



VASTERN COURT, VASTERN ROAD, READING

## **NATURAL ENVIRONMENT STATEMENT OF CASE in relation to Reason for Refusal 9**

### **APPENDIX**

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## 1.0 INTRODUCTION

### Personal details

- 1.1 This Statement of Case (SoC) has been prepared by myself, Sarah Hanson, Natural Environment Officer within the Planning Department at Reading Borough Council (RBC). I have a degree in Environmental Biology, a Level 4 Diploma in Arboriculture, am a LANTRA certified Professional Tree Inspector, a Professional Member of the Arboricultural Association and have 22 years of experience in my current role, during which I have completed extensive Continued Professional Development in trees and landscape matters.
- 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. As an officer processing tree work applications over the 22 year period, I am also very familiar with common conflicts between trees and buildings.
- 1.3 I have provided advice to the planning department on proposals at Vastern Court since 2019, including the application subject to this appeal.
- 1.4 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.

### Background

- 1.5 The current appeal relates to the non-determination by Reading Borough Council (RBC) for the following development at Vastern Court, Vastern Road, Reading, planning application reference 200328/OUT:

*Outline planning permission with the details of access, appearance, landscaping, layout and scale reserved for later determination. Demolition and redevelopment to comprise: up to 115,000 sqm GEA in one or more land uses comprising: Residential (Class C3 and including PRS); Offices (Use Class B1(a); development in Use Classes A1, A2, A3 (retail), A4 (public house), A5 (take away), C1 (hotel), D1 and D2 (community and leisure); car parking; provision of new plant and renewable energy equipment; creation of servicing areas and provision of associated services, including waste, refuse, cycle storage, and lighting; and for the laying out of the buildings; routes and open spaces within the development; and all associated works and operations including but not limited to: demolition; earthworks; provision of attenuation infrastructure; engineering operations. All*

*development, works and operations to be in accordance with the approved Development Parameters Schedule and Plans.*

- 1.6 Following submission of the appeal, the application was considered at Planning Applications Committee (PAC) on 15 February 2022 where members agreed that had they been able to determine the planning application, they would have refused it for the reasons set out in the report. 12 reasons for refusal were recommended by officers. Of relevance to this Statement of Case is reason for refusal No. 9 (RfR9), as amended following PAC, which states:

*The proposed layout, scale and quantum of development fails to demonstrate the satisfactory delivery of required landscaping principles, appropriate protection and retention of protected trees and hence fails to demonstrate it will maximise opportunities to enhance the Green Network. Therefore, the development is contrary to NPPF 2021, The National Model Design Code (July 2021), Policies EN12, EN14, EN15, EN18, CR3, CC7 of the Reading Borough Local Plan (2019), the Council's Sustainable Design and Construction SPD (2019), Reading Station Area Framework (2010), Reading's Biodiversity Action Plan (2021) and the adopted Tree Strategy.*

## 2.0 RELEVANT POLICY

### 2.1 National Policy

- 2.1.1 The National Planning Policy Framework (2021) includes a new paragraph relevant to this appeal, that being paragraph 131 which states:

*‘Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined<sup>50</sup>, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users’.*

- 2.1.2 The ‘right tree, right place’ principle is included in the Council’s adopted Tree Strategy (see below).

- 2.1.3 The National Model Design Code (July 2021) also includes relevant guidance within its ‘Nature’ section (within Part 2 Guidance Notes):

N.3.iii Street Trees, Point 27 ‘Position’ states:

*‘Careful positioning to allow space for the mature tree without causing obstruction or interfering with property, infrastructure, street lighting or junction sightlines’...*

N.3.iii Street Trees, Point 27 ‘Function’ states:

*‘Ensure street trees and green infrastructure provide for a range of functions and benefits...’*

- 2.1.4 Allowing space for large canopy tree on the Vastern Road frontage, as part of the overall tree planting trees without causing ‘obstruction or interfering with property’ is relevant to RfR9 and compliments the ‘right tree, right place’ guidance within the NPPF and the Council’s adopted Tree Strategy. As mentioned in 3.12 below, large canopy trees have multiple benefits, hence the increased importance of their successful integration.

### 2.2 Local Policy

2.2.1 There are many relevant policies within the Reading Borough Council Local Plan 2019 that support tree retention and/or appropriate landscaping as part of development proposals. These include:

- EN12 Biodiversity and the Green network
- EN14: Trees, hedges and woodlands
- EN15: Air Quality
- EN18: Flooding and sustainable drainage systems
- CC7: DESIGN AND THE PUBLIC REALM
- CR3: PUBLIC REALM IN CENTRAL READING
- CR11: STATION/RIVER MAJOR OPPORTUNITY AREA
  - CR11e, NORTH OF THE STATION

2.2.2 In addition, other adopted documents provide support for the tree and landscape requirements on the site:

- SPD Sustainable Design and Construction
- Reading Station Area Framework (RSAF)
- Tree Strategy 2021
- Biodiversity Action Plan 2021

2.2.3 Following the Council's Climate Emergency Declaration in 2019, the Biodiversity Action Plan and the first Tree Strategy (TS), adopted in 2010, were reviewed to bring them up to date with policy and good practice.

2.2.4 A draft new TS was subject to stakeholder consultation with key groups in the first half of 2020. Following this a revised, final version of the Strategy was signed off for public consultation by the Deputy Director for Planning, Transport and Regulatory Services in consultation with the relevant Lead Councillor, using the delegations granted by the relevant committee. In the case of the Tree Strategy, this was the Lead Councillor for Culture, Heritage and Recreation, as delegated by Housing, Neighbourhoods and Leisure Committee on 11th March 2020. Public consultation took place between 29th May and 10th July 2020 and was available to view on the Council's website. The final document received sign off from members and was published on 3 March 2021.

2.2.5 Reading Borough Council Tree Strategy (2021) includes multiple aspects relevant to RfR9, as follows:

*OBJECTIVE 2 Climate adaptation - increase the diversity of the tree stock (family, genus and species) to provide resistance to climate change; plant large canopy species wherever feasible; maintain and keep trees healthy in order that they can achieve their full potential thus ensuring that Reading's Urban Forest is resilient to the impacts of climate change and provides the maximum role in mitigating its effects.*

*OBJECTIVE 4 Canopy cover - increase overall canopy cover to 25% by 2030; ensure that all wards have at least 12% canopy cover by 2030; and target*

*priority areas for tree planting based on canopy cover, air pollution, treed corridors, green links, areas of high landscape value and ensure RBC and planting on development sites considers these.*

*OBJECTIVE 11 Trees & Development - tree retention, protection and planting within development sites will be in accordance with the aims of the Tree Strategy and Local Plan policies.*

*3.46 right tree, right place, right tree pit - New tree planting under the 'right tree, right place, right pit pits' principle aims to address the other issues to avoid future conflict thereby ensuring trees can achieve their optimum size and lifespan without the need for detrimental pruning. Developers will be expected to approach planting with these same principles in mind and private landowners will be encouraged to consider these potential conflicts over the lifespan of any tree prior to planting*

*3.62 climate change - In order to ensure the tree population of Reading is resistant to climate change, we will [amongst other things]: Aim to secure space for large canopy species within development sites*

*3.63 flood alleviation - '...Trees act to intercept rainwater, some of which evaporates directly back into the atmosphere; interception of the remaining (even when not in leaf) resulting in a slowing of the water flow into the drainage system, thereby relieving pressure on these during storms...'*

*3.71 low canopy cover wards - '...the aim is to ensure that all wards exceed 12% canopy cover by 2030, and this will require immediate improvement in four wards in particular - Abbey, Battle, Katesgrove and Whitley...'*

*Appendix 1 - Action Plan (ref aforementioned objectives)*

*Appendix 2 - Canopy cover map*

*Appendix 3 - Tree corridors map*

2.2.6 Objective L1 of The Biodiversity Action Plan (BAP) states:

*'L1 To ensure that all other policy documents consider biodiversity'*

Reading's Tree Strategy is one of the listed documents with the two being inextricably linked.

2.2.7 The objectives of the BAP, particularly Section C 'Planning and Building Control' support Policy EN12, which states that:

*'New development shall demonstrate how the location and type of green space, landscaping and water features provided within a scheme have been arranged such that they maintain or link into the existing Green Network and contribute to its consolidation. Such features should be designed to maximise the opportunities for enhancing this network. All new development should maximise opportunities to create new assets and links*

*into areas where opportunities are as yet unidentified on the Proposals Map'*

2.2.8 The supporting text for EN12 in 4.2.62 states:

*'Opportunities will be sought in conjunction with development proposals, to enhance the quality and integrity of the Green Network. Proposals should seek ways to enhance and restore biodiversity and geology, and enhance the quality and integrity of sites (where appropriate), by **maximising the inclusion of biodiversity and nature conservation features, as part of good design...**'*

2.2.9 Given the current nature of the site, it is acknowledged that the appellant is likely to be able to demonstrate a net gain in Habitat Units (using the DEFRA Metric). However, as virtually any scheme with any new planting would do this, the weight that should be given to this in the planning balance is minimal. In accordance with EN12 the development proposals would need to clearly show that opportunities to maximise the Green Network could be achieved within the context of the Development Parameters, which should include large canopy trees; a key part of the Green Network. The appellant has not done this.

### 2.3 Other Guidance

2.3.1 Guidance is available to provide information on the ultimate size of different tree species and the expected size after certain periods, such as that from Hillier Nurseries and GreenBlue Urban.

2.3.2 Trees are generally classed as 'large', 'medium' and 'small' based on their ultimate height. Trees are also defined by their canopy shapes, which can be divided into: broad spread, narrow spread, conical, spired, columnar, ovoid and weeping. For the purposes of this case, a 'large canopy' tree is taken to be an ultimately 'large tree', that being one of 20+m in height at maturity, with a 'broad spreading' canopy. Whilst guidance is available to give estimated canopy spreads of trees after 25 years, trees can significantly exceed this during their lifespan, which could be hundreds of years.

2.3.3 National Guidance is given in BS5837:2012 'Trees in Relation to Design, Demolition and Construction' in relation to new planting in development proposals and successful retention of existing trees whilst avoiding future conflict. This British Standard is the standard guidance used by arboricultural professionals and it is an expectation that development follows the recommendations within it.

2.3.4 It will be demonstrated that the appellant has provided insufficient details in submissions to confirm the successful long-term retention of protected trees, i.e. without future conflict, or to confirm the ability to provide the required large canopy trees on the Vastern Road frontage and has therefore

failed to demonstrate that the proposals will provide the maximum enhancement of the Green Network.

### 3.0 The Council's Case

- 3.1 Officers ensured that comments provided at the pre-application stage (reference 190513) on the application took on board not only the existing (at the time) 2010 Tree Strategy but future aims of the 2021 Tree Strategy (adopted since submission) and gave clear tree and landscape advice - this is shown within my memo of 28 August 2019. The Pre-application letter of 6 December 2019 from Brian Conlon to Barton Wilmore partly addressed the landscape provision requirement on the Vastern Road frontage. Within the 'Movement & Access' section (under Access on page 4), it states:

*'Our Transport and Natural Environment Officers note that the proximity of the northern, eastern and western perimeter block boundaries do not appear to provide a generous enough setback to the pavements in order to provide sufficient space for meaningful landscaping, movement and place making activities'*

- 3.2 Initial comments on the outline application (my memo of 27/04/20) made my concerns clear in relation to trees and landscaping; concerns which were not addressed in the October 2021 submissions
- 3.3 The policy requirements in tree and landscape terms are detailed in 10.1-10.10, and the concerns with the appeal submissions described in depth within 10.11-10.23, of the report to Planning Applications Committee on 15 February 2022, whereupon members agreed that the application would have been refused for the stated reasons.

#### Landscape matters

- 3.4 Paragraph 5.23 of the appellant's SoC dated December 2021 states the following:

*'The proposal will reinforce a strong sense of place and local identity and introduce a positive townscape frontage along Vastern Road where the built form would improve the visual experience of pedestrian and vehicle users along the road and towards the station'.*

- 3.5 I would question this statement and suggest that a positive frontage will require the avoidance of imposing elevations directly abutting the back of the pavement / close to the road and that a greater buffer for large canopy trees is required to provide this 'positive frontage'. Further comment is given within the Design & Townscape SoC from Michael Doyle.
- 3.6 Paragraph 5.40 of the Appellant's SoC states:

*‘Landscaping/Trees - The Appellant will demonstrate that appropriate landscaping and tree planting will be provided by condition at reserved matters stage, when the final form of the development is known. Any tree losses necessary to deliver the development will be appropriately mitigated’.*

- 3.7 Give the vague and indicative nature of the outline proposals, the lack of confirmation on how level changes will be incorporated, the inconsistencies between documents and non-committal nature of the landscape principles, I am not satisfied that a condition could deal with the significant unknowns. If conditions were used, these would have to be very prescriptive and even then, would not satisfactorily overcome all the unknown elements of this indicative outline proposal. Further details on these concerns is given in the report to Planning Applications Committee on 15 February 2022 (paragraphs 10.11-10.23). The appellant has not demonstrated how conditions could reasonably ensure the successful integration of retained trees or how they could secure the required landscaping.
- 3.8 As is explained in submissions by the appellant and reiterated in 3.2 of their Design SoC:
- ‘Consequently, we have developed a set of proposed Development Parameters (Schedule and Plans) which set the maximum extent of development, the land uses and minimum and maximum floorspace proposed,...*
- 3.9 If these parameters were approved, it is possible that (within the building height restrictions) they may not allow sufficient land for other factors, such as the required landscaping. We have no demonstration that the maximum developable footprint, alongside the minimum floorspace, would leave the space necessary for these other requirements.
- 3.10 The primary issue with regards to landscaping is the insufficient buffer allowed on the Vastern Road frontage to provide space for the required large canopy trees. The very indicative landscape principles within the DAS (5.2 Parameter Plans) submitted only indicate an approx. 5m buffer from the kerb edge which is wholly insufficient for the required large canopy trees without future conflict and the need to prune. 6.1.4 of the Design Code (Sep 2021) does not provide an indicated width and is very non-committal in its landscaping provision.
- 3.11 The greater environmental benefits of large canopy trees, over that of smaller canopy trees, are well documented. These include shelter and shading from wind, rain and sun, reduction of urban temperatures as well as the temperatures of watercourses, rain interception (flood alleviation) and greater wildlife habitat provision. In this specific case, they would also provide greater softening of the extensive building mass, appropriate tree planting on Vastern Road, a main route through the town centre, would maximise biodiversity provision by providing a corridor and stepping stones

for birds and other wildlife, and meet with Policy and aims of our Tree Strategy. Ensuring the successful long-term integration of these is therefore vital to ensure they can reach their optimum size which is when their environmental benefit as maximised.

- 3.12 With reference to the Tree Strategy, the site is within a low canopy cover Ward, on a designated ‘treed corridor’ and within the AQMA, hence in a priority area for tree retention and planting, which is vital, especially on the frontage, and should provide an increase in canopy cover overall on the site. The Councils’ adopted Tree Strategy compliments the Council’s Corporate aims and those of the Climate Emergency Strategy, Reading 2050 Vision and Local Plan Policy. As an adopted document, it is expected that developers give weight to its aims.
- 3.13 The Appellant’s submitted Design Code, dated September 2021 does not demonstrate the ability to plant large canopy trees, nor does it commit to tree planting on the important frontage to the site. Visuals provided within the Illustrative Concept (Section 6) of the Design and Access Statement, received in October 2021, illustrate the lack of space for tree planting by showing the extreme proximity of elevations to the road, and are in any case unreliable visuals due to the indicated level nature of the land, whereas in reality there is an existing significant drop in level from the site to the pavement which has not been addressed.

### Tree matters

- 3.14 With regard to existing trees, the site contains 7 individual trees on the Vastern Road and Caversham Road frontage subject to Tree Preservation Order 3/06. These have largely been dismissed within the indicative proposals, with Plot A (maximum footprint) being unacceptably close to the only two trees shown to be retained; these two trees being shown on the Illustrative Masterplan within Section 7 of the Design and Access Statement received in October 2021. With reference to Section 4 (Plot Design Codes) within the DAS Proposals, 4.1 Plot A (which is adjacent to these trees shown to be retained) suggests that a landscape buffer to the west of the plot, fronting Caversham Road, is ‘discretionary’ only. However, in order to provide adequate space for the future growth of these retained trees without the need for future pruning to resolve conflicts, a suitable buffer is a necessity.
- 3.15 The Arboricultural Impact Assessment (AIA) submitted states, in 5.9, that:
- ‘The location of the boundary for Plot A lies along the edge of the existing crown extents and requires consideration for future crown growth. Both London plane and Norway maple species are tolerant of pruning and the form of the trees will allow approximately 1.5m crown reduction of the eastern aspect of the tree canopies to suitable growth points, as such there is no concern raised regarding the maximum western extent of development proposed in Plot A’*

- 3.16 The above statement confirms that the maximum extent of Plot A would be on the edge of the existing canopies and that pruning would be required to provide clearance from a building elevation in that location. The annotated photographs provided in 5.9 (page 19) show the potential reduction necessary to accommodate the trees and to which size they would need to be maintained in the future, i.e. confining their canopy spread.
- 3.17 Both TPO trees shown to be retained (T17 & T18 of the Tree Survey within the AIA) have the potential to increase in overall stature, including canopy spread. The Tree Survey table within the AIA confirms T18 Maple to be a 'B' category tree in good physiological condition, and T17 Plane to be an 'A' category tree and a '*Prominent focal High value tree*'. Allowing these trees to grow to their full potential will not only provide a greater visual benefit but will increase their environment value. It is therefore not only a 'necessity', as opposed to 'discretionary', that a landscape buffer is provided on the Caversham Road frontage, but that it is also sufficiently wide to allow these trees unimpeded space.

#### 4.0 Conclusion

- 4.1 The requirements for the site in terms of trees and landscaping were made clear at the pre-application stage. Initial comments on the appeal scheme (my memo of 27/04/20) made my concerns clear in relation to trees and landscaping; concerns which were not addressed in the October 2021 submissions. The report to Planning Applications committee details the issues with the submissions provided.
- 4.2 The greater environmental benefits of large canopy trees are detailed in paragraph 3.12, hence the successful retention of such existing trees, and sustainable inclusion of new such trees, is important as part of the response to the Council's climate emergency declaration and to meet with Council policy and adopted Strategies.
- 4.3 Policy and the Tree Strategy make it clear that development should allow for tree retention. In relation to existing, retained trees, their successful integration relies on sufficient buffers being demonstrated and provided between them and new building elevations to allow not only their retention without facilitative pruning, but their long-term retention without the need to regularly prune to provide a sustainable relationship.
- 4.4 Tree Planting is secured within development sites with the 'right tree, right place, right tree pit' aim to ensure that trees not only survive, but thrive and are able to reach maturity, i.e. achieve their optimum size without conflict with building, when they will provide maximum environmental benefits. Officers therefore consider not only the appropriate tree type but the full life span and size of a tree when considering landscaping on new developments.
- 4.5 Landscaping is an integral part of any development and it must be ensured, and demonstrated, that appropriate landscaping, meeting the requirements of national and local policy, and that of other adopted documents and national guidance, can be accommodated for development proposals to be acceptable.
- 4.6 The importance of trees on this particular site is explained in 3.13. We have no demonstration that the maximum developable footprint, alongside the minimum floorspace, as detailed in the proposed Development Parameters, would leave the space required for successful tree retention and the required large canopy trees.
- 4.6 The requirements within any development on the Vastern Court site in relation to retention of trees and landscaping provision is clear. It will be proven that the appeal scheme does not demonstrate compliance.

