



READING BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

TOWN AND COUNTRY PLANNING (INQUIRIES PROCEDURE) (ENGLAND) RULES

2000

SECTION 78 APPEALS

PROOF OF EVIDENCE ON REASON FOR REFUSAL No. 3 (tree matters)

SARAH HANSON, Natural Environment Officer; BSc, ABC L4 Dip Arb, MArborA

Appeal by: Berkeley Homes

Appeal Site: 55 Vastern Road, Reading, RG1 8BU

**Appeal Against: Refusal of Planning Permission by Reading Borough Council
Demolition of existing structures and erection of a series of buildings ranging in height from 1 to 11 storeys, including residential dwellings (C3 use class) and retail floorspace (A3 use class), together with a new north-south pedestrian link, connecting Christchurch Bridge to Vastern Road.**

Planning Inspectorate Reference: APP/E0345/W/21/3276463

Reading Borough Council Reference. 200188/FUL

September 2021

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1.0 Introduction

- 1.1 I have a degree in Environmental Biology, The Royal Forestry Society Certificate in Arboriculture (theory), the ABC Level 4 Diploma in Arboriculture, am a LANTRA certified Professional Tree Inspector and am a Professional Member of the Arboricultural Association. I have worked for Reading Borough Council, in my current role, for 22 years. During this time, I have completed wide-ranging Continued Professional Development in trees and landscape matters and gained extensive experience in dealing with trees in the urban environment and the common conflicts that arise.
- 1.2 Since joining RBC in 1999 I have provided professional input for planning applications on both tree and landscape matters, taking lead of the Natural Environment Team in 2014. The role has involved input on a wide range of planning proposals, planning appeals and giving evidence at appeal hearings and public inquiries. I was the lead author and project manager for the Council's second Tree Strategy, adopted in March 2021 (hereafter referred to as 'TS').
- 1.3 My basic duties include preparing new Tree Preservation Orders for service (including the initial assessment of the tree(s) to determine whether they are suitable for protection), assessing applications for works to trees protected by TPO's, assessing notifications for work to trees in Conservation Areas and commenting on planning applications with regard to the effect on trees, appropriate tree protection requirements and landscaping. The processing of High Hedges applications also forms part of my duties.
- 1.4 I have provided advice to the planning department on proposals at 55 Vastern Road since 2018, including the application subject to this appeal. I am familiar with the appeal site and surrounding area, along with local planning policy background and other adopted Council documents relating to the natural environment.

2.0 Proposed development and Reason for Refusal

2.1 The current appeal relates to the refusal by Reading Borough Council, dated 9 April 2021, of the following development at 55 Vastern Road, planning application reference 200188/FUL:

‘Demolition of existing structures and erection of a series of buildings ranging in height from 1 to 11 storeys, including residential dwellings (C3 use class) and retail floorspace (A3 use class), together with a new north-south pedestrian link, connecting Christchurch Bridge to Vastern Road’.

2.2 Seven reasons for refusal were provided by RBC. Of relevance to this Proof of Evidence is reason for refusal No. 3 (RfR3), which states:

*‘By virtue of its height, massing and proximity to the river, the development will shade the River Thames and impact on its marginal habitats with a lack of appropriate mitigation being demonstrated. **There would also not be sufficient space within the riverside buffer for a sustainable long-term relationship between the riverside buildings and the required large canopy trees.** The proposed development is therefore contrary to Policy EN11 in particular, and also Policies EN12, EN13, EN14, CC7, CR2, CR3, CR4 and CR11 of the Reading Borough Local Plan (2019), paragraph 175 of the National Planning Policy Framework (2019) and objectives of the adopted Reading Borough Council Tree Strategy (2021) and Reading Biodiversity Action Plan (2021)’.*

2.3 In particular, this Proof of Evidence will focus on the element in bold above relating to large canopy tree planting within the riverside buffer. The remaining element of the reason for refusal is separately discussed within the Ecology Statement of Case and Proof of Evidence by Giles Sutton.

2.4 My Statement of Case provides the majority of support for this element of RfR3, however this Proof of Evidence builds on that to demonstrate the need for large canopy trees, the appellants failure to provide the space required for large canopy trees and the resulting future issues.

3.0 Site and surroundings

3.1 The Site and Surroundings are described in Section 2 of the SofCG.

3.2 In natural environment terms, the following apply to the site in question:

a) The site is located within the Council's designated Air Quality Management Area (Policy EN15)

b) The site is within a 'low canopy cover' Ward, as defined in the Council's adopted Tree Strategy, i.e. a Ward with less than 12% tree canopy cover

c) The site is bordered to the north by the River Thames and to the South by Vastern Road, both of which are defined as 'treed corridors' in the Council's adopted Tree Strategy (shown in Appendix 3 of that document).

d) The Thames is 'an area of identified biodiversity interest' (Policy EN12) and a 'Major Landscape Feature' (Policy EN13)

3.3 All of the above result in the site being in a location where tree retention and planting is a high priority.

4.0 Policy Considerations

4.1 Relevant National and Local Policy and National Guidance are discussed in detail in section 2 of my Statement of Case. To recap, the following are applicable:

National Policy

- 1) National Policy Planning Framework 2021
- 2) The National Model Design Code (July 2021)

Local Policy

- 1) CR11g, RIVERSIDE
- 2) EN11: WATERSPACES
- 3) EN14: TREES, HEDGES AND WOODLANDS
- 4) The Council's Sustainable Design & Construction SPD
- 5) Reading Borough Council Tree Strategy (2021)

National Guidance / resources

- 1) BS5837:2012 'Trees in Relation to Design, Demolition and Construction'
- 2) The Hillier Designers Guide
- 3) GreenBlue Urban

4.2 In addition to the above, I will also be referring to the following:

- 1) 50 year canopy spreads (incorporated in Table 1 below), provided by Hillier from their forthcoming revised Designers Guide (not yet available) - detailed in the following section.
- 2) Arboricultural Research Note (Issued by the DOE Arboricultural Advisory & Information Service): 'The Ultimate Size and Spread of Trees Commonly Grown in Towns' dated May 1990 - Appendix 2.
- 4.3 Information about Hillier is given in 2.3.3 of my SoC. They are a large, well respected UK tree nursery. In seeking permission to reproduce pages of their current Designers Guide (Appendix 1 of my SoC), they mentioned the forthcoming revised Designers Guide and that it would be extended to include 50-year spreads and offered this information for specific species of interest to me in advance of publication. Hence the information in Table 1 below was provided by James Hillier (via email).
- 4.4 The Arboricultural Advisory and Information Service was originally established in 1976 with government funding from the Department of the Environment (and its successors) and was based at the Forestry Commission's Research Station at Alice Holt Lodge, Farnham. In 1983, the service was placed under the management of the Tree Advice Trust; an independent charity. The aims of the Tree Advice Trust were to develop the highest possible standards of arboricultural expertise and practice and to advance professional development. The Trust's staff conducted research directly and worked closely with their neighbours in the Forestry Research Station to develop awareness throughout the arboricultural sector. The Trust's Arboricultural Practice Notes and Arboriculture Research Notes gained a highly valued reputation as key reference documents. The Trust ceased to trade in 2013 but the contents of its published research and practice notes were passed on to the Arboricultural Association to maintain their availability.
- 4.5 This Proof also provides details of previous, relevant planning appeal decisions where conflict between trees and buildings was pertinent.

5.0 The Council's Case

5.1 My SofC defines 'large canopy' trees (para 1.8), explains their benefits (para 3.2), the Policy backing for these (section 2) and how the appellant has failed to allow sufficient room for large canopy trees to reach their full potential without conflict with the proposed buildings.

Policy

5.2 The need to include large canopy trees is supported by Local Plan Policy EN14, the supporting text for which, in 4.6.28, states:

'There will be a need to use appropriate large canopy species that are adaptable to future predicted climatic conditions (native species if possible and where appropriate in order to deliver biodiversity benefits), particularly the higher temperatures and potential drought conditions predicted in summer'

5.3 The Council's Sustainable Design & Construction SPD, adopted December 2019, refers to the use of large canopy trees in 5.4 where, in listing the benefits of trees, states:

'The preference will be to, where possible, use large canopy species that provide more benefits for climate adaptation'

5.4 As detailed in 2.2.7 of my SoC, the Council's adopted Tree Strategy specifically mentions the need for 'large canopy trees' in Objective 2, whilst the other objectives cited support the use of such trees to meet the aims. The adopted Tree Strategy is specifically mentioned in the reason for refusal. However, the Appellant has not mentioned this document in their SoC, including within Appendix 20 Arboriculture, hence has clearly dismissed the importance of this adopted document and its aims.

5.5 The use of large canopy trees also supports the aims of EN11 'Waterspaces', particularly (as included 2.2.2 of my SoC):

- *Make positive contributions to the distinct character, appearance, historic significance, landscape and amenity of the watercourses;*

- *Provide a strengthened role for watercourses as important landscape features, wildlife corridors, historic features and recreation opportunities;*

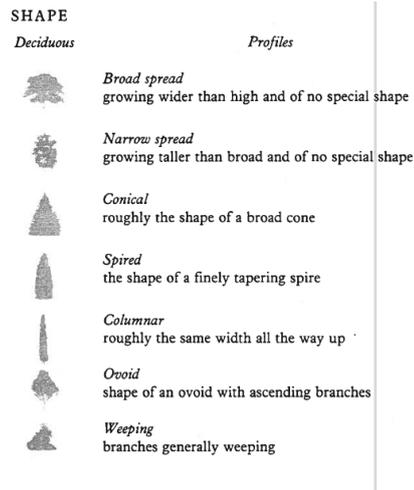
5.6 As a reminder of that in 4.9 of my SoC, with reference to the appellant's National Planning Policy Framework letter dated 4th August 2021, new paragraph 131 being provided within that. In response to that, the appellant states (my emphasis in bold):

*'The appeal proposal includes a key north-south route within the site which will be tree-lined. Trees are also incorporated elsewhere in the appeal proposal, including the retention of existing trees along Vastern Road and new tree planting along the edge of the River Thames, providing substantial gain in terms of the quantity and character of vegetation within the site. Long-term maintenance of this planting can readily be secured by an appropriately-worded condition. **The appeal proposal balances provision of significant canopy-level vegetation with the need to avoid future conflict between trees and buildings.** In this regard, the appeal proposal is in line with the revised NPPF'*

5.7 The appellant appears to acknowledge the need to provide 'significant canopy-level vegetation' and as per 7.100 of the SofCG, the quantity of tree planting is agreed. This provision in the Riverside buffer is largely provided by narrow form trees in order to avoid future conflict with the buildings. It does not follow that it is appropriate for the applicant to conclude that provision of *any* tree type would meet National or Local Policy. The inclusion of large canopy trees within the buffer is justified in Policy, adopted Strategy and National Guidance and was pointed out to the appellant throughout the application process (5.10 of my SoC). Failure to provide these tree types in the important Riverside buffer, fails to fully meet with Policy requirements.

Tree canopy form and size

5.8 To aid visual illustration of canopy shape (as mentioned in para 1.8 of my SofC), the following extract is from the book: 'Tree Form, Size and Colour' by Bodfan Gruffydd, 1994 (full page given in Appendix 1):



The shapes of species included within the Planting Framework for the application site can be seen in Appendix 1, which are all within the ‘large tree’ section of the book (defined within the book as those growing taller than 15m).

5.9 Table 1 in 5.6 of my SofC gave comparisons of the upright varieties of trees proposed against the species, providing indicative ultimate heights and spreads after 25 years. This information is now expanded to also provide information on spread after 10 & 50 years and the shape of the tree’s crown in the table below. This information has been provided directly by James Hillier at Hillier.

Table 1: Comparison of species and cultivar

Species	Ultimate height (small, med, large)	Canopy shape	10yr spread (m)	25yr spread (m)	50yr spread (m)
Quercus robur (Common Oak)	Over 20m	Broad Irregular	3	8	12
Tilia cordata (Small-leaved Lime)	15-25m	Rounded	3	6	10

Species	Ultimate height (small, med, large)	Canopy shape	10yr spread (m)	25yr spread (m)	50yr spread (m)
T. cordata Greenspire	15-25m	Broadly Conical	2	5	8
Carpinus betulus (Hornbeam)	Over 20m	Broadly Conical	3	5	8
Carpinus betulus Fastigiata	10m-15m	Rounded	1.5	3	5
Betula pendula (Silver birch)	10-20m	Large Pendula	2	5	7
Fagus sylvatica (Beech)	Over 20m	Broad Irregular	3	6	10

5.10 Arboricultural Research Note: ‘The Ultimate Size and Spread of Trees Commonly Grown in Towns’ (Appendix 2) is helpful in providing likely ultimate spreads of the species in question, along with ‘normal ultimate height in an urban situation’ as follows:

Table 2: Ultimate Spreads and Normal Ultimate Heights in an Urban Situation:

Species group	Ultimate Spread (m)	Ultimate Height (IUS) (m)
Lime (<i>Tilia</i>)	16	30
Hornbeam (<i>Carpinus</i>)	16	18
Oak (<i>Quercus</i>)	20	22
Beech (<i>Fagus</i>)	20	30
Birch (<i>Betula</i>)	14	17

- 5.11 In terms of height, and taking into account the definition provided in 1.8 of my SofC (a large canopy trees being 20m+ in height at maturity), it can be seen that on height alone, Oak and Beech (from those proposed in various Planting Framework Plans) meet the criteria. When adding consideration of the ultimate spread, along with the ‘form’ of the tree, again, only Oak (*Quercus*) and Beech (*Fagus*) fit both criteria; with only Oak being included in the latest Planting Framework Plan Rev F (on which the Council’s decision was based). It can be seen that the cultivars proposed in Rev F of the Planting Framework plan do not.
- 5.12 It is my opinion that to meet the requirement for large canopy trees, species of a similar stature (height/spread/form) to Oak and Beech should be included in the landscape proposals. It follows then, in view of the wording of RfR3, that a greater width of riverside buffer will be required to allow such trees to reach their optimum size without conflict with new buildings. Considering the ultimate canopy spread provided in Table 2, the minimum riverside buffer width should be 10m, on the assumption that trees are planted on the site boundary (with the tow path). If planted further within the site, the buffer would have to be increased accordingly.

Future conflict

- 5.13 As is stated in the appellant’s SofC and mentioned within my SofC and 3.12 of the SofCG, the riverside buffer provided is 4-6m in width (tow path to building elevation). It can be seen that this is insufficient for the provision of large canopy trees without future conflict with the proposed buildings, even if the trunks were located on the northern boundary of the site.
- 5.14 It is helpful to note that in the Arboricultural Research Note (Appendix 2), it states:

Summary:

‘....If the data are used when selecting trees for urban situations the need for future pruning and early felling can be reduced’

Introduction:

Arboriculturalists are frequently faced with the problem of managing trees that are too big for their surroundings.....In other instances the problem arises because the species selected from planting was inappropriate for the space available, for example, between buildings. In either case expensive management is needed to make the tree fit man's environment rather than to improve the growth of the tree'.

Recommendation:

'When selecting tree to plant into an urban streets and other restricted positions in towns consideration should be given to the likely mature spread and height of the species so that expensive pruning does not become a requirement. In addition, use of a tree with an ultimate mature size appropriate for the surroundings should ensure that otherwise valuable trees so not have to be felled prematurely for their size'.

5.15 Whilst acknowledging that the appellant 1) does not agree with the need for large canopy trees in the buffer and 2) on this basis has concluded that there will be no future pressure as a result of the narrower form trees proposed, it is appropriate to consider 'future conflict' further. The inclusion of the issue of conflict between existing trees and proposed buildings is considered to be helpful in demonstrating the Council's concern, which resulted in RfR3 (trees element). Reading Borough Council has successfully challenged planning proposals in the past due to the proximity of mature, protected trees to proposed dwellings, examples of which are given below.

5.16 Appeal reference APP/E0345/A/09/2100020 related to a new proposed dwelling adjacent to a mature TPO Plane tree (large canopy) and Tree of Heaven and was refused by the Council on three grounds; one relating to future pressure to prune the Plane tree. A copy of the appeal decision is included in appendix 3. In paragraph 12 of his decision notice the Inspector stated:

'..I share the Council's concern that the development proposed could result in pressure by future occupiers of the proposed dwelling to fell or to carry

out extensive pruning of trees in order to increase the amount of natural light falling within the appeal site or to address safety concerns, or to address tree management problems. Whilst the Council might use its statutory powers to resist such pressures, its position would, in my view, be considerably weakened by a grant of planning permission for a dwelling of the size, siting and orientation proposed’.

The Inspector went on to conclude in paragraph 13 that:

‘Taking all the above considerations into account, I conclude that the development proposed would place at risk the protected Plane tree and could adversely affect the Tree of Heaven growing on the appeal site, contrary to the intention of policy CS38 of Reading’s adopted Core Strategy’.

- 5.17 Appeal reference APP/E0345/A/06/2023594 related to a proposed extension to a property that would have brought living accommodation into closer proximity with a mature (large canopy) Oak tree (20m high and 10m from the existing dwelling) hence the Council refused this application purely on the basis of future pressure to fell or prune the tree - there were no other reasons for refusal. The appeal decision is attached as appendix 4. The Inspector, in paragraph 7 of his decision, stated:

‘There remains the key issue of the long-term relationship between the tree and Blagrove House as it would be extended. I do not doubt the commitment of the appellants to ensuring the tree’s future health. However I must also take account of the probability, given the arboriculturalist’s estimate of the tree’s future life span, that there could be future occupants of Blagrove House who would have different attitudes. Not only would the proposed extension be substantially overborne by the tree, which would place it in the shade for a significant proportion of the day, but the tree would be sufficiently close to the extension that I believe there is likely to be a future issue over falling leaves and other tree debris. Given the tree’s age, I also accept that these issues would increase over time, and if more dead wood is produced and falls on the extension, there could be pressures from future occupiers to fell the tree prematurely’.

He concluded in paragraph 8 that:

'...The effect of the proposed extension would produce too great, long-terms risks to the tree, the loss of which would be contrary to Policy NE5 of the adopted Local Plan. I therefore conclude that the appeal should be dismissed'.

- 5.18 Whilst it is fully accepted that each individual application should be assessed on its own merits, these past appeal decisions illustrate two things: Firstly, that trees are a central part of the National and Local Policy framework and their protection and successful integration is an important consideration in planning terms; Secondly, that pressure to prune and fell trees is material to a planning decision and justifies the need to move development further away from the trees where this conflict is foreseeable, i.e. to ensure a long-term sustainable relationship between trees and the proposed buildings.

6.0 Conclusion

- 6.1 This Proof, along with my SofC, has explained what the Council consider 'large canopy' trees to be, has justified their inclusion within the riverside buffer with reference to Local Plan Policy and Tree Strategy aims and has demonstrated the need for space to allow a long-term sustainable relationship with reference to National Guidance and previous appeal decisions.
- 6.2 The appellant has not, in my view, appreciated or acknowledged the need for large canopy trees hence has dismissed the fundamental meaning of RfR3 (tree matters) by offering narrow canopy trees as the solution. This is not acceptable.
- 6.3 In my extensive experience of dealing with the conflicts between occupiers and trees, the matter of proximity of tree canopies to buildings is a common one and raises concerns over light levels, potential damage to the building and perceived safety concerns. Such concerns then lead to pressure to prune trees which otherwise could have grown to their full potential, unimpeded, if greater space had been afforded for their canopies. As detailed in my SofC, there are multiple benefits of large canopy trees over narrow crowned trees. The ability to reach their full potential is important in order to maximise the environmental benefits they provide.