

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended)

**DELEGATED DECISION TO DETERMINE APPLICATIONS FOR
CONSENT, AGREEMENT OR APPROVAL REQUIRED BY CONDITION**

Reference No: 2019/44/91067/W

Site Address: Broomfield House, Firth Street, Huddersfield, HD1 3DA

Description: Discharge of condition 2 (landscaping) on previous permission 2017/91525 for reserved matters relating to landscaping pursuant to outline permission 2015/90914 and 2017/91729 for outline application for demolition of commercial unit and erection of 3 commercial units and 24 student flats

Recommending Officer: Victor Grayson

DECISION – Discharge of Conditions- Approve

I hereby authorise the approval of this Discharge of Conditions of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

David Wordsworth

AUTHORISED OFFICER

Date: 31-Oct-2019

Discharge condition 2 (landscaping) on previous permission 2017/91525 for reserved matters relating to landscaping pursuant to outline permission 2015/90914 and 2017/91729 for outline application for demolition of commercial unit and erection of 3 commercial units and 24 student flats.

Condition 2

Condition 2 reads as follows:

No building or use hereby permitted shall be occupied or the use commenced until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping detailing all species to be planted and a scheme for their maintenance. The scheme shall follow the principles of approved plan 100.081.02 Rev B and the document entitled 'Design Factors'. The approved scheme shall be implemented so that planting is carried out no later than the first planting season following the occupation of any of the buildings or the completion of the development whichever is the sooner. All planted materials shall be maintained for five years and any trees or plants removed, dying, being damaged or becoming diseased within that period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted unless the council gives written consent to any variation.

Reason: In order to ensure that the approved landscaping scheme is properly maintained in the interests of good design and in accordance with Policies BE1 and BE2 of the Kirklees Unitary Development Plan.

Relevant previous decisions are:

- 2015/90914 – Outline planning permission (with details of access, appearance, layout and scale).
- 2017/91729 – Variation of condition 15 (materials) of 2015/90914.
- 2017/91525 – Reserved Matters – landscaping. Condition 2 was applied largely because the applicant had not provided species or landscaping maintenance details.

Two documents (drawing 100.081.02 rev B and a document titled “Design Factors”) are referred to in the wording of condition 2. The Design Factors document, submitted under application 2017/91525, stated that “several layers of planting will be used in this garden to compliment (sic) each other”, and “Tree planting, ornamental hedge planting, ornamental shrub planting and herbaceous (sic) are all needed to create the garden effect required in terms of contemporary detail and structure, to provide visual interest, shade and colour throughout the seasons”. The document also included further text relating to soft planting, and a site plan and urban courtyard plan which indicated that soft planting was proposed. Drawing 100.081.02 rev B also illustrated and annotated soft planting.

The site is not within a conservation area, and is not surrounded by listed buildings. The site's courtyard is enclosed by buildings and has very limited visibility (through a covered vehicular entrance) from public vantagepoints.

For the current application, the applicant provided drawings of the courtyard (between blocks A and B), showing bin stores, a sunken seating area, a gym and a pergola. Tarmac was the only surface material annotated. The layout of the courtyard proposed was quite different to that previously shown in the Design Factors document and drawing 100.081.02 rev B, and included no soft landscaping.

Officers advised the applicant that, as these proposals deviated significantly from the Design Factors document and drawing 100.081.02 rev B, they could not be considered compliant with condition 2, and could not be approved. There was, however, some scope for varying the landscaping design, as condition 2 includes the words "shall follow the principles", rather than "shall strictly accord with".

On 03/09/2019 the applicant submitted an amended landscape design drawing (100.081.05) which shows a similar layout to the earlier drawings, but includes soft planting in planters and hanging baskets. Species are specified, and these would provide year-round visual interest.

Proposed ground materials include sandstone paving, slate mulch and gravel. These are appropriate materials for this site. Artificial grass is also proposed for some areas within the courtyard – this is a poor quality ground treatment, but as only relatively small areas would be covered with it, it is not recommended that approval be withheld due to its inclusion in the proposals.

The proposed seating area and pergola would add amenity to the outdoor space and can be approved under this application. The proposed gym is not a landscaping feature, and is a single-storey structure that would require a separate approval.

Overall, the proposed landscaping is considered acceptable. The proposals would be sufficiently in accordance with the principles of the Design Factors document and drawing 100.081.02 rev B referred to in the wording of condition 2.

It is recommended that the landscaping details be approved.

Recommendation – Discharge condition 2 (subject to implementation).

Decision Notice Text

Condition 2 – The landscaping details shown on drawing 100.081.05 are considered acceptable for the purpose of condition 2. Condition 2 will be discharged upon construction and completion of the development in

accordance with these details, and upon the expiration of the five-year maintenance period.

Report Dated:

23/10/2019