

Consultation Response from KC,
Trees

2023/92712 Land adjacent, 36 Oxford Road, Dewsbury, WF13 4LL

Erection of 40 bed care home and 12 independent supported living units (use class C2) with associated works including the formation of car park and service access

Date Responded: 22/11/2023

Responding Officer: D. Atkinson

Responding Ref: 97/90 and 08/93

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

The development site is heavily constrained by protected trees around its perimeter that are subject to a Tree Preservation Order.

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 AR-6262-01 TS tree survey report and AR-6262-02 impact assessment appear to have made a fair assessment of the trees.

However, In addition to the impact of the permanent works, account should be taken of the buildability of the scheme in terms of access, adequate working space and provision for the storage of materials, including topsoil.

With the footprint of the building and new structures, the space on site is going to tight, especially with the tree protection fencing on site.

So, can we clarify in terms of access, adequate working space, storage, vehicle parking and provision for the storage of materials, including topsoil?

The surface water management report Rev B appears to be proposing runs crossing the RPA of retained trees. Which isn't ideal. Is there any scope to alter the route and keep them out of the RPAs of T26, T27, T28 & T29?

Further detail is needed and could be conditioned if needed:

- Pile and beam foundation are preferred within footprint of western elevation of unit within the RPA of T26, T27, T28 and T29.
- Specific details on how the footpath within the RPA's of retained trees T26, T27, T28 and T29 will be construction. A geo textile "no dig" construction method is required.

Overall, there isn't an objection in principle to the proposal. However, there are concerns from a trees perspective, that need clarification. As a result there is a holding objection to the proposed as it conflicts with adopted Kirklees Local Plan Policy LP33