Town and Country Planning (Development Management Procedure) (England) Order 2015

PLANNING PERMISSION FOR DEVELOPMENT

NOTE: This approval should be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act 1990

Application Number: 2024/70/92776/W

To: Laura Mepham
John R Paley Associates
14, Mariner Court
Calder Park
Wakefield
WF4 3FL

For: Paul Thornton, Crest Nicholson & Narbourne Ltd

In pursuance of its powers under the above-mentioned Act and Order the KIRKLEES COUNCIL (hereinafter called "The Council") as Local Planning Authority hereby permits:-

VARIATION OF CONDITIONS 2 (PLANS), 3 (MATERIALS), 4 (PLANTING), 11 (FLOOR LEVELS), 12 (LANDSCAPE), 16 (NOISE) AND 17 (TRAFFIC CALMING) OF PREVIOUS PERMISSION 2011/91152 FOR ERECTION OF 131 DWELLINGS, FORMATION OF NEW ACCESSES, LAYING OUT OF INTERNAL ACCESS ROADS, AND CREATION OF PLAY AREAS

At: LAND OFF, CROSSLEY LANE, COLD ROYD LANE & ALBANY ROAD, DALTON, HUDDERSFIELD, HD5 9JA

In accordance with the plan(s) and applications submitted to the Council on 26-Sep-2024 [together with those plans and application(s) submitted to the Council on 21-Apr-2011 and incorporated into planning permission 2011/91152 granted on 18-Nov-2013] and subject to the condition(s) specified hereunder:-

Note: Parcel definition

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 plan 23-5666-51 Rev. D.

1. DELETED – Development has commenced.

2. 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 and LP53 of the Kirklees Local Plan.

3. 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 – 23:5666:30 Rev. C
- Parcel 2 – P09:4267:51 Rev 0 (approved under Discharge of Condition application 2015/92373).
- Parcel 3 – 23:5666:31 Rev. C

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

4. 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 – 23:5666:101 Rev. B
- Parcel 2 – P09 4267 122 (approved under Discharge of Condition application 2015/92373).
- Parcel 3 – 23:5666:103 Rev. B

The approved landscaping shall be carried out during the first planting, seeding or management season following commencement of development, or as otherwise may be agreed in writing by the Local Planning Authority by means of an application for the approval of details reserved by condition, and shall be maintained for a period of five years from the completion of planting works. 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.

5. 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 13/05/2009 (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.

6. No dwelling within any phase shall be occupied under that phase's on-site surface water attenuation have been implemented in accordance with the following plans approved under Discharge of Condition application 2016/92098:

- Plan ref. 906/03/SK4 Rev. D
- Plan ref. 906/SK6 Rev. C
- Plan ref. 906/SK8 Rev. D

unless otherwise approved in writing by the Local Planning Authority by means of an application for the approval of details reserved by condition.
Reason: In the interests of the satisfactory surface water attenuation and 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.

7. 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.

8. 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.

9. No dwelling within any phase shall be occupied under that phase's outfall for surface water has been implemented in accordance with the following plans approved under Discharge of Condition application 2016/92795:

- Plan ref. 906/03/SK4 Rev. D
- Plan ref. 906/SK6 Rev. C
- Plan ref. 906/SK8 Rev. D

unless otherwise approved in writing by the Local Planning Authority by means of an application for the approval of details reserved by condition
Reason: In the interests of the satisfactory surface water attenuation and 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.

10. 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.

11. No dwelling here approved shall have its finished floor level be lower than those identified on the following plans, as approved under Discharge of Condition application ref. 2016/92098:

- Plan ref. 906/03/SK5
- Plan ref. 906/03/SK7
- Plan ref. 906/03/SK9

unless otherwise approved in writing by the Local Planning Authority by means of an application for the approval of details reserved by condition
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 Chapter 14 of the National Planning Policy Framework.

12. 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 Chapter 15 of the National Planning Policy Framework.

13. DELETED – Discharged via Discharge of Condition application 2016/92795.

14. The development hereby approved shall be implemented in accordance with the Remediation Strategy set out within the following documents approved under Discharge of Condition application 2016/92795:

- Phase 1/ 2 report with the Remediation as Appendix H – MWD/01r1; and
- Gas Monitoring report MWD/01/EGH 12/10/2016.

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 two 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.

15. 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 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.

16a. 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 Crossley Lane, Dalton (Parcels 1, 3, 4), produced by Environmental Noise Solutions Limited and dated 05/08/2024.

The approved noise attenuation measures shall thereafter be retained.

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.

16b. 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.

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. No dwelling within any phase shall be occupied under that phase's allocated off-site highway improvement works, as identified by plan ref. PRGN-937-HGH-DR-CH-0001 rev. G, have been completed. Unless otherwise approved in writing by the Local Planning Authority by means of an application for the approval of details reserved by condition, the off-site highway works shall be in accordance with the following plans:

- PRGN-937-HGH-DR-CH-0001 rev. F
- PRGN-937-HGH-DR-CH-0002 rev. E
- PRGN-937-HGH-DR-CH-0003 rev. F
- PRGN-937-HGH-DR-CH-0004 rev. E
- PRGN-937-HGH-DR-CH-0005 rev. F
- PRGN-937-HGH-DR-CH-0006 rev. F

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

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.

Off-site Highway Works – Informative

The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Local Highway Authority is required.

You are required to consult the Local Highway Authority Design Engineer (Kirklees Street Scene: 01484 221000) at the earliest opportunity in the development process to obtain approval of the design details, agree the mechanism for delivery, and obtain the necessary permissions / permits to enable the delivery of the works.

This process will involve entering into a Section 278 agreement of the Highways Act 1980 or other appropriate agreement to enable delivery of the works. The applicant is advised to make early contact with the Local Highway Authority Design Engineer, to ensure that the delivery of the works does not delay occupation of the development.

Interference with the highway without such permission is an offence which could lead to prosecution.

Section 38 Agreement - Informative

The applicant should be aware that the internal street layout will need to be built to adoptable standards if offered for adoption under Section 38 of the Highways Act 1980. The applicant is advised to make early contact with the Highways Section 38 team at Highways.Section38@kirklees.gov.uk to initiate the Section 38 process, technical approval and agreement. Further information is available on the council's website at: Highways Guidance Note - Section 38 Agreements for Highway Adoptions (kirklees.gov.uk).

Any future applications for adoption under Section 37 must demonstrate to the satisfaction of the Highway Authority that all of the roads applied for under Section 37 have been constructed to an adoptable standard in accordance with Highways Guidance Note - Section 38 Agreements for Highway Adoptions (kirklees.gov.uk)

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Plans approved under Section 73 Application reference 2024/92776			
Proposed Site / Block Layout	23 5666 01	Rev. H	20/01/2026
Proposed Site / Block Layout	23-5666-03	Rev. D	20/01/2026
Plan General	23-5666-04		13/03/2025
Plan General	23-5666-05	Rev. A	14/10/2025
Plan General	23-5666-06		13/03/2025
Proposed Site Sections	23-5666-07	Rev. B	03/10/2025
Proposed Site / Block Layout	23-5666-10	Rev. D	20/01/2026
Proposed Site / Block Layout	23-5666-11	Rev. D	24/02/2026
Proposed Site / Block Layout	23-5666-51	Rev. D	03/10/2025
Proposed Site / Block Layout	23-5666-30	Rev. C	20/01/2026
Proposed Site / Block Layout	23-5666-31	Rev. C	20/01/2026
Proposed Landscaping Layout	25-5666-103	Rev. C	06/03/2026
Proposed Landscaping Layout	25-5666-101	Rev. C	06/03/2026
Grouped Plans and Elevations	23-5666-5021		03/10/2025
Grouped Plans and Elevations	23-5666-5022		03/10/2025
Grouped Plans and Elevations	23-5666-5024		03/10/2025

Plan Type	Reference	Version	Date Received
Grouped Plans and Elevations	23-5666-5044		03/10/2025
Grouped Plans and Elevations	23-5666-5045		03/10/2025
Grouped Plans and Elevations	23-5666-5059		03/10/2025
Plan General	23-5666-5000	Rev. A	13/03/2025
Plan General	23-5666-5002	Rev. B	13/03/2025
Plan General	23-5666-5003	Rev. B	13/03/2025
Plan General	23-5666-5004	Rev. A	13/03/2025
Plan General	23-5666-5006	Rev. B	13/03/2025
Plan General	23-5666-5012	Rev. A	13/03/2025
Plan General	23-5666-5014	Rev. A	13/03/2025
Plan General	23-5666-5018	Rev. B	13/03/2025
Plan General	23-5666-5023	Rev. A	13/03/2025
Plan General	23-5666-5028	Rev. B	13/03/2025
Plan General	23-5666-5030	Rev. A	13/03/2025
Plan General	23-5666-5032	Rev. A	13/03/2025
Plan General	23-5666-5035	Rev. C	13/03/2025
Plan General	23-5666-5038	Rev. C	13/03/2025
Plan General	23-5666-5039	Rev. A	13/03/2025
Plan General	23-5666-5034	Rev. B	13/03/2025
Plan General	23-5666-5040	Rev. B	13/03/2025
Plan General	23-5666-5041	Rev. B	13/03/2025
Plan General	23-5666-5042	Rev. B	13/03/2025
Plan General	23-5666-5049	Rev. B	13/03/2025
Highway Plans	0001	Rev. F	20/01/2026
Highway Plans	0002	Rev. E	20/01/2026
Highway Plans	0003	Rev. F	20/01/2026
Highway Plans	0004	Rev. E	20/01/2026
Highway Plans	0005	Rev. F	20/01/2026
Highway Plans	0006	Rev. F	20/01/2026
Highways Plans	0007	Rev. B	14/10/2025
Highway Plans	0008	Rev. G	20/01/2026
Highway Plans	0009	Rev. A	20/01/2026
Highway Plans	0010	Rev. B	20/01/2026
Highways Plans	0011		14/10/2025
Highway Plans	0012	Rev. A	20/01/2026
Highway Plans	0013	Rev. B	20/01/2026
Plan General	YOSD-2021-EXT-002	Rev. C1	13/03/2025
Plans approved under Full Planning Application reference 2011/91152			
Location Plan	PO9:4267:01	E	July 2012
Design & Access Statement	April 2011		April 2011
Proposed Planning Layout Parcel A	P09:4267:02	H	20/02/2012
Traffic Calming Measures	5706-001	B	Feb 2012
Proposed layout All Parcels	P09:4267:05	F	Feb 2012

Plan Type	Reference	Version	Date Received
Proposed Planning Layout Parcel C	P09:4267:04	F	Feb 2012
Proposed Planning Layout Parcel B	P09Proposed Planning La:4267:03	F	Feb 2012
Landscape Corridors	P09:4267:111	G	Feb 2012
House Type N	P09:4267:20	O	Feb 2012
Noise Report	Hepworth Acoustics (RepNo 10643.01/1v1		July 2010
Transport Assessment Sanderson Associates	5706/DJC/SAM/001/03		April 2011
Ecological Assessment Brooks Associates	BE-R-0794-01		05/05/2011
Flood Risk Assessment Michael Lambert Associates			April 2011
Interim Travel Plan Sanderson Associates	5706/JGM/002/04		April 2011
FRA Sequential test FRA Exceptions Test	John R Paley Assoc John R Paley Assoc	Jan 2010	April 2011 April 2011
Planning Obligations Statement	John R Paley Assoc	April 2011	April 2011
<u>Landscape Masterplan</u> Parcel A Parcel B Parcel C	 101 102 103	 A	 Feb 2012 Feb 2012 Feb 2012
<u>House Types.</u> House Types C2 House Type C3 House Type C4 House Type F House Type G House Type J House Type P House Type X	 P09:4267: P09:4267: 11 P09:4267: 12 P09:4267:13 P09:4267:14&15 P09:4267:16 P09:4267:17&18 P09:4267:19		 April 2011 April 2011 April 2011 April 2011 April 2011 April 2011 April 2011 April 2011
<u>Garages</u> Single garage Twin Garage	 P09:4267:30&32 P09:4267:32-34		 April 2011 April 2011
<u>Boundary Treatments</u> 1.8m wall/ fence 1.8m fence 1.2m fence 1.2m railing	 P09:4267:06 P09:4267:07 P09:4267:08 P09:4267:10		 April 2011 April 2011 April 2011 April 2011

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

Building Regulations Approval is required for most work involving building operations and/or structural alterations. It is the applicant's responsibility to find out if the work permitted by this planning permission needs approval under the Building Regulations, and if necessary to submit an application. If you are not the applicant can you please ensure the applicant is aware of this requirement. Contact Building Control on Telephone: (01484) 221550 for more information.

Development within a Coal Mining Area

DEVELOPMENT LOW RISK AREA - STANDING ADVICE

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Mining Remediation Authority on 0345 762 6846 or if a hazard is encountered on site call the emergency line 0800 288 4242.

Further information is also available on the Mining Remediation Authority website at: Mining Remediation Authority - GOV.UK

Digital Infrastructure: Fibre To The Property (FTTP)

Access to affordable and reliable broadband is necessary for Kirklees' residents, businesses, and visitors to take advantage of the growing digital economy and 'digital by default' services. Fibre optic cables direct to a property (FTTP) is the most reliable way of delivering high speed broadband connectivity and allows for gigabit internet speeds. Access to high quality digital infrastructure provides the foundations for, amongst other things:

- Economic prosperity – workforces that are digitally-literate enables business to thrive.
- Digital literacy – digital literacy and skills increase employability and people can exploit the internet for transactional, social, entertainment and learning purposes.
- New services – digital delivery can lower costs and provide innovative public and health services more conveniently.

It is therefore advised that digital infrastructure, including FTTP, and its benefits for the development be considered from the earliest feasible stage. Methods include working with Internet Service Providers to install digital infrastructure alongside other utilities or providing pre-infrastructure allowing for speeder installation at a later date.

Note: The provision of fibre infrastructure is often available from certain telecommunications providers free of charge for development over a certain scale, provided that sufficient notice is given. Notice periods are typically at least 12 months prior to first occupation. In some cases, providers may request a contribution from the developer.

Note: Where no telecommunications provider has been secured to provide fibre infrastructure by the time of highway construction, it is advised that additional dedicated telecommunications ducting is incorporated alongside other utilities to enable the efficient and cost effective provision of fibre infrastructure in the future.

The application has been publicised by notice(s) in the vicinity of the site. It is respectfully requested that the notice(s) now be removed and responsibly disposed of to avoid harm to the appearance of the area

Appeals to the Secretary of State

- **If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.**
- **If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier.**
- **If you want to appeal against your Local Planning Authority's decision then you must do so within 6 months of the date of this notice.**
- **Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at https://www.gov.uk/appeal-planning-decision Further information on the Planning Appeal process can be found online at the Planning Inspectorates website https://www.gov.uk/government/organisations/planning-inspectorate.**
- **You must use the correct Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the type of application that the appeal relates to so they can send you the appeal form you require.**
- **The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.**
- **The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory**

requirements, to the provisions of any development order and to any directions given under a development order.

- **In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.**

Please note, only the applicant possesses the right of appeal.

Purchase Notices

- **If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.**

In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

An important part of improving our service is to review your feedback on the way that we have dealt with your planning application(s). Please take a couple of minutes to email your comments to dc.admin@kirklees.gov.uk so that we can work on continually improving our customer service. Thank you.

Dated: 16-Mar-2026

Signed: 

David Shepherd
Executive Director for Place

Decision Documents

The decision notice indicates which documents relate to the decision. These documents can be viewed online at the Planning Services website at www.kirklees.gov.uk/planning, and by clicking on the 'search and view existing planning applications and decisions' and by searching for application number 2024/70/92776/W.

If a paper copy of the decision notice or decided plans are required please email dc.admin@kirklees.gov.uk or telephone 01484 414746 with the application number. There may be a charge for this service.

All communications should be sent to one of the following address:

E-mail: dc.admin@kirklees.gov.uk

Write to: Kirklees Council
Planning and Development Service
PO Box 1720
Huddersfield
HD1 9EL