

Planning Consultation Request

Town and Country Planning Act 1990

APPLICATION FOR PERMISSION TO DEVELOP LAND

Observations By:	KC, Trees
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Application No.	2021/92734
Proposed Development:	Improvement and widening of the A629 to include junction improvements, re-positioning of footways and footway improvements, pedestrian crossing provision, the alteration, demolition and erection of walls, construction of retaining walls, erection of fencing, hard and soft landscaping to include the removal of trees and replacement planting, replacement street lighting, change of use of land to highway and change of use to and formation of car parks at Edgerton Cemetery and land adjoining 103 Halifax Road.(within a Conservation Area)
Location:	A629 Halifax Road, Edgerton, Huddersfield
OS Map Reference	SE 412388.4878 418362.2856
Applicant/Agent:	Ward Hadaway
Class:	No Required

Your comments on the above proposal are requested. Please e-mail your comments in either a Microsoft Word or PDF Document to DC.Admin@kirklees.gov.uk by **02-Aug-2021**.

If you would like to contact the Case Officer: Kate Mansell for any reason then please do so on: Tel. 72130 .

The submitted plans and documents for the application can be viewed online at the Planning Service Website by holding down Ctrl and Clicking the link below:
<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021/92734> *

*If the plans are not available online after 5 working days of the date of this letter then please e-mail: DC.Admin@kirklees.gov.uk

If I do not receive your response by **02-Aug-2021** then the application may be decided without the benefit of your views.

Dated: 12-Jul-2021

Mathias Franklin
 Head of Planning and Development

**Consultation Response from KC,
 Trees**
2021/92734 A629 Halifax Road, Edgerton, Huddersfield
Improvement and widening of the A629 to include junction improvements, re-positioning of footways and footway improvements, pedestrian crossing provision, the alteration, demolition and erection of walls, construction of retaining walls, erection of fencing, hard and soft landscaping to include the removal of trees and replacement planting, replacement street lighting, change of use of land to highway and change of use to and formation of car parks at Edgerton Cemetery and land adjoining 103 Halifax Road.(within a Conservation Area)
Date Responded: 08/09/21
**Responding Officer: Nick
 Goddard**
Responding Ref: HU1/71
Summary

The proposals to improve and widen junctions of the A629 requires the removal of trees some of which are protected by Tree Preservation Orders and Edgerton and Greenhead Park Conservation Areas. The trees affected are for the majority roadside trees in private properties. The trees lining the A629 and side roads add to the character and setting of these areas and importantly provide a significant visual amenity and gateway feature when entering Huddersfield itself from the North.

The proposals have significant impacts at the Blacker Road junction, area A, and to a lesser extent the Cavalry Arms junction, area B. The other areas will impact on tree cover but not to a noticeable extent and mitigation is more realistic and feasible in areas C and D.

The mitigation proposed will take many years, potentially 50 years, to develop to the size where they can provide a similar amenity value and other benefits to the trees present today. the scheme seems to rely on the woodland creation at Ainley Top to provide significant numerical increases in trees but this is the creation of woodland which will take many years and will do nothing to address the lost amenity value within the urban areas of A and B which are one or two miles from the proposed woodland.

The difference in travel times is understandably based upon journey times along the whole length of the scheme however could it be broken down to show the journey time improvement for the Blacker Road section which is the main cause of concern from a tree's perspective, and this would help greatly in assessing the planning balance for area A.

The pollution levels are not predicted to improve as a result of the proposed scheme according to the Air Quality Assessment. There is no clear evidence however that the positive effects of trees on air quality have been considered and that the loss of mature trees may mean that pollution levels may get worse as a result. Any pollution from the road will spread out across adjacent properties and not be trapped or collected by tree canopies until such time in the future as mitigation planting develops sufficient size to replace that which is existing.

The proposals for the Blacker Road junction, area A, and Cavalry Arms junction, area B, are contrary to Kirklees Local Plan policies LP33 and LP35 as they have a significant impact upon the character and setting of the areas and will harm public amenity for many years. In addition, the proposals do not comply with the directions of the National Planning Policy Framework in that they are not sympathetic to the local character and history of the areas and do not ensure streets are tree lined. The impacts of the proposals based on the evidence provided have not been outweighed by the benefits of the scheme with regards to trees.

Specific Areas

The application splits the proposals into 4 areas and I have provided detailed comment for each area below and some of the key documents relating to the scheme and trees.

Area A – Blacker Rd Junction

This area provides the most conflict with trees, I have attempted to collate the impacts below as it is not easy to discern from the sheer number of documents submitted. Around the junction; approximately 330m of the A629 will be cleared of trees along the western edge; and approximately 118m of Blacker Road and Edgerton Grove Road will have all trees removed adjacent to the road, in total this equates to 87 trees.

The tree removals required for this area will have a significant impact upon the character of the area, Edgerton Conservation area and the setting of the adjacent properties. The tree lined street that is currently enjoyed and provides a green gateway to the town from the North will not be replaced, even with the proposed mitigation planting, for many years.

Trees adjacent to highways such as the existing tree cover helps to reduce the pollution experienced around the junctions and along the length of the A629. In addition, mature tree canopies help to reduce the urban heat island effect.

The Planning Statement's description of Blacker Road describes the mitigation compensation as providing compensation for the loss of trees in this location and will enable the retention of amenity and screening. The proposed mitigation for Area A is 44 trees and should not include hedgerow species and evergreen trees such as *Cupressocyparis leylandii* and *Thuja plicata* which appear to be being treated as screen/hedgerows rather than mitigation for loss of public amenity.

The level of tree planting proposed and the fact that they are all to be located within private gardens is a poor design choice and unlikely to result in an established tree lined street in 30-50 years. By positioning the replacement trees within private gardens, which will be smaller following the widening, the scheme is likely to increase the conflict between residents and trees which are essential to mitigating some of the lost public amenity. The likelihood is very few of the trees will be able to establish and grow into mature trees which they are being planted to replace.

Sub-area, Edgerton Cemetery general construction parking area

Requires the removal of a group of eleven trees protected by the Conservation Area as shown in drawing no TF5-Area A-P-PA-GC-1. The trees to be removed are not significant trees but could over time have developed into a group of mature trees. The group is to be replaced by 3 trees around parking bays in the same area. The replacement trees in this specific area will be sufficient to mitigate the loss of trees.

Area B - Cavalry Arms

The proposals for this area require the widening of the roads leading to the junction, similar to Blacker Road. The impacts on trees will be the removal of 18 trees along 75m of Birkby Road. The majority of these trees are within the grounds of the adjacent church with the remainder being in the grounds of no.402 Birkby Road.

The loss of these trees will result in a significant loss of public amenity and though smaller in scale than for area A will alter the character and setting of the area. The mitigation proposed is not in the verge of the highway in this area either and that makes it difficult to secure their contribution in the future. The new trees will take many years to establish and grow to a sufficient size to replace what is present today.

Area C – Prince Royd Car Park

The impacts in this area are not of the same scale and unlikely to affect the amenity value of this locale but will affect the adjacent woodland edge. The mitigation proposed in area C is minimal and the scheme seems to rely on the woodland creation 0.5km away at Ainley Top.

The site is partly in and adjacent to a Council owned woodland which has many young and establishing trees. The funding for management of this woodland so it can be improved and continue to develop into a valuable public resource could have been proposed as part of this scheme.

Area D – Yew Tree Rd to Ainley Top

This area has the least impact on tree cover and removes very few trees and only one birch that has notable public amenity value. This level of impact is acceptable given the size of the changes in this area.

Mitigation proposed will increase tree cover in area D and provide greater screening between the adjacent highway and adjacent properties. The woodland creation proposed is encouraged but we should be mindful that it is distant from the residential areas and will not provide a replacement for lost public amenity in areas A, B and C.

Blacker Road Wall Assessment

It is important to note that both the walls and trees are significant features of the Edgerton and Greenhead Park Conservation Areas. The removal of one or the other would impact heavily on the setting and streetscape of these conservation areas. There is no compelling evidence within the report which would outweigh the amenity value provided by the trees.

The walls assessed for this project were all noted to be in a fair condition with the exception of 1 that had suffered damage as a result of vehicle impact. The report suggests however that removing 18 trees in close proximity to the wall will prolong the lifespan of the wall. The trees and wall however are both significant features and the trees noted to be in close proximity to walls have co-existed with the walls for many years.

The report states the stone and masonry in the wall are showing signs of excess weathering and deterioration. This suggests to me the walls may require repairing regardless of the presence of trees and in the process of doing so efforts should be made to find alternative solutions especially when the cost of removing the trees is the most expensive part of the suggested remedial work.

Given the public amenity value of the trees, alternative solutions to tree removal should be sought. This could include repair/reconstruction of the wall to allow for expansion of stem and roots by reducing the thickness or altering the structure; removal of short sections of the wall immediately adjacent, where it is not retaining, and replacing with fencing that is simpler to maintain over the life of the trees adjacent.

The younger saplings and vegetations shown in the report to have established on top of the retaining walls could be removed without impacting upon the amenity value of the area as these are young trees yet to establish.

Planning Conditions

I have concerns that planning conditions are proposed as a solution to the replacement planting at Area A and B being in private land. A condition would have to ensure that members of the public who find themselves owning high value semi mature trees, that require constant seasonal care for several years, are reasonable, practical and enforceable.

Any protection from premature removal would have to last long enough for the trees to reach a size where they are protected by the Conservation Area which could be as long as ten years. If a tree, planted for this scheme, were to die during this time and need to be replaced this could impose on the adjacent landowners an unreasonable burden and be difficult to enforce.

Carbon Impact Assessment

The Council have a policy of planting more trees to address climate change and therefore the principle of planting new trees is supported. The Carbon Impact Assessment proposes however that tree planting will sequester a much higher amount of CO₂ over time than the existing ageing tree stock but this assumes that the ageing trees will not be replaced when they reach the end of their safe lifespan.

The report appears to not take into account that as protected trees are removed due to old age the Council can condition a replacement tree be planted. The trees present particularly those around the Blacker Road junction are protected and their replacement in time already assured by the Town and Country Planning Act 1990.

Conclusion

The impacts of these junction improvements need to be evaluated against our Local Plan policies. Policy LP33 states the Council will not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity and proposals should retained any valuable or important trees where they make a contribution to public amenity and the distinctiveness of a specific location.

Policy LP35 states that development should only be permitted where it is demonstrated that proposals provide public benefits that clearly outweigh the harm and there is not enough evidence to show the whole proposals meet this test.

The proposals cause significant impacts on the character and setting of the two Conservation Areas and require the removal of a large number of protected trees which afford a high level public amenity. The impacts for areas A and B are significant and will not be adequately mitigated. The impacts of areas C and D are slight and mitigation for these areas is good though area C could be improved by commitment to woodland management in that area.

There is an increasing focus on street trees in the NPPF and also to developments being sympathetic to the local character and history of the area. Paragraph 130 refers to developments being sympathetic to the local character and history including the built environment and landscape setting. Paragraph 131 states that trees make an important contribution to the character and quality of urban environments and that policies and decisions should ensure new streets are tree lined. The impacts of the proposals based on the evidence provided have not been outweighed by the benefits of the scheme with regards to trees.