

| Item No. | Application No. and Parish | Statutory Target Date | Proposal, Location, Applicant |
|----------|----------------------------------|-----------------------|---|
| (2) | 24/01667/TPW Tilehurst Parish | 17 Sept 2024 | <p>Proposal</p> <p>Step 1. Installation of new fencing around field margins and PRow routes within the RPAs of TPO trees.</p> <p>Step 2. Methodology and design for upgraded footpath along the central tree lined and hedgerow section of PRow and within the RPAs of retained trees.</p> <p>Stage 3. Design methodology and construction of proposed drainage improvements of existing ditches within the RPAs of retained trees</p> <p>Site</p> <p>Land East Of Pincents Lane, Tilehurst, Reading</p> <p>Applicant</p> <p>Landsec U+I</p> <p>6th Floor, 100 Victoria Street, Horley, London SW1E 5JL</p> <p>¹ Extension of time agreed with applicant until 6 Nov 2024</p> |

The application can be viewed on the Council's website at the following link:
[24/01667/TPW | Step 1. Installation of new fencing around field margins and PRow routes within the RPAs of TPO trees. Step 2. Methodology and design for upgraded footpath along the central tree lined and hedgerow section of PRow and within the RPAs of retained trees. Stage 3. Design methodology and construction of proposed drainage improvements of existing ditches within the RPAs of retained trees | Land East Of Pincents Lane Tilehurst Reading](#)

Recommendation Summary: Approval recommended, with Arboricultural supervision condition

Ward Member(s): Councillors Joanne Stewart and Clive Taylor, Tilehurst Birch Copse

Reason for Committee Determination: Call in by Member

Committee Site Visit: 30th Oct 2024

Contact Officer Details

Name: Jon Thomas

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| Job Title: | Senior Tree Officer |
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1. Introduction

1.1 To report to and seek approval from Committee for proposed works subject to Tree Preservation Order 195.

1.2 The works include:

Step 1. Installation of new fencing around field margins and PRow (Public Rights of Way) routes within the RPAs (Root Protection Areas) of TPO (Tree Preservation Order) trees.

Step 2. Methodology and design for upgraded footpath along the central tree lined and hedgerow section of PRow and within the RPAs of retained trees.

Stage 3. Design methodology and construction of proposed drainage improvements of existing ditches within the RPAs of retained trees.

1.3 The site is a green area east of Pincents Lane. Historically the site was used as a golf course, since lapsed, but now the area is grass and scrub, with old tree lines and areas of young woodland developing.

1.4 The proposal seeks permission to carry out specific works within the Root Protection Areas of trees under Tree Preservation Order 195. These relate to fencing, surface works on the adjacent Tilehurst Public Footpath 13 and reinstating and or improving drainage alongside the path.

2. Planning History

2.1 The table below outlines the relevant planning history of the application site.

| Application | Proposal | Decision Date / |
|--------------|---|--|
| 82/18372/ADD | Residential [outline] | Refused 02/03/1983 Appeal withdrawn |
| 82/18373/ADD | Residential [outline] | Refused 02/03/1983 Appeal withdrawn |
| 85/24064/ADD | New residential housing development | Withdrawn 23/07/1985 |
| 87/29614/ADD | Residential development with associated infrastructure and provision of public open space | Refused 09/09/1987 |

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| 87/29774/ADD | Residential development with associated infrastructure and provision of public open space | Refused 09/09/1987 Appeal dismissed |
| 89/35158/ADD | Residential development with low cost housing for local needs together with access road and associated infrastructure | Refused 10/08/1989 |
| 91/39251/ADD | Change of use of agricultural land to 9 hole pay and play golf course with kiosk car parking and road widening to Pincents lane | Approved 27/01/1995 |
| 92/40920/ADD | Temporary change of use of part of land for car parking and access to manor by pond | Withdrawn 15/03/1996 |
| 00/00268/FUL | Application to relax condition 6 of planning permission 139251 to allow the provision of an alternative 50 space car park and relocation of bollards on Pincents lane north westwards of the junction with Poplar Drive | Withdrawn 06/04/2001 |
| 18/00353/SCREEN | To provide up to 750 dwellings; a healthcare centre; library and children's library; business and communications forum; nursery/crèche; up to six shops; 40 - bed hotel with spa and gym facilities; up to two restaurants and cafes; one drinking establishment; primary school; open space and landscaping; three energy centres; new and improved accesses; parking for residents, staff and visitors; walking, fitness and jogging trails; ecology and wildlife corridors; up to four commercial offices; And up to ten homeworking units. | Refused 26/02/2010 Appeal dismissed |
| 18/00353/SCREEN | EIA Screening Opinion Request | Application required 05/03/2018 |
| 18/01959/SCOPE | Scoping Opinion Request Environmental Impact Assessment (EIA) Scoping Report) as required under the Town and Country Planning (EIA) (England & Wales) Regulations 2017, in relation to an application for a residential development on land at Pincents Lane in Tilehurst, West Berkshire | Response issued 08/10/2018 |
| 19/00113/OUTMAJ | A hybrid application comprising the following elements: Outline application for up to 165 dwellings on the western part of the site and a 450sqm (GIA) of floorspace building in use class E to be offered initially to provide a community healthcare hub under use E(e), and excluding use E(g); Engineering operations on the area covered by the outline application to create suitable gradients for | Refuse 14/04/2022 |

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| | internal site roads and development platforms for the residential development; and FUL application for change of use of the eastern part (8ha) of the site for use as public parkland, to be protected from development in perpetuity. All matters except for access to the site are to be reserved. Matters for which detailed approval are sought are: The detailed design of the vehicular access to the site from Pincents Lane and associated turning area, the location emergency vehicular access to the site and the locations of pedestrian and cycling accesses to the site. | |
| 23/01519/TPW | (201/21/95) A2 Area: TPO English Oak, Hazel and Field Maple - Re-pruning of only those branches impacted by poor pruning in February 2023. To be undertaken in line with best practice as set out in BS5837. | Approved 25/08/2023 |

3. Legal and Procedural Matters

- 3.1 **Publicity:** Site notices were displayed on 12 September 2024 at four locations along Tilehurst Footpath 13, with a deadline for representations of 3 October 2024.
- 3.2 **Public Sector Equality Duty (PSED):** In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The Council must have due regard to the need to achieve the following objectives:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 3.3 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—
- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
 - (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

- 3.4 The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. Whilst there is no absolute requirement to fully remove any disadvantage, the duty is to have regard to and remove or minimise disadvantage. In considering the merits of this planning application, due regard has been given to these objectives.
- 3.5 There is no indication or evidence (including from consultation on the application) that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular application and there would be no significant adverse impacts as a result of the development. Improving the drainage of the Public Footpath is likely to bring a benefit, in terms of public access.
- 3.6 **Human Rights Act:** The development has been assessed against the provisions of the Human Rights Act, including Article 1 of the First Protocol (Protection of property), Article 6 (Right to a fair trial) and Article 8 (Right to respect for private and family life and home) of the Act itself. The consideration of the application in accordance with the Council procedures will ensure that views of all those interested are taken into account. All comments from interested parties have been considered and reported in summary in this report, with full text available via the Council's website.
- 3.7 This Tree Works application will have no impact on any individuals private and family life.
- 3.8 Any interference with property rights is in the public interest and in accordance with the Town and Country Planning Act 1990 regime for controlling the development of land. This recommendation is based on the consideration of the proposal against adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.
- 3.9 **Listed building setting:** Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 16(2) has the same requirement for proposals for listed building consent. No listed building or heritage asset will be affected by this application.
- 3.10 **Conservation areas:** Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. This application is not within a Conservation Area.

4. Consultation

Statutory and non-statutory consultation

- 4.1 The table below summarises the consultation responses received during the consideration of the application. The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report.

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| Tilehurst Parish Council: | <p>Objects to application for following reasons -</p> <ul style="list-style-type: none"> • Safety of users of the public rights of way would be compromised with fencing surrounding the routes. No easy means of escape. |
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| | <ul style="list-style-type: none"> • Would restrict use of this much used space particularly during bad weather when original [definitive] paths are impassible. • Detrimental effect on wildlife due to disruption of environment and habitats. • Concerns raised over potential damage to remaining trees particularly TPO trees. • Council questions suitability and size of fencing to be used. |
| WBC Highways: | Not consulted |

Public representations

- 4.2 Representations have been received from 21 contributors, none of which support, and all of which object to the proposal.
- 4.3 The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following issues/points have been raised:
- Wildlife will be impacted by reduced access to habitat
 - Habitat will be reduced by grazing
 - Trees and hedges will be adversely impacted, including by machinery
 - Protected species will be impacted
 - Public access to a green area will be reduced
 - The fencing is a precursor to development
 - Pedestrian safety will be reduced

5. Planning Policy

- 5.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following policies of the statutory development plan are relevant to the consideration of this application.

Policies: ADDP1, CS14, CS18, CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).

- 5.2 The following material considerations are relevant to the consideration of this application:

National Planning Policy Framework (NPPF)

Planning Practice Guidance Tree Preservation Orders and trees in conservation areas, March 2014.

The Town and Country Planning (Tree Preservation)(England) Regulations 2012

Town and Country Planning Act 1990 Part VIII Chapter 3

6. Appraisal

6.1 The main issue for consideration in this application are:

- The impact of the proposal on TPO trees and their Root Protection Areas.

Principle of development

- 6.2 The proposal specification sets out the steps the applicant proposes to undertake on site. These have the potential to adversely impact on the Root Protection Areas (RPAs) of trees under Tree Preservation Order (TPO) 195. Therefore an Arboricultural Method Statement (AMS) by Arborclimb Consultants to British Standard BS 5837:2012 Trees in relation to design, demolition and construction has been submitted within the application paperwork.
- 6.3 The AMS states either post and rail or stock fencing will be installed for the boundary treatments. For the most part these are outside the RPAs of protected trees. One fence run does intersect the RPAs of two protected Oaks. Stock fencing measuring 1.2m in height is proposed which is the preferred type.
- 6.4 The AMS notes there maybe the need to improve the surface of Footpath 13, by laying an aggregate layer over a geotextile. Where this intersects the RPAs of TPO trees the specification of the section of the path requires further clarification in order to minimise impacts on root respiration. This again could be secured by Condition.
- 6.5 Proposed work to the drainage ditch alongside Tilehurst Public Footpath 13 is detailed in the Civic Drainage Engineers Report at Appendix 8 of the AMS. This an old drainage ditch and bank feature on which many of the TPO trees sit. The ditch is shallow and silted up in parts. So, in terms of improving the drainage of the footpath the AMS proposes using an airspade to clean the ditch of detritus.
- 6.6 The AMS also proposes using the airspade in locations within the RPAs where sections of drainage pipe might be needed. In so doing soil can be cleared without damaging tree roots and sections of pipe can then be installed with roots intact, prior to backfilling.
- 6.7 The AMS anticipates work will be by hand, however if machinery is to be used within the RPAs then appropriate ground protection recommendations are made in line with BS 5837:2012.
- 6.8 The above is an acceptable method in line with BS 5837:2012 and National Joint Utilities Guidance NJUGS 4 and (with Arboricultural supervision) is unlikely to result in damage to the roots of protected trees.

Character and appearance

- 6.9 Whilst the installation of post and rail or stock fencing may alter the appearance of the site, this is not a consideration of a Tree Works Application beyond the potential immediate physical effects on protected trees and their roots.

Town/Parish Council representations

- 6.10 With regard to the objection of the Parish Council:
- 6.11 The effect of the proposed fencing on the safety of path users or the usability of the path in bad weather are not direct considerations of a Tree Works application.

- 6.12 Nor is the potential for a detrimental effect on wildlife due to disruption of environment and habitats resulting from the fencing and other works.
- 6.13 The AMS answers concerns raised over potential damage to remaining trees particularly TPO trees, in that the recommendations of the current British Standard and industry best practice are to be followed (i.e. the use of airspade, hand digging techniques, ground protection etc.)
- 6.14 The fencing proposed is unlikely to adversely impact TPO trees if the methodology in the AMS is followed. The precise specification of the fencing in the RPAs of TPO trees can be secured by Condition

7. Planning Balance and Conclusion

- 7.1 This is a Tree Works application submitted to provide the Local Planning Authority with the specifics of works which may impact trees on site, which fall under TPO 195. Whilst no tree pruning is proposed, the application shows that certain operations have the capacity to adversely impact the RPAs of these protected trees. Provided the recommendations in the submitted AMS area adhered to, harm to the TPO trees will be minimised or avoided altogether, in line with good arboricultural practice and consistent with a sustainable approach to tree management. The works are considered appropriate and are therefore arboriculturally acceptable.

8. Full Recommendation

- 8.1 To delegate to the Development Manager to GRANT PLANNING PERMISSION subject to the conditions listed below.

Conditions

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| 1. | <p>Approved plans</p> <p>The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:</p> <p>Arborclimb AMS P63jrJuly24FV01_AMS Fencing details as specified in email dated 28th October 2024 from Kate Percival from Town.</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p> |
| 2. | <p>Arboricultural supervision condition</p> <p>No development shall take place (including site clearance and any other preparatory works) within the Root Protection Areas of TPO trees until the applicant has secured the implementation of an arboricultural watching brief in accordance with a written scheme of site monitoring, which has been submitted to and approved in writing by the Local Planning Authority.</p> <p>A pre-commencement condition is necessary because insufficient detailed information accompanies the application; tree protection installation measures and site supervision works may be required to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.</p> |

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| | <p>Reason: Required prior to the commencement of development in order that the Local Planning Authority may be satisfied that the trees to be retained will not be damaged during development works and to ensure that, as far as is possible, the work is carried out in accordance with the approved details pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with the objectives of the NPPF and Policies ADPP1, CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.</p> |
| 3 | <p>Specifications condition</p> <p>No development shall take place (including site clearance and any other preparatory works) until the applicant has submitted specifications of footpath improvements (including of piped drain sections) within the RPAs of TPO trees, which has been submitted to and approved in writing by the Local Planning Authority.</p> <p>A pre-commencement condition is necessary because insufficient detailed information accompanies the application; tree protection installation measures and site supervision works may be required to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.</p> <p>Reason: Required prior to the commencement of development in order that the Local Planning Authority may be satisfied that the trees to be retained will not be damaged during development works and to ensure that, as far as is possible, the work is carried out in accordance with the approved details pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with the objectives of the NPPF and Policies ADPP1, CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.</p> |