Consultation Response from KC Landscape	
Application No:	**2024/92281**
Proposed Development:	**Erection of 23 dwellings**
Location:	**Land adj, 17, Whitehall Road West, Birkenshaw, BD11 2LS**
Applicant/Agent:	**Orion Homes Ltd**
Planning Officer	**William Simcock**
Date Responded:	19.11.2024
Responding Officer:	Em
Responding Ref:	**NN53**

NOTES/COMMENTS: These comments are Without Prejudice

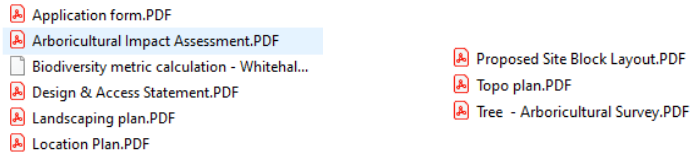
Submission of measured areas and typologies of open space to meet requirements of LP63 is required as per validation checklist.

1. In the absence of detailed Landscape 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, based on the information available, we can highlight below potential issues that are likely to influence the nature of an acceptable scheme. To assist the prospective applicant, further information on key elements of landscape design is provided in item 1 below, which will help the applicant submit sufficient landscape and open space information to aid the planning process.

2. The list is intended to draw the prospective applicant's attention to likely landscape and open space issues that are specific to the site, 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. <u>Landscape Context and Concept, Landscape Design</u>

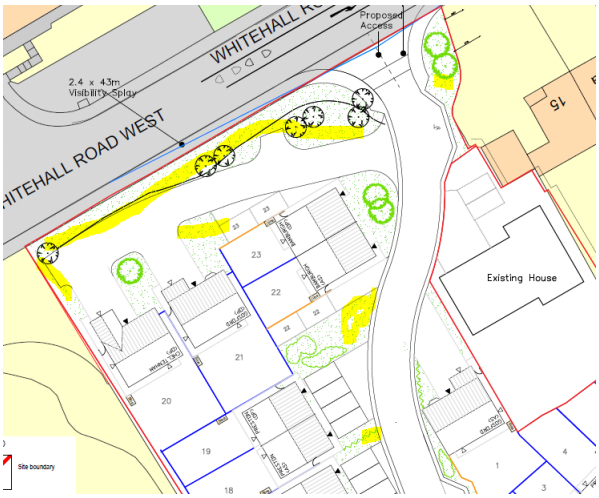
   Plans & documents considered/reviewed, including but not limited to:

   Setting – this layout is for 23 dwellings.

4. The tokenistic trees indicated on the plan are inadequate.

5. 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.



6. The scheme as a whole is lacking in proposed landscape planting, an attractive planting scheme to the entrance and enhancement for the Whitehall Road west to the northern boundary. It also does not provide sufficient street tree planting for the development which is a requirement. Trees in rear or 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, however, there doesn't appear to be tree planting in rear gardens even.

7. 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.

8. *"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*

9. Plans should clearly show the impact of the proposed landscape planting on drainage infrastructure and landscape proposals, particularly frontline tree planting and planting should identify all proposed root protection/barriers, drainage, suds and attenuation or soakaways and all easements to ensure trees are accommodated satisfactorily.

10. 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.

11. 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.

12. 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).

13. 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.

14. When submitting detailed landscape proposals, preference is for species which are native, fruit bearing species, where appropriate. Potentially invasive species are not favourable and details from the list published by Natural England can be found here. Horizon-scanning for invasive non-native plants in Great Britain - NECR053 (naturalengland.org.uk)
    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) will be considered.

15. 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.

16. 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.

17. There are more opportunities for strengthening the landscape edge and avoiding dominance of hard surfaces/car parking to frontages.

18. It doesn't look like any Landscape maintenance and management plan for the scheme has been submitted. The plans should provide details of planting and maintenance requirements for the trees and planting to meet our expectations.

    - 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.

19. Landscape maintenance and management plans can be dealt with via pre commencement condition – see indicative condition below.
20. SuDS: Enhancing and including Nature-Based Solutions: how does this scheme integrate nature-based solutions, particularly to enhance the ecological function of the landscape. Consideration of retention ponds, rain gardens, and bio-swales in softscape areas to mitigate flooding, slow the flow and improve water quality.

21. 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) 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
22. 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.

23. 23 dwellings triggers amenity greenspace and the majority of other typologies in LP63 but as less than 50 dwellings not the allotment typology.

24. Ward deficiencies: Birstall and Birkenshaw Ward Amenity greenspace is required to make the development acceptable and although there is amenity greenspace within 720m it is of low or medium quality.

25. There is no public open space shown on site,

26. Outdoor sports provision will be required as an off-site contribution and will be assessed with Parks officers, stakeholders & Playing Pitch Strategy which identifies deficiencies in the quantity and quality of playing pitches.

27. Dwelling triggers for Children & Young Peoples Provision: 23 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	×	×	×	×
11-50 dwellings	✓	×	×	×
51-200 dwellings	×	✓	×	×
201-500 dwellings	✓	✓	×	Contribution
501+ dwellings	✓	✓	✓	✓

Refer to Fields In Trust Guidance-for-Outdoor-Sport-and-Play-England

28. On site or off site & Existing facilities in the vicinity: As the site lies well within the acceptable guidelines for proximity to existing provision with Turnpike close, Birkenshaw park, Birkenshaw lane rec and within a 15min walk away we would recommend an off-site lump sum contribution towards existing Children and young people's provision

29. Given none of the typologies are to be provided on site, an off site lump sum will be required for enhancing other existing greenspace and open space facilities in the vicinity. These will be within the recommended 720m for accessibility of the site, and require enhancement in lieu of on-site provision. Consultation will be undertaken, with stakeholders, local community and local councillors.

30. 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.

31. 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.

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

Development: 2024.92281, Land adj, 17, Whitehall Road West, Birkenshaw	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)
Birstall & Birkenshaw	0.79	3.23	0.6	0.22
Current Open Space Provision Compared Quality & Accessibility Standards	Req'd for Acceptability	Def in Quality	Def in quantity and quality	N/A as under 50 units
Total Dwelling no	23			
Is POS being provided by developer?	No	This box (A) only when no POS provided on site.		

A. POS REQUIREMENTS SUMMARY	Cost (see below)	Admin @ 15%	Total Cost incl admin	Meters (see above)
Amenity Green Space	£9,500.00	£1,425.00	£10,925.00	335.34
Children & Young People	£10,808.72	£1,621.31	£12,430.03	308.20
Parks & Recreation	£13,200.00	£1,980.00	£15,180.00	447.12
Natural & Semi-Natural Green Space	£11,300.00	£1,695.00	£12,995.00	1117.80
Allotments/Community Growing	£0.00	£0.00	£0.00	0.00
Outdoor Sports	£8,460.00	£1,269.00	£9,729.00	483.00
TOTAL	**£53,268.72**	**£7,990.31**	**£61,259.03**	2691.46

Shortfall/POS Requirement from developer:	**£53,268.72**
Admin at 15%	**£7,990.31**
Shortfall/POS Requirement from developer (rounded):	**£61,260**

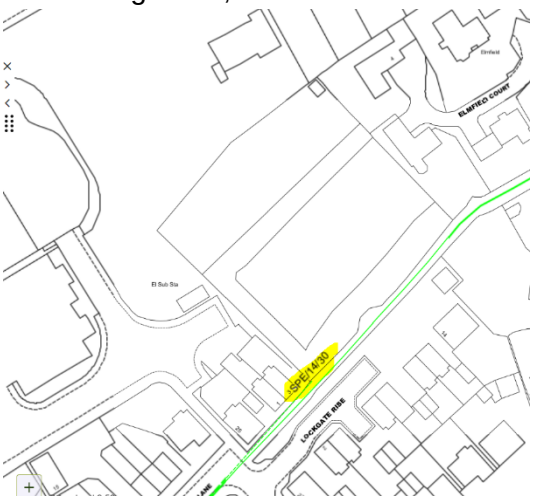
33.

34. The table above demonstrates the typologies triggered, requirements in sq.m. and the offsite £61,260.00 contribution without any on site pos provision.

35. If the applicant submits a plan showing suitable and appropriate on site open space this would be welcomed and the measured areas of their typologies, we can then re-calculate this sum to reflect the on site provision.

36. Wildlife and habitat networks, TPO's, PROW : links & connectivity: linkages through green infrastructure are welcomed, however there is little planting to create and link any green corridors to the existing tree belt to the southern boundary along the PROW.

37. 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.



38. How is the new estate road layout connecting with the surrounding community? unfortunately, it doesn't connect to the PROW to the southern boundary?

39. A linking surfaced footpath network should be considered 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) (kirklees.gov.uk)

40. Walking and cycling routes are safeguarded under Policy LP23 of the Local Plan. A number of potential walking and cycling 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.

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

Advice to planning officer:

Required Actions-

- Please show drainage infrastructure on the landscaping plans, to demonstrate no conflict between trees and drainage.
- pre-commencement condition is necessary to ensure all details relevant to landscape matters and s106 triggers and requirements for POS contributions are agreed at an appropriate stage of the planning process.

Revision of landscaping plan to…

Landscape – it would be prudent, given the setting of this scheme, to secure early submission of additional tree planting and landscape frontage/entrance planting details, together with a Landscape Maintenance and Management Plan and conditions suggested C and D below.

S106 should include the landscape scheme with reference to all Drawing nos: xxx being annexed to it, together with the text “together with such amendments as the Council may reasonably require”.

A s106, or similar, will be required detailing off site lump sums, and contact for the private management company or resident management company arrangements for the highways verges.

To be satisfied with the proposals we will need to see amendments to the layout and protection measures and a working methodology for the site for existing trees and vegetation being retained.

Given the comments above, the proposals are not acceptable in their current form.

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.

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 ***: £61,260.00 towards existing facilities in the vicinity of the development, including but not limited to Turnpike close, Birkenshaw park, Birkenshaw lane rec.***

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
- **Private/Resident Management company details:** Yes to be supplied prior to substantial completion of the on-site landscaped highways verges
- **Landscape Plan reference number (showing relevant landscape planting and street tree planting)**

Conditions: TBC
Recommended as:

A. Landscape Condition

Prior to works commencing on the superstructure, a landscape management and maintenance plan (LMMP) for the external areas including any open space accessible to the public, playing fields etc shall be submitted to, and approved in writing by, the Local Planning Authority. This should include:

a) The landscape plan including all hard and soft details together with planting plan & specification, location and specification of any play equipment or play elements and playable/educational spaces or sports facilities/pitches including any surfacing (including where appropriate safety surfacing and anti-wear surfacing), structures such as street furniture seats, litterbins bollards, picnic tables and means of enclosure.
b) 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.
c) Details of initial aftercare and long-term maintenance for minimum of 5 years and seasonal maintenance operations. This should also include any SuDS features, existing trees and vegetation retained on site, slopes and bankings, woodlands, plus management of any equipment or playable/educational space, including where relevant RoSPA safety inspections.
d) Details of monitoring and remedial measures, including replacement of any equipment, safety surfacing, site furniture, trees, shrubs, hedgerows or planting that fails or becomes diseased within the first **five** years from completion.
e) The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this 5 year period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

f) This pre-commencement condition is necessary to ensure all details relevant to landscape matters and s106 triggers and requirements for POS and contributions are agreed at an appropriate stage of the planning process.

The works shall thereafter be carried out in accordance with the management and maintenance plan and retained for the lifetime of the development.

Reason: To enhance and conserve the visual amenity of the 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. 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, a plan of existing trees and tree features (such as groups of trees or woodland) to be retained and to be removed in accordance with BS5837(2012); any new trees showing their species, spread and maturity and new planting plans with written specifications (including cultivation and other operations associated with plant and grass establishment) and schedules of plants (including the location, number, species, size and planting density); (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) any suds, earth mounds or depressions; (g)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.

C. **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

D. No building shall be occupied until a Landscape Maintenance & Management plan (LMMP) (LMMP) 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

Rootspace engineered tree pits

E. The installation of root space engineered tree pits and specified trees below hard surfacing shall be monitored by the manufacturer and a letter confirming monitoring of, and satisfactory installation of the trees, as per the landscape scheme drawings shall be submitted on completion of the same to and approved in writing by the Local Authority.
Reason: To minimise the effect of development on the area and enhance and conserve the visual amenity of the 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.

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). 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