

129 Rothley Road, Mountsorrel
Tree Preservation Order Assessment

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1 INTRODUCTION

1.1 On the 13th November 2020 Charnwood Borough Council made the provisional Borough of Charnwood (129 Rothley road, Mountsorrel) Tree Preservation Order 2020 (referred to the 'Order' or 'TPO' hereafter). The Order includes five individual trees in the property garden. The Council advise the Order was made in response to a pre-application advice request for the erection of a single dwelling within the garden, which would require the removal of some of the trees.

1.2 Planning Practice Guidance (March 2014) issued by Government states:

"Authorities should bear in mind that, since they are responsible for making and confirming Orders, they are in effect both proposer and judge. They should therefore consider how best to demonstrate that they have made their decisions at this stage in an even-handed and open manner."

1.3 Golby & Luck have been instructed by Mrs Nicole Baska of 129 Rothley Road, Mountsorrel, to consider the Authority's decision to make the provisional Order and to review the appropriateness of those trees included. David Carter of Golby & Luck Ltd visited the property on Monday 14th December 2020 to assess the trees.

1.4 This report should be read in conjunction with the Tree Preservation Order details, supporting drain inspection report and site photographs, see **Appendix A - C**.

1.5 The trees are identified as trees T1 – T5 in the Order schedule and shall be referred to as such throughout this report.

Statutory Protection & Procedural Matters

1.6 The provisional Borough of Charnwood (129 Rothley road, Mountsorrel) Tree Preservation Order 2020 includes one ash, two holly and two sycamore. The trees are positioned to the north of the existing dwelling, within the garden and as indicated on the Order plan.

1.7 Full details of the Order are included at **Appendix A**.

1.8 For the Order to apply in perpetuity, it must be confirmed by the Borough Council within six months of the date it was made - by 13th May 2021.



- 1.9 The Borough Council has the option to confirm the Order with or without modification and include or exclude the trees of the provisional Order as they see fit.

Assessment Summary

- 1.10 The purpose of the report is to assess the trees and consider whether their inclusion in the Order is appropriate, when considered against standing national guidance, legislation and planning practice.
- 1.11 The Assessment first considers the tree assessment results, see **Section 3**. This sets out the condition of the trees in arboricultural terms, summarising their quality and estimated safe life expectancy. To be included in an Order, trees should be in a good, safe condition and represent good examples of their species or have significant potential to mature into good examples. In addition, they should not present existing or significant future risk of property damage or personal injury.
- 1.12 Where this criteria is met, the Assessment then considers the public amenity value of the trees; to what degree do the trees contribute to the appearance and character of the area, as experienced by the public. Secondly, it considers any supporting attributes such as cultural or ecological value. **Section 4** sets out the legislative context for making a Tree Preservation Order and summaries the national planning guidance published by central Government in relation to Tree Preservation Orders. Also included is example guidance from local planning authorities in England.
- 1.13 Having considered all relevant material, the Assessment concludes by making an objective judgement on each tree's suitability for inclusion in the Borough of Charnwood (129 Rothley road, Mountsorrel) Tree Preservation Order 2020, see **Section 5**. The Assessment shall seek to exclude four trees from the Order, namely trees T2 to T5 inclusive, requesting the Order is confirmed with this modification.

Relevant Information

- 1.14 In addition to the information included in Appendix A-C, this Assessment considers the following sources:
- Town & Country Planning Act 1990;
 - Town & Country Planning (Tree Preservation) (England) Regulations 2012;



- Planning Practice Guidance 2014 - <https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas#confirming-tree-preservation-orders>;
- Protected Trees: A Guide to Tree Preservation Procedures – Department for Local Communities & Local Government:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/244528/2127793.pdf;
- Charnwood Borough Council website – Tree Preservation Order advice:
https://www.charnwood.gov.uk/pages/tree_preservation_and_hedges
- London Borough of Richmond Council website – Tree Preservation Order advice:
https://www.richmond.gov.uk/tree_preservation_orders
- Melton Borough Council website – Tree Preservation Order advice:
http://www.melton.gov.uk/homepage/135/tree_preservation_order; and
- British Standard 5837:2012 – Trees in relation to design, demolition and construction.



2 TREE CONDITION SURVEY - DATA COLLECTION

2.1 Information has been produced on only those trees included within the Order. The following information describes terminology and assessment methods used in the tree assessment.

2.2 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.

2.3 Measurements have been recorded for height, stem diameter, crown clearance and branch spread at the cardinal points for all trees surveyed. Height measurements above 10m are accurate within 1m. Height, stem diameter and width measurements for hedgerows are provided as an average of the overall length.

2.4 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.

2.5 Estimated safe remaining contribution (ERC) has been categorised as: 0 - 10 years, 10+ years, 20+ years or 40+ years, based upon an assessment of the tree's potential safe and useful life expectancy relative to its species type and environment.

2.6 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

2.7 Structural defects, pathogens, disease and other relevant observations of trees condition have been noted.

Limitations

2.8 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 and hedgerows were in full leaf when assessed and weather conditions were windy.



- 2.9 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.
- 2.10 The findings of this report are valid for a period of twelve months only from the date of survey. 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 necessitate a re-assessment of those specimens affected. Potential hazards and levels of risk may change as the site usage alters during and following completion of the development. Unless otherwise stated, all trees should be re-inspected in 12 months from the date of survey or following any major storm event.
- 2.11 This report is in no way intended to address subsidence or heave, a future risk thereof, or a detailed assessment of site soils. It remains the client's responsibility to ensure any building design or future tree removal is fully considered and supported with appropriate engineering advice.



3 TREE ASSESSMENT RESULTS

Site Description

3.1 The site contains a single semi-detached residential dwelling of Victorian era. There is pedestrian access to the property front, off Rothley Road, together with an elevated parking area to the northern side of the house. A low brick wall and holly hedge define the frontage boundary. A garden area extends to the north side and rear of the property which has been left unmanaged for a number of years. Within this, the trees included in the Order are present, together with sporadic areas of young scrubby self-set vegetation that include species such as ash, sycamore and holly.

T1 - Ash

3.2 Tree T1 is an early mature ash situated in the north-eastern corner of the garden. The tree appears in **good** physiological condition and has a broadly symmetrical canopy supported by two primary stems which emanate from a bifurcation on the main stem at 1m above ground level. The junction of the stems exhibits a minor bark inclusion. There is sufficient proportions of supporting wood below the union such that likelihood of failure is very low. The tree is considered to be in **fair** physiological condition. The tree's current condition suggests an estimated safe remaining contribution of 20+ years.

3.3 The tree can be seen clearly from viewpoints on the adjacent public highways at Linkfield Road and Maitland Avenue, and has moderate public amenity value. It is a single native tree to which some wildlife value can be attributed, though not of any special significance. The tree is not rare or unusual and is not related to a heritage designation.

T2 - Sycamore

3.4 Tree T2 is a semi-mature sycamore which has established in the property garden as a result of the species typical self-colonisation. The tree appears in **good** physiological condition but presents a series of structural defects that suggest **poor** structural condition. These include squirrel damage and evidence of particularly poor historic pruning.

3.5 The tree cannot be seen clearly from any viewpoints on the adjacent public footpath or road network. It is not considered to have any notable public amenity value and is poor in appearance, see **photograph 3, Appendix C**. It is a non-native alien tree which adversely colonises and depletes the diversity of native habitats. As such, it does not have any particular or special wildlife value. The tree is not rare or unusual and is not related to a heritage designation.



- 3.6 The site Drain Inspection Report, see **Appendix B**, identifies areas of root ingress into the drains, together with displacement of pipework. This is most commonly caused by roots proliferating along the outer face of the pipes where condensation and moisture gather. Roots may also penetrate gaps or cracks in pipework. Such ingress becomes particularly problematic if the roots then grow further, increasing in girth and displacing or cracking pipework more significantly.
- 3.7 T2 is positioned within approximately 3m of the property drains, such that it is highly likely to be partly responsible for this damage. Sycamore are a particularly vigorous species, the roots of which will actively proliferate around drains, as described above pictured in the Report.
- 3.8 Table A.1 of British Standard 5837:2012 below provides the following guidance for young or new trees and their proximity to services, such as drains. T2 is a sycamore. This species has the potential to develop a stem diameter greater than 600mm, and therefore the far right column applies.

Table A.1 Minimum distance between young trees or new planting and structure to avoid direct damage to a structure from future tree growth

Type of structure	Minimum distance between young trees or new planting and structure, in metres (m)		
	Stem dia. <300 mm ^{A)}	Stem dia. 300 mm to 600 mm ^{A)}	Stem dia. >600 mm ^{A)}
Buildings and heavily loaded structures	—	0.5	1.2
Lightly loaded structures such as garages, porches etc.	—	0.7	1.5
Services			
<1 m deep	0.5	1.5	3.0
>1 m deep	—	1.0	2.0
Masonry boundary walls	—	1.0	2.0
In-situ concrete paths and drives	0.5	1.0	2.5
Paths and drives with flexible surfaces or paving slabs	0.7	1.5	3.0

^{A)} Diameter of stem at 1.5 m above ground level at maturity

- 3.9 The tree is closer to services than is recommended by the British Standard. As a semi-mature tree, T2 is young by standards for the species and with notable growth potential. The risk of persistent future damage to the drains is therefore high.

T3 – Holly

- 3.10 Tree T3 is an early-mature holly appearing in **good** physiological, as indicated by normal foliage cover. The appearance and form of the tree is not a good example of the species. It is a small multi-stemmed specimen with canopy displaying fragmented and



suppressed branch development to the north, indicating **poor** structural condition that is unlikely to improve given time, see **photograph 3, Appendix C**. It has an estimated safe remaining contribution of 20+ years.

- 3.11 The tree cannot be seen clearly from Linkfield Road or Maitland Avenue and is relatively concealed from the streetscene of Rothley Road, due to being located behind the main building line of the road, see **photograph 4, Appendix C**. The tree is not considered to have any notable public amenity value. It is a single native tree to which some wildlife value can be attributed, though this does not extend beyond nesting habitat and food resource, which most trees provide to some degree. The tree is not rare or unusual and is not related to a heritage designation.

T4 - Sycamore

- 3.12 Tree T4 is a semi-mature sycamore which has established approximately 5m from the northern elevation of the existing house and 3m from the alignment of the property's main drain. The tree appears in **good** physiological, as indicated by normal foliage cover. It displays a moderate structural defect at ground level in the form of an included bark union of two codominant stems. This type of union is susceptible to failure for two reasons. Firstly, due to an absence of wood fibres joining the opposing stems, the development of which has been inhibited by ingrown bark. Secondly, because of internal compressive stress pushes the stems apart as they increase in girth with incremental annual growth. In addition, the tree's canopy is asymmetric and etiolated, which exacerbates risk of failure further due to disproportionate wind loading. The tree's structural condition is **poor**. The risk of failure immediately adjacent to a building should be addressed by removal of the tree or crown reduction.
- 3.13 The tree cannot be seen clearly from Linkfield Road or Maitland Avenue. It is visible on Rothley Road but does not form a prominent feature in the streetscene, set back behind the main building line. It is most visible when viewed from the opposing road junction with Rockhill Drive, see **photographs 4 and 5, Appendix C**. Though visible, its appearance is not representative of a good example of the species and is unlikely to improve due to its constrained environment between buildings and requirement for remedial pruning. T5 is not considered to have any significant public amenity value.
- 3.14 Moreover, as with T2, the tree is a non-native alien species, has no particular wildlife value and is not rare or unusual or related to a heritage designation. Its proximity to the site's drains also suggest it is responsible for the identified drain damage, as described in paragraphs 3.6 to 3.9 and the accompanying Drain Inspection Report. Its proximity to buildings will cause maintenance issues and potential damage if left to grow.



T5 – Holly

- 3.15 T5 is a section of hedge that has not been trimmed for several years, such that upward growth has developed from the main hedge structure. The hedge structure is established to an approximate height of 3-4m and trimmed back from the footpath, with further apical growth above. It appears in **good** physiological condition. Its structural condition is of limited relevance given its intended management as a hedge; it is outgrown but this is not suggestive of poor structural condition or any risk of failure. It is visible in the streetscene and adds a minor green element to the street, but not one of any particular stature or visual quality. Indeed, its lack of management is evident in its untidy appearance, see **photograph 6, Appendix C**. It is considered to be of minimal amenity value. It is a single native tree to which some wildlife value can be attributed, though this does not extend beyond nesting habitat and food resource, which most hedges provide to some degree. The hedge is not rare or unusual and is not related to a heritage designation.



4 MAKING TREE PRESERVATION ORDERS

Legislative Context

4.1 The making of Tree Preservation Orders is governed principally by the Town & Country Planning Act 1990 and Town & Country Planning (Tree Preservation) (England) Regulations 2012.

4.2 Section 198 of the Town & Country Planning Act 1990 affords authorities powers to make TPOs where:

“it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area”

4.3 Amenity is not defined in law. However, national and local planning guidance can be used to understand its function and composition.

National Planning Practice Guidance

4.4 There are two key pieces of national guidance issued by Government in relation to Tree Preservation Orders. These set out clearly the procedures for making TPOs and criteria for including trees.

4.5 Paragraphs 005 to 012 of 'Tree Preservation Orders and trees in Conservation Areas' are of particular relevance. The following sections are of note.

4.6 Paragraphs 008:

“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."

4.7 Paragraph 012:

"Can shrubs and hedges be protected by a Tree Preservation Order?"

Authorities may only use an Order to protect anything that may ordinarily be termed a tree. This would not normally include shrubs, but could include, for example, trees in a hedge or an old hedge which has become a line of trees of a reasonable height."

Local Authority Guidance

4.8 It is widely accepted that the starting point for suitability in an Order must be that a tree has public amenity value, such that its loss would have a significant negative impact on the environment and its enjoyment by the public. Examples of typical local authority guidance that support this are set out below, including guidance from Charnwood Borough Council.

4.9 Charnwood Borough Council states the following guidance on its website:

"A Tree Preservation Order is a legal order which prevents certain trees from being cut down, uprooted, topped/lopped or purposefully damaged without our



permission. **We do this to protect trees which may visually enhance the quality of the borough's environment or trees which are a benefit to the community.**

Other factors such as the importance of a site as a wildlife habitat may be taken into consideration **which alone would not be sufficient to justify a TPO.**"

4.10 Melton Borough Council states the following guidance on its website:

"TPO's are used to protect selected trees and woodlands where they make a significant contribution to the quality of an area and their removal would have a **negative impact on the environment and its enjoyment by the public.**

Trees may be worthy of preservation for their intrinsic beauty or their contribution to the landscape, because they serve as a screen or for their scarcity. Other factors such as their value as a wildlife habitat may also be considered.

Tree Preservation Orders (TPOs) were introduced to enable Local Planning Authorities to protect important trees. TPOs can be placed on any tree that has amenity value, including hedgerow trees **but not hedges, bushes or shrubs.** "

4.11 The London Borough of Richmond sets out the following guidance on its website:

"We will consider serving a TPO where there is a specific threat to the appearance or existence of trees that provide significant **public visual amenity or where their removal would be detrimental to the local and wider landscape**, so it is important that the request is clearly justified.

Including photographs of the tree, taken from a public place, will help us to decide whether the creation of a TPO is warranted.

We will send you a full response within 20 working days.

We are unlikely to grant requests for trees which:

- Are young or non-established
- **Are large (or have the potential to get large) and situated too close to a building or structure, causing potential obstruction and unreasonable relationship.**
- **Are dying, dead or dangerous**



- **Do not offer a 'perceived visual amenity', for example, are within a back garden and cannot be viewed from a public place**
- *Are not under a clear threat of removal or pruning which may impact upon the amenity."*

4.12 This national and local guidance surmise clearly that TPO trees must have value to the public, derived principally from their visual contribution to the area. It confirms that hedges or shrubs should not be included and that secondary factors alone, such as wildlife value, are not sufficient to justify a TPO. Indeed, there are wider legislative controls for the protection of wildlife. Lastly, it suggests Orders should not be made where trees are likely to cause significant issues with residential amenity and buildings, unless the trees are of exceptional value.

Development Proposals

4.13 The making of the Order was instigated by proposals for development on the site. Planning Practice Guidance, paragraph 010 states:

"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.

4.14 The Borough Council noted the presence of trees on the site and responded to the development proposal in line with this guidance. The provisional Order now provides the opportunity for the quality of the trees to be considered.

4.15 In doing so, it must be noted that the future use of the land has **no relevance** to whether trees are suitable for inclusion in the Order. While there is degree of threat that some trees may be removed, it must still be expedient in the interest of amenity to protect those trees, as clearly set out above. In other words, notwithstanding future development, the trees must be of sufficient value to warrant protection. Furthermore, it may be possible for development to come forward while still retaining trees on a site, in line with industry guidance British Standard 5837:2012 – Trees in relation to design, demolition & construction, and for development to deliver new, viable tree planting.



5 CONFIRMING THE TREE PRESERVATION ORDER

5.1 This section reviews each tree's suitability for inclusion in the Order and, where appropriate, recommends modifications to be taken into account at confirmation.

T1 - Ash

5.2 The tree is in normal condition and in its current condition has a life expectancy of 20+ years. It is a fair example of the species and can be seen clearly from adjacent public vantage points on Linkfield Road and Maitland Avenue, see **photograph 1, Appendix C**. As such, its removal would be considered likely to have some negative impact to public amenity. As a native species, the tree also has some biodiversity value as an individual tree. Consequently, it is concluded that the tree is considered **suitable** for inclusion in the Order.

T2 - Sycamore

5.3 The tree is a poor condition sycamore with several defects that will significantly hinder its development as a specimen of arboricultural merit and visual potential, see paragraph **3.4** and **photograph 2, Appendix C**. The tree is also causing significant issues with the property drains which will worsen if left to mature, see **Appendix B**. For these reasons, T2 is considered **unsuitable** for retention in the Order and should be excluded.

5.4 Additionally, the tree has no identifiable rarity, cultural or historic value nor any important identified relationship with the surrounding landscape or heritage designations. It occupies a concealed position within the garden. It is a non-native alien species renowned for prolific self-seeding and nuisance. The tree has only established to such size owing to the garden being unmanaged for a lengthy period by the property's former, elderly owner. If retained, it will cause significant ongoing maintenance issues with the property and restrict reasonable enjoyment of its garden. The tree is of limited merit and to protect it in the knowledge it is likely to be a cause of significance maintenance and property issues in the future is contrary to standing guidance, as detailed in **section 5**. There is no clear public to protecting the tree that would outweigh placing Mrs Baksa under such burden.



T3 – Holly

- 5.5 The tree is in normal condition, but of poor form. Visually, it is a small specimen of restricted height and stature, such that it is difficult to attribute any significant public amenity value to the tree. It is set back significantly from the roadside, behind the building line of the street and does not form a prominent feature in any views along the Rothley Road streetscene, **see photographs 3, 4 and 5 Appendix C**. There are also no clear views obtainable from the public highways at Linkfield Road or Maitland Avenue.
- 5.6 The tree is not rare and has no identifiable cultural or historic value, nor any important identified relationship with the surrounding landscape or heritage designations. As a native species, it has some wildlife value as nesting habitat and food source, but this alone is not sufficient to warrant a TPO. To this end, the loss of the tree would not result in a significant negative impact to the public enjoyment of the immediate area; therefore, it is not expedient in the interests of amenity to protect the tree and it is considered **unsuitable** for retention in the Order.

T4 – Sycamore

- 5.7 The tree is in normal physiological condition but has a structural defect that makes failure of the main stems likely in adverse weather conditions, see paragraph **3.12**. This presents a risk of property damage. In addition, there is clear evidence that the tree's roots are causing issues with the property drains, see **Appendix B**.
- 5.8 In terms of amenity value, while visible in the public domain it does not form a notable feature, nor does it present as a good example of the species or display a particularly aesthetically pleasing appearance, see **photographs 4 and 5, Appendix C**. Its position on the property causes identical issues to the sycamore T2, as detailed in paragraph **5.4**. The tree is a non-native alien species. It is not rare, it has no identifiable cultural or historic value and it has no important identified relationship with the surrounding landscape or heritage designations. The defects recorded limited its safe life expectancy and potential to increase in amenity value. The tree's inclusion in the Order would place an unreasonable burden on the landowner, that is not outweighed by any identified public benefit. It is therefore concluded that T4 is **unsuitable** for retention in the Order and should be excluded.



T5 – Holly

- 5.9 The tree cannot be termed as a tree as would ordinarily be defined, see paragraph **4.7** and relevant guidance from Government. It forms part of an outgrown section of holly hedgerow, that as with the wider garden was left unmanaged for some time, see **photograph 6, Appendix C**. Its inclusion in the Order is clearly **unsuitable** and would be wholly contrary to national guidance and a tenuous application of the Authority's legislative powers. The tree should be excluded from the Order.

Summary

- 5.10 Trees to be included in the Order when confirmed: **T1**
- 5.11 Trees to be included from the Order when confirmed: **T2 – T5**



6 SUMMARY

6.1 Charnwood Borough Council have exercised their statutory powers to secure the provisional protection of trees at 129 Rothley Road, Mountsorrel. This follows a proposal to develop the property. The provisional Order now provides the opportunity to consider carefully the quality of the trees, in terms of both their arboricultural condition, amenity value and other supporting factors. The quotation at the opening of this report is revisited below:

“Authorities should bear in mind that, since they are responsible for making and confirming Orders, they are in effect both proposer and judge. They should therefore consider how best to demonstrate that they have made their decisions at this stage in an even-handed and open manner.”

6.2 This Assessment has provided a transparent and balanced review of each tree's condition and subsequently considered their suitability for inclusion in a Tree Preservation Order. It has made recommendations to inform the Council's decisions in confirming the Order, proposing that the Order be modified to include T1 and exclude T2 to T5. Trees T2 to T4 are recommended to be excluded owing to restricted arboricultural and amenity value. T5 is recommended to be excluded due to being a section of hedge that does not represent what can be termed as a tree.

6.3 It is therefore requested that the Council give fair and objective consideration to the representations in this report and confirm the Borough of Charnwood (129 Rothley Road, Mountsorrel) Tree Preservation Order 2020 with modification to exclude trees T2 – T5.



Appendix A

Borough of Charnwood (129 Rothley Road, Mountsorrel) Tree Preservation Order 2020

Town and Country Planning Act 1990
The Borough of Charnwood (129 Rothley Road, Mountsorrel)
Tree Preservation Order 2020

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 (129 Rothley Road, Mountsorrel) Tree Preservation Order 2020.

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 13th day of November 2020

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


.....



2020/21-90

SPECIFICATION OF TREES

Trees specified individually (encircled in black on the map)

Reference on map	Description	Situation
T1 T2 T3 T4 T5	Ash Sycamore Holly Sycamore Holly	SK 458308 314092

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
	None	

Woodlands (within a continuous black line on the map)

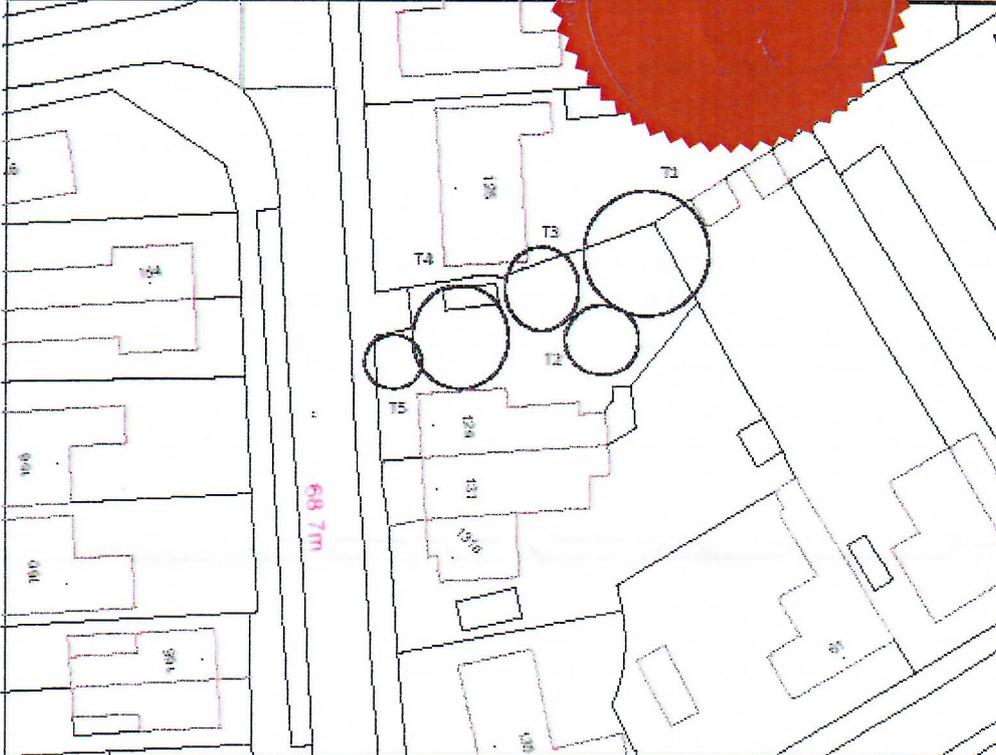
Reference on map	Description	Situation
	None	

I certify this map shows the tree referred to in the first schedule of the Borough of Charnwood (129 Rothley Road, Mountsorrel) Tree Preservation Order 2020



Authorised signatory

20/20/21-90



Borough of Charnwood
(129 Rothley Road Mountsorrel)
Tree Preservation Order 2020

R Bennett Dip. TP, MRTPI
Head of Planning & Regeneration
Borough of Charnwood
Southfields
Loughborough
Leics. LE11 2TN
Date: 8 Nov 2020
Scale: 1:500
Prep: NO D

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Appendix B

Drain Inspection Report



/ Main sections

Project name : 129 ROTHLEY ROAD	Contract number :	Contact :	Date : 21/07/2020
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No.	U/S MH	D/S MH	Date	Road	Tape No.	Material	m	(m)
2	GULLY	MH F1 A	21/07/2020	129 ROTHLEY ROAD		Vitrified clay	2.80	2.80
3	SVP	MH F1 B	21/07/2020	129 ROTHLEY ROAD		Vitrified clay	2.94	2.94

Pipe size: CIRCULAR 100 = 5.74 m (5.74 m)

No.	U/S MH	D/S MH	Date	Road	Tape No.	Material	m	(m)
4	MH F1	MAIN O/S	21/07/2020	129 ROTHLEY ROAD		Vitrified clay	20.38	20.38

Pipe size: CIRCULAR 150 = 20.38 m (20.38 m)

All sections = 26.12 m (26.12 m)

Inspection summaryProject Name:
129 ROTHLEY ROAD

Project Number :

Contact :

Date :
21/07/2020

Total Length of sewer network	26.12 m
Inspected Length of sewer network	26.12 m
Not inspected Length of sewer network	0.00 m
Total Length of sewer network (abandoned)	0.60 m
Inspected Length of sewer network (abandoned)	0.60 m
Not inspected Length of sewer network (abandoned)	0.00 m
Total Length of house connections (satellite)	0.00 m
Inspected Length of house connections (satellite)	0.00 m
Not inspected Length of house connections (satellite)	0.00 m
Number of Sections	3
Number of Sections (abandoned)	1
Number of house connections	0
Number of Photos	10

Inspection Summary

Date: 21/07/2020	Project Number :	Contact :	Date : 21/07/2020
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Place: HOUSE	Pipe shape: Circular
Road: 129 ROTHLEY ROAD	Pipe size: 100 mm
Upstr. MH: GULLY	Material: Vitrified clay
Downstr. MH: MH F1 A	Lining:

	0.00	ST	Start of survey	0
	0.00	MH	Manhole Remarks: MH F1 A	0
	0.00	WL	Water level, 0% of sewer height	0
	0.91	JDM	Joint displaced, medium (between 1.0 and 1.5 times the pipe wall thickness)	1
	2.75	JDM	Joint displaced, medium (between 1.0 and 1.5 times the pipe wall thickness)	1
	2.80	MH	Manhole Remarks: GULLY	0
	2.80	FH	Finish survey	0

Place: HOUSE	Pipe shape: Circular
Road: 129 ROTHLEY ROAD	Pipe size: 100 mm
Upstr. MH: SVP	Material: Vitrified clay
Downstr. MH: MH F1 B	Lining:

	0.00	ST	Start of survey	0
	0.00	MH	Manhole Remarks: MH F1 B	0
	0.00	WL	Water level, 0% of sewer height	0
	0.18	JDM	Joint displaced, medium (between 1.0 and 1.5 times the pipe wall thickness)	1
	2.94	MH	Manhole Remarks: SVP	0
	2.94	FH	Finish survey	0

Inspection Summary

Date: 21/07/2020	Project Number :	Contact :	Date : 21/07/2020
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Place: HOUSE	Pipe shape: Circular
Road: 129 ROTHLEY ROAD	Pipe size: 150 mm
Upstr. MH: MH F1	Material: Vitrified clay
Downstr. MH: MAIN O/S	Lining:

	0.00	ST	Start of survey	0
	0.00	MH	Manhole Remarks: MH F1	0
	0.00	WL	Water level, 0% of sewer height	0
	0.68	JDM	Joint displaced, medium (between 1.0 and 1.5 times the pipe wall thickness)	1
	1.87	JDM	Joint displaced, medium (between 1.0 and 1.5 times the pipe wall thickness)	1
	5.09	JDM	Joint displaced, medium (between 1.0 and 1.5 times the pipe wall thickness)	1
	5.09	RFJ	Roots, fine at joint	2
	5.68	JDM	Joint displaced, medium (between 1.0 and 1.5 times the pipe wall thickness)	1
	8.26	RFJ	Roots, fine at joint	2
	9.33	DE	Debris, 25% cross-sectional area loss	4
	20.38	MH	Manhole Remarks: MAIN O/S	0
	20.38	FH	Finish survey	0



Project-information

 Project name :
129 ROTHLEY ROAD

Contract Number :

Contact :

 Date :
21/07/2020

 Client: **NICOLE**

Contact Name:

Department:

Road:

Town:

County:

Telephone:

Fax:

Mobile:

E-mail:

 Site: **129 ROTHLEY ROAD**

Contact Name:

Department:

Road:

 Town: **MOUNT SORREL**

 County: **LEICESTERSHIRE**

Telephone:

Fax:

Mobile:

E-mail:

 Contractor **ALL DRAINS SERVICES LTD**

 Contact Name: **DARREL**

Department:

 Road: **GRAVELSTONES LITTLE GLEN ROAD**

Town:

 County: **LEICESTER**

Telephone:

Fax:

 Mobile: **07800 500 321**

 E-mail: **info@alldrains.co.uk**



Project-information

 Project name :
129 ROTHLEY ROAD

Contract Number :

Contact :

 Date :
21/07/2020

Mh F1 was found to be full of roots ,debris ,failing brick work and damaged benching
 The roots and debris were removed from MH F1 to carry out the survey (as per picture)
 MH F1 upstream has mass roots
 MH F1 A to gully has several displaced joints
 Mh F1 B to svp has several displaced joints
 Mh F1 to main has several displaced joints and root ingress

We would recommend

Excavation and removal of Mh F1

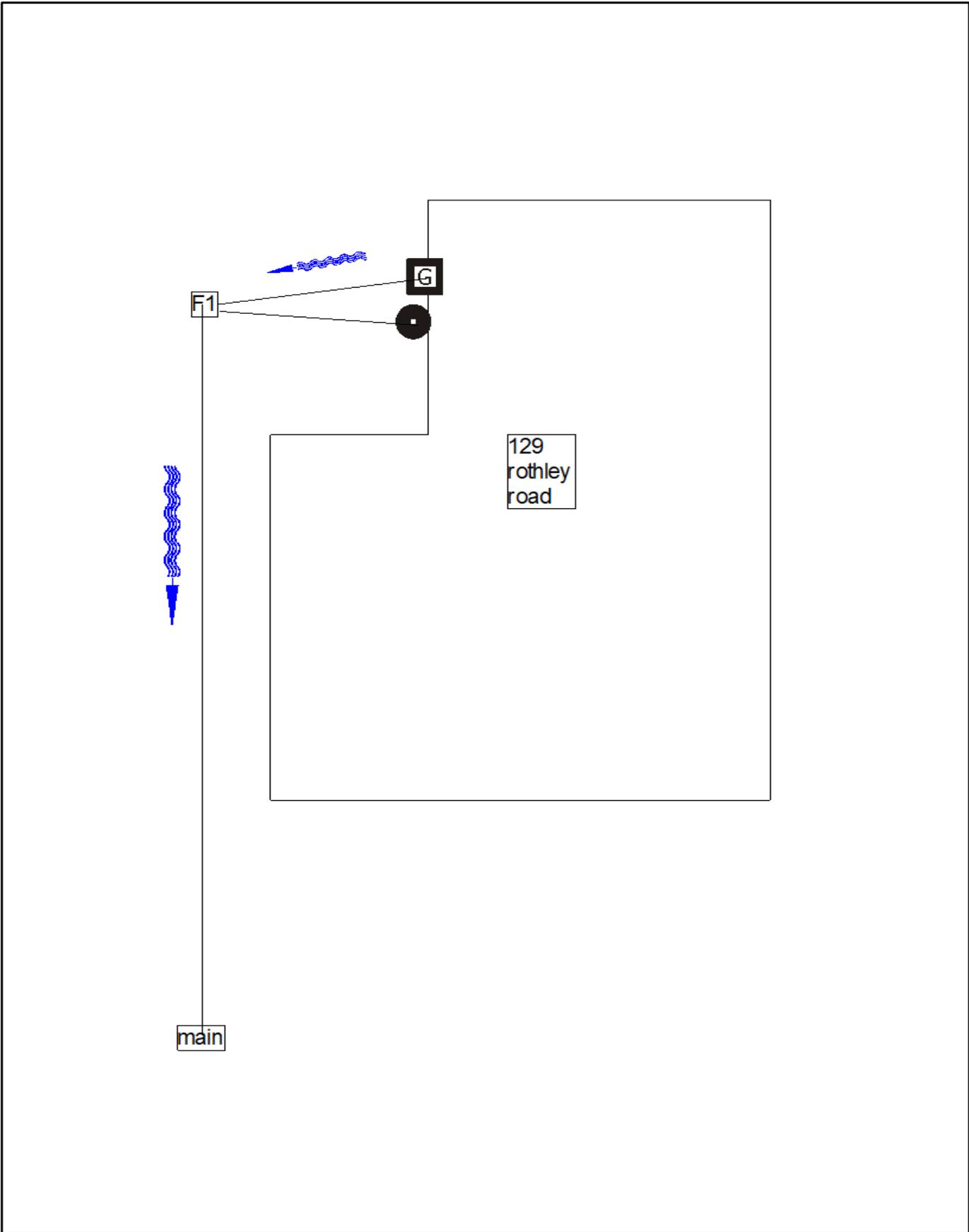
Excavation and removal of branch A and B to the Gully and SVP
 attempting to remove the mass roots

Installation of a new UPVC manhole and cover and two branches to SVP and Gully
 and installation of a resin liner to the Main



Project-information

Project name : 129 ROTHLEY ROAD	Contract Number :	Contact :	Date : 21/07/2020
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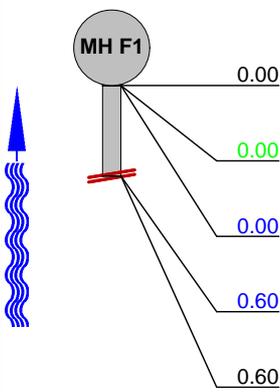
Inspection report

Date : 21/07/2020	Job number :	Weather : Dry	Sewer category:	Section number : 1	PLR suffix : X
Present :	Vehicle :	Camera : SOLO PRO+	Preset :	Cleaned : yes	Operator : DARREL

Place : Road : Location Inspection	HOUSE 129 ROTHLEY ROAD Gardens MH F1 (U/S) UNKNOWN	Location details: Catchment: Tape number : Pipe length :	U/S MH : U/S Depth : D/S MH : D/S Depth :	UNKNOWN MH F1 0.8
---	---	---	--	--

Use: Combined	Pipe shape : Circular
Year laid :	Pipe size : 150 mm
Purpose : Sample survey to determin asset condition	Pipe material : Vitrified clay
Total length :	Lining :

Comment :

1:50	Position	Code	Observation	Grade	
	Depth: 0.8				
		ST	Start of survey	(Misc) 0	
		MH	Manhole	(Constr) 0	
		WL	Water level, 0% of sewer height	(Serv) 0	
		RM	Roots, mass, 95% cross-sectional area loss	(Serv) 5	
		SA	Survey abandoned	(Misc) 0	

Structural Defects					Constructional Features				
Service Defects					Miscellaneous Features				
STR no def	STR peak	STR mean	STR total	STR grade	SER no def	SER peak	SER mean	SER total	SER grade
0	0	0	0	1	1	20	33.33	20	5



Inspection pictures

Place : HOUSE	Road : 129 ROTHLEY ROAD	Date : 21/07/2020	Section number : 1	PLR suffix : X
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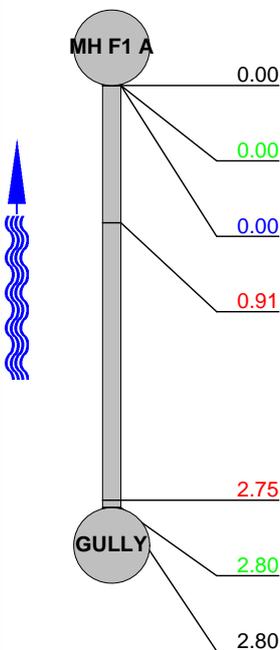
Photo: 1_4A, 00:00:11
0.6m, Roots, mass, 95% cross-sectional area loss

Inspection report

Date : 21/07/2020	Job number :	Weather : Dry	Sewer category:	Section number : 2	PLR suffix : X
Present :	Vehicle :	Camera : SOLO PRO+	Preset :	Cleaned : yes	Operator : DARREL

Place : Road : Location Inspection	HOUSE 129 ROTHLEY ROAD Gardens MH F1 A (U/S) GULLY	Location details: Catchment: Tape number : Pipe length :	U/S MH : U/S Depth : D/S MH : D/S Depth :
Use: Year laid : Purpose : Total length :	Combined Sample survey to determin asset condition	Pipe shape : Pipe size : Pipe material : Lining :	GULLY MH F1 A 0.8 Circular 100 mm Vitrified clay

Comment :

1:50 Depth: 0.8	Position	Code	Observation	Grade	
	MH F1 A	0.00	ST Start of survey	(Misc) 0	
	0.00	MH Manhole	(Constr) 0		
	0.00	WL Water level, 0% of sewer height	(Serv) 0		
	0.91	JDM Joint displaced, medium (between 1.0 and 1.5 times the pipe wall thickness)	(Struct) 1		
	2.75	JDM Joint displaced, medium (between 1.0 and 1.5 times the pipe wall thickness)	(Struct) 1		
	2.80	MH Manhole	(Constr) 0		
2.80	FH Finish survey	(Misc) 0			

Structural Defects
Constructional Features
Service Defects
Miscellaneous Features

STR no def	STR peak	STR mean	STR total	STR grade	SER no def	SER peak	SER mean	SER total	SER grade
0	0	0	0	1	0	0	0	0	1

Inspection pictures

 Place :
HOUSE

 Road :
129 ROTHLEY ROAD

 Date :
21/07/2020

 Section number :
2

 PLR suffix :
X


Photo: 2_4A, 00:00:09
 0.91m, Joint displaced, medium (between 1.0 and 1.5 times the pipe wall thickness)



Photo: 2_5A, 00:00:22
 2.75m, Joint displaced, medium (between 1.0 and 1.5 times the pipe wall thickness)

Inspection report

Date : 21/07/2020	Job number :	Weather : Dry	Sewer category:	Section number : 3	PLR suffix : X
Present :	Vehicle :	Camera : SOLO PRO+	Preset :	Cleaned : yes	Operator : DARREL

Place : Road : Location Inspection	HOUSE 129 ROTHLEY ROAD Gardens MH F1 B (U/S) SVP	Location details: Catchment: Tape number : Pipe length :	U/S MH : SVP U/S Depth : D/S MH : MH F1 B D/S Depth : 0.8
Use: Year laid : Purpose : Total length :	Combined Sample survey to determin asset condition	Pipe shape : Pipe size : Pipe material : Lining :	Circular 100 mm Vitrified clay

Comment :

1:50 Depth: 0.8	Position	Code	Observation	Grade
	MH F1 B	0.00	ST Start of survey	(Misc) 0
	0.00	MH	Manhole	(Constr) 0
	0.00	WL	Water level, 0% of sewer height	(Serv) 0
	0.18	JDM	Joint displaced, medium (between 1.0 and 1.5 times the pipe wall thickness)	(Struct) 1
	2.94	MH	Manhole	(Constr) 0
	SVP	2.94	FH Finish survey	(Misc) 0


Structural Defects
Constructional Features
Service Defects
Miscellaneous Features

STR no def	STR peak	STR mean	STR total	STR grade	SER no def	SER peak	SER mean	SER total	SER grade
0	0	0	0	1	0	0	0	0	1



Inspection pictures

Place : HOUSE	Road : 129 ROTHLEY ROAD	Date : 21/07/2020	Section number : 3	PLR suffix : X
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Photo: 3_4A, 00:00:07
0.18m, Joint displaced, medium (between 1.0 and 1.5 times the pipe wall thickness)

Inspection report

Date : 21/07/2020	Job number :	Weather : Dry	Sewer category:	Section number : 4	PLR suffix : X
Present :	Vehicle :	Camera : SOLO PRO+	Preset :	Cleaned : yes	Operator : DARREL

Place : Road : Location Inspection	HOUSE 129 ROTHLEY ROAD Gardens MH F1 (D/S) MAIN O/S	Location details: Catchment: Tape number : Pipe length :	U/S MH : U/S Depth : D/S MH : D/S Depth :	MH F1 .8 MAIN O/S
Use: Year laid : Purpose : Total length :	Combined Sample survey to determin asset condition	Pipe shape : Pipe size : Pipe material : Lining :	Circular 150 mm Vitrified clay	

Comment :

1:165 Depth: .8	Position	Code	Observation	Grade					
	MH F1								
	0.00	ST	Start of survey	(Misc) 0					
	0.00	MH	Manhole	(Constr) 0	0.68 m				
	0.00	WL	Water level, 0% of sewer height	(Serv) 0					
	0.68	JDM	Joint displaced, medium (between 1.0 and 1.5 times the pipe wall thickness)	(Struct) 1					
	1.87	JDM	Joint displaced, medium (between 1.0 and 1.5 times the pipe wall thickness)	(Struct) 1					
	5.09	JDM	Joint displaced, medium (between 1.0 and 1.5 times the pipe wall thickness)	(Struct) 1					
	5.09	RFJ	Roots, fine at joint	(Serv) 2					
	5.68	JDM	Joint displaced, medium (between 1.0 and 1.5 times the pipe wall thickness)	(Struct) 1					
	8.26	RFJ	Roots, fine at joint	(Serv) 2					
	9.33	DE	Debris, 25% cross-sectional area loss	(Serv) 4					
	20.38	MH	Manhole	(Constr) 0	5.68 m				
	20.38	FH	Finish survey	(Misc) 0					
					8.26 m				
Structural Defects			Constructional Features						
Service Defects			Miscellaneous Features						
STR no def	STR peak	STR mean	STR total	STR grade	SER no def	SER peak	SER mean	SER total	SER grade
0	0	0	0	1	1	5	0.25	5	4



Inspection pictures

Place : HOUSE	Road : 129 ROTHLEY ROAD	Date : 21/07/2020	Section number : 4	PLR suffix : X
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Photo: 4_4A, 00:00:10
0.68m, Joint displaced, medium (between 1.0 and 1.5 times the pipe wall thickness)



Photo: 4_5A, 00:00:14
1.87m, Joint displaced, medium (between 1.0 and 1.5 times the pipe wall thickness)



Photo: 4_6A, 00:00:39
5.09m, Joint displaced, medium (between 1.0 and 1.5 times the pipe wall thickness)



Photo: 4_8A, 00:00:41
5.68m, Joint displaced, medium (between 1.0 and 1.5 times the pipe wall thickness)



Inspection pictures

Place : HOUSE	Road : 129 ROTHLEY ROAD	Date : 21/07/2020	Section number : 4	PLR suffix : X
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Photo: 4_9A, 00:00:52
8.26m, Roots, fine at joint



Photo: 4_10A, 00:01:13
9.33m, Debris, 25% cross-sectional area loss



Appendix C

Site Photographs



Photograph 1 - T1 as viewed from the junction of Maitland Avenue and Linkfield Road.





Photograph 2 - Evidence of poor historic pruning and poor form in T2.





Photograph 3 - Displaying the multi-stemmed form of T3 and the suppression and poor branch development in the north canopy.





Photograph 4 - Displaying Rothley Road as approaching from the south. Views of trees T2 and T3 are not obtainable due to their position behind housing. A small proportion of T4s upper canopy is visible. T5 is visible adjacent to the footpath at the property front.





Photograph 5 - Displaying Rothley Road looking south. Views of trees T2 and T3 are not obtainable due to their position behind housing. T4 is visible in part and T5 is visible adjacent to the footpath at the property front.





Photograph 6 - Displaying T5 as viewed from directly opposite the no. 129 from Rothley Road.



