

**Sent:** 28 November 2023 12:58

**Subject:** KK100, RE: POS Areas Plan, landscape and LP63 comments 28.11.23 - including suggested conds

Re:

Shop Lane	2021/91506	RM	41 units
Cockley phase 1	2021/91507	RM	55 units
Cockley phase 2	2021/92527	FULL	29 units

Following detailed assessment of the documents and plans submitted for these 3 schemes for RM/full, including the previous s106 agreements and financial obligations on the 2014 outline applications, I can confirm the anticipated off site lump sum due for Cockley Phase 2 is £23,352.64 (considering LP5 Masterplanning for all 3 sites).

This POS calculation is as per LP63 and takes account of the POS areas shown on the POS plan (except PA5 which is Highways verge and not public open space). It also takes account of the existing s106 contributions as follows, which have been assumed to be paid as per the original terms:

Shop Lane	2014/92535	outline	48 units	pos in s106	£129,950
Cockley phase 1	2014/91831	outline	60 units	pos in s106	£28,545

Given all the open spaces provided on site as per the POS plan there are still elements of measured area and typology outstanding, but the sum due for Cockley phase 2 (2021/92527) is £23,352.64.

Development	Planning application no.		No. of units				
Cockley phase 2	2021/92527	Full	29 units	pos calculated			

There are a number of points to clarify:

1. The table below appears to have the typologies and measures for The Cockley Hill Lane Applications the wrong way around. I have applied the 3 typologies and measures (including the Children and young people) in the "full 29 unit" calculations, and the 2 typologies in the "RM 55 unit" calculations, I hope this is correct.



## 06 / POS AREAS

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2. With regards the layout and content of the open spaces and the details, some of this has been provided conceptually and is acceptable.
3. We are supportive of quality POS being provided on site, as we are keen for these developments to meet the needs of the additional new residents and increase in population in the ward, but both address shortfalls in the Ward in terms of accessibility, quality and quantity and also be attractive welcoming, useable spaces for the existing local community, increasing wildlife habitats and natural resources.

4. Re NPPF: we consider Para 135- which states Local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the equipment, planting, street trees and external hard landscape materials used). We consider the inclusion of Playable space elements, natural play and more traditional play equipment to be integral to the LAP/LEAP indicated in the schemes, together with the concepts for pocket park and community growing areas for the allotment and parks and rec typologies to be addressed as per LP63. It will be crucial that these elements are not diminished in the detailed designs for DoC.
5. Refer to the adopted Open Spaces SPD ([Open Space SPD \(kirklees.gov.uk\)](http://kirklees.gov.uk) published June 2021) which sets out the requirements for open space, provision to serve new housing developments and other SPD's for design etc: [Adopted Supplementary Planning Documents \(SPDs\) | Kirklees Council](#). The sport and recreation provision and other typologies not met by the provision of sufficient on site will be an off site contribution towards existing facilities in the vicinity, accessible to the development namely, but not limited to, Bankfield Rec.
6. When submitting detailed landscape proposals, preference is for species which are not potentially invasive and details from Natural England [can be found here](#). There's some further guidance on [NNSS on alternative species to use for landscapers here](#). Species selection is important and those which are potentially more invasive should be substituted for less potentially invasive species.
7. The existing s106's have a number of triggers regarding on site and off site POS, the on-site open space Management Plan submission, establish Management Company & provide details etc., Off site open space contribution (index linked) which should be recognised/met ([s106 dated 11.04.2018](#)), the new s106 to cover the latest full application for 29 dwellings will need to compliment these existing s106's.
8. The existing 2 sets of conditions relating to the previous 2 outline permissions (2014/92535 & 2014/91831) are insufficient for the level of detail required in a Landscape condition at the current time, therefore we suggest the following:

**Suggested conditions:**

- A. Prior to the commencement of superstructure works, details of all hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority.

**These shall include:**

- a) Details of existing and proposed levels, and regrading, detailed landscape layout including play areas, community growing area, fruit tree planting, pocket park, SuDS and any POS and playable space;
- b) Species schedule, specification and planting plans; Layout, number, density and size of trees and plants and/or seed mixes and sowing rates, including extensive use of native species
- c) Landscape Maintenance & Management Plan (LMMP) required with details of initial aftercare and long-term maintenance and management plan including details of the management company and a management and maintenance programme including full details for management of newly establishing trees including, but not limited to, a watering regime, monitoring of stakes and ties, formative pruning, replacement of failed or damaged trees and should also include any SuDS features, and existing trees and vegetation retained on site;
- e) Details of monitoring and remedial measures, including replacement of any trees, shrubs, hedge or planting that fails or becomes diseased within the first **five** years from completion;
- f) Details (including samples, if requested), of paving and other hard surface materials and boundary treatments, including means of enclosure to public open spaces; fencing and gates to play areas;
- g) Details & layout of the on-site open space and of any areas for designated, informal, incidental and/or playable space;
- h) Designs and specifications intended to prevent and deter crime and anti-social behaviour;

i) All soft landscaping works shall be carried out in accordance with the approved details, approved implementation programme and British Standard BS 4428:1989 Code of Practice for General Landscape Operations. All approved landscaping shall be retained thereafter in accordance with the approved details and approved long-term maintenance, monitoring and remedial arrangements.

j) Details of private or resident management company for on site POS

**Reason:** In the interests of local ecological value and visual amenity, accord with Policies LP24, LP30, LP32, LP33, LP47 and LP63 of the Kirklees Local Plan, chapters 12 and 15 of the National Planning Policy Framework. And to ensure the provision and establishment of an acceptable finalised landscape scheme in broad accordance with the overall plan and schedule submitted with the application.

**B. Open space condition**

Prior to works commencing on the superstructure, a management and maintenance plan for the public open space shall be submitted to and approved in writing by the Local Planning Authority. This should include:

- a) The location and details of any play equipment or play elements in equipped play areas and playable spaces including safety surfacing, seats and litterbins
- b) The timescale for the implementation and completion of the works to provide the public open space;
- c) Maintenance and inspections of the public open space for the lifetime of the development (including RoSPA or equivalent inspections for H&S, emptying litter bins etc) and full details of how the landscaped areas, fruit trees and the playable spaces will be managed and maintained in perpetuity.
- d) Details of monitoring and remedial measures, including replacement of any equipment, safety surfacing, site furniture, trees, shrubs, hedgerows or planting that fails or becomes diseased within the first **five** years from completion;

The works shall thereafter be carried out in accordance with the management and maintenance plan and retained for the lifetime of the development.

**Reason:** To enhance and conserve the visual amenity of the historic built environment as well as the natural environment in accordance with Policies LP24, LP30, LP32, LP35 and LP63 of the Kirklees Local Plan as well as Chapters 12 and 15 of the National Planning Policy Framework.

Cheers,  
Emma

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**Please note my working week is Monday, Tuesday, Wednesday, Thursday 8am - 4.00pm and Friday 7.30am – 12 noon**

