



**Town and Country Planning Act 1990**

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

**OUTLINE PLANNING PERMISSION**

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

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**Application Number: 2015/60/90430/W**

**To:** Laura Mepham,  
John R Paley Associates  
1, Red Hall Crescent  
Paragon Business Village  
Wakefield  
WF1 2DF

**For:** 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:-**

Outline application for erection of residential development comprising (Use Class C3) and incorporating associated new access (to Crossley Lane and Cold Royd Lane), and associated works

**At:** Land to North and South of, Crossley Lane, Dalton, Huddersfield, HD5 0QP

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**In accordance with the plan(s) and applications submitted to the Council on  
16-Feb-2015, subject to the condition(s) specified hereunder:-**

1. Approval of the details of the layout, scale, appearance, and the landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

**Reason:** No details of the matter referred to having been submitted they are reserved for the subsequent approval in writing of the Local Planning Authority.

2. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the layout, scale, appearance, and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out in full accordance with the approved plans.

**Reason:** No details of the matter referred to having been submitted they are reserved for the subsequent approval in writing of the Local Planning Authority.

3. Application for approval of any reserved matter shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

**Reason:** Pursuant to section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

4. The development hereby permitted shall be begun either before the expiration of two years from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

**Reason:** Pursuant to section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

5. Development shall not commence until a scheme detailing the layout, construction and specification of the highway works; at the two site access points from Crossley Lane and one from Cold Royd Lane (drawing number P09:4267:75 Rev A) and all associated highway works, and the appropriate Road Safety Audit, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until all the works under the approved scheme have been carried out and completed in accordance with the approved scheme and thereafter retained throughout the lifetime of the development.

**Reason:** In the interests of the free and safe use of the highway and to accord with Policy T10 of the Kirklees Unitary Development Plan.

6. No development authorised by this permission shall take place until a scheme detailing the proposed traffic calming measures, has been 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 an independent safety audit 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.

**Reason:** In the interests of the free and safe use of the highway and to accord with Policy T10 of the Kirklees Unitary Development Plan.

7. The development shall not be brought into use until visibility splays of 2.4 m x 43 in both directions at each of the two site access points from Crossley Lane and from Cold Royd Lane in which there shall be no obstruction to visibility above the level of the adjacent footway as indicated on the approved plan have been completed. Thereafter, visibility splays shall be retained throughout the lifetime of the development.

**Reason:** In the interests of the free and safe use of the highway and to accord with Policy T10 of the Kirklees Unitary Development Plan.

8. Prior to construction commencing, a schedule of the means of access to the site for construction traffic shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include the point of access for construction traffic, details of the times of use of the access, the routing of construction traffic to and from the site, construction workers parking facilities and the provision, use and retention of adequate wheel washing facilities within the site. Thereafter all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.

**Reason:** In the interests of the free and safe use of the highway and to accord with Policy T10 of the Kirklees Unitary Development Plan.

9. Development shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the local planning authority.

**Reason:** To ensure the site is fit to receive the new development and to accord with Policy G6 of the Kirklees Unitary Development Plan.

10. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 9, 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 and to accord with Policy G6 of the Kirklees Unitary Development Plan.

11. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 10. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II 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 in writing 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 the new development and to accord with Policy G6 of the Kirklees Unitary Development Plan.

12. Following completion of any measures identified in the approved Remediation Strategy or any approved revised 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 remediation measures has been approved in writing by the local planning authority.

**Reason:** To ensure the site is fit to receive the new development and to accord with Policy G6 of the Kirklees Unitary Development Plan

13. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) ref E14/6726/FRA001 Dec 2014, and the following mitigation measures detailed within the FRA.

i) Finished floor levels in the South Eastern site are set no lower than 62.4m above Ordnance Datum (AOD);

ii) Finished floor levels in the South Western site are set no lower than 63m above Ordnance Datum (AOD);

iii) There shall be no ground raising in flood zone 3 without compensatory storage.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with timing/ phasing arrangements embodied within the scheme, or any other period as may be subsequently agreed in writing, by the local planning authority.

**Reason:** In the interest of the satisfactory drainage of the site and to accord with the guidance contained in part 10 of the National Planning Policy Framework "Meeting the challenge of climate change, flooding and coastal change".

14. Prior to development commencing a landscape management plan including, long term design objectives, management responsibilities and maintenance schedules for all landscape areas, outside of domestic curtilages, shall be submitted to and approved in writing by the local planning authority. The Landscape Management Plan shall include the following:

- Details of the extent and types of 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 treatment of site boundaries.

The Landscape Management Plan shall be carried out in accordance with the approved details and any subsequent variation will need to be submitted to and agreed in writing by the Local Planning Authority.

**Reason:** To accord with the guidance contained in part 11 of the National Planning Policy Framework "Conserving and enhancing the natural environment".

15. Prior to occupation of the dwellings, in all residential units that have a dedicated parking area and/or a dedicated garage, an electric vehicle recharging point shall be installed. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. In residential units that have unallocated parking spaces then before occupation of these units at least one electric vehicle recharging point per ten properties with the above specification shall be installed.

**Reason:** To accord with the guidance contained in part 4 of the National Planning Policy Framework "Promoting sustainable transport".

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	P09.4267.76		17/2/15
Additional landscape/ POS	P09.4267.111	H	Sept 2015
Proposed block plan/ layout	P09.4267.75	A	17/2/15
Details of sewerage easements	P09.4267.75	C	June 2015
Design and Access Statement			17/2/15
Phase 1 Contaminated Land Report	C6268		17/2/15
Flood Risk Assessment (Parcels 4 and 5)	E14/6267/FRA001		17/2/15
Sequential and Exceptions Test (Parcel 5)			17/2/15
Transport Assessment	973/Jan 2015		17/2/15
Travel Plan	937/Jan 2015		17/2/15
Supplementary Transport Information	702/Aug 2015		August 2015
Ecological Appraisal			17/2/15
Bat Emergence Survey			June 2015

#### **Development within a Coal Mining Area**

**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 Coal Authority on 0345 762 6848.**

**Further information is also available on the Coal Authority website at:**  
[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

**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**

#### **Details Reserved by Condition**

- **This permission has been granted subject to conditions. Some of the conditions may require you to submit further details. These conditions normally contain the wording “*submitted to and approved in writing by the Local Planning Authority*”.**
- **You can apply online for approval of these details at the Planning Portals website at [www.planningportal.gov.uk](http://www.planningportal.gov.uk). Alternatively the forms and supporting guidance for submitting an application can be found online at [www.kirklees.gov.uk/planning](http://www.kirklees.gov.uk/planning).**
- **This Authority recognises the need to ensure that you are able to develop the site as effectively and flexibly as possible. However, at the same time it must ensure that development is in accordance with the terms of the planning conditions and legal agreement and the expectations of elected members and local residents set through the decision process.**
- **You should note the triggers for compliance with the conditions of this planning permission. This Authority is committed to processing applications to discharge conditions in a timely manner. It is important to ensure that submissions are made as far in advance of the trigger to allow time for adequate consultation, discussion and in some circumstances publicity.**
- **It is important that applications to discharge conditions are accompanied by sufficient information to enable this Authority and its consultees to fully consider and determine the proposals. Whilst officers will endeavour to negotiate solutions, failure to provide a comprehensive submission may result in delay and refusal of the application.**
- **If you commence work without discharging conditions you are at risk of enforcement action and invalidating your permission if the planning condition is a pre commencement condition.**

### **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://acp.planninginspectorate.gov.uk> . 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.**

**It is the applicant's responsibility to find out whether any works approved by this planning permission, which involve excavating or working near public highway and any highway structures including retaining walls, will require written approval from the Council's Highways Structures Section. Please contact the Highways Structures Section on Tel No. 01484-221000 Ext 74199 for further advice on this matter.**

**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](mailto:dc.admin@kirklees.gov.uk) so that we can work on continually improving our customer service. Thank you.**

**Dated:** 14-Mar-2017

**Signed:** 

**Jacqui Gedman  
Director of 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](http://www.kirklees.gov.uk/planning), and by clicking on the 'search and view existing planning applications and decisions' and by searching for application number 2015/60/90430/W .

If a paper copy of the decision notice or decided plans are required please email [planning.contactcentre@kirklees.gov.uk](mailto:planning.contactcentre@kirklees.gov.uk) or telephone 01484 414746 with the application number. There may be a charge for this service.

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

**E-mail:** [planning.contactcentre@kirklees.gov.uk](mailto:planning.contactcentre@kirklees.gov.uk)

**Write to:** Planning Services  
Investment and Regeneration  
PO Box B93  
Civic Centre III  
Off Market Street  
Huddersfield  
HD1 2JR

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