



**FORMAL OBJECTION
TO THE PROPOSED PLACEMENT OF A
TREE PRESERVATION ORDER AT:
111 Duffield Road
Derby
DE22 1AE**

Marishal Thompson & Co.

Tel: 08702 416 180

Fax: 08702 414 339

E-mail: office@marishalthompson.co.uk

<http://www.marishalthompson.co.uk>



Formal Objection to the Placement of a Tree Preservation Order

Under Regulation 4 of the Town and Country Planning (Trees) Regulations 1999, we formally object to the proposed Tree Preservation Order at the above address.

CONTENTS

Objection to TPO

Technical Data

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**OBJECTION TO PROPOSED PLACEMENT OF TREE PRESERVATION ORDER AT:
111 Duffield Road, Derby, DE22 1AE**

APPLICANT:	Marishal Thompson & Co.		
ADDRESS:			
Tel:	(08702) 416180	Fax:	(08702) 414339
E-mail: office@marishalthompson.co.uk			

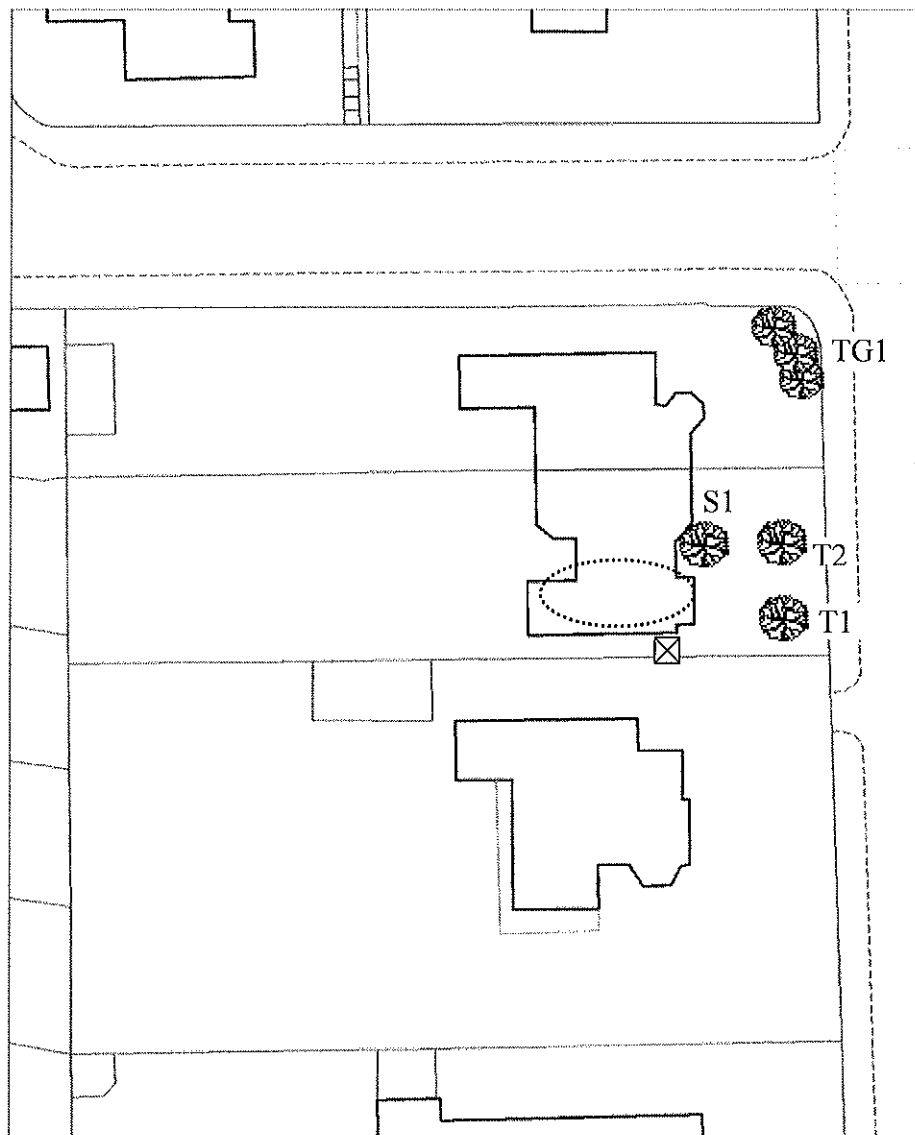
DESIGNATION IN FORCE	
PROPOSED TPO	443 (2005)

REASON FOR OBJECTION
The tree identified for remedial works has been implicated by site investigation results as a contributory factor in subsidence damage to No 113 related to clay shrinkage.



DETAILS OF PROPOSED WORKS

Tree No	Species	Property Address	Proposed Work
T1	Cedar	111 Duffield Rd Derby	The removal of T1 is required to stabilise the property, 113 Duffield Road





Supporting Technical Evidence

Appendix 1 : Arboricultural Report

Arboricultural Consultancy for Royal & Sun Alliance

Note: This reduced format report is an initial appraisal only and may have been produced without the benefit of site investigations. It is intended for use between the client, Marishal Thompson & Co. and any parties detailed within the report. It is based on the assumption that Engineers are satisfied that current damage is due to clay shrinkage subsidence attributable to vegetation.

1. Case Details

Insured	Mr W J Nicholson	Address	113 Duffield Road, Derby, DE22 1AE		
Client	Royal & Sun Alliance (Midlands & East Anglia)	Contact	Tony Poole	Claim No.	TM03XR-ARSS
MT Ref	MI/1602051620/SSREV1	Contact	Steve Swinburne	Contact No.	

Scope of Report: To survey the property and determine significant vegetation contributing to subsidence damage, make recommendation for remedial action, initiate mitigation action and assess recovery prospects. The survey does not make an assessment for decay or hazard evaluation. **The report has been amended to clarify location and ownership of T1.**

2. Damage Description

The damage is restricted to the left hand side of property. The damage was first noted 2 years ago but has become worse over the last 12 months.

3. Technical Reports

In preparing our report we have had the benefit of the following technical investigations:

Root analysis x Foundation details x Soil analysis results x

4. Action Plan

Mitigation	
Insured informed of work required?	Yes
Local Authority involved?	No
Other third party Mitigation involved?	Yes
Recovery	
Is there a potential recovery action?	Yes

Treeworks	
Is there any statutory protection?	Yes
Additional Comments	
Mitigation Commencing.	

5. Technical Synopsis

5.1 Recommendations are based on the observation that the insured property is founded upon shrinkable clay and the assumption that the current damage is attributable to clay shrinkage subsidence.

5.2 Tree T1 is estimated to predate the extension to the front, left hand side of the property and consequently we would recommend that an assessment is made of ground heave potential before tree work are undertaken.

5.3 Recommendations for tree management are detailed fully in table 1.

5.4 The root identification confirms the potential for trees/shrubs to influence soil moisture and potentially soil volumes in proximity to the foundations

Is vegetation likely to be a contributory factor in the current damage?	Yes
Is vegetation management likely to contribute to the future stability of the property?	Yes
Is replacement planting considered appropriate?	No
Does the potential of ground heave need to be assessed by Consulting Engineers before management recommendations are implemented?	Yes
Will implementation of the management recommendations result in significant amenity loss?	Yes
Would DNA profiling be of assistance in this case?	No

Marishal Thompson & Co.

6G Greensfield Court, Alnwick, Northumberland, NE66 2DE, .
t: 08702 416180 f: 08702 414339 e: office@marishalthompson.co.uk w: www.tree-lq.com

MI/1602051620/SSREV1
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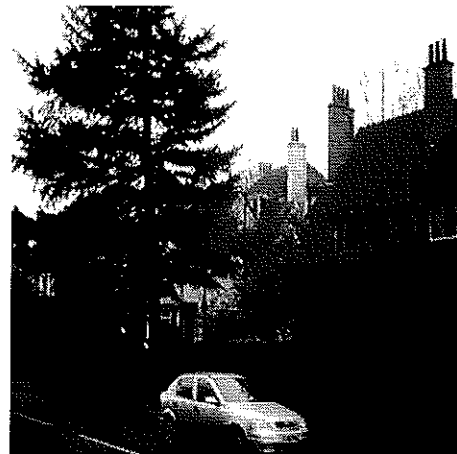
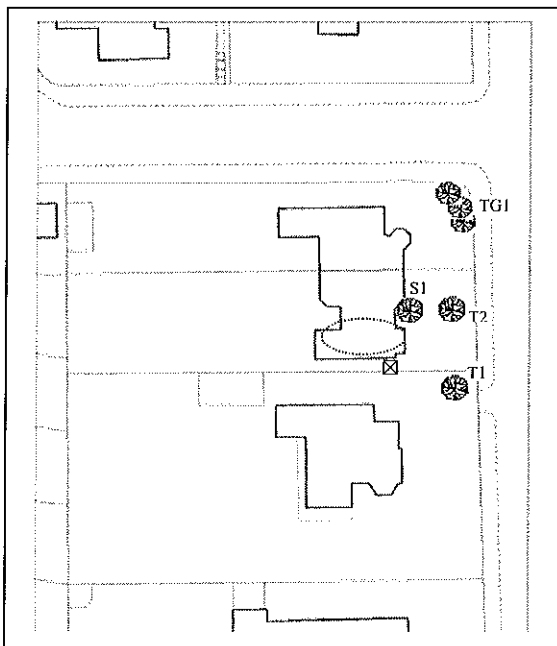
Arboricultural Consultancy for Royal & Sun Alliance

6. Recommendations (Table 1)

These recommendations may be subject to review following additional site investigations

Tree No.	Species	Age Cat	Approx. Height (m)	Distance to Building (m)	Ownership	Action	Recommendation
S1	Pyracantha	1	5	0.1	C - Insured	Remove	Remove and treat stump to inhibit re-growth
T1	Cedar (Atlas)	2	16	6	A - Third Party Mr Walker 111 Duffield Rd Derby DE22 1AE	Remove	Remove subject to heave assessment.
T2	Magnolia	1	5	6	C - Insured	Action to avoid future risk	Do not allow to exceed current dimensions.
TG1	Mixed Species Group (H)	1	13 Max	10	A - Third Party 115 Duffield Rd	Action to avoid future risk	Do not allow to exceed current dimensions.
Age Cat: 1 = Younger than property; 2 = Older than property; 3 = Significantly older than property							

7. CAD and Images



Please note that this plan is not to scale
OS Licence No. 100043218

Marishal Thompson & Co.

6G Greensfield Court, Alnwick, Northumberland, NE66 2DE,
t: 08702 416180 f: 08702 414339 e: office@marishalthompson.co.uk w: www.tree-iq.com

MI/1602051620/SSREV1

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Supporting Technical Evidence

Appendix : 2 Foundation Detail
 Root Identification

MONITORING SUMMARY SHEET

Our Ref - 00/11137

Date of Issue - 11/08/2005

Client Ref - TM03XR

Owner/ Occupier;- W J Nicholson

Client Address - Royal & SunAlliance
tony.poole@uk.royalsun.com

Address - 113 Duffield Road
Derby
DE22 1AE

Monitoring Commenced : Dec-04 (re-opened for a single read)

Monitoring Status : 8 months completed **CEASE ? - PLEASE SEE BELOW**

Anticipated Expiry Date : Aug-05

Monitoring Intervals : Bi-monthly

Copy of Readings sent to Insured:

Comments

> The Insured raised no issues of concern during our visit

Next interim report due : No further readings are planned - if required, please advise



**FACTUAL REPORT
OF
INVESTIGATION**

AT:- 113 Duffield Road
Derby

ON:- 06 December 2004

FOR:- Royal & Sun Alliance
c/o Royal & Sun Alliance

REF:- 36217-WJ Nicholson

JOB NO:- 70804

SPECIALIST CONTRACTING DIVISION

CET GROUP LIMITED

Clayfields Ind.Estate Tickhill Road Balby Doncaster South Yorkshire DN4 8QG

www.cetgroup.com

Tel: 01302 856644

Fax: 01302 856600



<h2 style="margin: 0;">Investigation Layout Plan</h2>	Sheet: 1 of 1 Job No: 070804 Date: 8/12/04	Site: 113 Duffield Road, Derby Work carried out for: Royal & Sun Alliance
Drawn: AG (SI) (PLT)	Checked:	

Remarks:	<table style="width: 100%;"> <tr> <td style="width: 33%;"> Key: Combined Gully Manhole Rain Water Pipe Rain Water Gulley Soil Vent Pipe Waste Gulley Waste Pipe </td> <td style="width: 33%;"> RWWG MH RWP RWG SVP WG WP </td> <td style="width: 33%;"> Surface Water Drain Foul Water Drain Tree / Bush (approx. ht in m) Trial Pit Borehole </td> </tr> </table>	Key: Combined Gully Manhole Rain Water Pipe Rain Water Gulley Soil Vent Pipe Waste Gulley Waste Pipe	RWWG MH RWP RWG SVP WG WP	Surface Water Drain Foul Water Drain Tree / Bush (approx. ht in m) Trial Pit Borehole
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Scale:	N.T.S.
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Tree Root Investigation Ltd

Sheet: 1 of 1
Job No: 070804
Date: 10.12.04
Order No: 80575/Y

Site: 113 Duffield Road,
Derby.
Work carried
out for: Royal & Sun Alliance



Certificate of Analysis

The following work was commissioned by CET Group Limited on behalf of their client. Root samples were obtained in sealed packets from the above site with no reference given as to the types of tree or shrub from which they may have originated. The results were as follows -

<u>Trial pit/ Borehole number</u>	<u>Root diameter (mm)</u>	<u>Tree, shrub or climber from which root originates</u>	<u>Result of starch test#</u>
TP/BH1 (depth 1.2m)	4.0	a conifer - <u>Cedrus</u> (e.g. cedar)	positive

The presence of starch indicates that the root was alive in the recent past.

Ronald Macleod

DR RONALD D MACLEOD
Managing Director

Address for correspondence: 3 Lungley Drive, Kinross Hill, Perth, PH2 7XA.

Telephone: 01738 639113

Facsimile: 01738 639113

e-mail: rdmacLeod@btconnect.com

Directors: R.D. Macleod, B.Sc., Ph.D., A.W. Macleod.

Accounts/Quality Manager: Fiona M. Sinclair, H.M.C. (Management)

VAT Registration No. 561 7593 18. Registered in Scotland. No. 133721. Registered Office, 1 Chawton Street, Perth, PH1 5LP.





Trial Pit & Borehole No: 1		Sheet: 1 of 1 Job No: 070804 Date: 6/12/04	Site: 113 Duffield Road, Derby Work carried out for: Royal & Sun Alliance
Excavation Method: Hand Weather: Dry		Co-ordinates: Ground Level mOD:	

Brick

Concrete Foundation

850mm

D M 50(5)
50(0)
50(5)
860mm

Ground Level

Tarmac Black

MADE GROUND, medium compact, brown, sandy, clayey SILT with numerous gravel, brick & concrete fragments, clinker ash. Numerous live roots to 10mmØ

MADE GROUND, compact, brown, sandy, silty CLAY with numerous gravel, sandstone & siltstone pieces, brick & concrete fragments. Numerous roots to 5mmØ

Dense, fragmented, brown, sandy, very sandy CLAY with numerous sandstone & siltstone nodules, occasional gravel & carbon flecks. Numerous roots to 5mmØ

BORE HOLE 1 ENDS AT 1200mm.
Obstruction - Too dense/hard to hand auger.

Remarks: BH Dry & open on on completion.		Key: <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">D Small disturbed sample</td> <td style="width: 50%;">J Jar sample</td> </tr> <tr> <td>B Bulk disturbed sample</td> <td>V Pilon Vane (kPa)</td> </tr> <tr> <td>W Water sample</td> <td>M Mackintosh probe</td> </tr> <tr> <td colspan="2">TDTD Too dense to drive</td> </tr> </table>		D Small disturbed sample	J Jar sample	B Bulk disturbed sample	V Pilon Vane (kPa)	W Water sample	M Mackintosh probe	TDTD Too dense to drive	
D Small disturbed sample	J Jar sample										
B Bulk disturbed sample	V Pilon Vane (kPa)										
W Water sample	M Mackintosh probe										
TDTD Too dense to drive											
Logged: AG	Checked:	Approved:	Scale: N.T.S.								



Trial Pit & Borehole No: 2 (Abandoned)		Sheet: 1 of 1 Job No: 070804 Date: 6/12/04	Site: 113 Duffield Road, Derby Work carried out for: Royal & Sun Alliance
Excavation Method: Hand		Co-ordinates: Ground Level mOD:	
Weather: Dry			

Tp abandoned, as limited space, with SVP & WG & water main & water main & MH1 wall.
 BH2 not required.
 Flushed WG1, half hour, no sign of leakage.
 Flushed SVP - no sign of leakage.
 Water main lead, bent, but no sign of leakage.
 From GL, soil & tarmac over made ground, moist brown, sandy SILT with numerous gravel, brick, concrete rubble, sandstone pieces, clinker ash.
 Numerous roots to 3mmØ
 Small void behind WG1 also moist/wet.

Remarks:		Key: D Small disturbed sample J Jar sample B Bulk disturbed sample V Pilcon Vane (kPa) W Water sample M Mackintosh probe TDTD Too dense to drive
Logged: AG	Checked:	Approved:
Scale: N.T.S.		



Supporting Technical Evidence

Appendix : 3 Soil Analysis



NATIONAL SUBSIDENCE LABORATORIES

TEST REPORTS FOR

CLAIM No. : TM 03 XR

RISK ADDRESS : 113 Duffield Road
Derby
DE22 1AE

POLICY HOLDER : W J Nicholson

RSA ENGINEER : Royal & SunAlliance plc

ENGINEER'S OFFICE : 1 St Johns Centre
Albion Street
Leeds
LS2 8LG

ENGINEER'S REF. : 36217

INVESTIGATION DATE : December 6, 2004

DATE SAMPLE(S) RECEIVED : December 20, 2004

DATE SCHEDULE RECEIVED : January 10, 2005

REPORT DATE : January 13, 2005

RSA-WEEKS REF. MR08927



RSA-WEEKS Laboratories

Our Ref: MR08927/R1/WG.kp

Date: January 13, 2005

TEST REPORT

RISK ADDRESS: 113 Duffield Road, Derby, DE22 1AE

CLAIM NUMBER: TM 03 XR

RSA ENGINEER: Royal & SunAlliance plc
1 St Johns Centre
Albion Street
Leeds
LS2 8LG

TEST REQUESTED: Moisture Content
Liquid Limit
Plastic Limit
Plasticity Index

SAMPLE DETAILS: Bag samples submitted by client

DATE RECEIVED: 20 Dec 2004

DATE TESTED: 10-12 Jan 2005

RESULTS: See attached sheet

SAMPLE DESCRIPTION: See attached sheet

TEST METHOD BS 1377-2: 1990, Test No's 3.2; 4.4; 5.3; 5.4

COMMENTS: For samples tested in a 'natural' condition the percentage of the sample retained on the 425µm test sieve has been estimated, whereas the percentage retained has been measured for samples prepared by washing.

SIGNED:

for and on behalf of **W Green**
Senior Technician
Bureau Veritas Laboratories Limited

Risk Address: 113 Duffield Road, Derby, DE22 1AE

Claim Number: TM 03 XR

RSA Engineer: Royal & SunAlliance plc

MR08927/R1/WG.kp

Test Results:

RSA- WEEKS Ref:	Client Ref	M.C. (%)	Corr'd M.C. ¹ (%)	L.L. (%)	P.L. (%)	P.I.	% Retained 425µm	Condition of Test
MR08927/1	TP1@USF	9.9	10	27	15	12	2	Natural

Notes:

1: These moisture contents have been corrected to give the equivalent moisture content of the fraction passing the 425 µm sieve, to facilitate comparison with the Liquid & Plastic Limits (as per Note 1 to paragraph 3.2.4 of BS 1377 Part 2 1990).

Visual Descriptions:

RSA- WEEKS Ref:	Client Ref	Description
MR08927/1	TP1@USF	Brown sandy SILT/CLAY with rare gravel

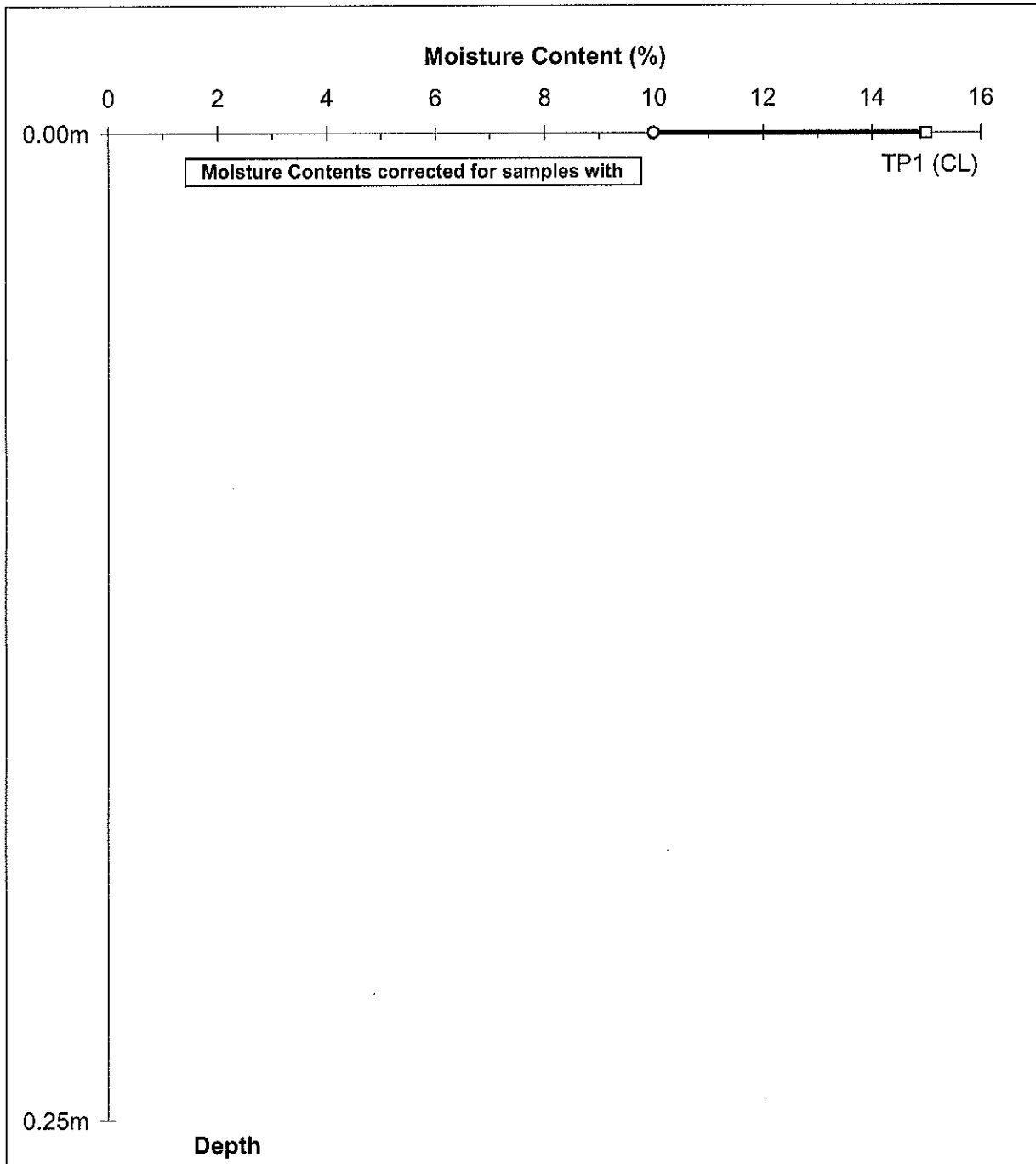
Risk Address: 113 Duffield Road, Derby, DE22 1AE

Claim Number: TM 03 XR

RSA Engineer: Royal & SunAlliance plc

Report: MR08927/R1/WG.kp

Soil Classification Profile



LEGEND

- Corrected Moisture Content
- Plastic Limit

For abbreviations see Interpretation sheet



Our Ref: MR08927/R1/WG.kp
Risk Address: 113 Duffield Road, Derby, DE22 1AE
Claim No.: TM 03 XR
RSA Engineer: Royal & SunAlliance plc

INTERPRETATION

Preamble:

The following paragraphs provide a brief interpretation of the test results, by comparison of the results to published classifications.

Liquid Limits and Plastic Limits:

The Atterberg Limit tests may be used to classify the plasticity of the soils; the plasticity classes defined in BS 5930:1999 "Code of Practice for Site Investigations" are:

CL (ML): CLAY and CLAY/SILT (or SILT) of Low plasticity
CI (MI): CLAY and CLAY/SILT (or SILT) of Intermediate plasticity
CH (MH): CLAY and CLAY/SILT (or SILT) of High plasticity
CV (MV): CLAY and CLAY/SILT (or SILT) of Very High plasticity
CE (ME): CLAY and CLAY/SILT (or SILT) of Extremely High plasticity
O: The letter O is added to the symbol of any material containing significant proportion of organic matter (e.g. MHO)
NP: Non-plastic.

The Atterberg Limits may also be used to classify the volume change potential of fine soils using the National House Building Council's system, as given in the NHBC's Standards Chapter 4.2 (2003) "Building Near Trees":

Modified Plasticity Index (PI) <10 : Non-classified.
Modified PI = 10 to <20 : Low volume change potential.
Modified PI = 20 to <40 : Medium volume change potential.
Modified PI = 40 or greater : High volume change potential.

However the 2003 edition of Chapter 4.2 also permits use of the Plasticity Index without modification. The classifications for this site, grouped by soil type (soils with similar visual soils descriptions) and **using unmodified Plasticity Indices**, are as follows:

Soil Type	TP No.	Depth (m)	BS5930	NHBC Chapter 4.2
Brown sandy SILT/CLAY with rare gravel	1	USF	CL	Low



Supporting Technical Evidence

Appendix : 4 Drains Survey

Royal Sun & Alliance
Peterborough

15th December 2004
Our Ref: RT/KO/DD12228
Claim no: TM03XR

Dear Sirs,

Ref: SURVEY NUMBER DD12228
113 DUFFIELD ROAD
DERBY

Following your request, and as agreed with the insured we attended site on the 8th December 2004 and carried out the following CCTV survey.

1. Survey from manhole FW1 upstream to adjacent soil vent pipe revealed, joint displaced medium at 0.1. Survey terminates to the base of soil vent pipe at 0.4 metres.
2. Survey from manhole FW1 upstream to WC revealed no structural defects. Survey terminates WC at 2.4 metres.
3. Survey from manhole FW1 upstream to adjacent foul gully revealed, pipeline collapsed at 0.2 metres, where survey was abandoned.
4. Survey from manhole FW1 located rear left hand side of the property, downstream to manhole FW2, which is buried under the rockery to the front left hand side of the property revealed, junction at 3.5, root ingress at 10.2, 13.1 and 16.9. Survey terminates manhole at 17.5 metres.
5. Survey from kitchen gully located side of property downstream to previously surveyed pipeline revealed debris 25% at 0.7. Survey terminates main line at 1.1 metres.

Based on the above findings we would recommend the following remedial work: -

1. To demolish and remove manhole FW1 to allow access into and including replacement of pipe work up to and including soil vent pipe and up to and including new foul gully. Re-instating concrete surfaces on completion.
2. To excavate and replace kitchen gully and first section of pipe work down stream to the side of the property.
3. To carry out high pressure water jetting with root cutting equipment to remove the small amount of root ingress which is between manhole FW1 and buried manhole towards the bottom left of the drive. We have not recommended any further repair works, as the root ingress is minor and away from the area of concern.

Cost of investigation work £276.13 including VAT
Cost of recommend remedial work £1315.07 including VAT

We trust this meets with your approval. However, should you require any further information or assistance please do not hesitate to contact us. Please quote your survey number in order that we can trace your report.

Yours faithfully

Direct Drains Ltd.



Supporting Technical Evidence

Appendix : 5 Crack Monitoring

MONITORING READINGS

Our Ref:- 00/11137

Client:- Roayl & SunAlliance

Client Reference:- TM03XR

Client Contact;- David Marlow

Date:- 11/08/2005

Owner/ Occupier;- W J Nicholson

Address;- 113 Duffield Road
Derby
DE22 1AE

Tel:- Home:- 01332 340 739
Work:-

Vernier Readings

Note : All measurements in 'mm'.

[illegible]

MONITORING READINGS

Our Ref;- 00/11137

Client;- Roayl & SunAlliance

Client Reference;- TM03XR

Client Contact;- David Marlow

Date;- 11/08/2005

Owner/ Occupier;- W J Nicholson

Address;- 113 Duffield Road
Derby
DE22 1AE

Tel:- Home:- 01332 340 739
Work:-

Vernier Readings

Note : All measurements in 'mm'.

[illegible]

MONITORING READINGS

Our Ref;- 00/11137

Client:- Roayl & SunAlliance

Client Reference;- TM03XR

Client Contact;- David Marlow

Date;- 11/08/2005

Owner/ Occupier;- W J Nicholson

Address;- 113 Duffield Road
Derby
DE22 1AE

Tel:- Home:- 01332 340 739
Work:-

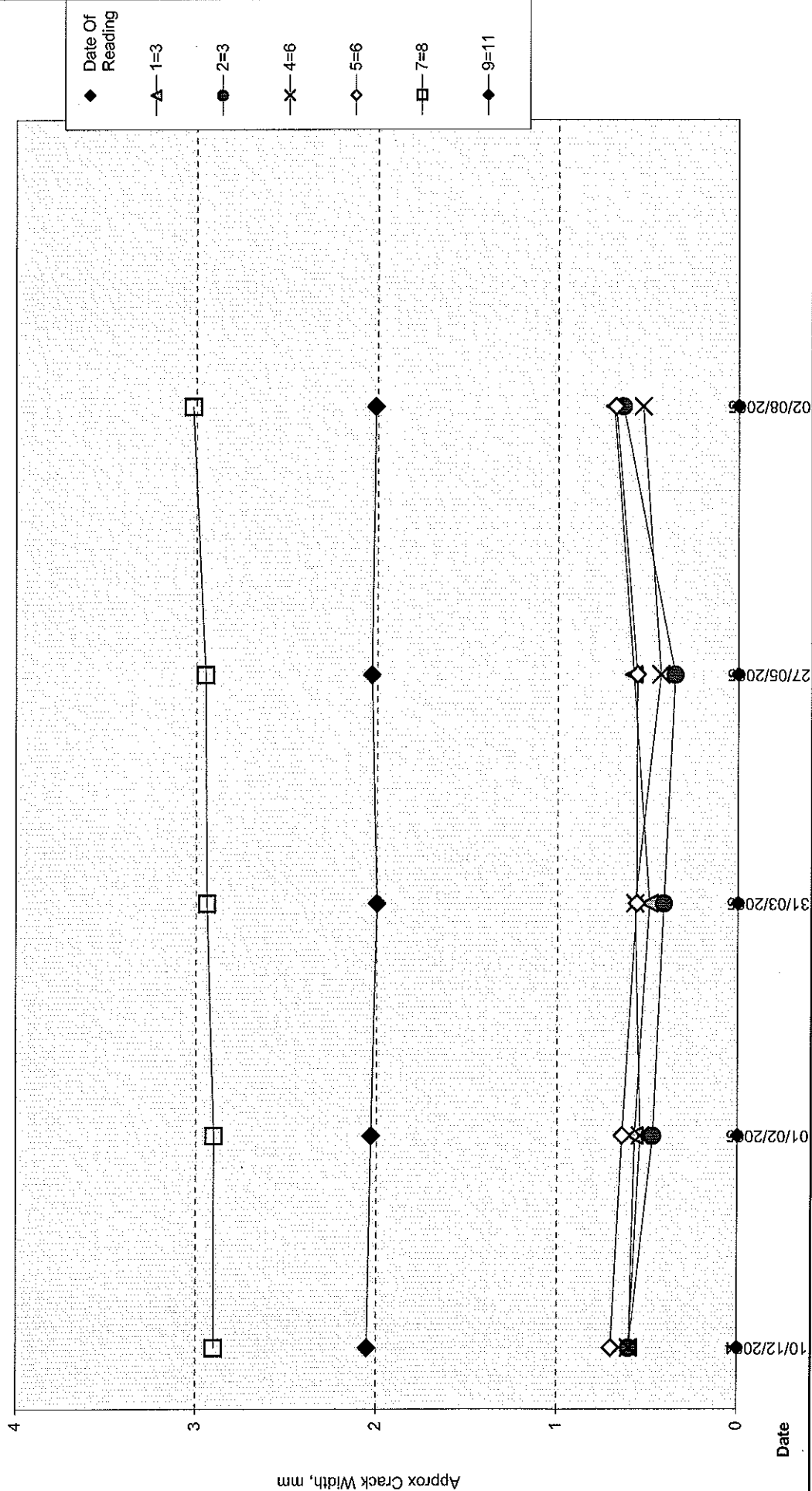
Engineers Check Data

[illegible]

Graph Showing Crack Movement

(This graph is for illustrative purposes only).

Studs 1=3 :Int 2nd floor hall.
 Studs 4=6 :Int 1st floor hall.
 Studs 7=8 :Int 1st floor bathroom.
 Studs 9=11 :Int GF bed to front left corner.



Graphs Showing Crack Movement (This graph is for illustrative purposes only)

