

23/02/2023

Re – Planning Application – 2022/93947 – 412 Birkby Road.

Dear Mr Holmes

We note that this new application is to move the garage of 412 Birkby Road back to the original proposed position as previously rejected by Kirklees planning as part of application 2021/91239.

The requested position will still interfere with the tree previously designated T30 in the initial application (2021/91239) and the plans for this application, T1 in the Arboricultural report (971505) accompanying this application.

As stated previously in other objections the reason the garage was moved from that location was because the Tree Officer, Nick Goddard was concerned that building in that location would damage the roots of this tree. His report dated 26 May 2021 states: 'The garage on the western side is within the rooting area of a large mature tree and requires loss of rooting area which is also not acceptable'.

Following the relocation of the proposed garage from its initial location on the western side of the plot, he states in his report of 14 July 2021: 'In addition the garage for plot 412 has been relocated which reduces any risk of harm to adjacent trees there too.' The delegated officer report, 16 sept 2021, page 9 , approving the plans to demolish and rebuild 410 and 412 stated "Initially concerns were raised by the Arboriculturist as the proposal sought to position one of the new dwellings within the crowns spread of protected trees, however amended plans were received which removed this element from the proposal."

I note that the new Arboricultural Survey also says:-

'5.2.1 As past excavations have encroached into the RPA of T1, possibly resulting in some root loss, the application of an appropriate mycorrhizae fungi will be undertaken to the soils around these trees after the construction phase is complete.'

This suggests to me that the current work has already encroached into the Tree Protection Area (TPA) , what has Kirklees done to stop work and ensure no further damage is done to this or other trees?

These developers have consistently ignored the planning rules that have been put by Kirklees into the planning permissions including:-

- Use of heavy vehicles above the weight limits set by Kirklees Planning. (Put down as a minor infringement by Kirklees)
- Sticking to working hours during the day, including today and not working on Bank Holidays which disrupts and affects the quality of life for existing residents.
- Protective barriers around existing trees not in place.
- Removal of trees previously deemed by the applicants own Arboricultural Report to have a long life (T1) removed to facilitate building of the 'Annexe' without permission. Kirklees accepting a post felling excuse that the tree was diseased.

We object to these plans and request that Kirklees Council also reject the application on the grounds that they had previously rejected this part of previous plans.