

**Consultation Response from KC,
Highways Development Management**

2024/93605 Land at, Main Avenue, Cowlersley, Huddersfield, HD4 5US

Erection of 57 dwellings with access from new through road connecting Main Avenue and Windsor Road, and associated works, including engineering and landscaping

Date Responded: 9th April 2026

Responding Officer: C Dows

Responding Ref: K2-17SW/1

Summary:

HDM have reviewed the application documentation, including the Stage 1 RSA Brief and Road Safety Audit Response Report, (I have been unable to find a copy of the Audit Report), and confirm that all outstanding highway issues have been satisfactorily addressed. Subject to conditions and S106 contributions, HDM have no objection to the proposed development.

It is requested that the following conditions and informatives are attached to the Decision Notice.

Conditions:

Construction Management and Mitigation Plan

The development hereby approved shall be carried out strictly in accordance with the Construction Management and Mitigation Plan (Strata, March 2026) 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.

Highway Condition Survey

Prior to the commencement of the development (including ground works but excluding permitted removal of on-site trees and vegetation), a survey (including photographic evidence) of the existing condition of the highway on Windsor Road, Main Avenue, South Avenue and Woodside View, and of public footpaths HUD/277/40 and HUD/279/10 (the extent of highway to be surveyed to be agreed in writing by the Local Planning Authority in advance) shall be carried out and shall be 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 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 50th 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.

Vehicle and Pedestrian Spaces to be Laid Out

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

Approved Access

Means of access to and from the site shall be in accordance with the preliminary access design(s) as shown on the approved plan, Proposed Site Layout - Drawing No. 102 Rev. P11, and fully constructed and made operational 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.

Pedestrian Connections

Prior to the commencement of superstructure works, a scheme detailing the proposed pedestrian connections between the development's internal roads and public footpaths HUD/277/40 and HUD/279/10 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 more than 56 dwellings of the development hereby approved shall be brought into use until the pedestrian connections have 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.

Management of Waste Collection

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.

Cycle Parking

Prior to the first occupation of any 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.

Highway Retaining Structures:

Where highway retaining structures or walls are necessary, prior to the commencement of superstructure works, the design and construction details of any such structures or walls (and any temporary highway retaining structures or walls 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 and walls 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.

Attenuation Tanks/Pipes

Before the development commences 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 Highway Authority in writing. The approved scheme shall be implemented prior to the commencement of the proposed development and thereafter retained during the life of the development. 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.

Informatives

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: [Highways Guidance Note - Section 38 Agreements for Highway Adoptions \(kirklees.gov.uk\)](#)

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 \(kirklees.gov.uk\)](#)

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 \(publishing.service.gov.uk\)](#)

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

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>

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.