



**PROOF OF EVIDENCE OF
TRACEY JANE RUST**

In respect of

Stopping Up Order

73-75 Avenue Road, London NW8 6JD

On behalf of

Wei-Lyn Loh

CAMDEN REFERENCE: ES/I&M/ED/I/22/S247

29 OCTOBER 2024

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1 INTRODUCTION

- 1.1 My name is Tracey Jane Rust and I am Director at TJR Planning, which I established in March 2013. Prior to this, I was a Senior Associate at Bell Cornwell Planning Consultancy for nine years.
- 1.2 I have worked in the planning profession for more than 30 years with experience in both the public and private sectors, having started my career with an Inner London Planning Authority. I am a Member of the Royal Town Planning Institute and hold a Post Graduate Diploma in Town and Country Planning.
- 1.3 I am instructed by Wei-Lyn Loh, the owner of 73-75 Avenue Road (the "Site"), to provide planning evidence on her behalf in connection with the stopping up of part of the public highway on the Queens Grove frontage of the Site.
- 1.4 I was first appointed by Wei-Lyn Loh in March 2018 in connection with the redevelopment of the Site to construct a new single family dwelling house. I have continued to provide planning services throughout the build project and to date.

2 Planning Background

The Site

- 2.1 The Site is a corner plot at the junction with Avenue Road and Queen's Grove. A replacement dwelling house has recently been constructed on the Site, with works originally commencing under the original planning permission reference 2011/2388/P and subsequently under a section 73 permission reference 2019/1366/P.

The Boundary Walls Application and Permission

- 2.2 A planning application was submitted to Camden Council on 20th August 2020 and granted planning permission on 3 March 2021 (reference 2020/3796/P) for "*replacement of all boundary walls including side boundaries with 77 Avenue Road and 38 Queen's Grove (following demolition of existing walls) and erection of generator and substation to rear garden and bin store to front garden (both adjoining Queen's Grove)*" (the "**Boundary Wall Permission**"). The proposals included moving the boundary wall line on Queen's Grove 0.5m further south to ensure the safeguarding of existing mature trees along the southern boundary adjacent to the wall which are covered by a TPO.
- 2.3 As stated in the report prepared by Arbortrack Systems Ltd dated 29 October 2024 (the appointed Tree Consultants) (**Appendix 2**), when the design for the replacement boundary wall on Queen's Grove was being considered, the Council's tree officer wanted to ensure protection of the trees as a priority. The Arbortrack report notes that the option of repositioning the wall 0.5m onto the footpath was agreed in consultation with the tree officer, thus reducing the risk of the impact of rebuilding the boundary wall on the trees and their roots.
- 2.4 During the planning application process, the Council received an objection from the Elsworth Residents Committee objecting to the proposal principally on the grounds that there was a need for wider pavements, not a reduction, to allow greater numbers of pedestrians to pass freely (the application was being considered during the Covid Pandemic).
- 2.5 If objection is made to an application by a Conservation Area Advisory Committee, a resident or amenity group, or a Ward Councillor, the application cannot be dealt with by delegated authority without first bringing it to the attention of Camden's Members Briefing Panel.
- 2.6 The application for the Boundary Wall Permission was considered by Camden's

Members Briefing Panel on Monday 23rd November 2020 at which nominated Members decided the application did not need to be reported to the Planning Committee and could therefore be determined under the Council’s delegated powers.

2.7 The officer's delegated report ("**OR**") referred to relevant planning policies used in the assessment of the application, including policy T3 in relation to transport, and Camden’s Transport Planning Guidance ("**CPG**").

2.8 Specifically in relation to a reduction in the width of the public footway by 0.5m, the OR (at paragraph 1.15) states:

"The Council’s transport team, highway engineering and the Council’s Structures Manager have reviewed the proposal. The existing footway is quite wide (approximately 3.6 metres). Even with the loss of 0.5m this will still leave the footway a comfortable width for the number of pedestrians who use this footway. Therefore the loss of 0.5m of footway is considered acceptable in this instance."

2.9 It is my understanding no further third-party objections to the Boundary Wall Permission were received by the Council during the application process.

Planning Policy Compliance

2.10 The development was assessed having regard to the development plan and relevant material considerations. Taking these into account, the Council concluded that the Boundary Wall Permission should be granted (subject to completion of a S106 Agreement (the "**S106 Agreement**").

2.11 Following completion of the S106 Agreement the decision notice granting the Boundary Wall Permission was subsequently issued on 3rd March 2021.

3 The Stopping Up Application

- 3.1 On 15th September 2021, the Council was paid the stopping up contribution of £28,097.97 as required under the terms of the S106 Agreement. At the same time, I began to engage with the Council to prepare and submit a Stopping Up application (the "Stopping up Application").
- 3.2 The Stopping Up Application was submitted to the Council's Engineering Service on 17th November 2021. It is my understanding that at that time, the Boundary Wall Permission had not been implemented.
- 3.3 Throughout the Stopping Up Application process up to November 2023, I liaised via email exchanges with Elliott Della of the Council's Engineering Services Department.
- 3.4 Throughout my dealings with the Council, it is my understanding the Council were supportive of the stopping up order being made and I have no reason to believe this not to be the case.

Third Party Objections

- 3.5 On 9 August 2022 (during the statutory consultation process for the Stopping Up Application), the Council notified me they had received a third party objection (being a letter from Town Legal LLP dated 8 August 2022, on behalf of a local resident), principally on the grounds that the Order could not be made using Section 247 of the Act because *"the works have been carried out and completed"* .
- 3.6 On 1 September 2022, I received a further email from Elliott Della of the Council, attaching:
 - 3.6.1.1 an email objection dated 24 August 2022;
 - 3.6.1.2 the Council's previous email to me dated 9 August 2022; and
 - 3.6.1.3 the Council's response letter to Town Legal LLP dated 17 August 2022. The Council's letter states that *"the building of the new wall is partially complete... the Council is satisfied that the Development has not as yet completed and the stopping up order is necessary to enable the development to be completed in accordance with planning permission"*.
- 3.7 Due to the fact that the objections to the Stopping Up Application could not be resolved and were not withdrawn, I was advised by the Council in the same email of 1 September 2022 that they would not be able to make the Order. We were told that if

we wanted the Stopping Up Order to be made, the matter must be referred to the Mayor of London, following which a Public Inquiry may need to be held to consider the third party objections unless the Mayor decided that the holding of such an Inquiry is unnecessary.

- 3.8 Following the Council's notification to the Greater London Authority (GLA) in March 2023, I was initially advised that the GLA had concluded that, because the planning process had already assessed the merits of the development (including the interference with the highway) the holding of an Inquiry was not necessary. On that basis I was advised the Order would be made and a copy sent to me.
- 3.9 However, I understand that some previous correspondence from an objector had not been included with the Council's initial letter to the GLA in March 2023. I understand this correspondence was then sent to the GLA on 8 June 2023 (after being originally sent on 17 May 2023 but not having been received by the GLA) and related to whether the works have been substantially completed such that the power under Section 247 of the Act was not available to make the Order.
- 3.10 As part of that chain of correspondence, the Council restated its view to the GLA in an email dated 13 June 2023 that they were satisfied the works to the boundary wall had not been completed and that the s247 power remained available.
- 3.11 Despite this, in an email from the Council's Senior Project Engineer dated 9th August 2023, I was advised that in light of the further information notified to the GLA on 8th June 2023, the Council had been advised that the Deputy Mayor's decision of 9th May 2023 must be set aside. The reasons given were set out in the GLA's further Planning Report ("GLA PR") dated 3rd August 2023 (2023/0183/SO). Specifically, paragraphs 14 & 15 of the GLA's PR referred to the part of the objection which queried whether Section 247 of the Town and Country Planning Act 1990 was the appropriate power to stop up the land. The Report concludes "*...that an objection remains that raises a technical legal point...*" On that basis, Camden Council were notified that there are no special circumstances to dispense with the holding of an Inquiry.
- 3.12 Notwithstanding the conclusion that an Inquiry was necessary, the GLA PR also provided clear guidance as to the issues which would need to be considered. In particular, paragraph 13 of the GLA PR referred to the third-party objection in respect of narrowing the public footpath by 0.5m and advised that:

"...as the planning process has already assessed the planning merits of the proposed scheme including the narrowing of the footpath and given that even after this

reduction there would still be a width comfortable for pedestrian use, there would be no benefit in rerunning the planning merits of this objection at an inquiry. The further information provided by the Council on 8 June 2023 does not alter GLA officers' assessment of this objection."

4 Statutory Provisions, Policy & Guidance

Section 247 of the Act and Guidance

- 4.1 Section 247 of the Town and Country Planning Act 1990 (the Act) authorises the stopping up or diversion of a highway to enable a development that has been granted planning permission to be completed in accordance with the details so approved.
- 4.2 Section 252 of the Act sets out the procedural requirements for dealing with applications to stop up or divert a highway. In addition, the Government has issued guidance on the use of s.247 in "Rights of Way Advice Note 9: General Guidance on Public Rights of Way Matters" (the "**Guidance**"), para 4.1.2 of the Guidance of which states that: *"Before an order can be confirmed, or indeed made, it must be apparent that there is a conflict between the development and the right of way, such as an obstruction. An outline permission might not give the degree of certainty necessary to evaluate the impact that the development will have upon the way. However, the development does not need to be in the form of a physical interference such as a building on the right of way. For example, a change of use may be sufficient."*
- 4.3 Paras 4.1.4 and 4.1.5 of the Guidance state that:
- "4.1.4 When Inspectors consider an order made under [section 247] they should be mindful that the planning merits of the development itself are not at issue in the RoW case and Inspectors should not allow that matter to be re-opened. The weighing up of the planning merits and demerits will have been determined in favour of the development (where planning permission has already been granted), see Vasiliou v Secretary of State for Transport [1991] 2 All ER 77*
- 4.1.5. However, the Inspector does have latitude to consider wider issues. He should consider the overall public interest in diverting or stopping up a right of way and how it will affect those concerned. Considerations could include, for example, matters such as how the confirmation of the order would result in the loss of passing trade (which might be particularly relevant in view of the fact that there is no provision for compensation in relation to this type of order). Such issues may not be a material consideration at the planning stage. Furthermore, there are bound to be some matters which are overlapping – i.e. relevant to both the planning merits and the merit of whether or not an order should be confirmed."*
- 4.4 It is thus clear from the Guidance that the stopping up process under Section 247 of the Act is not intended to be a re-run of the planning arguments. Such matters have

been dealt with by the Local Planning Authority ("**LPA**") in the assessment of the planning application as to whether planning permission should be granted.

The NPPF, Planning Policy and Supplementary Planning Guidance

- 4.5 The revised NPPF makes clear that the starting point for decision making on planning applications is the development plan and applications for development proposals that accord with an up-to-date Local Plan should be approved without delay.
- 4.6 The development plan comprises the Mayor's London Plan dated March 2021 and the London Borough of Camden's Local Plan adopted on 3rd July 2017 where this is in general conformity with the revised NPPF.
- 4.7 Local plan policy D1, amongst other criteria requires development to be sustainable, high quality in design, respect local context and character; and comprise details and materials that complement local character. Policy A3 resists the loss of trees and vegetation of significant amenity value and requires retained trees to be satisfactorily protected during demolition and construction phases of development to ensure visual amenity is safeguarded.
- 4.8 Policy T1 of Camden's Local Plan promotes sustainable transport by prioritising walking, cycling and public transport in the borough. The supporting text to the policy advises the Camden Planning Guidance (CPG) on transport sets out the Council's approach to providing attractive streets and spaces.
- 4.9 Paragraph 9.10 of the transport CPG explains that footways or footpaths must be wide enough for two people using wheelchairs or prams. It continues that TFL's Pedestrian Comfort Level Guidance (PCL) which sets out minimum widths of footways taking account of different environments and pedestrian flows is a material consideration.
- 4.10 The recommended minimum footway in the PCL for a site with a low pedestrian flow such as this site, is 2.9m (total width). The PCL explains this is sufficient space for comfortable movement and a large piece of street furniture such as a guard rail, bus flag for a low activity bus stop, or busy pedestrian crossing. The PCL continues that in low flow streets where there is no street furniture (except for street lights), the minimum width can be 2m.

5 Assessment and Response to Third Party Objections

- 5.1 The application for the Boundary Wall Permission was submitted in 2020, which included moving the boundary wall line on Queen’s Grove further into the footway by 0.5m.
- 5.2 As required under planning law, the LPA assessed the proposed development having regard to the development plan, the NPPF and other material considerations. The main issues considered were design, amenity, transport, and trees. The LPA were satisfied that the proposed development was in accordance with the development plan and the Boundary Wall Permission was subsequently granted on 3rd March 2021.
- 5.3 The Stopping Up Application was submitted to the Highway Authority on 17th November 2021, before the Boundary Wall Permission had been implemented.
- 5.4 A Stopping Up Order can only be made under the provisions of Section 247 if the stopping up is necessary in order for development to be carried out. In the present case, the works permitted under the Boundary Wall Permission specifically involved the construction of a boundary wall within the existing footpath. It is self evident that a Stopping Up Order is necessary in order for these works to be lawful.
- 5.5 Case law on section 247 also establishes that s.247 cannot be relied upon where the development which has been approved has already been completed. In the present case, however, whilst the Boundary Wall Permission has been implemented and works for erection of the new boundary wall on Queen’s Grove have commenced, the wall has not been completed as demonstrated in the Proof of Evidence of Mr. Colin Morris. There is a 3m gap which is clearly evidenced on site where there is currently a temporary hoarding erected for security purposes.
- 5.6 The 3m wide gap remains to ensure the Council can confirm the Order under the provisions of Section 247 of the Act.
- 5.7 Once the Order has been made, the wall can then be completed in accordance with the Boundary Wall Permission.
- 5.8 During the statutory consultation process in respect of the Stopping Up Application, the Council received objections. Of these, the objection relating to the availability of the powers of Section 247 (and in particular the objectors’ contention that this power was not available because “*the works have been carried out and completed*”: see Town Legal LLP letter dated 8th August 2022) was the sole reason why an Inquiry was considered necessary. For the reasons outlined above (and as explained in the

evidence of Mr. Colin Morris, and as will be evidenced from a site visit) that objection is without foundation.

- 5.9 As noted above, in respect of the other objections, paragraph 13 of the GLA's report of 3rd August 2023 concluded that

"...as the planning process has already assessed the planning merits of the proposed scheme including the narrowing of the footpath and given that even after this reduction there would still be a width comfortable for pedestrian use, there would be no benefit in rerunning the planning merits of this objection at an inquiry." The further information provided by the Council on 8 June 2023 does not alter GLA officers' assessment of this objection."

- 5.10 Following the Council's arrangement for the holding of an Inquiry, three further objections have been received. However, aside from reiterating the objectors' concern about the availability of Section 247, these objections relate to planning matters such as the materials used in construction of the new wall, narrowing of the footway and the impact on the visual amenity of the area. The planning application process has already assessed the planning merits of the development and in my view, the remaining objections do not introduce any new argument which has not already been considered as part of that process. Consequently, applying para 4.1.4 of the Guidance, these are matters which the Inspector "should not allow ... to be reopened".

- 5.11 Significantly, none of the objections raise any "wider issue" (such as loss of passing trade) which would not have been relevant to the planning balance, and which para 4.1.5 of the Guidance suggests the Inspector does have "latitude to consider". However, if and so far as it is still necessary to consider the "overall public interest" in confirming the stopping up order sought in this case, I note that the southern boundary of the site fronting Queen's Grove comprises several mature trees which are protected by a TPO. Trees play an important role in the street scene by softening a dense urban environment. Not only do they enhance an area by providing visual amenity value, they also play an important environmental role by improving air quality, absorb carbon dioxide and help to regulate city temperatures. As demonstrated in the ArboTrack Report, moving the wall 0.5m into the footway reduces the risk of impact on the trees and their roots, which sit very close to the original boundary. In my view, that is clearly in the public interest.

- 5.12 The primary countervailing interest is the impact on users of the footpath. However, as Queen's Grove has a low pedestrian flow with no street furniture (save for street lights) a 2m footway width would meet TFL's requirements.

- 5.13 The resulting footpath (as approved under the terms of the Boundary Wall Permission) is approximately 3.1m thereby comfortably exceeding the minimum requirements set out in the PCL.
- 5.14 As noted at paragraph 2.7 above, the OR also concluded that: *"Even with the loss of 0.5m this will still leave the footway a comfortable width for the number of pedestrians who use this footway. Therefore the loss of 0.5m of footway is considered acceptable in this instance."*
- 5.15 In the circumstances, there is in my view is no material harm to the public interest because of stopping up 0.5m of footway along this section of Queens's Grove. Rather, completion of the development in accordance with the conditional planning permission will ensure existing mature trees along the southern boundary are safeguarded and the character and visual amenity of the area is maintained.

6 SUMMARY AND CONCLUSIONS

- 6.1 The Boundary Wall Permission has been granted for the development which includes construction of a new boundary wall along the Queen's Grove frontage encroaching 0.5m onto the public footway.
- 6.2 The Local Planning Authority has thus already assessed the planning merits, including narrowing of the footway, and concluded that even with the 0.5m reduction, the resulting footway would still provide a comfortable width for pedestrians.
- 6.3 In addition to the Council's determination, for the reasons set out above, my view is that there is no material harm to the public interest by stopping up 0.5m of footway along this section of Queens's Grove.
- 6.4 As noted above, the TPO trees along the Queen's Grove frontage provide visual amenity value. The Arbortrack report also notes the moving of the boundary wall by 0.5m onto the footway is likely to reduce the risk of impact on trees and their roots, in addition to providing a very real benefit given the availability of additional soil volume for future root growth. In my view, the safeguarding of these trees is clearly in the public interest.
- 6.5 The Stopping Up Order is necessary for the development to be completed in accordance with the Boundary Wall Permission.
- 6.6 The Order would allow the development to be completed in accordance with the Boundary Wall Permission which in turn will ensure the character and visual amenity of the area is maintained.
- 6.7 For the reasons above, I would respectfully invite the Inspector to confirm that this Order should be made.

29 October 2024

Appendix 1 – Summary of Proof of Evidence

1. Planning permission has been granted for the development which includes construction of a new boundary wall along the Queen's Grove frontage encroaching 0.5m onto to the public footway.
2. The Local Planning Authority has thus already assessed the planning merits, including narrowing of the footway, and concluded that even with the 0.5m reduction, the resulting footway would still provide a comfortable width for pedestrians.
3. In addition to the Council's determination, for the reasons set out above, my view is that there is no material harm to the public interest by stopping up 0.5m of footway along this section of Queens's Grove.
4. As noted at paragraph 5.11 of this proof, the TPO trees along the Queen's Grove frontage provide visual amenity value. The Arbortrack report also notes the moving of the boundary wall by 0.5m onto the footway is likely to reduce the risk of impact on trees and their roots, in addition to providing a very real benefit given the availability of additional soil volume for future root growth. In my view, the safeguarding of these trees is clearly in the public interest.
5. The Stopping Up Order is necessary for the development to be completed in accordance with the Boundary Wall Permission.
6. The Order would allow the development to be completed in accordance with the Boundary Wall Permission which in turn will ensure the character and visual amenity of the area is maintained.
7. For the reasons above, I would respectfully invite the Inspector to confirm that this Order should be made.

Appendix 2 – Arbortrack Report dated 29 October 2024



ARBORICULTURAL REPORT
ARBORTRACK SYSTEMS LTD

In respect of

73-75 Avenue Road, London NW8 6JD

On behalf of

Ms Wei-lyn Loh

29 October 2024

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1 Introduction

- 1.1 My name is Quentin Thomas Nicholls, and I am the Managing Director of Arbortrack Systems Ltd, which I established in June 1996. I have 50 years of experience within the arboricultural industry, serving 17 years with local planning authorities before going into private practice. I am a Fellow of the Arboricultural Association and a Chartered Environmentalist.
- 1.2 I have been asked to provide a report regarding Arbortrack's involvement with the redevelopment proposals at 73-75 Avenue Road (the "**Property**"), and more particularly relation to 6 trees growing immediately adjacent to the boundary wall on the Queen's Grove flank of the Property.
- 1.3 Arbortrack Systems Ltd were first appointed by Ms Wei-Lyn Loh (the "**Client**") via del Buono Gazerwitz landscape architects on 10th July 2018 to provide arboricultural input in respect of the Property.
- 1.4 James Bell, the Principal Consultant for Arbortrack, has been responsible for arboricultural matters at the Property from the inception of the project, i.e. autumn 2018. He has provided guidance on request & produced reports available on the planning portal regarding the tree stock in the context of the Client's proposals for the redevelopment of the property, and in particular in connection with planning permission reference 2020/3796/P (the "**Boundary Wall Consent**").
- 1.5 Arbortrack have continued to act for the Client throughout the build project to date.

2 Arboricultural Appraisal

- 2.1 There are several trees growing within or near the Property, predominantly on the western boundary with 38 Queens Grove and on the southern boundary/flank of the Property, on Queen's Grove itself. This report focuses on the 6 trees growing on the southern boundary immediately adjacent to the relevant boundary wall. These trees are numbered 14, 15, 20-22 and 24 on the plan attached as **Appendix A** of this report. They comprise of four Horse Chestnuts (*Aesculus* spp. Trees 14, 21, 22 & 24), a mature Lime (*Tilia x europaea* tree 20) and a mature ornamental pear (*Pyrus* spp. Tree 15)
- 2.2 Trees 14 & 15 stand in the southwest corner of the Property beside 38 Queens Grove. Trees 20, 21, 22 & 24 stand beside Queens Grove, further towards Avenue Road.
- 2.3 All 6 trees are protected by Tree Preservation Order (TPO) reference TPO_H38 1957.
- 2.4 In February 2019, Arbortrack held discussions with the Council's tree officer, Nick Bell, in the context of a planning application being contemplated for what was eventually planning permission reference 2019/1366/P dated 6 April 2020 (to change the design of the replacement dwelling), with a separate application to follow for the

Arboricultural Report – Stopping Up Order Queen's Grove, London NW8 6JD

- Boundary Wall Consent. An initial site meeting with the tree officer was held at 11.30 on 7th February 2019. At the meeting, discussion took place regarding the possible removal of two poor trees numbered 18 and 19 on the Queens Grove Boundary along with 4 category B trees, being those numbered 20, 21, 22 and 24 shown on **Appendix A**.
- 2.5 The tree officer wanted to wait until May/June of that year to see how the crowns of the two poor trees (18 and 19) flushed before making a decision on those trees. However, he categorically confirmed he would not grant permission for the four category B trees (20, 21, 22 and 24) to be removed. This was confirmed in an email from James Bell (of Arbortrack) to Nick Bell dated 15th February 2019: "*we also discussed the removal of trees 20-22 & 24 and the team are aware of your feedback on that subject*" (**Appendix B**).
- 2.6 When considering the design for a replacement boundary wall on the Queen's Grove frontage (following its demolition in early 2019), Arbortrack considered whether there were alternative options to explore which were preferable to reconstructing the wall in its original line. The Arboricultural Impact Appraisal and Method Statement prepared by Barrell Tree Consultancy in relation to the Original Consent recognised that rebuilding the wall in its original line could potentially negatively impact the trees dependent on ground conditions which are often variable and complex. Options were discussed with the Council's tree officer who wanted to ensure protection of the trees as a priority.
- 2.7 As none of the trees could be removed, the option of repositioning the wall 500mm onto the footpath was agreed as the preferred solution in consultation with the tree officer, thus reducing the impact of rebuilding the wall on the trees (in particular the 4 category B trees) and their roots. Clearly, a wall located 500mm further away is likely to reduce the risk of impact on trees and their roots. Moving the wall by 500mm would also provide a very real benefit to the remaining existing trees with the availability of additional soil volume for future root growth.

3 Arboricultural Benefits

- 3.1 The landscape and amenity value of the six trees growing close to the Queen's Grove boundary wall are immediately recognisable because of their visual presence. In addition, trees also provide an enormous range of social, economic and environmental benefits.
- 3.2 The environmental benefits of urban trees are well documented and there is no doubt that urban trees beautify surroundings. The other environmental benefits of urban trees often quoted are their abilities to reduce traffic noise, take up and store carbon, absorb pollution, and provide shade and cooling.

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- 3.3 Urban trees reduce pollution, particularly the particulate pollutants produced by the engines of motor vehicles, by intercepting them with their leaves. Rainwater then washes the particles off onto the ground.
- 3.4 Arguably the most important environmental benefits are shading and cooling. The leaves of trees are adapted to intercept and absorb light, which they do extremely well. At a local level, the cooling benefits of trees are largely a result of the shade that they provide. Radiation from the sun is reduced by up to 90% under the canopy of a tree and this shading cools the roads and pavements beneath.
- 3.5 A new line of the boundary wall 500mm further from retained trees enables the importation of good-condition topsoil to be added around the bases of the existing trees, the results of which can only be positive for these trees as it will provide an improved rooting environment for them.
- 3.6 The additional quantity of good-condition topsoil added to soft ground around the bases of the trees is likely to increase the area available for the production of additional roots and increase the soil volume available for essential liquid and gaseous exchange & nutrient transfer, which is required to sustain healthy root function.

4 Conclusions & Recommendations

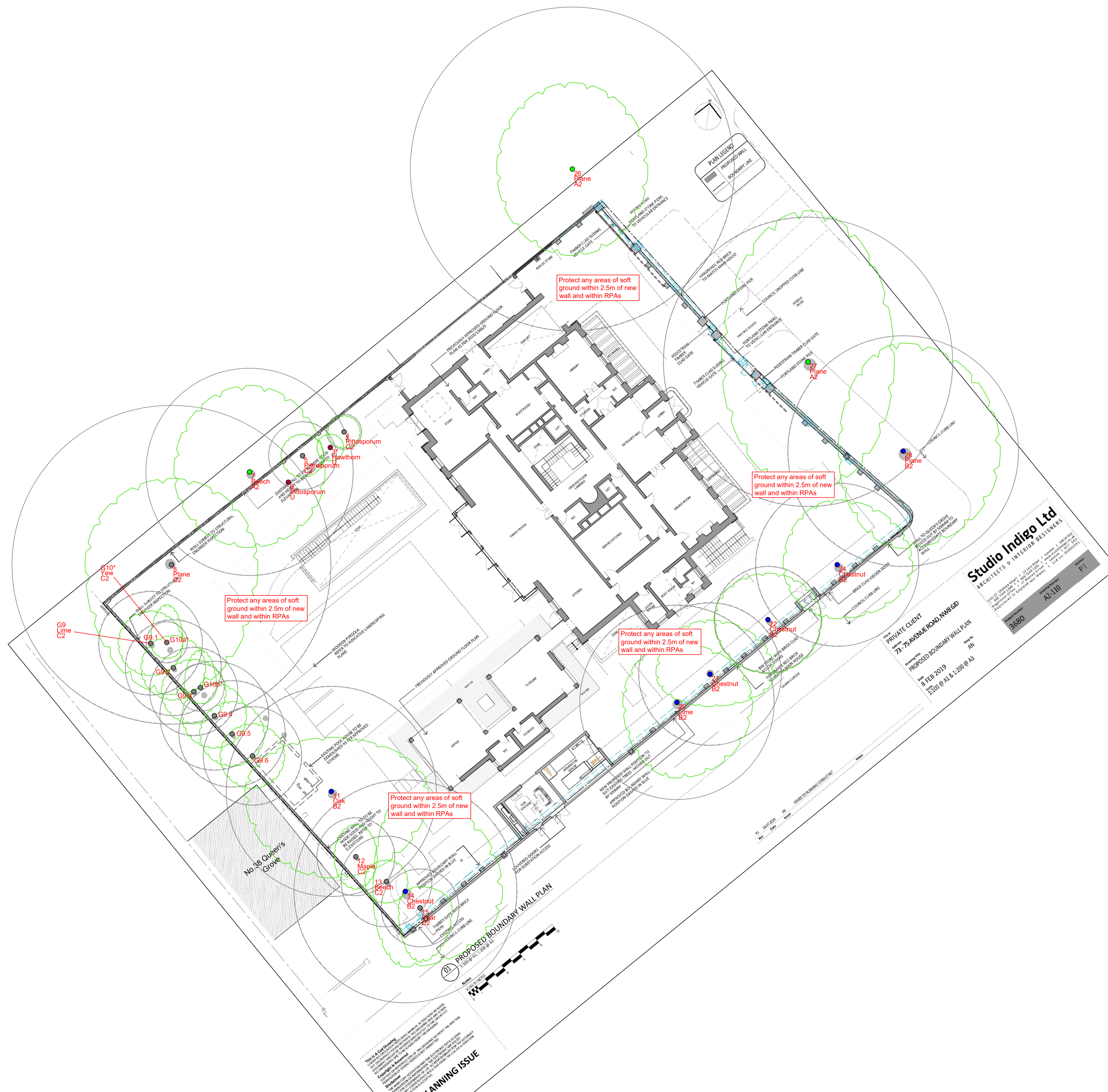
- 4.1 The decision to move the boundary wall fronting Queen's Grove by 500mm was agreed in consultation with the Council's tree officer.
- 4.2 Relocating the boundary wall reduces the risk of damage to the trees and their roots, in addition to providing a greater opportunity for their continued health. It is likely that the increased volume of good condition soil to be made available to these trees will improve their growing conditions.
- 4.3 These measures can only help the trees in their long-term survival and safe, useful life expectancy.



29 October 2024

Arboricultural Report – Stopping Up Order Queen's Grove, London NW8 6JD

Appendix A – Plan showing Tree Positions



Studio Indigo Ltd
 ARCHITECTS & INTERIOR DESIGNERS
 2680
 A2:110
 P1

PRIVATE CLIENT
 73-75 AVENUE ROAD, NW8 6SD
 FEB 2020
 1:50 @ A1 & 1:200 @ A2

Arbortrack Systems Ltd
 The Granary Studio, Crewe Lane, Kenilworth, CV8 2LA
 07986 122074 / james.bell@arbortrack.com

Site: 73-75 Avenue Road
 Drawing Title: Arbortrack Impact Assessment 1-200@A1
 Appendix: A Aug 2020

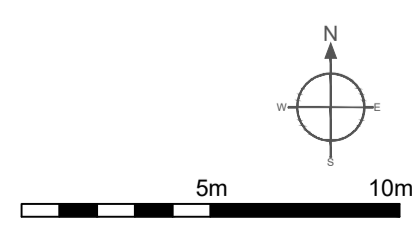
Key:

- Category A (Green dot)
- Category B (Blue dot)
- Category C (Grey dot)
- Category U (Red dot)

Category Legend:

- Category (Green circle)
- Root Protection Area (Red circle)
- Crown Spread (Green circle)
- Tree Number (Number in circle)
- Species (Text)
- Category (Text)

NOTE: Tree/group numbers marked with an * have approximate locations.



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**Appendix B – email from Arbortrack to Nick Bell (Tree Officer) dated 15 February
2019**

Dear Nick

Very good to meet up with you on site on the 7th and apologies for the delay in emailing you.

We discussed my request for the removal of trees 18 & 19. I have attached Adam Hollis's report that accompanied the 2016 consented scheme. I have also attached a photo of the crown of tree 18 taken on 7th August 2018—powdery mildew and you noted the decay in the crown of tree 18 on the 7th. The other photo is the bracket at the base of tree 19 now absent. Adam ascribed tree 19 a U category with the comment 'Likely to be felled'. We agreed to reinspect tree 18 when in leaf this spring/early summer. I agree that the base of the tree appears to be sound but to me the decay in mid crown branches and the presence of bleeding canker suggest that it would also be sensible to remove this tree shortly and plant high quality semi mature replacements for trees 18 & 19 to return some amenity to this area. Hopefully we can come to a conclusion when we next look at the tree in May/June.

We also discussed the removal of trees 20-22 & 24 and the team are aware of your feedback on that subject. We will apply to reduce the lime (20) to previous points via the s73.

As per the approved consent our next steps will be to install the agreed ground protection down the southern flank of the build between that and the boundary trees (20-22 & 24). We will also install the wood chip/sterling board ground protection around the bases of these trees as agreed.

The tree report accompanying the s73 application will be with you in due course and I will ensure that all relevant material is provided in that.

Many thanks

James

James Bell - MSc (Env) Arbor A Tech Cert PTI
Arbortrack Systems Ltd
The Granary Studio, Crewe Lane, Kenilworth, CV8 2LA
Mobile: 07986122074
Email: james.bell@arbortrack.com