

Consultation Response from KC, Highways Development Management (HDM)
2024/90408 Land off Westgate, Cleckheaton, BD19 5DR
Discharge of conditions 22 (BEMP), 23 (footway connection), 24 (footway connection), 25 (internal road specification), 36 (Travel Plan), 42 (public sewer protection or diversion) on previous permission 2021/93567 for demolition of existing commercial buildings and erection of 180 dwellings with associated works.
Date Responded: 21/05/24
Responding Officer: A Darwin
Responding Ref: K9-3SW/6
RECOMMENDATION: Conditions 23, 24, 25 & 36 should not be discharged at this time – See comments below.
Introduction

Information has been submitted to discharge conditions 22 (BEMP), 23 (footway connection), 24 (footway connection), 25 (internal road specification), 36 (Travel Plan), 42 (public sewer protection or diversion) on previous permission 2021/93567 for demolition of existing commercial buildings and erection of 180 dwellings with associated works.

Of the above conditions, conditions 23, 24, 25 & 36 are within the remit of HDM, with comments relating to each of the conditions provided below:

Condition 23

Condition 23 states:

'23. Prior to above ground works commencing, notwithstanding the information shown on drawing AMA/20664/SK012 Rev A, full details of the permanent site entrance and associated alterations to Westgate and Quarry Road (footway works), including footway improvements and widening, upgrades to the adjacent Zebra crossing (including new high intensity beacons and upgraded high friction surfacing on both sides), new or amended Traffic Regulation Orders and other associated works shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of vehicle swept paths for a 11.85m refuse vehicle, sight lines, treatment of visibility splays, verges, road markings, signage, crossings, construction specifications and details, levels and sections, kerbing, drainage, surface finishes and street lighting, and independent road safety audits covering all aspects of these works. Unless otherwise agreed in writing by the Local Planning Authority, the development shall not be brought into use until the approved works have been fully implemented.'

The Councils S278 team have confirmed that there are still outstanding design issues for the applicant to address in relation to the site access, footway and zebra crossing works designs. Therefore, HDM recommend that Condition 23 is not discharged at this time.

Once the applicant has achieved technical approval of the S278 works design, a full package of approved design information should be re-submitted to enable the pre-commencement element of Condition 23 to be discharged.

Condition 24

Condition 24 states:

'24. Prior to above ground works commencing, a scheme for the new public footpath links to Quarry Road and SPE/93/20 (Brick Street) 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, gradients, construction details, surface materials, drainage and boundary treatments. No part of the development shall be brought into use until the new public footpath links that form that part of the development 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.'

The Councils S38 team, who have been reviewing the new footpath connections (in conjunction with the S278 team), have confirmed that there are still outstanding design issues for the applicant to address in relation to the new footpath connections, which must be tie-in to the S38 & S278 works design that are yet to be agreed. Therefore, HDM recommend that Condition 24 is not discharged at this time.

It is also noted that the S38 team have identified in the latest S38 submission, that a revised alignment of the footpath connection to Brick Street has been proposed, which includes two 90 degree bends. These revised footpath arrangements are not in accordance with the planning approved layout, and would not be supported by HDM or the PROW team, and the originally agreed footpath alignment should be retained.

Once the applicant has achieved technical approval of the S38 and associated footpath designs, a full package of approved design information should be re-submitted to enable the pre-commencement element of Condition 24 to be discharged.

Condition 25

Condition 25 states:

'25. Prior to above ground works commencing, a detailed scheme for the proposed internal roads, footways and footpaths, to an adoptable standard, 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, swept paths for a 11.85m refuse vehicle, new or amended Traffic Regulation Orders, sight lines, treatment of visibility splays, verges, street trees, road markings, signage, crossings, construction specifications and details, levels and sections, kerbing, drainage, surface finishes and street lighting, and independent road safety audits covering all aspects of these works. No part of the development shall be brought into use until the internal roads serving that part of the development have been completed to basecourse in accordance with the approved plans and details. Thereafter the road(s)' wearing course shall be implemented in accordance with the phasing strategy approved pursuant to condition 6.'

The Councils S38 team have confirmed that there are still outstanding design issues for the applicant to address in relation to the internal roads, footways and footpaths. Therefore, HDM recommend that Condition 23 is not discharged at this time.

Once the applicant has achieved technical approval of the S38 design, a full package of approved design information should be re-submitted to enable the pre-commencement element of Condition 25 to be discharged.

Condition 36

Condition 36 states:

'36. 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.'

At the planning application stage, HDM requested that a Sustainable Travel Plan Fund (STPF) be provided for the development to enable measures such as the Residential MCard scheme to be implemented at the site, as well as a Travel Plan Monitoring and Review fee contribution, and improvements to local bus stops. However, for development viability reasons, these contributions were not able to be secured. Therefore, without these contributions and sustainable transport improvements, the effectiveness of a Travel Plan is likely to be somewhat reduced.

As such, HDM have reviewed the Full Travel Plan that has been submitted to discharge condition 36, in light of the limited involvement and assistance that can be provided by HDM due to the lack of available funding, with the Travel Plan now largely focusing on providing information to residents.

Whilst the general principles of the Full Travel Plan are acceptable, there are a number of issues that need to be addressed before the Full Travel Plan can be accepted. Therefore, HDM recommend that condition 36 is not discharged at this time.

The following issues must be addressed in an amended Full Travel Plan document:

- Paragraph 4.2.5 references that further details of the Sustainable Travel Plan Fund (STPF) are set out in Section 4.3. Clearly, as the requirement for a STPF was not been secured to the development, Section 4.3 has been cut out of the report. Therefore, Section 4.2.5 (and any other references to a STPF) should be amended to reflect this.
- Paragraph 4.2.6 states that the Travel Plan Monitoring period should run for 5 years or until the STPF has been spent. Again, this needs to be amended to reflect that no STPF has been secured. The monitoring period should last for a minimum of 5 years, including at least 1 year following full occupation. This duration is required to understand the effectiveness of the Travel Plan following full occupation, at which point all travel plan measures should then be embedded at the site.
- Paragraph 5.2.1 (as well as other section of the FTP) mention a Sustainable Travel Information Pack. However, the FTP does not include a sample copy of what will be provided. Given that this is the most substantial measure included in the FTP, it is important that this is of high quality and a sample version should be provided for review. The information also needs to clearly advertise the offer of personalised journey planning, which is also one of the most importance measures.
- Paragraph 2.4.6 proposes a Travel Plan target of *'A 10% reduction in single occupancy car trips will be targeted over the five-year FTP monitoring period. The target will, therefore, be considered to be met if the percentage of journeys to work made by car drivers is 55% or less.'* Whilst the principle of this target is acceptable, it only takes into account journeys to work, which only form a minority of journeys to/from the development and is not acceptable on it's own. Also, the target mode split has been derived from census data, including respondents that work from home. However, as the Travel Plan is unlikely to significantly influence who is able to work from home, homeworking should be excluded from the calculations. Therefore, the Travel Plan targets should be amended to *'The Travel Plan target will be to reduce the level of private car/van trips from the development by 10% over the formal monitoring period'*. This can then be compared to the baseline figures obtained from the first monitoring survey, and from the traffic generation data included in the Transport Assessment submitted in support of the development. Should the applicant wish to include additional *'aim'* targets, including method of travel to work targets, which would help achieve the overarching target, this would also be acceptable to HDM.
- Paragraph 6.2.6 states that a response rate of 30% will be targeted for monitoring questionnaires, and that prize draws may be provided to achieve this. This response rate is considered to be quite low, but is agreed in this instance given that there is no STPF offer and residents interest in the Travel Plan may be limited. Should the 30% response rate not be achieved, it is expected that a prize draw will then be offered to try and achieve the required response rate, and not just considered. If the response rate of 30% is still not achieved after the prize draw offer, this would not provide adequate information to monitor the effectiveness of the Travel Plan. Therefore, it is expected that a traffic count is undertaken, to review the sites vehicle trip generation against the estimates providing in the developments Transport Assessment. This would need to include a 1 week automatic traffic count at the site access (it is noted that some allowance to discount construction traffic may need to be applied to the data before full occupation of the site). These changes to the monitoring requirements should be incorporated into the revised FTP.
- Paragraph 6.2.5 states that a Travel Plan Questionnaire will be agreed prior to issue. This needs to be agreed now, with a sample survey included in the FTP. It is noted that this survey needs to obtain travel data for all occupiers of the development and not just those travelling to work (e.g. travel habits of children travelling to school, for those not working, and for daily trips to non-school/work related trips).
- There is no mention of the cycle parking provision that is to be provided (as required by Condition 37).
- Section 6 of the Travel Plan doesn't include any mention of the review process (other than in the title of this section). As a minimum, this section needs to explain what will happen as part of the monitoring process, which needs to include the requirement for an Annual Action Plan and new/amended measures being agreed with the LPA (via HDM) if targets are not being met, and the associated timescales.
- The Action Plan in Section 7 needs to be updated to include all Travel Plan measures and actions. This includes the timescale and requirements for monitoring and review (taking into account the above points, including requirement for agreeing Action Plan and new measures), the personalised journey planning advice (this is mentioned, but spuriously refers to staff and students?), and cycle parking and other infrastructure provision (e.g. EV charging units, footpath links etc).