

COMMITTEE REPORT

BY THE DIRECTOR OF ENVIRONMENT & NEIGHBOURHOOD SERVICES READING BOROUGH COUNCIL PLANNING APPLICATIONS COMMITTEE: 14 JANUARY 2014 TITLE: OBJECTION TO TREE PRESERVATION ORDER AT 4 CRISPIN CLOSE, READING	ITEM NO. 9
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Ward: Mapledurham

RECOMMENDATION

That the Tree Preservation Order be confirmed.

1. PURPOSE AND SUMMARY OF REPORT

- 1.1 To report to Committee objections to Tree Preservation Order No. 74/14 relating to 4 Crispin Close, Reading (copy of TPO plan attached - Appendix 1).

2. BACKGROUND

- 2.1 A request was made by the owner of the tree for a Tree Preservation Order as he considered that the health and amenity of the tree was potentially under threat from a third party. Officers visited and assessed the tree, which appeared to be in good health and was of good form, providing amenity value to the Close. A TPO was served on 3 November 2014.

3. RESULT OF CONSULTATION

- 3.1 An objection to the TPO had been made by the owner of 5 Crispin Close, based on the following:
- The tree is causing significant damage to the drainage system on No. 5's garden and is subsequently causing damage to the Thames Water property. The tree was planted directly next to a manhole cover and has damaged the manhole raising it approximately 6 inches from the level of the garden, the amount of damage caused to the system underneath being clear. The tree is also next to a Thames Water concrete marker post and the main supply to Crispin Close - it is unknown what damage is happening to the actual supply but the post is listing badly.
 - There have been issues within Crispin Close with sewage backing up and flooding gardens and this tree may be a contributory factor.
 - There has been significant damage to the footpath already which will only increase due to root damage. Several children have been seen to trip on the root sections and given the older demographic in Crispin Close it is only a period of time before one of the older residents trips or falls and sustains an injury.
 - The tree has been struck a number of times by lorries delivering within Crispin Close, the last one resulted in two large branches being forced from the tree, hence the integrity and stability of the tree is in question.

3.2 In response to the objections, officers have the following comments:

Reading's LDF Core Strategy includes Policy CS38: Trees, Hedges and Woodlands of the Council's adopted Core Strategy, which states that 'Individual trees, groups of trees, hedges and woodlands will be protected from damage or removal, and the Borough's vegetation cover will be extended'. In particular, paragraph 11.43 states that 'The current practice of protecting trees through Tree Preservation Orders (TPO's) and safeguarding existing TPO's will be continued'. There is therefore an adopted planning policy for the protection of trees, which have significant amenity value.

The tree's owner has advised that Thames Water have inspected the manhole and stopcock adjacent to the tree twice in the last month and that the engineers confirmed that the tree was not interfering or causing any damage to drains, water supply or Thames Water property. Following contact with Thames Water directly, they confirmed to officers that any damage relating to the tree would be reported to the tree's owner and, where applicable, the LPA. No such reports have been made. The tree's owner has also advised that the stop-cock and drainage junctions adjacent to the tree are the responsibility of No. 4 and that those relating to No. 5 are approximately 20m from the tree and were confirmed by the Thames Water engineers to be in perfect working order. The tree's owner has also checked with the Fire Authority during one of their visits, who confirmed that the tree was not causing a problem. Again, officers have confirmed this directly with Berkshire Fire and Rescue.

In relation to the backing-up of sewage, the tree's owner, who is a resident of more than 30 years, has advised that there were a few instances where the sewage channel between No.5 and No. 7 (prior to No. 6 being built) became blocked causing sewage to rise to the top of the manhole. However, it is indicated that this was due to the actions of the previous tenant of No. 5 and faulty pumps in the underground pumping station at the entrance to Crispin Close. Following the objectors statement that there have been recent issues, Officers have confirmed the situation with Thames Water directly, who confirmed that a sewage complaint last year was resolved but that there was no record of it being tree related.

The lifting of some of the tarmac on the public footpath is noted. This is not an isolated occurrence of roots affecting adjacent paving and is a matter regularly dealt with by the Council. Officers reported it to the Highways Inspector for the area who has confirmed that the pavement can and will be repaired.

It is appreciated that large vehicles turning may brush the outer tips of the branches and that some branch breakage has occurred recently. However, Officers did inspect the tree and saw no evidence of damage to the extent that the integrity of the tree would be in question.

4. CONCLUSION AND RECOMMENDATION

- 4.1 The tree is a notable feature of Crispin Close, providing sufficient amenity value to warrant a TPO. It is of good form with a potentially long life expectancy. Any inappropriate work from a third party allowed under common law (without the presence of a TPO) could have a highly detrimental impact on the amenity value of the tree given that it is

positioned on the boundary. The concerns raised have not been substantiated, therefore Officers recommend 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 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 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 Tree Strategy highlights the importance of the use of TPOs in the retention and protection of important trees in the Borough. Policy CS38 of the Council's Core Strategy relating to Trees, Hedges and Woodlands also reinforces the need to continue making new and retaining existing Tree Preservation Orders.

9. BACKGROUND DOCUMENTS

- 9.1 Planning Sections street index and at a glance map of TPO's
- 9.2 Register of Tree Preservation Orders
- 9.3 Plan of TPO 73/14, relating to 4 Crispin Close, Reading (Appendix 1)

Officer: Sarah Hanson



Cedar tree at 4 Crispin Close

Appendix 1 - TPO plan

