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Cc: [Planning Comments \(SMDC\)](#)
Subject: SMD/2023/0635 - Rudyard Memorial Institute, Lake Road, Rudyard
Date: 23 February 2024 16:20:52
Attachments: [image001.png](#)
[TPO SM.328 - T1 constraints & impacts sketch plan.pdf](#)

Hannah

Summary: objection on the grounds of detrimental impact on a significant tree currently protected by TPO. Wider issues, conflicting constraints and potential for the building to remain in disuse are acknowledged but are matters for the wider judgement of the local planning authority. Notwithstanding the objection, conditions are requested in the event that planning permission is granted.

I have the following comments on this re-submitted/amended application, following recent refusal of a similar proposal under reference number SMD/2023/0327:

The current application is very similar to the previous scheme in terms of the proposed extension and alterations to the existing disused Institute building itself, other than a slightly smaller new rear extension and the previous third bedroom in each of the two proposed bungalows now being denoted as “dining room”. However, it remains the case that the proposed conversion, extension and change of use of the building itself would not detrimentally affect any significant trees, including the Beech T1 and Spruce T2 currently protected by the recently made Tree Preservation Order (TPO) No. SM.328.

There is a significant amendment to how the proposed development affects the site frontage between the Institute building and Lake Road. Previously, excavation down to road level of much of the banked and retained frontage was proposed in order to accommodate 6 new off-street parking spaces and, as was indicated, this would have required removal of the protected mature Beech tree T1. The current amended application now proposes just 2 parking spaces occupying a much reduced excavated area, with the remaining frontage to be retained as is, along with the Beech T1.

The description of development on the current application form also includes “raising crown of existing beech tree” and the updated Arboricultural Impact Assessment (AIA) report accompanying the application further details this work as removal of secondary branches to give 3m clearance to the roof of the building (to protect against damage arising due to direct contact encroachment including from swaying branches) with the crown also to be similarly pruned all around to be left balanced. Such pruning is considered necessary, appropriate and acceptable (irrespective of any development proposals) and assuming carried out to good standards of arboricultural practice it would not be detrimental to the condition or amenity value of the tree. In the event that this planning application is approved, the proposed pruning would be automatically authorised by the planning permission, subject to any relevant conditions imposed as applicable. However, if planning permission is refused, the proposed pruning – whilst itself considered appropriate as already noted – would strictly and correctly require submission of a separate TPO tree works application and grant of consent.

The Tree Constraints Plan/Tree Protection Plan and Tree Survey Schedule have unfortunately

been omitted from the applicant's updated AIA. However, the original version of the AIA (by the same arboricultural company) did not indicate the Root Protection Area (RPA) for the Beech tree T1 as at that stage the tree was proposed for removal. A standard "default" RPA derived from British Standard 5837:2012 *Trees in Relation to Design, Demolition and Construction - Recommendations* would normally be represented by a circle of radius 12 times the tree stem diameter at 1.5m above ground level (for a single-stemmed tree). However, such a default circular RPA for T1 would, on plan, extend significantly under the Institute building and also beyond the highway frontage retaining wall and out into Lake Road, and it is highly likely that these built structures have been significant constraint/obstruction to root growth. BS 5837 recognises such possibilities and advises that in such circumstances it may be more appropriate to generate a bespoke RPA of shape to fit within constraints but with the same overall area as the default circular RPA. For T1 at the Rudyard Institute, a revised bespoke RPA would cover the whole of the grass-banked site frontage, and even then would not be of equivalent area to the notional circular RPA.

The result of this is that the proposed 2 parking spaces would just about be outside the notional circular RPA, but in practice given the aforementioned constraints and assuming a more realistic bespoke RPA across the whole frontage, excavation for these 2 parking spaces would encroach within the bespoke RPA (see attached sketch plan). The AIA report acknowledges this, but suggests that adverse impact would be low as the encroachment is limited and at the edge of the RPA, and recommends further root damage limitation by hand-digging and clean-cutting of exposed roots rather than ripping out with a mechanical excavator (appropriate advice if the proposal was to proceed).

It is noted that in practice such excavations are not cut to precisely the line drawn on a plan, but would be cut back further into the bank to a temporarily self-supporting exposed face to accommodate construction of a new retaining wall which is then back-filled. Therefore encroachment and impact within the RPA would in practice extend somewhat further back than the precise footprint position of the parking bays as approximately denoted by the dashed red line on the attached plan.

Furthermore, it is noted that the highway authority consultation comments on the current application specify that a 2.4m x 43m visibility splay for the parking bays would be required, resulting in a need for cutting back the existing banked frontage across the width of the site – as approximately indicated by the bold purple line on the attached plan. In practice, initial excavation would no doubt again extend further back than a precisely measured visibility splay line. (I would presume that such visibility requirement would be equally required for any vehicular access onto/off the site eg for parking provision to the rear of the Institute).

As a consequence of the excavations for parking bays and visibility splay, there would be a significant encroachment into the bespoke RPA with a need to remove tree roots to accommodate such works; this would be likely to have an adverse effect on tree condition and may also have some effect on stability. It may well be the case that retention of the Beech T1 and provision of any amount of off-street parking are not mutually compatible in the longer term.

A report to the Council's Planning Applications Committee on 29th February 2024 is recommending that the currently provisional TPO be confirmed as permanent without

modification. The report refers to this pending planning application, and clearly the outcome of the TPO confirmation decision will have implications for the planning application outcome – if TPO protection is maintained for the Beech T1 then it will remain a constraint to be taken into account in the planning application determination, whereas if the Committee resolve that TPO protection of T1 should not be continued this would in effect open the door to removal of the tree and its current constraints to the proposed development. It should be noted that a local planning authority is not prevented from granting planning permission for development proposals which would directly require the removal of protected trees, although such impact is of course a material consideration to be taken into account in determination.

I appreciate that the continued presence of the Beech T1, along with other technical/heritage/amenity issues, form significant constraints to the change of use of the building and site, and to any operational development requiring planning permission, and ongoing absence of any sort of use is liable to leave the building disused and further degrading with attendant amenity impacts (albeit there is an existing planning use which could be presumably be re-established as a fall-back without requiring planning permission?). The local planning authority may need to take a wider view on this, but as arboricultural officer, with regard to the currently protected status of T1 (and T2) I would object to a development proposal leading to the loss of this tree or, as is currently the case, likely to cause significant adverse impact on the tree.

Notwithstanding this objection, I would request that the following conditions are imposed in the event that planning permission is granted:

1. No trees, shrubs or hedgerows shall be removed other than those whose removal is directly required to accommodate the approved development, unless otherwise approved by the LPA. There shall be no removal of any trees, shrubs or hedgerows during the bird nesting season (nominally March to August inclusive), unless otherwise agreed by the LPA and in this case only following careful inspection by a competent person immediately prior to removal in order to establish that such trees, shrubs or hedgerow are not in active use by nesting wild birds.
2. Any mature tree to be removed or to have substantial crown pruning operations carried out shall first be carefully inspected for the potential to provide bat roosting opportunities. Any tree which has such potential (which could include cavities, splits, decay pockets, hollow stems or branches, areas of loose bark, dense ivy cover or dense epicormic shoots) shall be subject to a further detailed and if necessary climbing inspection by a licensed bat worker immediately prior to felling or pruning, and all felling or pruning of such trees assessed as having moderate or greater potential for roosting shall take place in the presence of the bat worker who can then immediately advise on appropriate measures if bats are encountered during dismantling, felling or pruning operations.
3. The crown lift pruning to the Beech tree T1 is authorised by the planning permission hereby granted, and shall comprise the removal only of lower and pendulous secondary branches of up[to approximately 100mm diameter in order to provide 3m clearance from/over the roof of the Institute (with due

allowance for lower branch droop under the weight of foliage) and similarly carried out all around the tree to leave the crown well-balanced. All tree work shall be carried out in accordance with British Standard 3998:2010 *Tree Work – Recommendations*.

4. All excavation into the banked frontage of the site to accommodate provision of parking spaces and/or highway visibility splays shall be carried out by hand with any roots encountered to be cut back to the line of excavation using a clean sharp pruning tool designed for this purpose, with root pruning cuts made transverse to the direction of root growth in order to minimise the size of pruning wounds, in accordance with British Standard 3998:2010 *Tree Work – Recommendations* and as set out in the Hamps Valley Ltd Arboricultural Impact Assessment report submitted in support of the application hereby approved.
5. The first action on commencement of development, prior to any further action (including any demolition, site clearance, site stripping, site establishment or formation/improvement of temporary/permanent access) shall be the erection of temporary tree protection barriers and advisory notices for the protection of the existing trees to be retained, in accordance with guidance in British Standard 5837:2012 *Trees in Relation to Design, Demolition and Construction – Recommendations*, and as set out in the Hamps Valley Ltd Arboricultural Impact Assessment report submitted in support of the application hereby approved, and other than any temporary removal required in order to facilitate access to carry out the tree work approved under Condition 3 (or as may be re-numbered to suit the condition sequence of the decision notice – SM) these barriers and notices shall be retained in position for the duration of the period that development takes place, unless otherwise agreed by the LPA. Within the fenced areas there shall be no excavation, changes in ground levels, installation of underground services, provision of hard surfacing, passage of vehicles, storage of materials, equipment or site huts, tipping of chemicals, waste or cement, or lighting of fires unless otherwise agreed by the LPA.
6. Within 3 months of the date this planning permission is granted a comprehensive landscaping scheme shall be submitted to the LPA for approval. Such a scheme shall in particular make provision for the planting of suitable new trees in mitigation for those removed. The submitted landscaping scheme shall include full details of all proposed new trees, shrubs and other planting, giving specification for species, positions, planting sizes and numbers/densities of all new planting. The landscaping scheme once approved shall be fully implemented before the end of the first available dormant season (November to February inclusive) following completion of the development hereby approved. The trees and shrubs etc planted in accordance with this landscaping scheme shall be properly maintained for a period of 5 years following planting. Any plants which within this period are damaged, become diseased, die, are removed or otherwise fail to establish shall be replaced during the next suitable season.

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