



To: Executive Councillor for Arts & Recreation  
Report by: Head of Arts & Recreation

Relevant scrutiny committee: Community Services Scrutiny Committee 13/01/11

## **Holy Trinity Churchyard – War Memorial Removal of Trees**

### **1. Executive summary**

- 1.1 The Historic Environment Manager has secured funding to repair the War Memorial shelter in the churchyard.
- 1.2 A Western Red Cedar tree grows immediately adjacent to the Memorial and its removal would facilitate the repairs and allow the Memorial to be seen. The roots of the Western Red Cedar undermine the War memorial and the canopy rests on the roof causing damage.
- 1.3 The Church authorities approached the Council with a request to remove the two holly trees that are blocking the east windows and taking all the light from that part of the church.
- 1.4 Notices were posted on site, in accordance with the City Council's Tree Management Protocol (at all three entrances to the churchyard and on the trees and in addition to the adjacent railings) from 30 July until 1 September. The consultation period was extended and the Notices renewed at the request of one of the objectors.
- 1.5 Planning Committee considered a report with recommendation on the 22<sup>nd</sup> September 2010.

## **2. Recommendations**

### **2.1 The Executive Councillor is recommended to**

Support the Planning Committee decision to fell

- i) the Western Red Cedar;
- ii) two holly trees; and
- iii) instruct officers to replant suitable species in alternative locations.

## **3. Background**

### **3.1 The refurbishment project**

3.1.1 Holy Trinity Church used to open and close the shelter each day, and the City Council organised its cleaning. Following problems in the 1990s with anti-social behaviour, the shelter was closed in 2000, and it has remained locked.

3.1.2 The project to refurbish the War Memorial shelter followed a Council resolution on 11 September 2008. As directed by the resolution, officers explored the ownership of and responsibility for the memorial, and put together a funding package for its repair. A grant of £10,000 was awarded, on the basis of an architect's specification and competitive estimates, by the War Memorials Trust, English Heritage and the Wolfson Foundation, towards works estimated to cost up to £23,500. The remainder is to be covered by a grant of £4,500 from the 2009/10 Historic Building Grants budget (decided under delegated powers), and up to £9,000 from West/ Central Environmental Improvement funds (agreed by Committee on 20 August 2009). A condition of the War Memorials Trust grant requires that a funded maintenance plan should be in place; funding for this was agreed by Environment Scrutiny Committee on 22 June 2010.

3.1.3 The project involves repair and refurbishment of the War Memorial shelter, including re-gilding of the commemorative lettering. The Shelter will be opened during the day; opening and closing will be arranged by Streetscene.

3.1.4 The western red cedar tree immediately adjoins, and overhangs the War Memorial, and its roots are undermining it. The removal of this tree is proposed in order to secure the long-term future of the War Memorial.

3.1.5 The City Council has responsibility for maintaining the trees and grounds of the closed churchyard. The ownership of the War Memorial shelter is unclear, but the Council is empowered to maintain it by the War Memorials (Local Authorities' Powers) Act 1923. Because the Memorial stands within the churchyard, a Faculty is required from the Diocese of Ely for the works to the Memorial, and associated tree works. The Diocesan Advisory Committee has raised no objections to the proposals, but the formal Faculty has not yet been obtained.

## 3.2 Planning Committee

3.2.1 The Planning Committee on the 22<sup>nd</sup> of September received an application for the felling of a Western Red Cedar and two holly trees at Holy Trinity Church, Market Street.

3.2.2 The committee received a representation in objection to the application

3.2.3 The representation covered the following issues:

1. Agreed that the memorial should be kept in the churchyard, but suggested moving it.
2. Memorial could be redesigned as part of refurbishment.
3. Questioned the timing of the public consultation.
4. The species of tree near the memorial is important.

3.2.4 The Committee decided to vote separately on the following:

- Felling of the Western Red Cedar
- Felling of the two Holly Trees

**Resolved (by 4 votes to 4 (on Chair's casting vote))** to accept the officer recommendation and advise the Executive Councillor for Arts and Recreation that the Committee supports the proposal to fell the Western Red Cedar.

**Resolved (by 7 votes to 0)** to accept the officer recommendation and advise the Executive Councillor for Arts and Recreation that the Committee supports the proposal to fell the two holly trees.

### 3.3 Since Planning Committee

3.3.1 In response to the objector's concerns, the architect was asked to obtain a "ball-park" estimate for the possible cost of moving the Memorial shelter within the Churchyard. This would involve taking down and rebuilding the structure, and forming a new entrance within the wall and railings. The ball-park estimate shows that moving the War Memorial, and the associated extra works, would more than double the cost (to over £50,000 plus VAT).

3.3.2 The War Memorials Trust was asked for their views on the possible moving of the War Memorial. Their response (27 September 2010) was:

*"Just to clarify our position on the relocation of war memorials. The Trust only supports the relocation of war memorials where the memorial is at risk or is not publicly accessible. We do not consider either of these to be the case in this instance. As such we would not wish to see this memorial relocated."*

3.3.3 With regards to grant funding the current guidance notes for Grants for War Memorials states that funding for the relocation of war memorials for any reason is not eligible. "

3.3.4 The consultation period allowed for representations was extended to four weeks. This was in response to claims that the signs were too small and 'lost' amongst other posters also attached to the railings. A new date was set and the signs conformed to the Tree Protocol.

3.3.5 The Western Red Cedar is likely to be a self-set and has been allowed to grow close to War Memorial and boundary fence. A tree of this size would not normally be planted so close to a building. The Western Red Cedar if allowed to continue to grow will cause structural damage to the foundations and roof of the War Memorial.

3.3.6 Pruning and lifting of branches would leave two unattractive specimens whose re-growth would have to be pruned to prevent failure. Such work is considered to be poor arboricultural practice.

3.3.7 It is recommended to advise the Executive Councillor for Arts and Recreation that the Committee supports the proposal to fell the Western Red Cedar and two holly trees growing in Holy Trinity churchyard, and to seek to find suitable locations for replacement planting of suitable species.

## **4. Implications**

### **4.1 Financial Implications**

If the western red cedar tree is not removed, and the War Memorial is repaired in situ, the Council will need to carry out repeated pruning of overhanging branches, and repairs to deal with root damage, with ongoing cost implications. The alternative option of moving the War Memorial to retain the tree would cost at least £35,000 (cost of making up the lost £10,000 grant, plus cost of additional works as per the ball park estimate), for which no provision exists.

### **4.2 Staffing Implications**

### **4.3 Equal Opportunities Implications**

### **4.4 Environmental Implications**

### **4.5 Community Safety Implications**

## **5. Background papers**

- Council, 11 September 2008  
[http://www.cambridge.gov.uk/public/councillors/minutes/2008/0911C\\_NL.pdf](http://www.cambridge.gov.uk/public/councillors/minutes/2008/0911C_NL.pdf) item 08/66
- West/Central Area Committee, 20 August 2009  
<http://www.cambridge.gov.uk/public/councillors/minutes/2009/0820areaw.pdf> item 09/46
- Environment Scrutiny Committee, 22 June 2010
- <http://mgsqilmh01/mgConvert2PDF.aspx?ID=1550> item 10/46/ESC
- Planning Committee, 22 September 2010  
<http://www.cambridge.gov.uk/democracy/mgConvert2PDF.aspx?ID=2424> item 10/65/PLA
- <http://www.cambridge.gov.uk/democracy/mgConvert2PDF.aspx?ID=2696>

## **6. Appendices**

- None

## **7. Inspection of papers**

To inspect the background papers or if you have a query on the report please contact:

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