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22 October 2020

Your contact is:

Sarah Hanson, Planning

Dear Mr Arnold

**RE: PROPOSED FELLING OF TWO CEDAR TREES AT 4 & 5 BEXLEY COURT, READING -
SUBJECT TO TREE PRESERVATION ORDER NUMBER 156/07.**

Thank you for your revised application dated 30/06/20 (received 29/07/20), following your initial invalid application of 12/03/20, and your email of 2/10/20 providing further supporting information for the felling of T2. I also note the letter from Mr MacDonald included within the initial application explaining his concerns about the impact of the trees on 4 & 5 Bexley Court and 10 Parkhouse Lane.

Further to my visit on 14 October 2020, I have the following observations:

The two Cedars are part of a line of mature Cedars which pre-date the adjacent houses and form a significant landscape feature. The trees both individually and as a group provide high amenity value to the surrounding area. In amenity terms, the felling of the two trees would leave a gap in the line of trees thereby having a detrimental impact on this landscape feature.

When considering the felling of any tree it is appropriate to consider whether the risk they represent is at an acceptable level taking into account the combination of the likelihood of failure (historic failures plus condition), their location (target area) and likelihood of harm if further branches fail. We assess the information put forward in support of their felling and whether that is considered sufficient to justify the amenity lost from their felling, i.e. which is considered to be the overriding factor 'on balance'.

The application form (section 8(1)) indicates that you have no concerns about the condition of the trees, i.e. that they will break or fall. However, this seems contrary to the covering letter and supporting information provided (the latter for T2 only) which imply that felling is proposed due to future risk from branch failure.

T1 Cedar (closest to 4 Bexley Court)

Your application states:

T1 Regrettably, Mr MacDonald's house has been built in very close proximity to this mature tree. This tree from time to time during or soon after a storm drops branches. These branches are relatively small in comparison to the size of the tree but are of a significant size that each time this has occurred it has resulted in significant damage to his property. He no longer parks his car on his drive. There was no visible evidence of included unions or decay pockets at the points of failure.

The letter from Mr MacDonald does not elaborate on branch failures from this tree and no additional supporting information has been provided to suggest that the condition of the tree poses a high risk of further failure. I note the concerns about bird droppings, which is an unfortunate consequence of having trees overhanging driveways but not a reason to fell a tree. The issue relating to the roots affecting the driveways is not surprising as roots will affect structures of minimal construction, particularly block paving which is sensitive to minor movements in relation to creating trip hazards. Mr MacDonald also advised me during my visit about the impact of needle fall on the driveway, cars, roof and gutter. This is again a natural consequence of living close to trees but not a reason to fell a healthy tree of high amenity. I noted that cars were parked on the drive during my visit.

T2 Cedar (closest to 5 Bexley Court)

Your application states:

T2 This tree is very close to Mr MacDonald's neighbour at #5 over hanging her property and has occasionally dropped branches during or soon after a storm. However, this tree had a significant branch failure which occurred in good weather and nearly struck his grand children who were playing in the garden at the time. This understandably has shaken Mr MacDonald and he is no longer confident his grand children can safely play in the garden. I always recommend mature trees are inspected after storms or snow loading but this is seldom done. From the supplied photo there appears to be evidence of a possible included union or decay pocket at the point of failure with some visible staining of the inner wood, however the break looks fresh.

From the additional information submitted and from conversations with Mr MacDonald and the householder at 10 Parkhouse Lane, I am aware of the most recent failure of a branch into the garden of 10 Parkhouse Lane and of the resulting damage to the main trunk of the tree (as shown in the additional information photographs). It seems to me, from the evidence put forward, that this tree has arguably reached a point where its risk outweighs the amenity value it provides.

Decision

In view of the above, the felling of T1 is refused.

I can confirm that the following proposed works, as detailed in your application, are approved subject to the conditions below:

- T2 Cedar - Fell

You will note that one of the conditions below requires replacement planting and we will expect the species to be of a sufficient size to replace the amenity value lost and be appropriate for the creation of a new line of trees of landscape value if/when further Cedars require removal.

Conditions

1. Five days' notice in writing shall be given to the Council prior to undertaking the approved works.

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. Following the felling of the trees authorised by this consent, one tree of a minimum 10-12cm girth and 3m in height shall be planted in the same place during the planting season (Nov-March) following or at the time of the felling of the tree, whichever is soonest. The species shall be agreed with the Council prior to purchase and planting.

Planting should be carried out in accordance with clause 10 (Planting) of BS 8545:2014 'Trees: from nursery to independence in the landscape - Recommendations'

Should the replacement tree be removed, die or become severely damaged or seriously diseased, all within 5 years of planting, it shall be replaced by a tree of a similar size and species to that originally planted. Modifications to the requirements of this condition must be agreed in writing with Reading Borough Council Natural Environment Team.

PLEASE NOTE: The requirement to replant is the responsibility of the tree owner even if the application was submitted by another person.

Reason: To retain the present visual amenity value of the area and ensure continuity of tree coverage.

Informatives

1. You are advised that, in accordance with Part 4, 17 (4) of The Town and Country Planning (Tree Preservation)(England) Regulations 2012, this decision is valid for one pruning operation (as per the approved specifications) to be undertaken within two years from the date of this notice, after which the consent lapses and a new application will be required.
2. 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'.
3. 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 030 6000
4. It is best to avoid works in the period immediately before or during bud burst and leaf fall to minimise the effect on the long-term health of the tree
5. 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 of sought permission or will condone the use of consents to force any landowner to grant such permission.
6. Removal of any dead or dangerous protected tree: This does not require the formal consent of the Council. However, you are required to give 5 days notice of the work where it is not an emergency, to allow the Council to agree that the proposed works are exempt from requiring consent. The exception is where works are 'urgently necessary to remove an immediate risk of serious harm', in which case you are required to give notice to the Council 'as soon as practicable after the works become necessary'.
Once felling of a dead or dangerous tree has been carried out, the owner has a duty under Section 201(b) of the Town & Country Planning Act to replant another tree of an appropriate size and species in the same place as soon as they reasonable can. This replacement tree will be covered by the existing Tree Preservation Order. The new tree would be subject to the same requirements for a tree works application if you intend to carry out works upon it in the future.

If you/your client wish to appeal against any of the conditions attached to the consented felling of T2 or against the refusal of permission to fell T1, 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

Tel: 0117 372 8192

If your clients suffers any loss or damage as a result of this refusal of consent, they may be entitled to recover compensation from the Council. If they wish to make a claim they must do so within 12 months from the date of this decision (or, if you appeal to the Secretary of State, within 12 months from the date of his decision). Claims should be made in writing to the Insurance Section, Reading Borough Council, Civic Centre, Bridge Street, Reading, RG1 2LU.

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

C.c. Mr W MacDonald, 4 Bexley Court, Reading