Kirklees COUNCIL

Consultation Response from KC Landscape	
Application No:	**2023.91300**
Proposed Development:	**Redevelopment, consisting of the alteration, extension, and part demolition of Grade II listed Newsome Mills complex to host, with associated works (Listed Building)**
Location:	**Newsome Mills, Hart Street, Newsome, Huddersfield, HD4 6JF**
Applicant/Agent:	**Triangle Architects**
Planning Officer	**Nick Hirst**
Date Responded:	16.06.23
Responding Officer:	EM
Responding Ref:	MM53

NOTES/COMMENTS: These comments are Without Prejudice

In the absence of detailed Landscape information, we are not able to provide definitive comments on the proposals in relation to design, planting choice or specification or national and local policies. However, based on the information available, we can highlight below potential issues that are likely to influence the nature of an acceptable scheme. To assist the prospective applicant, further information on key elements of landscape design is provided in item 1 below, which will help the applicant submit sufficient landscape and open space information to aid the planning process.

The list is intended to draw the prospective applicant's attention to likely landscape and open space issues that are specific to the site, and which may affect assessment of an application against open space and landscape policies. This list is not based on a comprehensive understanding of constraints particular to the site, therefore it is essential that the prospective applicant engages a suitably qualified landscape architect or similar to advise on specific site issues, opportunities and constraints.

Landscape Context and Concept, Landscape Design

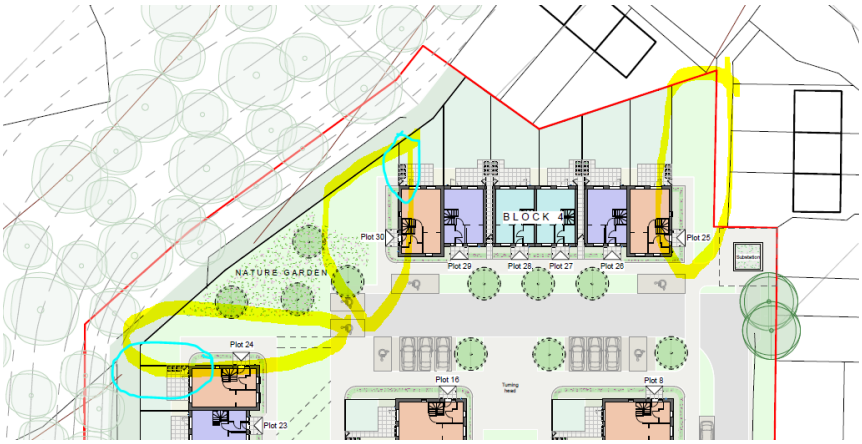
Plans considered: NSM - TRI - ZZ - ZZ - DR - A – 3010 rev P05
Setting – this layout is for 27 houses and 6 cottage flats, 37 apartments in Newsome Mill elderly person accommodation, and 8 Weaver apartments independent living.

The Landscape Chapter in the design and access statement, Chapter 9.0, is very informative, if these intentions are realised in the detailed landscape plans, it would be welcomed and even sketch layouts demonstrating these principles and indicative planting would be helpful.

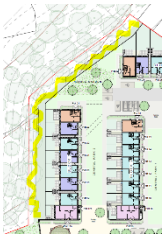
The plan is very indicative in landscape terms, therefore difficult to provide meaningful comments, however, some greenspace on site is shown and is welcome, however, consider access and purpose of the spaces being created. Will the spaces provided meet the needs of the widest possible range of users, be easily accessible and enjoyed by all people, regardless of visual, physical and cognitive ability, mobility or age.

Some of the areas shaded green are more likely highways verges so it would be helpful if the plan identifying POS typologies and their measured areas, also indicated the verges to be adopted by highways as verges.

<u>Green space areas on site: are they managed and maintained by a private/resident management company?</u>



The curtilage and the adjacent Public Open Space should be better defined to ensure that there is a clear definition of residential/amenity use and there should be an appropriate emphasis in landscape design terms. Defensible space is important and needs considering carefully as secure by design. It is difficult to see if these are public open spaces or front gardens. If they are open for public amenity use, the rear boundary treatment, buffer planting and defensible space needs considering carefully.



Is this area open to public access and who will manage and maintain it for the lifetime of the development?

Whilst we welcome the concept of the central parks and the plaza, SuDS etc as communal spaces, the designs must be carefully considered, deterring potential for antisocial behaviour.

Designing these places at the correct scale so that they create the right impact for the setting and making the social spaces work as both public places but immediately outside residents homes is key both in terms of the landscaping but also the hard detailing, access and grounds maintenance going forward.

There is a shortfall of Parks in the Ward however, consider the usage of these and whether they are going to be fully accessible to the public or if they are primarily for the use of the residents in the new development. This needs to be made clear.

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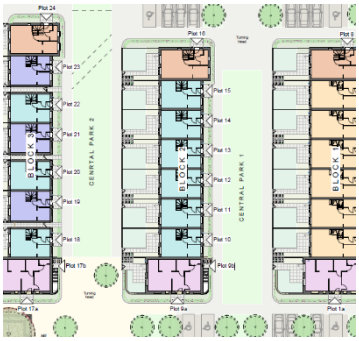


Carefully consider all opportunities for appropriate tree planting and other screening planting could additionally help the proposed development comply with policies and guidance regarding design, biodiversity, health and wellbeing and other relevant planning considerations.

The central parks appear to have no tree planting -will windows in dwellings potentially allow residents to look right at each other?

Please also be reminded of the council's advice regarding Green Streets principles, as well as paragraph 131 of the NPPF, which requires new streets to be tree-lined.

*"Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined**, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users."*

** *Unless, in specific cases, there are clear, justifiable and compelling reasons why this would be inappropriate*

Landscape proposals, particularly frontline tree planting and planting to open spaces, should identify all proposed root protection/barriers, drainage, suds and attenuation or soakaways and all easements to ensure trees are accommodated satisfactorily.

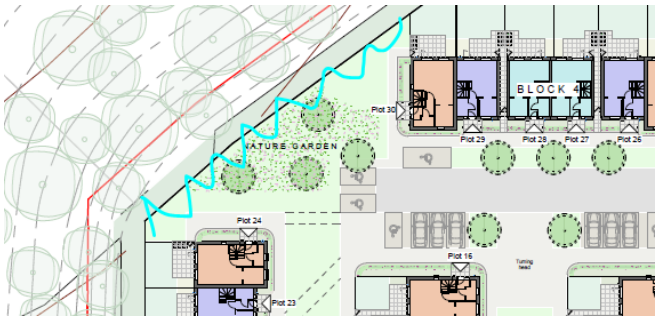
Additionally, we would anticipate all new tree planting within 5m of the adoptable highway to include adequate root barrier, clearly identified on the proposed landscape plans.

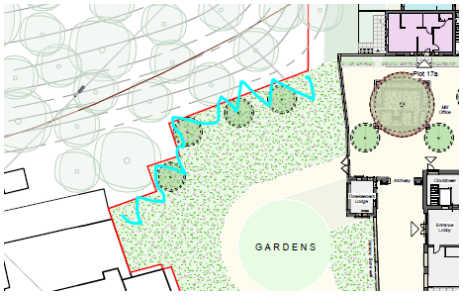
Details should be submitted for proposed tree planting in front gardens and highways verges demonstrating adequate soil volumes and tree pit details to support the growth of the tree for the long term, such as: the volume of tree pits, details of soil volume & root management, details of installation, timing/planting season and long term management.

In addition, please note that 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 materials used).

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.

Preference is for native and proven beneficial to pollinators where possible for this location.





There are opportunities for strengthening the landscape edge with the nature garden and gardens areas.

* We will need full landscape planting details and need to see a management plan for the landscaping scheme to ensure the scheme successfully establishes. The management of newly establishing trees should include, but is not limited to, a watering regime, monitoring of stakes and ties, formative pruning, replacement of failed or damaged trees.

Landscape maintenance and management plans can be dealt with via pre commencement condition – see indicative condition below.

<u>Meeting LP63 for open space typologies, on site and/or off site provision & Ward deficiencies</u>

The Developer should refer to the adopted Open Spaces SPD (Open Space SPD (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
These SPDs are considered a 'comply or justify' approach. If proposals for open space are not in accordance with such guidance, it is beneficial to the decision making process if applicants submit such justification as part of the initial planning application submission.

Number and type of dwellings trigger all greenspace in LP63 as follows:

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Public Open Space requirements calculator (refer to Open Space SPD)

1. Enter the number of dwellings proposed in each dwelling type category
2. Results will be displayed for on-site space requirement and an equivalent payment requirement if on-site is not possible. Inspection fees will apply to any on-site provision.
3. Select the relevant Ward to see open space provision compared to quantity standards in each typology (based on LP63 evidence)

1

Dwelling Type	Number of proposed dwellings
Market/Affordable Housing (100%)	27
Market/Affordable Housing 2-bed Flats (75%)	
Market/Affordable Housing 1-bed Flats (50%)	
Housing for Older People	51
Student Housing	
TOTAL	78

2

LP63 Open Space Typology	Sq m of space required on site	OR	Payment towards off-site provision
Amenity Green Space	1137.24		£31,178.57
Children & Young People	361.80		£12,272.05
Parks & Recreation	1516.32		£43,318.99
Natural & Semi-Natural Green Space	3790.80		£37,055.07
Allotments/Community Growing	390.00		£3,897.47
Outdoor Sports	567.00		£9,599.55
TOTAL	7763.16	(inspection fees will apply)	£137,321.70

Inspection fees for on-site
Choose a level:
Simple
(This will vary according to size, number of site visits and ROSPA certification)
£250

3

Open Space Provision Compared to Quantity Standards (RED = CURRENTLY DEFICIENT)**

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)
Newsome	0.36	0.35	4.56	0.78

** Large developments will affect the level of provision by virtue of increasing the resident population upon which the assessment is based. Therefore deficiencies may be increased in these cases, adding to the required contribution.

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: dwellings for older persons does not trigger CYPP.

For the typologies not able to be provided on site, there are other existing greenspace and open space 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 Newsome Park gardens and others, although consultation with the local community and local councillors will be undertaken.

Delegated approval will be sought for the locations for the off site lump sums. This will be post planning permission when Section 106 planning obligations are paid, and schemes can become 'live', local engagement helps shape and inform the individual POS schemes identified for improvement.

Consultation with the local community and local councillors is undertaken post planning permission when Section 106 planning obligations are paid, and schemes can become 'live', to help shape and inform the POS schemes identified for improvements.

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

We will require the measured areas for the on site pos provision in order to be able to calculate the off site contributions in lieu of sufficient pos being provided on site in the respective typologies. The table above demonstrates the typologies triggered and requirements in sq.m. or off site £ contribution with/without on site pos provision.

If the applicant submits a plan showing suitable and appropriate open space and the measured areas of their typologies, we can re-calculate this sum to reflect the on site provision.

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

The Council has an obligation in respect of the Equalities Act and therefore mown grass paths across open greenspace are not acceptable versus bitmac or bound gravel paths.

The area adjacent the Site to the north 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.

Healthy active travel routes and improvements that promote and facilitate greater use of the spaces and a strong integration with the surrounding new and existing communities, should be considered carefully, refer to the Highways Design guide: Highway Design Guide Supplementary Planning Document (SPD) (kirklees.gov.uk)

Advice to planning officer:

Required Actions-

Landscape – it would be prudent, given the setting of this scheme, to secure early submission of a detailed Landscape plans, open space details and a Landscape Management Plan (with conditions suggested A, B and C below).

Submission of measured areas and typologies of open space to meet requirements of LP63

A s106, or similar, will be required with full details of the management and maintenance of the areas of on site Public Open Space, footpaths, plaza and central parks for the lifetime of the development, off site lump sums, inspection fee and contact for the private management company or resident management company arrangements.

The condition for the Landscape And Ecological Management Plan: (to be confirmed with GH)
See condition indicative for LEMP below.

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.

If outline permission is granted we will require a detailed landscape plan clearly demonstrating the principles of the landscape design and the concept with thought to the context and setting at reserved matters stage, together with the details of access to amenity greenspace measured areas clearly labelled.

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.

Once the above information is received, KC Landscape should be consulted once again, and appropriate conditions can be brought forward.

PROW: POS paths dedicated as highway: Yes

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

All S106 Agreements should have indexation added to financial payments requirements

S106 HoT

Off Site Open Space & Location of site/s to receive POS contribution : ***£ towards existing facilities in the vicinity of the development.***
By:. Preferably prior to occupation of 25% of dwellings
Trigger points if payments phased: Preferably prior to occupation of 25% and 50%
On-site POS

- **Trigger point:** Preferably prior to occupation of 50% for LEAP (or 75% for both areas of POS, LAP & 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: Always Yes** - All S106 Agreements should have indexation added to financial payments requirements
- 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).
- 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):** Yes – as there is substantial POS being created on site
- **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):** Shows on site POS shaded and or bounded by a colourful line

Conditions: TBC
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) Means of enclosure around the site, including gates; (b) Materials to be used for all hard surfaced areas (c) Soft landscape works to include planting plans; plant schedules noting species, plant sizes and proposed numbers/densities where appropriate; (d) an implementation, 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. (e)The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this 5 year 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. 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.

B. **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 the interests of the visual amenity and character of the surrounding area and to accord with Policies LP24 and LP63 of the Kirklees Local Plan.

   Reason: In the interest of visual and residential amenity, to ensure that there is a well laid out scheme of hard and soft landscaping, to comply with the aims and objectives of Policy LP24 & LP63 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework

C. No building shall be occupied until a landscape and ecological management plan (LEMP) has been submitted to and approved in writing by the local planning authority which also includes the SuDS features. The scheme shall provide the means of providing biodiversity enhancement, and full details of how the landscaped areas, SuDS and the playable spaces will be managed and maintained in perpetuity.

   Reason: In the interest of visual and residential amenity, to ensure that there is a well laid out scheme of hard and soft landscaping, to comply with the aims and objectives of Policy LP24 & LP63 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework

Kirklees COUNCIL

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.
   - Any s106 requirements for off site contributions and all S106 Agreements should have indexation added to financial payments requirements
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). 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 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 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.
5. 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