



APPEALS AND REVIEWS COMMITTEE

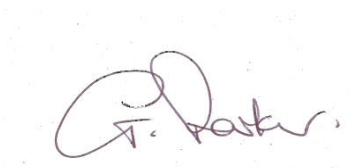
This meeting will be recorded and the sound recording subsequently made available via the Council's website: charnwood.gov.uk/pages/committees

Please also note that under the Openness of Local Government Bodies Regulations 2014 that other people may film, record, tweet or blog from this meeting. The use of any images or sound recordings is not under the Council's control.

To: Councillors Capleton (Chair), Gaskell (Vice-Chair), Cooper, Hachem and Miah (for attention)

All other members of the Council
(for information)

You are requested to attend the meeting of the Appeals and Reviews Committee to be held in Committee Room 2 - Council Offices on Monday, 1st October 2018 at 5.00 pm for the following business.



Chief Executive

Southfields
Loughborough

21st September 2018

AGENDA

1. APOLOGIES
2. MINUTES OF THE PREVIOUS MEETING 3 - 4
To receive and note the minutes of the previous meeting.
3. QUESTIONS UNDER OTHER COMMITTEE PROCEDURES 12.8
No questions were submitted.

4. DISCLOSURES OF PECUNIARY AND PERSONAL INTERESTS

5. BOROUGH OF CHARNWOOD (FOREST COURT, FOREST ROAD, LOUGHBOROUGH) TREE PRESERVATION ORDER 2018 5 - 86

A report of the Head of Strategic Support is attached.

PROCEDURE

The procedure to be followed in considering objections to Tree Preservation Orders is as follows:

- (a) *The Head of Strategic Support or his/her representative will introduce the report before the Appeals and Reviews Committee which will include written statements by both parties (i.e. the Head of Planning and Regeneration and the objector(s)).*
- (b) *The Head of Planning and Regeneration or his/her representative will present his/her case for confirming the order with or without modifications.*

Members of the Appeals and Reviews Committee and the objector(s) may then ask him/her questions.

- (c) *The objector(s) will present his/her case, if he/she wishes to do so.*

Members of the Appeals and Reviews Committee and the Head of Planning and Regeneration or his/her representative may then ask the objector(s) questions.

- (d) *Members of the Appeals and Reviews Committee will ask the parties for any additional information or clarification they require.*
- (e) *The Appeals and Reviews Committee, with the advice of the Head of Strategic Support or his/her representative as necessary, will then decide whether or not the order should be confirmed and, if so, whether with or without modifications.*

The parties will not participate in the meeting at this stage and each will have the options of sitting in the public gallery or leaving the meeting.

APPEALS & REVIEWS COMMITTEE 9TH JULY 2018

PRESENT: The Chair (Councillor Capleton)
The Vice-chair (Councillor Gaskell)
Councillors Cooper, Hachem and Miah

Team Leader Natural and Built Environment
Principal Solicitor
Democratic Services Officer (NA)

The Chair stated that this meeting would be recorded and the sound recording subsequently made available via the Council's website. He also advised that, under the Openness of Local Government Bodies Regulations 2014, other people may film, record, tweet or blog from this meeting, and the use of any such images or sound recordings was not under the Council's control.

5. MINUTES

The minutes of the meeting of the Committee held on 4th June 2018 were received and noted.

6. QUESTIONS UNDER OTHER COMMITTEE PROCEDURES 12.8

No questions had been submitted.

7. DISCLOSURES OF PECUNIARY AND PERSONAL INTERESTS

No disclosures of interest were made.

8. BOROUGH OF CHARNWOOD (QUORN HOUSE, MEETING STREET, QUORN) TREE PRESERVATION ORDER 2018

A report of the Head of Strategic Support was submitted setting out details of the Tree Preservation Order served on the above site, the objection received to the Order and the comments of the Head of Planning and Regeneration on the issues raised by the objection (item 5 on the agenda filed with these minutes).

The Principal Solicitor assisted with the consideration of the report.

The Head of Planning and Regeneration's representative attended the meeting to put forward their case and answer the Committee's questions.

The Committee was advised that the objectors to the Tree Preservation Order were happy with the proposed amendments to the order and did not object to such an amended order.

The Committee considered this matter in accordance with the “Procedure for Considering Objections to Tree Preservation Orders” set out in the Council’s Constitution and on the agenda for this meeting.

RESOLVED that the Borough of Charnwood (Quorn House, Meeting Street, Quorn) Tree Preservation Order 2018 be confirmed, with modification to replace the original schedule with the amended version provided at Annex 3 to the report of the Head of Strategic Support, which correctly describes the trees to be protected.

Reason

Having considered, in accordance with the procedure set out in the Council’s Constitution, the objection to the Order, the Committee considered that the reasons put forward for not protecting the trees did not outweigh the contribution they made to the amenity of the area and that the trees should therefore be protected, subject to the modification set out above.

NOTES:

1. No reference may be made to these minutes at the Council meeting on 3rd September 2018 unless notice to that effect is given to the Democratic Services Manager by five members of the Council no later than five working days following the publication of the minutes.
2. These minutes are subject to being received and noted at the next meeting of the Appeals & Reviews Committee.

APPEALS AND REVIEWS COMMITTEE 1ST OCTOBER 2018

Report of the Head of Strategic Support

ITEM 5 BOROUGH OF CHARNWOOD (FOREST COURT, FOREST ROAD, LOUGHBOROUGH) TREE PRESERVATION ORDER 2018

The Council's Head of Planning and Regeneration decided that it would be appropriate to make the above Tree Preservation Order, to protect trees in the grounds of Forest Court, Forest Road, Loughborough.

The decision was made in advance of the Emmanuel Church Conservation Area boundary being amended, an amendment which would result in the Forest Court site lying outside the Conservation Area. That would leave the trees vulnerable to unregulated works including inter alia felling.

The Order would ensure that the trees, which collectively made a significant contribution to the visual amenity of the area, were properly protected.

Therefore, an Order was made on 17th April 2018 to provisionally protect the trees.

A copy of the Order is attached at **Annex 1**.

Following the making of the Order, an objection to it was received from the agent acting on behalf of the site owner, a copy of which is attached at **Annex 2**. A more detailed objection was subsequently submitted by the agent, this is attached at **Annex 3**.

The Head of Planning and Regeneration's comments on the issues raised in the objection are attached at **Annex 4**.

In conclusion, the Committee is asked to consider the issues raised by the objector and the comments of the Head of Planning and Regeneration in accordance with the procedure set out and determine whether or not the Tree Preservation Order should be confirmed.

Officer to contact: Nadia Ansari
Democratic Services Officer
01509 634502
nadia.ansari@charnwood.gov.uk

Town and Country Planning Act 1990
The Borough of Charnwood (Forest Court, Forest Road, Loughborough)
Tree Preservation Order 2018

The Charnwood Borough Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order:

Citation

1. This Order may be cited as The Borough of Charnwood (Forest Court, Forest Road, Loughborough) Tree Preservation Order 2018.

Interpretation

2. (1) In this Order “the authority” means the Charnwood Borough Council.
(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall:
 - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this seventeenth day of April 2018

The Common Seal of the Charnwood Borough Council
was affixed to this Order in the presence of:

A. Ward



2018-19-5

SPECIFICATION OF TREES

Trees specified individually (encircled in black on the map)

Reference on map	Description	Situation
T1	Horse Chestnut	Situated approximately between Block 1 and Block 2 @ SK SK453372 319183; ID tag #0220
T2	Corsican Pine	Situated NW of the NW elevation of Block 1 by approx. @ SK 453365 319177; ID tag #0231
T3	Norway Maple	Situated NW of block 1 by approx. 7m;@ SK 453358 319171
T4	Norway Maple	Situated NE of block 2 by approx. 6.5m;@ SK 453366 319221
T5	Pine	Situated east of Block 2 in shrub bed by approx. 15m; @ SK 453398 319208
T6	Maple	Situated east of block 2 in shrub bed by approx.11m; @SK453404 319199
T7	Maple	Situated east of block 2 in shrub bed by approx.13m;@SK453406 319797
T8	Pine	Situated east of block 2 in shrub bed by approx.14m;@SK453410 319192
T9	Lime	Situated to the Forest Road frontage of Forest Court on grass verge adj to eastern boundary wall of Emmanuel Church grounds; ID tag #7515 ; @SK 453402 319121
T10	Yew	Situated on grass verge at Forest Road Frontage; @SK 453421 319133
T11	Holly	Situated on grass verge at Forest Road Frontage, south of Block 3: SK453426 319137
T12	Horse Chestnut	Situated on the grass verge to frontage of Forest Court south of Block 3; @SK 453431 319142
T13	Lime	Situated on grass verge to frontage of Forest Court southeast of Block 3; @SK 453437 319149
T14	Robinia	Situated within the grounds of Emmanuel Church adj to the eastern boundary wall; @SK 453372 319133

Trees specified by reference to an area
(within a dotted black line on the map)

Reference on map	Description	Situation
	None	

Groups of trees
(within a broken line on the map)

Reference on map	Description (including number of trees in the group)	Situation
G1	Beech (9)	Situated North of Block 1 and to the west of block 2 along the southern bank of the Wood Brook; @ SK453355 319203
G2	Beech (3)	Situated northeast of block 2 on the south bank of the Wood Brook; 2x are ID tagged #0223 & #0224; @ SK453364
G3	Holly (3)	Situated in highway verge fronting the development; @SK453408 319123

Woodlands
(within a continuous black line on the map)

Reference on map	Description	Situation
	None	

I certify that this map shows all the trees referred to in the first schedule of the Borough of Charnwood (Forest Court, Forest Road, Loughborough) Tree Preservation Order 2018

Authorised Signatory



2018-19-5

Amber



Borough of Charnwood (Forest Court, Forest Road, Loughborough) Tree Preservation Order 2018



R Bennett Dip.TP.MRTPI
Head of Planning & Regeneration
Borough of Charnwood
Southfields
Loughborough
Leics LE112TN
Date: 11 April 2018
Scale: 1:500 (as exported from GIS)
Prep: NOD

Licence No. 100023558 Reproduced from the Ordnance Survey Map with the permission of the Controller of Her Majesty's Stationary Office, Crown Copyright Reserved.

This matter is being dealt with by
Richard Thurling

1 Meridian South, Meridian Business Park, Leicester,
LE19 1WY
DX 710910 Leicester Meridian
T +44 (0)116 366 8000

The Head of Strategic Support
Charnwood Borough Council
Southfields
Loughborough
LE11 2TX

Our ref: 1088007.1.RT
Your ref: PT/12

9 May 2018

F.A.O Mrs Nadia Ansari
By email and post

Dear Sirs

Borough of Charnwood (Forest Court, Forest Road, Loughborough) Tree Preservation Order 2018 ("TPO")

Our client: Harrington Investments Limited

Site: Forest Court, Forest Road, Loughborough LE11 3NT

We are instructed by Harrington Investments Limited the registered leasehold proprietor of Forest Court, Loughborough pursuant to title number LT314284. We write in response to the notice dated 17 April advising that the Council has made the above TPO.

Our client objects to the proposed TPO on the grounds that the trees identified do not, as stated, collectively or at all satisfy the requirement to significantly contribute to the visual amenity of the area. Our client will demonstrate that the making of the above TPO has been predicated on the removal of our client's land from the Loughborough Emmanuel Conservation Area rather than the requisite test of visual amenity which has not been assessed adequately or at all.

We urgently require a copy of the Council's arboricultural assessment that has informed the making of the above TPO and any other supporting papers in order to respond adequately to the proposed TPO. Accordingly we reserve our client's right to expand and add to this initial objection both in writing and orally at a hearing, following a review of the information on which the TPO has been made.

Insofar as a s330 notice was also attached to the correspondence dated 17 April we can respond on our client's behalf as follows:

- a) Nature of our client's interest – Leasehold owner, 999 years registered under title number LT314284 (attached);
- b) Other persons with an interest – Loughborough University, freehold owner. Lloyds Bank Plc, mortgagee. Please see attached title for further information and address details;
- c) Use of the premises – student accommodation;
- d) Time when that use began – The premises is purpose built student accommodation believed to have been erected in the 1960s

- e) Name and address of any person known to have used the premises for that purposes – Loughborough University and Derwent Housing prior to our client;
- f) Time when activities being carried out on the premises began – see (d) above. Building works in connection with the lawful use are ongoing and programmed to complete in summer 2018.

We await receipt of the Council's supporting TPO papers and arboricultural assessment so that we may respond further.

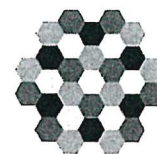
Yours faithfully

Shakespeare Martineau

Shakespeare Martineau

Direct Line: 0116 281 6911

E: richard.thurling@shma.co.uk



Official copy of register of title

Title number LT314284 Edition date 16.11.2017

- This official copy shows the entries on the register of title on 12 FEB 2018 at 10:46:30.
- This date must be quoted as the "search from date" in any official search application based on this copy.
- The date at the beginning of an entry is the date on which the entry was made in the register.
- Issued on 12 Feb 2018.
- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- This title is dealt with by HM Land Registry, Leicester Office.

A: Property Register

This register describes the land and estate comprised in the title. Except as mentioned below, the title includes any legal easements granted by the registered lease but is subject to any rights that it reserves, so far as those easements and rights exist and benefit or affect the registered land.

LEICESTERSHIRE : CHARNWOOD

- 1 (17.08.1999) The Leasehold land shown edged with red on the plan of the above Title filed at the Registry and being Forest Court, Forest Road, Loughborough (LE11 3NT).
- 2 (17.08.1999) Short particulars of the lease(s) (or under-lease(s)) under which the land is held:
 Date : 22 June 1999
 Term : From 22 June 1999 to 21 June 2098
 Rent : a peppercorn
 Parties : (1) Loughborough University
 (2) Derwent Housing Association limited
- 3 (17.08.1999) There are excepted from the effect of registration all estates, rights, interests, powers and remedies arising upon, or by reason of, any dealing made in breach of the prohibition or restriction against dealings therewith inter vivos contained in the Lease.
- 4 Unless otherwise mentioned the title includes any legal easements granted by the registered lease(s) but is subject to any rights that it reserves, so far as those easements and rights exist and benefit or affect the registered land.

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

- 1 (01.07.2014) PROPRIETOR: HARINGTON INVESTMENTS LIMITED (Co. Regn. No. 03059505) of Unit 9, Whitwick Business Centre, Stenson Road, Coalville LE67 4JP.
- 2 (01.07.2014) The price stated to have been paid on 10 June 2014 was

B: Proprietorship Register continued

£2,440,000.

- 3 (01.07.2014) The Transfer to the proprietor contains a covenant to observe and perform the covenants referred to in the Charges Register and of indemnity in respect thereof.
- 4 (16.11.2017) RESTRICTION: No disposition of the registered estate by the proprietor of the registered estate or by the proprietor of any registered charge, not being a charge registered before the entry of this restriction, is to be registered without a written consent signed by the proprietor for the time being of the Charge dated 8 November 2017 in favour of Lloyds Bank PLC referred to in the Charges Register.

C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 (17.08.1999) A Conveyance of the freehold estate in the land in this title and other land dated 29 July 1960 made between (1) Sidney Clements Potter (Vendor) and (2) William Davis & Company (Leicester) Limited contains the following covenants:-

"The Purchaser hereby covenants with the Vendor not at any time hereafter to erect or suffer to be erected or be on the property hereby conveyed any building structure or obstruction nearer than eight feet to the two existing glazed ground floor windows of the Vendor's said adjoining cottages (the situation and size of such two windows being more particularly delineated in Plan No. 2 hereto annexed and the said two windows are thereon marked X and Y) which would diminish the access of light thereto to a less angle than forty five degrees Provided that nothing herein contained shall operate to restrict the height to which any building or structure may be erected or other obstruction be raised at a distance greater than eight feet from the said two windows"

NOTE: Copy plan No. 2 filed.
- 2 (17.08.1999) The land is subject to the following rights reserved by the Conveyance dated 29 July 1960 referred to above:-

"Except nevertheless and Reserving to the Vendor and his successors in title owners for the time being of the adjoining cottages the site whereof is more particularly delineated by way of identification on Plan Number 1 annexed hereto and thereon edged green the right to keep in its present position overhanging part of the property hereby conveyed the iron guttering the situation whereof is more particularly delineated on the Plan No. 2 annexed hereto"

NOTE: Copy of plan No. 1 filed.
- 3 (28.03.2001) Agreement for Underletting dated 22 June 1999 in favour of Loughborough University upon the terms therein mentioned.

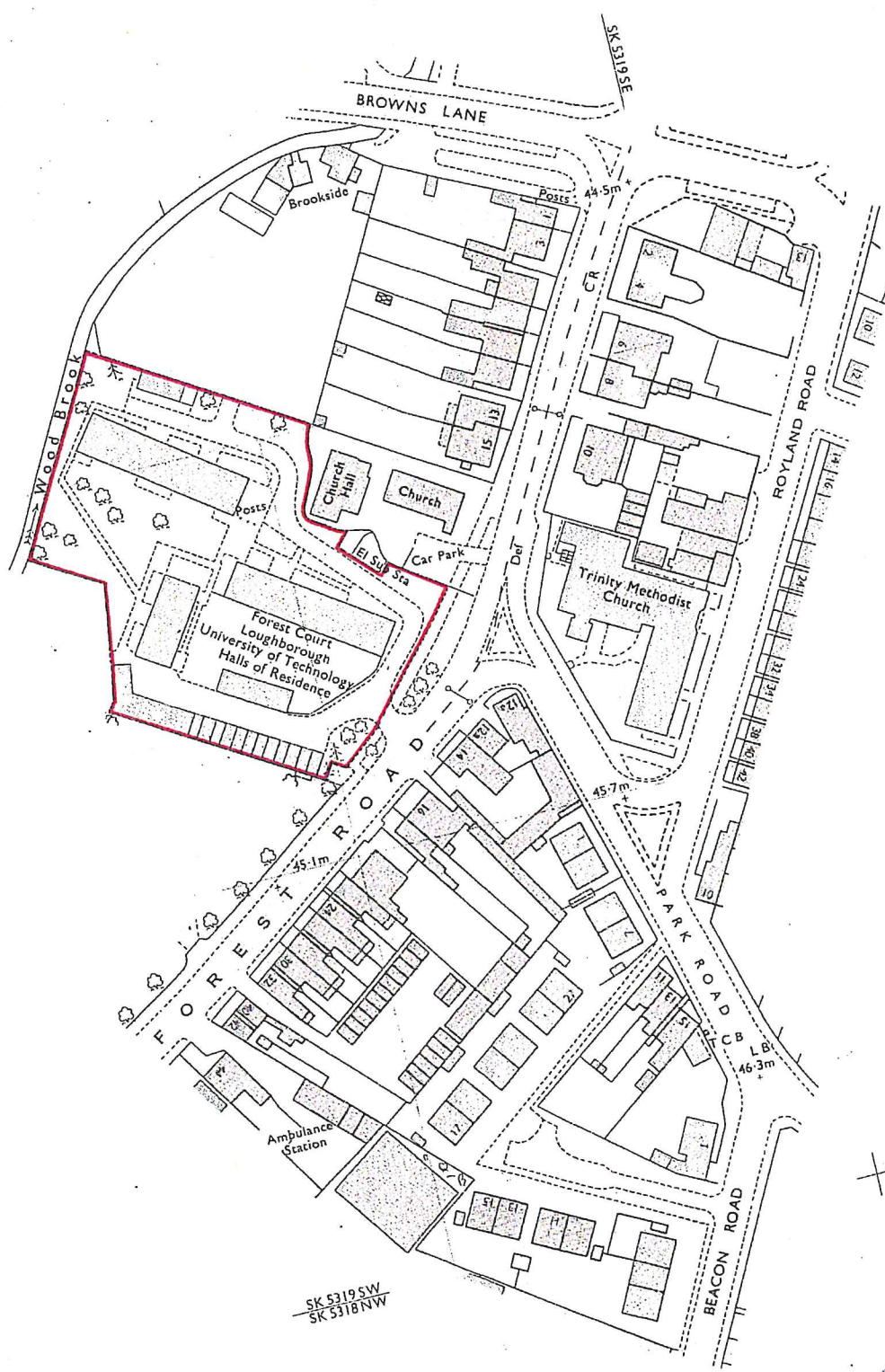
NOTE: Copy filed.
- 4 (20.08.2007) Variation of Agreement for Underletting dated 22 June 1999 in favour of Loughborough University referred to above contained in a Deed dated 19 July 2007.

NOTE: Copy filed.
- 5 (23.07.2009) The land is subject to the rights granted by a Conveyance of adjoining land dated 12 February 1964 made between (1) William Davis & Company (Leicester) Limited and (2) The East Midlands Electricity Board.

NOTE:-Copy filed under LT422339.
- 6 (16.11.2017) REGISTERED CHARGE dated 8 November 2017 affecting also other titles.

NOTE: Charge reference LT299568.
- 7 (16.11.2017) Proprietor: LLOYDS BANK PLC (Co. Regn. No. 2065) 3282 of

H.M. LAND REGISTRY		TITLE NUMBER	
		LT 314284	
ORDNANCE SURVEY PLAN REFERENCE	SK 5319	SECTION Q	Scale 1/1250
COUNTY LEICESTERSHIRE	DISTRICT CHARNWOOD	© Crown copyright 1977	





Official copy of register of title

Title number LT460127

Edition date 03.06.2014

- This official copy shows the entries on the register of title on 09 MAY 2018 at 15:28:57.
- This date must be quoted as the "search from date" in any official search application based on this copy.
- The date at the beginning of an entry is the date on which the entry was made in the register.
- Issued on 09 May 2018.
- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- This title is dealt with by HM Land Registry, Leicester Office.

A: Property Register

This register describes the land and estate comprised in the title.

LEICESTERSHIRE : CHARNWOOD

- 1 (03.06.2014) The Freehold land shown edged with red on the plan of the above title filed at the Registry and being Forest Court, Forest Road, Loughborough (LE11 3NT).

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

- 1 (03.06.2014) PROPRIETOR: LOUGHBOROUGH UNIVERSITY of Loughborough University, Loughborough LE11 3TU.
- 2 (03.06.2014) The value stated as at 3 June 2014 was £240,000.

C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 (03.06.2014) The deeds and documents of title having been lost or destroyed the land is subject to such restrictive covenants as may have been imposed thereon before 3 July 2014 and since 29 July 1960 and are still subsisting and capable of being enforced.
- 2 (03.06.2014) A Conveyance of the land in this title and other land dated 29 July 1960 made between (1) Sidney Clements Potter (Vendor) and (2) William Davis & Company (Leicester) Limited contains the following covenants:-

"The Purchaser hereby covenants with the Vendor not at any time hereafter to erect or suffer to be erected or be on the property hereby conveyed any building structure or obstruction nearer than eight feet to the two existing glazed ground floor windows of the Vendor's said adjoining cottages (the situation and size of such two windows being more particularly delineated in Plan No. 2 hereto annexed and the said

Title number LT460127

C: Charges Register continued

two windows are thereon marked X and Y) which would diminish the access of light thereto to a less angle than forty five degrees Provided that nothing herein contained shall operate to restrict the height to which any building or structure may be erected or other obstruction be raised at a distance greater than eight feet from the said two windows"

NOTE: Copy plan No. 2 filed under LT314284.

- 3 (03.06.2014) The land is subject to the following rights reserved by the Conveyance dated 29 July 1960 referred to above:-

"Except nevertheless and Reserving to the Vendor and his successors in title owners for the time being of the adjoining cottages the site whereof is more particularly delineated by way of identification on Plan Number 1 annexed hereto and thereon edged green the right to keep in its present position overhanging part of the property hereby conveyed the iron guttering the situation whereof is more particularly delineated on the Plan No. 2 annexed hereto"

NOTE: Copy of plan No. 1 filed under LT314284.

- 4 (03.06.2014) The land is subject to the rights granted by a Conveyance of adjoining land dated 12 February 1964 made between (1) William Davis & Company (Leicester) Limited and (2) The East Midlands Electricity Board.

NOTE:-Copy filed under LT422339.

- 5 (03.06.2014) The land is subject to the lease set out in the schedule of leases hereto.

Schedule of notices of leases

1	17.08.1999	Forest Court, Forest Road	22.06.1999 From 22.6.1999 to 21.6.2098	LT314284
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End of register

This matter is being dealt with by
Richard Thurling

1 Meridian South, Meridian Business Park, Leicester,
LE19 1WY
DX 710910 Leicester Meridian
T +44 (0)116 289 2200

Nadia Ansari
Democratic Services Officer
Charnwood Borough Council
Southfields Road
Loughborough
Leicestershire
LE11 2TN

Our ref: 10.1088007.1.RT.lc
Your ref: PT/12

09 July 2018

Dear Sirs

Borough of Charnwood (Forest Court, Forest Road, Loughborough) Tree Preservation Order 2018

We refer to the above Order and write in accordance with the agreed arrangements for the submission of the material to support our client's objection to the proposed TPO.


The Council will be well aware that in accordance with s198 of the Town and Country Planning Act 1990, a TPO can only be made to preserve particular trees or woodland in the interests of amenity and where it is expedient to preserve those trees by making a TPO. At the time of writing the Council has failed to provide a copy of its supporting arboricultural assessment and or the delegated decision that was taken before the making of the TPO. These documents were first requested on 9 May 2018 and despite repeated requests no information or response from the Council's Senior Landscape Officer has been provided. In the circumstances we must reserve our client's position to challenge the procedural propriety of making the Order at the forthcoming meeting of the Council's Appeals and Reviews Committee on 1 October at 17:00.

In addition our client contends that the reason offered by the Council to support the making of the Order is erroneously predicated on the Council's recent decision to remove our client's land from the Loughborough Emmanuel Church Conservation Area. That rationale is procedurally and legally flawed and a decision seeking to confirm an order on that basis could be subject to challenge.

The second part of the Council's reason is that the trees collectively make a significant contribution to the visual amenity of the area. As indicated above no supporting evidence has been provided by the Council to substantiate that position. However in preparation for the forthcoming meeting please find enclosed a copy of the arboricultural report previously commissioned by our client. As you will see that report, prepared by Golby & Luck, includes a full condition and amenity assessment in accordance with best practice guidance and concludes that only trees T2, T5, T9, G1 and G2 are suitable for inclusion in a TPO.

We continue to await receipt of the Council's evidence in support of the proposed TPO and naturally we must reserve our client's position to expand on these submissions in response to any papers that may be provided by the Council in advance of the meeting on 1 October 2018.

Yours faithfully

Shakespeare Martineau 

Shakespeare Martineau

Direct Line: 0116 281 6911
Direct Fax: 0116 289 3733
E: richard.thurling@shma.co.uk

Forest Court, Loughborough

Arboricultural Condition Survey & TEMPO Assessment

Client: Harrington Investments Ltd

Survey Date: 22nd May 2018

Report Date: 5th June 2018

Ref: GL0930



Tel: 01530 265688

Web: www.golbyandluck.co.uk

Email: info@golbyandluck.co.uk


Trading Office: 207 Leicester Road, Ibstock, Leicestershire, LE67 6HP
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CONTENTS

1.	INTRODUCTION	1
2.	ASSESSMENT METHODOLOGY	3
3.	ASSESSMENT SUMMARY	8
4.	CONCLUSIONS	12
5.	APPENDIX 1: TREE PRESERVATION ORDER	13
6.	APPENDIX 2: ARBORICULTURAL SURVEY SCHEDULE	14
7.	APPENDIX 3: TEMPO ASSESSMENTS	15
8.	APPENDIX 4: TEMPO METHODOLOGY & GUIDELINES	16

Client	Harrington Investments Ltd
Report Title	Arboricultural Survey Report
Location	Forest Court, Forest Road, Loughborough
Date of Survey	22.05.2018
Surveyor Signature	 David Carter FdSc Hort, BSc (Hons), MArborA
Date Issued	05.06.2018



1 INTRODUCTION

- 1.1 Golby & Luck have been instructed to carry out an arboricultural survey and produce this report on behalf of Harrington Investments Ltd. The purpose of this report is to review trees included within the Borough of Charnwood (Forest Court, Forest Road, Loughborough) Tree Preservation Order 2018.
- 1.2 The report considers the trees included within the Order and also in ownership of the Harrington Investments Ltd. A condition & amenity assessment has been carried out for these trees in order to inform a TEMPO (Tree Evaluation Method for Preservation Orders) assessment and review the appropriateness and suitability of their inclusion in the provisional Order.
- 1.3 This plan should be read in conjunction with the appended Tree Preservation Order, arboricultural survey schedule, TEMPO assessments and TEMPO methodology & guidelines.

Site Description

- 1.4 The site is located off Forest Road, Loughborough. It is subject to ongoing redevelopment in line with planning consent P/15/1700/2, as approved by Charnwood Borough Council. Site topography is level and comprises parking facilities, road access, amenity space with occasional trees and three 4-storey accommodation blocks. The site is bound to the west by the Wood Brook, building curtilages to the north and south, and Forest Road to the east.
- 1.5 The trees assessed are situated throughout the site, principally on amenity space central to the court, along the Wood Brook corridor, adjoining Forest Road and adjacent to the north boundary.

Background

- 1.6 The provisional Borough of Charnwood (Forest Court, Forest Road, Loughborough) Tree Preservation Order 2018 (referred to as 'the TPO' herein) was served on 17 April 2018 and includes 14no individual trees and 3no groups of trees. The making of the TPO follows modification to the Loughborough Emmanuel Church Conservation Area boundary, such that the Forest Court site is now excluded from the designation and the trees present no longer afforded protection. In the letter accompanying the TPO, the Council stated:

'This will leave trees vulnerable to unregulated works including inter alia felling. The trees collectively make a significant contribution to the visual amenity of the area, therefore it is considered appropriate to place them under a Tree Preservation Order.'

- 1.7 Until such time that the provisional TPO is confirmed, with or without modification, a full planning application must be submitted to the local planning authority prior to any trees works being carried



out, except where the exemptions set out in section 14 of the Town & Country Planning (Tree Preservation) (England) Regulations 2012 apply.



2 ASSESSMENT METHODOLOGY

Condition Assessment

- 2.1 For the purpose of this report, trees shall be referenced as they are in the appended TPO schedule.
- 2.2 The scope of the assessment includes only the trees within the ownership of Harrington Investments Ltd: T1 – T9, G1 & G2. Trees not assessed include: T10 - T14 & G3.
- 2.3 All trees assessed have been surveyed individually, but are considered in groups where listed as such in the TPO Schedule.
- 2.4 Measurements have been recorded for height, stem diameter and branch spread at the cardinal points for all trees surveyed. Height measurements above 10m are accurate within 1m. Height and width measurements for hedgerows are provided as an average of the overall length. Measurements of stem diameter were taken at 1.5m from ground level where conditions allowed.
- 2.5 Life stage was assessed as follows:

Young (Y)	Recently established and/or showing juvenile form.
Semi-mature (S/M)	An established tree, but with growth to make before reaching its potential maximum size. Within the first 1/3rd of life span.
Early-mature (E/M)	A tree that is reaching its ultimate potential height, whose growth rate is slowing down but, if healthy, will still increase in stem diameter and crown spread. Within the second 1/3rd of life span.
Mature (M)	A mature specimen with limited potential for any significant increase in size, even if healthy. A tree within its final 1/3rd of life span.
Over-mature (O/M)	A senescent or moribund specimen of low vigour within its final third of life span. Possibly also containing structural defects requiring remedial work.
Veteran (V)	Specimens exhibiting features of biological, cultural or aesthetic value that are characteristic of, but not exclusive to, individuals surviving beyond the typical age range for the species concerned.
Dead (D)	The tree is dead. Its age up till death is of no significance.



2.6 Physiological and structural condition has been recorded has one of the following categories:

Good (G)	A tree or hedgerow in good health typical of the species. Needling little, if any, remedial work. Few minor defects of minimal significance such as physical damage or suppressed branches. Showing no adverse risk of failure or decline.
Fair (F)	A tree or hedgerow with minor but rectifiable defects or in the early stages of stress, from which it may recover. Showing minor signs of decline, including major defects in early life stages, or multiple minor defects. Remedial work possibly required.
Poor (P)	A tree with major structural or physiological defects such that it would be inappropriate to retain in its current or future environment. Unlikely to return to a good condition given time or remedial work.
Dead (D)	A tree no longer alive.

2.7 Deadwood has been defined as the following:

Twigs	Small branch material up to 10mm diameter
Minor deadwood	Deadwood 10mm to 50mm diameter
Major deadwood	Deadwood greater than 50mm diameter

2.8 Structural defects, pathogens, disease and other relevant observations of trees condition have been noted. These are recorded under 'Observations' in the appended schedule and are accompanied by recommendations for any responsive work.

2.9 Estimated remaining contribution (ERC), or 'retention span', has been considered in relation to tree condition, relative species life expectancy and in the context of the TEMPO guidelines, as set out in Appendix 4.



2.10 Remedial work has been prioritised in accordance with the following categories:

U (Urgent)	The condition of a tree/trees presents an immediate risk of significant harm to persons or property that should be addressed immediately . High use public and private spaces or buildings are located in the target area of the tree.
1 (1 months)	The condition of a tree/trees presents a moderate risk of harm to persons or property that should be addressed within 1 month . High to moderate usage public or private spaces or buildings are located in the target area of the tree.
2 (If budget allows)	The condition of a tree/trees presents a moderate or low risk of harm to persons or property that should be addressed if budget allows . Low usage public or inaccessible spaces and buildings are located in the target area of the tree.
3 (Ongoing)	Works that are recommended in the interests of formative maintenance or good arboricultural practice. They are not required to address a hazard or risk to safety.

Condition Assessment Limitations

- 2.11 The survey was a visual assessment undertaken from ground level - no aerial inspection or invasive inspection techniques (e.g. drilling, excavation) were undertaken. Only binoculars, polythene mallet and a metal probe have been used to aid tree assessment. Trees were in full leaf when assessed. Unless otherwise stated, all trees should be re-inspected 12 months from the date of survey or after any major storm event.
- 2.12 Where physical objects or vegetation obstructed inspection, measurements may have been estimated. A hash symbol # is indicated where measurements are estimated due to impeded access.
- 2.13 The recommendations and conclusions in this report relate only to the conditions found on this site at the time of the site visit and inspection. Trees are living organisms the condition of which can change significantly and sometimes unpredictably in short time periods, particularly when the surrounding environment is subject to change or extreme weather conditions.
- 2.14 The findings of the report are valid for a period of twelve months only from the date of survey, except where alternative re-inspection schedules are recommended. Any major alteration to the site or unforeseeable events (level changes, hydrological changes, severe weather events, tree works undertaken without seeking arboricultural advice etc) may affect the trees and thus



necessitate a re-assessment of those specimens affected. Potential hazards and levels of risk may change if site usage alters.

Amenity Assessment

- 2.15 In order for trees to be suitable for TPO protection they must be considered to make a significant contribution to the public amenity of the area. The Town & Country Planning Act 1990, s198 (1) affords local authorities the power to make a TPO where it is:

'expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area'.

- 2.16 The Department for Communities & Local Government further sets out:

'Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future.'

- 2.17 Assessments of amenity have therefore been considered in respect of each trees relative visibility to publicly accessible areas. All surrounding publicly accessible spaces (footpaths, road networks, recreation land, public facilities etc) have been reviewed, together with possible wider landscape viewpoints where appropriate. The amount of the tree that is visible, the ease with which it is viewed and the type and receptor of view have been considered to inform an objective assessment of each tree, or group of trees, public amenity value. The potential for future visibility with changed land use is also considered.

- 2.18 It is important to recognise that for a tree to be included as an individual specimen in a TPO, its individual contribution to the public amenity of the area must be significant. If trees are only considered appropriate on the basis of collective amenity value (as stated in the Council's letter dated 17th April 2018), they should be included as groups or woodlands respectively.

TEMPO Assessment

- 2.19 The Tree Evaluation Method for Preservation Order (TEMPO) assessment was developed by independent consultants (Forbes-Laird Arboricultural Consultancy) and has become a widely accepted methodology for assessing the suitability of trees for inclusion in a TPO. It is used by numerous local authorities throughout England to form a systematic and considered evidence base for new TPOs. In Leicestershire, both Hinckley & Bosworth Borough Council and North West Leicestershire District Council use TEMPO.



- 2.20 The method is intended to be informed by appropriate assessment of tree condition, amenity value and expediency. From this, numeric points are provided which, when totalled, provide a score to determine the suitability and defensibility of a TPO for each individual tree, group of trees, area of trees or woodland.
- 2.21 In the absence of any such record being produced by Charnwood Borough Council, a TEMPO assessment of each tree in ownership of the client has been prepared.
- 2.22 Further information on the TEMPO methodology can be found at Appendix 4.



3 ASSESSMENT SUMMARY

- 3.1 The following summary should be read in conjunction with the appended survey schedule and TEMPO assessments.

T1 – Horse-chestnut

- 3.2 T1 is situated in the centre of the site between two accommodations blocks. The tree is over-mature and has numerous minor structural defects that require remedial pruning. Significant entry points for decay/disease are evident in the canopy from recent and historic pruning. Low vigour and minor decline are also evident in the upper canopy where sparse leaf coverage and dieback are visible. The tree displays evidence of *Cameraria* leaf miner and *Pseudomonas syringae pv aesculi* horse-chestnut bleeding canker. The defects present, coupled with the tree's late age, indicate that it is likely to begin declining further and has a retention span not exceeding 20 years.
- 3.3 In respect of amenity, the tree is of restricted public visibility. It is not visible to any public viewpoints to the north and west. To the southeast, there are some limited views of the upper canopy from Forest Road, and a more direct view available between buildings from the Park Road & Forest Road junction. To the south on Wood Brook Way, views of the tree are largely concealed by both T2 & T3. The tree is considered to be of restricted public amenity and visible only with difficulty.
- 3.4 T1's TEMPO score is 11 and therefore not considered suitable for inclusion in a TPO.

T2 – Corsican pine

- 3.5 T2 is situated in the centre of the site to the south of T1. The tree is mature and of fair condition. Its canopy is asymmetric and has lost northerly companion shelter from recent tree removal. However, it has not displayed any signs of branch, stem failure or root plate movement in the winter following removal of the adjacent tree and therefore appears to be tolerating any increased weather exposure. The tree is situated in close proximity to the adjacent building, but given its age is unlikely to grow noticeably more and cause nuisance. It appears in normal physiological condition, as indicated by typical foliage coverage, and is considered to have a retention span of 40-100 years relative to the species typical life expectancy.
- 3.6 The tree is particularly tall and has an evergreen canopy, thus it is of increased visibility in winter months when surrounding deciduous canopy cover has dropped leaf. The tree is not visible as a whole to any public viewpoints. Its upper canopy can, however, be seen from Forest Road and the majority of the canopy is visible to the south when approaching along the Wood Brook Way footpath. It is not visible to the east and no clear views could be found in public areas to the north. The tree is considered to be of limited public visibility.



3.7 T2's TEMPO score is 14 and considered suitable for inclusion in a TPO.

T3 – Norway maple

3.8 T3 is an early-mature Norway maple situated immediately adjacent T2 and in close proximity to the site's south-western accommodation block. The tree appears in normal physiological condition, but has a suppressed branch structure, exhibiting asymmetry to the south. It is located approximately 6m from the adjacent residential building and is highly likely to cause nuisance as it matures, with the species (*Acer platanoides*) having a broad, spreading habit and commonly growing to heights of 20m.

3.9 The tree is only visible from approaching southerly views on Wood Brook Way, where it is visually subservient and suppressed by T2. It is not publicly visible to any other aspects and is a small tree. It is considered visible only with difficulty.

3.10 T3's TEMPO score is 5. Its retention is considered unsuitable as the tree will significantly outgrow its context before achieving any notable amenity value, and cause nuisance to the adjacent building and residential amenity. It is not considered appropriate for a TPO.

T4 – Cherry

3.11 T4 is an early-mature flowering cherry. It is incorrectly listed in the TPO schedule as a Norway maple. This brings into question the reliability of the arboricultural assessment, if any, carried out by the Council to inform the making of the TPO.

3.12 The tree is of poor form, being heavily suppressed by the large adjacent beech in G2, and has restricted future growth potential. The tree is considered to have a retention span of 20 – 40 years relative to the typical life expectancy of the species. It is not visible to any public views.

3.13 T4's TEMPO score is 4 is therefore considered unsuitable for inclusion in a TPO.

T5 – Coriscan pine

3.14 T5 is mature pine situated on the northern boundary of the site. The tree appears in fair physiological and structural condition. Some minor defects are present including deadwood and slight crown asymmetry to the north. The tree is considered to have a retention span of 40 – 100 years relative to the species typical life expectancy.

3.15 Due to the height of surrounding buildings and tree cover, views of T5 are heavily restricted with only a small proportion of the tree's upper canopy being visible to the east from Forest Road. Aside



from this, no clear public views are obtainable. The tree is considered to be visible only with difficulty.

- 3.16 T5's TEMPO score is 13 and a TPO is considered suitable. It should be noted that this score is predominantly substantiated by the tree's condition and retention span, and its amenity value remains limited.

T6 – Norway maple

- 3.17 T6 is an early mature maple situated on the northern boundary of the site. The tree appears in normal physiological condition. The canopy is suppressed by T5 and supported by co-dominant stems. Co-dominant stems can be susceptible to failure in Norway maple as the species has a propensity to form weak branch unions. The tree is considered to have a retention span of 20 – 40 years.

- 3.18 As with T5 only a glimpsed view of the very upper extremities of the tree's canopy is obtainable from the eastern side of Forest Road. The tree is considered to be visible only with difficulty.

- 3.19 T6's TEMPO score is 10 and a TPO is not considered suitable.

T7 – Swedish whitebeam

- 3.20 The species of T7 has also been incorrectly listed in the TPO schedule; it is in fact a Swedish whitebeam, not Norway maple. It is a particularly small tree with a heavily suppressed canopy which is likely to be shaded out and decline in <10 years. It is highly questionable why the tree was considered for protection at all, particularly as it is not visible from any public areas.

- 3.21 T7's TEMPO score is 2 and a TPO is not considered suitable.

T8 – Scots pine

- 3.22 T8 is a small early-mature Scots pine situated in the same amenity border as T5 – T7. Its canopy is suppressed where the tree adjoins T6 in the west. It overhangs the adjacent residential garden and has significant future growth potential, likely to cause considerable nuisance and unreasonably impact upon residential amenity as it matures. For this reason, it is considered to have a retention span of <10 years.

- 3.23 The tree is not visible to public views. Whilst it may become partly visible with future growth, it will adversely affect the amenity of adjoining residential property. Such impact appears unjustifiable when balanced against the trees current, restricted, public amenity value.



3.24 T8's TEMPO score is 4 and a TPO is not considered suitable.

T9 – Common lime

3.25 T9 is a mature lime situated on the frontage of the site in a verge directly adjoining Forest Road. It appears in normal physiological condition, but a number of defects are present in the canopy including major deadwood and evidence of historic storm damage in the upper crown. Remedial pruning is required; however, subject to this, the tree is considered to have a retention span of 20 – 40 years.

3.26 The tree is clearly visible in the Forest Road street scene and can be attributed high public amenity value.

3.27 T9's TEMPO score is 12 and a TPO is considered suitable.

G1 – 9no Common beech

3.28 G1 is a linear group of beech situated along the Wood Brook corridor. The trees share a cohesive and continuous canopy. Minor structural defects are present, such as suppressed form, however, this is considered inconsequential to the group's overall condition. It is considered to have a retention span of 40 – 100 years.

3.29 The trees are particularly prominent to views from the north on Browns Lane, from the public car park associated with Loughborough Leisure Centre and approaching from the south on Wood Brook Way.

3.30 G1's TEMPO score is 19 and a TPO is considered appropriate.

G2 – 3no Common beech

3.31 G2 is a continuation of G1, situated further north along the Wood Brook. The trees appear in fair condition, although the largest and most mature beech in the centre of the group requires remedial pruning to two large scaffold limbs in the west crown. Physiological condition is normal and the group is considered to have a retention span of 40-100 years.

3.32 The trees are similarly prominent to G1, with open public visibility from Browns Lane and near Loughborough Leisure Centre.

3.33 G2's TEMPO score is 19 and a TPO is considered appropriate.



4 CONCLUSION

- 4.1 This report has been prepared for Harrington Investments Ltd in order to assess the TPO suitability of trees included within the provisional Borough of Charnwood (Forest Court, Forest Road, Loughborough) Tree Preservation Order 2018.
- 4.2 A condition & amenity assessment of all trees included in the Order and within the ownership of Harrington Investments Ltd has been carried out (trees T1 – T9, G1 & G2). The findings of this have informed a TEMPO assessment which has been completed in line with the industry accepted methodology and guidance set out in Appendix 4.
- 4.3 Excluding the trees not considered as part of this report, the findings of the assessment conclude that only trees T2, T5, T9, G1 & G2 are suitable for inclusion in a TPO.
- 4.4 The assessment concludes that the TPO is not defensible in the case of trees T1, T3, T4, T6, T7 & T8 due to inadequate amenity value, retention span or poor condition.



Appendix 1: Tree Preservation Order



Charnwood

ADVICE RECORDED DELIVERY

Mr Simon Chamberlain
Harrington's Investments
Forest Court
Forest Road
Loughborough
Leics LE11 3NT

Southfield Road, Loughborough,
Leicestershire. LE11 2TX

Ask for: Nadia Ansari, Democratic Services
Officer, Democratic Services

Direct Line: 01509 634502

Email: nadia.ansari@charnwood.gov.uk

My ref: PT/12

Tuesday, 17 April 2018

Dear Sir

**IMPORTANT - THIS COMMUNICATION MAY AFFECT YOUR PROPERTY/LAND
TOWN AND COUNTRY PLANNING ACT 1990
BOROUGH OF CHARNWOOD (FOREST COURT, FOREST ROAD,
LOUGHBOROUGH) TREE PRESERVATION ORDER 2018**

THIS IS A FORMAL NOTICE to let you know that on 17th April 2018 the Council made the above tree preservation order.

A copy of the order is enclosed. In simple terms, it prohibits anyone from cutting down, topping or lopping any of the trees referred to in the specification and shown on the plan without the Council's consent.

A requisition for information is also enclosed with a statement of information form attached. You are required to complete and return the statement of information form to the address on the form within 21 days.

Some explanatory guidance on tree preservation orders may be obtained on the Communities and Local Government website: www.communities.gov.uk If you require a paper copy of the guidance please contact me at the above address.

The Emmanuel Church Conservation Area boundary is to be amended shortly which will result in the Forest Court site lying outside the Conservation Area. This will leave the trees vulnerable to unregulated works including inter alia felling. The trees collectively make a significant contribution to the visual amenity of the area, therefore it is considered appropriate to place them under a Tree Preservation Order.

The order took effect, on a provisional basis on 17th April 2018. It will continue in force on this basis for a further six months or until the order is confirmed by the Council, whichever first occurs.



Telephone: 01509 263151 Email: information@charnwood.gov.uk

Visit us at www.charnwood.gov.uk

The Council will consider whether the order should be confirmed, that is to say whether it should take effect formally. Before this decision is made, the people affected by the order have a right to make objections or other representations about any of the trees, groups of trees or woodlands covered by the order.

If you would like to make any objections or other comments, please ensure we receive them in writing by 15th May 2018. Your comments must comply with regulation 6 of the Town and Country Planning (Tree Preservation)(England) Regulations 2012, a copy of which is provided on page 3 below. Send your comments to Nadia Ansari, Charnwood Borough Council, Democratic Services, Southfield Road, Loughborough, Leics LE11 2TX. All valid objections or representations will be carefully considered before a decision on whether to confirm the order is made. Those persons who make valid objections/representations will be informed of the Council's procedures for considering those objections/representations.

The Council will write to you again when a decision on whether or not to confirm the order has been made. In the meantime, if you would like any further information or have any questions about this letter, please contact Nadia Ansari on 01509 634502 or at the above address.

Yours faithfully



Nadia Ansari
Democratic Services Officer
Encs.

Town and Country Planning Act 1990
The Borough of Charnwood (Forest Court, Forest Road, Loughborough)
Tree Preservation Order 2018

The Charnwood Borough Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order:

Citation

1. This Order may be cited as The Borough of Charnwood (Forest Court, Forest Road, Loughborough) Tree Preservation Order 2018.

Interpretation

2. (1) In this Order "the authority" means the Charnwood Borough Council.
(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall:
 - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this seventeenth day of April 2018

The Common Seal of the Charnwood Borough Council
was affixed to this Order in the presence of:

A. Ward

.....



2018-19-5

SPECIFICATION OF TREES

Trees specified individually
(encircled in black on the map)

Reference on map	Description	Situation
T1	Horse Chestnut	Situated approximately between Block 1 and Block 2 @ SK SK453372 319183; ID tag #0220
T2	Corsican Pine	Situated NW of the NW elevation of Block 1 by approx. @ SK 453365 319177; ID tag #0231
T3	Norway Maple	Situated NW of block 1 by approx. 7m; @ SK 453358 319171
T4	Norway Maple	Situated NE of block 2 by approx. 6.5m; @ SK 453366 319221
T5	Pine	Situated east of Block 2 in shrub bed by approx. 15m; @ SK 453398 319208
T6	Maple	Situated east of block 2 in shrub bed by approx. 11m; @SK453404 319199
T7	Maple	Situated east of block 2 in shrub bed by approx. 13m; @SK453406 319797
T8	Pine	Situated east of block 2 in shrub bed by approx. 14m; @SK453410 319192
T9	Lime	Situated to the Forest Road frontage of Forest Court on grass verge adj to eastern boundary wall of Emmanuel Church grounds; ID tag #7515 ; @SK 453402 319121
T10	Yew	Situated on grass verge at Forest Road Frontage; @SK 453421 319133
T11	Holly	Situated on grass verge at Forest Road Frontage, south of Block 3: SK453426 319137
T12	Horse Chestnut	Situated on the grass verge to frontage of Forest Court south of Block 3; @SK 453431 319142
T13	Lime	Situated on grass verge to frontage of Forest Court southeast of Block 3; @SK 453437 319149
T14	Robinia	Situated within the grounds of Emmanuel Church adj to the eastern boundary wall; @SK 453372 319133

Trees specified by reference to an area
(within a dotted black line on the map)

Reference on map	Description	Situation
	None	

Groups of trees
(within a broken line on the map)

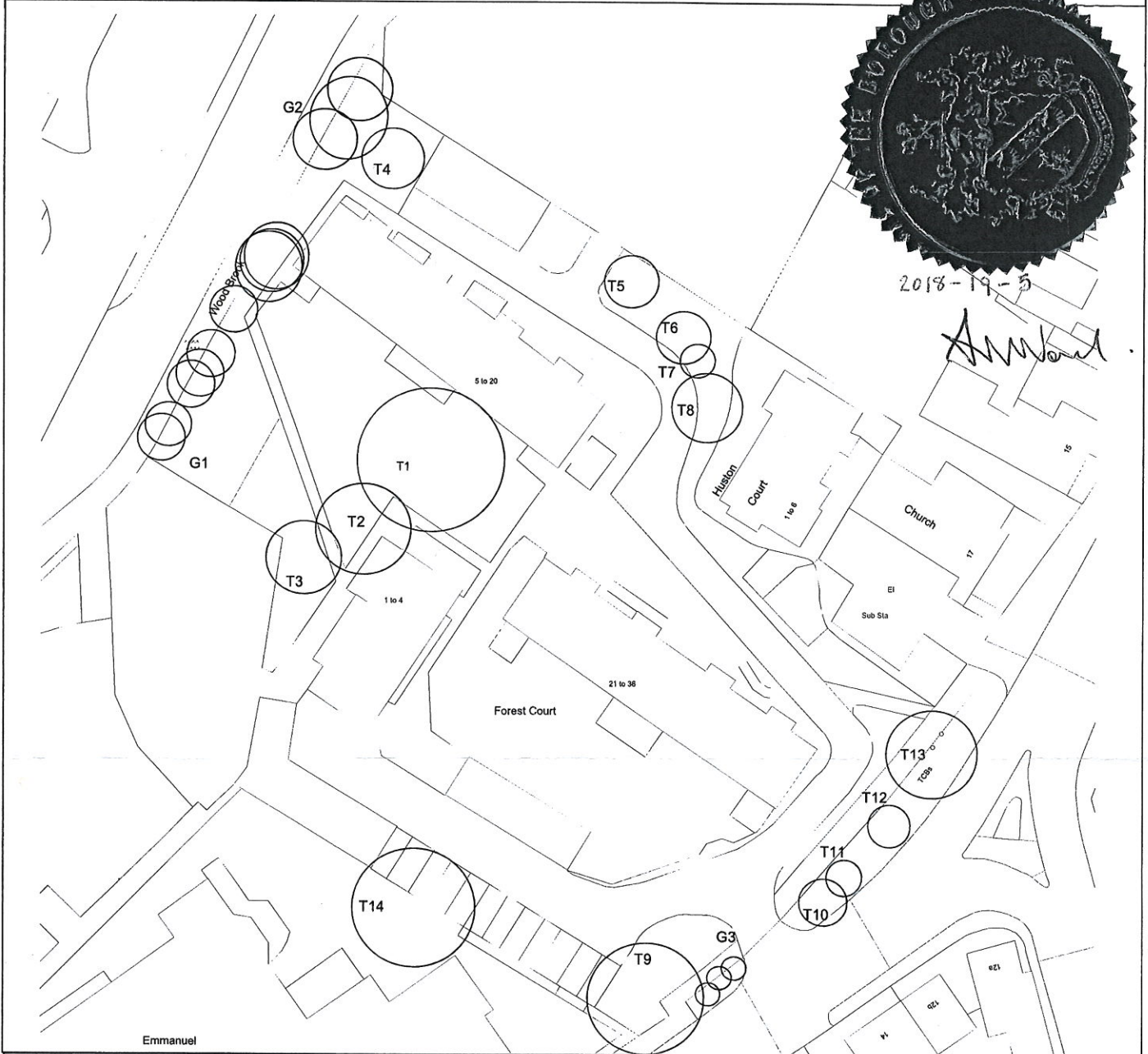
Reference on map	Description (including number of trees in the group)	Situation
G1	Beech (9)	Situated North of Block 1 and to the west of block 2 along the southern bank of the Wood Brook; @ SK453355 319203
G2	Beech (3)	Situated northeast of block 2 on the south bank of the Wood Brook; 2x are ID tagged #0223 & #0224; @ SK453364
G3	Holly (3)	Situated in highway verge fronting the development; @SK453408 319123

Woodlands
(within a continuous black line on the map)

Reference on map	Description	Situation
	None	

I certify that this map shows all the trees referred to in the first schedule of the Borough of Charnwood (Forest Court, Forest Road, Loughborough) Tree Preservation Order 2018

Authorised Signatory



Borough of Charnwood (Forest Court, Forest Road, Loughborough) Tree Preservation Order 2018



R Bennett Dip.TP.MRTPI
Head of Planning & Regeneration
Borough of Charnwood
Southfields
Loughborough
Leics LE112TN
Date: 11 April 2018
Scale: 1:500 (as exported from GIS)
Prep: NOD

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Appendix 2: Arboricultural Survey Schedule



Ref	Species	Ht (m)	Stem Diam (mm)	Branch Spread (m)				Life Stage	Phys Cond	Struct Cond	Observations Recommendations	ERC (years)	Works Priority
				N	E	S	W						
T1	Horse-chestnut <i>Aesculus hippocastanum</i>	18	1400	4.3	7.6	5	10	O/M	Fair	Fair	-Large dominant specimen displaying normal twig and foliage density indicating good phys. condition. Minor decline upper canopy as indicated by sparse leaf cover. - Series of tight branch unions likely to contain bark inclusions and/or wet pockets present throughout mid canopy - Historic reduction work evident in canopy evident. Large pruning wounds. -Semi-historic selective pruning in north, south and east. -Cameraria leaf miner and historic bleeding canker <i>Pseudomonas syringae. pv aesculi</i> colonisation evident. -Poor recent pruning evident in south canopy at approx. 10m height (approx. 8 cuts c. 50 – 200mm diam). Crown symmetry affected. -Light helical growth pattern visible on lower stem. - Dense epicormic growth throughout lower stem, basal inspection restricted. Remedial prune recent cuts in south canopy in line with BS3998:2010 . Reduce east and west canopy to maintain even branch spread, maximum cut diameter 100mm.	10-20	2
T2	Corisican pine <i>Pinus nigra ssp laricio</i>	20	850	2.5	7	6.5	4.3	M	Good	Fair	-Typical upright form displaying normal foliage density indicating good phys. condition. Co-dominant specimen. -Crown asymmetry evident to north following removal of adjacent tree's upper canopy – loss of companion shelter. -Semi-historic pruning of lateral branches evident in east and south off crown to establish building clearance. -Minor damaged branch at 13m, north. -Recent hard surfacing works evident in close proximity to stem.	40-100	



T3	Norway maple <i>Acer platanoides</i>	12	450	3	5.4	6.5	6	E/M	Good	Fair	-Small suppressed tree with branch structure exhibiting asymmetry to south. -Close proximity to building with significant growth potential.	<10	
T4	Wild cherry <i>Prunus avium</i>	13	320	5.3	5.1	4	1.8	E/M	Good	Fair	-Small cherry with heavily suppressed canopy. -Incorrectly listed as Norway maple in TPO schedule.	<10	
T5	Corisican pine <i>Pinus nigra ssp laricio</i>	19	630	6 #	5.5	5	5#	M	Good	Fair	-Dominant tree situated in group on N boundary. -Typical form with slight crown asymmetry to north. -Minor deadwood throughout. -Major deadwood in east crown 7 – 10m. Remove dead >50mm.	40-100	2
T6	Norway maple <i>Acer platanoides</i>	18	420	6	5.8	7.5	6	E/M	Good	Fair	-Co-dominant tree situated in group on N boundary, with light suppression of upper east canopy from T5. -Crown supported by co-dominant stems from 3m. -Historic pruning wounds 1.5m – 2m west; large entry point for decay.	20-40	
T7	Swedish whitebeam <i>Sorbus intermedia</i>	6	180	2.5	3.5	3.5	1.5	S/M	Fair	Poor	-Heavily suppressed small tree beneath T6 & T7. -Poor crown form and limited growth potential.	<10	
T8	Scot pine <i>Pinus sylvestris</i>	9.5	390	3.5	4.5 #	4.5	2.5	E/M	Good	Fair	-Co-dominant tree situated in group on N boundary. Suppressed western canopy. -Close proximity to neighbouring residential building with significant growth potential.	20-40	
T9	Common lime <i>Tilia x europaea</i>	16	660	6.2	3	5	3.7	M	Fair	Fair	-Dominant tree adjacent public. -Historic branch failures evident in upper crown with sparse & exposed branch structure. -Major deadwood present throughout outer northwest canopy. Crown reduce upper canopy by 2m, reducing back to suitable natural growth point where possible; maximum cut diameter 75mm. Removal all deadwood >50mm.	20-40	1



G1	Beech <i>Fagus sylvatica</i>	18 Avg	Varies	Varies	E/M – M	Good	Fair	-Large cohesive group of beech situated linearly along the watercourse bank appearing in normal physiological condition. -Central trees of group etiolated with asymmetry in canopy. -Occasional minor weak branch union. -Basal inspections partly obstructed by ivy.	40-100	
G2	Beech <i>Fagus sylvatica</i>	20 Avg	Varies	Varies	E/M – M	Good	Fair	-Group of beech situated linearly along the watercourse bank appearing in normal physiological condition. -Central tree exhibits 2 major scaffold limbs overhanging brook to west with end-weighted form and stress/bark cracks evident on underside and east side of northern limb. -Occasional minor weak branch union. -Basal inspections partly obstructed by ivy. -Composting deposits at tree bases. Reduce mid and upper west canopy of central tree by 3 – 4m, pruning back to a suitable natural growth point. Maximum cut diameter 100mm. Remove composting.	40-100	3



Appendix 3: TEMPO Assessments



TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO)

TPO Name/Reference: Borough of Charnwood (Forest Court, Forest Road, Loughborough) TPO 2018

Tree/Group Reference: T1

Species: Horse-chestnut / *Aesculus hippocastanum*

Part 1: Amenity Assessment

Condition & suitability for TPO

Points	Condition	Assessment	Score & Notes
5	Good	Highly suitable	3
3	Fair/Satisfactory	Suitable	
1	Poor	Unlikely to be suitable	
0	Dead/Dying/Dangerous*	Unsuitable	

*Relates to existing context and is intended to apply to severe irremediable defects only.

Retention span (in years) & suitability for TPO

Points	Retention Span	Assessment	Score & Notes
5	100+	Highly suitable	1
4	40-100	Very suitable	
2	20-40	Suitable	
1	10-20	Unlikely to be suitable	
0	<10*	Unsuitable	

*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality.

Relative public visibility & suitability for TPO

Points	Visibility	Assessment	Score & Notes
5	Very large trees with some visibility, or prominent large trees	Highly suitable	3
4	Large trees, or medium trees clearly visible to the public	Very suitable	
3	Medium trees, or large trees with limited view only	Suitable	
2	Young, small, or medium/large trees visible only with difficulty	Unlikely to be suitable	
1	Trees not visible to the public, regardless of size	Unsuitable	

Other factors

Trees must have accrued 7 or more points, with no zero score, to qualify.

Points	Visibility	Score & Notes
5	Principal components of formal arboricultural features, or veteran trees	1
4	Tree groups, or principal members of groups important for their cohesion	
3	Trees with identifiable historic, commemorative or habitat importance	
2	Trees of particularly good form, especially if rare or unusual	
1	Trees with none of the above additional redeeming features	
-1	Trees with poor form or which are generally unsuitable for their location	

Part 2: Expediency Assessment

Trees must have accrued 10 or more points, to qualify.

Points	Degree of threat	Score & Notes
5	Immediate threat to tree, including s.211 notice	3
3	Forseeable threat to tree	
2	Perceived threat to tree	
1	Precautionary only	

Part 3: Decision Guide

Trees must have accrued 10 or more points, to qualify.

Points	Degree of threat	Total Score:
0	Do not apply TPO	11
1-6	TPO indefensible	
7-11	Does not merit TPO	
12-15	TPO defensible	
16+	Definitely merits TPO	

Decision:
TPO not appropriate.



TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO)

TPO Name/Reference: Borough of Charnwood (Forest Court, Forest Road, Loughborough) TPO 2018

Tree/Group Reference: T2

Species: Corsican pine / *Pinus nigra ssp. laricio*

Part 1: Amenity Assessment

Condition & suitability for TPO

Points	Condition	Assessment	Score & Notes
5	Good	Highly suitable	3
3	Fair/Satisfactory	Suitable	
1	Poor	Unlikely to be suitable	
0	Dead/Dying/Dangerous*	Unsuitable	

*Relates to existing context and is intended to apply to severe irremediable defects only.

Retention span (in years) & suitability for TPO

Points	Retention Span	Assessment	Score & Notes
5	100+	Highly suitable	4
4	40-100	Very suitable	
2	20-40	Suitable	
1	10-20	Unlikely to be suitable	
0	<10*	Unsuitable	

*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality.

Relative public visibility & suitability for TPO

Points	Visibility	Assessment	Score & Notes
5	Very large trees with some visibility, or prominent large trees	Highly suitable	3
4	Large trees, or medium trees clearly visible to the public	Very suitable	
3	Medium trees, or large trees with limited view only	Suitable	
2	Young, small, or medium/large trees visible only with difficulty	Unlikely to be suitable	
1	Trees not visible to the public, regardless of size	Unsuitable	

Other factors

Trees must have accrued 7 or more points, with no zero score, to qualify.

Points	Visibility	Score & Notes
5	Principal components of formal arboricultural features, or veteran trees	1
4	Tree groups, or principal members of groups important for their cohesion	
3	Trees with identifiable historic, commemorative or habitat importance	
2	Trees of particularly good form, especially if rare or unusual	
1	Trees with none of the above additional redeeming features	
-1	Trees with poor form or which are generally unsuitable for their location	

Part 2: Expediency Assessment

Trees must have accrued 10 or more points, to qualify.

Points	Degree of threat	Score & Notes
5	Immediate threat to tree, including s.211 notice	3
3	Forseeable threat to tree	
2	Perceived threat to tree	
1	Precautionary only	

Part 3: Decision Guide

Trees must have accrued 10 or more points, to qualify.

Points	Degree of threat	Total Score:
0	Do not apply TPO	14
1-6	TPO indefensible	
7-11	Does not merit TPO	
12-15	TPO defensible	
16+	Definitely merits TPO	

Decision:
TPO appropriate.



TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO)

TPO Name/Reference: Borough of Charnwood (Forest Court, Forest Road, Loughborough) TPO 2018

Tree/Group Reference: T3

Species: Norway maple / *Acer platanoides*

Part 1: Amenity Assessment

Condition & suitability for TPO

Points	Condition	Assessment	Score & Notes
5	Good	Highly suitable	3
3	Fair/Satisfactory	Suitable	
1	Poor	Unlikely to be suitable	
0	Dead/Dying/Dangerous*	Unsuitable	

*Relates to existing context and is intended to apply to severe irremediable defects only.

Retention span (in years) & suitability for TPO

Points	Retention Span	Assessment	Score & Notes
5	100+	Highly suitable	0 Tree will significantly outgrow location.
4	40-100	Very suitable	
2	20-40	Suitable	
1	10-20	Unlikely to be suitable	
0	<10*	Unsuitable	

*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality.

Relative public visibility & suitability for TPO

Points	Visibility	Assessment	Score & Notes
5	Very large trees with some visibility, or prominent large trees	Highly suitable	2
4	Large trees, or medium trees clearly visible to the public	Very suitable	
3	Medium trees, or large trees with limited view only	Suitable	
2	Young, small, or medium/large trees visible only with difficulty	Unlikely to be suitable	
1	Trees not visible to the public, regardless of size	Unsuitable	

Other factors

Trees must have accrued 7 or more points, with no zero score, to qualify.

Points	Visibility	Score & Notes
5	Principal components of formal arboricultural features, or veteran trees	Does not qualify.
4	Tree groups, or principal members of groups important for their cohesion	
3	Trees with identifiable historic, commemorative or habitat importance	
2	Trees of particularly good form, especially if rare or unusual	
1	Trees with none of the above additional redeeming features	
-1	Trees with poor form or which are generally unsuitable for their location	

Part 2: Expediency Assessment

Trees must have accrued 10 or more points, to qualify.

Points	Degree of threat	Score & Notes
5	Immediate threat to tree, including s.211 notice	Does not qualify.
3	Forseeable threat to tree	
2	Perceived threat to tree	
1	Precautionary only	

Part 3: Decision Guide

Trees must have accrued 10 or more points, to qualify.

Points	Degree of threat	Total Score:
0	Do not apply TPO	5
1-6	TPO indefensible	
7-11	Does not merit TPO	
12-15	TPO defensible	
16+	Definitely merits TPO	
		Decision: <u>TPO not appropriate.</u>



TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO)

TPO Name/Reference: Borough of Charnwood (Forest Court, Forest Road, Loughborough) TPO 2018

Tree/Group Reference: T4

Species: Wild cherry / *Prunus avium*

Part 1: Amenity Assessment

Condition & suitability for TPO

Points	Condition	Assessment	Score & Notes
5	Good	Highly suitable	1
3	Fair/Satisfactory	Suitable	Heavily suppressed canopy.
1	Poor	Unlikely to be suitable	
0	Dead/Dying/Dangerous*	Unsuitable	

*Relates to existing context and is intended to apply to severe irremediable defects only.

Retention span (in years) & suitability for TPO

Points	Retention Span	Assessment	Score & Notes
5	100+	Highly suitable	2
4	40-100	Very suitable	
2	20-40	Suitable	
1	10-20	Unlikely to be suitable	
0	<10*	Unsuitable	

*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality.

Relative public visibility & suitability for TPO

Points	Visibility	Assessment	Score & Notes
5	Very large trees with some visibility, or prominent large trees	Highly suitable	1
4	Large trees, or medium trees clearly visible to the public	Very suitable	No clear public views obtainable.
3	Medium trees, or large trees with limited view only	Suitable	
2	Young, small, or medium/large trees visible only with difficulty	Unlikely to be suitable	
1	Trees not visible to the public, regardless of size	Unsuitable	

Other factors

Trees must have accrued 7 or more points, with no zero score, to qualify.

Points	Visibility	Score & Notes
5	Principal components of formal arboricultural features, or veteran trees	Does not qualify.
4	Tree groups, or principal members of groups important for their cohesion	
3	Trees with identifiable historic, commemorative or habitat importance	
2	Trees of particularly good form, especially if rare or unusual	
1	Trees with none of the above additional redeeming features	
-1	Trees with poor form or which are generally unsuitable for their location	

Part 2: Expediency Assessment

Trees must have accrued 10 or more points, to qualify.

Points	Degree of threat	Score & Notes
5	Immediate threat to tree, including s.211 notice	Does not qualify.
3	Forseeable threat to tree	
2	Perceived threat to tree	
1	Precautionary only	

Part 3: Decision Guide

Trees must have accrued 10 or more points, to qualify.

Points	Degree of threat	Total Score:
0	Do not apply TPO	4
1-6	TPO indefensible	
7-11	Does not merit TPO	
12-15	TPO defensible	
16+	Definitely merits TPO	

Decision:
TPO not appropriate.



TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO)

TPO Name/Reference: Borough of Charnwood (Forest Court, Forest Road, Loughborough) TPO 2018

Tree/Group Reference: T5

Species: Corsican pine / *Pinus nigra ssp. Laricio*

Part 1: Amenity Assessment

Condition & suitability for TPO

Points	Condition	Assessment	Score & Notes
5	Good	Highly suitable	3
3	Fair/Satisfactory	Suitable	
1	Poor	Unlikely to be suitable	
0	Dead/Dying/Dangerous*	Unsuitable	

*Relates to existing context and is intended to apply to severe irremediable defects only.

Retention span (in years) & suitability for TPO

Points	Retention Span	Assessment	Score & Notes
5	100+	Highly suitable	4
4	40-100	Very suitable	
2	20-40	Suitable	
1	10-20	Unlikely to be suitable	
0	<10*	Unsuitable	

*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality.

Relative public visibility & suitability for TPO

Points	Visibility	Assessment	Score & Notes
5	Very large trees with some visibility, or prominent large trees	Highly suitable	2 Glimpsed views of very upper canopy only.
4	Large trees, or medium trees clearly visible to the public	Very suitable	
3	Medium trees, or large trees with limited view only	Suitable	
2	Young, small, or medium/large trees visible only with difficulty	Unlikely to be suitable	
1	Trees not visible to the public, regardless of size	Unsuitable	

Other factors

Trees must have accrued 7 or more points, with no zero score, to qualify.

Points	Visibility	Score & Notes
5	Principal components of formal arboricultural features, or veteran trees	1
4	Tree groups, or principal members of groups important for their cohesion	
3	Trees with identifiable historic, commemorative or habitat importance	
2	Trees of particularly good form, especially if rare or unusual	
1	Trees with none of the above additional redeeming features	
-1	Trees with poor form or which are generally unsuitable for their location	

Part 2: Expediency Assessment

Trees must have accrued 10 or more points, to qualify.

Points	Degree of threat	Score & Notes
5	Immediate threat to tree, including s.211 notice	2 Peripheral to site.
3	Forseeable threat to tree	
2	Perceived threat to tree	
1	Precautionary only	

Part 3: Decision Guide

Trees must have accrued 10 or more points, to qualify.

Points	Degree of threat	Total Score:
0	Do not apply TPO	13
1-6	TPO indefensible	
7-11	Does not merit TPO	
12-15	TPO defensible	
16+	Definitely merits TPO	

Decision:
TPO appropriate.



TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO)

TPO Name/Reference: Borough of Charnwood (Forest Court, Forest Road, Loughborough) TPO 2018

Tree/Group Reference: T6

Species: Norway maple / *Acer platanoides*

Part 1: Amenity Assessment

Condition & suitability for TPO

Points	Condition	Assessment	Score & Notes
5	Good	Highly suitable	3
3	Fair/Satisfactory	Suitable	Suppressed canopy & co-dominant stems.
1	Poor	Unlikely to be suitable	
0	Dead/Dying/Dangerous*	Unsuitable	

*Relates to existing context and is intended to apply to severe irremediable defects only.

Retention span (in years) & suitability for TPO

Points	Retention Span	Assessment	Score & Notes
5	100+	Highly suitable	2
4	40-100	Very suitable	
2	20-40	Suitable	
1	10-20	Unlikely to be suitable	
0	<10*	Unsuitable	

*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality.

(A) Relative public visibility & suitability for TPO

Points	Visibility	Assessment	Score & Notes
5	Very large trees with some visibility, or prominent large trees	Highly suitable	2
4	Large trees, or medium trees clearly visible to the public	Very suitable	
3	Medium trees, or large trees with limited view only	Suitable	
2	Young, small, or medium/large trees visible only with difficulty	Unlikely to be suitable	
1	Trees not visible to the public, regardless of size	Unsuitable	

(B) Other factors

Trees must have accrued 7 or more points, with no zero score, to qualify.

Points	Visibility	Score & Notes
5	Principal components of formal arboricultural features, or veteran trees	1
4	Tree groups, or principal members of groups important for their cohesion	
3	Trees with identifiable historic, commemorative or habitat importance	
2	Trees of particularly good form, especially if rare or unusual	
1	Trees with none of the above additional redeeming features	
-1	Trees with poor form or which are generally unsuitable for their location	

Part 2: Expediency Assessment

Trees must have accrued 10 or more points, to qualify.

Points	Degree of threat	Score & Notes
5	Immediate threat to tree, including s.211 notice	2
3	Forseeable threat to tree	Peripheral to site.
2	Perceived threat to tree	
1	Precautionary only	

Part 3: Decision Guide

Trees must have accrued 10 or more points, to qualify.

Points	Degree of threat	Total Score:
0	Do not apply TPO	10
1-6	TPO indefensible	
7-11	Does not merit TPO	
12-15	TPO defensible	
16+	Definitely merits TPO	

Decision:
TPO not appropriate.



TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO)

TPO Name/Reference: Borough of Charnwood (Forest Court, Forest Road, Loughborough) TPO 2018

Tree/Group Reference: T7

Species: Swedish whitebeam / *Sorbus intermedia*

Part 1: Amenity Assessment

(C) Condition & suitability for TPO

Points	Condition	Assessment	Score & Notes
5	Good	Highly suitable	1
3	Fair/Satisfactory	Suitable	Heavily suppressed canopy & co-dominant stems.
1	Poor	Unlikely to be suitable	
0	Dead/Dying/Dangerous*	Unsuitable	

*Relates to existing context and is intended to apply to severe irremediable defects only.

(D) Retention span (in years) & suitability for TPO

Points	Retention Span	Assessment	Score & Notes
5	100+	Highly suitable	0
4	40-100	Very suitable	Likely to be shaded out and die.
2	20-40	Suitable	
1	10-20	Unlikely to be suitable	
0	<10*	Unsuitable	

*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality.

(E) Relative public visibility & suitability for TPO

Points	Visibility	Assessment	Score & Notes
5	Very large trees with some visibility, or prominent large trees	Highly suitable	1
4	Large trees, or medium trees clearly visible to the public	Very suitable	No clear public views obtainable.
3	Medium trees, or large trees with limited view only	Suitable	
2	Young, small, or medium/large trees visible only with difficulty	Unlikely to be suitable	
1	Trees not visible to the public, regardless of size	Unsuitable	

(F) Other factors

Trees must have accrued 7 or more points, with no zero score, to qualify.

Points	Visibility	Score & Notes
5	Principal components of formal arboricultural features, or veteran trees	Does not qualify.
4	Tree groups, or principal members of groups important for their cohesion	
3	Trees with identifiable historic, commemorative or habitat importance	
2	Trees of particularly good form, especially if rare or unusual	
1	Trees with none of the above additional redeeming features	
-1	Trees with poor form or which are generally unsuitable for their location	

Part 2: Expediency Assessment

Trees must have accrued 10 or more points, to qualify.

Points	Degree of threat	Score & Notes
5	Immediate threat to tree, including s.211 notice	Does not qualify.
3	Forseeable threat to tree	
2	Perceived threat to tree	
1	Precautionary only	

Part 3: Decision Guide

Trees must have accrued 10 or more points, to qualify.

Points	Degree of threat	Total Score:
0	Do not apply TPO	2
1-6	TPO indefensible	
7-11	Does not merit TPO	
12-15	TPO defensible	
16+	Definitely merits TPO	

Decision:
TPO not appropriate.



TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO)

TPO Name/Reference: Borough of Charnwood (Forest Court, Forest Road, Loughborough) TPO 2018

Tree/Group Reference: T8

Species: Scots pine / *Pinus sylvestris*

Part 1: Amenity Assessment

(G) Condition & suitability for TPO

Points	Condition	Assessment	Score & Notes
5	Good	Highly suitable	3
3	Fair/Satisfactory	Suitable	Suppressed canopy & co-dominant stems.
1	Poor	Unlikely to be suitable	
0	Dead/Dying/Dangerous*	Unsuitable	

*Relates to existing context and is intended to apply to severe irremediable defects only.

(H) Retention span (in years) & suitability for TPO

Points	Retention Span	Assessment	Score & Notes
5	100+	Highly suitable	0
4	40-100	Very suitable	
2	20-40	Suitable	
1	10-20	Unlikely to be suitable	
0	<10*	Unsuitable	

*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality.

(I) Relative public visibility & suitability for TPO

Points	Visibility	Assessment	Score & Notes
5	Very large trees with some visibility, or prominent large trees	Highly suitable	1
4	Large trees, or medium trees clearly visible to the public	Very suitable	No clear public views
3	Medium trees, or large trees with limited view only	Suitable	obtainable.
2	Young, small, or medium/large trees visible only with difficulty	Unlikely to be suitable	
1	Trees not visible to the public, regardless of size	Unsuitable	

(J) Other factors

Trees must have accrued 7 or more points, with no zero score, to qualify.

Points	Visibility	Score & Notes
5	Principal components of formal arboricultural features, or veteran trees	Does not qualify.
4	Tree groups, or principal members of groups important for their cohesion	
3	Trees with identifiable historic, commemorative or habitat importance	
2	Trees of particularly good form, especially if rare or unusual	
1	Trees with none of the above additional redeeming features	
-1	Trees with poor form or which are generally unsuitable for their location	

Part 2: Expediency Assessment

Trees must have accrued 10 or more points, to qualify.

Points	Degree of threat	Score & Notes
5	Immediate threat to tree, including s.211 notice	Does not qualify.
3	Forseeable threat to tree	
2	Perceived threat to tree	
1	Precautionary only	

Part 3: Decision Guide

Trees must have accrued 10 or more points, to qualify.

Points	Degree of threat	Total Score:
0	Do not apply TPO	4
1-6	TPO indefensible	
7-11	Does not merit TPO	
12-15	TPO defensible	
16+	Definitely merits TPO	

Decision:
TPO not appropriate.



TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO)

TPO Name/Reference: Borough of Charnwood (Forest Court, Forest Road, Loughborough) TPO 2018

Tree/Group Reference: T9

Species: Common lime / *Tilia x europaea*

Part 1: Amenity Assessment

(K) Condition & suitability for TPO

Points	Condition	Assessment	Score & Notes
5	Good	Highly suitable	3
3	Fair/Satisfactory	Suitable	Historic damage in upper canopy & deadwood
1	Poor	Unlikely to be suitable	
0	Dead/Dying/Dangerous*	Unsuitable	

*Relates to existing context and is intended to apply to severe irremediable defects only.

(L) Retention span (in years) & suitability for TPO

Points	Retention Span	Assessment	Score & Notes
5	100+	Highly suitable	2
4	40-100	Very suitable	
2	20-40	Suitable	
1	10-20	Unlikely to be suitable	
0	<10*	Unsuitable	

*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality.

(M) Relative public visibility & suitability for TPO

Points	Visibility	Assessment	Score & Notes
5	Very large trees with some visibility, or prominent large trees	Highly suitable	4
4	Large trees, or medium trees clearly visible to the public	Very suitable	
3	Medium trees, or large trees with limited view only	Suitable	
2	Young, small, or medium/large trees visible only with difficulty	Unlikely to be suitable	
1	Trees not visible to the public, regardless of size	Unsuitable	

(N) Other factors

Trees must have accrued 7 or more points, with no zero score, to qualify.

Points	Visibility	Score & Notes
5	Principal components of formal arboricultural features, or veteran trees	1
4	Tree groups, or principal members of groups important for their cohesion	
3	Trees with identifiable historic, commemorative or habitat importance	
2	Trees of particularly good form, especially if rare or unusual	
1	Trees with none of the above additional redeeming features	
-1	Trees with poor form or which are generally unsuitable for their location	

Part 2: Expediency Assessment

Trees must have accrued 10 or more points, to qualify.

Points	Degree of threat	Score & Notes
5	Immediate threat to tree, including s.211 notice	2
3	Forseeable threat to tree	Peripheral to site.
2	Perceived threat to tree	
1	Precautionary only	

Part 3: Decision Guide

Trees must have accrued 10 or more points, to qualify.

Points	Degree of threat	Total Score:
0	Do not apply TPO	12
1-6	TPO indefensible	
7-11	Does not merit TPO	
12-15	TPO defensible	
16+	Definitely merits TPO	

Decision:
TPO appropriate.



TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO)

TPO Name/Reference: Borough of Charnwood (Forest Court, Forest Road, Loughborough) TPO 2018

Tree/Group Reference: G1

Species: 9no Common beech / *Fagus sylvatica*

Part 1: Amenity Assessment

(O) Condition & suitability for TPO

Points	Condition	Assessment	Score & Notes
5	Good	Highly suitable	3
3	Fair/Satisfactory	Suitable	
1	Poor	Unlikely to be suitable	
0	Dead/Dying/Dangerous*	Unsuitable	

*Relates to existing context and is intended to apply to severe irremediable defects only.

(P) Retention span (in years) & suitability for TPO

Points	Retention Span	Assessment	Score & Notes
5	100+	Highly suitable	4
4	40-100	Very suitable	
2	20-40	Suitable	
1	10-20	Unlikely to be suitable	
0	<10*	Unsuitable	

*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality.

(Q) Relative public visibility & suitability for TPO

Points	Visibility	Assessment	Score & Notes
5	Very large trees with some visibility, or prominent large trees	Highly suitable	5
4	Large trees, or medium trees clearly visible to the public	Very suitable	
3	Medium trees, or large trees with limited view only	Suitable	
2	Young, small, or medium/large trees visible only with difficulty	Unlikely to be suitable	
1	Trees not visible to the public, regardless of size	Unsuitable	

(R) Other factors

Trees must have accrued 7 or more points, with no zero score, to qualify.

Points	Visibility	Score & Notes
5	Principal components of formal arboricultural features, or veteran trees	4
4	Tree groups, or principal members of groups important for their cohesion	
3	Trees with identifiable historic, commemorative or habitat importance	
2	Trees of particularly good form, especially if rare or unusual	
1	Trees with none of the above additional redeeming features	
-1	Trees with poor form or which are generally unsuitable for their location	

Part 2: Expediency Assessment

Trees must have accrued 10 or more points, to qualify.

Points	Degree of threat	Score & Notes
5	Immediate threat to tree, including s.211 notice	3
3	Forseeable threat to tree	
2	Perceived threat to tree	
1	Precautionary only	

Part 3: Decision Guide

Trees must have accrued 10 or more points, to qualify.

Total	Degree of threat	Total Score:
0	Do not apply TPO	19
1-6	TPO indefensible	
7-11	Does not merit TPO	Decision: <u>TPO appropriate.</u>
12-15	TPO defensible	
16+	Definitely merits TPO	



TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO)

TPO Name/Reference: Borough of Charnwood (Forest Court, Forest Road, Loughborough) TPO 2018

Tree/Group Reference: G2

Species: 3no Common beech / *Fagus sylvatica*

Part 1: Amenity Assessment

(S) Condition & suitability for TPO

Points	Condition	Assessment	Score & Notes
5	Good	Highly suitable	3
3	Fair/Satisfactory	Suitable	
1	Poor	Unlikely to be suitable	
0	Dead/Dying/Dangerous*	Unsuitable	

*Relates to existing context and is intended to apply to severe irremediable defects only.

(T) Retention span (in years) & suitability for TPO

Points	Retention Span	Assessment	Score & Notes
5	100+	Highly suitable	4
4	40-100	Very suitable	
2	20-40	Suitable	
1	10-20	Unlikely to be suitable	
0	<10*	Unsuitable	

*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality.

(U) Relative public visibility & suitability for TPO

Points	Visibility	Assessment	Score & Notes
5	Very large trees with some visibility, or prominent large trees	Highly suitable	5
4	Large trees, or medium trees clearly visible to the public	Very suitable	
3	Medium trees, or large trees with limited view only	Suitable	
2	Young, small, or medium/large trees visible only with difficulty	Unlikely to be suitable	
1	Trees not visible to the public, regardless of size	Unsuitable	

(V) Other factors

Trees must have accrued 7 or more points, with no zero score, to qualify.

Points	Visibility	Score & Notes
5	Principal components of formal arboricultural features, or veteran trees	4
4	Tree groups, or principal members of groups important for their cohesion	
3	Trees with identifiable historic, commemorative or habitat importance	
2	Trees of particularly good form, especially if rare or unusual	
1	Trees with none of the above additional redeeming features	
-1	Trees with poor form or which are generally unsuitable for their location	

Part 2: Expediency Assessment

Trees must have accrued 10 or more points, to qualify.

Points	Degree of threat	Score & Notes
5	Immediate threat to tree, including s.211 notice	3
3	Forseeable threat to tree	
2	Perceived threat to tree	
1	Precautionary only	

Part 3: Decision Guide

Trees must have accrued 10 or more points, to qualify.

Total	Degree of threat	Total Score:
0	Do not apply TPO	19
1-6	TPO indefensible	
7-11	Does not merit TPO	
12-15	TPO defensible	
16+	Definitely merits TPO	

Decision:
TPO appropriate.



Appendix 4: TEMPO Methodology

Part 1: Amenity Assessment

This part of TEMPO is broken down into four sections, each of which are related to suitability for TPO:

- a) Condition
- b) Retention span
- c) Relative public visibility
- d) Other factors

The first three sections form an initial assessment, with trees that 'pass' this going on to the fourth section. Looking at the sections in more detail:

a) Condition

This is expressed by five terms, which are defined as follows:

GOOD	Trees that are generally free of defects, showing good health and likely to reach normal longevity and size for species, or they may already have done so
FAIR	Trees which have defects that are likely to adversely affect their prospects; their health is satisfactory, though intervention is likely to be required. It is not expected that such trees will reach their full age and size potential or, if they have already done so, their condition is likely to decline shortly, or may already have done so. However, they can be retained for the time being without disproportionate expenditure of resources or foreseeable risk of collapse
POOR	Trees in obvious decline, or with significant structural defects requiring major intervention to allow their retention, though with the outcome of this uncertain. Health and/or structural integrity are significantly impaired, and are likely to deteriorate. Life expectancy is curtailed and retention is difficult
DEAD	Tree with no indication of life
DYING/ DANGEROUS	Trees showing very little signs of life or remaining vitality, or with severe, irremediable structural defects, including advanced decay and insecure roothold. Death or catastrophic structural failure likely in the immediate future, retention therefore impossible as something worthy of protection

The scores are weighted towards trees in good condition. It is accepted that trees in fair and poor condition should also get credit, though for the latter this is limited to only one point. Dead, dying or dangerous trees should not be placed under a TPO, hence the zero score for these categories, due to exemptions within the primary legislation.

For trees in good or fair condition that have poor form deduct one point.

A note on the pro forma emphasizes that 'dangerous' should only be selected in relation to the tree's existing context: a future danger arising, for example, as a result of development, would not apply. Thus, a tree can be in a state of collapse but not be dangerous due to the absence of targets at risk.

Where a group of trees is being assessed under this section, it is important to score the condition of those principle trees without which the group would lose its aerodynamic or visual cohesion. If the group cannot be 'split' in this way, then its average condition should be considered.

Each of the condition categories is related to TPO suitability.

b) Retention span

The reason that this is included as a separate category to 'condition' is chiefly to mitigate the difficulty of justifying TPO protection for veteran trees. For example, it is necessary to award a low score for trees in 'poor condition', though many veteran trees that could be so described might have several decades' potential retention span.

This factor has been divided into ranges, which are designed to reflect two considerations:

- It has long been established good practice that trees incapable of retention for more than ten years are not worthy of a TPO (hence the zero score for this category); this also ties in with the R category criteria set out in Table 1 of BS5837:2005
- The further ahead one looks into the future, the more difficult it becomes to predict tree condition: hence the width of the bands increases over time

Scores are weighted towards the two higher longevities (40-100 and 100+), which follow the two higher ranges given by Helliwell².

The Arboricultural Association (AA) publishes a guide³ to the life expectancy of common trees, which includes the following data:

300 years or more	Yew
200-300	Common [pedunculate] oak, sweet chestnut, London plane, sycamore, limes
150-200	Cedar of Lebanon, Scots pine, hornbeam, beech, tulip tree, Norway maple
100-150	Common ash, Norway spruce, walnut, red oak, horse chestnut, field maple, monkey puzzle, mulberry, pear
70-100	Rowan, whitebeam, apple, wild cherry, Catalpa, Robinia, tree of heaven
50-70	Most poplars, willows, cherries, alders and birches

The above should be considered neither prescriptive nor exclusive, and it is certainly not comprehensive, though it should assist with determining the theoretical overall lifespan of most trees. However, TEMPO considers 'retention span', which is a more practical assessment based on the tree's current age, health and context as found on inspection.

It is important to note that this assessment should be made based on the assumption that the tree or trees concerned will be maintained in accordance with good practice, and will not, for example, be subjected to construction damage or inappropriate pruning. This is because if the subject tree is 'successful' under TEMPO, it will shortly enjoy TPO protection (assuming that it doesn't already).

If a group of trees is being assessed, then the mean retention span of the feature as a whole should be evaluated. It would not be acceptable, for example, to score a group of mature birches based on the presence of a single young pedunculate oak.

A note on the pro forma identifies for inclusion in the less than ten years band trees which are assessed being an existing or near future nuisance, including those clearly outgrowing their context, or which are having an adverse effect on adjacent trees of better quality.

The nuisance element is introduced to cover situations where, for example, a Section 211 Notice has been received by the LPA for removal of a tree causing subsidence damage. In relation to outgrowing context, some common sense is needed here: if the trees are being considered for TPO protection prior to development, and if it is apparent that demolition of existing structures will be a component of this process, then a tree should not be marked down simply because it is standing hard up against one of the existing structures.

As with condition, the chosen category is related to a summary of TPO suitability.

c) Relative public visibility

The first thing to note in this section is the prompt, which reminds the surveyor to consider the 'realistic potential for future visibility with changed land use'. This is designed to address the commonplace circumstance where trees that are currently difficult to see are located on sites for future development, with this likely to result in enhanced visibility. The common situation of backland development is one such example.

The categories each contain two considerations: size of tree and degree of visibility. I have not attempted to be too prescriptive here, as TEMPO is supposed to function as a guide and not as a substitute for the surveyor's judgement. However, I have found that reference to the square metre crown size guide within the Helliwell System⁴ can be helpful in reaching a decision.

Reference is made to 'young' trees: this is intended to refer to juvenile trees with a stem diameter less than 75mm at 1.5m above ground level. The reasoning behind this is twofold: this size threshold mirrors that given for trees in Conservation Areas, and trees up to (and indeed beyond) this size may readily be replaced by new planting.

In general, it is important to note that, when choosing the appropriate category, the assessment in each case should be based on the minimum criterion.

Whilst the scores are obviously weighted towards greater visibility, we take the view that it is reasonable to give some credit to trees that are not visible (and/or whose visibility is not expected to change: it is accepted that, in exceptional circumstances, such trees may justify TPO protection⁵).

Where groups of trees are being assessed, the size category chosen should be one category higher than the size of the individual trees or the degree of visibility, whichever is the lesser. Thus a group of medium trees would rate four points (rather than three for individuals) if clearly visible, or three points (rather than two) if visible only with difficulty.

Once again, the categories relate to a summary of TPO suitability.

Sub-total 1

At this point, there is a pause within the decision-making process: as the prompt under 'other factors' states, trees only qualify for consideration within that section providing that they have accrued at least seven points. Additionally, they must not have collected any zero scores.

The total of seven has been arrived at by combining various possible outcomes from sections a-c.

The scores from the first three sections should be added together, before proceeding to section d, or to part 3 as appropriate (i.e. depending on the accrued score). Under the latter scenario, there are two possible outcomes:

- 'Any 0' equating to 'do not apply TPO'
- '1-6' equating to 'TPO indefensible'

d) Other factors

Assuming that the tree or group qualifies for consideration under this section, further points are available for four sets of criteria, however only one score should be applied per tree (or group):

- 'Principle components of arboricultural features, or veteran trees' – The latter is hopefully self-explanatory (if not, refer to Read 2000⁶). The former is designed to refer to trees within parklands, avenues, collections, and formal screens, and may equally apply to individuals and groups
- 'Members of groups of trees that are important for their cohesion' – This should also be self-explanatory, though it is stressed that 'cohesion' may equally refer either to visual or to aerodynamic contribution. Included within this definition are informal screens. In all relevant cases, trees may be assessed either as individuals or as groups
- 'Trees with significant historical or commemorative importance' – The term 'significant' has been added to weed out trivia, but we would stress that significance may apply to even one person's perspective. For example, the author knows of one tree placed under a TPO for little other reason than it was planted to commemorate the life of the tree planter's dead child. Thus whilst it is likely that this category will be used infrequently, its inclusion is nevertheless important. Once again, individual or group assessment may apply
- 'Trees of particularly good form, especially if rare or unusual' – 'Good form' is designed to identify trees that are fine examples of their kind and should not be used unless this description can be justified. However, trees which do not merit this description should not, by implication, be assumed to have poor form (see below). The wording of the second part of this has been kept deliberately vague: 'rare or unusual' may apply equally to the form of the tree or to its species. This recognises that certain trees may merit protection precisely because they have 'poor' form, where this gives the tree an interesting and perhaps unique character. Clearly, rare species merit additional points, hence the inclusion of this criterion. As with the other categories in this section, either individual or group assessment may apply. With groups, however, it should be the case either that the group has a good overall form, or that the principle individuals are good examples of their species

Where none of the above apply, the tree still scores one point, in order to avoid a zero score disqualification (under part 3).

Sub-total 2

This completes the amenity assessment and, once again, there is a pause in the method: the scores should be added up to determine whether or not the tree (or group) has sufficient amenity to merit the expediency assessment.

The threshold for this is nine points, arrived at via a minimum qualification calculated simply from the seven-point threshold under sections a-c, plus at least two extra points under section d. Thus trees that only just scrape through to qualify for the 'other factor' score, need to genuinely improve in this section in order to rate an expediency assessment. This recognises two important functions of TPOs:

- TPOs can serve as a useful control on overall tree losses by securing and protecting replacement planting
- Where trees of minimal (though, it must be stressed, adequate) amenity are under threat, typically on development sites, it may be appropriate to protect them allowing the widest range of options for negotiated tree retention

Part 2: Expediency assessment

This section is designed to award points based on three levels of identified threat to the trees concerned. Examples and notes for each category are:

- 'Immediate threat to tree' – for example, Tree Officer receives Conservation Area notification to fell
- 'Foreseeable threat to tree' – for example, planning department receives application for outline planning consent on the site where the tree stands
- 'Perceived threat to tree' – for example, survey identifies tree standing on a potential infill plot

However, central government advice⁷ is clear that, even where there is no expedient reason to make a TPO, this is still an option. Accordingly, and in order to avoid a disqualifying zero score, 'precautionary only' still scores one point. This latter category might apply, rarely for example, to a garden tree under good management.

Clearly, other reasons apply that might prevent/usually obviate the need for the making of a TPO. However, it is not felt necessary to incorporate such considerations into the method, as it is chiefly intended for field use: these other considerations are most suitably addressed as part of a desk study.

As a final note on this point, it should be stressed that the method is not prescriptive except in relation to zero scores: TEMPO merely recommends a course of action. Thus a tree scoring, say, 16, and so 'definitely meriting' a TPO, might not be included for protection for reasons unconnected with its attributes.

Part 3: Decision Guide

This section is based on the accumulated scores derived in Parts 1 & 2, and identifies four outcomes, as follows:

- Any 0 Do not apply TPO

Where a tree has attracted a zero score, there is a clearly identifiable reason not to protect it, and indeed to seek to do so is simply bad practice

- 1-6 TPO indefensible
This covers trees that have failed to score enough points in sections 1a-c to qualify for an 'other factors' score under 1d. Such trees have little to offer their locality and should not be protected
- 7-11 Does not merit TPO
This covers trees which *have* qualified for a 1d score, though they may not have qualified for Part 2. However, even if they have made it to Part 2, they have failed to pick up significant additional points. This would apply, for example, to a borderline tree in amenity terms that also lacked the protection imperative of a clear threat to its retention
- 12-15 Possibly merits TPO
This applies to trees that have qualified under all sections, but have failed to do so convincingly. For these trees, the issue of applying a TPO is likely to devolve to other considerations, such as public pressure, resources and 'gut feeling'
- 16+ Definitely merits TPO
Trees scoring 16 or more are those that have passed both the amenity and expediency assessments, where the application of a TPO is fully justified based on the field assessment exercise

Notation boxes

Throughout the method, notation space is provided to record relevant observations under each section. For local authorities using TEMPO, it may even be helpful to include a copy of the TEMPO assessment in with the TPO decision letter to relevant parties, as this will serve to underline the transparency of the decision-making process.

Conclusion

TEMPO is a quick and easy means of systematically assessing tree or group suitability for statutory protection. It may be used either for new TPOs or for TPO re-survey, especially where Area TPOs are being reviewed.

From the consultants' perspective, it is also an effective way of testing the suitability of newly applied TPOs, to see whether they have been misapplied, or it can be used to support a request to make a TPO in respect of trees at risk, for example from adjacent development.

TEMPO does not seek to attach any monetary significance to the derived score: the author recommends the use of the Helliwell System where this is the objective.

CBA Trees owns the copyright for TEMPO, however the method is freely available, including via internet download through the FLAC website (www.flac.uk.com) and the Arboricultural Information Exchange www.aie.org.uk

TEMPO has undergone a number of minor revisions since its inception, many of which are due to helpful comments received from users. Any feedback on the method is gratefully received by the author.

References

- 1 'Tree Preservation Orders: A Guide to the Law and Good Practice', DETR 2000
- 2 'Visual Amenity Valuation of Trees and Woodlands', DR Helliwell, Arboricultural Association 2003 [the Helliwell System]
- 3 'Tree Management', Leaflet No. 4, Arboricultural Association 1991
- 4 Helliwell op. cit.
- 5 DETR 2000 op. cit. at para. 3.3 (1)
- 6 'Veteran Trees: A Guide to Good Management', Helen Read, English Nature 2000
- 7 DETR 2000 op. cit. at para. 3.5



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REPORT OF THE HEAD OF PLANNING AND REGENERATION

APPEALS AND REVIEWS COMMITTEE 1ST OCTOBER 2018

**Provisional Tree Preservation Order – Forest Court, Forest Road,
Loughborough**

1.0 Introduction

Trees in Conservation Areas are afforded a basic level of protection. In practise this means if anyone seeks to carry out works or to fell a tree which measures 75mm in diameter at 1.5m height in a Conservation Area they need to submit a S211 Notice (also known as a Conservation Area Notice) to the LPA. This alerts the authority to consider the merit of placing a tree under the full weight of a Tree Preservation Order.

1.1 Background

The Council Cabinet resolved on 12 April 2018 to adopt a new realignment of the Emmanuel Church Conservation Area. The boundary was thereafter realigned formally. The reason for the re-alignment was that the apartment buildings were reassessed as not meriting protection. This would expose to the removal of restrictions which up to that point also served to protect the trees. While acknowledging the low architectural merit of the flats, the former Emmanuel Church Conservation Area's Appraisal noted the importance of the landscape along the Wood Brook and the historic landscape significance of the grounds of the former vicarage.

“ The Area includes the Victorian and Edwardian development along Forest Road from Emmanuel Church to the cross roads with Browns Lane. Together with the church and the chapel, these domestic buildings form the architectural core of the Area.

Besides the buildings, the character of the Area is greatly enhanced by the green spaces and the trees, in particular the trees which line the Wood Brook to the rear of the buildings. In order to include the Wood Brook the blocks of 20

Century flats are also incorporated into the Area. At the cross roads Browns Lane restaurant, the Blacksmiths Arms (now Liquid Spice) and the Bedford Street terrace of workers cottages at the rear are included.

The Forest Court flats in themselves are of little architectural value. However, they have been built on the site of the former vicarage and the landscaping of the gardens has largely been retained so that the flats still stand with mature trees around them, especially at the rear.”

Similarly the trees along the Forest Road frontage play an important role in public amenity as they significantly contribute to the aesthetics of the townscape of the street.

In view of the landscape/ townscape character significance of the trees and their amenity value, I was asked to consider placing the trees at Forest Court under TPO. This was based on assessing the public amenity value of the trees. As the landscape Officer my prime role is to assess public amenity and not to undertake an Arboricultural assessment. An Arboricultural Report dated 29th August 2017 was previously prepared by Golby + Luck for the Enforcement Team in support of a prosecution of the landowner Harrington Investments Ltd who had disregarded the requirement to give the Council a S211 Notice to undertake tree works. The unauthorised works involved significant damage to trees including 2 x Corsican pines (T1 and T2) one of which was so damaged it had to be felled; and a Horse Chestnut tree, (T3). This report was also reviewed as part of the process. Enforcement action prosecution on 21 February 2018 resulted in conviction with a fine in sum of £3,150 imposed on the landowner

Subsequently a Provisional Tree Preservation Order was served on the 17 April 2018 to allow the immediate protection of the trees. The Order is considered an appropriate mechanism for protection as a precaution.

1.2 The Site

The site is located on the north side of Forest road. It is part of a redevelopment scheme for student accommodation comprising of a private drive access, 3x 4-story blocks of apartments car parking and mature landscaped grounds. The northern boundary is defined by the wood brook and high walls to east and west.

1.3 Condition of the trees

Some trees were damaged by the development works. T 1 Horse Chestnut (substandard pruning and root compaction) , T2 Corsican Pine (substandard pruning works) , T4 identified as Norway maple (corrected by Golby + Luck as Wild cherry) and Group 2 beech (compaction from placing of storage containers within their RPAs.) . Notwithstanding this, these trees are considered to be in fair to good condition and therefore satisfactory for placing under TPO. The remainder are considered to be in satisfactory condition for placing under a TPO.

The structural framework of the trees when lacking foliage is noted as aesthetically important for their amenity value during the winter months

2.0 The Objections to the Order

Objection - Harrington Investments Ltd dated 14 September 2018

1. Procedural propriety of making the Order
2. Re-alignment of the Emmanuel Church Conservation Area boundary.
3. The Councils approach to assessing the amenity value of the trees

No other representations have been made in relation to the Order.

3.0 Response to the Objections

1. The Order was considered expedient in view of the unauthorised works and successful prosecution of Harrington Investments Ltd and the importance of the trees as part of the visual amenity and screening role along the north and north western edge.

2. The purpose of the Conservation Area was primarily to protect the buildings. The boundary was re-aligned to omit buildings considered to not merit this protection. However the trees are considered both visually and functionally important for their amenity value and aesthetic contribution to the townscapes landscape and the only means to continue their protection was to make a TPO.

3. The Councils approach to evaluating the public amenity value of the trees is consistent with the regulations and supporting government guidance.

4.0 Conclusion

Removing the Order could leave the trees unprotected and open to being adversely managed or even felled, to the long term detriment of the trees with potential adverse visual effects by virtue of loss of filtered screening of the student accommodation buildings from vantages to the north: northwest from the other side of the Brook.

It is noted that the objector clarified the species identification having surveyed them in full leaf.

The committee is therefore recommended to confirm the Order with modification to correct the species of the trees (see revised schedule attached).

APPENDICIES

APPENDIX A – Specification of trees

APPENDIX B – Amenity Assessment Process

APPENDIX C – TPO Flow Chart

APPENDIX D – Photographs

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TREE PRESERVATION ORDER

Specification of Trees
Borough of Charnwood
(Forest Court, Forest Road, Loughborough)

TREE PRESERVATION ORDER 2018

Ref No.	Description	Location
A.	<u>Individual trees</u>	
T1	Horse Chestnut	Situated approximately between Block 1 and Block 2 @ SK SK453372 319183; ID tag #0220
T2	Corsican Pine	Situated NW of the NW elevation of Block 1 by approx. @ SK 453365 319177; ID tag #0231
T3	Norway Maple	Situated NW of block 1 by approx. 7m; @ SK 453358 319171
T 4	Wild cherry	Situated NE of block 2 by approx. 6.5m; @ SK 453366 319221
T5	Corsican Pine	Situated east of Block 2 in shrub bed by approx. 15m; @ SK 453398 319208
T6	Norway Maple	Situated east of block 2 in shrub bed by approx.11m; @SK453404 319199
T7	Swedish Whitebeam	Situated east of block 2 in shrub bed by approx.13m; @SK453406 319797
T8	Scots Pine	Situated east of block 2 in shrub bed by approx.14m; @SK453410 319192
T9	Common Lime	Situated to the Forest Road frontage of Forest Court on grass verge adj to eastern boundary wall of Emmanuel Church grounds; ID tag #7515 ; @SK 453402 319121
T10	Yew	Situated on grass verge at Forest Road Frontage; @SK 453421 319133
T11	Holly	Situated on grass verge at Forest Road Frontage, south of Block 3:

T12	Horse Chestnut	SK453426 319137 Situating on the grass verge to frontage of Forest Court south of Block 3; @SK 453431 319142
T13	Lime	Situating on grass verge to frontage of Forest Court southeast of Block 3; @SK 453437 319149
T14	Robinia	Situating within the grounds of Emmanuel Church adj to the eastern boundary wall; @SK 453372 319133

B. Trees within an area

None

C. Trees within a group

G1	Beech (9)	Situating North of Block 1 and to the west of block 2 along the southern bank of the Wood Brook; @SK453355 319203
G2	Beech (3)	. Situating northeast of block 2 on the south bank of the Wood Brook; 2x are ID tagged #0223 & #0224; @SK453364
G3	Holly (3)	Situating in highway verge fronting the development; @SK453408 319123

D. Trees within a woodland

None

Please notify

Owners:

Mr Simon Chamberlain
Harrington's Investments
Forest Court forest Road Loughborough
LE11 3NT

LE3 8RA

Emmanuel Church
Forest Road
Loughborough LE11 3NW

Owners/ party of interest::

Leicestershire County Council
Highways
County Hall
Glenfield
Leicestershire

APPENDIX B

AN EXPLANATION OF THE AMENITY ASSESSMENT PROCESS –FOREST COURT TREES

Who makes Tree Preservation Orders and why?

The government guidance <https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas#amenity-means> states

Who makes Tree Preservation Orders and why?

Local planning authorities can make a Tree Preservation Order if it appears to them to be 'expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area'.

Authorities can either initiate this process themselves or in response to a request made by any other party. When deciding whether an Order is appropriate, authorities are advised to take into consideration what 'amenity' means in practice, what to take into account when assessing amenity value, what 'expedient' means in practice, what trees can be protected and how they can be identified.

Evidence required to make a TPO

All that is required to make a TPO is a site visit to identify the tree or trees, ideally to species or at least the genus, to assess its/ their amenity value and to map the site and the trees location accurately.

There is no specified need for a detailed or comprehensive Arboricultural report nor is there any set or approved methodology.

Is a site visit needed?

Before making an Order a local planning authority officer should visit the site of the tree or trees in question and consider whether or not an Order is justified. Further site visits may be appropriate following emergency situations where on the initial visit the authority did not fully assess the amenity value of the trees or woodlands concerned.

Paragraph: 021 Reference ID: 36-021-20140306

Revision date: 06 03 2014

What evidence should be collected on a site visit?

Where a Tree Preservation Order may be justified, the officer should gather sufficient information to enable an accurate Order to be drawn up. The officer should record the number and species (or at least the genus) of the individual trees or groups of

trees to be included in the Order and their location. A general description of genera should be sufficient for areas of trees or woodlands. It is, however, important to gather enough information to be able to accurately map their boundaries.

The officer should also record other information that may be essential or helpful in the future. This may include:

- information on any people with a legal interest in the land affected by the Order (further guidance can be found in paragraph 32 and paragraph 33;
- the present use of the land;
- the tree's or trees' importance as a wildlife habitat; and/or
- trees which are not to be included in the Order.

Paragraph: 022 Reference ID: 36-022-20140306

Revision date: 06 03 2014

What might a local authority take into account when assessing amenity value?

When considering whether trees should be protected by an Order, authorities are advised to develop ways of assessing the amenity value of trees in a structured and consistent way, taking into account the following criteria:

Visibility

The extent to which the trees or woodlands can be seen by the public will inform the authority's assessment of whether the impact on the local environment is significant. The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public.

Individual, collective and wider impact

Public visibility alone will not be sufficient to warrant an Order. The authority is advised to also assess the particular importance of an individual tree, of groups of trees or of woodlands by reference to its or their characteristics including:

- size and form;
- future potential as an amenity;
- rarity, cultural or historic value;
- contribution to, and relationship with, the landscape; and
- contribution to the character or appearance of a conservation area.

Other factors

Where relevant to an assessment of the amenity value of trees or woodlands, authorities may consider taking into account other factors, such as importance to nature conservation or response to climate change. These factors alone would not warrant making an Order.

Paragraph: 008 Reference ID: 36-008-20140306

Revision date: 06 03 2014

The Amenity Test

Amenity is not defined in law. Professional judgement is used in this evaluation. Arboricultural assessments may help in this process but are not required. It should be noted that the TPO regulation guidance does not define or set out a set methodology for the visual amenity assessment. The text from the Government guidance website below looks at the meaning of the term 'amenity'.

What does 'amenity' mean in practice?

'Amenity' is not defined in law, so authorities need to exercise judgment when deciding whether it is within their powers to make an Order.

Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future.

Paragraph: 007 Reference ID: 36-007-20140306

Revision date: 06 03 2014

An amenity assessment was carried out prior to the placing of the trees under a provisional TPO on 10 April 20118. The trees were still lacking foliage making precise species identification difficult. The trees provide filtered screening of the buildings and soften their otherwise harsh impact. The assessment involved walking the public highways e.g. Forest Road, and, PROW, other publically accessible routes such as the car park, bridge and extension car park of the Loughborough Leisure Centre which provides excellent visual vantages to the Forest Court site.

The Expediency Test

What does 'expedient' mean in practice?

Although some trees or woodlands may merit protection on amenity grounds it may not be expedient to make them the subject of an Order. For example, it is unlikely to be necessary to make an Order in respect of trees which are under good Arboricultural or silvicultural management.

It may be expedient to make an Order if the authority believes there is a risk of trees being felled, pruned or damaged in ways which would have a significant impact on the amenity of the area. But it is not necessary for there to be immediate risk for there to be a need to protect trees. In some cases the authority may believe that

certain trees are at risk as a result of development pressures and may consider, where this is in the interests of amenity, that it is expedient to make an Order. Authorities can also consider other sources of risks to trees with significant amenity value. For example, changes in property ownership and intentions to fell trees are not always known in advance, so it may sometimes be appropriate to proactively make Orders as a precaution.

Paragraph: 010 Reference ID: 36-010-20140306

Revision date: 06 03 2014

The Expediency Test was met by the fact that the landowner had previously flouted the Conservation Area protection. Thus all trees were considered to be under potential threat of poor quality works or even felling. As the guidance states a TPO may be considered appropriate as a precaution. The TPO status affords the Council a greater level of scrutiny and redress.

I concluded that the trees are important to the locality and merited placing under TPO because of their collective cumulative amenity value as experienced from a series of publically accessible viewpoints and as a precaution.

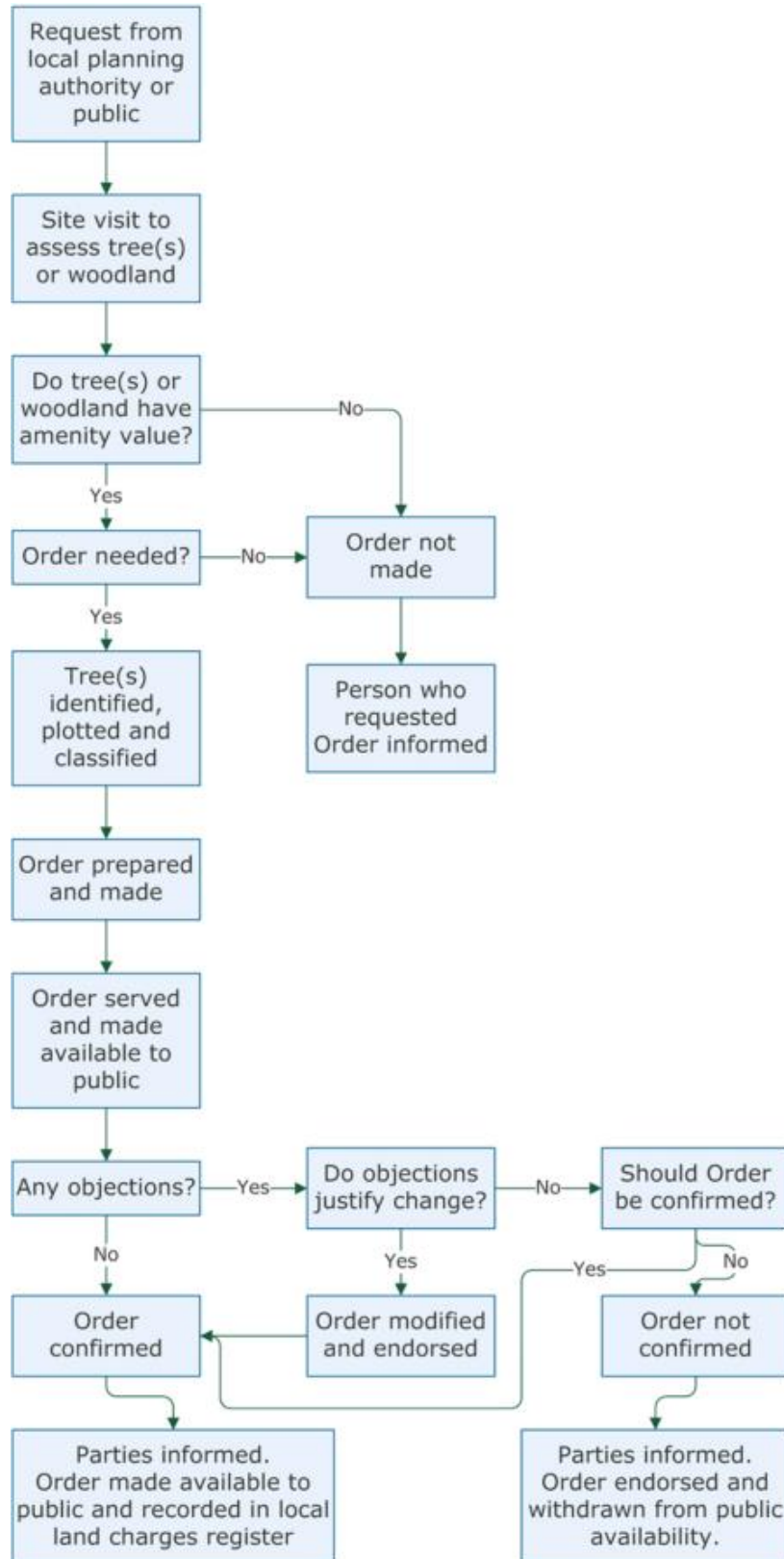
The TPO was created 17 April 2018. It covers 14 individual trees and three groups of trees.

The Provisional stage of the Order allows for objections or the modification and refinement of the order such as correcting species identification or locations.

Ends.

NOD 17 September 2018

FLOW CHART EXPLAINING THE TPO PROCESS



APPENDIX D -
PHOTOGRAPHS



View of Forest Road Frontage

Tree make a significant contribution to the landscape character of the street and its amenity



T1 Horse Chestnut showing signs of poor management



T2 Corsican pine with severely damaged pine (not covered by TPO)



View looks towards T3 T2 in foregrounds and part of Group 1 in the background



Trees along the Wood brook forming group 1



T4 and part of group2 to the left with container within their RPAs



T4 and part of group 2 with container damaging root zones



Site of missing tree