

**Consultation Response from KC,  
Trees**

**2025/91542 Land at, Highmoor Lane, Hartshead Moor, Cleckheaton, BD19 6LW**

**Erection of 40 dwellings and associated works, including formation of new vehicular access and erection of cricket netting**

**Date Responded: 15/07/2025**

**Responding Officer: Hazel Irving**

**Responding Ref: 03/17**

### **Protected Trees**

**The site is affected by TPO 03/17 which protects three tree groups of trees and six individual trees. The proposals include the removal of two healthy protected tree: Horse Chestnut T19 (03/17/t4) and Sycamore T10 (03/17/t5). Furthermore, the proposals threaten the viability of other protected trees within the site, as discussed below. The proposals conflict with Kirklees Local Plan Policy 33 and 24(i).**

The proximity of plot 01, may indirectly threaten T3, a Cat A protected tree (ref: 03/17/t6). The proposed dwelling is sited immediately north of this mature Sycamore, with a height of 20m. The foreseeable issues of shading and general nuisance may result in pruning, diminishing the amenity value of the tree, or total removal of the tree by future residents. The design should allow for additional space to reduce the foreseeable conflicts between T3 and the dwelling on plot 01. (E.g. move the car parking southward so that the building can be sited northward and increase the distance between the edge of the canopy and the building. This would reduce shading and increase the distance between the building and tree canopy which would relieve anxieties about the tree damaging the home).

There is a footpath proposed within the RPAs of protected trees T23 and T24. Details of a no-dig construction method for the footpath would be required within a submitted AMS.

A footpath is also proposed beneath the canopy, within the RPA of protected tree T91. Additionally, proposed car parking incurs the east side of the RPA and hard standing for the bin-store incurs the RPA to the west. The extent new hardstanding within the RPA cannot exceed 20% of the area, in line with BS5837:2012. The current proposals are not in line with the British Standard and pose an unacceptable risk to the successful retention of protected tree T91.

There are existing hard surfaces which would need to be removed from the RPAs of protected trees T11 to T18 (inclusive), T23, T24, possibly also T45 to T49 (inclusive) and T91. This would need to be carried out sensitively, using hand tools to prevent root damage, under arboricultural supervision. This matter must be addressed within a submitted AMS.

The proposals incur the group TPO 03/17/g2, which protects three poplars identified as T46, T48 and T49 within the JCA tree survey. A no-dig methodology would need to be used to create any new hardstanding within the RPA of T49. However, it is questionable whether future residents of Plot 36 would accept the shade over more than 50% of the rear garden.

### **Trees of Moderate to High Arboricultural Value (CAT A & B)**

There are three Category A trees within the site, and many of the remaining trees are recorded as Category B items. In line with Kirklees Local Plan Policy, the proposal must retain any valuable trees where they contribute to public amenity, the distinctiveness of the location or contribute to the environment, including the wildlife Habitat Network and green Infrastructure networks.

58 surveyed items are marked for removal to facilitate the proposals, including thirty Category B trees. Amongst these is T41, which is a significant tree measuring 103cm DBH and 25m in height. This tree is located on the boundary of the site with the adjacent sports ground and is a striking feature in the local landscape. It is expected that this tree should be retained. Perhaps this can be achieved by incorporating it into the POS with additional tree planting to compensate the significant loss to canopy cover proposed on the site.

It is currently not clear why Cat B T60 cannot be retained within the submitted proposals.

Cat B T65 is a Coast Redwood, which can grow to 40m in the UK, is situated immediately south of the home proposed on plot 40. It is likely to be threatened by this proposal due to shading. To reduce the shading, the building could be sited eastward, and the associated parking spaces swapped over the west side. However, it would be preferable to drop Plot 40 and relocate Plots 38/39 within the created space, so that the trees G58, T59, T60, T61, T62, G67 and G66 can be retained. This would preserve the boundary treeline between the site and the cricket ground and the amenity value they afford the locality.

### **Third-Party Trees**

There are offsite trees marked for removal to facilitate the development, which are within third party ownership. These removals include one Cat B tree, T44 and two Cat C items G2 and T29. It is not clear why these removals are required. The Council cannot give consent for the removal of third-party trees. Permission to remove these trees must be received in writing from the owner(s). Furthermore, there are RPA impacts to offsite Cat B tree T97.

### **Utilities layout**

No utilities routes were assessed as part of the AIA. Therefore, all utilities must be routed outside of the RPAs of retained trees. Alternatively, the AIA must be amended to include the utilities layout and submitted to the Council.

**There is an objection from an arboricultural perspective. The proposal conflicts with adopted Kirklees local plan policy 33 and 24 (i):**

*LP 33: "The Council will not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity value.*

*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."*

*LP 24: "Proposals should promote good design by ensuring:- i) the retention of valuable or important trees"*

If on the balance, planning permission were to be granted the following Conditions should be included:

### **AIA (including utilities layout) & AMS**

Development shall not commence until an amended AIA showing the utilities layout and accompanying Arboricultural Method Statement, has been submitted to, and approved in writing by the Local Planning Authority.

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.

*Reason: This detail is required prior to development commencing on site to protect to viability of the trees and to accord with Policy LP33 of the Kirklees Local Plan and the National Planning Policy Framework.*

### **Tree Planting**

Tree losses must be mitigated by the planting of suitable tree species, in sustainable locations, within a tree planting scheme submitted to and agreed by Kirklees Council. This could be included within the wider Landscaping Plan and should include a management plan to ensure that trees are maintained and replaced if they should die within 5 years.

*Reason: This planting will provide amenity value of the surrounding area and compensate for the loss of canopy cover and preserve future amenity.*