

## COMMITTEE REPORT

BY THE EXECUTIVE DIRECTOR OF ECONOMIC GROWTH AND NEIGHBOURHOOD SERVICES  
READING BOROUGH COUNCIL  
PLANNING APPLICATIONS COMMITTEE: 20 JULY 2022

Ward: Abbey

Proposal: Works to protected trees at St Mary's Churchyard, St Mary's Butts

### RECOMMENDATION

That approval of the proposed works be delegated to officers to approve subject to no substantive objections being received by 27 July 2022.

#### 1. PURPOSE AND SUMMARY OF REPORT

- 1.1 To report to and seek approval from Committee for proposed works to Council maintained trees within and adjacent to St Mary's Churchyard, Reading, subject to Tree Preservation Order No. 10/06 (TPO plan attached - Appendix 1).

#### 2. BACKGROUND

- 2.1 On 10 June 2022 an application was received from Reading Borough Council's Tree Officer in Parks seeking consent for works to trees in and adjacent to St Mary's Churchyard (reference 220848/TPO).
- 2.2 Whilst the trees are not owned by Reading Borough Council, the Council inspect and maintain the trees under a historic agreement.

#### 3. APPLICATION PROCESS

- 3.1 As the Council-maintained trees in question are subject to a Tree Preservation Order, a formal application is required for these works to be approved.
- 3.2 The Town and Country Planning Act 1990 requires applications for works to Council owned or maintained trees to be decided by a Committee of the Council which is not responsible for managing the land to which the application relates.
- 3.3 The law also requires a public notice to be displayed for at least 21 days giving details of the proposed works and contact details for any comments to be sent. A site notice was attached to a tree adjacent to Chain Street and one to a tree on the east side of the churchyard on 6 July 2022 and will be left for the required period, i.e. until 27 July 2022.
- 3.4 A report is not normally brought to Committee until after the end of the 21-day period, i.e. when confirmation can be provided of any comments or objections received. In this case, it would mean consideration at Committee on 7 September 2022 due to no Committee in August. This would result in an undesirable delay in being able to carry out necessary

works for both good management but for Health & Safety reasons and to address potential risks.

- 3.5 The Town and Country Planning (Tree Preservation)(England) Regulations 2012 allows applications to seek consent for specified works to be carried out on multiple occasions within the time period of the consent in order to avoid the need for regular applications. This application takes advantage of that regulation so that regular maintenance can take place without unnecessary paperwork.

#### 4. PROPOSED WORKS

- 4.1 The application seek approval for the following works:

T1 Maple - general prune to clear street light, crown clean, prune to provide 2m clearance from 55 St Marys Butts

T3 Lime - crown reduction (lapsed pollard) of 2m, crown lift to 5.5m through 360°

T4 Lime - crown lift to 3m above ground level, remove deadwood, prune to provide 2m clearance from John Lewis

T5 Lime - remove deadwood; crown lift to first main fork

T6 Plane - remove deadwood and crown lift to 3-4m above ground level through 360° and cut back from buildings (church and John Lewis) to provide 2-3m clearance

T8 Oak - cut back from street light by 1m

T10 Whitebeam - crown lift to 2-3m above ground level through 360°

T12 Maple - crown lift to 3m above the churchyard removing minor growth only but including one low limb, and to 5.5m over the road and remove deadwood

T13 Lime - remove deadwood, crown lift to first union, and remove Basal and epicormic growth on stem

T15 Maple - crown lift to 2-3m above ground level through 360°, remove deadwood, epicormic growth removal, crown clean (removal of dead, dying crossing/rubbing branches)

T16 Holly - crown lift to 2-3m above ground level through 360°

T17 Lime - crown lift to 2-3m above ground level through 360°

T19 Tree of Heaven - partial crown, reshape 1.5m reduction to extended laterals (growing towards the church), remove deadwood

T20 Maple - deadwood; crown lift to statutory heights above the pavement and road including removal of minor epicormic growth

- 4.2 In addition to the above, approval is sought to re-new the element of tree works approval 181487/TPO (see appendix 2) to allow (to all relevant trees within the TPO) the following works to be carried out on a regular basis for the next 5 years:

*Remove basal growth twice a year for the next 5 years; crown lift to 2.75m over paths and 5.5m over the roads annually for 5 years and crown clean (remove dead, dying, dangerous, crossing/rubbing branches) annually for 5 years.*

- 4.2 Removal of dead wood and crown lifting to the statutory heights of 2.75m above adopted paths and 5.5m above adopted highways is exempt from

requiring permission under the TPO but has been included to cover the requirement to give formal notice of such works.

## **5. RECOMMENDATION**

- 5.1 The works proposed are not considered to be harmful to the trees' appearance or future health and are reasonable works in order to appropriately manage the trees. It is therefore recommended that the works be approved subject to no substantive objections being received.

## **6. LEGAL IMPLICATIONS**

- 6.1 Preparing, serving confirmation and contravention of TPO's are services dealt with by the Council's Legal Section.
- 6.2 Applications for works to Council owned TPO trees are to be decided by a Committee and one which is not responsible for managing the land to which the application relates.

## **7. FINANCIAL IMPLICATIONS**

- 7.1 Administrative.

## **8. EQUAL OPPORTUNITIES IMPLICATIONS**

- 8.1 In determining this application the Committee is required to have regard to its obligations under the Equality Act 2010. The key equalities protected characteristics include age and disability. There is no indication or evidence (including from consultation on the application) that the protected groups have or will have different needs, experiences, issues and priorities in relation to proposed tree works.
- In terms of the key equalities protected characteristics it is considered there would be no significant adverse impacts as a result of the tree works.

## **9. SUSTAINABILITY IMPLICATIONS**

- 9.1 The aim of 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, creation of wildlife habitats, reduction of surface water runoff and flooding caused by heavy rain, provision of shelter and shading and reduction of noise. The Council's adopted Tree Strategy highlights the importance of the use of TPOs in the retention and protection of important trees in the Borough. Policy EN14 of the Local Plan relating to Trees, Hedges and Woodlands also reinforces the need to continue making new and retaining existing Tree Preservation Orders.

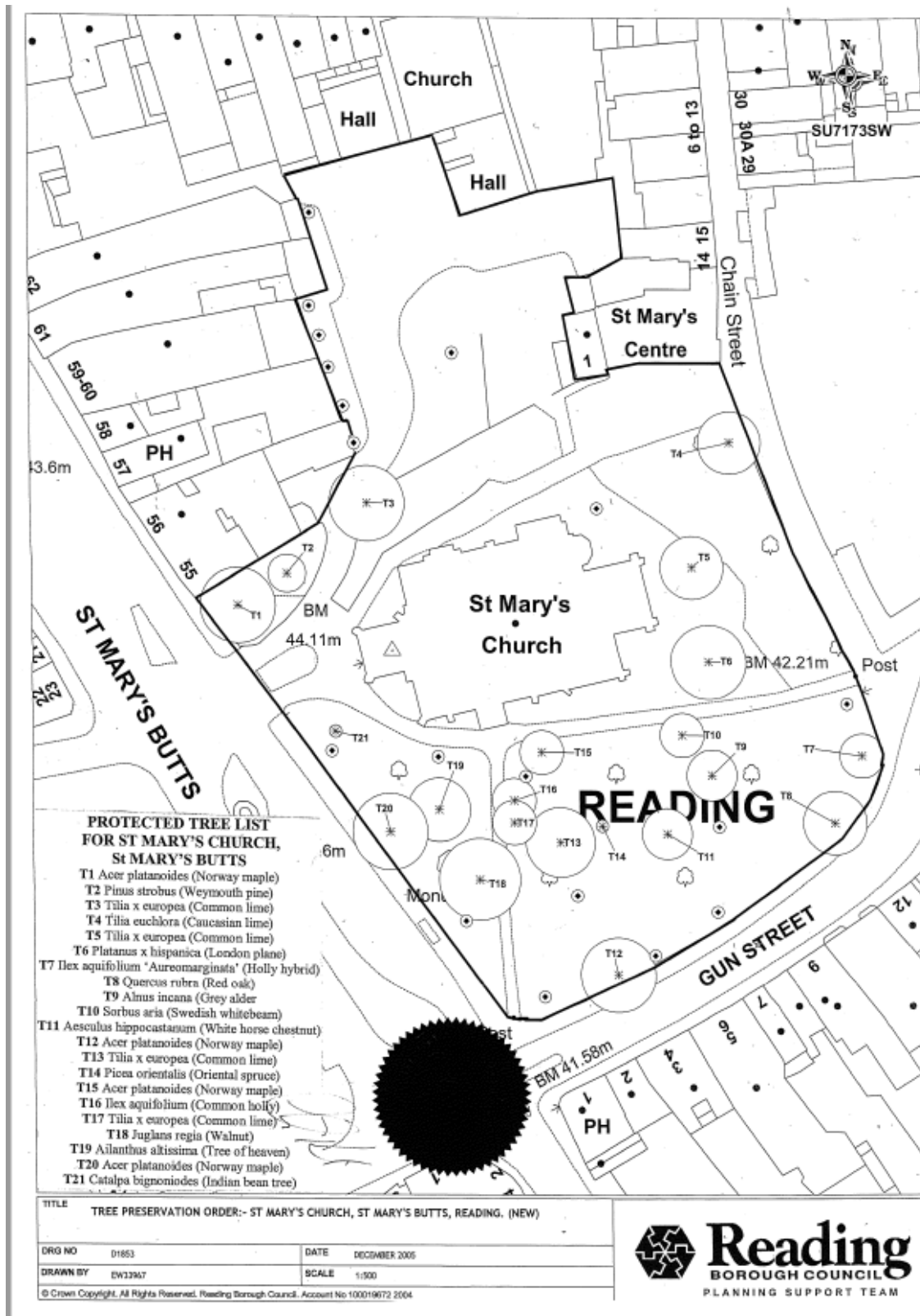
## **10. BACKGROUND DOCUMENTS**

- 10.1 Register of Tree Preservation Orders
- 10.2 Plan for TPO 10/06 relating to St Mary's Churchyard, Reading (Appendix 1)

### 10.3 Decision Notice for 181487/TPO

Officer: Sarah Hanson

**Appendix 1 - Plan for TPO 10/06**



Appendix 2 - Decision Notice for tree works application 181487/TPO



Giorgio Framalico  
Head of Planning,  
Development and Regulatory  
Services

Civic Offices, Reading, RG1 2LU  
☎ 0118 937 3787

Mr K Lee  
Tree Officer  
Reading Borough Council  
19 Bennet Road  
Reading  
RG2 0QX

Our Ref: 181487/TPO  
Your Ref:

Direct: ☎01189 372440  
Email:sarah.hanson@reading.gov.uk

30 October 2018

Your contact  
is:

Sarah Hanson, Planning and Building Control

Dear Kevin

**RE: PROPOSED WORKS TO TREES IN AND ADJACENT TO ST MARYS CHURCHYARD, ST MARYS BUTTS, READING - SUBJECT TO TREE PRESERVATION ORDER NUMBER 10/06.**

Thank you for your application of 15 August 2018, regarding the above.

Further to consideration of your application at Planning Applications Committee on 10 October 2018, I can confirm that the following proposed works, as detailed in your application, are approved subject to the conditions below:

- T1 Norway Maple - crown lift over pathways to statutory heights; reduce back branches extending into pathways/highways to growing points to clear rights of way; reduce branches back from the roof of No. 55 St Mary's Butts to give approx. 1m clearance
- All relevant trees within the TPO - remove basal growth twice a year for the next 5 years; crown lift to 2.75m over paths and 5.5m over the roads annually for 5 years and crown clean (remove dead, dying, dangerous, crossing/rubbing branches) annually for 5 years.

Please note Informative 3 below - I assume you will advise the Diocese of the intended works.

### Conditions

1. Five days notice in writing shall be given to the Council prior to undertaking the approved works, including on each occasion the repeated operations are undertaken.  
Reason: To ensure that the Local Planning Authority is given sufficient notice of the works to enable the effective monitoring of tree work within the Borough.

2. All tree surgery shall be in accordance with BS 3998: (2010) Tree Work - Recommendations.

Reason: To ensure that all works are carried out in an acceptable arboricultural manner

3. This decision in relation to T1 Maple is valid for two years from the date of this notice after which the consent lapses and the remainder of works are valid for 5 years, a repeat application being required before undertaking works after 29 October 2023

4. Climbing spikes shall not be used whilst undertaking any form of works on living trees, except on trees to be felled.

Reason: Spikes can cause extensive long-term damage

### Informatives

1. Removal of dead or dangerous wood: This does not require the formal consent of the Council. However written notice must be given 5 working days in advance of removing dead wood. Where a branch is deemed to be 'dangerous', i.e. where works are 'urgently necessary to remove an immediate risk of serious harm', you are required to give notice to the Council 'as soon as practicable after the works become necessary'.

2. Disturbance of wildlife: It is an offence under the Wildlife and Countryside Act 1981 (as amended) to disturb roosting bats or nesting birds. It is advisable to consult your tree surgeon/consultant to agree an acceptable time for carrying out any work. Wildlife and habitat controls are administered by Natural England who can be contacted on 0300 060 3900; [enquiries@naturalengland.org.uk](mailto:enquiries@naturalengland.org.uk)

3. Tree work consents on land not owned by the applicant: It is strongly recommended that the owner of the tree be advised of any proposed works. The owner's permission must be sought if the tree works involve work past the boundary line. This consent does not in any way imply that this Council has informed the owner or sought permission or will condone the use of consents to force any landowner to grant such permission.

4. Crown lifting of trees over the public footpath and carriageway: If the clearance of vegetation overhanging the highway only involves the removal of branches to give a ground clearance to the statutory heights of 2.7m over the footpath and 5.5m over the road, this does not require formal consent from the Council. You are advised, however, to give notice to the Council of these intended works in order that they can be agreed.

If you wish to appeal against any of the conditions attached to this consent, please contact the Planning Inspectorate within 28 days of receipt of this letter to obtain the relevant forms:

The Environment Appeals Team, The Planning Inspectorate, Room 3/25, Hawk Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN

Email: [environment.appeals@pins.gsi.gov.uk](mailto:environment.appeals@pins.gsi.gov.uk)  
Tel: 0117 372 8192

If you require any further assistance, please do not hesitate to contact me on the above number.

Yours sincerely

*Sarah Hanson*

Sarah Hanson  
Natural Environment Officer