

Planning Applications Committee

31 May 2023



Reading
Borough Council
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Title	OBJECTION TO A TREE PRESERVATION ORDER
Purpose of the report	To make a decision
Report status	Public report
Report author	Sarah Hanson, Natural Environment Officer
Lead councillor	Councillor Micky Leng, Lead Councillor for Planning and Assets
Corporate priority	Healthy Environment
Recommendations	The Committee is asked: 1. To confirm the Tree Preservation Order.

1. Executive summary

- 1.1. To report to Committee an objection to Tree Preservation Order No. 6/22 relating to Land on the corner of Gosbrook Road and George Street, Caversham, Reading (copy of TPO plan attached – Appendix 1).

2. Policy context

- 2.1. The Council's new Corporate Plan has established three themes for the years 2022/25. These themes are:
 - Healthy Environment
 - Thriving Communities
 - Inclusive Economy
- 2.2. These themes are underpinned by “Our Foundations” explaining the ways we work at the Council:
 - People first
 - Digital transformation
 - Building self-reliance
 - Getting the best value
 - Collaborating with others
- 2.3. Full details of the Council's Corporate Plan and the projects which will deliver these priorities are published on the [Council's website](#). These priorities and the Corporate Plan demonstrate how the Council meets its legal obligation to be efficient, effective and economical.

2. Background

- 2.1 Following the land being sold in 2022, tree works commenced on the site and an emergency Area TPO (ref 3/22) was served on the 8 June 2022 to protect all Poplar trees on site until discussions with the new owner could take place and the condition of the trees established.

- 2.2 Following service of that TPO, it was agreed that one of the Poplar trees could be felled under the 'dead / dangerous' exemption and permission was given to fell three Poplar trees due to their poor condition under tree works application 221187/TPO. Replacements are required for all four trees and are outstanding.
- 2.3 One Poplar tree remained and a new, individual TPO (6/22) was served on 7 December 2022 to protect that tree, with the Area TPO (3/22) being allowed to lapse, as of 8 December 2022.
- 2.4 The objection to the current TPO needs to be considered at this Planning Applications Committee as, if the decision is to confirm the TPO, this needs to be done by 8 June 2023.

3. Result of consultation

- 3.1 An objection to the Tree Preservation Order has been made by Mr Craddock of Danala Services (the new landowner), based on the Poplar being dangerous, however no evidence has been submitted to substantiate this despite promises of a report being forthcoming and officers giving the objector opportunity to submit this. Since the service of TPO 6/22 there has been an exchange of emails and information between Mr Craddock and Sarah Hanson, Natural Environment Officer, with a final email on 27 March 2023 providing him with the opportunity to submit evidence to support his objection. This was requested to be received by 6 April 2023. No acknowledgement of that email or response has been received. Details of the exchange are provided in Appendix 3 and photographs provided by the objector are provided in Appendix 2.

4. Conclusion and recommendation

- 4.1 The new landowner has had since 7 December 2022 to submit evidence to support the concern raised that the tree is dangerous, however none has been forthcoming. Officers feel that the TPO is warranted to protect the one remaining tree on the land until such time as evidence is provided, if at all, to demonstrate that the tree warrants removal. The recommendation is therefore to confirm the TPO.

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 None.

7. Equality impact assessment

- 7.1 None required.

8. Contribution to strategic aims

- 8.1 The aim of the TPO's is to secure trees of high amenity value for present and future generations to enjoy. Trees have multiple environmental benefits creating cleaner, greener and more attractive places to live. This contributes to creating a healthy environment as identified as one of the themes of the Council's Corporate Plan. See Section 2 of this report for more information.

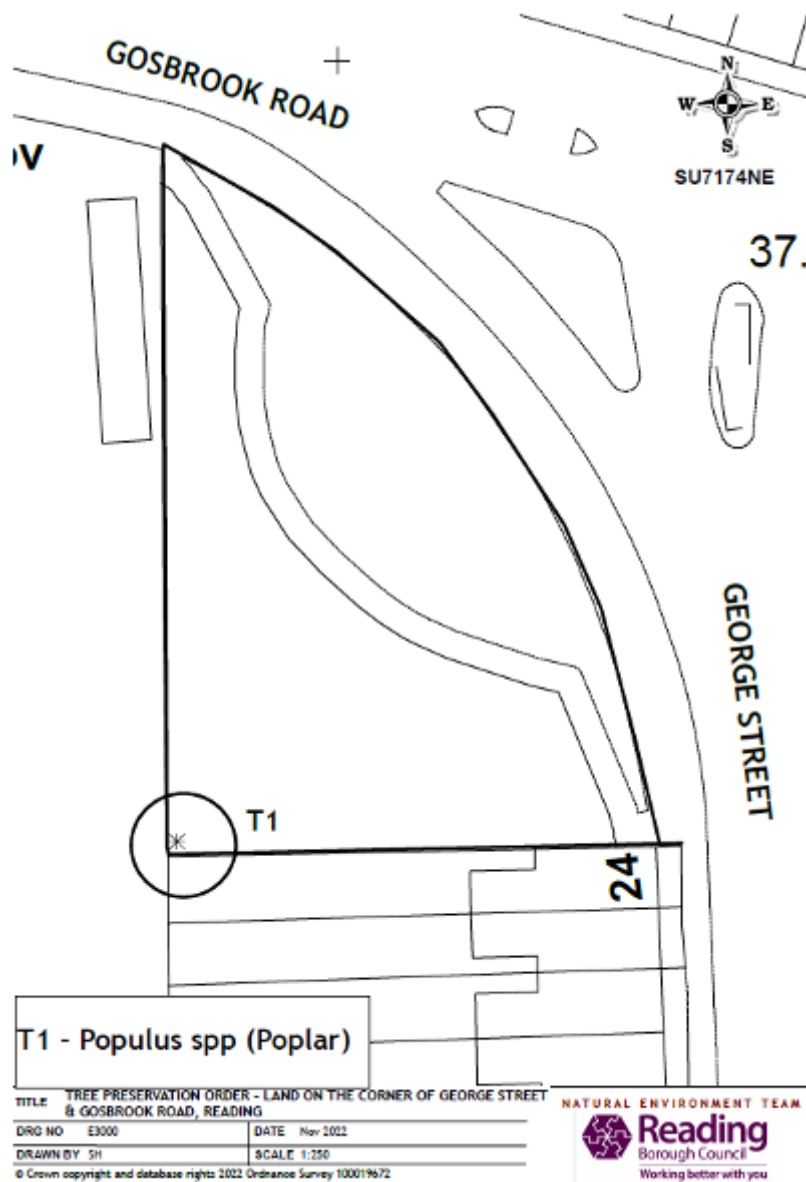
9. Environmental & Climate implications

- 9.1 The Council declared a Climate Emergency at its meeting on 26 February 2019 (Minute 48 refers).
- 9.2 Trees have multiple environmental benefits that include flood alleviation, wildlife benefits, air pollution mitigation and air cooling.

10. BACKGROUND DOCUMENTS

- 10.1 Register of Tree Preservation Orders

Appendix 1 - TPO 6/22 (plan)



(officer photo - viewed from Gosbrook Road)

Appendix 2 - Photographs provided by objector on 10/12/22





Appendix 3 - Email exchange between Mr Craddock (AC) and Sarah Hanson (SH)

Email date	AC email (to SH unless otherwise stated)	SH response	Further comment
8/12/22	I object forthwith to this on danger grounds having alerted the council to this and put the council on notice	I have already responded to your claim about the tree being dangerous and the responsibility for that (ref our email exchange of 29 November – attached for reference)	SH email of 29/11/23 for ref: Tree owners have a duty of care under the Occupiers Liability Acts to ensure their trees do not pose an unacceptable risk to people or property. Whilst I appreciate you are a remote owner, this does not change your duty. You have dismissed the opinion of the arb consultant you employed to object to the TPO on the basis you don't believe his assessment and you have fired Ricky. There are many other tree professionals that work in Reading that you could employ to assist you. May I suggest you try someone else? Advice on finding a professional can be found on our website Trees - Reading Borough Council
8/12/22	The tree is dangerous Dependent on the surgeons findings tomorrow I will email you and if they say it is Dangerous it will be removed to save the expense of a third team on site		No comment from tree surgeons received
8/12/22	I'll let you know what the current team (RBC)		no comment received

	appraise of t1 tomorrow		
9/12/22	To Marcus: copy photos to her (SH) pls ref T1		Photos provided from AC 10/12/22 (see Appendix 2)
10/12/22 (X 2)	Photos of 'decay T1' sent (with no commentary)	12/12/22: Thank you for multiple pictures of the tree – is there any commentary to go with that other than 'showing decay'. Was the tree investigated / probed / tapped? What areas were of particular concern and why? Whilst I can pop by and have a look (and will aim to do so this week) – as I can only assess visually from the adjacent park, I won't necessarily be able to answer the above questions myself.	
12/12/22	the work men should be on site again today and will assess and send a report		<i>no report received</i>
20/12/22	Did you conduct your site visit. I am arranging the report you wish to receive.	Yes I did visit but could only view the tree from the adjacent Park – the site (and outside the site) was such a mess I couldn't get through all the part felled trees and tree debris to get close to the tree, otherwise I would have. I await your report from a tree professional.	AC acknowledgment 22/12/22 'noted' <i>No report received</i>
12/1/23	please note that a pending Appeal is still existing in relation to T1. I am in Asia and return in a week.	Yes – we are waiting for something from you to support your objection to the TPO, which I assume is forthcoming?	AC response 12/1/23: 'Yes when I return from Manila' And 16/1/23: Sarah this will be forthcoming <i>No report received</i>

28/2/23	My Appeal against T1 TPO still remains.	1/3/23: I acknowledge that the objection (not appeal) against T1 remains open and will expect details of that objection to be submitted in the near future given the time that has passed since service of the TPO. I am aiming to take the objection to Planning Applications Committee on 26 April 2023 at the latest hence objection details must be received at the beginning of April in order to meet report deadlines. Please can whoever is responsible for dealing with this matter acknowledge this required timescale and confirm that the matter is in hand.	
1/3/23	Hi Sarah the Directors have 6 months from service to file any appeal An formal Appeal will be submitted before the TPO Expires. That is I believe in June 2023.	Following service of a TPO, there is a 28 days period in which you must register any objection. Whilst you indicated you wished to object within that period, you did not, and have not, provided any details. We have been flexible in allowing those details to come after the end of that 28 day period but it is now nearly 3 months since service, so I think it is reasonable for the detailed objection to have	From AC: Hi Sarah that is abundantly incorrect – photos showing decay were sent to you in December. You attended site and could not access due to debris that is now resolved and in the course of being resolved. Also the hoardings are being removed and the site has been made safe. Also I pointed out that T1 has lost part of its structure and also that this is a public danger. You have not

		<p>been submitted by now, or in the near future.</p> <p>If the TPO is to confirmed, it must be done before the end of the 6 month period following service. However, we must allow time within that period for the objection (not appeal) to be dealt with at a Committee and then for our Legal department to confirm it (if it is confirmed).</p> <p>Therefore we cannot wait until right at the end of the 6 month period to receive the objection details.</p> <p>I have outlined the timescale we are working to below and would be grateful if those dealing with it, which you have indicated is not you, could liaise with me to confirm this will be met.</p>	<p>acknowledged that risk. I consequentially put the Council on risk and that remains my position to date.</p> <p>So liability for risk falls directly on the Council at this time, as you have ignored all my reasonable requests to alert you to the dangers and insecurity of T1.</p> <p><i>No further input to Committee report received as of 27/3/23</i></p>
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