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:	**2021/44/94424/W**
Site Address:	Land east and west of, Netherton Moor Road, Netherton, Huddersfield, HD4 7JF
Description:	Discharge of conditions 5 (landscaping), 19 (surface water attenuation in highway), 21 (waste storage and collection), 22 (parking specifications), 23 (landscape and ecological management plan), 25 (electric vehicle charging), 26 (ventilation scheme), 27 (obscure glazing), 29 (open space) and 30 (temporary waste storage and collection) of previous permission 2019/93550 for erection of 250 dwellings
Recommending Officer:	Louise Bearcroft

DECISION – Discharge of Conditions – Approve

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

Victor Grayson

AUTHORISED OFFICER

Date: 18-Jul-2024

OFFICER REPORT (DISCHARGE OF CONDITIONS)

Update Report July 2024

Discharge of conditions 5 (landscaping), 19 (surface water attenuation in highway), 21 (waste storage and collection), 22 (parking specifications), 23 (landscape and ecological management plan), 25 (electric vehicle charging), 26 (ventilation scheme), 27 (obscure glazing), 29 (open space) and 30 (temporary waste storage and collection) of previous permission 2019/93550 for erection of 250 dwellings

This update report relates to the following conditions only:

- Condition 5 (Landscaping)
- Condition 23 (Landscape and Ecological Management Plan)
- Condition 29 (Open Space)

Documents Submitted

- Landscape and Ecological Management Plan ref 5881-98-Netherton-LMP-04
- LAP Details ref 2310.40424 (CastleViewLapNetherton_PersimmonHomesWY)
- Tree Cell Layout and Section ref GBU-GEN-DUTS-3001 Rev A
- Detailed Planting Proposals 1 of 12 T93-01
- Detailed Planting Proposals 2 of 2 T93-02
- Detailed Planting Proposals 3 of 12 T93-3
- Detailed Planting Proposals 4 of 12 T93-04
- Detailed Planting Proposals 5 of 12 T93-05
- Detailed Planting Proposals 6 of 12 T93-08
- Detailed Planting Proposals 7 of 12 T93-07
- Detailed Planting Proposals 8 of 9 T93-08
- Detailed Planting Proposals 9 of 12 T93-09
- Detailed Planting Proposals 10 of 12 T93-10
- Detailed Planting Proposals 11 of 12 Planting Schedules T93-11
- Detailed Planting Proposals 12 of 12 Planting Schedules T93-12

Consultation Responses

KC Landscape – We have reviewed the resubmitted Drawings (No 5881 Detailed Planting Proposals revJ-93-01 - through to revJ-93-12) and the revised LEMP-04 submitted on 12/04/2024, and can confirm that the amendments made incorporate more tree planting back into the scheme and also now reference is made to the LAP design within para G1.4. These address the concerns raised in our previous comments. Therefore, provided all the landscape measures specified within the LEMP ref: 5881-98-Netherton-LEMP-04, are incorporated and maintained as outlined hereafter, and subject to KC Ecology approving the LEMP, condition 23 can be discharged.

Condition 5 (landscaping) and condition 29 (open space) can be discharged. We note that apart from KC Ecology having to confirm their approval to discharge condition 23, we are comfortable that this meets the requirements from the landscape elements side of things and could be discharged.

KC Ecology – No objections, previous comments still stand in respect of the acceptability of the LEMP.

Condition 5 (Landscaping)

Condition 5 wording:

> *Notwithstanding the submitted information, full details of the proposed hard and soft landscaping of the site, including a schedule for its provision, shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the first dwelling. The details shall include, but not be limited to:*
>
> *(a) details of the buffer planting to the northern site boundary;*
> *(b) details of the internal boundary treatment for the terraced plots that have an adjoining rear access path;*
> *(c) details of measures to improve the defensible space to plots 103 and 181;*
> *(d) details of appropriate boundary treatments that allow physical access to the areas of publicly accessible open space within the site;*
> *(e) full planting specification including layout, species, number, density and size of trees and plants and/or seed mixes and sowing rates;*
> *(f) details of all hard landscape materials and boundary treatments including garden fences/walls, proposed treatment to existing boundaries and bin stores;*
> *(g) detailed design and layout of all areas of public open space including details of the surfacing of the paths that cross the areas of public open space;*
> *(h) Landscape Management Plan detailing initial aftercare of the landscaping and long-term maintenance for minimum period of 5 years.*
>
> *The development shall be carried out in accordance with the details so approved and thereafter retained as such.*
> ***Reason:** In the interests of visual and residential amenity and biodiversity. This is to accord with Policies LP24, LP30 and LP63 of the Kirklees Local Plan and the National Planning Policy Framework*

Assessment

KC Landscape have reviewed the revised landscape drawings, LEMP and LAP details and are satisfied they meet the requirements of the condition. The details are therefore considered to be acceptable for the purposes of satisfying condition 5. However, the condition cannot be fully discharged at

this stage, as it requires that the development shall be carried out in accordance with the approved details and thereafter be retained as such.

Condition 23 (Landscape and Ecological Management Plan)

Condition 23 wording:

> *A landscape and ecological management plan (LEMP) shall be submitted to and be approved in writing by the Local Planning Authority prior to the first occupation of the development. The content of the LEMP shall include the following:*
>
> *(a) Description and evaluation of features to be managed;*
> *(b) Ecological trends and constraints on site that might influence management;*
> *(c) Aims and objectives of management;*
> *(d) Appropriate management options for achieving aims and objectives;*
> *(e) Prescriptions for management actions;*
> *(f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);*
> *(g) Details of the body or organisation responsible for implementation of the plan; and*
> *(h) Ongoing monitoring and remedial measures.*
>
> *The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.*
> *The approved plan shall be implemented in accordance with the approved details.*
> ***Reason:** To ensure the scheme provides a biodiversity net gain in accordance with Policy LP30 of the Kirklees Local Plan.*

KC Landscape have reviewed the revised LEMP-04 and are satisfied with the details. Amendments have been made to incorporate more tree planting back into the scheme and reference is made to the LAP design within paragraph G1.4. Therefore, provided all the landscape measures specified are incorporated and maintained as outlined, the details are considered to be acceptable.

The LEMP has been revised since KC Ecology made previous comments in 2022, however KC Ecology confirmed their previous comments still stand. It is noted that the consented scheme was produced in advance of the Environment Act 2021 and whilst it does demonstrate methods to accommodate species and new habitats it does not address the percentage increase established in the Natural England metric. However, given the

context, KC Ecology note the document meets the ecological requirements of the condition as it relates to the requirement to avoid biodiversity loss and facilitate some habitat enhancement and protection of species.

The details are therefore considered to be acceptable for the purposes of satisfying condition 23. However, the condition cannot be fully discharged at this stage, as it requires that the approved plan shall be implemented in accordance with the approved details.

Condition 29 (Open Space)

Condition 29 wording:

> *Details of a scheme to ensure that public access to the areas of publicly accessible open space within the site (as identified within the Section 106 agreement) are provided and retained in perpetuity shall be submitted to and approved in writing by the Local Planning Authority before any dwelling is first occupied. The scheme shall ensure that public access is achievable over any unadopted sections of highway where these connect to the areas intended as publicly accessible open space. The development shall be provided in accordance with the approved scheme and thereafter retained as such.*
> ***Reason:*** *To ensure that the areas of public open space within the site are accessible to the public to facilitate their use and to accord with Policies LP20 and LP63 of the Kirklees Local Plan.*

KC Landscape have assessed the details and have confirmed that the details are acceptable to satisfy the requirements of condition 29. However, the condition cannot be fully discharged at this stage, as it requires that the development shall be provided in accordance with the approved scheme and thereafter retained as such.

Recommendation: Approve details pursuant to conditions 5, 23 and 19.

DECISION NOTICE TEXT

This decision notice relates to the following conditions only:

- Condition 5 (Landscaping)
- Condition 23 (Landscape and Ecological Management Plan)
- Condition 29 (Open Space)

Documents Submitted

- Landscape and Ecological Management Plan ref 5881-98-Netherton-LMP-04
- LAP Details ref 2310.40424 (CastleViewLapNetherton_PersimmonHomesWY)
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Condition 5 (Landscaping)

You have submitted the above documents and plans. The details therein are considered to be acceptable for the purposes of satisfying condition 5 and are hereby approved. However, the condition cannot be fully discharged at this stage, as it requires that the development shall be carried out in accordance with the approved details and thereafter be retained as such.

Condition 23 (Landscape and Ecological Management Plan)

You have submitted the above documents and plans. The details therein are considered to be acceptable for the purposes of satisfying condition 23 and are hereby approved. However, the condition cannot be fully discharged at this stage, as it requires that the approved plan shall be implemented in accordance with the approved details.

Condition 29 (Open Space)

You have submitted the above documents and plans. The details therein are considered to be acceptable for the purposes of satisfying condition 29 and are hereby approved. However, the condition cannot be fully discharged at this stage, as it requires that the development shall be provided in accordance with the approved scheme and thereafter retained as such.

Report Dated: 17/07/2024