

Consultation Response from KC Landscape	
Application No:	2023/93667
Proposed Development:	Outline application for demolition of buildings and erection of residential development (up to 261 dwellings), redevelopment of Lodge Cottage for residential use and associated works
Location:	Storthes Hall Student Village, Storthes Hall Lane, Kirkburton, Huddersfield, HD8 0WA
Applicant/Agent:	Johnson Mowat
Planning Officer	David Wordsworth
Date Responded:	22.02.2024 now 26.02.2024
Responding Officer:	EM
Responding Ref:	MM119

NOTES/COMMENTS: These comments are Without Prejudice

Summary notes to Planning Officer: Further detail required regarding POS areas, typologies need assessing. The calcs have been done using the figures, however, we would question whether there is any Parks and Recs on site given the layout and need for BNG area and suds. However – a lot of the ambiguity could be overcome with the detailed landscape design.

Summary: Submission of landscape layout plans (and annotation/details as required) to incorporate.

1. Current layout does not consider existing elements of quality landscape and setting; existing tree groups could be retained to enhance the character of the proposed layout
2. Layout shows POS uses based on spaces, but more greenspaces could be incorporated into and across the residential area as a whole (welcome them being overlooked on current layout).
3. We welcome inclusion of some POS typologies included on site, they potentially do not meet LP63 so layout and location/detail will need to be agreed.
4. Proposed layout could help demonstrate accessibility and useability of the POS shown and whether appropriate typologies are located together (e.g. BNG & PROW -whilst this seems detail it is important to set it out in the layout to see what is achievable with current constraints e.g. some proposed paths indicated in some pos areas and not others, should the BNG be located in proposed new public park).
5. Current layout doesn't include sufficient street tree planting throughout the scheme.
6. The layout should clearly show LAP & LEAP separation zones (to clarify useable equipped space available) and any conflicts with stats/proposed tree planting/ existing overshadowing of existing trees/woodland. They could also accommodate existing trees and vegetation to enhance their quality (and mature landscapes/vegetation can make excellent natural play).
7. Layout plan could show anticipated Stats and infrastructure easements and off sets in conjunction with landscaped areas, trees and POS to demonstrate these key landscape proposals are achievable.
8. Proposed trees incorporated on the layout will need to demonstrate sufficient soil volumes for successful establishment and growth.

9. Concern there is too little landscaping across the development and the parking areas are far too dominated by vehicular hard surfacing.

On site provision of public open space (POS), of varying typologies is welcomed in the submission of the estimated measured areas and typologies of open space on the Public Open Space provision plan (to meet requirements of LP63 as per validation checklist). The location and layout could potentially be developed.

It should be noted that the dwelling numbers and types affect the triggers so the current layout and the detailed design of the areas proposed and layout of these certain typologies will need discussion before the POS calculations can be agreed.

1. In the absence of detailed Landscape layout 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, we have provided some comments based on the information available, including but not limited to:

Design and access statement, Arb and ecological documentation
Illustrative Landscape Masterplan (526-UW-P-001)
Public Open Space provision plan (526-UW-P-002),

2. To assist the prospective applicant, the following points cover potential issues that are likely to influence the nature of an acceptable scheme in terms of layout. Further information on key elements of landscape design for this layout 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 layout**, 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.

3. Landscape Context and Concept, Landscape Design relative to Layout

Landscape Plans considered/reviewed in terms of layout:

- Illustrative Landscape Masterplan (526-UW-P-001)
- Public Open Space provision plan (526-UW-P-002),

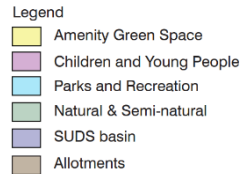
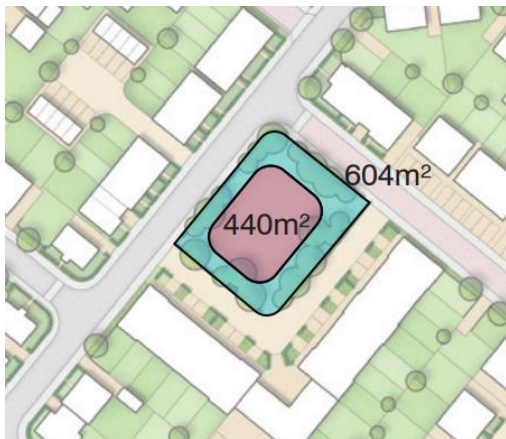
Setting – this layout for 261 dwellings is broadly on the footprint of the former student buildings on the proposed development site but also the relatively established landscaped areas and open spaces between, the whole site is within the greenbelt.

4. The Illustrative Landscape Masterplan plan is very indicative in landscape terms with regards the layout, but it does provide an indication of proposed landscaped areas, retained vegetation and potentially some minimal street tree planting, although this is very limited. It is therefore difficult to provide more detailed meaningful comments on the layout, however, some greenspace is shown on site, and is welcome, however, consider location, 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, background or age. Are some of the areas shaded green more likely highways verges, buffer and screen planting or amenity greenspace around other features?

5. In terms of the layout, we have some concern over the number of locations where there are private drives rather than looped roads so they will need to be bin presentation points and **potential bin blight on the streetscape**. These will need to be carefully designed so bins don't blow over if left out, (or generally the recycling green bins can blow over as lighter). They will need landscaping and screening when outside windows or close to properties boundaries and in key **views from habitable rooms**.
6. The landscape design is important in this **greenbelt** setting and retained existing trees can provide focal points and can benefit by having a well thought out and creatively designed layout relating more closely with the landscape setting. This existing attractive and relatively mature landscape setting could be enhanced by a revised layout, and much more made of the existing vegetation if more of the mature landscaped areas and higher quality trees are retained.
7. The current layout shows proposed landscaped areas and we feel these should enhance existing site conditions, air, and water quality, and increasing green infrastructure to promote biodiversity. The proposed layout could accommodate more newly created green spaces which should form a sustainable and resilient public realm, incorporating meaningful sustainable design principles. The development layout, in terms of landscape proposals and designs, should be of high quality, in this setting in the Greenbelt, and ensure any proposed spaces for public use and or activities consider and meet the needs of people of all ages and backgrounds. Whilst it is more detail than this layout goes to, consideration for incorporating accessible spaces, ramps with a 1:21 gradient, designing with inclusivity in mind & creating landscapes that prioritize health and well-being, such as circuits and link paths into the surrounding area, landscape and woodland is important and feasibility of such should be considered/addressed in the current layout.
8. The proposed submitted layout, in addition to a key aspect of providing welcoming accessible pathways and circulation routes, should consider locating appropriate seating options that cater to a range of users should also include benches at a various distance/resting points. Details should be well thought out, such as seating with backrest and armrests for individuals who require support, together with benches with varying heights to accommodate people of different sizes, mobility/ability, as well as shaded and/or sun for comfort and usability. Inclusivity extends into visual experience in greening, viewpoints, planting design, paving design for a multi -sensory environment that engages individuals. This development is in such a lovely rural setting that the design of the open green spaces should also consider acoustics that enhances the users experience of the outdoor environment, as this is not possible in so many more urban developments. The current Layout does not appear to make the most of the setting.
9. 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).
10. The landscaping layout is keeping a number of existing quality trees to the boundaries and this is welcomed. However, the layout in terms of landscape is indicative so if the landscaping scheme can be secured by condition then it should also be to prevent the quality and quantity of proposed and existing trees from being eroded in any subsequent applications.
11. Layout plans should clearly show the impact of the proposed landscape planting on drainage infrastructure, or other stats and easements or offset requirements. This should also be shown

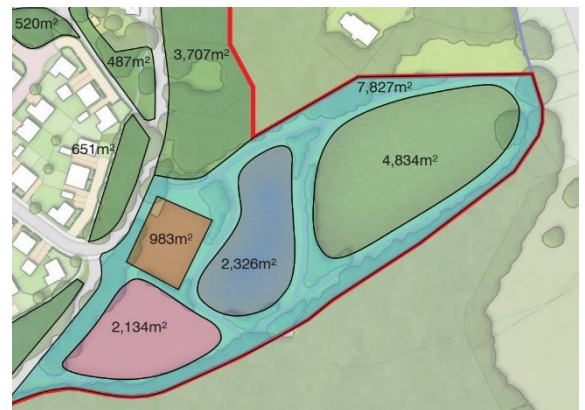
clearly for Root Protection Areas for existing and proposed tree planting and any proposed root barriers.

12. Many of the POS areas are well positioned and well overlooked which is welcomed. Defensible space is important for curtilage, and the location of the open space typologies appears to have been carefully thought out for secure by design. However we would welcome more greenspaces being incorporated throughout the layout.



13. Some typologies potentially need discussion – this appears to be a LAP in an area of amenity greenspace but is shown as Parks and recs typology. If it is to be created as a pocket park – this will need to be demonstrated and quality park design apparent.

14. Whilst the layout shows a new park and we welcome the inclusion of a new Park in the Ward (given the deficiency of quantity of Parks in the Ward and lack of accessibility to parks and recs in the immediate area), this new park needs to be well thought out and designed holistically as a welcoming accessible new “Park”. This proposed use and accessibility for the public may conflict with the proposed BNG area so careful thought and close design and agreement with ecologist and biodiversity experts will be required. We would also look at the layout regarding the main pos areas being across the estate road. Layout incorporating more POS within the build environment would be welcomed.



15. New developments are to retain and incorporate existing significant trees within the layout as stated within Kirklees Local Plan policy LP33. 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.

16. *"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*
17. The indicative layout of the scheme does not provide sufficient street tree planting for the development which would be preferred. Trees in rear or private front gardens cannot provide the same public amenity and tend to be removed before they reach a size that allows them to contribute to the setting of the development.
18. The layout should 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.
19. The proposed landscape layout should include details for any 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. 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.
20. When submitting detailed landscape proposals, preference is for species which are native, fruit bearing species, where appropriate. Not potentially invasive species 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.
No plant species located on part 2 of schedule 9 of the [Wildlife and Countryside Act 1981 \(legislation.gov.uk\)](#) shall be considered.
21. Preference is for native plants and for plants proven as beneficial to pollinators where possible for this location. Native, fruit bearing species preferred where appropriate.
22. Mitigating and Enhancing Biodiversity: The proposed landscape scheme should support biodiversity and mitigate the impacts of the development. This scheme should demonstrate habitat areas, planting native species, and creating ecological corridors to facilitate the movement of wildlife.

23. There are opportunities for strengthening the landscape edge and avoiding dominance of hard surfaces/car parking to frontages or rear parking courts.
24. At this stage, no management plan for the scheme has been submitted. Landscape maintenance and management plans can be dealt with via pre commencement condition – see indicative condition below.



The plans, when submitted, should provide details of planting and maintenance requirements for the trees and planting to meet our expectations.

- The LEMP/Management plan for the landscaping scheme is 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.
25. SuDS: Enhancing and including Nature-Based Solutions: Can this scheme integrate nature-based solutions more widely, across the whole development perhaps, particularly to enhance the ecological function of the landscape. Consideration of retention ponds, rain gardens, and bio-swailes in softscape areas to further mitigate flooding, slow the flow and improve water quality, given the space, location and opportunities.
26. The open space and landscaped areas could further promote Healthy and Outdoor Lifestyles by providing opportunities for outdoor activities and recreation. This can involve designing looped paths, fitness stations, informal sports and play areas that cater for people of all ages, abilities and backgrounds. Whilst this submission does not provide the detail, these should be considered in the detailed landscape designs.
27. 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 \(kirklees.gov.uk\)](https://www.kirklees.gov.uk/open-space-spd) 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](#)
28. 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.
29. Number and type of dwellings trigger amenity greenspace in LP63 and as 261 dwellings trigger **all typologies** including outdoor sports.
30. 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)
Kirkburton	0.41	0.5	0.95	0.52
Current Open Space Provision Compared Quality & Accessibility Standards	Req'd for Acceptability and accessibility	req for quantity & accessibility	req for quantity & quality	req for accessibility
Total Dwelling no	261			

Amenity greenspace is required to make the development acceptable and there is no amenity greenspace within 720m.

Date: Feb 2024 Development: MM119 Storthes Hall Student Village, Kirkburton 2023.93667		In accordance with LP63, SPD June 2021												open-space-spd
NOS Dwelling Count for Calcs (Table 1 LP63 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%)	257	Yes	3747.06	Yes	4996.08	Yes	12490.2	Yes	1285	Yes	3443.8	Yes	5397	
Market/Affordable Housing 2-bed Flats (75%)	4	Yes	58.32	Yes	77.76	Yes	194.4	Yes	20	Yes	40.2	Yes	84	
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	261		3805.38		5073.84		12684.6		1305		3484		5481	
Qualifying POS meterage for this development?			Yes		Yes		Yes		Yes		Yes		Yes	
Total meterage for this development			3805.38		5073.84		12684.6		1305		3484		5481	

31. Dwelling triggers for Children & Young Peoples Provision: 261 dwellings does trigger CYPP – a LAP, a LEAP and a contribution towards MUGA facilities.

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](#)

32. On site or off site & Existing facilities in the vicinity: Not within 720m guidance distance for walking, however there are facilities at Highburton and Kirkburton. The pos being provided on site is key in the layout.
33. There are existing facilities which would require enhancement in lieu of on-site provision, potentially, but engagement will be required to assess which existing facilities are suitable or sufficiently close to this development.
34. 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.
35. 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.
36. Negotiation of a commuted sum with the LPA to facilitate improvements in an offsite location and a s106 agreement will be required.

7	Total Dwelling no	261			
8	Is POS being provided by developer?	Yes	Complete (B) POS details below		
9					
10					
11	A. POS REQUIREMENTS SUMMARY	Cost (see below)	Admin @ 15%	Total Cost incl admin	Meters (see above)
12	Amenity Green Space	£90,720.26	£13,608.04	£104,328.30	3805.38
13	Children & Young People	£169,059.94	£25,358.99	£194,418.93	3484.00
14	Parks & Recreation	£126,045.22	£18,906.78	£144,952.00	5073.84
15	Natural & Semi-Natural Green Space	£107,819.10	£16,172.87	£123,991.97	12684.60
16	Allotments/Community Growing	£11,340.45	£1,701.07	£13,041.52	1305.00
17	Outdoor Sports	£80,691.88	£12,103.78	£92,795.66	5481.00
18	TOTAL	£585,676.84	£87,851.53	£673,528.37	31833.82
19					
20	Shortfall/POS Requirement from developer:	£585,676.84			
21	Admin at 15%	£87,851.53			
22	Shortfall/POS Requirement from developer (rounded):	£673,529			

37.

B. Complete ONLY if POS supplied by Developer							
Input POS area to be provided(sq.m)		36476	Remaining sq m		300.76		
Development: MM119 Storthes Hall Student Village, Kirkburton 2023.93667			Date: Feb 2024		INPUT % OR sq. m		
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		£90,720.26	3805.38		3550	£84,632.00	£6,088.26
Parks & Recreation		£126,045.22	5073.84		8431	£126,045.22	0
Natural & Semi-Natural Green Space		£107,819.10	12684.60		18612	£107,819.10	0
Allotments/Community Growing		£11,340.45	1305.00		983	£8,542.27	£2,798.18
Outdoor Sports		£80,691.88	5481.00		0	£0.00	£80,691.88
Children & Young People		£169,059.94	3484.00	100% provided?	Min sq.m		
CHYPS provided by developer			LAP	Yes	400	£25,917.07	
			LEAP	No	4199	£67,065.10	
			NEAP	No	0	£0.00	
			MUGA	No	0	£0.00	
						£92,982.17	£76,077.77
TOTAL Cost (excl admin)		£585,676.84	31833.82		36175	£420,020.76	£165,656.08
Outstanding POS Requirement from developer:		£165,656.08					
Admin at 15%		£24,848.41					
Inspection Fee (see Manco Fees Guidance tab)		£1,750.00					
Shortfall/POS Requirement from developer (rounded):		£192,255					

38. The key factor of the layout is the POS detail. We will require agreement of the detail for the measured areas for the on site pos provision in order to be able to accurately 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 £TBC contribution with/without on site pos provision for the conceptual areas provided on the Public Open Space Provision Plan dwg no. 526-UW-P-002.
39. If the applicant submits a detailed landscape layout plan showing suitable and appropriate open space and the measured areas of their typologies, we can calculate this sum to reflect more accurately the on site provision. The plan provided is only suitable for an estimate, at this stage.
40. Wildlife and habitat networks, TPO's, PROW: links & connectivity: are considered of high value and good opportunity at this location.

41. The Council has an obligation in respect of the Equalities Act and therefore mown grass paths to and across proposed open greenspace are not acceptable versus surfaced, bitmac or bound gravel paths (or similar).
42. The woodland area adjacent the Site 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.
43. Layout Access: The design and construction of a network of cycleways and pathways should showcase the developers aim and commitment to promoting sustainable and eco-friendly transportation options. We will require details of how the landscaped areas or open spaces link and demonstrate accessibility for all and how they enable people to experience and appreciate the natural environment. The aim should be to enhance connectivity of the spaces within the new development and beyond and to create a network of pathways and connections that promote interaction between people and nature.



44. This inclusion of linking footpath routes with the POS is welcome and could link further and enhance connectivity across the site.

45. The layout could show more linking surfaced footpath networks and those included could be further extended, creating 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, refer to the Highways Design guide: [Highway Design Guide Supplementary Planning Document \(SPD\)](https://www.kirklees.gov.uk/highways-design-guide-supplementary-planning-document-spd) ([kirklees.gov.uk](https://www.kirklees.gov.uk))

46. Walking and cycling routes are safeguarded under Policy LP23 of the Local Plan. Existing routes dissect the site and the integration of pedestrian and cycleway linkages should provide the framework for movement through a truly sustainable community in association with the greenspaces. It would be good to see the access routes plan in more detail linking to the open space provision.

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

Advice to planning officer:

Required Actions- further detail required regarding POS areas, typologies need assessing. The calcs have been done using the figures, however, we would question whether there is any Parks and Recs on site given the layout and need for BNG area and suds. However – a lot of the ambiguity could be overcome with the detailed landscape design.

Summary : Submission of landscape layout plans (and annotation/details as required) to incorporate.

10. Current layout doesn't include sufficient street tree planting,

- 11. Layout plan should show anticipated Stats and infrastructure easements and off sets in conjunction with landscaped areas, trees and POS.**
- 12. Layout shows POS uses based on spaces, but could help demonstrate accessibility and useability, and BNG & PROW (whilst this seems detail it is important to set it out in the layout to see what is achievable with current constraints) e.g. some proposed paths indicated.**
- 13. The layout should clearly show LAP & LEAP separation zones indicated on a layout plan (to clarify useable equipped space available) and any conflicts with stats/proposed tree planting/ existing overshadowing of existing trees/woodland.**
- 14. Proposed trees incorporated on the layout will need to demonstrate sufficient soil volumes for successful establishment and growth.**

Landscape generally–

To be satisfied with the concept proposals we will need to see early submission of detailed landscape information for the site.

It would be prudent, given the setting of this scheme, to secure early submission of a detailed Landscape Layout Plan, planting plan and POS details plus a Management Plan and conditions suggested A, B and C below.

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 and planted areas and verges for the lifetime of the development, off site lump sums, inspection fee and contact for the private management company or resident management company arrangements.

LEMP will be required in due course; **The condition for the Landscape And Ecological Management Plan: (to be confirmed with GH);** See condition indicative for LEMP below.

Submission of an approved measured areas and typologies of approved open space plan to meet requirements of LP63 which will be included in the s106. We have concerns that the current pos typology areas do not meet LP63 requirements.

Given the lack of landscape and open space detail and comments above, the proposals are not acceptable in their current form.

Layout of Green space areas on site: are they managed and maintained by a private/resident management company?

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 when through or immediately adjacent to POS areas.

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 : £ TBC towards existing facilities in the vicinity of the development.

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%

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
- **Open Space** - means the open space including play equipment to be provided on the Site as part of the Development;
- To provide the On-Site Open Space identified in the Approved Open Space and Drainage Scheme in accordance with the specification therein prior to first Occupation of 85% of the Dwellings.
- To provide written notification to the Council of completion of the On-Site Open Space within 20 Working Days of completion.
- To pay the **Open Space Inspection Fee** to the Council within 20 Working Days of receipt of written request from the Council (PROVIDED THAT such request shall not be made any earlier than the date of the Council's inspection of the On-Site Open Space and nothing in this paragraph 3.3 requires the Owner to pay the Open Space Inspection Fee on any date which is earlier than 20 Working Days after the inspection).
- Subject to paragraph xxx to maintain and manage in perpetuity the On-Site Open Space and drainage infrastructure in accordance with the Approved Open Space and Drainage Scheme by way of incorporation of a Management Company which is registered at Companies House:
 - (a) which may already be in existence or which may be formed by the Owner for the purposes of carrying out the maintenance of the onsite open space and drainage infrastructure in accordance with this deed and which is incorporated in England and Wales or Scotland;
 - (b) which has its registered office in England and Wales or Scotland; and
 - (c) whose primary object is permitted to maintain and renew the drainage infrastructure and On-Site Open Space.

- Not to transfer the On-Site Open Space to a Management Company until such time as the Council has certified in writing that the On-Site Open Space has been provided in accordance with the Approved Open Space and Drainage Scheme.

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 if 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, routine or complex see fee sheet): Yes** – as there is substantial POS being created on site with equipped provision and key landscape features being planted The Inspection fee, to be paid within a reasonable time after the inspection and certification by the council that the on site pos has been created (preferably as per the approved plans) and this fee shall **NOT** be tied in to the adoption by a private/residents management company nor any land transfer to the same).
- **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:

- 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:
 - Means of enclosure around the site, including gates;
 - Materials to be used for all hard surfaced areas
 - Soft landscape works to include planting plans; plant schedules noting species, plant sizes and proposed numbers/densities where appropriate;
 - 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) Impact of the proposed landscape planting on drainage infrastructure; (f) 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 \(SPD\) \(kirklees.gov.uk\)](http://kirklees.gov.uk/highway-design-guide-supplementary-planning-document). 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

