

16 September 2019 - Further Submission by email
London Borough of Camden
Application for Tree Works at 7 Maresfield Gardens NW3 5SJ
Application No. 2019/4258/T - Eucalyptus Tree

Subsequent to our submission emailed to Council on 11 September we have seen the submission by the Owner of the tree which is the subject of the Application.

The Owner of the tree has joined us and others of his neighbours in objecting to removal of the tree. Prior to seeing the Owner's submission we had assumed that Crawfords Chartered Loss Assessors as Applicant was acting as agent for the owner and that the Application Form was either carelessly completed or had an un-stated purpose:-

1. Crawfords declare themselves in the Form to be the Applicant acting as Agent.
2. Crawfords nevertheless and inconsistently then declare WMA Arboriculture Ltd to be the Agent.
3. The Principal for whom Crawfords and/or WMA Arboriculture is agent is not revealed in the Form - a fact which hardly sits well with Council's oft-stated principles of transparency.

It is now clear that, not only have Crawfords failed to nominate the Principal for whom they claim to be agent, they have failed to advise the owner of the tree of their application. This can be inferred from the Owner's submission to Council. The Owner has also stated to neighbours that he was not advised.

In the absence on leave of Mr. Tom Little, Council's nominated case officer, one of his colleagues (in general planning, not specifically trees) has advised by telephone that, at least for general applications, when the property owner is not the applicant Council requires the property owner to be advised before an application is made.

If this does not apply to tree applications then it should. In the expectation that it does apply we submit that Council should take into account the Applicant's failure to inform the Owner and, on that ground, declare the Application as it stands to be invalid.

Furthermore, irrespective of any planning approval granted, in the absence of consent by the Owner felling could not take place except pursuant to legal proceedings. (If the Application is aimed at pressuring the Owner with proceedings in mind it may well be that it should be refused as being vexatious.)

If the Application is not held to be invalid on the grounds above, then we submit that Council should refuse to consider the Application on the grounds that it would take up scarce resources for a futile purpose. The Application is futile because it cannot be put into effect against the objection of the Owner and the Owner has stated his objections to the proposed tree felling.

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