

**Consultation Response from Emma Mills
 KC Landscape**

Application No:	2021/94280
Proposed Development:	Erection of 67 dwellings with associated works
Location:	land at, Lady Ann Road, Soothill, Batley, WF17 0PY
Applicant/Agent:	Self Architects
Planning Officer	Nick Hirst
Date Responded:	16.12.21 rev 22.12.21, and rev again 03.01.23
Responding Officer:	EM
Responding Ref:	KK139 rev 2

NOTES/COMMENTS: These comments are Without Prejudice

Landscape Context and Concept, Landscape Design In this layout, the trees are in front gardens rather than street trees, possibly due to the constrained space, and whilst tree planting to the frontages are welcome.

Proposed tree species and size etc details will be required, also we presume there be root barriers given their proximity to the rear of the proposed pavements and driveways – full details will need to be provided prior to landscape scheme approval. We would not want the proposed trees removed to necessitate s38 road adoption further down the line.

Hedgerows are welcomed to break up the dominance of hard surfaces/car parking to frontages, species, sizes and planting density details will be required.

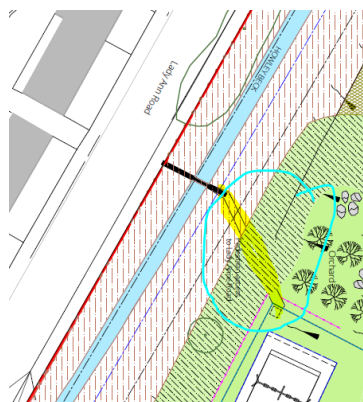
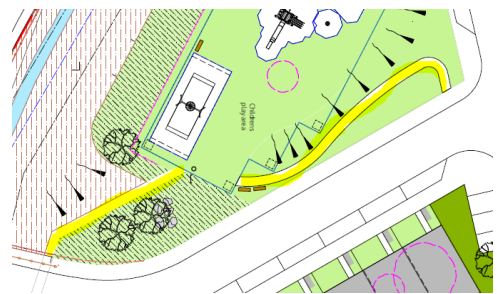
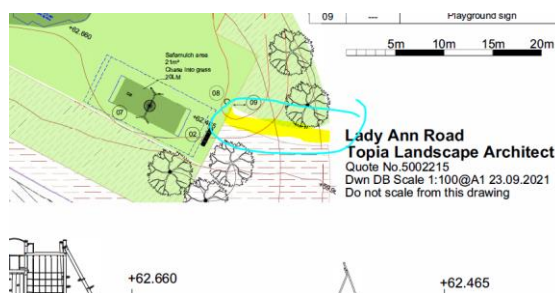
The landscaping proposals submitted along with the planning application, are welcomed however, further clarification on proposed species & mixes for elements such as native shrub mix, native & formal hedgerows and trees are requested. In addition, details of the “wildflower meadow on regraded embankments” should also be detailed within the proposed soft landscape plans/specification.

Where possible species included in the Plantlife list of species to avoid should not be included on the plan schedule. [Plantlife :: Here today, here tomorrow? / plantlife.org.uk/application](http://plantlife.org.uk/application) [Here today here tomorrow 2010 summary.pdf](#)

Community growing area/allotment greenspace on site is welcome, however, consider access to the community growing area – will it be through the play area or from a private road? This new space should meet the needs of the widest possible range of users, be easily accessible and enjoyed by all people, regardless of visual, physical and cognitive ability, mobility or age. Design for the community growing/orchard should consider the equalities Act and accessibility, as should access within the playable space.

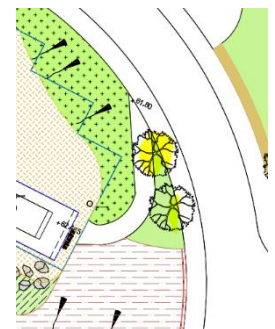
Play area

1. is it possible to install this play area OVER the attenuation tank as some of the footings for the play items require large concrete foundations?
2. Will there be inspection covers protruding through the safety surfacing?
3. Will it be fully meet BS EN 1176 & 1177 over an attenuation tank?
4. consider the equalities Act and accessibility- Safamulch is bound and therefore better for access for all, however, getting from the entrance path to the equipment and between the nest swing and the rest of the equipment is over grass which could get muddy and slippery, especially along well worn routes and access points – at the entrances.
5. The play equipment plan – list and location does not show the two entrance points which the Landscape Masterplan and Landscape proposals plan 1 shows. Plans need to be consistent for the s.106 agreement.



Please clarify surfacing of this path link

Tree planting locations should be well thought out and trees positioned for their future growth and long term presence – also so as not to potentially damage the adjacent hard surfaces, **root barriers** also need to be shown where adjacent to the pavement.



Good range of pieces of equipment included, compliments the offer in the vicinity, however, we would recommend this is metal play equipment in this location for durability (one of the pieces looks like a timber log stack climber with nets – is there a metal version?). Equipment appears congested in one area to the south – is there a reason for this?

No surfaced link path to the community growing area indicated – needs to be accessible as far as practicable for widest use by people of all abilities.

Natural playful elements such as boulders are welcomed, perhaps need connecting into the playable space and features a little? Used for linking other natural features or equipped play elements?

We will need to see a management plan for the landscaping scheme to ensure the scheme successfully establishes. Although, this could be dealt with via pre commencement condition.

Meeting LP63 for open space typologies, on site and/or off site provision

The Developer should 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, sport and recreation provision to serve new housing developments and other SPD's for design etc: [Adopted Supplementary Planning Documents \(SPDs\) | Kirklees Council](#)

Number and type of dwellings trigger most typologies through deficiencies in quantities in the Ward and amenity greenspace in LP63.

Following reduction of the no of dwellings to 65 units and the changes to the pos provision on site, please see below the revised calculations as per the drawing Open space typology, OS-001, PL03.

Date: 20.12.22 Development: KK139 Lady Ann Rd, Soothill batley 65 dwellings 2021.94280		In accordance with LP63, SPD June 2021											
NOS Dwelling Count for Calcs (Table 1 Draft Pol 63 New Open Space)	Input Number of Houses	Amenity Greenspace	Amenity Greenspace (sq.m space per dwelling)	Parks & Recreation Grounds	Parks & Recreation Grounds (sq.m space per dwelling)	Natural & Semi-natural Greenspace	Natural & Semi-natural Greenspace (sq.m space per dwelling)	Allotments/Community Growing	Allotments/Community Growing (sq.m space per dwelling)	Children & Young People	Children & Young People (sq.m space per dwelling)	Outdoor Sports	Outdoor Sports (sq.m space per dwelling)
Market/Affordable Housing (100%)	65	Yes	947.7	Yes	1263.6	Yes	3159	Yes	325	Yes	871	Yes	1365
Market/Affordable Housing 2-bed Flats (75%)	0	Yes	0	Yes	0	Yes	0	Yes	0	Yes	0	Yes	0
Market/Affordable Housing 1-bed Flats (50%)	0	Yes	0	Yes	0	Yes	0	Yes	0	Yes	0	Yes	0
Housing for Older People	0	Yes	0	Yes	0	Yes	0	Yes	0	No		No	
Student Housing	0	Yes	0	Yes	0	Yes	0	No		No		No	
Totals	65		947.7		1263.6		3159		325		871		1365
Qualifying POS meterage for this development?			Yes		Yes		Yes		Yes		Yes		Yes
Total meterage for this development			947.7		1263.6		3159		325		871		1365

Area

Amenity Greenspace	3,177m ²
Children & Young People Provision	873m ²
Parks & Recreation	0m ²
Natural & Semi-natural Greenspace	7,623m ²
Howley Beck	930m ²
Allotments	140m ²
Outdoor Sports	0m ²
Total Public Open Space	12,743m²



Ward deficiencies

Current Open Space Provision Compared to Quantity Standards				
Select Ward	Amenity Greenspace (ha per 1000 pop)	Parks & Recreation Grounds (ha per 1000 pop)	Natural & Semi-Natural Greenspace (ha per 1000 pop)	Allotments (ha/p 1000 households)
Batley East	0.36	0.29	0.4	0.13
Total Dwelling no	65	Req'd for Acceptability	low quantity	low quantity
Is POS being provided by developer?	Yes	Complete (B) POS details below		
A. POS REQUIREMENTS SUMMARY				
	Cost (see below)	Admin @ 15%	Total Cost incl admin	Meters (see above)
Amenity Green Space	£22,593.17	£3,388.98	£25,982.14	947.70
Children & Young People	£28,284.25	£4,242.64	£32,526.89	871.00
Parks & Recreation	£31,390.57	£4,708.59	£36,099.16	1263.60
Natural & Semi-Natural Green Space	£26,851.50	£4,027.73	£30,879.23	3159.00
Allotments/Community Growing	£2,824.25	£423.64	£3,247.89	325.00
Outdoor Sports	£20,095.68	£3,014.35	£23,110.03	1365.00
TOTAL	£132,039.42	£19,805.91	£151,845.33	7931.30
Shortfall/POS Requirement from developer:	£132,039.42			
Admin at 15%	£19,805.91			
Shortfall/POS Requirement from developer (rounded):	£151,846			

B. Complete ONLY if POS supplied by Developer						
Input POS area to be provided(sq.m)		INPUT % OR sq. m				
Development: KK139 Lady Ann Rd, Soothill batley 65 dwellings 2021.94280		Date: 20.12.22				
POS REQUIREMENTS SUMMARY	Cost (see below) excl admin	Sq Meters Req (based on no of dwellings)	Allocate Developer POS %	Developer POS Sq m Allocated	Value of developer POS	Outstanding Developer POS
Amenity Green Space	£22,593.17	947.70		3177	£22,593.17	0
Parks & Recreation	£31,390.57	1263.60		0	£0.00	£31,390.57
Natural & Semi-Natural Green Space	£26,851.50	3159.00		7623	£26,851.50	0
Allotments/Community Growing	£2,824.25	325.00		140	£1,216.60	£1,607.65
Outdoor Sports	£20,095.68	1365.00		0	£0.00	£20,095.68
Children & Young People	£28,284.25	871.00	100% provided?	Min sq.m		
CHYPS provided by developer		LAP	No	0	£0.00	
		LEAP	Yes	3600	£28,284.25	
		NEAP	No	0	£0.00	
		MUGA	No	0	£0.00	
					£28,284.25	0
TOTAL Cost (excl admin)	£132,039.42	7931.30		14540	£78,945.52	£53,093.90
Outstanding POS Requirement from developer:	£53,093.90					
Admin at 15%	£7,964.08					
Inspection Fee (see Manco Fees Guidance tab)	£500.00					
Shortfall/POS Requirement from developer (rounded):	£61,558					

Amenity greenspace is required to make the development acceptable and although there is amenity greenspace within 720m it is of low or medium quality.

Dwelling triggers for Children & Young Peoples Provision: 65 dwellings does trigger CYPP = LEAP

Scale of Development	Local Area for Play (LAP)	Locally Equipped Area for Play (LEAP)	Neighbourhood Equipped Area for Play (NEAP)	Multi-Use Games Area (MUGA)
1-10 dwellings	x	x	x	x
11-50 dwellings	✓	x	x	x
51-200 dwellings	x	✓	x	x
201-500 dwellings	✓	✓	x	Contribution
501+ dwellings	✓	✓	✓	✓

Refer to Fields In Trust
[Guidance-for-Outdoor-Sport-and-Play-England](#)

On site or off site & Existing facilities in the vicinity:

A LEAP is indicated on the plan which is welcome for improved access for the new residents on this development and immediate community in the vicinity.

For the typologies not able to be provided on site, there are existing facilities in the vicinity, within the recommended 720m for accessibility of the site, which would require enhancement in lieu of on-site provision, potentially, but not limited to Benny Parr, West Street Rec, Bath St and France St, although consultation with the local community and local councillors is undertaken.

This will be post planning permission when Section 106 planning obligations are paid, and schemes can become 'live', to help shape and inform the individual POS schemes identified for improvement.

Negotiation of a commuted sum with the LPA to facilitate improvements in an offsite location will be required.

We have undertaken the calculations based upon the measured areas for the on site pos provided and calculated the off site contributions (without prejudice) as £61,558 (in lieu of sufficient pos being provided on site in the respective typologies).

Wildlife and habitat networks, TPO's, PROW : links & connectivity:

The natural vegetated area adjacent the Beck is designated as a Wildlife Habitat Network. The protection and enhancement of this area is required by several policies within the Local Plan, including LP30, LP31 and LP33. We welcome the large areas retained as existing and protected for voles.

The linking surfaced footpath network should refer to the Highways Design guide: [Highway Design Guide Supplementary Planning Document \(SPD\) \(kirklees.gov.uk\)](http://kirklees.gov.uk/highway-design-guide-supplementary-planning-document)

With regards our comments on the information provided in the application, these are without prejudice and are not to be read as approval on the principle of development

Advice to planning officer: To be satisfied with the proposals we will need to see early submission of detailed landscape information or amendments to the layout for the site as per comments above.

Should sufficient detailed landscape information not be forthcoming, we will require full detailed landscape proposals as per point 1 below together with details of the management and maintenance of the areas of Public Open Space for the lifetime of the development in the Planning Condition.

PROW: POS paths dedicated as highway: Yes

Has the developer considered an environmental and biodiversity toolkit for gardens for residents to incorporate such as compost bins, hedgehog houses, water butts and rain gardens?

S106 Suggested HoT

Off Site Open Space & Location of site/s to receive POS contribution : *Without prejudice but potentially approximately £67,364 towards existing facilities in the vicinity of the development.*

By:. *Preferably prior to occupation of 25% of dwellings*

Trigger points if payments 2 phased: *Preferably prior to occupation of 25% and 50%*

On-site POS

- **Trigger point:** *Preferably prior to occupation of 50% for LEAP*
- **Trigger points if phased:** *Preferably prior to occupation of 50% &/or 75% of dwellings*
- **Bonds:** *or deposit – yes as there is on site POS with equipped provision and an off site contribution*
- **Index linked:** *Yes*
- **Clause required:** *The Developer covenants with the Council not at any time to use or allow the Open Space Land to be used as a site compound for the storage of construction materials and plant and/or the location of a site office in connection with the Development (unless otherwise agreed in writing with the Council).*
- **Clause required:** *The Developer shall at its own cost and expense construct lay out and substantially complete the Open Space Works in a proper and workmanlike manner with sound and good quality planting and materials in accordance with good horticultural and ecological practice to adoptable standards and to the reasonable satisfaction of the Council.*
- **Inspection fee (simple, routine or complex see fee sheet):** *Yes £250 inspection fee – as there is POS being created on site with equipped provision LEAP and key landscape features being planted- community growing area/fruit trees for allotment typology*
- **Private/Resident Management company details:** *Yes to be supplied prior to substantial completion of the on-site POS*
- **Landscape Plan reference number (showing relevant areas of POS highlighted):** *Plan to show on site POS shaded and or bounded by a colourful line (and measured area annotating specific greenspace typology preferably)*

Conditions:

Recommended as:

- A. Prior to the commencement of development full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. These works shall include:
- (a) S106 agreement for any on site public open space and any off-site financial contribution in lieu of on-site provision;
 - (b) Location and detailed design & layout of any public on-site open space and of any areas for designated equipped play area, allotment/community growing area, informal, incidental and/or playable space, safety surfacing, site furniture and equipment etc; maintenance responsibility for Public Open Space (POS), any equipped area and playable space. This will include, where relevant, make, model and means of installation of proposed play equipment, safety surfacing, habitat boxes, and/or detailed designs for these elements including bespoke habitat structures, play elements compliance with current BS EN including BS EN 1176 and 1177.
 - (c) Landscape works at the access points where the POS areas meet the boundaries, beck etc;
 - (d) Materials to be used for all hard surfaced areas including linking paths to play area, vehicle and other circulation areas;

(e) Soft landscape works to include planting plans; plant schedules noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation, management, and maintenance programme;

(f) The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

(g) Landscape Management Plan required including details of initial aftercare and long-term maintenance for minimum of 5 years. This should also include any SuDS features, existing trees and vegetation retained on site, plus management of any playable space including where relevant **RoSPA safety inspections**.

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.

B. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the implementation programme agreed with the local planning authority

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.

The information below is intended for the applicant to consider and include in any amendments of support the application in order to help provide sufficient landscape and open space information to aid the planning process:

1. Full landscape proposals are required as a planning condition including hard and soft landscape details and planting plans to create a diverse and attractive landscape which should enhance the setting of the development. Thoughtful planting to incorporate native species would contribute to enhancing the biodiversity in this setting and would help in the development of green corridors as well as providing valuable mitigation for existing local residents or those in the vicinity who will be overlooking this development should permission be granted. All details relating to existing retained trees and vegetation should also be provided, including their protection during the development.
 - Conditions will be included to secure detailed landscape plan and long-term management. For developments where detailed landscape design has not yet been agreed and the design needs to fulfil a requirement for ecological mitigation and/or enhancement tree planting.
 - No development shall take place until a landscape and ecological design (LEDS) has been submitted to and approved in writing by the local planning authority. The scheme shall provide the means of providing biodiversity enhancement, given the location and an inclusive and accessible public open space, managed and maintained in perpetuity.
 - We will require full detailed landscape plans indicating full planting specification, including:
 - Layout, species, number, density and size of trees and plants and/or seed mixes and sowing rates, including extensive use of native species. Any phasing of the works
 - Details of all hard landscape materials and boundary treatments, garden fences/walls etc. Proposed treatment to existing boundaries.
 - Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.

- Persons responsible for implementing the works.
 - Location and detailed design & layout of any public open space and maintenance responsibility for Public Open Space (POS), any equipped area and playable space.
 - Landscape Management Plan required including details of initial aftercare and long-term maintenance for minimum of 5 years. This should also include any existing trees and vegetation retained on site, plus management of any equipment or playable space, including safety inspections.
 - Details for monitoring and remedial measures, including replacement of any trees, shrubs or hedge that fails or becomes diseased within the first five years from completion.
 - The LEDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.
2. The Council considers a presumption in favour of tree planting in verges and adjacent to carriageways in line with the West Yorkshire Combined Authority 'Green Streets ®' principles, unless there are valid reasons for their omission. Refer to the Highways Design guide: [Highway Design Guide Supplementary Planning Document \(SPD\) \(kirklees.gov.uk\)](http://kirklees.gov.uk). Tree planting is very important, and getting the right types and size of trees in the right places is imperative. Trees should be incorporated in the scheme for a variety of reasons: to a] visually break up the built form b] help to screen/ mitigate or frame certain views c] support biodiversity and create green corridors/green links, d] not to create a nuisance in peoples gardens through leaves in gutters or screen the sun etc. e] not to cause damage to property boundaries/garden fences/dry stone walls in the future, or damage any SuDS system. There are opportunities for tree planting within the site and this will help mitigate the scheme. That being said, careful design is required. Trees should be incorporated into the street where possible but when necessary in gardens, not being located too close to buildings.
 3. The scheme should consider how trees and street lighting should be specified together to avoid tree canopies from obstructing large amounts of street lighting and also provision of a maintenance schedule for trees to ensure safe levels of lighting at street level once trees mature.
 4. Policy LP24 of the Kirklees Local Plan advises that good design should be at the core of all proposals in the district. This reflects guidance within the National Design Guide and also the National Planning Policy Framework, at Paragraph 126, which confirms that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Policy LP31 – Strategic Green Infrastructure Network states that priority will be given to safeguarding and enhancing green infrastructure networks, green infrastructure assets and the range of functions they provide. Development proposals within and adjacent to Strategic Green Infrastructure Networks should ensure:-
 - a. The function and connectivity of green infrastructure networks and assets are retained or replaced;
 - b. New or enhanced green infrastructure is designed and integrated into the development scheme where appropriate, including natural greenspace, woodland and street trees;
 - c. The scheme integrates into existing and proposed cycling, bridleway and walking routes, particularly the Core Walking and Cycling network, by providing new connecting links where opportunities exist;
 - d. The protection and enhancement of biodiversity and ecological links, particularly within and connecting to the Kirklees Wildlife Habitat Network

Signed: EM

Landscape Ref: KK139 rev 2

Date: 03.01.23