



Title	OBJECTION TO TREE PRESERVATION ORDER 5/23 RELATING TO 65-83 GROVE ROAD, EMMER GREEN, READING
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 agree that the Tree Preservation Order should be confirmed

1. Executive summary

- 1.1. To report to Committee on an objection to Tree Preservation Order 5/23 relating to one Sycamore on Council land at 65-83 Grove Road (copy of TPO plan attached – Appendix 1). Officer photographs are provided in Appendix 2.

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 Several complaints were received by Streetscene from Emmer Green Kindergarten at 85 Grove Road relating to the Sycamore tree in question since 2019, assumed to be since the time the Kindergarten was started.

Streetscene have responded to requests to prune the tree to alleviate the concerns raised and did so in July 2022 and March 2023. Despite the pruning, concerns continued relating to nuisance caused by the tree, as set out in a complaint letter to Streetscene, received on 13 June 2023, in which it was suggested by the owner of the Kindergarten that the tree be pollarded - they were advised this would not be good arboricultural practice for the tree hence would not be acceptable.

2.2 In the complaint to Streetscene, the complainant made it clear that if the Council did not prune the tree to their satisfaction that they would hire a tree surgeon to prune the tree back to the boundary, which they acknowledged would make the tree unstable. Given this, a TPO was considered appropriate to protect the tree from such harmful works and this was served on 19 July 2023.

3. Result of consultation

3.1 Objections were initially raised via several emails from the owner of the Emmer Green Kindergarten at 85 Grove Road. Following an Officer visit on 23 October, the objections were formalised in a letter of 24 October, listing the following concerns:

- The council have abused their position of power in relation to placing a TPO on the tree due to a complaint made by myself in relation to the problems we have with the tree and for simply requesting the canopy is cut right back to the boundary or pollard.
- The tree causes damp in the toddler playroom within the nursery where the tree severely overhangs the building. This is due to the fact that the tree prevents natural daylight into the room and the canopy overhangs the roof of the nursery building. This is detrimental to the health and wellbeing of children under five.
- The tree causes issues with severe bird poo during the summer months where birds nest and sit directly above the nursery outdoor play area. This poses a problem in terms of the health and wellbeing of children under five years of age. Again, this is detrimental to the health and wellbeing of children under five as well as posing a risk of bird flu of which there have been a few reported cases of transmission to humans in recent years.
- A complaint was made by a parent to Ofsted in 2021 who subsequently wrote to me to request that children are not exposed to health risks in relation to bird poo. Should Ofsted inspect the premises and find an issue with bird poo we will fail an inspection and therefore place 104 children's nursery places at risk of closure and a loss of 40 council funded childcare places significant to the government's childcare agenda March 2023.
- The roots and trunk of the tree encroach on the nursery land causing an issue with a trip hazard in the event of needing the evacuate the building in an emergency from the back of the property.
- I would request that the health and wellbeing of children under five, where outdoor play is significant to their health and wellbeing, is considered in relation to a final decision to the TPO on this tree. I fail to understand why the council have only now decided to place this TPO on the tree when prior to 2023 this tree was not considered

worthy of a TPO. This would indicate that the council has been in a position to abuse their position of power where complaints are made and this is more the case than any issue relating to the biodiversity of the tree and significant local importance this tree provides. At no point has anyone asked the council to fully remove the tree but to remove the level of canopy to prevent the above issues arising.

4. Conclusion and recommendation

4.1 In relation to the concerns raised, Officers have the following response:

- Officers have followed normal procedure in determining whether a TPO was warranted. The Sycamore is a healthy, mature specimen of high amenity value contributing to the tree coverage in the area and it is worthy of a Tree Preservation Order – for clarity (in response to the objectors query) the tree has not suddenly become worthy of a TPO but a TPO has become necessary. As with other large canopy trees, it provides multiple environmental benefits to the locality and as a naturalised species, it supports significant biodiversity. The tree is a mature specimen that has not previously been pollarded. Pollarding the tree now would create large wounds, prone to decay and would go against all good arboricultural practice, resulting in harm to the future health and amenity value of the tree and an additional management burden for the Council. The tree is a public asset and as such it is appropriate for decisions on management to take that into account. The request to pollard is effectively asking the Council to cause /allow significant harm to a public asset and reduce the canopy cover of the area contrary to the aims of our adopted Tree Strategy and climate emergency declaration.
- The nuisance factors relating to damp and bird droppings were discussed on site when Officers visited the Kindergarten to discuss the concerns with the objector. It was evident that pruning carried out by Streetscene has effectively cut out the corner of the crown already that was overhanging the baby's play area, which is the area of most concern. During the site meeting, additional, minor pruning was identified consisting of the removal of 3 minor branches overhanging the baby's play area, crown lifting to provide greater clearance above the building and the removal of a small, poor form Cherry also overhanging the baby's play area. It was agreed on site with the objector that these works would resolve the concerns and Streetscene have agreed to carry these out, with the works planned for 6 December 2023. These works can be seen in the photographs in appendix 2.
- The base of the trunk of the tree does extend through the bottom of the boundary fence onto the Kindergarten land, however, this is marginal and not considered to present any blockage of the side access. Issues with roots were not raised during the officer's visit and accumulation of debris in the access did not make root issues evident and in any case, pruning of the crown, as requested, would not resolve any such matter.

4.2 Pruning has already been carried out and additional pruning agreed to alleviate the concerns raised. Significant work in the form of pruning the entire crown back to the boundary or pollarding would go against good arboricultural practice as it would be harmful to the health and amenity value of the tree. Without a TPO, the former could be carried out under common

law. The presence of the TPO prevents detrimental works to this high amenity, Council owned tree and therefore it is recommended that the TPO 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 None.

7. Equality impact assessment

- 7.1 None required.

8. Contribution to strategic aims

- 8.1 The aim of the TPOs 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.

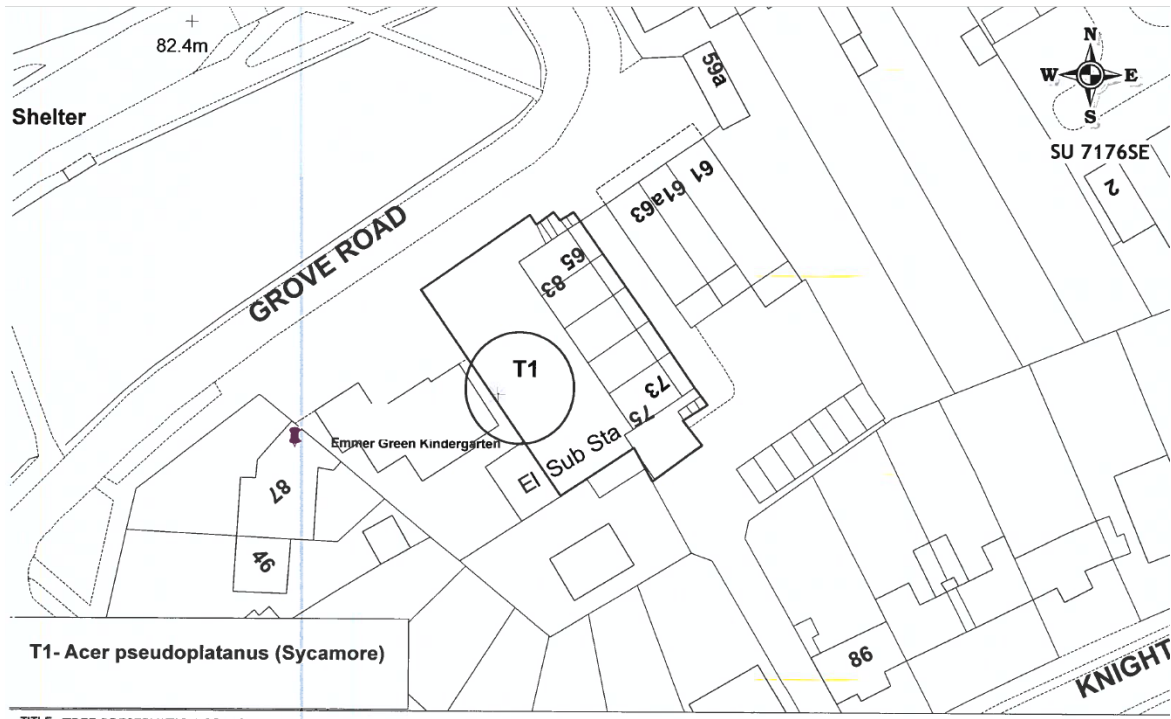
9. Environmental & Climate implications

- 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. The proposed works are not expected to substantially impact the trees' contribution to these multiple environmental benefits

10. BACKGROUND DOCUMENTS

- 10.1 Register of Tree Preservation Orders

Appendix 1 - TPO 5/23 (plan)



T1- Acer pseudoplatanus (Sycamore)

TITLE TREE PRESERVATION ORDER - 65-83 GROVE ROAD, EMMER GREEN, READING

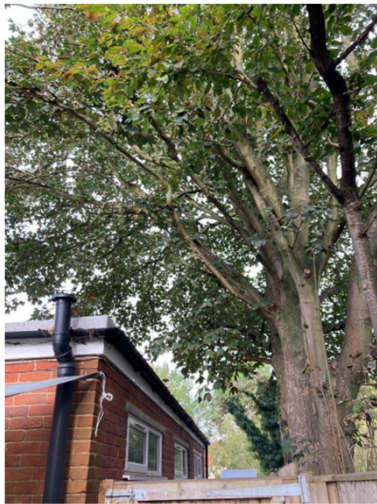
DRG NO	E3004	DATE	July 2023
DRAWN BY	SH	SCALE	1:500 (A4)



Appendix 2 - Officer photographs



Viewed from Grove Road



Viewed from play area at the rear



Pruning done thus far



Additional pruning identified:
Three Minor branches to be removed (left, red arrows);
One small tree to be removed (right, yellow arrow)