

COMMITTEE REPORT

BY THE DIRECTOR OF ENVIRONMENT & NEIGHBOURHOOD SERVICES
READING BOROUGH COUNCIL
PLANNING APPLICATIONS COMMITTEE: 6 FEBRUARY 2019
TITLE: OBJECTION TO A TREE PRESERVATION ORDER AT 41 & 43 CONISBORO AVENUE,
CAVERSHAM, READING

Ward: Mapledurham

RECOMMENDATION

That the Tree Preservation Order be confirmed

1. PURPOSE AND SUMMARY OF REPORT

- 1.1 To report to Committee an objection to Tree Preservation Order No. 15/18 relating to 41 & 43 Conisboro Avenue, Reading (copy of TPO plan attached - Appendix 1).

2. BACKGROUND

- 2.1 Following receipt of a planning application at 43 Conisboro Avenue (ref 180533), Officers assessed the proposals in relation to trees. Due to the potential harm to trees of high amenity value, a TPO was served on 1 May 2018 (TPO 1/18) to ensure retention of those trees. Further trees of amenity value were also included in the neighbouring property at 41 Conisboro Avenue due to the potential harm from the planning proposals, with an additional tree in the rear garden also being included.
- 2.2 An objection to TPO 1/18 from 41 Conisboro Avenue was reported to Planning Applications Committee on 5 September 2018 (Appendix 2) where it was agreed that the TPO be confirmed, with several amendments. Instructions were thereafter provided to Legal Services to confirm the TPO with those amendments. The Town and Country Planning (Tree Preservation) (England) Regulations 2012 requires TPO to be confirmed prior to 6 months from the date of service. Unfortunately this was not done hence the TPO was re-served (with the amendments) on 5 December 2018.

3. RESULT OF CONSULTATION

- 3.1 An objection to the TPO has again been made by 41 Conisboro Avenue to trees at No. 41 only, based mainly on the same concerns as previously expressed but with the addition of several new points. The objections raised in the Committee Report from 5 September 2018 are still relevant and should be considered (see Appendix 2) along with the following additional concerns:

T1 Sycamore

- Bins are being pushed against the trunk by Council staff and are causing damage
- The tree has a large branch overhanging the driveway which will soon block the entrance, e.g. for high sided vehicles. This 'side arm' should be excluded from the TPO

T2 Sycamore

- Concern over the condition of this tree due to the loss of many dead branches in recent months.
- The trunk is within 2m of a warm water drain hence there is concern over the risk to security of this system.

T4 Pine

- There is concern that the Pine could grow to over 100m and could pose a threat to occupants of adjacent houses.

3.2 In response to the additional objections from 41 Conisboro Avenue, Officers have the following comments:

T1 Sycamore (T1 of previous TPO 1/18)

It is agreed that Council staff should be avoiding damage to trees when replacing bins. Officers have recommended that the problem is reported via our website in order that bin collection staff are made aware of the need to avoid this issue in the future. This preventable issue is not considered a reason to omit the Sycamore from the TPO.

In relation to the large branch potentially blocking the driveway, the objector is able to submit an application seeking approval for any tree work considered necessary. Where trees overhang the public highway (road), there is a requirement to maintain branches above 5.5m in order to prevent conflict with high sided vehicles. There may be potential to do this over the driveway to alleviate this concern.

It is not possible, as a principle, to exclude this branch / side arm from the TPO, as the whole of a tree is protected when included within a TPO. Approval for works can be sought, as advised above.

T2 Sycamore (T2 of previous TPO 1/18)

The removal of dead wood is prudent to avoid the potential hazard from these branches falling - this does not need formal approval under the TPO so can be done at any time. There is, however, a requirement to notify the Council of the intention to carry out this work. If there is concern about the overall condition of the tree then it is prudent to employ a professional to carry out a full inspection. Regular inspections are prudent for any tree owner in order to meet with the 'duty of care' to ensure that trees do not pose an unacceptable risk to persons or property. Currently, arboricultural evidence to support omission of this tree from the TPO has not been provided.

It is accepted that trees can pose a potential risk to adjacent services, directly or indirectly. In an urban environment, close proximity between trees and service routes is common and does not imply that tree related damage will occur. If there are any issues with the drain in the future, a drainage engineer should be contacted who can usually resolve the problem by lining the drains without the need for trenching or tree removal.

T4 Pine (T5 of previous TPO 1/18)

It is assumed that the objector may mean 100 feet (approx. 30.5m) rather than 100m. Officers would not expect the tree to reach this height; only approx. 20-25m/65-82 feet. Height in itself does not mean that a tree is a threat. As advised above, regular inspections are prudent to pick up any issues that require attention in order to ensure risk is minimised.

4. CONCLUSION AND RECOMMENDATION

- 4.1 For the reasons given above and in the Committee report of 5 September 2018, it is considered that the TPO should be confirmed.

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

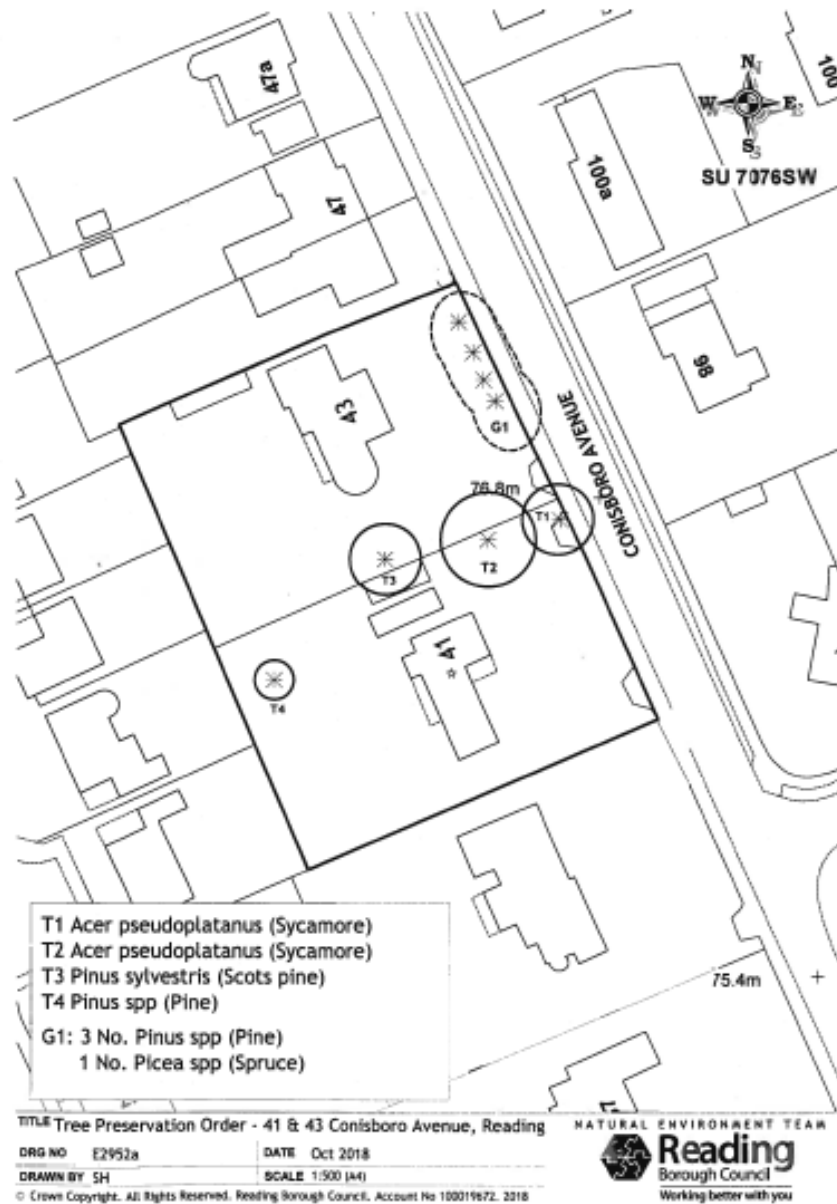
- 8.1 The aim of the TPO's is to secure trees of high amenity value for present and future generations to enjoy. Trees also have high environmental benefits through their absorption of polluted air and creation of wildlife habitats.

9. BACKGROUND DOCUMENTS

- 9.1 Planning Section's Tree Preservation Order Directory
- 9.2 Register of Tree Preservation Orders
- 9.3 Plan of TPO 15/18 relating to 41 & 43 Conisboro Avenue, Reading (Appendix 1)

Officer: Sarah Hanson

Appendix 1



COMMITTEE REPORT

BY THE DIRECTOR OF ENVIRONMENT & NEIGHBOURHOOD SERVICES
READING BOROUGH COUNCIL
PLANNING APPLICATIONS COMMITTEE: 5 SEPTEMBER 2018
TITLE: OBJECTION TO A TREE PRESERVATION ORDER AT 41 & 43 CONISBORO AVENUE,
CAVERSHAM, READING

ITEM NO.

Ward: Mapledurham

RECOMMENDATION

That the Tree Preservation Order be confirmed with the omission of T3 (Yew) and amendment to the trunk location of T1 (Sycamore) at 41 Conisboro Avenue and the omission of the southern-most Pine from G1 at 43 Conisboro Avenue

3. PURPOSE AND SUMMARY OF REPORT

- 1.2 To report to Committee an objection to Tree Preservation Order No. 1/18 relating to 41 & 43 Conisboro Avenue, Reading (copy of TPO plan attached - Appendix 1).

2. BACKGROUND

- 2.1 Following receipt of a planning application at 43 Conisboro Avenue (ref 180533), Officers assessed the proposals in relation to trees. Due to the potential harm to trees of high amenity value, a TPO was served on 1 May 2018 to ensure retention of those trees. Further trees of amenity value were also included in the neighbouring property at 41 Conisboro Avenue due to the potential harm from the planning proposals, with an additional tree in the rear garden also being included.

3. RESULT OF CONSULTATION

- 3.3 An objection to the TPO has been made by 41 Conisboro Avenue to trees at No. 41 only, based on the following points:

T1 Sycamore

- The tree will eventually block the driveway, public footpath and road
- The tree poses a danger to services in close proximity (gas, broadband and water)
- The roots are showing signs of damaging the driveway, public footpath and road and natural debris will block roadside drains
- The tree offers no amenity value and is not a rare species
- There is a preference to remove and replace with a fruit tree

T2 Sycamore

- The tree is vast and overbearing to the house
- It has no amenity value or public benefit and is not rare so removal would not have a negative impact
- Natural debris (leaves, bird droppings) cause problems
- The tree should be removed and replaced with a fruit tree in keeping with the original orchard status of the garden

T3 Yew

- The tree blocks garage access which will worsen over time
- The tree has no amenity value and has poor shape, form and appearance
- The tree poses a threat to the water supply due to its close proximity to the water standpipe
- The tree should be removed and replaced with a fruit tree in keeping with the garden's past.

T5 Pine

- The tree is too big for the garden and will get bigger
- It has no amenity value or public benefit
- Its blocks light to the garden hindering growth of new Pear trees and other plants, affecting the ability to restore the garden to fruit trees
- The tree should be felled and replaced with a fruit tree in keeping with the garden's past

3.4 In response to the objections from 41 Conisboro Avenue, Officers have the following comments:

In relation to T1 (Sycamore), having viewed this tree from the property, Officers have identified it as being an early mature tree in good health and with amenity value being located adjacent to the public highway, with reasonable clearance from the public highway.

The tree is located to the side of the access drive but is unlikely to obstruct the driveway in the near future. The position of T1 on the plan should be amended to show it within the access drive if the decision is made to confirm the Tree Preservation Order (TPO).

The issues of leaf drop, proximity to services and potential for branches to obstruct the highway are applicable to most trees adjacent to the public highway and would not usually provide adequate justification for the removal of an otherwise healthy tree, as these issues can be readily addressed with maintenance to the tree or the service run without necessitating the removal of the tree. Permitting trees to be removed for this reason would result in the loss of many trees in urban areas to the detriment of our urban environment.

In relation to T2 (Sycamore), this is a prominent mature tree with a full canopy. Officers do not agree that the tree has no public benefit. The tree is visible from the highway and part of the collective mature tree cover on that side of Conisboro Avenue. Again the issues concerning leaf drop, lack of rarity and proximity to services relate to most trees in urban areas. All trees (deciduous or evergreen) will drop leaves and very few trees planted in urban areas could be considered rare. Where tree roots do grow into drains this can be addressed by cutting the tree roots and re-lining the drains. This work does not usually necessitate tree removal.

In relation to T3 (Yew), the position was carefully assessed by Officers on site and it was agreed that the position of this tree is potentially obstructive to the garage and the tree base is growing up against the water stand pipe. The amenity value as a smaller specimen tree does not merit retaining the tree in this potentially problematic location. In view of this, its omission from the TPO on confirmation (if confirmed) would be appropriate.

When serving a new Tree Preservation Order, the Borough Council will look to include all trees on a property which meet the criteria for a Tree Preservation Order in the Order to ensure a consistent level of tree

protection on site. For this reason, the Pine (T5) within the rear garden was included in the TPO. It is not agreed that the tree provides no amenity value by virtue of its location. The tree is visible as a backdrop to houses to the rear of the site and as a young, healthy tree this amenity value will increase as the tree reaches maturity.

Many properties on Conisboro Avenue contain a number of large, 'forest style' trees therefore the trees on the property are not out of keeping with the local landscape.

The objector has stated that they would like to remove some of the trees with a view to replacing the trees with fruit trees which are considered more in keeping with the original orchard character of the property demonstrated by the stained glass window images in the house. Fruit trees are smaller specimen trees which require regular pruning works for fruit production and which, although attractive, do not and will not make a significant contribution to the amenity of an area. For this reason, the Borough Council would not permit the removal of otherwise healthy large trees so that they can be replaced with fruit trees as this would be detrimental to the long term amenity provided by trees to the area.

4. CONCLUSION AND RECOMMENDATION

- 4.1 For the reasons given above, it is considered that the TPO should be confirmed with the inclusion of all trees shown at No. 41 with the exception of T3 (Yew). A slight amendment to the trunk location of T1 is appropriate if the TPO is confirmed. In addition, Officers identified issues with one of the Pines in G1 at 43 Conisboro Avenue during a site visit following the service of the TPO. Due to the impact of these issues on the health and condition of the tree, it is recommended to omit that Pine from G1, with all other trees shown being retained in the TPO.

5. LEGAL IMPLICATIONS

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

6. FINANCIAL IMPLICATIONS

- 6.1.2 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;
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 - 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

- 8.2 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
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Officer: Sarah Hanson



T1 Sycamore

Appendix 1

