

From: [Steve Massey](#)
To: [Hannah Varley](#)
Cc: [Planning Comments \(SMDC\)](#)
Subject: SMD/2023/0635 - Rudyard Memorial Institute, Lake Road, Rudyard
Date: 22 July 2024 17:45:33
Attachments: [image001.png](#)

Hannah

Summary: no objection subject to conditions.

I have the following further comments on this application, with reference to the Supplementary Design, Access and Heritage Statement and amended plans Drgs. Nos. 23-137-04 Rev A, 23-137-05 Rev A and 23-137-06 Rev A which I understand to be the most recent set of proposals.

I apologise for the delay in sending these comments.

Tree Preservation Order (TPO) No. SM.328 was made as a provisional Order on 6th September 2023 and confirmed without modifications as a permanent Order on 1st March 2024. The TPO protects a large mature Beech tree as T1, situated on the banked grass frontage to the Memorial Institute, and a large mature Spruce as T2, situated c.4m from the south-east gable end elevation of the Institute. Both trees are included in the initial Tree Survey/Arboricultural Impact Assessment report by Hamps Valley Ltd submitted with the previously refused application SMD/2023/application.

The latest revised proposals, as with the initial version of this application and the previously refused application SMD/2023/0327, would not have any significant impact on the Spruce T2.

The first application proposed removal of the Beech T1 in conjunction with excavation of most of the banked site frontage down to road level in order to accommodate 6 off-street parking spaces. The current application revised this to partial excavation for only 2 spaces whilst retaining the Beech T1; however even this would have led to significant encroachment within and damage to the tree's Root Protection Area, as noted in my previous comments dated 23rd February 2024. The scheme has been further amended, and the latest revisions noted above now propose full retention of the banked site frontage with no off-street parking to be provided within the site. The Beech T1 is again shown to be retained, and clearly the latest amended layout would have no impact on the tree's root system – this is obviously desirable and welcome from the point of view of retaining and avoiding damage to a large prominent protected tree which contributes to significantly to the streetscape and to the character of the Rudyard Conservation Area, and also allows retention of the frontage retaining wall and gateway piers which also contribute to Conservation Area character, although I recognise that it may well raise different material

planning issues in relation to the lack of off-street parking provision.

The revised Statement refers to the proposed pruning of the Beech through a crown lifting operation to remove lower branches currently in contact with the roof of the building; this work if carried out to a broadly similar extent around the full crown of the tree would leave it reasonably well balanced visually and also address minor low encroachment over the highway and onto overhead electric wires. Crown lifting is considered appropriate and acceptable, irrespective of but also in conjunction with the proposed development. The pruning is not specified in detail in the Statement nor on the application drawings, although the updated Tree Survey/AIA report recommends removal of secondary branches to provide 3m clearance above the roof with balancing all round the tree, and this is considered to be an appropriate extent.

If this planning application is approved, the proposed pruning would be automatically authorised by the planning permission, subject to any relevant conditions imposed, and separate application and grant of consent under the TPO would not also be required in this event. However, if planning permission is not granted, the proposed pruning (although appropriate irrespective of development) would not be authorised and a separate specific application and grant of consent under the TPO would be required before such work could be implemented.

In conclusion, I have no objection to this application as now amended, but would request that the following conditions be imposed in the event that planning permission is granted:

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 Tree Survey and Arboricultural Impact Assessment report dated December 2023 submitted in support of the application hereby approved, and 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.

This planning permission authorises the carrying out of crown lift pruning to the mature Beech tree on the site frontage protected as T1 under Tree Preservation Order No. SM.328, which is to specifically comprise the removal, back to their base unions with the stem or parent limbs as applicable, of lower and pendulous smaller diameter (up to c.100mm)

secondary branches in order to provide approximately 3m clearance above the main roof of the Institute building, together with similar work all round the crown of the tree to leave the crown reasonably well balanced, unless otherwise agreed by the local planning authority. As a consequence of the authorisation for such pruning arising from this planning permission, separate application and grant of consent for such pruning is not also required under the provisions of the Tree Preservation Order. All work is to be carried out in accordance with British Standard 3998:2010 Tree Work – Recommendations.

Alternatively, if planning permission is refused, please include the following informative note on the decision notice:

As a result of the refusal of planning permission set out on this decision notice, it should be noted that the proposed pruning of the mature Beech tree on the site frontage (protected as T1 under Tree Preservation Order No. SM.328) noted in the application details is not authorised, and a separate application and grant of consent under the provisions of the Tree Preservation Order would first be required in order to carry out any work to the tree unless otherwise authorised under any of the statutory exemptions to such controls set out in the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

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