

Consultation Response KC Landscape

Planning Number:	2024/90255		
Proposal:	Reserved matters application, including the considerations of appearance, landscape, layout, and scale for the erection of 26 dwellings pursuant to outline permission 2019/94051 (outline application of up to 39 dwellings and associated works), discharge of conditions 27 (Arboriculture Assessment), 28 (Ecological Assessment), 29 (Public Right of Way)		
Location:	Land Off, Burn Road, Birchencliffe, Huddersfield, HD3 3BT		
DEVELOPER/APPLICANT/AGENT:	Zerum		
Planning Officer:	Ellie Thornhill		
Date Responded:	17.05.2024	Responding Officer:	EM
Site Area (Hectares)		Responding Ref:	NN07

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.

To be satisfied with the proposals we will need to see early submission of detailed hard and soft landscape information, together with the pos layout, accessible open space and any proposed linkages with the existing PROW.

1. 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](#)
2. 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.
3. Number and type of dwellings trigger amenity greenspace in LP63 plus all other typologies, although 26 dwellings, being less than 50 units, does not trigger allotments.
4. Ward deficiencies in Quantity & Quality for AGS & SN&N and def in quality for Parks and recs

Dwelling Type	Number of proposed dwellings
Market/Affordable Housing (100%)	26
Market/Affordable Housing 2-bed Flats (75%)	
Market/Affordable Housing 1-bed Flats (50%)	
Housing for Older People	
Student Housing	
TOTAL	26

LP63 Open Space Typology	Sq m of space required on site	OR	Payment towards off-site provision	Inspection fees for on-site
Amenity Green Space	379.08		£10,392.86	Choose a level:
Children & Young People	348.40		£11,817.53	Simple
Parks & Recreation	505.44		£14,439.66	(This will vary according to size, number of site visits and ROSPA certification)
Natural & Semi-Natural Green Space	1263.60		£12,351.69	
Allotments/Community Growing	0.00		£0.00	
Outdoor Sports	546.00		£9,244.01	
TOTAL	3042.52	(inspection fees will apply)	£58,245.76	£250

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)
Lindley	0.2	1.15	1.74	0.68

5.

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

6. Dwelling triggers for Children & Young Peoples Provision: xxx dwellings does trigger CYPP – a LAP

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](#)

7. On site or off site & Existing facilities in the vicinity:

8. There are existing 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 Birchcliffe Rec, Fernlea Rec, Hopkinsons Rec, Lindey Rec & Cornet Close play area & consultation with the local community.

9. 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.

10. 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.

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

12. 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 £58,245.76 contribution with/without on site pos provision.

13. 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.



14. Proximity of dwelling to existing wall – will this be sufficient width for access along the path to the rear of the property?

15. Clarification required as to whether this is POS or private garden. 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.



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

17. How will this area be accessed for management and maintenance of the species rich grassland?



18. The indicative landscape scheme as a whole is ok but does not provide street tree planting for the development which would be preferred. Trees in private 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. Whilst the landscape masterplan identifies some tree planting in between some of the driveways, it is still a very vehicular dominated Streetscene, which could be broken up by more soft landscaping and more tree planting avoiding dominance of hard surfaces/car parking to frontages.

19. 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.

20. *"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*

21. 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.

22. 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.

23. 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.

24. 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).

25. 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 [NNS 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. The Landscape masterplan indicates some species in the indicative list which should be substituted for potentially less invasive species.
26. 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.
27. 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.
28. The Landscape maintenance and management plan can be dealt with via pre commencement condition – see indicative condition below.
29. Much of the landscaping is indicative at this stage but if the detailed landscaping scheme can be secured by condition then it should be, to prevent the quality and number of trees and shrubs, and creation of any open space areas, from being eroded in any subsequent applications.

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.

Plans should clearly show the impact of the proposed landscape planting on drainage infrastructure

Other info below to help support detailed application submission with regards landscape design and LP63 for open space:

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 / No

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 : £ xxx 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 areas of POS
- **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:

- 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) 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 LEDES 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