Consultation Response from KC, Trees
2023/91369 44, Town Gate, Highburton, Huddersfield, HD8 0QP
Demolition of garage and side entrance and erection of replacement detached garage, single storey extension, raising of roof and external alterations (within a Conservation Area)
Date Responded: 09/08/2023 **Responding Officer: D. Atkinson** **Responding Ref: 20/22/T1**

Kirklees COUNCIL

Thank you for the consultation and I apologise for the late reply.

The proposed development site is constrained by a mature Sycamore tree that is subject to 20/22/T1.

A Tree Preservation Order is an order made by a local planning authority in England to protect specific trees, groups of trees or woodlands in the interests of amenity. An Order prohibits the:

- cutting down
- topping
- lopping
- uprooting
- wilful damage
- wilful destruction

of trees without the local planning authority's written consent. If consent is given, it can be subject to conditions which have to be followed. In the Secretary of State's view, cutting roots is also a prohibited activity and requires the authority's consent.

The property is also within the Highburton Conservation Area. Trees in a conservation area that are not protected by an Order are protected by the provisions in section 211 of the Town and Country Planning Act 1990. These provisions require people to notify the local planning authority, using a 'section 211 notice', 6 weeks before carrying out certain work on such trees, unless an exception applies. The work may go ahead before the end of the 6 week period if the local planning authority gives consent. This notice period gives the authority an opportunity to consider whether to make an Order on the tree.

The protected Sycamore will foreseeably be impacted both directly and indirectly during the implementation of the proposal during the demolition of the demolition of garage and side entrance and erection of replacement detached garage and potentially the associated works (i.e. movements around site, storage of materials and soil contamination).

The proposal needs to be supported by a BS5837:2012 tree survey, Arboriculture Impact Assessment (AIA) and an Arboriculture Method Statement (AMS) undertaken by a reputable, suitably qualified and experienced arboriculturalist.

The BS5837:2012 tree survey is to establish the constraint the protected Sycamore trees and others poses to the development.

The AIA is to assess the potential impacts the existing and retained trees pose to/will have on the proposed development and vice-versa during construction and in the longer term. The conflicts identified should be discussed and the projects arboriculturalist suggests alternatives and potential ways of mitigating the issues.

The AMS details and describes how the demolition and development is to be undertaken while protecting and minimising damage to the retained and protected trees.

Overall, from a trees team perspective there is no objection in principle to the proposed demolition and development. However, more information is needed to demonstrate that the trees at site can be protected during the works and will be viable retained in the long terms.

As a result the there is a holding objection because the proposal is conflicting with adopted Kirklees Council Policy LP33.