

FAO Ellie Thornhill  
Kirklees Council  
Planning Services  
PO Box 1720  
Huddersfield  
HD1 9EL

**Date:** 27 February 2024  
**Our ref:** 65150/01/JG/JSt/29894096v2  
**Your ref:** 2023/48/93350

Dear Ellie

## 2023/48/93350 - Former Deighton Centre. Consultee Comments

With all consultees having now responded to the planning application for the “*Development of former Deighton Centre (previously Deighton High School) for a Social Emotional and Mental Health School (use class F1)*” (ref. 2023/48/93350), we write to address matters raised relating to landscape, designing out crime, counter terrorism, waste, ground conditions and public rights of way.

### Response to KC Landscaping Comments

Set out below, Lichfields provides the applicant’s commentary and suggested approach with respect to the technical feedback received from the KC Landscaping on 8<sup>th</sup> January 2024.

In overview, in the light of officer and consultee feedback, we understand that the principle of the development of a new SEMH school at the former Deighton Centre is acceptable, and that whilst further information is required with respect to landscape and landform, these are in the main matters which could be addressed by planning condition. Noting the comments made, we do however provide update to the landscape focused plans and reporting submitted with the planning application to address matters of landscaping principle.

We have referenced the updated documents within Table 1 below and in Table 2, provided response to the detail of the landscape comments made.

Table 1 Landscaping and Planning Submission documents

Plan / Report	Previously Submitted Plan Reference	Revised Plan Reference	Comment
Landscape Statement	JNA-COL-XX-XX-DOC-005_Rev01	JNA-COL-XX-XX-DOC-005_Rev02	This statement been updated to reflect the latest plan revisions and KC Landscaping’s comments.

Plan / Report	Previously Submitted Plan Reference	Revised Plan Reference	Comment
Landscape Layout	L-2352-GAP-1000 Rev. 31	L-2352-GAP-1000 Rev. 37	This plan has been updated to reflect KC Landscaping's comments as referenced below.
Boundary Treatment Plan	L-2352-GAP-1100 Rev. 10	L-2352-GAP-1100 Rev. 14	This plan has been updated to reflect KC Landscaping's comments as referenced below.
Proposed Site Sections	L-2352-SEC-3100 Rev. 08	L-2352-SEC-3100 Rev. 14	This plan has been updated to reflect KC Landscaping's comments as referenced below.
Landscape Statement	JNA-COL-XX-XX-DOC-005_Rev01	NA-COL-XX-XX-DOC-005_Rev02	This plan has been updated to reflect KC Landscaping's comments as referenced below.
Planting Schedule	-	L-2352-PP-5000 rev. 04	This plan has been provided to show the detailed planting schedule.
Biodiversity Net Gain File Note	Dated 21 <sup>st</sup> September 2023	Dated 26 <sup>th</sup> February 2024	This plan, prepared by Arbtech, has also been revised to reflect the latest landscaping position and confirms that the development has a biodiversity net gain.

Table 2 sets out the individual KC Landscaping comments and how the plans have been revised to address each comment where possible at this stage.

In responding to the comments, KC Landscaping's general guidance has been considered.

Table 2 : Response to KC Landscaping Comments

KC Landscaping Comment Quote	Response
<b>Levels</b> <i>In liaison with grounds maintenance team, and long-term maintenance and usage of this area, the current banking to the west going down to the grass playing fields should not be made more steep to maintain, to avoid worsening the risks associated with maintenance (GM estimate currently 23 degrees). A 1 in 2 slope shown in section E for grass is not acceptable. - no slopes to be left steeper than existing. The banks are used to view matches and events and must be left practical to cut without high risk and without relying on strimmer use, or overly steep and impractical for spectators.</i>	The submission plans referenced in Table 1 above have been updated so all slopes are no steeper than 1:3 gradient.
<b>Fencing</b> <i>The fence boundary at the top of the slope appears to be immediately at the end of the parking spaces giving no room for driver error or for the proposed planting.</i>	The updated submission plan [L-2352-GAP-1100 Rev. 14] and landscaping statement now shows an 800mm setback from the curb line to allow for planting.

KC Landscaping Comment Quote	Response
<b>Landscape Proposals 2 :</b> <i>Does not explain how cross section D works in a critical area to the north side of the site which is the interface with the woodland and the school farm where there are a large number of existing trees and where the forest school is on the slope.</i>	Additional section (C) [L-2352-SEC-3100 Rev. 14] has been produced to better demonstrate the relationship.  The Arboricultural Method Statement confirms that measures can be implemented to minimise any potential damage to retained trees during the construction of the Forest School. See Section 8.0.  KC Trees confirms [11.12.2023] that the proposal is acceptable from an arboricultural perspective.
<b>Fencing:</b> <i>Unclear how the fencing panel choice will work where there are major slopes and changes in level. Is 2.4m the max height dropping to lower where there is staggered panels or is 2.4m the minimum height with taller panels needed to deal with the level changes and retain this minimum to keep the site secure? Clarity is required to confirm which this is.</i>	Fence routes [L-2352-GAP-1100 Rev. 14] will avoid major slopes. 2.4m is the minimum height from ground level.
<i>MUGA fencing shown is not heavy duty - check if this is the appropriate standard for the school.</i>	The proposed MUGA fencing has been revised to a heavy duty specification and shown on the Boundary Treatment Plan [L-2352-GAP-1100 Rev. 14].
<b>Existing Trees:</b> <i>Unclear how the retaining walls, paths and especially level changes work in relation to root protection zones of the adjacent trees especially along the northern boundary. It looks potentially problematic in multiple locations. Arb officer to advise.</i>	KC Trees confirmed that the proposal is acceptable from a tree perspective.[11.12.2023]
<b>Canopy extents:</b> <i>The yr 1 – 2 class garden design is not developed and there are some anomalies with the canopy as shown. Clarity required.</i>	The year 1 – 2 class garden design has been revised. The plan has been revised to show the canopy. [L-2352-GAP-1000 Rev. 37].
<b>Active/passive areas</b> <i>There is no indication that the equipment described alongside other activities described fits in the space. A detailed layout including equipment and fall zones etc with a commitment to a quality level needs to be supplied.</i>	Indicative playground equipment and fall zones are now shown. This provides adequate space for the proposed activities. [L-2352-GAP-1000 Rev. 37].  The detailed layout of play equipment can be appropriately conditioned if necessary.
<b>Planting choices:</b> <i>The selected trees for the Native Shrub and Woodland Planting are largely not species but cultivars which are not native so not ideal for the stated purpose. The headings do not relate to the plant types</i>	The detailed layout of play equipment can be appropriately conditioned if necessary.

KC Landscaping Comment Quote	Response
<i>under each heading. Ground elder - Aegopodium podagraria is a vigorous plant that can be difficult to control and it is queried if this would cause more issues if it is not already on the site.</i>	
The proposals for grazing pasture and meadows p41 overlaps substantially with the areas designated for native shrub and woodland planting p39 so appear to have been counted twice. Please clarify and take account of existing trees.	The plan [L-2352-GAP-1000 Rev. 37] has been amended to reflect these changes.  BNG File Note [dated 26 <sup>th</sup> February 2024] has been revised to reflect the latest landscape position which confirms a net gain in biodiversity.
<b>Class Gardens</b> <i>Layout of class gardens is not a detail layout with obvious shortcomings so these indicative designs are not satisfactory and cannot be approved. e.g. the size of telling is very small next to a distracting sand space? The quality of materials needs to be clarified. Sand areas are shown immediately next to hedge with potential issues. No methodology of retention of the sand facility is explained. Overall the quality specification of these spaces needs better definition and it is recommended that the specification information is increased in detail to explain level of quality and quantity with associated rational/purpose. In addition approval of detail layout and final materials choice is a reserved matter. Use of wetpour does not have clear rational unless fall equipment is likely to be part of these spaces. Expensive to manage maintain and ultimately dispose of. Seating design appears to take no account of age of students, numbers, needs for intimate spaces and unclear how the adult student ratios expected in these spaces are expected to be accommodated. The shape of some of the class gardens are oversized for the stated aims and go around corners which is normally to be avoided in any school context. The space of the areas do not create the intimate areas described as being a purpose.</i>	Additional detail is shown on plans.[L-2352-GAP-1000 Rev. 37]  Detailed landscaping details can be appropriately conditioned if necessary.
<b>Planting</b> <i>Narrow wedges of planting creates some challenging narrow shapes that are likely to be problematic to maintain. Planting design on the very steep reinforced banks need to be such that maintenance is minimal and practically safe without roping operatives. The management plan should include methodology for reasonable maintenance throughout. The type of reinforced grass is not shown - a very variable surface that needs better explanation.</i>	The landscaping plan [L-2352-GAP-1000 Rev. 37] has been updated to avoid narrow wedges.  A Landscape Management Plan can be appropriately conditioned.  Further details regarding final landscaping specifications can be appropriately conditioned.
<b>Advice to planning officer</b> <i>Landscape – it would be prudent, given the setting of this scheme, to secure early submission of a detailed Landscape 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</i>	The submitted plans [L-2352-GAP-1000 Rev. 37, L-2352-GAP-1100 Rev. 14, L-2352-SEC-3100 Rev. 14 & Landscaping Statement] have been updated to

KC Landscaping Comment Quote	Response
<i>areas of on site Public Open Space, footpaths and planted slopes and bankings for the lifetime of the development, off site lump sums, inspection fee and contact for the private management company or resident management company arrangements.</i>	<p>provide additional detail where requested.</p> <p>Should further detail be required, Kirklees Council is happy to the imposition of suitably worded conditions stipulating detailed landscaping information is submitted and agreed in writing prior to the occupation of the development.</p> <p>Kirklees Council is also happy to agree to conditions requiring a Landscaping and Ecological Management Plan to be submitted and agreed in writing prior to the occupation of the development.</p>
<i>Advice to planning officer 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.</i>	As set out above, plans [L-2352-GAP-1000 Rev. 37, L-2352-GAP-1100 Rev. 14, L-2352-SEC-3100 Rev. 14 & Landscaping Statement] have been revised to provide further detail where possible at this stage in response to KC Landscaping Comments. A detailed scheme can be conditioned via an appropriate pre-occupation condition.
<i>Advice to planning officer 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.</i>	Kirklees Council is agreeable to relevant pre-occupation conditions where necessary.

## Appropriate Use of Conditions

As set out above, the submitted plans and reports have been revised and additional details provided where possible at this stage in line with KC Landscaping comments.

It is understood that the principle of the scheme as a whole is acceptable, and it is considered that a landscaping condition is appropriate should further landscaping details be required.

The NPPF outlines that planning conditions are an appropriate route to address detailed planning considerations setting out that:

- “Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.” (Paragraph 55).

- *“Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects... Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification”. (Paragraph 56).*

In light of the above, the use of pre-occupation conditions to secure the landscaping works is considered an appropriate method.

Therefore, Kirklees Council would be happy to agree to the following conditions requiring details to be submitted and agreed in writing prior to the occupation of development.

- 1 Detailed Landscaping Scheme (setting out details of both hard and soft landscape works)
- 2 Landscape and Ecological Management Plan

Kirklees Council is also happy to agree to a compliance condition setting out that any damaged landscaping will be replaced within five years of occupation of the development.

## **Designing out Crime and Counter Terrorism**

Please find attached technical notes prepared by Frank Shaw Associates which address matters raised with respect to designing out crime and counter terrorism.

## **Waste Strategy**

With respect to comments made relating to Waste Strategy, these have been picked up through the revisions set out in the updated landscaping led plans and documents.

400x400 flags are proposed on the route between the store and bin collection point which will be sufficient for the movement of bins.

Kirklees Council are happy to agree to a condition if further details regarding the waste strategy is required.

## **Public Rights of Way**

The updated fence offset is shown on revised boundary treatment Plan L-2352-GAP-1100 Rev. 14 and Cross Section (added to the proposed sections L-2352-SEC-3100 Rev. 14).

## **Phase II Ground reporting**

In response to KC Environmental Health comments, the Phase II report has been updated and accompanies this letter (ref. FINAL REV B, dated January 2024).

## **Summary**

The submitted details have been provided to address comments made to date. We will respond further with respect to the highways comments made.

If you have any queries do not hesitate to get in touch with me or my colleague Ryan Barrett.



Yours sincerely

**Jonathan Standen**  
Planning Director  
BSc Dip WM FRICS MRTPI  
FIQ MCIWM CEnv PIEMA