

Delegated Report		Analysis sheet		Expiry Date:	30/03/2022
		N/A / attached		Consultation Expiry Date:	
Officer			Application Number(s)		
Nick Bell			2022/0419/T		
Application Address			Drawing Numbers		
8 Doughty Street London WC1N 2PL					
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
REAR GARDEN: 1 x London Plane (T1) - Fell to ground level. 1 x London Plane (T2) - Fell to ground level.					
Recommendation(s):		Approve Works (TPO)			
Application Type:		Application for Works to Tree(s) covered by a TPO			

Conditions or Reasons for Refusal:	<ul style="list-style-type: none"> Between November and March following the removal of the trees, two London Plane (<i>Platanus x acerifolia</i>) trees with a stem circumference of 14-16cm at 1m above the top of the root ball shall be planted in the rear garden of the property no less than 2 metres from any above ground structure and no less than two metres between each tree. The trees shall be planted and maintained in accordance with the standard set out in BS8545:2014. <p>Reason: In order to comply with the provisions of Section 206 of the Town and Country Planning Act 1990 (as amended).</p>
Informatives:	<ul style="list-style-type: none"> It is recommended that a full investigation into the effects of implementing the approved works on nearby structures be undertaken prior to the removal of the trees.

Consultations

Adjoining Occupiers:	No. notified	86	No. of responses	333	No. of objections	267
			No. electronic	00		
Summary of consultation responses:	<p>The principle themes of the 333 consultation responses, including a petition with 94 signatories, are:</p> <ul style="list-style-type: none"> There are immediate and permanent solutions to keeping the trees The trees are an integral part of the conservation area The trees help the environment The EEC can make a feature of the trees The trees benefit the children in the nearby school The property damage is minor and can be fixed If the trees are felled they should be replaced The trees help to remove air pollution The trees provide shade in the summer The trees contribute to positive mental health Camden Council is a signatory since 2019 to the Climate Change Alliance The trees store carbon The applicant should focus on how to manage the structure with the 					

trees

- The CAVAT value of the trees is in excess of £600,000.
- The evidence submitted is not sufficient to show the trees are responsible for the damage
- The tree provide habitat
- The trees are an asset to our community
- Camden Council has pledged to “enhance biodiversity” and “improve green space”.
- The decision to fell the trees would constitute a breach of Camden's Policy 4 on Trees
- Removal of the trees may cause heave
- The trees are visible from far away
- The trees are beautiful
- Young trees do not provide the benefits that old trees do
- The applicant has not proved that the trees are responsible for the damage

Objections were received from two councillors:

Cllr Vincent:

Please also note my objection to this application, and completely agree that further investigation and monitoring of structural movement is required and independent reports to assess options for retaining these invaluable trees in our community. Regarding the stabilisation of the building, I noted from the reports provided by the applicants that the affected wall is a light weight structure, which would indicate further investigation and options appraisal may well enable stabilising this back extension.

Cllr Fullsbrook:

Please note my renewed, and vehement, objection to felling these trees. It is absurd that there is a renewed application in this matter so soon after this matter was fully aired on their previous application. Indeed it is outrageous that there is any suggestion of removing any trees in the neighbourhood (unless diseased) when, as a Council, we are so committed to enhancing tree cover in the ward to act as a "sink" for the toxicity of rampant environmental pollution. I am copying in Cllr Harrison and other colleagues to alert them to this further attempt at environmental destruction, which can

only be construed as vexatious and unreasonable. You will note the detailed points made by Robert Sakula, a distinguished local architect, as to an alternative trajectory as to how to save buildings and trees.

Letters of support were also received, summarised as:

- These trees are slowly demolishing the property at Doughty Mews, a property with important Egyptological collections and a library. Obviously, they should come down.
- I support their planning application to remove the trees which are damaging their premises, including their vital library.
- Two new trees can be planted and environmental sustainability ensured.
- The Society makes significant contribution to the field of Egyptology both nationally and internationally.
- The cracks are worsening, I have seen rain water coming through.
- The EES also houses one of the largest Egyptological libraries, certainly in the UK if not world-wide. It is important that those books are kept safe, and accessible.
- I am delighted that there is now an application to have these trees removed, and that the neighbours are of like mind.

**CAAC/Local groups*
comments:**

*Please Specify

Bloomsbury CAAC submitted the following response:

We can all appreciate these two splendid plane trees as they are a great pleasure for residents, kids, birds etc. Felling the trees is one way of solving the issues. However, this drastic solution doesn't mean, though, that different structural problems might not come to the fore as a result. It is the opinion of the majority of the committee that if the trees can be preserved while also securing the structural integrity of 4 Doughty Mews then such an option is preferable to the felling of the trees. However, the preservation of the trees must not come at the cost of permanent damage to the historic mews building. We have been encouraged by a possible solution suggested by the structural engineers Price & Myers who have an excellent reputation. This option, while causing some harm to the significance and integrity of the mews building, would in our view be preferable to loss of the trees. If the tree were to be felled, alterations would almost certainly need to be made to the brickwork to ensure structural stability. It is also the case that if the tree is indeed felled in the future, the section of the altered wall can be rebuilt during remediation works at that time. As such, the proposed alterations to the brickwork as part of the Price & Myers solution are not considered to cause unacceptable harm to the significance of the NDHA or wider conservation area. On behalf of the BCAAC we therefore object to this application.

Assessment

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.