Planning Committee Date	2nd August 2023
Report to	Cambridge City Council Planning Committee
Lead Officer	Joanna Davies
Reference	23/0119/TTPO
Site	St Matthews Centre, Sturton Street
Ward / Parish	Petersfield
Proposal	Remove (fell) to ground level and treat stumps to prevent regrowth
Presenting Officer	Joanna Davies
Reason Reported to Committee	Objections to the proposed removals have been received from residents, ward cllrs and Friends of St Matthew's Piece
Recommendation	Grant consent subject to replacement planting conditions

1.0 Executive Summary

1.1 In 2022 a tree work application was received to reduce the height by 5m and spread by 4m of three London Plane trees located within the grounds of St Matthews Centre opposite 193 Sturton Street. This application was refused at committee because of incomplete data supporting the application, the lack of heave assessment and the lack of information regarding the installation of a root barrier.

1.2 The current application concerns the same three trees. It is alleged that following additional movement of foundations the removal of the three trees is now necessary.

1.3 Numerous objections to the trees' removals have been received from residents, councillors and Friends of groups. Officers have been requested to seek independent expert assessment of the application submissions.

1.4 Expert opinion has been requested from an independent structural engineer. The structural engineer has confirmed technical data supports a causal link between the trees and damage to the building and that the risk is heave associated with tree removal is minimal.

1.5 Consideration has been given to underwriting possible cost associated with refusing permission and it is confirmed that Cambridge City Council is not minded to accept the full financial responsibility.

1.6 Members may refuse consent or grant consent subject to conditions/informatives

2.0 Site Description and Context

None-relevant		Tree Preservation Order	X
Conservation Area	X	Listed Building	NA

*X indicates relevance

2.1 The St Matthews Centre is located on the corner of Sturton Street and New Street within the Mill Road conservation area. The TPOd trees on the west, north and east boundaries of St Matthews Centre form part of a larger group that extends into the adjacent St Matthews Piece, one of the three open spaces cited to have significance in the conservation area appraisal.

2.2 The three subject trees are located on the west boundary of St Matthew's Centre. They form part of the visually significant group that bounds the Centre and the adjacent St Matthew's Piece. The three subject trees are located within the line of 13 trees that run the full length of the combined boundary with Sturton Street.

3.0 Relevant Site History

Reference	Description	Outcome
22/0271/TTPO	Reduce the height of 3 London Plane trees by 5m and spread by 4m	Refused

4.0 Legislation and Policy

4.1 Town and Country Planning Act 1990 Part VIII Chapter I and Town and Country Planning (Tree Preservation)(England) Regulations 2012. Tree Preservation Order number 04/2005.

5.0 Consultations

5.1 The application was published on public access in addition to standard cllr and extended resident consultation. A Site Notice was issued for display.

6.0 Third Party Representations

6.1 Comments have been received from a large number of local residents, councillors, Cambridge Past, Present and Future and The Friends of St Matthew's Piece. These can be viewed in full via Public Access using the reference 23/0119/TTPO. Objections are consolidated and summarised in the below table and a response provided.

Comment	Officer Response
Mature trees are incredibly important for the health of the local ecosystem, for mental health, in capturing storm water, in absorbing carbon dioxide, in providing shelter for wildlife and shade during increasingly hot summers. These trees are especially important given their location in Petersfield which is a densely populated ward with limited public open space.	Agreed. The three subject trees make a significant contribution to amenity, the character of St Matthew's Piece and the surrounding street-scape.
193 Sturton St was constructed in 1995/1996 the foundations should have been designed and constructed to a standard which would have withstood any subsoil shrinkage associated with the long-established plane trees opposite and the applicant has no	NHBC foundation depth calculation, considering mature height of trees, distance to property, soil volume change potential and water demand, is between 1m and 1.45m. The property foundations are at a depth of 1.45m and 2.1m.

grounds for damaging a highly valued public amenity just 30 years later.	
TPO implies a presumption against removal	A TPO is served to prevent unjustified and harmful works to trees of value.
Felling the tree would breach Local Plan Policies 14, 23, 55, 56, 61, 67 and 71 and National Planning Policy Framework sections 91, 92 and 96. In December 2020 Cambridge Council signed up to the National Tree Charter for Trees, Woods and People (2017). Permitting this application would counter the council's commitment to the charter.	The Council is obliged to consider the merits of any tree work application in accordance with The Town and Country Planning Act 1990 and the 2012 Regulations (The Act) When assessing the impact of any tree work application consideration should be given to all relevant plans, policies and charters. Any plans, policies and charters do not however outweigh the responsibilities placed on councils under The Act. The council must therefore determine whether or not sufficient justification has been submitted to permit consent for works that will result in the loss of trees of value.
T1, T2 and T3 are an important part of the ecosystem of 24 mature trees surrounding St Matthew's Piece. The cutting down of these three trees impacts other trees in this urban forest ecosystem.	The removal of T1, T2 and T3 will have no material impact on the health of the remainder of the group.
The insurer's Technical Report from Aug 2019 did not detect any movement consistent with subsidence. As the trees have co-existed with the residences for decades the proposed removal is illogical.	Tree related subsidence can occur at any time. A lack of history of subsidence does not mean subsidence cannot occur.
Previous application was for a reduction what is justification now for removal.	Continued Level monitoring shows significant foundation movement continued following the removal of T4, from within the property boundary, through the summer and autumn of 2022, this can only be attributable to the influences of trees T1, T2 & T3.
The list of consultees is less than the neighbours and interested parties.	In addition to the standard consultation, notifications were sent out in February to all those who objected to 22/0271/TTPO. There are no legal requirements for a council to consult on tree work applications therefore the extent of consultation is not a reason for refusal.
The trees were there first and there seems to be little real evidence	Any justification for tree work is not outweighed by the age of a tree in

for the claim that damage has been caused by them.	relation to the age of any property affected. The evidence has been independently verified.
Changes in a Conservation area must show that public benefit outweighs public harm	The Council is obliged to consider the merits of any tree work application in accordance with The Town and Country Planning Act 1990 Part VIII, Chapter I and the 2012 Regulations. In this context public harm does not outweigh nuisance associated with tree related subsidence
Removing the trees in not proportionate to the damage alleged. Trees should be retained and property underpinned or root barrier installed. Cheapest option should not be automatically chosen without consideration of the value of the trees.	The subject trees are a significant asset. A preliminary assessment using CAVAT (Capital Asset Value for Amenity Trees) calculated their combined value to be in the region £200,000. There are options available, not exceeding the above cost, that would allow the retention of the trees and officers would welcome the use of underpinning or root barriers by the tree owners and/or applicant to avoid the need for removals.
CCC have declared biodiversity and climate change emergency permitting removal would be a contradiction.	Granting permission in accordance with The Act would not be a contradiction. As living organisms trees decline and are lost naturally, they can fail structurally in extreme conditions and their removal can be justified for sound practical reasons. The removal of individuals from any population is inevitable and in any year new trees are planted, existing trees establish and grow and trees are lost. Key to the continuity of tree cover is limiting losses where possible and proving new and replacement trees where possible.
Insufficient information as requested in previous application.	Additional level monitoring was provided, a heave assessment undertaken and the possible installation of a root barrier explored. The heave assessment was updated following confirmation of the age of the building.
Removing the trees is not proportionate to the damage alleged. Level monitoring data is still patchy, incomplete and suggests the greatest movement in December 2022. Cracking is described as “slight” which is insufficient	An independent structural engineer was provided with all application documents. It was concluded that; The technical site inspections are in accordance with current best practices

justification to remove the trees. Cracking is reported to have been worsening during summer 2022 but no evidence is presented. Heave assessment makes assumption trees are younger than the house	and no further inspection methodologies would provide additional benefit to the technical assessment and conclusions. On balance there is a casual link between the trees, the underlying geology, and the damage to the building. The heave assessment methodologies are in accordance with current best practices in relation to tree related subsidence and The conclusion that the risk of heave is minimal is concurred with.

7.0 Member Representations

7.1 A formal objection to the removal of the trees has been received from the Green Party.

7.2 Cllr Thornburrow expressed concerns over the accuracy of the evidence provided and requested that the submitted evidence be reviewed by an independent structural engineer.

7.3 The above representations are a summary of the comments that were received. Full details of the representations are available on the Council's website.

8.0 Assessment

8.1 **Planning Considerations**

Amenity - Do the trees still make a significant contribution to the character and appearance of the area?

Condition/Nuisance – Are the works proposed excepted from the requirement to apply for permission in accordance with 14 and 15 of the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Justification for Tree Works - Are there sound practical or arboricultural reasons to carry out tree works?

i. What is the justification
ii. Is there a financial consideration
iii. Is there a health and safety consideration
iv. Does the nuisance out way the benefit of retention

8.2 **Officer Assessment**

Amenity - St Matthew's Centre visually forms part of St Matthews Piece, one of two important public open spaces in the Mill Road Conservation Area. As cited in the conservation area appraisal its mature trees are important in long and short views. The trees are highlighted on the Townscape Analysis Map as Important Trees/Tree Groups
Condition/Nuisance - Section 14.-(1)(a)(ii) of The Town and Country Planning (Tree Preservation)(England) Regulations 2012 states that nothing shall prevent the cutting down, topping, lopping or uprooting of a tree in compliance with any obligation imposed by or under an Act of Parliament or so far as may be necessary for the prevention or abatement of a nuisance. The courts have held that nuisance must be actionable in law, where it is causing, or there is an immediate risk of it causing actual damage. However when deciding what is necessary to prevent or abate a nuisance consideration should be given to steps other than tree work.

Justification for Works – It is alleged that the trees are responsible for root induced clay shrinkage subsidence damage to 193 Sturton Street.

Foundations are bearing on a clay subsoil with a Low to High potential for volumetric change relating to changes in soil moisture.
Moisture content comparisons suggest moisture depletion on two locations to the west (TP/BH2) and north (TP/BH3) of the property.
Roots from London Plane trees were recovered from samples in TP/BH3.
The subject trees are located to the east of the property.
Level monitoring has recorded a pattern of seasonal soil drying below the property foundations.

Submitted evidence has been reviewed by an independent structural engineer who has concluded that;

- the technical site inspections are in accordance with current best practices and no further inspection methodologies would provide additional benefit to the technical assessment and conclusions.

- on balance there is a casual link between the trees, the underlying geology and damage to the building.

- the heave assessment methodologies are in accordance with current best practices in relation to tree related subsidence and

- the conclusion that the risk of heave is minimal is concurred with.

8.3 **Observations and Implications**

With reference to the structural engineer opinion, the tree team is satisfied that the evidence provided supports the claim that trees are a causal factor in damage to the subject property and that the work proposed will remove the

trees' influence on soil moisture beneath the subject property's foundations allowing the property to stabilise and superstructure repairs to be carried out with the estimated cost of £16,000. Officers also accept that the risk of heave associated with the trees' removal is minimal.

There are two alternatives to tree work, underpinning the property to allow for future changes in soil volume without additional damage to the building or the installation of a root barrier to restrict root growth in the vicinity of the property foundations. Both these solutions could have financial implications for Cambridge City Council and/or the property owners if permission for tree removal is not granted. The trees make a significant contribution to amenity, sufficient that consideration should be given to underwriting the cost of alternatives to removal. The cost of underpinning has been estimated at £120,000 and the cost of installing a root barrier has been quoted at £79,571.40 + VAT. CCC is not minded to underwrite the cost of underpinning or the full costs of installing a root barrier. The trees are, however, located in third party property and, notwithstanding any permission granted by the council, permission from the property owner will be required before their trees may be lawfully removed. Regarding the council's obligations under The Act, if it is determined that sufficient evidence has been presented to support the application to fell the trees and permission from the council is subsequently granted, the tree owner is not legally obliged to carry out the work or permit its completion and could consider alternatives to minimising the influence of their trees on the subject property.

9.0 Recommendation

Grant consent subject to replacement planting conditions and an informative highlighting the value of the trees and recommending the use of alternative measures to stabilise 193 Sturton Street.

Background Papers:

The following list contains links to the documents on the Council's website.

- 22/0271/TTPO 22/0271/TTPO | T1, T2 & T3: London Plane - Reduce height by ~5m and spread by ~4m balancing crown of all 3 trees. Prune on a triennial cycle to maintain broadly at reduced dimensions. | St Matthews Centre And St Matthews Piece Sturton Street Cambridge Cambridgeshire CB1 2QF (greatercambridgeplanning.org)
- 23/0119/TTPO 23/0119/TTPO | T1 London Plane of the Crawford's Addendum Report - Arboricultural Recommendations Works: Remove (fell) to ground level and treat stumps to prevent regrowth. T2 London Plane of the Crawford's Addendum Report - Arboricultural Recommendations Works: Remove (fell) to ground level and treat stumps to prevent regrowth. T3 London Plane of the Crawford's Addendum Report - Arboricultural Recommendations Works: Remove (fell) to ground level and treat stumps to prevent regrowth. Reason: Clay shrinkage subsidence damage at 193

Sturton Street, CB1 2QH | St Matthews Centre Sturton Street Cambridge Cambridgeshire CB1 2QF (greatercambridgeplanning.org)