

<b>APPLICATION NO: 16/00499/FUL &amp; LBC</b>		<b>OFFICER: Miss Michelle Payne</b>
<b>DATE REGISTERED: 23rd March 2016</b>		<b>DATE OF EXPIRY: 18th May 2016</b>
<b>WARD: Park</b>		<b>PARISH: N/A</b>
<b>APPLICANT:</b>	Mr Ashley Jones	
<b>AGENT:</b>	Mr John Sharp	
<b>LOCATION:</b>	Lypiatt Lodge, Lypiatt Road, Cheltenham	
<b>PROPOSAL:</b>	Part two-storey, part single-storey rear extension to form new dining room on the ground floor with extended kitchen over (revised scheme)	

## Update to Officer Report July 2016

### 1. OFFICER COMMENTS

- 1.1. Members will recall that this application was deferred at the May committee meeting to enable further discussion and negotiation to take place with the applicant/agent in respect of the design and size of the proposed extension and to enable additional information to be submitted in respect of the large, mature Copper Beech tree within the site – this update should therefore be read in conjunction with the main officer report and update report published in May (attached).
- 1.2. Revised plans have been submitted in respect of the extension; however, the revisions to the scheme previously considered by Members are minimal. It was suggested to the applicant's agent that a more modern, visually lightweight approach at ground floor with large amounts of glazing and a simple flat roof with parapet, may be more appropriate; however, these suggestions have not been addressed in the revised scheme. Whilst the external elevations of the extension at ground floor have been simplified, the footprint, massing and size of the extension is unchanged. As such, the revisions fail to address the refusal reason previously suggested by officers.
- 1.3. It is however recognised that Members were presented with insufficient information in order to assess the impact on the Copper Beech tree within the site at the May committee meeting. Whilst the applicant and their agent were aware of the Trees Officers comments at that time, the information was not forthcoming. Therefore, with hindsight, an additional refusal reason should have been suggested relating to a lack of information in this respect.
- 1.4. Following the May committee meeting, an Arboricultural Survey, Impact Assessment and Method Statement was submitted and the Trees Officer's comments in response to that submission are copied below; it should be noted that since the May committee meeting, the Copper Beech and 3no. Lime trees have been TPO'd.

*The Tree Section maintains the objection to this application because of potential impact of the proposal on the adjacent (now) TPO'd beech tree on this site.*

*Whilst the revised plans are accompanied by a BS5837 (2012) Tree Survey, Tree Protection Plan (TPP) and Method Statement (MS), the proposal still significantly encroaches into the Root Protection Area of the large mature Beech T1.*

*This tree is elevated by over 1 metre compared to the existing ground level of the nearest on site building. However it is described as being elevated approx. 45cms on the Tree*

*King TPP and as such many of the tree's structurally supporting roots are likely to be within this raised area.*

*The proposal is to reduce the current rooting area from 6 metres to the nearest building to 4 metres to a proposed new footpath. The Root Protection Area (RPA) is 10.4 metres (342 Square metres) -according to Tree King report. Whilst it is suggested to off-set the RPA to an area north of this tree, this does not take account of the morphology and disposition of the roots or the trees tolerance of root damage (as suggested in BS5837 (2012) Para 4.6.3. It is considered that off-setting this area as suggested so as to enable building within 4 metres of the centre of the trunk of the tree could destabilise the structural integrity of the tree at worst or possibly lead it into a spiral of decline as a result of feeding root damage. This is especially so as the ground level on the west side of the tree is some 120cms lower than on the trunk side and indeed the tree appears to be 'sitting on' rocks and immediately adjacent to a boundary/retaining wall on this side (as described in Appendix 2 of Tree King Report). As such the tree will likely have an asymmetrical root pattern biased in favour of rooting on the east side of the trunk where it is proposed to construct at a distance of 4 metres.*

*The lower lias clay described in para 2.1 of Tree King report will likely necessitate a deeper foundation design which could further damage any deeper existing roots in this area.*

*The proximity of the proposed building could lead to feelings of anxiety of this tree by residents due to its large elevated presence and as such there would likely be further pressure to prune to relieve such perceived risk. Whilst there is a proposal to reduce the canopy of the crown by 2 metres (thus 4 metres across the full diameter of the crown), this will reduce the visual amenity value of this tree which does not appear to have had any previous such pruning treatment. Trees Officers do not concur with Tree King report statement that the tree is 'young and vigorous' (Para B3) and such a pruning proposal could be significant if combined with a corresponding severance of the roots near to the tree's trunk*

*Similarly, the TPP shows a very limited materials storage area on an area of land to the south (rear) of the building. It is not clear how materials will be transported to this area if the RPA of the beech is maintained-there is a proposed 2 metre clearance only between the proposed protective fencing and the nearest point of the existing building.*

*To conclude - the proposed extension is too close to the existing TPO'd beech to the west and there are technical problems with access facilitation to enable building to the south of the existing building near to the TPO protected lime trees.*

- 1.5. Members will note that the Tree Section originally maintained its objection to the proposed extension due to its proximity to the now TPO'd Beech tree.
- 1.6. In response to this, a revised lower ground floor plan which omits the proposed paving on the west side of the extension has been submitted together with a revised Arboricultural Survey, Impact Assessment and Method Statement was submitted. Having assessed the revised information, the Trees Officer now considers the proposals to be broadly acceptable and has commented as follows:

*The revised tree survey, impact assessment and method statement have, following negotiation and discussion been revised and modified to an extent where the development proposals are broadly acceptable to CBC Tree Section.*

*It is noted that the footpath to the west of the proposed new development has been removed/erased. As such the proposed development will be some 5.5 metres away from the tree. Whilst this is still well within the Root Protection Area (RPA) as recommended in BS5837 (2012-Trees in relation to Design, Demolition and Construction-*

*Recommendations) it is also noted that the new extension is to be constructed on a pile foundation set at 150mm above ground. Other tree root protection measures within the RPA are also recommended within this revised report.*

*However para B5 recommends that a crown reduction of 2 metre height and 1.5 metre on each side of the tree will be required. It also goes on to say that there should be an "option to undertake more (reduction) if the necessity for such is indicated or immediately following their completion". Trees Officers consider that there is little scope for more than a 2.5 metre maximum reduction of the crown (on each side). Beech trees' bark is susceptible to scorch and necrosis following heavy reduction as direct protection from the hot sun in summer months (leaves) will mostly have been removed. Such an absolute maximum 25% reduction is broadly in line with the max 30% crown reduction beyond which is broadly considered to be poor arboricultural practice. A maximum 25% crown reduction in radial width alone and combined with root protection measures is unlikely send the tree's vitality into a spiral of decline.*

*As such it is recommended that should planning permission be granted the following conditions are used:*

*TRE08b-Arb monitoring*

*TRE05B-no service runs within RPA*

*Similarly all working methods are to be in accordance with this July 12<sup>th</sup> 2016 arb report.*

*It is also recommended that the "gutter cover informative" is also employed.*

## **2. CONCLUSION AND RECOMMENDATION**

- 2.1. As set out at in the May update report, officers acknowledge the benefits that the proposals would bring, to both staff and residents but consider the benefits to be limited and not in any way beneficial to the building. As such, officers do not consider that the public benefits would outweigh the harm to the listed building; and the revisions do little to overcome this concern.
- 2.2. Therefore, whilst it is acknowledged that some Members at the May committee meeting had sympathy for the applicant and felt that, in fact, the benefits might marginally outweigh the harm, the officer recommendation remains to refuse planning permission for the following reason:

## **3. SUGGESTED REFUSAL REASON**

- 1 Lypiatt Lodge, Lypiatt Terrace is a Grade II listed building of architectural and historic importance, and the Local Planning Authority is therefore required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

As proposed, the extension, by virtue of its design, massing and size, and the consequent erosion of space around the building would harm the character, appearance and setting of the listed building.

Accordingly, the proposals are contrary to sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national policy set out in the NPPF

and in the Historic Environment Good Practice Advice in Planning, and policies CP7 (design) and BE9 (alteration of listed buildings) of the Adopted Cheltenham Borough Local Plan.