Application 2024/92776
Land off Crossley Lane, Cold Royd Lane & Albany Road, Dalton, Huddersfield
DRAFT Conditions

[Note: 'Original Planning Permission' – Reference: 2011/91152]

[Note: Condition 1 (3 year commencement) of original planning permission deleted. Subsequent conditions have been re-numbered accordingly.]

1. The development hereby permitted shall be carried out in complete accordance with the approved plans and specifications except as may be required by other conditions attached to this permission which in all cases take precedence.

   Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion and to accord with Policies LP1, LP4, LP21, LP22, LP24, LP28, LP30, LP31, LP53 of the Kirklees Local Plan.

   [Note: Plans list to be revised as necessary to include any relevant revised and/or additional plans and documents submitted as part of this S73 application, as well as any plans and documents which remain relevant from the original planning permission]

2. The development shall be constructed of the facing and roofing materials specified on the following drawings, unless otherwise approved in writing by the local planning authority by means of an application for the approval of details reserved by condition:

   - Parcel 1 – [Drawing title and number to be completed];
   - Parcel 2 – Proposed Materials Layout Parcel B drawing number: P09:4267:51 Rev 0;
   - Parcel 3 – [Drawing title and number to be completed].

   Reason: In the interests of the visual amenities of the area and to accord with Policy LP24 of the Kirklees Local Plan.

   [Note: Drawing listed as approved for Parcel 2 is the drawing that was listed as approved for Parcel B in Discharge of Conditions application 2015/92373.]

3. The development and the works comprising the landscaping scheme for each Parcel of the development shall be carried out in accordance with the following approved details and phasing for that Parcel, unless otherwise approved in writing by the local planning authority by means of an application for the approval of details reserved by condition:

   - Parcel 1 – [Parcel 1 Proposed Landscape Plan drawing title and number to be completed];
   - Parcel 1 – [Parcel 1 proposed landscaping phasing drawing/document title and reference to be completed];
   - Parcel 2 – Parcel B Landscape Proposals drawing number: P09 4267 122;
   - Parcel 3 – [Parcel 3 Proposed Landscape Plan drawing title and number to be completed];

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- Parcel 1 – [Parcel 3 proposed landscaping phasing drawing/document title and reference to be completed].

The approved landscaping scheme for each Parcel of the development shall, from its completion, be maintained for a period of 5 years. If within that period any tree, hedge or shrub shall die, become diseased or be removed, it shall be replaced with others of similar size and species unless the local planning authority gives its written consent for any variation.

Reason: To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and biodiversity and to accord with Policies LP24 and LP30 of the Kirklees Local Plan and the guidance in Chapter 15 of the National Planning Policy Framework.

[Note: Original Condition 4 says the planting scheme 'shall detail the phasing of the landscaping and planting' and requires the development to be implemented in accordance with the 'agreed phasing'. Details of proposed phasing/timescale for carrying out of landscaping works are therefore required, in addition to the proposed landscape plans themselves. Drawing listed for Parcel 2 is the drawing that was listed as approved for Parcel B in Discharge of Conditions application 2015/92373.]

4. Prior to the development being brought into use, the approved vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government: and Environment Agency's "Guidance on the permeable surfacing of front gardens (parking areas) published 13/5/09 (ISBN 9781409804864) as amended or superseded, unless otherwise agreed in writing by the local planning authority, and thereafter retained throughout the lifetime of the development.

   Reason: To ensure the effective management of surface water in the interests of flood prevention and to accord with the guidance contained in Chapter 14 of the National Planning Policy Framework.

5. The development authorised by this permission shall not begin until details of on-site surface water attenuation have been submitted to and approved in writing by the Local Planning Authority and the development shall be implemented in full accordance with the approved details.

   Reason: In the interests of the satisfactory drainage of the site and to accord with Policies LP4 and LP28 of the Kirklees Local Plan and the guidance contained in Chapter 14 of the National Planning Policy Framework.

   [Note: This was Condition 6 of the original planning permission. Variation not applied for as part of current S73 application. However, layout changes are proposed as part of current S73 application. Therefore, if relying on details approved as part of a previous Discharge of Conditions application, a note is required from the drainage consultant confirming that the previously-approved details are still appropriate and applicable to the revised layout (This would then need to be reviewed by the Lead Local Flood Authority). If those previously-approved details are not still applicable, a new application to discharge this condition with revised details would be required.]

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6. No building or other obstruction shall be located over or within 4m either side of the centre line of the sewers which cross the site.

   Reason: In the interests of the satisfactory drainage of the site and future maintenance and to accord with Policies LP4 and LP28 of the Kirklees Local Plan and the guidance contained in Chapter 14 of the National Planning Policy Framework.

7. The site shall be developed with separate systems of drainage for foul and surface water on and off the site.

   Reason: In the interests of the satisfactory drainage of the site and to accord with Policies LP4 and LP28 of the Kirklees Local Plan and the guidance contained in Chapter 14 of the National Planning Policy Framework.

8. No piped discharge of surface water from the site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

   Reason: In the interests of the satisfactory drainage of the site and to accord with Policies LP4 and LP28 of the Kirklees Local Plan and the guidance contained in Chapter 14 of the National Planning Policy Framework.

   [Note: This was Condition 9 of the original planning permission. Variation not applied for as part of current S73 application. However, layout changes are proposed as part of current S73 application. Therefore, if relying on details approved as part of a previous Discharge of Conditions application for this condition, a note is required from the drainage consultant confirming that the previously-approved details are still appropriate and applicable to the revised layout (This would then need to be reviewed by the Lead Local Flood Authority). If those previously-approved details are not still applicable, a new application to discharge this condition with revised details would be required.]

9. Surface water from the vehicle parking and hard standing areas shall be passed through an interceptor of adequate capacity prior to discharge to the public sewer. Roof drainage shall not be passed through any interceptor.

   Reason: In the interests of the satisfactory drainage of the site and to accord with Policies LP4 and LP28 of the Kirklees Local Plan and the guidance contained in Chapter 14 of the National Planning Policy Framework.

   [Note: This was Condition 10 of the original planning permission. Variation not applied for as part of current S73 application. Details appear to have been submitted and approved for this condition as part of a previous discharge of conditions application. However, layout changes are proposed as part of current S73 application. Therefore, if relying on details approved as part of a previous Discharge of Conditions application for this condition, a note is required from the drainage consultant confirming that the previously-approved details are still appropriate and applicable to the revised layout (This would then need to be reviewed by the Lead Local Flood Authority). If those previously-approved details are not still

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applicable, a new application to discharge this condition with revised details may be required.]

10. The dwellings on each Parcel of the development hereby permitted shall be constructed in accordance with the finished floor levels specified on the following drawings:

    - Parcel 1 – [Finished floor levels drawing for Parcel 1 (based on revised layout) title and reference to be completed];
    - Parcel 2 – Parcel 2 & 4 Proposed Levels drawing number: 906/03/SK5;
    - Parcel 3 – [Finished floor levels drawing for Parcel 3 (based on revised layout) title and reference to be completed].

    Reason: To ensure the dwellings remain safe in the event of a 1 in 100 year flood level with an allowance for climate change, in accordance with the guidance contained in the National Planning Policy Framework part 14 meeting the challenge of climate change, flooding and coastal change.

    [Note: This was Condition 11 of the original planning permission. Condition has been discharged previously. Drawing listed for Parcel 2 is the drawing that is understood to have been approved for Parcel 2 as part of Discharge of Conditions application 2016/92098. Layout changes are proposed for Parcels 1 and 3 as part of current S73 application. If seeking approval of finished floor levels for those amended layouts for Parcels 1 and 3 as part of the current S73 application, the proposed finished floor levels should be supported by a note from the drainage consultant confirming all are above the levels required in the approved Flood Risk Assessment and/or in the Environment Agency's comments on the original application].

11. No part of the development on any Parcel of the development shall be first occupied until a Landscape Management Plan for that Parcel, including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas, outside of domestic curtilages, has been submitted to and approved in writing by the local planning authority.

    The Landscape Management Plan for each Parcel of the development shall include the following:

    - Details of the extent and types of any new planting;
    - Details of any new habitats created within the site;
    - Details of maintenance regimes for existing and any new habitats proposed on the site; and
    - Details of treatments of site boundaries.

    The Landscape Management Plan for each Parcel of the development shall be carried out in accordance with the details thereby approved, and any subsequent variation shall be submitted to and approved in writing by the local planning authority by means of an application for the approval of details reserved by condition.

    Reason: To accord with Policy LP31 of the Kirklees Local Plan and the guidance contained in part 15 of the National Planning Policy Framework "Conserving and enhancing the natural environment."

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12. Development shall not commence until a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

    Reason: To ensure the site is fit to receive the new development in accordance with Policy LP53 of the Kirklees Local Plan.

    [Note: This was Condition 13 of the original planning permission. Variation not applied for as part of current S73 application. However, layout changes are proposed as part of current S73 application. Therefore, if relying on details approved as part of a previous Discharge of Conditions application, a note is required from the contaminated land consultant confirming that those previously-approved details are still appropriate and applicable to the revised layout (this would then need to be reviewed by the Environmental Health Officer). If those previously-approved details are not still applicable, a new application to discharge this condition with revised details would be required.]

13. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 12 **[To refer to number of relevant previous condition]**. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered (either in the Preliminary Risk Assessment or the Phase 2 Intrusive Site Investigation Report) is identified or encountered on site, all works on site (save for site investigation works) shall cease immediately and the Local Planning Authority shall be notified within 2 working days. Unless otherwise agreed in writing with the Local Planning Authority works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

    Reason: To ensure the site is fit to receive new development in accordance with Policy LP53 of the Kirklees Local Plan.

14. Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, no part of the site shall be brought into use until such time as the remediation measures for the whole site have been have been completed in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those measures has been approved in writing by the Local Planning Authority.

    Reason: To ensure the site is fit to receive new development in accordance with Policy LP53 of the Kirklees Local Plan.

15. No dwelling within Parcel 1 or Parcel 3 of the development shall be occupied until any noise attenuation measures identified as being required for that dwelling have been implemented and completed in accordance with the Noise Impact Assessment: Proposed Residential Development – Land at Crossley Lane, Dalton, Huddersfield (Parcels 1, 3 and 4), reference: NIA-11498-24-11789-v2

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Crossley Lane, Dalton (Parcels 1, 3, 4), produced by Environmental Noise Solutions Limited and dated 5th August 2024.

The approved noise attenuation measures shall thereafter be retained for the lifetime of the development.

There shall be no changes to the approved noise attenuation measures unless details of revised noise attenuation measures have first been submitted to and approved in writing by the local planning authority by means of an application for the approval of details reserved by condition.

Reason: To protect the residential amenities of future occupiers in accordance with Policy LP52 of the Kirklees Local Plan.

[Note: This was Condition 16 of the original planning permission. Now split into 2 separate conditions (see also new draft Condition 16 below) to reflect that a new Noise Impact Assessment has been submitted for Parcels 1 and 3 as part of the current application, whilst still retaining the requirement for Parcel 2 to be implemented in accordance with the originally-approved Noise Report.]

16. No dwelling within Parcel 2 of the development shall be occupied until any noise attenuation measures identified as being required for that dwelling have been implemented in accordance with Chapter 5 of the Noise Report produced by Hepworths Acoustics (Ref No: 10643.01/1v1).

    The approved noise attenuation measures shall thereafter be retained for the lifetime of the development.

    [Note: See note on draft Condition 15 above.]

    There shall be no changes to the approved noise attenuation measures unless details of revised noise attenuation measures have first been submitted to and approved in writing by the local planning authority by means of an application for the approval of details reserved by condition.

    Reason: To protect the residential amenities of future occupiers in accordance with Policy LP52 of the Kirklees Local Plan.

17. The phasing of the necessary off-site highway works for the development as shown on [drawing showing all proposed off-site highway works] shall be carried out in accordance with [Highway Works Phasing Plan drawing name and reference], with regard to the timing of the relevant works relative to the Parcels of the development. All references to 'Phase' within this condition with regard to the off-site highway works shall refer to the Phases of off-site highway works as defined on that drawing.

    No dwelling shall be first occupied on any Parcel of the development until the necessary off-site highway works for the Phase which relates to that Parcel have been completed in accordance with the details on drawing [drawing showing all proposed off-site highway works]. The off-site highway works shall then be retained in accordance with those details thereafter.

    Reason: In the interests of the free and safe use of the highway, and to accord with Policy LP21 of the Kirklees Local Plan.

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[Note: This was Condition 17 of the original planning permission. Draft wording still to be discussed, checked and agreed by Highways Development Management.]

18. The areas to be used by vehicles including parking, loading and unloading areas shall be surfaced and drained before the development is brought into use.

    Reason: In the interests of the free and safe use of the highway and to accord with Policies LP21 and LP22 of the Kirklees Local Plan.

INFORMATIVES

1. The granting of planning permission does not authorise the carrying out of works within the highway for which written permission from the Council is required. You are required to consult with the Design Engineer, Flint Street, Fartown, Huddersfield (Kirklees Street Care- 0800 7318765) with regard to obtaining this permission and approval of the construction specification. It should be noted that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991(Sections 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

2. It is brought to the Applicants' notice that the Highways Development Manager, Highway Service , Flint Street, Fartown, Huddersfield HD1 6GL must be contacted to discuss road adoption arrangements under Section 38 of the Highways Act 1980.

3. For the avoidance of doubt, any reference to 'Parcel' or 'Parcels' in the conditions on this permission shall refer to the Parcels of the development as defined on [Name and Reference Number of relevant drawing].

PLANS AND DOCUMENTS LIST

To be completed.

[Note: To include any relevant revised plans/documents which have been submitted as part of the current S73 application, and any plans and documents which remain relevant from the original permission (including in relation to Parcel 2 and documents relevant to the development as a whole).]

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