

## COMMITTEE REPORT

BY THE DIRECTOR OF ENVIRONMENT & NEIGHBOURHOOD SERVICES READING BOROUGH COUNCIL PLANNING APPLICATIONS COMMITTEE: 7 NOVEMBER 2018 TITLE: OBJECTION TO A TREE PRESERVATION ORDER AT 6 WAYLEN STREET, READING	ITEM NO. 7
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Ward: Abbey

### RECOMMENDATION

That the Tree Preservation Order be confirmed

### 3. PURPOSE AND SUMMARY OF REPORT

- 1.1 To report to Committee an objection to Tree Preservation Order No. 6/18 relating to 6 Waylen Street, Reading (copy of TPO plan attached - Appendix 1).

### 2. BACKGROUND

- 2.1 A Section 211 Notice to fell the Sycamore was received in May 2018; required as the tree is located within the Russell Street/Castle Hill Conservation Area. In assessing the proposed felling, Officers determined that the healthy, mature Sycamore was worthy of a Tree Preservation Order. The service of a TPO is the only way in which a Local Planning Authority can stop the felling of a tree in a Conservation Area once a S211 Notice has been received. A TPO was therefore served on 20 June 2018.
- 2.2 For information, an application to fell the tree was recently submitted (during the current TPO objection period) by the neighbour at 5 Russell Street (Nags Head Public House) and was subsequently refused (ref 181456/TPO).

### 3. RESULT OF CONSULTATION

- 3.1 An objection to the TPO has been made by Future Tree on behalf of the Landlord of the Nags Head Public House at 5 Russell Street, based on the following:
- The tree is causing direct damage to the adjacent retaining boundary wall (between 6 Waylen Street and 7 Russell Street) such that the wall might fail and collapse into the rear garden of 7 Russell Street. The agent (tree surgeon), stating the following:  
  
*The bole of the tree is directly adjacent to a single skin brick boundary / retaining wall. The garden of 6 Waylen Street is approximately 1m higher than the garden level at 7 Russell Street. The incremental growth of the tree has caused direct damage to the wall which is deflected from the boundary line and fractured. Reinstatement of the boundary line and reconstruction of the wall would likely lead to damage to the Sycamore tree root system. It is reasonable to forecast that any repairs to the boundary wall are likely to be subsequently negatively impacted by the continued growth of the tree.*
- 3.2 In response to the objections from Future Tree (on behalf of 5 Russell Street), Officers have the following comments:

Officers are aware of the condition of the wall and this was seen during a site meeting with the agent and the tree owner's representative. The issue of the condition of the wall, its rebuilding and how this would be achieved is a private matter between the tree owner (6 Waylen Street) and the owner of the wall, which may be either 6 Waylen Street or 7 Russell Street. The condition of the wall is not relevant to the objector as they are at 5 Russell Street, have no legal interest in the wall and are not affected by its condition.

If at a later date the owners of 6 Waylen Street or 7 Russell Street wish to approach the Council to discuss the tree and wall issues further, Officers will deal with the matter at that point. Having spoken to the tree owner since the site meeting, Officers are aware that he has stated he wishes to retain the tree, hence it is assumed that any repair of the wall will be done with a view to being able to work around the tree.

For information, no objection to the TPO has been received from the owner or occupier of 6 Waylen Street. An objection to the TPO from 7 Russell Street was received very late on 24 October 2018, attaching a copy of an objection letter dated 31 August 2018, which was never received. The objection period ended on 18 July 2018 so Officers are not formally considering the objection, which relates to the wall, hence the recommendation to confirm the TPO has not changed following receipt of this objection. However Officers are happy to continue discussions and have advised the objector of this.

In addition, whilst the condition of the tree is not raised as an objection, the site meeting did not raise any issues with the tree's condition that might make felling appropriate.

#### **4. CONCLUSION AND RECOMMENDATION**

- 4.1 As explained above, it is considered that the TPO should be confirmed as the objector has no legal interest in the wall and is not affected by it, hence the objection is not appropriate.

#### **5. LEGAL IMPLICATIONS**

- 5.1 Preparing, serving confirmation and contravention of TPO's are services dealt with by the Council's Legal Section.

#### **6. FINANCIAL IMPLICATIONS**

- 6.1.1 Administrative.

#### **7. EQUAL OPPORTUNITIES IMPLICATIONS**

- 7.1 In assessing objections to TPOs, officers will have regard to Equality Act 2010, Section 149, a public authority must, in the exercise of its functions, have due regard to the need to—

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

7.2 In terms of the key equalities protected characteristics it is considered there would be no significant adverse impacts as a result of the making of this TPO.

## 8. SUSTAINABILITY IMPLICATIONS

8.1 The aim of the TPO's is to secure trees of high amenity value for present and future generations to enjoy. Trees also have high environmental benefits through their absorption of polluted air and creation of wildlife habitats.

## 9. BACKGROUND DOCUMENTS

9.1 Planning Section's Tree Preservation Order Directory

9.2 Register of Tree Preservation Orders

9.3 Plan of TPO 6/18 relating to 6 Waylen Street, Reading (Appendix 1)

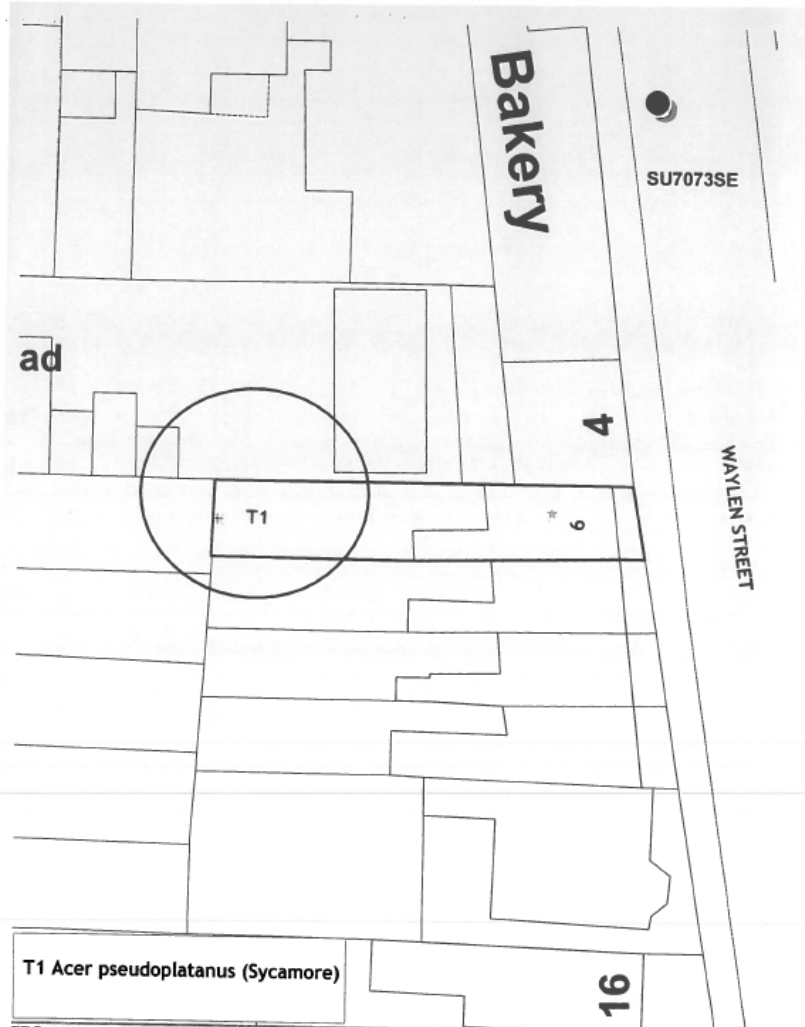
Officer: Sarah Hanson



Sycamore, as seen from the Nags Head car park




Appendix 1



T1 Acer pseudoplatanus (Sycamore)

TITLE TREE PRESERVATION ORDER - 6 WAYLEN STREET, READING  
 DRG NO E2955 DATE June 2018  
 DRAWN BY SH SCALE 1:250 (A4)  
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