

Consultation Response from KC,
Trees

2023/93667 Storthes Hall Student Village, Storthes Hall Lane, Kirkburton, Huddersfield, HD8
0WA

Outline application for demolition of buildings and erection of residential development (up to
261 dwellings), redevelopment of Lodge Cottage for residential use and associated works

Date Responded: 27/02/2024

Responding Officer: D. Atkinson

Responding Ref: 17/89

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

The site is heavily constrained by existing mature trees that are protected by Tree Preservation Order (TPO) 17/89.

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 application for demolition of buildings and erection of residential development (up to 261 dwellings), redevelopment of Lodge Cottage for residential use and associated works. Will have a significant impact on the existing trees at the site.

From the Arb Impact Assessment submitted within the outline application to physically undertake the proposed development and associated works including demolition and regrading, the following trees will require removal:

- 13 Trees, 1 Group and 1 Woodland that are High quality (Cat A) - T165, T200, T202, T206, T208* (Veteran tree*), T214, T215, T219, T222, T231, T232, T233, T234, G34 (Important boundary feature including ash, horse chestnut and lime) and W5 (Mixed deciduous woodland with oak, beech and some standing deadwood, trees A and B on plan are two of the largest trees on site).
- 81 trees, 13 groups that are of Moderate quality (Cat B) - T49, T55, T56, T57, T67, T72, T73, T74, T81, T83, T88, T89, T90, T91, T92, T95, T96, T97, T98, T99, T101, T102, T103, T143, T145, T146, T147, T148, T149, T150, T151, T152, T153, T154, T155, T156, T157, T158, T168, T169, T171, T173, T174, T175, T178, T179, T180, T181, T182, T183, T184, T185, T186, T187, T188, T189, T192, T193, T194, T195, T196, T197, T199, T201, T203, T204, T205, T207, T209, T210, T211, T212, T213, T217, T218, T220, T221, T224, T225, T226, T235, G9 (3 Lime trees), G10 (3 Holly), G11 (Dense group with holly understorey), G14 (4 Whitebeam), G15 (14 Whitebeam), G16 (10 Lime trees), G17 (4 Lime trees), G18 (3 Large-leaved Lime), G21 (2 Whitebeam), G22 (3 Small-leaved lime), G24 (2 Cherry trees), G26 (2 Cherry trees), G41 (Forming southern edge and understorey of G40, incl. silver birch, cherry, sweet chestnut, holly, willow species, blackthorn, ash. Beech sycamore and hazel).
- 21 trees, 11 groups. That are of Low quality (Cat C) - T51, T52, T71, T79, T84, T85, T86, T87, T93, T94, T100, T104, T105, T106, T144, T170, T177, T190, T191, T198, T216, G13 (5 Cherry trees), G19 (2 Cherry trees), G20 (2 Cherry trees), G23 (2 Small-leaved Limes), G25 (3 Apple trees), G29 (Group of scattered early mature birch, cherry and ash), G30 (7 early mature ornamental birch), G31 (understorey laurel, young ash and horse chestnut, privet, holly, rhododendron and silver birch), G32 (2 Large Cherry shrubs), G33 (Understorey comprising laurel, holly, rhododendron, lilac and silver birch), G39 (Young beech and lime understorey).

- 5 trees that are in an unretainable condition irrespective of their condition (Cat U) - T166, T167, T172, T176, T223. The categorisation of these trees is considered appropriate based on their condition.

The Category A subcategories infer they are of trees that are particularly good examples of their species, or those that are essential components of groups or formal or semi-formal Arboricultural features (e.g. the dominant and/or principal trees within an avenue).

These are along the boundary with Storthes Hall Ln (G40) giving a strong and very prominent edge to the site, the vicinity of the listed buildings (particularly The Venue) which add to their setting (T165, T200, T202, T206, T208*, T214, T215, T219 and T222).

G34 is an important boundary feature including ash, horse chestnut and lime that along with the other trees along that boundary (T231, T232, T233 and T234) help enclose the site and provided a prominent boundary feature in their own right.

T208 (TPO 17/89/t93) behind the Venue is of note because it's correctly identified as a Veteran tree based on the survey schedule. The stem diameter is 115cm which equates to a circumference/girth of approximately 361cm/3.6m and has features associated with veteran trees.

Veteran trees have ancient features but are not old in age compared to fellow trees within their species. They must also have a girth of at least 3 metres. Veteran trees are distinct in their features on account of their wood decay, fungi and exposed dead wood. Such trees may demonstrate both hollowing and decay within their trunks, branches and roots, loose bark, shattered branch ends, and rot of types also found in ancient trees.

T208 is being proposed for removal in order to physically undertake the proposed development and associated works.

Authorities should refuse planning permission if development will result in the loss or deterioration of ancient woodland, ancient trees and veteran trees unless both of the following applies:

- there are wholly exceptional reasons.
- there's a suitable compensation strategy in place (this must not be a part of considerations of wholly exceptional reasons) - see paragraphs 33 and 34 of the planning practice guidance on compensation guidance.

Authorities should make decisions in line with paragraph 186 (c) of the NPPF.

Ancient woodland, ancient trees and veteran trees are irreplaceable. Therefore, authorities should not consider proposed compensation measures as part of our assessment of the merits of the development proposal.

The proposal is also resulting in the loss of a good portion of the existing avenue of trees along the main one way access road that goes through the site. These trees are mostly within TPO 17/89/a8, 17/89/a6, 17/89/g34 and 17/89/g27. Within the tree survey they are approximately T67 – T106, T165 – T194.

The trees within the vicinity of the listed buildings contribute to their setting and with the trees on the island and the western side of the access road form a mature tree lined avenue. Being part of a group that is of visual importance as arboricultural and/or landscape features for the main access of this site

(i.e. the dominant and/or principal trees within an avenue either side of the road) certainly contributes to them attracting a higher collective rating than they might as individuals.

With an established tree lined avenue/spine road being what is looking to be achieved on new developments eroding a large portion of an existing one where the trees are in the vast majority of either high or moderate value. Is a significant loss.

In terms of the main access road that is existing, its width if the avenue trees are retained is effectively locked into what is existing. This is because the default position should be that structures (roads and footpaths) are located outside the RPAs of trees to be retained and widening the access immediately encroaches into them.

However, where there is an overriding justification for construction within the RPA, technical solutions might be available that prevent damage to the trees or at least minimise the lost. KC Trees would defer to KC Highways on what standard/specification the access would need to be to be acceptable from there perspective. But the greater the change from the existing, the greater the impact on the avenue trees there will be.

For the visibility splays at the access points, knowing what KC Highways accept/need would help inform what impact on the trees in the vicinity likely would be.

The preferred approach from a tree's perspective would be the accesses and road in the vicinity/within the RPAs of the protected trees remain as existing as much as possible and new street infrastructure (i.e. underground and overground services, streetlights and footpaths etc.) be within the existing hard surfaces and/or outside the RPAs of the protected trees.

For the trees along Storthes Hall Ln (G40) they're foreseeably going to be realistically retained. There are pinch points where dwellings come close to the dwellings (i.e Plot 236). However, the main impact in this part of the site will be to the understory vegetation (G41 and any that is amongst G40 itself).

The tree lined boundary alongside Storthes Hall Lane helps to obscure the development site from the road and the existing dwellings beyond. However, within the development and to potentially meet the needs of other consultees (i.e. PROW and Landscapes) the creation of new footpaths and routes along that boundary. Although potentially achievable with regards to G40 providing a 3 dimensional cellular/non dig construction is used within the RPAs of the canopy dominant trees. KC trees think is likely that the screening G40 and its understory and G41 will be reduced significantly if not removed completely as a result (G41 is listed as requiring removal) and open views into site from the road.

Additionally, from a KC Trees perspective it would be helpful for G40 to be broken down into smaller groups/individual trees if possible. The proposed new access roads and shared driveways along that boundary appear to be encroaching and it would help to better assess the impact/encroachment.

Overall, from a KC Trees perspective, the access and layout of the proposal results in significant loss of established and TPO protected trees from the site.

There is an objection from a KC Trees perspective, because the proposal is conflicting with Kirklees Local Plan Allocations and Designations LP73 (Protected trees removed from the developable area), adopted Kirklees Council Local Plan Strategy and Policies LP33 and LP24(i) and in the case of T208* paragraph 186 (c) of the NPPF because this scheme doesn't appear to provide public benefit would clearly outweigh the loss or deterioration of habitat.