

<b>Consultation Response from KC Landscape</b>	
<b>Application No:</b>	2023/92712
<b>Proposed Development:</b>	Erection of 40 bed care home and 12 independent supported living units (use class C2) with associated works including the formation of car park and service access
<b>Location:</b>	Land adjacent, 36 Oxford Road, Dewsbury, WF13 4LL
<b>Applicant/Agent:</b>	Farrell & Clark LLP
<b>Planning Officer</b>	Nick Hirst
<b>Date Responded:</b>	06.11.23
<b>Responding Officer:</b>	EM
<b>Responding Ref:</b>	MM97

**NOTES/COMMENTS:** These comments are Without Prejudice

**Submission of measured areas and typologies of open space to meet requirements of LP63 is required as per validation checklist. The public open space plan identifies an inclusive secure site with no public space therefore, all contributions will be off site as per LP63.**

1. Landscape Context and Concept, Landscape Design

Plans considered/reviewed: Soft Landscape proposals Drwg: 711.03 Date Sept 23  
 Setting – this layout for 40 bed care home plus 12 self contained single bedroom units  
 Planning statement refers to secure space rather than public open space on site.

2. The proposed landscape layout drawing no. 711.03 is sympathetic to the proposed users of the site, creating safe spaces with a variety of landscaped spaces, sensory planting and different uses.

3. We welcome the use of tree planting in the car park to reduce dominance of hard surfaces/car parking bays

4. It doesn't look like any management plan for the scheme has been submitted. We will 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.

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

6. 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](#)

7. 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.
8. Number and type of dwellings trigger amenity greenspace in LP63 and 40 bed care home plus 12 self contained single bedroom units triggers other typologies.
9. Ward deficiencies

Select Ward	Current Open Space Provision Compared to Quantity Standards			
	Amenity Greenspace (ha per 1000 pop)	Recreation Grounds (ha per 1000 pop)	Natural & Semi_Natural Greenspace (ha per 1000 pop)	Allotments (ha/p 1000 households)
Dewsbury West	0.27	0.8	4.16	1.13
Current Open Space Provision Compared Quality & Accessibility Standards	Req'd for Acceptability	Req for Quality	Req for Quality	Req for Quality

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

10. Dwelling triggers for Children & Young Peoples Provision: is not triggered
11. On site or off site & Existing facilities in the vicinity: There are existing greenspace facilities in the vicinity, within the recommended 720m for accessibility of the site, including but not limited to crow nest park and rock house park, which would require enhancement in lieu of on-site provision potentially, although consultation with the local community and local councillors will be undertaken for appropriate location/facilities at that time and inclusive of potential additional needs for this new resident user group.
12. 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.
13. 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.
14. Negotiation of a commuted sum with the LPA to facilitate improvements in an offsite location will be required as a s106 agreement or similar.
15. 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 below demonstrates the typologies triggered and requirements in sq.m. or off site £ contribution with/without on site pos provision.

Total Dwelling no	52			
Is POS being provided by developer?	No	This box (A) only when no POS provided on site.		
<b>A. POS REQUIREMENTS SUMMARY</b>				
	Cost (see below)	Admin @ 15%	Total Cost incl admin	Meters (see above)
Amenity Green Space	£18,074.53	£2,711.18	£20,785.71	758.16
Children & Young People	£0.00	£0.00	£0.00	0.00
Parks & Recreation	£25,112.46	£3,766.87	£28,879.33	1010.88
Natural & Semi-Natural Green Space	£21,481.20	£3,222.18	£24,703.38	2527.20
Allotments/Community Growing	£2,259.40	£338.91	£2,598.31	260.00
Outdoor Sports	£0.00	£0.00	£0.00	0.00
<b>TOTAL</b>	<b>£66,927.59</b>	<b>£10,039.14</b>	<b>£76,966.73</b>	<b>4556.24</b>
<b>Shortfall/POS Requirement from developer:</b>	<b>£66,927.59</b>			
Admin at 15%	£10,039.14			
<b>Shortfall/POS Requirement from developer (rounded):</b>	<b>£76,967</b>			

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

17. The greenspace to the south of the Site is designated as an urban greenspace and to the east is the conservation area. TPO protected trees and tree groups are being retained where possible. The protection and enhancement is required by several policies within the Local Plan, including LP30, LP31 and LP33.

With regards our comments on the information provided in the application, these are without prejudice.

### Advice to planning officer:

#### Required Actions-

#### Revision of landscaping plan to...

**Landscape** – A s106, or similar, will be required with full details of the provision and triggers for the off site Public Open Space contributions.

#### The condition for the Landscape And Ecological Management Plan: (to be confirmed with GH)

See condition indicative for LEMP below.

Should sufficient detailed landscape information not be forthcoming, we will require full detailed landscape management proposals as per point 1 below with details of the management and maintenance of the areas landscape for the lifetime of the development in the Planning Condition, including replacement of any failures of the planting within 5 years, to ensure establishment of the approved planting proposals and existing trees and vegetation retained on site (Incl. TPO's).

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

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 : £76,967.00 towards existing facilities in the vicinity of the development.**

**By:.** Preferably prior to construction (N.B. we're likely to require the payment or any final instalment earlier than occupation, to avoid disincentivising completion)

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

Corresponding obligations for the Council:

- To inspect the On-Site Open Space within 20 Working Days of the date of receipt of notification of completion of the On-Site Open Space from the Owner.
- To provide to the Owner, as soon as is reasonably practicable after an inspection during which the Council (acting reasonably) concludes that the On-Site Open Space has been provided in accordance with the Approved Open Space and Drainage Scheme, certification in writing confirming that to be the case.
- **Bonds:** or deposit – yes for off site contribution
- **Index linked: Always Yes** - All S106 Agreements should have indexation added to financial payments requirements

**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, fruit trees 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

**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 \(SPD\) \(kirklees.gov.uk\)](https://www.kirklees.gov.uk/highway-design-guide-supplementary-planning-document-spd). 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