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Our ref: FRI7/1
Your ref: 25/0432/TTP

Attn: Joanna Davies, Tree Officer

21 June 2025

By email: planning@greatercambridgeplanning.org
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URGENT PLEASE – committee meeting on 25.6.25

Dear Council

St Matthew's Centre, Sturton Street – application to fell three plane trees – 25/0432/TTP

1. We are instructed by Friends of St Matthew's Piece in relation to the above. We are familiar with the issues having been involved in earlier attempts to have the subject trees removed. We understand the matter is coming before the Planning Committee on 25.6.25.

2. We understand the matter is (inexplicably) being expedited, also that the Council is not providing livestream, which given the controversial nature of the issues is concerning. However, we understand that you will have an AV team there and so presumably will have a recording afterwards? In any event we understand that those attending will be free to record the proceedings. Please advise the position, the last thing anyone wants is any sort of procedural argument.

3. On the substance of the matter, we note the officer report (OR) which does not recommend any particular decision but is to the effect that a decision to fell now could properly be made based on (a) increased costs of underpinning compared with the last time this matter was reviewed (£120k vs £280k); (b) the lack of applicability of CAVAT values in the costs equation; and (c) evidence supplied by the insurers for the house said to be affected that the trees are still causing problems.

4. Our clients have obtained the report of an experienced structural engineer Philip Cooper of Cambridge Architectural Research Ltd. which we are aware (we were copied into your receipt, thank you) they have forwarded to you separately and which should of course be considered carefully by members. We will not repeat what this says but put shortly he considers it likely that any recent measurements may well be inaccurate, and in any event the degree of damage to the house is slight and would not justify underpinning.

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5. As a slightly separate matter, and it was beyond his brief, so he has not commented on it in his report, the underpinning now proposed at the cost of some £279,500 + VAT is understood to have no proper justification – even if underpinning were justified in the first place. We trust it is not over-cynical (but we do have experience of claims put forward by the agents in question here, which properly leads at least to caution) to say that the methodology and figure quoted appear designed to frighten the Council.

6. Of course, as lawyers we are not qualified to judge what would be required were underpinning necessary. What we can however say with confidence is that it would be absurd for the Council acting rationally not to take independent advice on what the insurers say in para 9.6 of the OR on this and related issues. (At the time of writing, the portal displays a continuous error message, so it is impossible to check the source of the extended quote in OR paragraph 9.6 – further, our clients say no source or contextual document is indicated, can you confirm the position?)

7. Especially considering the amounts in question, it is anyway extraordinary that the Council's engineer has only assessed documents submitted by the applicant, rather than being asked to advise independently on the extent of alleged damage, the contribution (if any) by the trees, and on appropriate repair. On all these points it is obviously essential for the Council to be fully and independently informed, to assess the merits of the claim and if there is some contribution by the trees, how much of the alleged damage the Council should be responsible for paying for if one arises.

8. As to the costs comparison – broadly put, the amenity value of the trees put in financial terms against the costs of repairs, the total as per your report of the amenity value is approximately £550k (note: there are some obvious misprints in the way the OR sets out the figures: the total could be £570k) – on any view a high figure and around double even the newly-inflated costs of underpinning, nearly five times the original costs of that. We note various points made about the relevance of CAVAT figures, including that they represent a capital value whereas the Council has before it the possibility of paying a relatively high current cash expense outlay, albeit much less than that stated capital CAVAT value. (As above regarding access to your portal, we have been unable to check for ourselves, but understand that the CAVAT assessments here are listed by the Council on the portal as having been provided by the applicants, and also are redacted, further raising queries about the process adopted.)

9. Overall, while acknowledging the inevitable limitations of the CAVAT methodology eg. at levels of detail, the fact is that it is a good guide to the basic balance that might have to be struck here – even if underpinning were required, which we are firmly advised it is not. We remind you that in previous decisions relating to these trees the CAVAT value has been considered and the conclusion (see 23/0119/TTPO) was that "the damage associated with the retention of the trees is not considered to outweigh their amenity value." We appreciate the cash position, but these trees are a capital asset of the streetscape and if cash is used as a surrogate for amenity, it must be considered as having similar value whether as cash in the bank or as capital asset. Otherwise, there would be no point in such valuation at all. Here, it means that the Council's responsible

course is to refuse the application and pay a claim if it arises – but scrutinising it very carefully including, obviously, as to whether underpinning is necessary at all.

10. In all these circumstances, we believe the Council really must refuse the application. It should make it clear to insurers that underpinning is inappropriate, and if that were to be a solution pursued by insurers it must have the opportunity to be fully involved with proper assessment of the genuine requirements of the house and the contribution of the trees (if any) to alleged damage. It must rationally do this to be able properly to assess the position. We believe the position is so obvious that the Council would be acting irrationally and opening itself to judicial review if it were to make any decision to fell without fully investigating the matter from an arboricultural and engineering perspective and indeed dealing with amenity values in a rational way.

Yours faithfully



RICHARD BUXTON SOLICITORS

cc. Friends of St Matthew's Piece friends.of.st.matthews.piece@gmail.com