



Planning Committee Date	25 th June 2025
Report to	Cambridge City Council Planning Committee
Lead Officer	Joanna Davies
Reference	25/0432/TTPO
Site	St Matthews Centre, Sturton Street
Ward / Parish	Petersfield
Proposal	Remove (fell) to ground level and treat stumps to prevent regrowth
Reason Presenting Officer	Clay Shrinkage Subsidence ay 193 Sturton Street Joanna Davies
Reason Reported to Committee	Objections to the proposed removals have been received from residents and Friends of St Matthew's Piece. Potential cost implications
Site Visit (Yes)	23 June 25: A site visit to look at the trees with Tree officers is confirmed. Access to 193 Sturton Street has also been requested but has not been confirmed.
Options	<ul style="list-style-type: none"> • Grant consent • Grant consent subject to conditions/informatives • Refuse consent

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 In 2023 a tree work application was received to fell the same trees to ground level and treat stumps to prevent regrowth. Additional evidence was presented with this application to support the subsidence claim. This evidence was reviewed by an independent structural engineer who confirmed technical data supports a causal link between the trees and damage to the building and that the risk of heave associated with tree removal is minimal. The application was refused because the damage associated with the retention of the trees was not considered to outweigh their amenity value. An informative was included recommending consideration of a root barrier.
- 1.3 In 2024 an application was made to dig a trench in Sturton Street to sever roots of protected trees. This was to allow the installation of a root barrier to prevent clay shrinkage beneath 193 Sturton Street. The application was refused because the excavation and subsequent installation of a root barrier posed an unacceptable risk of harm to the health of the trees and there was no certainty that the root barrier would work as a solution to damage to 193 Sturton Street. The risk of harm to tree health was not considered to outweigh the trees' amenity value.
- 1.4 The current application concerns the same three trees. The applicant is again seeking permission to fell the subject three trees to prevent continued tree related clay shrinkage beneath 193 Sturton Street.
- 1.5 Numerous objections to the trees' removals have been received from residents and groups.
- 1.6 Legal advice has previously been sought from counsel and that advice supports the information contained in this report.
- 1.7 If loss or damage that is caused or incurred in consequence of a refusal or conditions associated with a consent, the applicant is entitled to recover from the Council compensation in respect of such loss or damage. A claim of this nature must be made within 12 months from the decision date. Notice of a claim for the installation of a root barrier was received following the refusal of 23/0119/TTPO. It is anticipated that notice of a claim for underpinning will be received if the application is refused.
- 1.8 The payment of costs or the potential payment of compensation is not a decision that can be taken at officer level. Members may refuse consent, grant consent unconditionally 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 TPO'd 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 a line of 13 trees that run the full length of the combined boundary with Sturton Street.

3.0 Relevant Site History

Reference	Works	Outcome
22/0271/TTPO	Crown reduction of three trees	Refused
23/0119/TTPO	Felling of three trees	Refused
24/0413/TTPO	Root severance (root barrier)	Refused

- 3.1 23/0119/TTPO was refused for the following reason:
- 3.2 *'The proposal requires the felling of three trees of outstanding and special value, individually and as part of a group. These trees and the wider group of trees on St Matthew's Piece contribute significantly to public amenity, the urban forest and the character and appearance of the Mill Road Conservation Area, where special attention must be given to the desirability of preserving or enhancing its character and appearance. The damage associated with the retention of the trees is not considered to outweigh their amenity value (including but not limited to their visual, atmospheric, climate, biodiversity, historical and cultural benefits). A material loss of public amenity value, including harm to the Conservation Area, the urban forest and St Matthew's Piece - a highly valued protected open space in Petersfield ward with very limited open space - would arise from their proposed removal. The proposal would, therefore, be contrary to Cambridge Local Plan policy 61, NPPF 2023 paras.131 and 174, NPPG guidance para. 090 Reference ID: 36 090-20140306 and para. 093 Reference ID: 36-093-20140306, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and other legislation, policies and guidance that seek to safeguard the environment.'*
- 3.3 Since the refusal of consent, the NPPF was updated in 2024. Paras. 136 and 187 are now relevant. Para 136 in states:

3.4 *'Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined⁵², that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.'*

3.5 The NPPG also advises at Paragraph: 090 Reference ID: 36-090-20140306 the following:

'How does the local planning authority consider an application?

If the authority did not visit the site before the application was made then an officer should do so at this stage. The authority should assess whether or not the proposed work is exempt from the requirement to obtain its consent. When considering an application the authority is advised to:

- *assess the amenity value of the tree or woodland and the likely impact of the proposal on the amenity of the area;*
- *consider, in the light of this assessment, whether or not the proposal is justified, having regard to the reasons and additional information put forward in support of it;*
- *consider whether any loss or damage is likely to arise if consent is refused or granted subject to conditions;*
- *consider whether any requirements apply in regard to protected species;*
- *consider other material considerations, including development plan policies where relevant; and*
- *ensure that appropriate expertise informs its decision.*

Authorities should bear in mind that they may be liable to pay compensation for loss or damage as a result of refusing consent or granting consent subject to conditions. However, if the authority believes that some loss or damage is foreseeable, it should not grant consent automatically. It should take this factor into account alongside other key considerations, such as the amenity value of the tree and the justification for the proposed works, before reaching its final decision.'

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. National Planning Policy Framework (NPPF). Planning Practice Guidance (PPG). Key extracts from the NPPF and

NPPG are quoted in the history section as they relate to previous reasons for refusal.

5.0 Consultations

- 5.1 The application was published on public access in addition to standard councillor 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, 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 25/0432/TTPO. Objections are consolidated and summarised at Appendix 1 and a response provided.

7.0 Member Representations

- 7.1 The application has been called in by Cllr Richard Robertson.
- 7.2 Full details of all representations are available on the Council's website.

8.0 Assessment

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 outweigh the benefit of retention

Officer Assessment

- 8.1 Amenity – St Matthew's Centre visually forms part of St Matthews Piece, the only formal open space 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. Officer opinion is that the trees have a significant amenity value, both individually and as part of a wider group.

Capital Asset Value for Amenity Trees (CAVAT)

- 8.2 The preliminary CAVAT assessment carried out in 2023 has been updated. A full assessment was carried out in May 2025 to take into consideration the 2024 increase in unit value factor and updated methodology. The current value of the trees is £271,453 for T1, £169,46 for T2 and £113,0032 for T3. The full assessments are available on public access.

Condition/Nuisance

- 8.3 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. This has been considered and forms the basis of the previous application intended to allow the installation of a root barrier that would prevent clay shrinkage beneath the foundations of 193 Sturton Street so removing the influence of tree roots without tree removal.

Justification for Works

- 8.4 No additional evidence has been presented to support the claim that trees located in St Matthews Centre are a causal factor in damage to 193 Sturton Street. However, it has been shown previously that the subject trees are responsible for root induced clay shrinkage subsidence damage to the property and this has not been contested in two previous decision notices.
- foundations are bearing on a clay subsoil with a Low to High potential for volumetric change.
 - moisture content comparisons suggest moisture depletion in two locations.
 - roots from London Plane trees were recovered from samples.
 - Level monitoring has recorded a pattern of seasonal soil drying below the property foundations to a depth beyond the influence of climate.
- 8.5 Submitted evidence was 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 the balance of probability there is a causal 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.

Discussion

- 9.1 Notwithstanding the above the Court of appeal (In *Perrin* [2008] 1 WLR 1307) held that consideration of all of the circumstances must include the existence of alternative engineering solutions when determining whether or not works are necessary to prevent or abate a nuisance. In this case, and as explained below, alternative engineering schemes involving 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 are available. Consequently, the Council has proceeded on the basis that consent is required for the proposed work.
- 9.2 The Planning Practice Guidance (PPG) states that when considering an application for consent the local authority should:
- assess the amenity value of the tree or woodland and the likely impact of the proposal on the amenity of the area;
 - consider, in the light of this assessment, whether or not the proposal is justified, having regard to the reasons and additional information put forward in support of it;
 - consider whether any loss or damage is likely to arise if consent is refused or granted subject to conditions;
 - consider whether any requirements apply in regard to protected species;
 - consider other material considerations, including development plan policies where relevant; and
 - ensure that appropriate expertise informs its decision.
- 9.3 Officers have considered the amenity value of the trees and have concluded that their amenity value is significant. In this regard officers note that the trees are in a conservation area and give very considerable importance and weight to the contribution that the amenity value of the trees makes to the character and appearance of the conservation area. Officers have taken into account section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requiring it to pay special attention to the desirability of preserving or enhancing the character and appearance of that area. It is accepted that the loss of the trees would harm the character and appearance of the conservation area and that this harm must carry great weight in accordance with the NPPF and the principles of relevant policies in the Council's adopted development plan including policies 14, 55, 59, 61, 67, 69 and 71, which seek to protect amenity to which the trees contribute in terms of, history, character and appearance and in terms of ecology/biodiversity and other environmental considerations. Taking all of the above into account, officers believe that the amenity value of the trees is high and carries substantial weight.
- 9.4 However, on the basis of the independent structural engineer's opinion, the tree team is satisfied that evidence previously provided demonstrates on the balance of probability that there is a causal relationship between the trees and the damage to the subject property. Felling the trees 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 previously estimated (decoration) cost in the region of £16,000. Officers also accept that the risk of heave associated with the trees' removal is minimal. In this regard, the tree team is of the view that the works for which consent is sought might be justified, subject to the consideration of other factors identified below.

9.5 There are two alternatives to tree work:

1. Permission for the installation of a root barrier to restrict root growth in the vicinity of the property foundations, so removing the influence of the trees, was refused under 24/0413/TTPO.
2. Underpinning the property would allow for future changes in soil volume beneath the foundations so avoiding continuing foundation movement and damage to the building.

9.6 Both solutions could have financial implications for Cambridge City Council. Following the refusal to allow the felling of trees under 23/0119/TTPO a Notice of Intention to Pursue a Compensation Claim Pursuant to the Town & Country Planning Act 1990 S.202E and Town & Country Planning (Tree Preservation) (England) Regulations 2012 was received relating to the estimated cost of £80,000 for installing a root barrier. The root barrier installation would emit approximately 3 tons of CO₂. However, as the root barrier application was also refused a full claim has not been received and the applicant is seeking to either fell the trees or underpin the property. Underpinning is now estimated to cost at least £279,500 plus VAT and have a CO₂ emission of 44 tons. This cost is considerably higher than the previous estimate of £120,000 plus vat. The applicant has been asked to provide a breakdown of costs and the reason for the significant increase and the following response has been received.

'The original estimate was in respect of traditional mass concrete underpinning, however mass concrete underpinning couldn't be completed from the outside of the building as some of the walls are party wall structures and others have facing directly on to the pavement. This would mean all works would need to be completed from within the property and would be unsafe and incredibly costly. The only viable solution, given the implied restrictions from the planning meeting, would be to consider a piled raft approach. In essence, this involves taking out all internal floors, some dividing walls for access, and forming a series of piles to support the external walls and internal partition walls on the ground floor. Needle beams are formed to connect to the piles and these extend under the foundations. The piles and needle beams are heave protected and the gaps between the needle beams are dug out and the remaining foundations isolated from the ground. A reinforced concrete floor slab is then formed over the pile heads, connected with steel reinforcement.'

- 9.7 The estimated costs are presented to allow members to consider the potential financial risk against the significant loss of amenity associated with tree removal. Any refusal of permission is not an acceptance of liability and does not preclude the Council from contesting the specifics of any future claims.

Implications

- 9.8 That the trees make a significant contribution to amenity cannot be disputed and consequently it is appropriate to consider underwriting the cost of alternatives to removal. However consideration must also be given to whether or not underwriting the cost of underpinning is disproportionate and not justified notwithstanding the significant contribution that the trees make to amenity.
- 9.9 In this regard, the Council is required to balance a wide range of competing considerations and financial demands. The requirement to underwrite the cost of underpinning would necessitate the making of a payment by the Council which could be regarded as being unjustified and disproportionate to the benefit of retaining the trees when considered in the context of all demands upon the Council's finances. In this regard the use of CAVAT is not appropriate and the availability of funds should be given greater weight than the asset value. CAVAT is based on an understanding of amenity as a sum of public benefits, valuing trees based on the replacement cost approach. It was designed to assist local authorities to achieve appropriate levels of compensation where publicly owned trees are damaged or removed without consent and to provide a basis for managing public trees as assets rather than liabilities. While CAVAT has been used successfully to defend the retention of trees on development sites and to secure adequate compensation when trees are removed, without consideration of the willingness or ability of a local authority to pay, it is not designed to balance the cost of a claim for compensation against a specific tree value. Whether or not an amenity value, CAVAT or Helliwell (another valuation methodology) etc, is greater than the financial risk to the Council should not be the basis for determining an application. Rather, all the associated benefits of tree retention, especially with regard to council policies, canopy cover aspirations and ecosystem services should be weighed against any negative impacts of retention and the negative impacts of removal.
- 9.10 The PPG is clear that in taking a decision on an application for consent to carry out works to a protected tree, authorities should bear in mind that they may be liable to pay compensation for loss or damage as a result of refusing consent or granting consent subject to conditions, but that where the authority believes that some loss or damage is foreseeable, it should not grant consent automatically, but should take this factor into account alongside other key considerations, such as the amenity value of the tree(s) and the justification for the proposed works before reaching its final decision.
- 9.11 Notwithstanding the significant amenity value of the trees and the considerable importance and weight this carries, the need to prevent further damage to property, coupled with the arguably disproportionate cost of paying

compensation as a result of the foreseeable loss and damage that may result if consent is refused, means that a refusal might not be justified, essentially for the same reasons as are explained in relation to the potential to underwrite the costs of alternative engineering solutions. However, as stated above any refusal of permission is not an acceptance of liability and does not preclude the Council from contesting the specifics of any future claims.

- 9.12 The trees are, however, located in third party land and, regardless of any permission granted by the Council, permission from the property owner will be required before the trees are lawfully removed. Even if the Council decides that sufficient evidence has been presented to support the application to fell the trees and permission is granted by the Council, the tree owner is not legally obliged to carry out the work or permit its completion.

Options

- 10.0 The payment of costs or the potential payment of compensation is not a decision that can be taken at officer level. For this reason, a recommendation is not given but possible options are set out below.
1. Grant consent
 2. Grant consent subject to replacement planting conditions/informatives.
 3. Refuse consent
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Background Papers:

The following is a list of applications and associated documents, which can be viewed [Here](#).

- 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.
- 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.
- 24/0413/TTPO The works involve digging a trench to sever roots of protected trees, the trees are as described in the arb report. The trench is as described in the method statement in terms of its length, depth and location.
- 25/0432/TTPO T1, T2 & T3 London Plane - Remove (fell) to ground level and treat stumps to prevent regrowth.

Appendices:

Appendix 1 Consultee Comments

Appendix 1

Consultee Comments

Comment	Officer Response
The application is a waste of public time and money as the felling has already been refused. The applicant should be banned from applying again.	The council is obligated to determine any valid tree works application.
193 Sturton St was constructed in 1995/1996 the foundations should have been designed and constructed to withstand tree influence	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.
TPO implies a presumption against removal	A TPO is served to prevent unjustified and harmful works to trees of value. Not to prevent all work regardless of justification
The evidence supporting the alleged damage has been examined and rejected three times.	Evidence was determined to be lacking in relation to 22/0271/TTPO. Subsequent decisions valued trees higher than the cost of any associated compensation claim and were not refused due to lack of evidence.
There is zero public benefit from felling any of the trees only massive public harm	A refusal to allow removal would likely result in a claim for compensation in excess of £280,000. This loss of funds could be considered to be contrary to public benefit and is therefore an important consideration.
No new evidence has been presented	A causal link between damage to 193 Sturton Street and the subject trees has been evidenced previously.
The value of the trees is greater than any damage to a single property	As a refusal could lead to a claim for compensation, committee will decide if the significant value of trees outweighs the potential financial loss to the council
Felling the trees would set a dangerous precedent	Every tree work application should be considered on its own merits and supporting evidence.
If the trees are causing damage why are no other properties damaged.	Tree related property damaged is the result of a number of causal factors that can change metre to metre. The proximity of the trees to other houses would not, alone cause damage to them. The lack of damage to adjacent houses is not evidence of a lack of damage/movement at 193
No evidence has been presented to show alternative solution such as a root barrier or underpinning	The previous application was for the installation of a root barrier. If this application is refused the property will likely be underpinned.

Level monitoring data is not consistent with the uptake of moisture from trees	Level monitoring from May 2020 to December 2022 shows a cycle of seasonal movement that can only be explained by the influence of significant vegetation.
If the trees are removed there is a risk of heave	A heave assessment has been carried out and the risk considered to be low, this was verified by an independent structural engineer.
If there is no proof of subsidence that can be proved definitively to be the fault of these trees, then the council is not liable for remedial costs.	A claimant needs to establish, on the balance of probabilities, that the trees were an effective and substantial cause of the damage.
A key reason for refusal of 23/0119/TTPO was that the amenity value of T1, T2 & T3 outweighed any damage at 193 Sturton Street - for which the Council has never accepted any liability	Agreed, the previous two applications were refused because the damage associated with the trees was not considered to outweigh the trees' amenity value. The council has not to date received a claim so has not accepted any liability
CAVAT provides a consistent and transparent protocol for evaluating the amenity value of trees. The only CAVAT value so far available for T1, T2 & T3 is a "preliminary" figure of ~£200,000. That appears to have omitted some key elements.	The 2023 CAVAT value has been updated in line with increased unit value factor and updated methodology. However, CAVAT is not designed to balance the cost of a claim for compensation against a specific tree value. Consideration must be given to a council's ability to pay and any public detriment associated with a reduction in funds.
Planning judgments and decision may not LAWFULLY be influenced by consideration of 'costs'	Town & Country Planning Act 1990 S.202E and Town & Country Planning (Tree Preservation) (England) Regulations 2012 R.24 allows a person who has incurred a loss as a result of a tree work application decision to claim compensation. The PPG is clear that in taking a decision on an application for consent to carry out works to a protected tree, authorities should bear in mind that they may be liable to pay compensation for loss or damage as a result of refusing consent
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 (as amended) Part VIII, Chapter I and the 2012 Regulations. In this context the benefits of retaining the trees may be outweighed by the nuisance associated with tree related subsidence.
Under the "Related Cases" tab, there is a list for 193 Sturton Street, CB1 2QH of SIX planning applications - including 25/0432/TTPO. Not included is the refused 23/0119/TTPO, which is identical to 25/0432/TTPO. What can be the Council's justification for having omitted 23/0119/TTPO from the "Related Cases" tab for 25/0432/TTPO? How are local residents to interpret our public Planning System having ALSO failed to highlight this crucially material prior planning history?	The application register, including history and related cases, is based on application address. The addresses provided for 25/0432/TTPO is Street Record, Sturton Street and the address provided for 23/0119/TTPO was St Matthew's Centre, Sturton Street.

Summary of Friends of St Matthew's Piece Objection with officer comments in italics.

1. 25/ 0432/ TTPO – *exactly* like the previously refused 23/ 0119/ TTPO – applies to fell T1, T2 & T3 on St Matthew's Piece, for the *exact* same alleged reason.

2. A different planning decision would require the applicant to provide:

- **new** evidence and/ or
- **new** 'material considerations'.

Is this provided? **No**, it is not.

3. The applicant submitted six documents for the validation of 25/ 0432/ TTPO. Five are identical to documents for the previously refused 23/ 0119/ TTPO. Therefore, **nothing** in these five documents *can* provide **new** evidence or **new** material considerations.

4. Careful analysis of the 20 pages of the remaining, sixth, document reveals that it contains **no challenge** at all to the prior refusal of 23/ 0119/ TTPO.

5. Instead:

- ~70% comprises shuffled fragments of the applicant's **old** supporting material from 23/ 0119/ TTPO – so **not new**;
- ~25% address *other* planning refusals – not 23/ 0119/ TTPO – so **not 'material'**.

6. That leaves ~5% – *about one page* of the content of the 6th document – in which the

applicant *could* theoretically provide:

- new evidence and/ or
- new material considerations.

Does it? **No**, it does not.

7. The new content for 25/ 0432/ TTPO offers **zero new evidence** to support its allegation that damage at the property is "more extensive and has worsened".

8. It focusses *instead* on threatening the Council (three times) with underpinning costs of £279,500... were 25/ 0432/ TTPO to be refused. The threatened underpinning

costs are abruptly increased here from £120,000 – with *no* details, *no* evidence and *no*

justification. **Neither** of the two **other** listed cost figures is increased **at all**.

Does this intimidate our Council?

The applicant has provided an updated arboricultural report that repeats previous evidence, provides information relating to the financial risk to the council associated with a refusal, a comparison of CO2 emissions and a timeline of damage/movement. The applicant has not provided any additional evidence to support the original claim or to support additional movement. While the additional and consolidated information is a pertinent consideration it should not necessarily result in a different decision.

9. It is significant that planning judgments and decisions may **not** lawfully be influenced by 'cost considerations'. Costs are **not** material to planning decisions.

10. In essence, the single(-ish) page of new content in 25/ 0432/ TTPO, provides:

- **zero new** data;
- **zero new** evidence; and
- **zero new** material considerations.

11. 25/ 0432/ TTPO therefore fails to build **any** planning case for reversing the prior refusal to fell T1, T2 & T3.

12. 25/ 0432/ TTPO **must** therefore be **firmly refused**.

Town & Country Planning Act 1990 S.202E and Town & Country Planning (Tree Preservation) (England) Regulations 2012 R.24 allows a person who has incurred a loss as a result of a tree work application decision to claim compensation.

The significant difference between the refused 23/0119/TTPO and 25/0432/TTPO is the potential cost of a claim to the council, which has risen. The PPG is clear that in taking a decision on an application for consent to carry out works to a protected tree, authorities should bear in mind that they may be liable to pay compensation for loss or damage as a result of refusing consent.

A compensation claim for underpinning in relation to 23/0119/TTPO would now be out of date. Following the refusal of 23/0119/TTPO a notice of intention to claim was made in relation to the costs associated with a root barrier. However, as 24/0413/TTPO was refused the installation of a root barrier was not permitted and underpinning is proposed to stabilise the property. The current application is required to allow any claim for compensation associated with a refusal. While there is an increased cost risk to the council this should not automatically result in a different decision to 23/0119/TTPO but should be a consideration.