

**Consultation Response from KC,
Trees**

2023/91441 31, Chapel Hill, Linthwaite, Huddersfield, HD7 5NJ

Change of use and alterations to former church (B8-storage) to 9 residential units (C3) and formation of car park (Listed Building within a Conservation Area)

Date Responded: 09/08/2023

Responding Officer: D. Atkinson

Responding Ref: 03/82

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

The proposed development site is constrained by existing trees that are within the Linthwaite Conservation Area and subject to Tree Preservation Order (TPO) 03/82.

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.

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 proposed site plan (Drawing P 100) needs the tree data from the tree constraints plan (appendix 4) of the arboriculture impact assessment Ref WC-160.1 revision a shown on it.

The proposal also appears ignoring the advice from the project arborist regarding the parking area within the Root Protection Areas (RPAs) of T006 and T007, the Sycamore and Ash which are subject to TPO 03/82 detailed in section A3.8 Cantilever Retaining Structure and Elevated Parking/Driveway Platform. To facilitate the parking area while preserving the rooting system and soil structure under it.

This is because the proposed site plan (Drawing P 100) doesn't reflect what is proposed within appendix 6 of the arboriculture impact assessment Ref WC-160.1 revision a by showing the Cantilever Retaining Structure and Elevated Parking/Driveway Platform on the plan. This approach or equivalent like RootBridge® would be tolerable from a trees team perspective if the default position of keeping new structures outside the RPA of retained trees can't be achieved.

But the plans need to be consistent and show the appropriate detail and demonstrate the protected trees at the site will be protected and retained within the development.

Overall, now there is an objection from an arboriculture perspective, because it conflicts with adopted Kirklees Council Policy LP24 (i) and Policy LP33.