

Consultation Response from KC, Highways Development Management (HDM)

2023/91116 Land off, Primrose Lane, Hightown, Liversedge, WF15

Erection of 77 dwellings

Date Responded: 22/11/24

Responding Officer: A Darwin

Responding Ref: K9-5SE/3

RECOMMENDATION: No objection, subject to Conditions and S106 requirements – See end of comments for further details.

Development Overview:

The site is located in the western part of Liversedge and is allocated for residential development in the Local Plan under site reference HS117, which comprises of 3.12ha of land. However, the net site area is reduced to around 2.5ha in order to safeguard the area of woodland (Protected Open Space) in the northern part of the site.

The development proposes 77 dwellings, including 55 no. houses (22 no. 3-bed, 37 no. 4-bed & 6 no. 5-bed units) and 12 no. (2-bed) apartments. Vehicular access to the site is proposed from an extension of Darley Road along the eastern site boundary.

HDM have previously provided a formal consultation response regarding the proposals on 10/07/23 that highlighted a range issues with the proposals, which required additional information and amendments to the scheme. Subsequently, the LPA and HDM have had additional meetings, discussions and further correspondence with the applicant and their consultants to discuss the improvements and further information required.

These updated HDM comments include a review of the latest information that has been submitted in support of the proposals, which has now adequately addressed the main issues previously raised by HDM. Some details remain outstanding following the Stage 1 RSA, but these issues can be addressed by condition. Therefore, HDM now have no objection to the proposals, subject to the conditions and S106 requirements included at the end of these comments.

The latest submission information that has been subject to this review is as follows:

- Proposed Site Layout - Drawing 3416-1-0014 Rev XX
- General Arrangement & Visibility Splays - Drawing VN222468-D100 Rev L
- 3D Vertical Design, Centreline Long Section - VN222468-D101 Rev C
- 3D Vertical Design, Turning Head Long Section - VN222468-D102
- Swept Path Analysis - Online Delivery Vehicle, Fire Tender, Refuse Vehicle and Large Car - VN222468-TR100 Rev K
- Stage 1 Road Safety Audit by Meraki Alliance (ref. MAL/PLLRSA1Rev0) dated 30/07/24;
- Draft Stage 1 Road Safety Audit Designers Response (VN222468/RSA1) by SLR Consulting, dated 07/08/24

Site Access:

Vehicular access to the site is proposed via an extension to Darley Road, providing a single point of access from the eastern site boundary. Darley Road then connects to the wider highway network via Ripley Road to the south, which connects to the A659 Halifax Road via a priority junction, which includes right turn ghost island markings.

The principle of providing a single point of vehicular access to the development is acceptable. It is noted that as Ripley Road currently serves circa 200 dwellings, the proposed 77 dwellings would increase this to circa 277 dwellings. Therefore, given that a loop road is proposed within the site, no secondary emergency access is considered necessary in this instance, which is in accordance with the advice contained within the Councils Highway Design SPD.

As highlighted by HDM at the pre-application stage, significant levels of on-street parking currently occur on Darley Road/Ripley Road, which may impact on refuse/emergency vehicle access to the site. As such, Section 7 of the supporting Transport Assessment includes 2 no. overnight parking surveys to determine the level and location of on-street parking that occurs. These surveys identified on-street parking currently takes place mainly on Darley Road, with between 32-34 vehicles recorded during the two surveys. Of these parked vehicle, the majority were observed parking partially on footways. Parking was also observed at or close to the Linton Close junction, and to a lesser extent at the Dacre Close junction. Significant levels of double parking were also observed at the bend to the north of the Linton Road junction.

To address the above parking issues, the Transport Assessment suggests that localised double yellow line parking restrictions could be used to prevent obstructive parking, with the TA suggesting that this could include the bend to the north of the Linton Road junction. HDM have discussed this proposal with the Councils Highway Safety Team, who have advised that whilst they would not normally promote parking restrictions on residential estate roads, in this case, localised parking restrictions could be considered. However, they would only support the promotion of the restrictions on the inside of the bend north of Linton Close, and potentially at the Linton Close and Dacre Close junctions, to reduce the risk of obstructive parking in these areas. It is also noted that any parking restrictions proposed would be subject to a separate formal public consultation as part of the necessary Traffic Regulation Order (TRO) process that is required. Therefore, the final extents of any restrictions that may be proposed/approved will not be determined at this stage. The Councils cost to promote and implement the TRO will need to be funded by the development. Therefore, a **£10,000** contribution should be secured by S106 agreement for this purpose.

At the Ripley Road/Halifax Road junction, visibility splays in excess of 2.4x43m are provided in both directions, which are adequate based on the 30mph speed limit. However, it is understood that on-street parking occurs within close proximity to the junction, which can affect the available visibility. This has also been observed by HDM during site visits, with 2-3 cars observed parking to the west of the junction in front of the bungalow properties. Whilst on-street parking has been observed near to the junction, this does not appear to have resulted in any turning collisions, with no injury related incidents of any type recorded at the junction over the latest 5 year period.

In light of the above, the Councils Highway Safety Team have confirmed that localised double yellow line restrictions could also be promoted within the immediate vicinity of the junction. However, these would be limited to within 10m of the junction to the east and 18.5m to the west (both measured from the nearside channel line of the minor road). These limited restrictions would ensure that obstructive parking does not occur close to the junction, but would still allow 3 no. on-street parking spaces to be available for residents living in the 3 no. bungalows that do not benefit from drives (parking for these dwellings is available in a parking court, to the east of the Ripley road junction). As previously stated, the necessary TRO would be subject to a separate formal public consultation. Therefore, the final extents of any restrictions that may be proposed/approved will not be determined at this stage. The Councils cost to promote and implement the TRO will again need to be funded by the development. However, these costs would be covered by the S106 contribution previously identified.

As identified at the pre-application stage and in the previous HDM consultation response to this planning application, to gain access to the site it is necessary to cross public footpath PROW SPE/110/20 that runs along the full extent of the eastern site boundary. However, there appears to be no public vehicular access rights over this footpath, and the unregistered land occupied by the PROW was not previously included within the development site boundary. Therefore, the applicant was advised to investigate matters further, including the legalities of ownership, the available rights to convert these sections of PROW to dedicated all-purpose highway to serve the development, and to update the sites redline boundary to include the footpath land to enable works to deliver the site access to be secured to the development.

The applicant has now amended the redline boundary to include the footpath land required to implement the sites vehicular access. Therefore, improvement works to the footpath can be secured to the development by planning condition. However, as the footpath land is not currently within the applicants landownership, it is still unclear what mechanism the applicant could use to deliver vehicle access rights for the development. Therefore, unless the Applicant is able to acquire ownership of the unregistered footpath land, it would appear that they may not be in a position to dedicate vehicle access rights to future residents and would be unable to offer the estate roads for

adoption via the usual Section 38 process. As such, the Applicant will need to resolve these issues before development can commence.

Public Rights of Way (PROW)

There are a number of PROW within the vicinity of the site, including footpaths SPE/110/20 and SPE/116/20 that runs along the eastern and southern site boundaries respectively, and Public Bridleway SPE/111/120 on Primrose Lane along the western site boundary. The Spen Valley Greenway also runs along the northern site boundary, which forms part of National Cycle Network Route 66.

Following concerns previously raised by HDM and the PROW team, the applicant has now included a number of improvements to the PROW network within the vicinity of the site, which includes the following:

- A 3m wide active travel link has been proposed from the proposed estate road to the Spen Valley Greenway to the north. This link is proposed at 3m wide and with a maximum gradient of 1:12. This link is welcome and is acceptable in principle. However, the detail design of the link will need to be secured by condition, which will need to include the provision of adequate junction visibility at the connection with the greenway (this point has also been identified as an issue in the Stage 1 RSA).
- 2 no. active travel links are proposed along the western site boundary, which connect the site to Public Bridleway SPE/111/120 on Primrose Lane. Both links are proposed at 3m wide, with maximum gradient of 1:20. These links are welcome and are acceptable in principle. However, it is noted that the annotation on the Proposed Site Layout drawing 3416-1-0014 Rev QQ appears to be incorrect, with the northern link being shown as a footpath link and the southern link being shown as a multi-modal use, when in fact these should be the opposite way around (as the southern link may only be adequate for pedestrians, due to the adjacent parking layby preventing access for cyclists). Therefore, the detail design of these active travel links will need to be secured by condition, which will also need to include the provision of adequate junction visibility at the connection with the greenway (this point has again been identified as an issue in the Stage 1 RSA).
- 2 no. footpath links are proposed along the eastern site boundary, which connect the site to Public Footpath SPE/110/20. These links are welcome and are acceptable in principle.
- The applicant has agreed to improve footpaths SPE/110/20 and SPE/116/20 that run along the eastern and southern site boundaries respectively, which includes widening the footpaths from circa 1.2m to 2m, and to providing a crushed limestone surface to both widened footpaths. These improvements are welcomed and are acceptable in principle.
- A speed table is proposed on the initial section of site access road, where footpaths SPE/110/20 crosses the access, to ensure that traffic speeds are low at the crossing point, and to provide a level surface route for pedestrians.

Based on the active travel links and improvements now proposed, it is considered that the development adequately connects to the wider PROW network, and will facilitate active travel trips to/from the site for development users, and enable new routes to be created through the site for the benefit of existing users. Therefore, the principles of these arrangement is acceptable. However, the final detail of these active travel links, including the design (including junction visibility requirements), layout, specification, delivery and on-going maintenance should be secured by a pre-commencement planning condition.

Site Layout/Servicing/Waste Collection:

HDM have previously raised objection to the site layout, as it did not accord with local design guidance. However, following lengthy discussions with the applicants design team, the site layout has been significantly improved and is now considered acceptable in principle.

The site layout has been subject to a Stage 1 Road Safety Audit, which has not highlighted any significant issues with the layout that cannot be adequately addressed at the detailed design stage (this includes ensuring adequate junction visibility splays for the active travel links, previously identified above).

The design team has provided swept path analysis for the site layout, which confirms that the Councils design refuse vehicle (11.85m long) can circulate the loop road system within the site and can also turn at the proposed turning head in the northwest corner of the site.

Highway Adoption Issues:

As indicated by the applicant, it is intended that internal road layout shall be built to adoptable standards and offered for adoption, in accordance with the guidance contained in the Kirklees 'Highway Design Guide SPD' and 'Highways Guidance Note – Section 38 Agreements for Highway Adoptions' March 2019 (version 1) and associated documents.

Based on the information provided, it appears that an adopted highway layout could be achieved. However, the detailed design of the highway works will need to be agreed with the Councils Section 38 team in due course.

Notwithstanding the above, some of the highways details shown on the submitted plans are not acceptable, and will need to be reviewed further at the detailed design stage. This includes the vertical alignment of the proposed roads, which do not currently demonstrate adequate alignments (e.g. no vertical curves have been shown) and some of the paving details do not correspond to our S38 standard details. Therefore, further details of the highway arrangements (including roads and active travel links) should be secured by planning conditions.

To enable the proposed streets to be offered for adoption, the landownership issues at the site access that have been identified above will need to be resolved.

Development Parking:

All dwellings include off-street parking, which will comply with the recommended provision in the Kirklees Highway Design Guide SPD, and is as follows:

- 2 bedroom apartments with 1 space per dwelling;
- 3 bedroom houses with 2 spaces per dwelling;
- 4-5 bedroom houses with 3-4 spaces per dwelling, which includes either an integrated or detached garage that meets the minimum size requirements (min. 3x6m internal dimensions).

In addition to the above off-street parking provision, the development includes 19 no. visitor parking spaces located in parking bays. This complies with the recommended minimum provision in the Kirklees Highway Design Guide SPD, of 1 visitor parking space per 4 dwellings.

All dwellings are to be provided with an electric vehicle charging point, which is acceptable and should be secured by planning condition.

Secure cycle storage is required for all dwellings. For the majority of dwellings, cycle storage will be in garages. However, for any dwellings without garages (e.g. the apartments) separate secure/covered cycle stores will be required. These have been shown indicatively on the plan. However, the final details of cycle storage for all dwellings should be secured by condition.

Road Safety:

The Councils Road Safety Team have been consulted regarding the proposals, and they have not identified any significant issues on the local network, other than the on-street parking issues that occur on Darley Road and at the Ripley Road/Halifax Road junction that have been previously mentioned.

The supporting Transport Assessment includes an assessment of personal injury collision data on the local network within the latest 5 year period. This review has confirmed that there have been no recorded incidents on Darley Road, Ripley Road or at the Ripley Road / Halifax Road junction during the search period, which suggests that there aren't any significant issues on the local highway network that need to be addressed, with the exception of the additional double yellow line TRO's that have previously been mentioned that will need to be

funded by the development (and subject to a separate consultation process to determine whether they are acceptable).

Accessibility and Travel Plan:

Given the sites location adjacent to Spen Valley Greenway, and the numerous PROW that exist within the immediate vicinity of the site, the site well placed to be accessed on foot and by cycle. As previously mentioned, improvements to the proposed pedestrian/cycle links and existing PROW have now been proposed by the applicant and acceptable in principle, which will help to improve the sites accessibility by these modes.

The site is within walking distance of bus stops on Halifax Road, which are accessible via continuous footways of adequate width. A pedestrian refuse island is also provided on Halifax Road, circa 90m east of the Ripley Road junction, which will enable access to the westbound stops. There are frequent bus services on Halifax Road, which provide bi-hourly services between Heckmondwike and Leeds, and hourly services between Huddersfield and Cleckheaton (via Heckmondwike).

HDM have consulted with WYCA to obtain their views on the proposals, and they have requested that a financial contribution of **£20,000** is sought to provide Realtime Information Displays at the nearest stops on Halifax Road (Stop ID's 15037 and 15038), which should be secured by a S106 agreement.

The supporting Transport Assessment includes provisional information regarding the Travel Plan that will be provided for this site, and confirms that a final Travel Plan will be agreed in due course. This is acceptable, and a final Travel Plan should be secured by condition.

To enable the Travel Plan to be affective, a Sustainable Travel Fund (STF) will be required. Based on the 77 dwellings that are proposed, the STF will be **£39,385.50**, which is based on the current cost of a WY Metro Residential Bus Only MCard cost of £511.50 per plot. It is noted that the STF may be used for a variety of Travel Plan measures that can be agreed in the final Travel Plan, although given the good quality bus services that are available, the MCard scheme may be appropriate for this site and should form part of the Travel Plan offer.

Kirklees Council requires developers to contribute to the Councils cost of assisting with monitoring and implementing the Travel Plan, with an annual fee charged for the initial five year monitoring period, with two rates based on the size of the development. For this development, the lower rate that applies to 'Small Scale Major Development' (residential developments of between 50-199 units) is applicable, which is £2,000 per annum for the first five years from the development being brought into use. The above fee covers assistance with the development of the Travel Plan and to assist the Travel Plan Coordinator in implementing, maintaining, and monitoring the approved Travel Plan. The total Travel Plan Monitoring Fee is **£10,000** (5 x £2,000) and should be secured via S106 agreement.

Transport Assessment and Traffic Impact

The original Transport Assessment included an assessment of the development traffic impact on the local highway network, which was undertaken in accordance with the scope agreed at the pre-application stage.

The assessment demonstrated that the development can be accommodated on the local highway network in capacity terms, with no significant adverse impact on capacity at the Ripley Road / Halifax Road junction (with max. RFC of 0.32 on any traffic stream).

The Transport Assessment concluded that *'the traffic impact of the proposed development cannot reasonably be considered to be severe, and as a result the tests included within the NPPF are not exceeded.'* HDM broadly agrees with this conclusion, and raises no objection to the proposal in relation to traffic impact.

It is noted that since the original Transport Assessment was undertaken, the development density has increased from 67 to 77 dwellings. Whilst this will slightly increase traffic levels from those previously assessed by the applicant, HDM note that this will not have a significant impact on the operation of the highway network or

materially affect the junction capacity assessment work that had been undertaken. Therefore, HDM continue to no objection to the proposal in relation to traffic impact.

Based on the trip rates identified in Table 6.2 of the original Transport Assessment, the weekday peak hour vehicle trips that are estimated for the 77 dwellings now proposed are as follows:

	Vehicle Trip Rate			Vehicle Trips		
	Arrivals	Departures	Two-way	Arrivals	Departures	Two-way
Weekday AM Peak	0.145	0.397	0.542	11	31	42
Weekday PM Peak	0.374	0.166	0.54	29	13	42

Construction Management Plan

No details have been provided relating to the proposed construction access strategy for this site. This will need to be provided in due course, and a Construction Management Plan (CMP) should be secured by condition. The CMP condition should include specific requirement for construction access arrangements, HGV turning and loading arrangements, contractor parking, as well as adequate wheel washing and street cleansing facilities. It is noted the Temporary Traffic Regulation Orders (TTRO) may also be required on Darley Road and Ripley Road during the construction period. As previously mentioned, the applicant will also need to resolve the land ownership/rights issues relating to the unregistered land that accommodates the PROWS on the eastern (and potentially the southern) boundaries, to enable construction access over the footpath(s).

In addition to the CMP, highway conditions surveys (including the PROWs) must be undertaken in advance of work commencing on site, with any remedial works required both during and post construction implemented by the development. These requirements should be secured by planning condition.

Conclusion:

HDM have no objection to the proposals, subject to conditions and S106 requirements – See below.

Recommended Conditions and informatives:

Highway Condition Surveys and Remediation Condition

Prior to the commencement of the development hereby approved (including ground works), a survey of the existing condition of the highway (the extent of highway to be surveyed to be agreed with the Local Planning Authority in advance and to include PROWs within the vicinity of the site) shall be carried out jointly with the Local Highway Authority and submitted to and approved in writing by the Local Planning Authority. The survey shall include carriageway and footway surfacing, other public rights of way, verges, kerbs, edgings, street lighting, signing and road markings. Upon completion of the development hereby approved (or at any earlier stage to be agreed with the Local Planning Authority in advance) a post-construction survey of the agreed extent of highway shall be carried out, and the post-construction survey and a scheme of remedial works shall be submitted to and approved in writing by the Local Planning Authority. The approved remedial works shall be carried out following the completion of all construction works related to the development and prior to the occupation of the development hereby approved unless otherwise agreed in writing by the Local Planning Authority. Should any highways defects (affecting highway safety) attributable to the construction traffic of the development hereby approved be identified during the construction period, remediation of these shall also be implemented in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety, to ensure the effective maintenance of the highway and to accord with Policy LP21 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure highways surrounding the site are appropriately surveyed prior to works commencing, and to ensure responsibility for remedial works can be fairly assigned with reference to evidence.

Construction Traffic Management Plan (CTMP) Condition

Prior to the commencement of development hereby approved (including ground works), a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The CTMP shall include details of:

- *Hours of works;*
- *Details of construction access arrangements, including details of how the existing public right of way will be crossed to gain access to the site;*
- *Construction vehicle sizes and routes;*
- *Numbers and times of construction vehicle movements;*
- *Locations of HGV waiting areas and details of their management;*
- *Parking for construction workers;*
- *Loading and unloading of plant and materials;*
- *Storage of plant and materials;*
- *Signing and traffic management arrangements during construction works;*
- *Measures to be taken to minimise the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site, including the provision of adequate wheel washing facilities and street sweeping;*
- *Site manager and liaison officer contacts, including details of their remit and responsibilities, and;*
- *Engagement with local residents, businesses and others stakeholders and/or their representatives.*

The development shall be carried out strictly in accordance with the CTMP so approved throughout the period of construction and no change therefrom shall take place without the prior written consent of the Local Planning Authority.

Reason: In the interests of amenity, to ensure the highway is not obstructed and in the interests of highway safety to accord with Policies LP21, LP24 and LP52 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure measures to avoid increased risks to highway safety are devised and agreed at an appropriate stage of the development process.

Preliminary street design details – Condition

Prior to commencement of development, the following details associated with the proposed estate streets (including footpaths and cycle tracks), as shown indicatively on the Proposed Site Layout - Drawing 3416-1-0014 Rev XX, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:

- *Geometric design of the street layout, including widths, radii, and horizontal & vertical alignment;*
- *Surface treatments;*
- *Junction visibility and forward visibility splays, and their treatment;*
- *Swept paths for the Kirklees Design Refuse vehicle and delivery vehicles;*
- *Street tree locations and species to be planted;*
- *Road markings;*
- *A 'highway areas plan' that confirms the extent of proposed highways (intended to be either adopted or privately maintained), including all streets and public footpaths / cycle-tracks and shared private drives;*
- *Stage 1 Road Safety Audit (RSA) based on an Approved RSA Brief, Designers Responses and Agreed RSA Actions, covering all aspects of these works.*

The estate streets shall be implemented in accordance with the approved details and thereafter retained and maintained for the lifetime of the development.

Reason:- To ensure the free and safe use of the highway, in the interest of highway safety and amenity.

Preliminary street design details – Informative

The discharge of the above condition does not constitute Technical Approval of the estate street works under Section 38 or 278 (or other relevant section) of the Highways Act 1980, for which separate approval is required from the Local Highway Authority.

S38 Agreement – Informative

The applicant should be aware that the internal road 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 Highways Section 38 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 \(kirklees.gov.uk\)](http://kirklees.gov.uk/Highways-Guidance-Note-Section-38-Agreements-for-Highway-Adoptions)

Any future applications for adoption under S37 must demonstrate to the satisfaction of the Highway Authority that all of the roads applied for under S37 have been constructed to an adoptable standard in accordance with [Highways Guidance Note - Section 38 Agreements for Highway Adoptions \(kirklees.gov.uk\)](http://kirklees.gov.uk/Highways-Guidance-Note-Section-38-Agreements-for-Highway-Adoptions)

Until such time that the S38 (or S37) process has been fully completed and the Local Highway Authority have confirmed that the streets have been built to an acceptable standard (following the maintenance period), there is no guarantee that the streets will ultimately become adopted highway. Therefore, until the streets have been fully adopted, the purchasers of the properties will be responsible for the ongoing management and maintenance of the streets servicing their properties. It is the developer's responsibility to inform the potential purchasers of the properties of the adoption status of the streets prior to purchase. The potential purchasers must also be advised by the developer of the potential implications of the streets remaining private, should adoption not occur for any reason, which are summarised at paragraph 3.17 of the Kirklees Highway Design Guide SPD (<https://www.kirklees.gov.uk/beta/planning-policy/pdf/highway-design-guide-spd.pdf>), and described in DfT Advice Note 'Highway Adoption' at Annex C 'A Guide for Home Buyers': [Highways Adoption \(publishing.service.gov.uk\)](http://publishing.service.gov.uk)

Approved Access – 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 site access(es).

This process will involve entering into a Section 38 or 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.

Please also note 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 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

Completion of Estate Street Phasing Plan – Condition

The construction of any new estate streets shall not commence until an Estate Street Phasing and Completion Plan has been submitted to and approved in writing by the local planning authority. The Estate Street Phasing and Completion Plan shall set out the development phases and the works that are to be completed for each phase of the development. No dwelling [Unit] within each relevant phase shall be occupied until the estate

street(s) that provide access to those dwelling(s) [Units] has been completed in accordance with the Estate Street Phasing and Completion Plan.

Reason:- To ensure that the estate streets serving the development are completed to an acceptable standard and are available for use by the occupants and other users of the development, in the interest of highway safety.

Management of waste – Condition

Prior to occupation of any of the dwellings hereby approved, details of the temporary and permanent arrangements and facilities for the storage and collection of waste from the dwellings, shall be submitted to and approved in writing by the Local Planning Authority. For developments that are to be occupied prior to completion of the development and the adoption of the Estate Streets (including where it has been agreed that the streets are to remain private), temporary arrangements and facilities for the storage and collection of waste (for each relevant phase) will be required. The arrangements and facilities so approved shall be implemented prior to first occupation of the development and shall thereafter be managed and maintained in accordance with the approved details for the lifetime of the development.

Reason:- To ensure satisfactory arrangements are implemented in relation to waste, including during the construction phase, in the interests of visual and residential amenity and highway safety, to assist in achieving sustainable development, and to accord with Policies LP21 and LP24 of the Kirklees Local Plan.

Management of waste – Informative

This condition is required as the Waste Collection Authority will not enter construction sites, nor will they routinely enter private drives or unadopted streets. Therefore, should the applicant's intentions regarding the adoption of streets change from that considered at the planning approval stage, this may necessitate changes to the developments waste strategy and the facilities that have been agreed in principle, which may require applications to vary the approved plans. For further information regarding the Waste Collection Authority requirements, see the following guidance note: <https://www.kirklees.gov.uk/beta/planning-applications/pdf/waste-management-design-guide-new-developments.pdf>

Vehicle and Pedestrian Spaces to be Laid Out – Condition

No dwelling or building shall be occupied within each development phase, until all areas and associated features shown within each development phase on the approved plans to be used by vehicles and pedestrians, including streets, footpaths, cycle tracks, loading, servicing and parking areas have been laid out, surfaced and drained, such that loose materials and surface water does not discharge or transfer onto the adjacent highway, and shall thereafter be retained and maintained for the lifetime of the development.

Reason: In the interests of highway safety and amenity, and to achieve a satisfactory layout in accordance with Policies LP20, LP21 and LP24 of the Kirklees Local Plan and the National Planning Policy Framework.

Footpaths and Active Travel Links - Condition

Prior to the commencement of development hereby approved, a scheme for the upgrade of public footpath SPE/110/20 and SPE/116/20, and new footpath / active travel links to SPE/110/20, SPE/116/20, SPE/111/120 and Spen Valley Greenway shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the program of works and phasing, detailed drawings showing levels and sections, visibility, gradients, construction details, surface materials, drainage and boundary treatments. No part of the development shall be brought into use until the new public footpath / active travel links and upgrade works have been completed in accordance with the approved plans and details, and shall be maintained in that manner thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure new and affected Public Rights of Way are accessible, attractive, maintained to an acceptable standard and appropriate for their operation in accordance with Policies LP20, LP21, LP23, LP24 and LP47 of the Kirklees Local Plan and the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure that details relating to Public Rights of Way are agreed at an appropriate stage of the development process.

Public Rights of Way (PROW) - Informative

Public footpaths Spenborough 110 and 116 and public bridleway Spenborough 111 cross or are near to the development site and must not be interfered with or obstructed, prior to, during or after development works, without written consent from the highway authority. In addition, and separately, temporary traffic regulation orders may be required for the undertaking of work proposed in this application.

The Council's public rights of way team may be contacted by telephone 01484 221000 and ask for Sharon Huddleston. The Public rights of way team may also be contacted at PO Box 1720, Huddersfield HD1 9EL and the email address is publicrightsofway@kirklees.gov.uk

Travel Plan - Condition

Prior to the first occupation of any part of the development hereby approved, a detailed Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include proposals for enabling and encouraging the use of active and sustainable modes of transport, monitoring, review and timings for delivery. The approved Travel Plan and measures shall be implemented prior to occupation or in accordance with the agreed timescales, or as otherwise agreed with the Local Planning Authority.

Reason: In the interests of enabling and encouraging the use of active and sustainable transport modes, to mitigate the air quality impacts of the development and to accord with Policies LP20, LP21, LP22, LP24, LP47, LP51 and LP52 of the Kirklees Local Plan, the National Planning Policy Framework, and the West Yorkshire Low Emissions Strategy.

Cycle parking and electric vehicle charging - Condition

Prior to occupation of the development, details of the cycle parking and electric vehicle charging facilities for all dwellings shall be submitted to and approved in writing by the Local Planning Authority, and shall be implemented and available for use prior to occupation of the development hereby approved, and shall thereafter be retained and maintained for the lifetime of the development.

Reason: In the interests of encouraging the use of sustainable transport modes, and to accord with policies LP20, LP21, LP22 and LP24 of the Kirklees Local Plan.

Highway Retaining Walls – Condition

Prior to the commencement of development hereby approved, a scheme detailing the location and cross-sectional information, together with the proposed design and construction details for all new retaining walls / building retaining walls adjacent to the proposed adoptable / existing highway, together with any proposed modifications to existing highway retaining walls shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented prior to occupation of the proposed development and thereafter retained.

Reason: In the interests of highway safety and amenity, and to achieve a satisfactory layout in accordance with Policies LP20, LP21 and LP24 of the Kirklees Local Plan and the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure that the design of any proposed or affected highway retaining features are agreed at an appropriate stage of the development process.

Attenuation Tanks/Pipes – Condition

Prior to the commencement of development hereby approved, a scheme detailing the location and cross-sectional information together with the proposed design and construction details for all new surface water attenuation tanks/pipes/manholes located within the proposed highway footprint or influence zone of highway loading shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented prior to occupation of the proposed development and thereafter retained.

Reason: In the interests of highway safety and amenity, and to achieve a satisfactory layout in accordance with Policies LP20, LP21 and LP24 of the Kirklees Local Plan and the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure that the design of any proposed or affected highway retaining features are agreed at an appropriate stage of the development process.

Attenuation Tanks/Pipes – Informative

All new storm water attenuation tanks/pipes/culverts with internal diameter/ spans exceeding 0.9m must be located off the adoptable highway. Any decision to locate these facilities within the adoptable highway footprint must be accompanied with a full risk evaluation report with particular reference to their proposed inspection, structural assessment, and maintenance regime in compliance with the CDM Regulations 2015 requirements. The adopting authority (i.e. Yorkshire Water) will also be required to produce and submit a legally binding agreement to the Highway Authority explicitly stating that they will be fulfilling their obligations in relation to the systematic and cyclical inspection and structural assessment of any attenuation structure located within the highway footprint, in full compliance with CS450- Inspection of Highway structures.

Furthermore, all new precast pipes/ culverts/storage tanks proposed for use within the footprint of an adoptable highway must comply with the Specification for Highway Works (SHW-Series 500 or 2500) and must be accredited with a BBA (The British Board of Agrément Roads and Bridges) or HAPAS (Highway Authority Product Approval Scheme) or equivalent certificate.

Also see <https://www.kirklees.gov.uk/beta/regeneration-and-development/pdf/highways-structural-procedures.pdf> for further details and in particular, for the certification of oversize pcc manholes and their cover slabs, as advised in this document.

Recommended Section 106 Contributions/Requirements:

- TRO Contribution for 'No waiting' restrictions on Darley Road & at Ripley Road / Halifax Road junction - **£10,000**
- Provision of 2 No. Real Time Information displays (Stop ID's 15037 and 15038) - **£20,000**;
- Sustainable Transport Fund (STF) **£39,385.50** (based on 77 dwellings)
- Travel Plan Monitoring Fee - **£10,000** (£2,000 x 5yrs).
- Appointment of Travel Plan Coordinator
- Provision of PROW links to HUD/228/10, HUD/223/40 & recreation land, including ongoing maintenance and public access.