Consultation Response from KC, Highways Development Management (HDM)		
2024/93458 Land at Cliff Hill, Denby Dale, Huddersfield, HD8		
Erection of residential development for 62 dwellings including grouting remedial works for ground stabilisation to facilitate construction of dwellings with associated hard and soft landscaping (resubmission)		
Date Responded: 23/04/24	**Responding Officer:** A Darwin	**Responding Ref:** K17-12/24

RECOMMENDATION: No objection, subject to conditions

Introduction:

This application is a resubmission of planning application 2023/92191. As the proposal remain unaltered from the previous submission, the final comments provided by HDM on 24/04/24 relating to the previous application still apply, which confirmed that HDM have no objection to the proposals, subject to conditions and S106 requirements.

Recommended S106 requirements and planning conditions:

Since the previous HDM consultation response mentioned above was issued, there have been cost changes relating to the WYMetro Residential MCard scheme, which have been reflected in the revised cost below. The following S106 requirement also now includes the requirement to agree the Travel Plan (note that the submitted Travel Plan is not acceptable and should not be listed as an approved plan), rather than by condition as previously recommended by HDM:

- Sustainable Travel Fund / Residential MCard (Rail/Bus Zone 2-5) - **£51,606.94** (Increased from £795.74 to £832.37 per dwelling).
- Travel Plan monitoring fee - **£10,000.00** (£2,000 x 5yrs);
- Travel Plan to be agreed, implemented and managed, including the developer appointing a Travel Plan Co-ordinator;
- Provision of PROW links to DEN/61/10, including ongoing maintenance and public access.

Since the previous HDM consultation response mentioned above, the standard wording/approach taken by HDM in relation to some of the previously recommended planning conditions has changed. Therefore, the following amended/additional planning conditions are recommended (note that the condition numbering is based on the numbering shown in the previous applications committee report dated 20/06/24):

Condition 3 (No change)
Prior to the commencement of development (including ground works), a Groundworks Management Plan (GMP) shall be submitted to and approved in writing by the Local Planning Authority. The GMP shall relate to the excavation, extraction, levelling and grouting works associated with the development hereby approved, and shall include the following details:

- Justification for all extraction, and details of how extraction has been minimised and how material would be re-used on site as far as is possible;
- A timetable of all works;
- Any phasing of development;
- Hours of works;
- Point of access for works traffic (as stipulated by condition 7);
- Confirmation that no works traffic shall use the track (which carries
- public footpath DEN/61/10) to the north of the site;
- Works vehicle sizes and routes;
- Numbers and times of construction vehicle movements;
- Locations of HGV waiting areas and details of their management;
- Parking for workers;
- Loading and unloading of plant and materials;

- Storage of plant and materials;
- Signage;
- 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 within the site;
- Street sweeping;
- Measures to control and monitor the emission of dust and dirt during works;
- Mitigation of noise and vibration arising from all works, including restrictions on the hours of working on the site including times of deliveries;
- Artificial lighting used in connection with all works and security of the site;
- Site manager and resident liaison officer contacts, including details of their remit and responsibilities;
- Engagement with local residents and occupants or their representatives; and
- Engagement with the developers of nearby sites to agree any additional measures required in relation to cumulative impacts (should construction or other works be carried out at nearby sites during the same period).

The development shall be carried out strictly in accordance with the GMP so approved throughout the period of works 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, in the interests of highway safety, to ensure harm to biodiversity is avoided, and to accord with Policies LP21, LP24, LP30 and LP52 of the Kirklees Local Plan.
This pre-commencement condition is necessary to ensure measures to avoid obstruction to the wider highway network, to avoid increased risks to highway safety, and to prevent or minimise amenity and biodiversity impacts are devised and agreed at an appropriate stage of the development process.

<u>Condition 4 (No change)</u>
Prior to the commencement of development (including ground works), a Construction (Environmental) Management Plan (C(E)MP) shall be submitted to and approved in writing by the Local Planning Authority. The C(E)MP shall relate to the construction phase of the development hereby approved, and shall include the following details:

- A timetable of all works;
- Any phasing of development;
- Hours of works;
- Point of access for construction traffic (as stipulated by condition 7);
- Confirmation that no construction traffic shall use the track (which carries public footpath DEN/61/10) to the north of 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;
- Signage;
- 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 within the site;
- Street sweeping;
- Measures to control and monitor the emission of dust and dirt during construction;
- Site waste management, including details of recycling/disposing of waste resulting from construction works;
- Mitigation of noise and vibration arising from all construction-related activities, including restrictions on the hours of working on the site including times of deliveries;
- Artificial lighting used in connection with all construction-related activities and security of the construction site;
- Site manager and resident liaison officer contacts, including details of their remit and responsibilities;
- Engagement with local residents and occupants or their representatives; and
- Engagement with the developers of nearby sites to agree any additional measures required in relation to cumulative impacts (should construction be carried out at nearby sites during the same period).

The development shall be carried out strictly in accordance with the C(E)MP 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, in the interests of highway safety, to ensure harm to biodiversity is avoided, and to accord with Policies LP21, LP24, LP30 and LP52 of the Kirklees Local Plan.
This pre-commencement condition is necessary to ensure measures to avoid obstruction to the wider highway network, to avoid increased risks to highway safety, and to prevent or minimise amenity and biodiversity impacts are devised and agreed at an appropriate stage of the development process.

Condition 5 (Amended)
Prior to the commencement of the development (including ground works), a survey (including photographic evidence) of the existing condition of the highway on Cumberworth Lane and Wakefield Road, and of public footpath DEN/61/10 (the extent of highway to be surveyed to be agreed in writing by the Local Planning Authority in advance) shall be carried out and submitted to and approved in writing by the Local Planning Authority. The survey shall include carriageway and footway surfacing, verges, kerbs, edgings, street lighting, signing and white lining.
The submission made pursuant to this condition shall also include a timetable of works and a commitment (with responsibilities assigned to named parties) to undertake remedial works (the details of which shall be submitted to and approved in writing by the Local Planning Authority) to maintain the highway during the entirety of the works and activities referred to in conditions 3 and 4 to the condition documented in the pre-commencement highway condition survey. The final highway remediation works so approved shall be completed prior to the occupation of the 62nd dwelling.
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.

Condition 7 (Amended)
Prior to the commencement of development (including ground works), a vehicular access into the site shall be created at Cumberworth Lane for use by works and construction traffic. Prior to being brought into use, visibility splays of 2.4x59.5m to the northwest and 2.4x43m to the southeast shall be provided at the access that shall be cleared of vegetation and boundary treatments and the visibility splays shall be kept clear of all obstructions to visibility above 0.6m measured from the ground thereafter. This access shall be used by works and construction traffic for the duration of the works referred to in conditions 3 and 4, and no other access to or egress from the site for works or construction traffic shall be provided, enabled or used unless approved in writing by the Local Planning Authority.
Reason: In the interests of amenity, to ensure adequate intervisibility is provided and maintained, to ensure the highway is not obstructed, in the interests of highway safety, and to accord with Policies LP21, LP24 and LP52 of the Kirklees Local Plan.
This pre-commencement condition is necessary to ensure measures to avoid obstruction to the wider highway network, to avoid increased risks to highway safety, and to prevent or minimise amenity impacts are devised and agreed at an appropriate stage of the development process, and to ensure that adequate visibility is provided to enable works vehicles to enter and exit the site.

Condition 9 (Amended)
Where implementation of the development hereby approved is to be phased, and / or any of the dwellings hereby approved are to become occupied prior to the completion of the development and / or the adoption of the Estate Streets, details of temporary arrangements for the storage and collection of waste for those residential units, and details of temporary arrangements for the management of waste collection points, shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of those residential units. The temporary arrangements so approved shall be implemented prior to the first occupation of those residential units, and shall be so retained thereafter for the duration of the construction works and until the adoption of the Estate Streets unless otherwise agreed in writing by the Local Planning Authority.

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.

Condition 11 (Amended)
Means of access to and from the site shall be in accordance with the preliminary access design shown on the approved plan(s) ref. 2111502-Rev I, and delivered prior to first occupation of the development 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.

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.

Additional Condition
Prior to occupation of the development, the off-site highway works as shown indicatively on the preliminary design plan ref. 2111502-Rev I comprising new footways, new kerbing, pedestrian crossing points, road markings and signage improvements on Cumberworth Lane shall be fully delivered.
Reason:- To ensure the free and safe use of the highway, in the interest of highway safety.

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.

Condition 12 (No change)
Prior to development commencing on the superstructure of any dwelling hereby approved, a scheme detailing the proposed pedestrian connections between the development's internal roads and public footpath DEN/61/10 shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of gradients, any steps, surface treatments (and subsurface build-up), any handrails, any boundary treatments and safety measures. No dwellings on the part of the internal road from which the relevant connection would be made shall be brought into use until that connection has been completed in accordance with the approved plans and details or unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of creating a walkable and well-connected neighbourhood, encouraging and enabling active travel and the use of sustainable modes of transport, and to achieve a satisfactory layout in accordance with Policies LP20, LP21 and LP47 of the Kirklees Local Plan.

Condition 13 (No change)
Prior to the first occupation of any specified dwelling hereby approved, details of secure, covered and conveniently-located cycle parking for use by residents of that dwelling shall be submitted to and approved in

writing by the Local Planning Authority. The development shall be implemented in accordance with the details so approved and the cycle parking shall be retained thereafter unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of visual amenity and encouraging the use of sustainable transport modes, and to accord with policies LP20, LP21, LP22 and LP24 of the Kirklees Local Plan.

Condition 15 (No change)
Prior to the commencement of superstructure works, details of storage and access for collection of waste from the residential units hereby approved, and details of management of waste collection points, shall be submitted to and approved in writing by the Local Planning Authority. The details shall confirm that waste collection points shall not obstruct access to private driveways, and shall include details of management measures (including measures to control odour and vermin) and measures to discourage flytipping. The works and arrangements comprising the approved details shall be implemented prior to first occupation and shall be so retained thereafter unless otherwise agreed in writing by the Local Planning Authority.
Reason: 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.

Condition 16 (No change, but to be checked with Highway Structures to confirm their requirements)
Where highway retaining structures are necessary, prior to development commencing on the superstructure of any dwelling hereby approved, the design and construction details of any such structures (and any temporary highway retaining structures that may be deemed necessary) shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a design statement, all necessary ground investigations on which design assumptions are based, method statements for both temporary and permanent works and removal of any bulk excavations, together with structural calculations and all associated safety measures for the protection of adjacent public highways, footpaths, culverts, adjoining land and areas of public access. The development shall be completed in accordance with the approved details before any of the dwellings are occupied and shall be retained as such thereafter.
Reason: To ensure that any new retaining structures do not compromise the stability of the highway in the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan.

Highway Structures 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.

Condition 22 (Amended)
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 to achieve a satisfactory layout in accordance with Policies LP20 and LP21 of the Kirklees Local Plan.

Additional 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 within each relevant phase shall be occupied until the estate street(s)

that provide access to those dwelling(s) 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.

S38 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: https://www.kirklees.gov.uk/beta/regeneration-and-development/pdf/highways-guidance-section-38-agreements.pdf

Until such time that the S38 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': https://assets.publishing.service.gov.uk/media/62e7b821d3bf7f75b9121a6a/advice-note-highways-adoption.pdf