2024.00373.000

George Hotel

Refurbishment (Planning & LBC)

Response - Tree Protection

02.07.25

Shaping places that have
a positive impact

June 2025

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Revision	Date	By
01 (Draft)	03.06.25	AHR Building Consultancy
02	07.02.25	AHR Building Consultancy

Consultee Response

Ref: 25.05.08 – 2025 91147_+Consultee+Responses_1087241.PDF
Date: 08.05.25
From: KC Trees
Officer: JD

The proposals look broadly achievable with relation to the adjacent trees and isn't likely to impact any of the trees long term.

The adjacent street trees are most likely within tree pits and their roots should not extend beyond this and therefore not be affected by the development.

The only concern is that the trees are susceptible to damage during construction due to their close proximity to the site.

There are no objection to the proposals subject to the following condition.

AMS Condition

Notwithstanding the submitted plans and information, an Arboricultural Method Statement and Tree Protection Plan, in accordance with British BS 5837, shall be submitted and approved in writing by the Local Planning Authority before construction commences.

The method statement shall include details on how the demolition and construction work will be undertaken to minimise damage to the retained trees.

Thereafter, the development shall be carried out in complete accordance with the Arboricultural Method Statement and Tree Protection Plan.

Reason: So as to protect to viability of the protected trees within close proximity to the application site and to accord with Policy LP33 of the Local Plan and advice within the National Planning Policy Framework.

Dialogue

The consultee has requested a condition based on reference to the following:
- Local Plan Policy LP33
- NPPF (section undeclared)
- AMS and TPP in accordance with BS 5837

And has requested the following matters be conditioned:
1. Arboricultural Method Statement
2. Tree Protection Plan

Local Plan Policy LP33

The Kirklees Local Plan Policy 33 references the following key statements:

Policy LP33 - Trees

The Council will not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity. Proposals should normally retain any valuable or important trees where they make a contribution to public amenity, the distinctiveness of a specific location or contribute to the environment, including the Wildlife Habitat Network and green infrastructure networks. Proposals will need to comply with relevant national standards regarding the protection of trees in relation to design, demolition and construction. Where tree loss is deemed to be acceptable, developers will be required to submit a detailed mitigation scheme.

In application of this policy to the site we the applicant wish to make the following observations:

- **Direct/ Indirect Threat** – It is noted that there are 3nr semi mature London Plan trees within the vicinity of the works which would be potentially affected due to falling within the site compound. There is limited direct threat as the trees fall under site compound area and therefore can be protected with ease and due to
- Ctd: the limited maturity and known installation/ root bowl status (relatively recently installed).
- Indirect threat again is deemed to be solely related to construction activity risk and as the trees fall within the works operator area (site cabins) this will already be under dust control and traffic protection accordingly.
- **Public Amenity** – These London plane Trees are limited elements of the public amenity within the car park areas and as such relevant protections are prudent.
- **Habitat** – The London Plane trees are deemed to be of insufficient maturity to contribute in this regard. Indeed it is noted that the George Square is under specific control measure in respect of Pidgeon infestation.

Consultant Summary LP33 – Whilst in principle the 3nr trees are deemed to provide Public amenity within the largely surfaced St George Square, this is limited due to maturity of the London Plane Trees (relatively recent planting) and the opportunity for Habitat contribution is limited accordingly. In respect of protection, the trees are in an area identified for welfare and as such not in the immediate construction areas and as such any assessment and protection measures should consider this reduced risk profile.

NPPF:

We the applicant are unable to comment as the consultee has not referenced the part of the NPPF to which they feel their basis of condition should apply.

Dialogue (ctd)

AMS and TPP in accordance with BS 5837

As discussed in the previous dialog, the application of any standard should be commensurate with risk and need and the consultee and planning officers are reminded of the nature of the British Standard referenced as recommendations/ ACOPs and therefore not statutory duty.

Arboricultural method statement – In the BS 5837 this advises this requirement to perform an assessment is required where any aspect of the development is within the root protection area (Section 3.7).

Utilising the RPA calculations under Section 4.6 In BS 5837 it has been assessed that the London Plane trees all fall under Cat B (Table 1) due to life expectancy but no particular increased quality status or rare/ unusual species. The Stem diameter is relatively uniform across all 3 trees being 225-285mm diameter (single stem) meaning Under Annex D of the BS that the following applies:

Name (Common): London Plane
Name (Sci): Platanus x hispanica
Family: Platanaceae
Origin: non native hybrid
Stem: Single 225mm
Nom Circle Rad (m): 2.70m
RPA: 23m2

We the applicant confirm therefore that the root protection area is deemed to be 23m2 and as such the application of a floor plate protection area of 5m/5m with the stem at the centre would reasonably apply if the BS is applied bluntly.

It is noted to the statutory consultee and Planning Officer that there have been a number of substantial works undertaken at the site with the exact same compound and building location unchanged which has not attracted additional protection measure request and indeed the Network Rail works compound also encompasses the site and a number of these semi mature London Plane trees which has also not required additional surveys or protection and ask that this be factored into the requirements.

The consultee is also reminded that the trees all fall within welfare areas and as such do not formally fall under the definition under BS5837 in respect of “aspect of the development” and as such the risk of harm is proportionately low (no different risk to the current profile in the centre of a car park unguarded).

The applicant confirms that the trees have been installed in root boxes

Dialogue (ctd)

AMS and TPP in accordance with BS 5837

As discussed in the previous dialog, the application of any standard should be commensurate with risk and need and the consultee and planning officers are reminded of the nature of the British Standard referenced as recommendations/ ACOPs and therefore not statutory duty.

Arboricultural method statement – In the BS 5837 this advises this requirement to perform an assessment is required where any aspect of the development is within the root protection area (Section 3.7).

Utilising the RPA calculations under Section 4.6 In BS 5837 it has been assessed that the London Plane trees all fall under Cat B (Table 1) due to life expectancy but no particular increased quality status or rare/ unusual species. The Stem diameter is relatively uniform across all 3 trees being 225-285mm diameter (single stem) meaning Under Annex D of the BS that the following applies:

Item	Condition 1	Condition 2
Name (Common):	London Plane	London Plane
Name (Sci):	Platanus x hispanica	Platanus x hispanica
Family:	Platanaceae	Platanaceae
Origin:	non native hybrid	non native hybrid
Stem:	Single 225mm	Single 300mm
Nom Circle Rad (m):	2.70m	3.6m
RPA:	23m2	41m2

Matter of Concern:

Whilst the planning department Ecologist has requested that protection measures apply according to BS 5837 there are concerns that this method of assessment and protection is not suitable in this case due to:

- Location within a car park (3 tonne cars parking within 1.5m already by layout) noting the trees currently have no stem protection.
- The installed trees are in root boxes restricting growth to approx. 1.5mx1.5m.
- BS5837 has limited guidance or application within an urban central setting.
- The trees all fall within welfare areas and as such do not formally fall under the definition under BS5837 in respect of “aspect of the development” and as such the risk of harm is proportionately low (no different risk to the current profile in the centre of a car park unguarded).
- The root protection area is deemed to be up to 41m2 and as such the application of a floor plate protection area of 6.5m X 6.5m with the stem at the centre would reasonably apply if the BS is applied bluntly. This is larger than can be reasonably managed with he constrained site.
- There have been a number of substantial works undertaken at the site with the exact same compound and building location unchanged which has not attracted additional protection measure request, clarity as to why measures nor required.
- The Network Rail works compound also encompasses the site and a number of these semi mature London Plane trees which has also not required additional surveys or protection and ask that this be factored into the requirements.

Tree Protection Plan

Applicant Statement

The applicant is of the opinion that the request for condition as proposed by the ecology officer is neither practicable or applicable given the current site layout and usability of BS 5837 and to this end wish to make the following alternative commitment:

Applicant Commitment

The applicant wishes to declare that the following specification and plan (Appendix A) shall be applied in respect of Tree Protection that is proposed to apply for the duration of the works

OUTLINE SPECIFICATION: TREE PROTECTION

1.0 GENERAL

1.1 GENERAL PROTECTION REQUIREMENT: Due to nature of tree installation within a root box and location within a car park (existing0 the RPA calculation under BS 5837:2012 is not deemed to be applicable however the duty to protect remains and to this end the contractor shall provide a protection zone of 2m X 2m (see fencing 1.3).

1.2 GROUND LEVELS: Existing ground level within the protected area to be retained undisturbed to prevent compaction of root zone, Any alteration to ground levels within Tree Root Protection Areas will require planning approval prior to commencement.

1.3 PROTECTIVE FENCING: Existing trees to be retained are to be protected from damage using fencing 2.3m high, fixed securely to a scaffold or equal ground-fixed framework (no concrete). Ensure that protective fencing is maintained in effective condition until completion of works and that no operations are carried out within protected area. Notices to be erected on fencing; 'Protected area - no operations within fenced area'. This fencing to be erected before work starts on site and only removed on completion of works.

2.0 PRECAUTIONS IN RESPECT OF TEMPORARY WORKS

2.1 VEHICULAR ACCESS: If temporary vehicular access is required through the restricted area, a re-inforced load bearing surface is to be laid over the existing soil / surface to prevent soil compaction. Appropriate precautions to be taken to prevent damage to the tree trunk and canopy. Ground protection for pedestrian traffic within the RPA to be in accordance with BS 5837 Clause 9.3.2.

2.2 SCAFFOLDING WITHIN A PROTECTED AREA: If it is essential for scaffolding to be erected within a protected area, protective fencing as detailed above is to be erected to provide must enough space for the scaffolding. Care to be taken to avoid damage to tree trunk or branches, (if necessary arboricultural work to be approved and undertaken by a qualified arboriculturist and be approved by the LPA prior to construction works).

2.3 MAINTENANCE: If maintenance is deemed to be required prior to commencement of works, the applicant shall seek approval from the LPA prior to commencement of work. Maintenance to be performed in accordance with BS7370:1993.

Tree Protection Plan (Ctd)

3.0 ADDITIONAL PRECAUTIONS OUTSIDE FENCED AREAS (ctd)

3.4 Trees to be conserved should not be used as anchorages for any purposes.

3.5 Notice boards, telephone cables, or other services should not be attached to any part of a tree.

3.6 Allowances must be made for the slope of the ground so that damaging materials such as concrete washings, mortar or diesel oil cannot run towards trees.

4.0 EXISTING LEVELS.
4.0 Ensure that the levels beneath existing tree spreads of the existing trees to be retained, are maintained to ensure no damage/compaction to root systems which may result in long term damage or failure of tree.

Item	BS 5837:2012 Req	Risk Assessed Tree Protection
Name (Common):	London Plane	London Plane
Name (Sci):	Platanus x hispanica	Platanus x hispanica
Family:	Platanaceae	Platanaceae
Origin:	non native hybrid	non native hybrid
Stem:	Single 300mm	Single 300mm
Nom Circle Rad (m):	3.6m	N/A (Root Box)
RPA:	41m2	4m2 (2m X 2m)

Summary

Applicant Formal Response

The applicant wishes to thank the Tree department for addressing the matter and requesting clarification as to how they seek to ensure appropriate protection of the semi-mature trees within the welfare area of the construction site would be appropriately assessed and protected.

The request for condition in respect of the AMS and TPP would in practicality trigger a number of additional requirements which should be considered as part of the assessment:

1. TS – Tree Survey
2. AIA – Arboricultural Impact Assessment
3. AMS – Arboricultural Method Statement
4. TPP – Tree protection Plan

It is the applicants position that the risk profile due to location (trees within welfare/ limited works areas), tree size, maturity and classification along with limited applicability of BS 5837:2012 in this instance are not sufficient to require a full 4 stage assessment as noted above and to this end have submitted with this report their proposals in respect of a Tree Protection Plan.

<u>Condition:</u>

We respectfully request that this be considered and that any condition be amended to *“the works shall be in accordance with the supplied document “2025_4891147_W - 01 - Response – Trees” and the undertakings therein in respect of Tree Protection Plan”.*

Appendix A
Tree Protection Plan (Drawing)

Shaping places that have
a positive impact

App A 1.1

George Hotel Hoarding Line

Network Rail Hoarding Line

George Hotel Site Compound

Site Cabins & Welfare

2x2m Tree protection boxes

Outline Specification: Tree Protection

1.0 GENERAL
1.1 GENERAL PROTECTION REQUIREMENT: Due to nature of tree installation within a root box and location within a car park (existing) the RPA calculation under BS 5837:2012 is not deemed to be applicable however the duty to protect remains and to this end the contractor shall provide a protection zone of 2m X 2m (see fencing 1.3).

1.2 GROUND LEVELS: Existing ground level within the protected area to be retained undisturbed to prevent compaction of root zone, Any alteration to ground levels within Tree Root Protection Areas will require planning approval prior to commencement.

1.3 PROTECTIVE FENCING: Existing trees to be retained are to be protected from damage using fencing 2.3m high, fixed securely to a scaffold or equal ground-fixed framework (no concrete). Ensure that protective fencing is maintained in effective condition until completion of works and that no operations are carried out within protected area. Notices to be erected on fencing; 'Protected area - no operations within fenced area'. This fencing to be erected before work starts on site and only removed on completion of works.

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2.3 MAINTENANCE: If maintenance is deemed to be required prior to commencement of works, the applicant shall seek approval from the LPA prior to commencement of work. Maintenance to be performed in accordance with BS7370:1993.3.0 ADDITIONAL PRECAUTIONS OUTSIDE FENCED AREAS (ctd)

3.4 Trees to be conserved should not be used as anchorages for any purposes.

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3.6 Allowances must be made for the slope of the ground so that damaging materials such as concrete washings, mortar or diesel oil cannot run towards trees.

4.0 EXISTING LEVELS.
4.1 Ensure that the levels beneath existing tree spreads of the existing trees to be retained, are maintained to ensure no damage/compaction to root systems which may result in long term damage or failure of tree.

Item	BS 5837:2012 Req	Risk Assessed Tree Protection
Name (Common):	London Plane	London Plane
Name (Bot):	Platanus x hispanica	Platanus x hispanica
Family:	Platanaceae	Platanaceae
Origin:	non native hybrid	non native hybrid
Stem:	Single 300mm	Single 300mm
Nom Circle Rad (m):	3.6m	N/A (Root Box)
RPA:	41m2	4m2 (2m X 2m)

P1	Issued for Planning	22.04.2025	DR	MS
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