

Delegated Report		Analysis sheet	Expiry Date:	29/08/2024
		N/A / attached	Consultation Expiry Date:	
Officer			Application Number(s)	
Nick Bell			2024/2742/T	
Application Address			Drawing Numbers	
8 Doughty Street London WC1N 2PL				
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
(TPO REF: C1251 2021) REAR GARDEN: 1 x London Plane (T1) - Fell to ground level. 1 x London Plane (T2) - Fell to ground level. (Resubmission of lapsed permission ref. 2022/0419/T which expired 12/07/2024)				
Recommendation(s):		Approve application for works to tree(s) covered by a TPO		
Application Type:		Application for Works to Tree(s) covered by a TPO		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	90	No. of responses	28	No. of objections	27
			No. electronic	00		
Summary of consultation responses:	<p>The council received 28 consultation responses summarised as:</p> <p>Supports:</p> <ul style="list-style-type: none"> • I visited the EES and I was absolutely terrified by what I saw. The massive trunks are pressing against the building and clearly visible from windows to the rear - as are the cracks to the building which have formed as a consequence. • I doubt any of the objectors would want to work under the conditions that the EES is having to endure. This world class facility full of amazing artefacts and knowledge with its incredible library, wants to get on with its work. <p>Objections:</p> <ul style="list-style-type: none"> • The trees are beautiful. • The trees provide habitat. • Trees combat air pollution. • The trees are old and important. • Engineering solutions exist that allow for the retention of the trees. • The trees can't be replaced. • The tree are of high public amenity value. • We need more trees in the climate crisis. • The Mayor of London's Biodiversity Strategy outlines measures to conserve and increase tree cover as part of a broader commitment to enhance green spaces. • Trees reduce stress. • Removal of the trees and root death could cause movement. • Heave potential has not been assessed. • We have support from local councillors. • The Egyptian Exploration Society (EES) has been persistent in its attempts to get the trees felled. • The damage has been exaggerated. • It seems EES has threatened legal action against the council and One Housing Group. • At six storeys tall, they can be seen from flats in Doughty Street, Doughty Mews, Guilford Street, Millman Street and Northington Street, and by the public walking through Doughty Mews and John's Mews. • To date, the EES has proved reluctant to engage with a local group of construction professionals committed to reaching a viable solution that would retain the trees. • The trees are perceived as a costly nuisance. • Both trees are similar in size and character as the Great Plane in Brunswick Square. • Lateral wall movement measurements have not been provided. 					

	<p>A petition was submitted made up of 94 signatories objecting to the removal of the trees, however this petition was created in response to the previously approved application ref. 2022/0419/T not this application.</p> <p>Councillor Vincent submitted the following objection:</p> <ul style="list-style-type: none"> As previously set out, discussions with the Housing Association and insurance companies need to take place. There is an engineering solution here that the applicants refuse to consider as an alternative. <p>Councillor Fulbrook submitted the following objection:</p> <ul style="list-style-type: none"> Just to note my own personal objection about the further proposal to fell these beautiful and historic trees. Declaring an obvious personal interest I look at them nearly every day! Given the information that this excellent local initiative has obtained on alternative approaches to deal with any problems caused by these trees, it is quite obvious that further demands to fell them is wholly reprehensible. I fully support the objections made by Dr van Harmelen and other local residents.
<p>CAAC/Local groups* comments: *Please Specify</p>	<p>None received.</p>

Assessment

The TPO tree works application is for the removal of two London plane tree from the rear garden. The application alleges that the trees are causing damage to a neighbouring property.

A TPO tree works application to remove both trees ref. 2022/0419/T was approved 12/07/2022. The application has been re-submitted as the two year permission expired on 13/07/2024. The council's assessment of the situation remains unchanged; the assessment from the officer's delegated report for application 2022/0419/T was as follows:

"The TPO tree works application is for the removal of two London plane trees from the rear garden of a residential property that is situated within the Bloomsbury Conservation Area. The application alleges that the trees are causing damage to a neighbouring property. The application has been submitted by the Egypt Exploration Society at 2-4 Doughty Mews, which is the affected property. The TPO that covers the trees was served in response to a s.211 notification ref. 2020/5587/T dated 11/01/2021 which was also for the removal of both trees. This TPO trees works application has been submitted in response to the council's objection to 2020/5587/T and includes an arboricultural report.

S.211 notification ref. 2020/5587/T did not include investigations from the site in which the trees are situated. The two large, mature London plane trees are in excess of 18m tall and have been managed by cyclical crown reduction. The trees are similar in size and form, they are co-dominant with asymmetric crowns and form one aerodynamic mass due to their close proximity. The trees appear to be in at least fair condition both structurally and physiologically. Both trees are in physical contact with the rear elevation of 2-4 Doughty Mews. As such, the damage is not the typical vegetation-related subsidence damage commonly found on shrinkable clay soils but that of direct physical damage. The council is not aware of any protected species for which the trees provide habitat.

The Council received in excess of 250 objections to the application which demonstrates that there is considerable public support for the retention of the trees. The council shares the view of those who have submitted objections with regard to the significance of the trees.

In considering an application, Government Guidance advises that the local planning authority should assess the impact of the proposal on the amenity of the area and whether the proposal is justified, having regard to the reasons and additional information put forward in support of it.

When considering an application the authority is advised to:

- assess the amenity value of the tree or woodland and the likely impact of the proposal on the amenity of the area;*
- consider, in the light of this assessment, whether or not the proposal is justified, having regard to the reasons and additional information put forward in support of it;*
- consider whether any loss or damage is likely to arise if consent is refused or granted subject to conditions (Authorities should bear in mind that they may be liable to pay compensation for loss or damage as a result of refusing consent or granting consent subject to conditions);*
- consider whether any requirements apply in regard to protected species;*
- consider other material considerations, including development plan policies where relevant; and ensure that appropriate expertise informs its decision.*

During the decision making process the council sought the view of an independent consulting engineering practice Campbell Reith, to be satisfied that the justification put forward to support the removal of the trees is sufficient. CR concluded following their review that on the balance of probability it is the trees that are the cause of the damage. Therefore there would be significant loss and/or damage if consent is refused. Accordingly the Council may be liable to pay compensation for loss or damage including the costs of repairs, associated works and any future claims. In accordance

with the guidance, the Council must take this factor into account alongside other key considerations, such as the amenity value of the tree and the justification for the proposed works, before reaching its final decision. In this case, whilst the amenity value of the trees is high, the evidence demonstrates that the cause of the damage is the trees and this has been verified by independent experts. Whilst there may be other solutions, the legislation does not enable the Council to force the owner of the tree or the applicant to undertake such work.

The council was also advised that there is a risk that removing the trees may undermine the overall stability of the affected property. As such, it is recommended that the One Housing Group, whom the council understands to be the owner of the trees, works with the affected property owner to find a solution that allows for the retention of the trees and that a full assessment be undertaken to ascertain what impact, in any, the removal of the trees would have on the surrounding properties.

The council will resist the loss of significant trees but in this instance the justification for their removal is considered robust. If the trees are removed two replacement London plane trees will be secured via a replanting condition.

The approval of this application does not give the applicant the right to remove the trees and does not prejudice the rights of the owner of the trees.

It is recommended that the application be approved.”

The situation remains unchanged therefore the council's decision remains unchanged. As in 2022, this decision does not prejudice the rights of the owner of the trees and does not mean the owner must remove the trees. The decision does not give the applicant the right to implement the permission.

The council still holds its view of 2022 in that discussions between the two landowners should take place to find a method to repair and/or modify the affected property that allows for the trees to be retained.

Two replacement London plane trees will be secured by condition as per expired permission 2022/0419/T if the application trees are removed.

It is recommended that the application be approved.

