character and appearance of the conservation area.

The proposed works appear to be required for general maintenance purposes and largely involve lifting low hanging branches to prevent obstructions and pruning back from structures and street furniture. The works are considered minor in nature and not to be harmful to the amenity the trees provide or to the character and appearance of the conservation area.

An objection was submitted by the Chester Terrace Residents Association. The objection almost entirely relates to planning application 2023/0282/P which is for works to the balustrade around the garden and involves the removal of trees and replacement planting. This s.211 notification appears not to relate to the planning application. The planning application is yet to be determined.

Justification for proposed works is not a validation requirement of s.211 notifications. It is not clear to the council why trees are proposed to be pruned via this s.211 notification are also proposed to be felled via planning application 2023/0282/P, however it is officer opinion that the applicant may consider these works to be required now, whether or not planning permission 2023/0282/P is granted.

It is not expedient for the council to serve a tree preservation order to object to the proposed works.

The council does not object to the proposed works.