



Our Ref: LM/23:5666

20th September 2024

Planning Services
Kirklees Metropolitan Council
PO Box B93
Civic Centre III
Huddersfield
HD1 2JR

Dear Sirs

**RE: PLANNING SUBMISSION - LAND AT CROSSLEY LANE, DALTON – PARCELS 4-5 RESERVED MATTERS
PP-13415254**

We write on behalf of our client Crest Nicholson and Narbourne Ltd to submit a Section 73 application to vary several conditions from outline consent 2020/90805.

We can confirm that the application has been submitted through the Planning Portal (Ref PP-13415254).

The Section 73 application seeks to vary the wording of the following conditions – 1, 2, 3, 4, 5, 6, 7, 8, 9a, 9b, 10, 11, 12, 13, 14, 17 & 18.

Conditions 15 will remain as worded as is.

This variation seeks to amend conditions to enable development to progress in a phased approach based on two developers taking forward different parcels. Narbourne Ltd will build out Parcel 5 and Crest Nicholson will build out Parcel 4.

The conditions are identified below with the proposed new condition / re-wording, shown in bold italics.

Condition 1

The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Plans List Crest / Hartley – see separate sheet

Condition 2

Prior to development commencing, a scheme detailing the proposed widening and re-alignment works at the Crossley Lane/Cold Royd Lane junction shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include full sections, drainage works, street lighting, signing, surface finishes and the treatment of sight lines together with independent safety audits covering all aspects of the work. Before any dwelling is brought into use the scheme shall be completed in accordance with the scheme shown on approved plans and retained thereafter.

Condition to be re-worded to reflect phased S278 works prepared by Paragon Highways.

Condition 3

Prior to development commencing, notwithstanding the submitted information, a scheme detailing foul, surface water and land drainage, (including off site works, outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision, existing drainage to be maintained / diverted / abandoned,

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and percolation tests, where appropriate) shall be submitted to, and approved in writing by, the Local Planning Authority. None of the dwellings shall be occupied until such approved drainage scheme has been provided on the site to serve the development or each agreed phasing of the development to which the dwellings relate and thereafter retained.

Prior to development commencing on each relevant phase, notwithstanding the submitted information, a scheme detailing foul, surface water and land drainage, (including off site works, outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision, existing drainage to be maintained / diverted / abandoned, and percolation tests, where appropriate) shall be submitted to, and approved in writing by, the Local Planning Authority. None of the dwellings on that phase shall be occupied until such approved drainage scheme has been provided on the site to serve the development or each agreed phasing of the development to which the dwellings relate and thereafter retained.

Condition 4

Prior to development commencing, a scheme detailing the proposed internal adoptable estate roads shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include full sections, drainage works, street lighting, signing, surface finishes and the treatment of sight lines, together with independent safety audits covering all aspects of work. Before any building is brought into use, unless a phasing strategy for implementation is agreed, the scheme shall be completed in accordance with the scheme shown on approved plans and retained thereafter.

Prior to development commencing on each relevant phase, a scheme detailing the proposed internal adoptable estate roads shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include full sections, drainage works, street lighting, signing, surface finishes and the treatment of sight lines, together with independent safety audits covering all aspects of work. Before any building is brought into use, on that phase, the scheme shall be completed in accordance with the scheme shown on approved plans and retained thereafter.

Condition 5

Prior to development commencing, a Construction Environmental Management Plan (CEMP) shall be submitted to, and agreed in writing by, the Local Planning Authority. The plan shall describe in detail the actions that will be taken to minimise adverse impacts on occupiers of nearby properties by effectively controlling:

- Noise & vibration arising from all construction related activities.
- This should also include suitable restrictions on the hours of working on the site including times of deliveries.
- Dust arising from all construction related activities.
- Artificial lighting used in connection with all construction related activities and security of the construction site.

The agreed plan shall be adhered to throughout the construction of the development.

Prior to development commencing on each relevant Phase, a Construction Environmental Management Plan (CEMP) shall be submitted to, and agreed in writing by, the Local Planning Authority. The plan shall describe in detail the actions that will be taken to minimise adverse impacts on occupiers of nearby properties by effectively controlling:

- *Noise & vibration arising from all construction related activities.*
- *This should also include suitable restrictions on the hours of working on the site including times of deliveries.*
- *Dust arising from all construction related activities.*
- *Artificial lighting used in connection with all construction related activities and security of the construction site.*

The agreed plan shall be adhered to throughout the construction of the development.

Condition 6

Prior to development commencing (including demolition, ground works, vegetation clearance), a Construction Environmental Management Plan for Biodiversity (CEMP: Biodiversity) shall be submitted to, and approved in writing by, the Local Planning Authority. The CEMP: Biodiversity shall include the following:

- a. Risk assessment of potentially damaging construction activities that refers to the most up-to-date site-specific survey information and specifically to nesting birds, badgers and invasive plant species.
- b. Identification of “biodiversity protection zones”, where appropriate.
- c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d. The location and timing of sensitive works to avoid harm to biodiversity features.
- e. The times during construction when specialist ecologists need to be present on site to oversee works, where appropriate.
- f. Responsible persons and lines of communication.
- g. Use of protective fences, exclusion barriers and warning signs, where appropriate.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Prior to development for each relevant phase commencing (including demolition, ground works, vegetation clearance), a Construction Environmental Management Plan for Biodiversity (CEMP: Biodiversity) shall be submitted to, and approved in writing by, the Local Planning Authority. The CEMP: Biodiversity shall include the following:

- a. Risk assessment of potentially damaging construction activities that refers to the most up-to-date site-specific survey information and specifically to nesting birds, badgers and invasive plant species.
- b. Identification of “biodiversity protection zones”, where appropriate.
- c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d. The location and timing of sensitive works to avoid harm to biodiversity features.
- e. The times during construction when specialist ecologists need to be present on site to oversee works, where appropriate.
- f. Responsible persons and lines of communication.
- g. Use of protective fences, exclusion barriers and warning signs, where appropriate.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Condition 7

Prior to development commencing, a scheme detailing temporary surface water drainage for the construction phase (after soil and vegetation strip) shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall detail:

- phasing of the development and phasing of temporary drainage provision.
- include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is prevented.

The temporary works shall be implemented in accordance with the approved scheme and phasing. No phase of the development shall be commenced until the temporary works approved for that phase have been completed. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority.

Prior to development commencing for each relevant phase, a scheme detailing temporary surface water drainage for the construction phase (after soil and vegetation strip) shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall detail:

- *phasing of the development and phasing of temporary drainage provision.*
- *include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is prevented.*

The temporary works shall be implemented in accordance with the approved scheme and phasing. No phase of the development shall be commenced until the temporary works approved for that phase have been completed. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority.

Condition 8

Prior to development commencing an Ecological Design Strategy (EDS) addressing measures to secure the ecological enhancement of the site shall be submitted to, and approved in writing by, the Local Planning Authority. The EDS shall include, but not be limited to:

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare (5 year minimum) and long-term maintenance (30 year minimum).
- i) Details for monitoring and remedial measures.
- j) Details for disposal of any wastes arising from works.

The approved EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Prior to development commencing for each relevant phase, an Ecological Design Strategy (EDS) addressing measures to secure the ecological enhancement of the site shall be submitted to, and approved in writing by, the Local Planning Authority. The EDS shall include, but not be limited to:

- a) Purpose and conservation objectives for the proposed works.*
- b) Review of site potential and constraints.*
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.*
- d) Extent and location/area of proposed works on appropriate scale maps and plans.*
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.*
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.*
- g) Persons responsible for implementing the works.*
- h) Details of initial aftercare (5 year minimum) and long-term maintenance (30 year minimum).*
- i) Details for monitoring and remedial measures.*
- j) Details for disposal of any wastes arising from works.*

The approved EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Condition 9a

Prior to the erection of any of the approved dwellings' superstructure commencing, notwithstanding the submitted details, a strategy detailing the maintenance and management regime for any proposed drainage infrastructure, open and piped watercourses, and ancillary structures such as outfalls, weirs, and safety barriers shall be submitted to, and approved in writing by, the Local Planning Authority. The approved maintenance and management regimes shall be implemented for the lifetime of the development.

Prior to the erection of any of the approved dwellings' superstructure commencing on each relevant phase, notwithstanding the submitted details, a strategy detailing the maintenance and management regime for any proposed drainage infrastructure, open and piped watercourses, and ancillary structures such as outfalls, weirs, and safety barriers shall be submitted to, and approved in writing by, the Local Planning Authority. The approved maintenance and management regimes shall be implemented for the lifetime of the development.

Condition 9b

Prior to the erection of any of the approved dwellings' superstructure commencing, details of the legal and funding mechanism(s) by which the long-term management and maintenance of the site's drainage infrastructure, open and piped watercourses, and ancillary structures such as outfalls, weirs, and safety barriers will be secured by the developer, with the management body(ies) responsible for it's the management and maintenance, shall be submitted to, and approved in writing by, the Local Planning Authority.

Prior to the erection of any of the approved dwellings' superstructure commencing on each relevant phase, details of the legal and funding mechanism(s) by which the long-term management and maintenance of the site's drainage infrastructure, open and piped watercourses, and ancillary structures such as outfalls, weirs, and safety barriers will be secured by the developer, with the management body(ies) responsible for it's the management and maintenance, shall be submitted to, and approved in writing by, the Local Planning Authority.

Condition 10

Prior to the installation of any windows / external glazing within the approved dwellings, a report specifying the measures to be taken to protect the development from noise from all significant noise sources that are likely to affect the proposed development (including road traffic and nearby commercial premises) shall be submitted to and approved in writing by the Local Planning Authority. The report shall:

- a) Determine the existing noise climate
- b) Predict the noise climate in gardens (daytime), bedrooms (night-time) and other habitable rooms of the development
- c) Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required).

The development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained.

Prior to the installation of any windows / external glazing within the approved dwellings, a report specifying the measures to be taken to protect the development from noise from all significant noise sources that are likely to affect the proposed development (including road traffic and nearby commercial premises) shall be submitted to and approved in writing by the Local Planning Authority. The report shall:

- a) Determine the existing noise climate*
- b) Predict the noise climate in gardens (daytime), bedrooms (night-time) and other habitable rooms of the development*
- c) Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required).*

The development shall not be occupied on each relevant phase until all works specified in the approved report have been carried out in full and such works shall be thereafter retained.

Condition 11

Prior to the occupation of the hereby approved dwellings or the installation of external lighting, a 'lighting design strategy for biodiversity' shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Prior to the occupation of the hereby approved dwellings on each relevant phase or the installation of external lighting, a 'lighting design strategy for biodiversity' shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and*
 - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.*
- All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority*

Condition 12

Prior to the occupation of the hereby approved dwellings, the refuse collection points as shown on plan ref. 'P09:4267:75 rev. N' shall be made ready for use. Thereafter the refuse collection points shall be retained.

Prior to the occupation of each dwelling, the refuse collection points as shown on the relevant approved layout for that phase shall be made ready for use. Thereafter the refuse collection points shall be retained.

Condition 13

Prior to the occupation of the hereby approved dwellings, details of secure cycle parking for the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall then be implemented in accordance with the approved details before each dwelling is occupied and therefore retained

The cycle parking shall then be implemented in accordance with the approved details 23-5666-06 - CYCLE STORAGE SHED DETAILS (REV 0) before each dwelling is occupied and therefore retained.

Condition 14

Prior to the occupation of the hereby approved dwellings, the dwelling's dedicated boundary treatments, as specified on plan ref. 'P09:4267:75 rev. N' shall be erected with the exception of the 1.2m high property division fencing, which may be substituted for the proposed 1.8m timber fence at will, unless otherwise agreed in writing by the Local Planning Authority. Thereafter the boundary treatment shall be so retained.

Prior to the occupation of the hereby approved dwellings on each relevant phase, the dwelling's dedicated boundary treatments, as specified on plan ref 23 5666 12 - PARCEL 4 SITE LAYOUT (REV 0) – and P09-4267-200 - PARCEL 5 SITE LAYOUT unless otherwise agreed in writing by the Local Planning Authority. Thereafter the boundary treatment shall be so retained.

Condition 17

The landscape scheme shall be implemented in accordance with landscape plans referenced 'P09:4267:101 rev. D, 'P09:4267:102 rev. C' and 'P09:4267:103 rev. C' prior to first occupation of the development, or within the first planting season following first occupation. If within a period of five years from the date of the planting of any tree/hedge/shrub that tree/hedge/shrub, or any replacement, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree/hedge/shrub of the same species and size as that originally planted shall be planted in the same location as soon as reasonably possible and no later than the first available planting season, unless otherwise agreed in writing by the Local Planning Authority.

The landscape scheme shall be implemented in accordance with landscape plans referenced Parcel 4 ++, and Parcel 5 ++, prior to first occupation of the development, or within the first planting season following first occupation. If within a period of five years from the date of the planting of any tree/hedge/shrub that



tree/hedge/shrub, or any replacement, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree/hedge/shrub of the same species and size as that originally planted shall be planted in the same location as soon as reasonably possible and no later than the first available planting season, unless otherwise agreed in writing by the Local Planning Authority.

Condition 18

The hereby approved dwellings shall be externally faced and roofed with materials in accordance with the materials detailed on plans ref. 'P09:4267:80 rev. D' and 'P09:4267:81 rev. C', unless otherwise agreed in writing by the Local Planning Authority.

The hereby approved dwellings shall be externally faced and roofed with materials in accordance with the materials detailed on plans ref. ++ and ++, unless otherwise agreed in writing by the Local Planning Authority.

Should you require any further information or clarification then please do not hesitate to contact the undersigned.

Yours sincerely



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