

**Consultation Response from KC Landscape**

<b>Application No:</b>	2023/93113
<b>Proposed Development:</b>	Change of use and alterations to form student living accommodation [ <i>107 studio apartments</i> ] with ancillary concierge and communal facilities including roof extension and roof terrace
<b>Location:</b>	30, Market Street, Huddersfield, HD1 2HG
<b>Applicant/Agent:</b>	C49 Architecture Ltd
<b>Planning Officer</b>	Ellie Thornhill
<b>Date Responded:</b>	08.04.2024
<b>Responding Officer:</b>	EM
<b>Responding Ref:</b>	MM121

**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.**

- 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](#)
- 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.
- 107 student apartments/accommodation triggers amenity greenspace in LP63 parks and recs and natural and semi natura, though there is no POS intended on site.
- Ward deficiencies

Current Open Space Provision Compared to Quantity Standards				
Select Ward	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)
Newsome	0.36	0.35	4.56	0.78
Current Open Space Provision Compared Quality & Accessibility Standards		Req'd for Acceptability		
Total Dwelling no		107		
Is POS being provided by developer?		No		
<b>This box (A) only when no POS provided on site.</b>				
A. POS REQUIREMENTS SUMMARY				
	Cost (see below)	Admin @ 15%	Total Cost incl admin	Meters (see above)
Amenity Green Space	£37,191.83	£5,578.77	£42,770.60	1560.06
Children & Young People	£0.00	£0.00	£0.00	0.00
Parks & Recreation	£51,673.71	£7,751.06	£59,424.77	2080.08
Natural & Semi-Natural Green Space	£44,201.70	£6,630.26	£50,831.96	5200.20
Allotments/Community Growing	£0.00	£0.00	£0.00	0.00
Outdoor Sports	£0.00	£0.00	£0.00	0.00
<b>TOTAL</b>	<b>£133,067.24</b>	<b>£19,960.09</b>	<b>£153,027.33</b>	<b>8840.34</b>
Shortfall/POS Requirement from developer:	£133,067.24			
Admin at 15%	£19,960.09			
Shortfall/POS Requirement from developer (rounded):	£153,028			

Amenity greenspace is required to make the development acceptable and although there is amenity greenspace within 720m it is of low or medium quality. We understand there is no provision for on site POS due to the location/ limitations on external space.

5. On site or off site & Existing facilities in the vicinity: 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, although consultation with the local community and local councillors will be undertaken.
6. There are existing facilities in the vicinity, suitable and appropriate for students, within the recommended 720m for accessibility of the site, which would require enhancement in lieu of on-site provision, potentially, but not limited to greenhead Park
7. 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.
8. 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.
9. Negotiation of a commuted sum with the LPA to facilitate improvements in an offsite location in the form of a s106 agreement or similar in the sum of £153,028.00 (without Prejudice).

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:**

#### **Required Actions-**

Submission of measured areas and typologies of open space to meet requirements of LP63 as per validation checklist, if still no on site POS then we anticipate Negotiation of a commuted sum with the LPA to facilitate improvements in an offsite location in the form of a s106 agreement or similar in the sum of £153,028.00 (without Prejudice).

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 : £ 153,028.00 (without Prejudice). towards existing facilities in the vicinity of the development, including but not limited to Greenhead Park.**

**By: Preferably prior to occupation of 25% of dwellings (N.B. we're likely to require the payment or any final instalment earlier than the final dwelling, to avoid disincentivising completion)**

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

- **Bonds: or deposit – yes if there is an off site contribution**
- **Index linked: Always Yes** - All S106 Agreements should have indexation added to financial payments requirements

**Conditions: TBC**

Recommended as:

A s106 be agreed for off site POS contributions as soon as possible and triggered as soon as practicable for payment.

**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/highways-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