



Ms Joanne Hawkins
123 Oakengates
Bracknell
Berkshire
RG12 7QL

25th January 2023(*PATRTZ*)
Dear Sir/Madam

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

APPLICATION NUMBER: 22/00266/TRTPO/*PATRTZ*
PROPOSED DEVELOPMENT: TPO 619 - Application to sever roots of 1 tree
LOCATION: 123 Oakengates Bracknell Berkshire RG12 7QL
CASE OFFICER: Phil Gritten, direct line 01344 351984

Please find enclosed your decision notices in respect of the above proposal.

Should you wish to discuss the contents of the notices, including any matters arising under the conditions included therein, please do not hesitate to contact me.

Yours faithfully

Phil Gritten

Assistant Tree Officer
Planning Transport and Countryside
email phil.gritten@bracknell-forest.gov.uk
Direct Line 01344 351984

Enc.

PLACE PLANNING AND REGENERATION

Bracknell Forest Council, Time Square, Market Street, Bracknell, Berkshire RG12 1JD
T: 01344 352000 Minicom: 01344 352045 www.bracknell-forest.gov.uk

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

**Part Consent Part Refusal of Works to Trees with a
Tree Preservation Order**

PROPOSAL DESCRIPTION FOR PART CONSENT:

Ms Joanne Hawkins
123 Oakengates
Bracknell
Berkshire
RG12 7QL

APPLICANT: Ms Joanne Hawkins
DESCRIPTION: TPO 619 - Application to sever roots of 1 tree
LOCATION: 123 Oakengates Bracknell Berkshire RG12 7QL
APPLICATION NO: 22/00266/TRTPO
DATE REGISTERED: 5th December 2022
DECISION DATE: 25th January 2023

Part I – Particulars of Decision

Bracknell Forest Borough Council, as the Local Planning Authority, hereby give notice that the application for works in respect of the proposal described above has been **Approved** in accordance with the Town and Country Planning (Tree Preservation) (England) REGS 2012, subject to the following conditions(s):

1. Grant permission to sever roots, only adjacent to the edge of each block paviour that is currently displaced, as identified within pages 4 - 8 of the applicant's independent arboricultural report, in strict accordance with the Condition of Consent.

Conclusion

The applicant's specification is regarded as ambiguous and if intended as described, inappropriate and excessive. To assist this application the Tree Service has provided an alternative specification, considered proportionate in allowing the extent of damage to be rectified with minimum intervention and to avoid any long term detriment to the condition or visual amenity of the subject Pine.

2. Condition of Consent:

Reason - As it will not be practical to assess the quality and accuracy of the consented works, once completed, and given the potential for either a decline in tree condition and or stability, as a result of excessive root severance the applicant must:

- Provide at least 3 days notification must be given to the Tree Service of when root pruning will occur
- Ensure all pruning must be compliant with BS3998:2010 Tree work - recommendations
- Provide clear photographic evidence of each pruning location, prior to and after repair
- The evidence must be presented to the Tree Service in a manner which facilitates easy interpretation

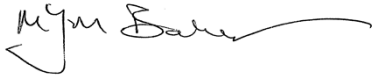
Conditions of this Permission (OBLIGATORY)

- You are required to give the Tree Service a minimum of 3 working days advance notice of any date you have arranged to undertake these permitted works. This can be done by telephone on 01344 354441 or email trees@bracknell-forest.gov.uk and will assist us in dealing with enquires from any concerned members of the public at the time of the pruning.
- The recipient of this grant of permission is required to provide a copy to the contractor carrying-out the work, prior to commencement.
Reason: To ensure only works, as permitted, are undertaken. Any works exceeding the permitted works will be subject to investigation by the Planning Authority.
- This permission is only valid for a period of 12 months from the date of this letter. Should you wish to carry out any maintenance pruning or felling after that period, you will have to renew your permission (the exception is the removal of any dead-wood or dangerous branches for which formal consent is not required)
- You are required to undertake all tree works in accordance with the current British Standard 3998 - "Recommendations for Tree-work", unless otherwise stated.
- You and your tree surgeon are required to check the tree/s for any nesting birds before this permitted work is undertaken. Should any be found, the work must be delayed or managed in such a way so as not to damage bird nests in contravention of the Act. The Wildlife & Countryside Act specifically protects birds in the breeding/nesting season.
- You and your tree surgeon are required to check the tree/s for any bat roosts. If you are aware that bats roost in the tree/s for which work is planned, take advice from Natural England (via the Bat Conservation Trust on 0845 1300 228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England (0845 600 3078) for advice before continuing. However, this notice does not give authority to destroy, or damage a bat roost, or disturb a bat. It is illegal to obstruct, disturb, damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. All bat species are protected section 41 of the Conservation of Habitats and Species Regulations 2010, the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act.

Informatives (ADVISORY)

- For your convenience, the Council recommends you visit the website www.trees.org.uk for their list of Approved Contractors (tree-surgeons)
- A directory of qualified ecologists is held by the Institute of Ecology and Environmental Management (IEEM) which is accessible at www.ieem.net/ieemdirectory.asp.

- You are advised that this letter is in respect of the Tree Preservation Order only and it does not imply that consent would be forthcoming from the owner of the tree(s) or any such other persons from who consent would be required.

A handwritten signature in black ink, appearing to read 'Max Baker', with a long horizontal flourish extending to the right.

Max Baker
Head of Planning

On behalf of Bracknell Forest Council

Town and Country Planning
(Tree Preservation) (England) REGS 2012

**Part Consent Part Refusal of Planning
Permission**

PROPOSAL DESCRIPTION FOR PART REFUSAL:

Ms Joanne Hawkins
123 Oakengates
Bracknell
Berkshire
RG12 7QL

APPLICANT: Ms Joanne Hawkins
DESCRIPTION: TPO 619 - Application to sever roots of 1 tree
LOCATION: 123 Oakengates Bracknell Berkshire RG12 7QL
APPLICATION NO: 22/00266/TRTPO
DATE REGISTERED: 5th December 2022
DECISION DATE: 25th January 2023

Part II – Particulars of Decision

Bracknell Forest Borough Council, as the Local Planning Authority, hereby give notice that the application for works in respect of the proposal described above has been **REFUSED**. The grounds for this decision are as follows:-

1. Refuse grant of permission to sever all roots crossing the legal property boundary between the subject properties, in accordance with this application.

Application Proposal

In accordance with pages 4 - 8 of the applicant independent arboricultural report, dated 10/08/2022, direct property damage has been identified leading to the applicant's is seeking permission to "sever the roots of the tree at the boundary between properties 123 & 122, to enable the owner of 122 to fix his driveway and prevent further damage."

Tree Service Consideration

This application has been made further to refused application, 22/00163/TRTPO which provided the following informative

"An application to sever roots directly associated with the lifting of the block pavements within the driveway of 122 Oakengates, would not be unreasonably refused."

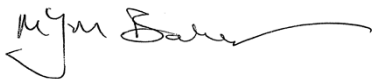
The applicant's current proposal is considered ambiguous, interpretable to require the severance of all roots where the legal property boundaries meet, contrary to the Tree Service's presented proportionate solution, to only sever roots associated with tangible damage.

With specific reference to 4.11.6/ &7 of the applicant's independent arboricultural report, the complete severance of roots at the property boundary is considered an unacceptable solution to mitigating nuisance caused by the direct damage caused by roots identified within section 4.4 - 4.10.

With regard the applicant's intention to prevent further damage to the neighbour's drive, by severing all roots at the property boundary, similar to pruning above ground tree form, root pruning often requires periodic attention in managing the objective and would not simply prevent further root development or potential for future lifting of pavements.

Pine species characteristically, have an inherent preference for sandy soils to sustain their existence, thus the sharp sand that forms the subbase of the neighbour's block paved drive, presents comparable root medium to obtain water and dissolved nutrients and one in which will foreseeably proliferate new root growth and ostensibly cause the gradual lifting of the block paved surface.

An advantage of block paved surfacing within the rooting environment of a tree as opposed to sealed surfacing, such as tarmac, is the permeable nature of the construction materials which facilitates gaseous exchange of root respiration and ingress of water, albeit less than a fully permeable surface such as grass. Perhaps the 2 most obvious benefits relating to the use of block paving within the rooting environment of trees is the ability to effect repairs without the need to disturb unrelated roots and post repair, the finished surface has no long-term obvious signs of repair.



Max Baker
Head of Planning

On behalf of Bracknell Forest Council

IMPORTANT INFORMATION ABOUT THIS DECISION

If you disagree with the Council's decision to refuse permission for the work submitted in your application, you are entitled to appeal to the Secretary of State for the Environment, Transport and the Regions. If you appeal, you must do so within 28 days of this letter by contacting: -

The Environment Team,
The Planning Inspectorate
Room 4/04, Kite Wing
Temple Quay House
2 The Square

Temple Quay
Bristol BS1 6PN

Email: environment.appeals@pins.gsi.gov.uk or Tel: 0117 372 8192
Or website: www.planning-inspectorate.gov.uk/pins/appeals/tree_preservation/index.htm

Should you have any further queries on this matter, please feel free to contact me.

Appeals to the Secretary of State

If you disagree with this decision, you are entitled to appeal to the Secretary of State for the Environment, Transport and the Regions. If you want to appeal, you must do so within 28 days of this decision notice by contacting; - The Environment Team, The Planning Inspectorate, Room 3/13, Kite, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel 01173728192) who will provide you with a form. Alternatively you can visit www.planning-inspectorate.gov.uk/pins/appeals/tree_preservation/index.htm