



JohnsonMowat
Planning & Development Consultants

Orion Homes

Bankfield Drive, Holmfield

**Residential development
(2023/62/91212/W)**

Discharge of Condition 26 & 28 Statement

Johnson Mowat References

Client	Orion Homes
Site	Bankfield Drive, Holmfield
Development	Residential development (2023/62/91212/W)
Local Planning Authority	Kirklees
Document Type	Discharge of Condition 26 & 28 Statement
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Limitations

The assessments and interpretation have been made in line with legislation and guidelines in force at the time of writing, representing best practice at that time.

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- b) the date on which the final report is delivered.

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1. Introduction

- 1.1 This Discharge of Condition 26 & 28 Statement is prepared on behalf of Orion Homes in relation to land at Bankfield Drive, Holmfield.
- 1.2 The relevant planning permission for the Site (2023/62/91212/W) was granted 04.10.2023.
- 1.3 The details submitted pursuant to conditions 26 and 28 comprise:
 - This Statement (JM260043.DOC.26_28)
 - 2405-07-001E Land registry plan-Management company plan
 - 21043-118 (G) _ External Levels Layout Plan
 - 21043-123 (D) _ Surface Finishes Plan
 - MANAGEMENT PLAN AND SUDS Statement
 - H2 230201 1G Bankfield Drive Holmebridge Detailed Landscape Proposals
 - Landscape Management Specification
 - Site Layout 2021.01.003 Rev.X
 - 2400-02-008A Boundary Treatment

2. Condition Number 26 & 28 Boundary treatments

Condition 26 (Boundary Treatments) Wording from Decision Notice

- 2.1 *Prior to the commencement of superstructure works, and notwithstanding what is shown on the drawings hereby approved, details (including sections and details of levels) of all boundary treatments, and any retaining walls and gabions, shall be submitted to and approved in writing by the Local Planning Authority. The details shall correspond with measures relating to flood routing, shall be designed to limit overlooking of neighbouring residential properties, shall be designed to prevent and deter crime and anti-social behaviour, and shall provide for the movement of hedgehogs. The development shall be implemented in accordance with the details so approved. The approved works shall be retained thereafter.*
- 2.2 *Reason: In the interests of visual amenity, highways safety and biodiversity, to minimise flood risk, to ensure the amenities of existing neighbouring residential units and the residential units hereby approved are protected, in the interests of creating a safer, more sustainable neighbourhood and reducing the risk of crime and anti-social behaviour, and to accord with Policies LP21, LP24, LP27, LP30 and LP47 of the Kirklees Local Plan and the National Planning Policy Framework.*

Condition 28 (Landscaping) Wording from Decision Notice

- 2.3 *Prior to the commencement of superstructure works, details of all hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. These shall include:*
- *Details of existing and proposed levels, and regrading;*
 - *Planting plans, including additional tree planting notwithstanding what is shown in the drawings hereby approved;*
 - *Details of tree pit sizes and soils;*
 - *Species schedules;*
 - *Details of initial aftercare and long-term maintenance;*
 - *Details of monitoring and remedial measures, including replacement of any trees, shrubs or planting that fails or becomes diseased within the first five years from completion;*
 - *Details (including samples, if requested), of paving and other hard surface materials;*
 - *Details of all on-site open spaces (including details of their purpose(s) and management) and of any areas for designated, informal, incidental and/or doorstep play;*
 - *Details of all on-site play spaces;*
 - *Details of covenants (or other suitable arrangements) regarding street tree retention, management and maintenance where these trees are not within adopted highways;*
 - *Details of how soft landscaping has been designed to prevent and deter crime and anti-social behaviour; and*
 - *Details of natural surveillance and windows overlooking publicly-accessible areas (including open spaces, pedestrian connections and public footpaths).*
- 2.4 *No part or phase of the development hereby approved shall be occupied until all hard and soft landscaping for that part or phase has been implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. All approved landscaping shall be retained thereafter in accordance with the approved details and approved long-term maintenance, monitoring and remedial arrangements.*
- 2.5 **Reason:** *In the interests of local ecological value, visual amenity and highways safety, to ensure high quality open spaces are provided, to minimise flood risk, to ensure the amenities of existing neighbouring residential units and the residential units hereby approved are protected, in the interests of creating a safer, more sustainable neighbourhood and reducing the risk of crime and anti-social behaviour, and to accord with Policies LP21, LP24, LP27, LP30, LP32, LP33, LP47 and LP63 of the Kirklees Local Plan, and chapters 8, 12 and 15 of the National Planning Policy Framework.*

3. Addressing the Condition 26 requirements

3.1 Condition 26 comprised part of the 2025/91731 submission. The Council's response suggested 'insufficient information' regarding the proposed boundary treatments; these comments related to the following documents:

- Detailed landscape proposals (ref: H2-230201-1 rev G)
- Landscape management Specification (ref: 230201)
- Site plan (ref: 2405-03-001 rev B)

3.2 Further documents have now been submitted to address the previously identified shortfalls, these additional documents comprise:

- This Statement (JM260043.DOC26_28)
- Boundary treatment plan (Ref: 2400-02-008A)

3.3 The specific requirements of Condition 26 are addressed below:

Details (including sections and details of levels) of all boundary treatments, and any retaining walls and gabions, shall be submitted to and approved in writing by the Local Planning Authority.

3.4 The Boundary Treatment Plan (Ref: 2400-02-008A) shows the location and typology of all boundary treatments at the Site.

The details shall:

correspond with measures relating to flood routing,

3.5 The proposed boundary treatments plan shows the location of boundary treatments confirming that they will not materially impact upon flood routing.

designed to limit overlooking of neighbouring residential properties,

3.6 After reaching maturity, the proposed eastern boundary hedge will be maintained at 2m in height.

be designed to prevent and deter crime and anti-social behaviour, and

3.7 The proposed layout promotes natural surveillance and the boundary treatments plan confirms that safety and security has been considered in the proposed design.

3.8 *provide for the movement of hedgehogs.*

The Updated Boundary treatment plan (Ref: 2400-02-008A Boundary Treatment) shows how hedgehogs have been accommodated in the plans.

3.9 Upon reaching maturity, the hedgerow on the eastern boundary of the Site will be maintained at a height of 2m. This will be the responsibility of the management company.

4. Addressing the Condition 28 requirements

4.1 The following documents have submitted in relation to the Condition 28 requirements:

- 230201 Bankfield Drive, Holmebridge: Landscape Management Specification (Stephen Heward, Landscape Architect)
- DRAWINGS H2 230201 1 rev.G Detailed Landscape Proposals
- 2405-07-001E – Management Company Transfer Plan

- 4.2 The specific detail requirements of Condition 26 are addressed below:
- *Details of existing and proposed levels, and regrading;*
 - *Details (including samples, if requested), of paving and other hard surface materials;*
- 4.3 Details of Levels and regrading are shown on 21043-118 (G) _ External Levels Layout Plan
- 4.4 The Surface Finishes Plan (21043-123 (D)) confirms the specifications of paving and other hard materials.
- *Planting plans, including additional tree planting notwithstanding what is shown in the drawings hereby approved;*
 - *Details of tree pit sizes and soils;*
 - *Species schedules;*
 - *Details of natural surveillance and windows overlooking publicly-accessible areas (including open spaces, pedestrian connections and public footpaths).*
 - *Details of all on-site play spaces;*
 - *Details of all on-site open spaces (including details of their purpose(s) and management) and of any areas for designated, informal, incidental and/or doorstep play;*
 - *Details of how soft landscaping has been designed to prevent and deter crime and anti-social behaviour;*
- 4.5 The Detailed landscape proposals drawing (ref: H2-230201-1 rev G) lists the schedule of species and shows where their location on the Site.
- 4.6 The Site plan (Ref: 2021.01.003 Rev X) correlates with H2-230201-1 rev G and shows the Open Space location and details the orientation of properties to confirm that open spaces would benefit from natural surveillance via front doors and properties facing towards green spaces. This natural surveillance of the open space will deter crime and anti-social behaviour. The Landscape management specification confirms that hidden areas have been avoided to minimise crime.
- *Details of initial aftercare and long-term maintenance;*
 - *Details of monitoring and remedial measures, including replacement of any trees, shrubs or planting that fails or becomes diseased within the first five years from completion;*
- 4.7 Drawing reference 2405-07-001E details the land to be transferred into the Management Company. The Management Plan And Suds Statement and the Landscape Management Specification set out the details regarding the treatment of relevant flora at the site and the long-term maintenance of the site.
- *Details of covenants (or other suitable arrangements) regarding street tree retention, management and maintenance where these trees are not within adopted highways;*
- 4.8 The trees within plots will be subject to a covenant that will be imposed at the point of sale that will require the purchaser of the relevant plot to retain trees. Examples of the proposed covenants are listed below:
- 4.9 Restrictive Covenant – Tree Removal:
- "Not to lop top fell cut down uproot or otherwise damage or permit or suffer to be damaged or interfered with (save in the ordinary course of horticulture) any trees hedges or shrubs now on the Property or to be planted within the Specified Period by the Transferor to comply with the landscaping or other requirements of the Local Authority without the prior written consent of the Local Authority."*
- 4.10 This covenant would prohibit:
- Removal or damage of existing trees and landscaping;

- removal or damage of trees planted by the developer pursuant to approved landscaping requirements;
 - unless prior written consent is obtained from the Local Authority.
- 4.11 Positive Landscaping Obligations imposing ongoing maintenance obligations on the homeowner:
"At all times in the future keep clean tidy and properly cultivated the garden area of the Property and maintain to the satisfaction of the relevant Planning Authority all landscaping works carried out by the Transferor on the Property (including any trees planted pursuant to any landscaping scheme or already in existence) and (without prejudice to the generality of the foregoing) replace with like species any trees shrubs or hedges planted or retained by the Transferor under its landscaping scheme and dying within five years from the date hereof and similarly replace any replacement trees shrubs or hedges so dying."
- 4.12 This would require:
- ongoing maintenance of landscaping works;
 - retention and maintenance of trees planted under the approved landscaping scheme;
 - replacement of qualifying trees/shrubs that fail within the specified period.
- 4.13 Estate Frontage / Landscaping Controls (frontage appearance and landscaping character):
- 4.14 *"Not to erect or suffer to be erected upon any part of the Property lying between the dwellinghouse erected thereon and any road or made up footpath on the Estate any fence palisade wall railing or other structure of any kind or height whatsoever and not to grow or suffer to be grown upon any such part of the Property any hedge or collection of bushes or trees in close proximity to each other PROVIDED THAT this paragraph shall not apply to any such structure hedge or collection of bushes or trees erected or planted or to be erected or planted by or on behalf of the Transferor either in the course of the development of the Estate or in order to comply with the landscaping or other requirements of the Local Authority."*
- 4.15 This demonstrates that the landscaping arrangement and planted frontage treatment formed part of the intended estate design and planning compliance strategy.
- 4.16 It is considered that these provisions collectively demonstrate that:
- the approved landscaping scheme was intended to be preserved through private law controls;
 - homeowners are contractually restricted from removing developer-installed landscaping without consent;
 - and there are ongoing obligations to maintain and replace landscaping features associated with the approved scheme.

5. Summary

- 5.1 In light of the above, it is considered that adequate information has now been provided to enable discharge of condition 26 relating to boundary treatments.