1. **Purpose of Report**

1.1 To consider an objection to the Tree Preservation Order (TPO) and determine if the order should be confirmed, or confirmed subject to modifications.

2. **Description**

2.1 The protected tree is a substantial mature and rare Quercus x hispanica (Lucombe Oak), a hybrid between Turkey Oak and Cork Oak. The tree stands at the rear of and very close to the lean-to construction part of the property at 105 Great North Road. The canopy of the tree is clearly seen in views over the roof of the building from the Great North Road, and from the adjacent public house car park. The tree is in good condition, especially when consideration is given to the location and proximity of the tree, next to hard surfacing and a build up of hard materials between the tree and the lean-to part of the property.

2.2 In both physiological and structural terms the tree is in good condition, growing with good vitality. The tree has an estimated safe useful life expectancy of at least 20-40 years, probably much more. The tree makes a positive contribution to the area in which it stands, to the amenity value of the area, and to the character of the edge of the conservation area, in which it stands. The tree is clearly seen in views above the roof of the existing property from the busy Great North Road, when it helps soften the backdrop to the building standing in front of it. The tree also makes a contribution to the wider setting of the adjacent listed building, The White Horse public house.

3. **Reason for TPO**

3.1 On 13 December 2012 a planning application (1201704FUL) was received for alterations to existing B1 use building including part demolition at 105 Great North Road, Eaton Socon.

The application included a proposal to remove the oak tree standing at the rear of the site. The design and access statement stated that the reason for the removal of the tree is to prevent further damage to the property. The application was supported by a structural survey report by PRP structural engineers. Two references are made to the tree within this report. At 3.5.24 the report says that the tree has become overgrown and needs significant pollarding to maintain safety. At 3.5.25, the report says that the rear wall of the lean-to structure probably formed an external boundary wall that was built up at the time of the lean-to construction. The large tree growing close to the rear wall should ideally be removed to prevent further deterioration and possibly failure of this wall, which is currently bowing and cracking under load applied. No other evidence is supplied to justify the removal of this tree. These assessments of the tree were not made by an arboriculturalist, and the report does not consider alternative options allowing for the retention of the tree.

3.2 Following objections to the removal of the tree by the Council’s Arboricultural Officer, the applicant’s agent amended the application drawing and the design and access statement retaining the tree, and this was confirmed by e-mail on 8th March 2013. Planning consent
for the alterations and part demolition to the building was granted on 15 April 2013, although this consent specifically excluded any works to the protected tree, or its removal.

3.3 Section 197 of the Town and Country Planning Act 1990 places a duty on local planning authorities when granting planning permission to include appropriate provision for the preservation and planting of trees:

It shall be the duty of the local planning authority—
(a) to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation or planting of trees; and
(b) to make such orders under section 198 as appear to the authority to be necessary in connection with the grant of such permission, whether for giving effect to such conditions or otherwise.

3.4 Paragraph 3.30 of the Development Management DPD: Proposed Submission 2010 and the Draft Local Plan to 2036 currently under consultation, states that:

“Where specific trees or groups of trees are of particular value (such that their removal would have a significant impact upon the local environment and its enjoyment by the public), and are potentially under threat, the Council will make Tree Preservation Orders to protect them.”

Policy EN19 of the Huntingdonshire Local Plan states that:

“The district council will make tree preservation orders where it considers that trees which contribute to the local amenity and/or the landscape are at risk.”

3.5 An Amenity Evaluation Checklist is used by your officers, which provides a systematic approach of determining whether or not a Tree Preservation Order should protect a tree or trees. The trees were assessed as having amenity value to the area and Tree Preservation Order L/TPO/342 was made on the 7th March 2013 to ensure the protection and retention of these trees. A copy of the checklist is appended for your information.

3.6 A tree works application was submitted on 14th March 2013, and validated on 18th March 2013 reference 1300380TREE. This application requested the felling of a Holm Oak tree for the reason that it was growing too close to the rear wall causing deterioration and possible failure to the wall. This application was supported by the same structural report as planning application 1201704FUL. This application was refused on 29th May, and the applicant has appealed to the Planning Inspectorate. A date for the appeal has not yet been set.

3.7 A letter objecting to the Tree Preservation Order was received on 27 March 2013.

4. **Outline of objection**

The points of the objection are as follows:

4.1 The applicant contacted the Council on 4th July 2012 and was advised that the tree was not subject to a Tree Preservation Order, but that it was protected by standing within the St Neots Conservation Area. The applicant submitted a Conservation area notification (Section 211 Notice) on 29 October 2012 by the applicant alleging that the tree is causing structural damage. The applicant was under the impression that they should have had a response to this request within 6 weeks, but they never received any correspondence.

4.2 The applicant says that it has been confirmed to them that the tree is causing structural damage to the property, and the structural engineers report has been supplied as part of planning application 1201704FUL.

4.3 The tree is in the direct line of escape for two main fire exits for the property and that the applicant does not consider that the tree brings significant amenity value to the local area.
4.4 The applicant fails to see how this tree can be considered as bringing significant amenity value to the area, pointing out that it is to the rear of an industrial building which backs onto the car park of the adjacent public house, and the area around the base of the tree does not have public access.

5. **Response to objection**

5.1 When Mr Marks, the objector first contacted the Council on 4th July 2012, he was correctly advised that although the tree was not subject to a tree preservation order, it was protected by standing within the St Neots Conservation Area. All notifications under section 211 of the Town and Country Planning act 1990, (Section 211 notices) received by the Council are registered on a public database and acknowledged by letter. According to our records, we did not receive any Section 211 notice for work to this tree before the 29th October 2012.

5.2 The structural report submitted in support of the planning application 1201704FUL, and tree works application 1300380FUL does not provide any evidence that the tree is causing damage to the property. The report points out that the ground level to the outside of the building is substantially higher than inside, by 1.5 metres, and there is a bowing of the thin external wall, and that in the structural engineers opinion the best solution to lower the ground level and rebuild the wall would be to remove the tree. The report does not state that the tree is causing damage to the building, or that removal of the tree is required to repair the building. The proposed removal of the tree is the easiest way in the opinion of the structural engineer to deal with the change of ground levels at the rear of the lean to part of the building. No alternative methods have been considered involving retention of the tree, and at no point in the planning application or the tree works application has the advice of an arboricultural consultant been provided to support the removal of the tree.

5.3 The Council’s Building Control Officers has been consulted regarding the issue of the fire exits. While the current layout is far from ideal and concerns have been raised, they would accept the current arrangement as it is workable. It is understood that the applicants are producing a revised design scheme.

5.2 An amenity evaluation has been made and the tree assessed as having significant amenity value. The tree is in very good condition and has a useful life expectancy of at least 20-40 years. The tree is of such a size as to be visible to the public above the roof line of the adjacent buildings. The tree stands within the designated conservation area and contributes to the setting of the adjacent Grade II listed building. Tree work application (1300380TREE) to fell the tree has been refused for the following reasons:

The applicant has not provided within the application and its supporting documents sufficient evidence to justify the removal of this tree, and the potential loss of amenity value. On the basis of the submitted evidence there appears to be a possibility that the tree is not directly contributing to damage to the property, and that the applicant is proposing the removal of the tree as a purely precautionary measure. Even if the tree is found to be one contributing factor to the minor damage to one external rear wall of the lean to part of the building, reasonable alternative courses of action would seem to be available to limit and prevent any future damage to the property. The implications of retention of the tree at this time do not outweigh its amenity value. An appeal by the applicant against this decision has been lodged with the Planning Inspectorate.

6. **Conclusion**

6.1 The tree is a large, mature attractive and relatively rare specimen. The tree is in good health and conservatively estimated to be over a hundred years old. The trees makes a positive contribution to the amenity value of the area, and the reasons put forward for the removal of this tree does not adequately justify its loss. Despite stating to the contrary in the planning application, the applicant clearly intends to fell and remove this tree rather than work around it. The ground level has been built up between the tree and the rear wall of the building and it should be possible to remove some or all of this carefully without harm to the tree, to allow access for repair work to the rear wall.
6.2 The Council have recently refused consent to fell this tree under application ref 1300380TREE for the reasons outlined in 5.2 above. The applicant has appealed this decision. The appeal is with the Planning Inspectorate, and a date for the appeal is expected soon.

7. **Recommendation**

7.1 That the Panel confirms Tree Preservation Order L/TPO/342.

**Contact Officer:** Mr Brian Ogden, Arboricultural Officer
☎ 01480 388437

**Contributor:** Mr Mike Barber, Assistant Arboricultural Officer
☎ 01480 388439

**SUPPORTING DOCUMENTATION**

1. Letter of Objection.
2. Tree Evaluation Method for Preservation Orders – TEMPO.
3. Copy of an e-mail from Mr Martyn Sturgess, Building Control Officer.
4. Copy of e-mail from JPT Design Consultants advising that the tree is not to be removed as part of planning application 1201704FUL.
5. Site Location Plan.
6. Photographs of views of T1, Lucombe Oak.
7. Plan showing the relative views of the tree from where the photographs were taken.
**TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO):**

**SURVEY DATA SHEET & DECISION GUIDE**

<table>
<thead>
<tr>
<th>Date</th>
<th>Surveyor:</th>
<th>Brian Ogden</th>
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**Tree details**

<table>
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<tr>
<th>TPO Ref:</th>
<th>Tree/Group No: T1</th>
<th>Species: Lucombe Oak</th>
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**Owner (if known):** Location: 105 Gt North Road, Eaton Socon, St Neots

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**Part 1: Amenity assessment**

**a) Condition & suitability for TPO:**

Refer to Guidance Note for definitions

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**b) Remaining longevity (in years) & suitability for TPO:**

Refer to ‘Species Guide’ section in Guidance Note

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<tr>
<td>2 20-40 Years, possibly more</td>
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**c) Relative public visibility & suitability for TPO:**

Consider realistic potential for future visibility with changed land use; refer to Guidance Note

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**d) Other factors**

Trees must have accrued 7 or more points (with no zero score) to qualify

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<td>2 Tree is unusual</td>
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**Part 2: Expediency assessment**

Trees must have accrued 9 or more points to qualify; refer to Guidance Note

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**Part 3: Decision guide**

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<td>1-6</td>
<td>TPO indefensible</td>
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<tr>
<td>7-10</td>
<td>Does not merit TPO</td>
</tr>
<tr>
<td>11-13</td>
<td>Possibly merits TPO</td>
</tr>
<tr>
<td>14+</td>
<td>Definitely merits TPO</td>
</tr>
</tbody>
</table>

**Add Scores for Total:**

| 18 |

**Decision:**

Definitely merits TPO
Tree Preservation Order L/TPO/342
105 Gt North Road
Eaton Socon
St Neots

Date: 01/03/2013
Photograph viewpoints
Tree Preservation Order L/TPO/342
105 Gt North Road
Eaton Socon
St Neots

View from road

View from beer garden of adjacent public house
View from road

View into site (note fire exit door in wall at far end)
Filtered view of tree from Public Path to rear of site

Filtered view of tree from Gt North Road
Dear Linda

Please find attached the revised documents for the planning application with the mentioning of the tree removal, removed.

I can also confirm that the tree is not to be removed as part of this planning application.

I would be very grateful if you could now give this application your urgent attention and get it approved asap.

Please could you also confirm that the documents attached are acceptable for you to continue?

Many Thanks

Regards

Jason

JPT Design Consultants
Residential Planning & Development Engineering

The Studio
23 Halifax Road
Upper Cambourne
CB23 6AX

DD 01954 717 442
MOB 07740 203 558
Attn: Arboricultural Officer
Mr M Sharp
Managing Director of Communities, Partnerships and Projects
Huntingdon District Council
Pathfinder House
St Mary’s Street
Huntingdon
Cambridgeshire
PE29 3TN


Dear Mr Sharp

**Objection to Tree Perseveration Order – 105 Great North Road, PE19 8EL**

With reference to your letter L&DS.JPMcC.spfl/TPO/342 (2013) Dated 7 March 2013 referring to the application of a Tree Perseveration Order (TPO) to the tree at the rear of the property. We wish to object to the placing of this TPO on the tree in question (Diagram 1) for the following reasons:

1. On the 4th July 2012 we approached HDC Planning and were advised that the tree was not subject to a TPO and Mr Mike Barber, advised us to submit an “Application for Tree Works” form which was submitted 29th October 2012 (Copy Attached). We were under the impression that we should have had a response to that request within 6 weeks but we have not received any comment regarding this application from HDC.

2. It has been confirmed that the tree is causing structural damage to the property. We have supplied the Structural Engineers comments regarding this to the planning office which are available on the HDC planning portal.

3. The tree is in the direct line of escape for two main fire exits for the property please see Diagram 2.

4. We fail to see how the tree can be considered as “bringing significant amenity benefit to the local area”. This tree is in the rear of an industrial building backing on to a pub car park and an industrial area none of which has public access, as can be seen from Diagram 1.
We would appreciate a sensible discussion on the matter with the relevant parties, as to date, we have not been contacted by HDC regarding this prior to receiving the TPO legal paperwork.

Yours sincerely

M. H. Marks

Mick Marks MBE, CEng, MIOD, MCMI, MRAes, MCSE

Diagram 1

Tree in question which is damaging the Building

Diagram 2
Barber, Mike (Planning Serv.)

From: Sturgess, Martyn (Building Control)  
Sent: 03 July 2013 16:16  
To: Barber, Mike (Planning Serv.)  
Subject: RE: 105 Great North Road, Eaton Socon, St Neots

Mike,

I raised this as a concern in terms of means of escape and possible affect on the existing foundations. However a colleague has visited site and believes that although the arrangement is far from ideal, and would be better if the tree was removed, it would be difficult for us not to accept the arrangement as it just about workable.

JPT are producing a revised design for the scheme which hasn’t been submitted for Building Regulations consideration yet.

Regards

Martyn Sturgess MRICS  
Building Control Officer

Huntingdonshire District Council

Building Control, Pathfinder House  
St Mary’s Street, Huntingdon, PE29 3TN

01480 388447 / 07810637652

http://www.huntingdonshire.gov.uk

http://www.labc.uk.com

From: Barber, Mike (Planning Serv.)  
Sent: 25 June 2013 10:55  
To: Sturgess, Martyn (Building Control)  
Subject: 105 Great North Road, Eaton Socon, St Neots

Martyn,

As you may know, we made a TPO to protect the large oak to the rear of the above property. I understand you have been involved with the alterations for the building (13000850ALFP).

An objection has been made to the TPO. One of the objections is that the tree is in the direct line of escape for two main fire escapes. Have you or the Fire Officer raised this as a potential issue?

I’m currently putting a report together for Development Management Panel to determine if the TPO is to be confirmed and your input would be welcome.

Many thanks