

Dated June 2023

Revised Planning Statement

Improvement and widening of the A629 to include junction improvements, re-positioning of footways and footway improvements, pedestrian crossing provision, the alteration, demolition and erection of walls, construction of retaining walls, erection of fencing, hard and soft landscaping to include the removal of trees and replacement planting, replacement street lighting, change of use of land to highway and change of use to and formation of car park on land adjoining 103 Halifax Road

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1. **Introduction / Development Proposed**

- 1.1. This Revised Planning Statement forms part of an application which following amendment seeks planning permission for the;

"Improvement and widening of the A629 to include junction improvements, re-positioning of footways and footway improvements, pedestrian crossing provision, the alteration, demolition and erection of walls, construction of retaining walls, erection of fencing, hard and soft landscaping to include the removal of trees and replacement planting, replacement street lighting, change of use of land to highway and change of use to and formation of car park on land adjoining 103 Halifax Road".

- 1.2. When initially submitted the proposed development additionally included works around the Blacker Road Junction, referred to as Area A in the submitted documentation. As detailed in the covering letter submitted in parallel with this Revised Statement, since the applications were submitted in July 2021, the cost of delivering the scheme materially increased which led to the need for the scheme as originally proposed to be reviewed. The outcome of this review was to progress only the proposed works around three junctions and omit the proposed works to the Blacker Road junction. This revised Planning Statement covers the amended scheme which now seeks planning permission for proposed works around three junctions. Notwithstanding the reduced scope of the proposals there remains a compelling need for the proposed highway improvements.
- 1.3. The application as amended seeks the planning permission needed within Kirklees for the Phase 5 package of improvements to the A629 between Halifax and Huddersfield.
- 1.4. The proposed development has been subject of a negative EIA Screening Opinion.
- 1.5. The A629 is the main road that links Huddersfield to Halifax and joins the M62 motorway at junction 24, Ainley Top. The Phase 5 project aims to ease congestion, reduce journey times, and create capacity on the corridor between Ainley Top roundabout and Huddersfield ring road.
- 1.6. The project following amendment would deliver the realignment and widening of junctions, removal of carriageway parking and extend approach lanes to improve efficiency, create capacity and support the free flow of traffic at the following key junctions;
- 1.6.1. East Street / Birkby Road / Halifax Road Junction (Area B - Cavalry Arms Junction)
- 1.6.2. Cavalry Arms to Birchencliffe Hill Road (Area C – Prince Royd)
- 1.6.3. Yew Tree Road to Ainley Top (Area D – Ainley Top)
- 1.7. In the interests of clarity and consistency, following the withdrawal of works around the Blacker Road Junction, referred to as Area A in earlier documentation, the names of the other Areas have been maintained unchanged, namely Areas B, C and D.
- 1.8. The proposals form part of a wider programme of transport improvements across West Yorkshire being delivered under the West Yorkshire 'Plus' Transport Fund.
- 1.9. The improvement of the A629 corridor is identified as a transport scheme in the Adopted Kirklees Local Plan 2019. It is one of a number of schemes identified that

address transport needs in the Local Plan context. In order to meet such transport needs and provide improvements as identified in the Plan it is acknowledged that there are some impacts including an element of tree loss. In compensation for the removal of trees, some of which now have a limited lifespan, the scheme provides for comprehensive replacement planting proposals which would compensate for the trees to be removed and secure tree cover in the longer term. The proposed development additionally includes proposals to achieve Biodiversity Net Gain in excess of 10 percent and to safeguard heritage assets in the longer term.

- 1.10. Following the amendment of the application withdrawing works previously proposed in Area A;
 - 1.10.1. the initially submitted documents which remain part of the application are detailed in the Supporting Information Documentation Note, 'Note 1', submitted in parallel;
 - 1.10.2. the initially submitted plans which remain part of the application are detailed in the Plans Note, 'Note 2', submitted in parallel;
 - 1.10.3. amended / new documents now additionally forming part of the application are detailed in the Amended / New Documentation Note, 'Note 3', submitted in parallel.
- 1.11. This Revised Planning Statement is to be considered and afforded positive weight in the consideration of this application.
- 1.12. Additionally submitted is a response to the LPA's letter dated 20 December 2021. This is set out in the Response to the LPA's letter dated 20 December 2021, 'Note 4', which is submitted parallel. This too is to be considered and afforded positive weight in the consideration of this application.

2. **The Application Site**

- 2.1. Following amendment the application site covers three areas along the A629 Halifax Road, Area B – Cavalry Arms Junction, Area C – Prince Royd and Area D – Yew Tree Road to Ainley Top. These areas are described in more detail below.

Area B – Cavalry Arms Junction

- 2.2. This is a predominantly residential area centred around the junction of Halifax Road, East Street and Birkby Road. The Cavalry Arms Public House adjoins the junction of Halifax Road and East Street. The Church of Jesus Christ of Latter-day Saints adjoins the junction of Halifax Road and Birkby Road, the boundary being formed by a stone wall.
- 2.3. There are no Listed Buildings within the Area but there are three Listed Buildings within the wider study area. Part of the Area is within the Edgerton Conservation Area. These heritage assets are described in more detail as part of the HEDBA January 2023 submitted as part of the application. Additionally described are;
 - 2.3.1. the non-designated heritage assets within the wider study area;
 - 2.3.2. the historic landscape;
 - 2.3.3. the archaeological and historic background.

Area C – Prince Royd

- 2.4. This Area is situated to the north of Area B. It is a predominantly residential area with houses on both sides of Halifax Road. To the west of 103 Halifax Road is an area which is clear of vegetation and from which there is an access to open space to the south / south west.
- 2.5. There are no Listed Buildings within the Area but there are 13 Listed Buildings within the wider study area. Part of the wider study Area is within the Edgerton Conservation Area. These heritage assets are described in more detail as part of the HEDBA January 2023 submitted as part of the application. Additionally described are;
 - 2.5.1. the non-designated heritage assets within the wider study area;
 - 2.5.2. the historic landscape;
 - 2.5.3. the archaeological and historic background.

Area D – Yew Tree Road to Ainley Top

- 2.6. This area is situated around the junction of Halifax Road and Ainley Top roundabout and includes an area of open land to the south and west of the junction.
- 2.7. The area includes the site of 123 Yew Tree Road, a residential property acquired by the Council and which was subsequently demolished. A boundary wall at this property has recently been subject of collapse.
- 2.8. There are no Listed Buildings or other designated heritage assets within the Area but there are 3 Listed Buildings within the wider study area. These heritage assets are described in more detail as part of the HEDBA January 2023 submitted as part of the application. Additionally described, are;
 - 2.8.1. the non-designated heritage assets within the wider study area;
 - 2.8.2. the landscape;
 - 2.8.3. the archaeological and historic background.

3. Planning History

- 3.1. Planning history of relevance to the amended application includes application 2018/93328 – prior notification for demolition of existing building, 123 Yew Tree Road, Birchencliffe, Huddersfield, HD3 3QR. Proposals confirmed as acceptable on 2 November 2019. The dwelling has now been demolished.

4. The Development Plan & Wider Material Considerations

- 4.1. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states:

‘Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise’.
- 4.2. The Development Plan is formed by the Adopted Kirklees Local Plan February 2019, the "Local Plan". This comprises two documents;

- 4.2.1. the Kirklees Local Plan Strategy and Policies document Adopted 27 February 2019
- 4.2.2. the Kirklees Local Plan Allocations and Designations document Adopted 27 February 2019
- 4.3. On the Local Plan Proposals Map a number of designations are shown as applicable within the application site. They are set out below on an Area by Area basis.

Area B – Cavalry Arms

- 4.4. The Area is shown as being within the Built up Area.
- 4.5. Part of the Area, to the south of East Street and Birkby Road is within the Edgerton Conservation Area.
- 4.6. The A629 is shown as being a Transport Scheme Route and subject of policy TS4 (A629 Halifax Road (Huddersfield to Halifax Corridor)).

Area C – Prince Royd

- 4.7. Part of the Area is shown as Urban Green Space. The rest is shown as being within the Built up Area.
- 4.8. The A629 is shown as being a Transport Scheme Route and subject of policy TS4 (A629 Halifax Road (Huddersfield to Halifax Corridor)).
- 4.9. Part of the Area is shown as a Biodiversity Opportunity Zone, Valley Slopes.

Area D – Yew Tree Road to Ainley Top

- 4.10. Part of the area is shown as a Biodiversity Opportunity Zone, Valley Slopes.
- 4.11. The A629 is shown as being a Transport Scheme Route and subject of policy TS4 (A629 Halifax Road (Huddersfield to Halifax Corridor)).
- 4.12. Ainley Top junction is shown to be subject to Junction Improvements.
- 4.13. Yew Tree Road is shown as being a Core Walk Cycle Existing Route.

Local Plan Strategy and Policies

- 4.14. Policies of relevance in the Local Plan Strategy and Policies document include;
 - 4.14.1. LP1 Presumption in favour of Sustainable Development
 - 4.14.2. LP2 Place Shaping
 - 4.14.3. LP3 Location of new development
 - 4.14.4. LP4 Providing infrastructure
 - 4.14.5. LP19 Strategic transport infrastructure
 - 4.14.6. LP20 Sustainable Travel

- 4.14.7. LP21 Highways and access
- 4.14.8. LP22 Parking
- 4.14.9. LP23 Core Walking and cycling network
- 4.14.10. LP24 Design
- 4.14.11. LP26 Renewable and low carbon energy
- 4.14.12. LP27 Flood Risk
- 4.14.13. LP28 Drainage
- 4.14.14. LP29 Management of water bodies
- 4.14.15. LP30 Biodiversity & Geodiversity
- 4.14.16. LP32 Landscape
- 4.14.17. LP33 Trees
- 4.14.18. LP34 Conserving and enhancing the water environment
- 4.14.19. LP35 Historic environment
- 4.14.20. LP50 Sport and physical activity
- 4.14.21. LP51 Protection and improvement of local air quality
- 4.14.22. LP52 Protection and improvement of environmental quality
- 4.14.23. LP53 Contaminated and unstable land
- 4.14.24. LP61 Urban green space

Local Plan Allocations and Designations

- 4.15. Policies of relevance in the Kirklees Local Plan Allocations and Designations document February 2019 include;
 - 4.15.1. TS4 A629 Halifax Road (Huddersfield to Halifax Corridor)
 - 4.15.2. TS8 Walking and Cycling Improvement schemes
- 4.16. Other material considerations of relevance include;
 - 4.16.1. The National Planning Policy Framework. The version issued on 21 July 2021, the latest version at the time of writing this Statement;
 - 4.16.2. The Planning Practice Guidance
 - 4.16.3. Kirklees Local Air Quality Strategy 2007
 - 4.16.4. Kirklees Air Quality Action Plan

- 4.16.5. Air Quality Management Area Order 3 : Ainley Top for elevated levels of Nitrogen Dioxide
- 4.16.6. Air Quality Management Area Order 6, Edgerton, Huddersfield for elevated levels of Nitrogen Dioxide
- 4.16.7. The Council's decision to pass a motion as to a Climate Emergency on 16 January 2019 followed by;
 - 4.16.7.1. In July 2019, Kirklees signing up to the Leeds City Region 'Climate Coalition' pledge to achieve 'net zero' carbon emissions by 2038;
 - 4.16.7.2. On 13 November 2019, the Council approved a detailed and ambitious response to the Climate Change Emergency. This included the Kirklees Climate Emergency Declaration, the Kirklees Air Quality Strategy, and the Five Year Air Quality Action Plan.
- 4.16.8. Leeds City Region Strategic Economic Plan
- 4.16.9. Kirklees Infrastructure Delivery Plan
- 4.16.10. Kirklees Economic Strategy
- 4.16.11. Kirklees Health and Well-being Strategy
- 4.16.12. Kirklees Landscape Character Assessment (LCA), July 2015
- 4.16.13. Kirklees Biodiversity Action Plan
- 4.16.14. West Yorkshire Transport Strategy 2040
- 4.16.15. Historic England's Guidance including;
 - 4.16.15.1. Conservation Principles, Policies and Guidance 2008
 - 4.16.15.2. Historic Environment Good Practice Advice in Planning Note 3 (2nd Edition) (GPA 3) – The Setting of Heritage Assets (2017)
 - 4.16.15.3. Managing Significance in Decision Taking in the Historic Environment Good Practice Advice in Planning Note 2 (LCA), July 2015

5. **Other Relevant Legislation**

- 5.1. Relevant legislation includes;
 - 5.1.1. The Planning (Listed Buildings and Conservation Areas) Act 1990. Specific sections of relevance include Section 72 (General duty as respects conservations areas in exercise of planning functions) and Section 74 (Control of demolition in Conservation Areas);
 - 5.1.2. The Environment Act 1995. Specific parts of relevance include Part IV (Air Quality);

5.1.3. The Traffic Management Act 2004.

6. **Policy Assessment**

6.1. The main issues arising from this application are (1) Principle of Development – Scheme as a Whole, (2) Project Objectives, (3) Benefits of Scheme as a Whole, (4) Climate Change – Scheme as a Whole, (5) Detailed Acceptability of Area B – Cavalry Arms Proposals, (6) Detailed Acceptability of Area C – Prince Royd Proposals, (7) Detailed Acceptability of Area D – Yew Tree Road Proposals. These are discussed in turn below followed by an overall conclusion.

(1) Principle of Development – Scheme as a Whole

6.2. Planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be considered in preparing the Development Plan and is a material consideration in planning decisions. The current NPPF was issued on 21 July 2021, therefore after the Adoption of the Local Plan on 27 February 2019. In these circumstances NPPF para 219 is applicable and states that existing policies should not be considered out of date simply because they were adopted or made prior to the publication of the Framework. Due weight should be given to them according to their degree of consistency with the Framework, the closer the policies in the plan to the policies in the Framework, the greater the weight that they may be given.

6.3. The Introduction to the Local Plan states it is the statutory Development Plan and its purpose is to set out the policies necessary to achieve the strategy and how much development there should be in the district and where it will go.

6.4. Reasoned justification paragraph 1.1 states that in summary the Local Plan contains;

6.4.1. A Vision and strategic objectives for the development of Kirklees up to 2031;

6.4.2. A spatial strategy setting out how development will be accommodated across the district reflecting the distinctiveness of different parts of the district;

6.4.3. Objectively assessed development needs particularly for housing and employment specifying the number of new homes and jobs to be provided during the Plan period;

6.4.4. Clear policies to guide decisions on planning applications;

6.4.5. Site allocations showing land to be developed for housing, employment, retail, minerals and waste and other uses, identified on a Policies Map;

6.4.6. Designations showing land to be protected from development and land subject to other policies in the Plan;

6.4.7. Infrastructure provision to support the delivery of the proposed development;

6.4.8. An indication of how the policies will be delivered and implemented; and

- 6.4.9. A monitoring framework setting out the performance measures that will show how successfully the Plan's objectives and proposals are being delivered over time.
- 6.5. Reasoned justification paragraphs 1.13 and 1.14 set out why a Local Plan is needed. It continues that the Plan will provide a policy framework to;
 - 6.5.1. Facilitate the delivery of the right development types, to meet needs, in the right places;
 - 6.5.2. Prevent uncoordinated development and to refuse development where it is not appropriate and does not accord with the Plan;
 - 6.5.3. Provide certainty over the types of applications that are likely to be approved;
 - 6.5.4. Increase employment opportunities in accordance with the Kirklees Economic Strategy;
 - 6.5.5. Promote and enhance health and well-being in accordance with the Kirklees Health and Well-being Strategy;
 - 6.5.6. Protect and enhance designated areas; and
 - 6.5.7. Facilitate required infrastructure to support new development.
- 6.6. Local Plan policy LP1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. The policy continues that the Council will always work pro-actively with applicants to jointly find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social, and environmental conditions in the area. Proposals that accord with policies in the Local Plan will be approved without delay, unless material considerations indicate otherwise. Where there are no policies relevant to the proposal or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – considering whether:
 - A any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or
 - B specific policies in that Framework indicate that development should be restricted.
- 6.7. Paragraphs 2.1 to 2.8 set out the reasoned justification for the Plan. Paragraph 2.6 states the policy supports the aims of the Kirklees Economic Strategy and the Kirklees Joint Health and Well-being Strategy. It continues that it will also seek to ensure that the Vision and the ten strategic objectives of the Local Plan are delivered within the Plan period.
- 6.8. In relation to delivery and implementation, reasoned justification paragraph 2.7 states this policy will be delivered through development management processes, council policies, procedures, and plans.

- 6.9. Reasoned justification paragraph 2.8 states that the purpose of the planning system is to contribute to the achievement of sustainable development. It continues that development will be expected to make a positive contribution towards the economic, social, and environmental objectives of the Local Plan and that the policy therefore has links to strategic objectives 1 – 10.
- 6.10. The Vision and strategic objectives are set out in section 4 of the Plan. The Vision refers to adequate infrastructure. Additionally, it refers to places being well connected, encouraging sustainable travel including increased opportunities for walking and cycling and improved links to other parts of the Leeds City Region and beyond.
- 6.11. Section 4.3 of the Plan is concerned with the strategic objectives. Reasoned justification paragraph 4.5 states the strategic objectives summarise the measures needed to deliver the Vision. It continues that all proposals in the Local Plan should be consistent with one or more of the objectives. The objectives are;
- 6.11.1. Support the growth and diversification of the economy, to increase skill levels and employment opportunities including the provision of a high quality communication infrastructure;
 - 6.11.2. Strengthen the role of town centres, particularly Huddersfield, Dewsbury, and Batley, to support their vitality and viability;
 - 6.11.3. Improve transport links within and between Kirklees towns and with neighbouring towns and cities, giving priority to public transport, and to cycling and walking, providing an efficient highway network which supports the district's economy;
 - 6.11.4. Provide new homes which meet the housing needs of the community offering a range of size, tenure, and affordability, support existing communities and access to employment, public transport, shops, and services;
 - 6.11.5. Tackle inequality and give all residents the opportunity of a healthy lifestyle, free from crime and to achieve their potential in work and education;
 - 6.11.6. Protect and improve green infrastructure to support health and well-being, giving residents access to good quality open spaces, sport, and recreation opportunities, and to support habitats, allowing wildlife to flourish;
 - 6.11.7. Promote development that helps to reduce and mitigate climate change, and development which is adapted so that the potential impact from climate change is reduced and to help the transition to a low carbon economy;
 - 6.11.8. Protect and enhance the characteristics of the built, natural, and historic environment, and local distinctiveness which contribute to the character of Kirklees, including the South Pennine Moors, Moorland fringe and the area's industrial heritage;
 - 6.11.9. Promote the reuse of existing buildings and the use of brownfield land to meet development needs and support the regeneration of areas;
 - 6.11.10. Facilitate the sustainable use and management of minerals and waste.

- 6.12. Local Plan policy LP2 is concerned with Place Shaping and states that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan, in order to protect and enhance the qualities which contribute to the character of these places as set out in the four sub – area statement boxes. The box for Huddersfield identifies 17 strengths / opportunities for growth and 9 challenges to growth. Identified challenges for growth in Huddersfield include;
- 6.12.1. Traffic congestion;
 - 6.12.2. Poor air quality in some areas;
 - 6.12.3. Some historic buildings are in a poor condition, with the Conservation Areas at Birkby and Edgerton on the Heritage at Risk register.
- 6.13. Local Plan policy LP3 is concerned with the location of new development. Criterion 2 states that development will be permitted where it supports the delivery of housing and employment growth in a sustainable way taking account of 7 criteria. These criteria include criterion 2(f), co-ordinating housing and employment land delivery with the provision of new infrastructure. Reasoned justification paragraph 6.11 states that the provision of infrastructure is essential to the delivery of development. The paragraph continues that infrastructure has been considered through the policy on infrastructure, Local Plan LP4.
- 6.14. Local Plan policy LP4 is concerned with infrastructure. According to reasoned justification paragraph 6.17, infrastructure includes roads. The policy states that the Council will work with partners to bring forward the necessary and proportionate essential and desirable infrastructure that is required in order to deliver the spatial strategy as set out in the Local Plan. The improvement of the A629 Halifax Road is a scheme included within the Adopted Development Plan within policy LP19 and with more detail provided in Site TS4.
- 6.15. Reasoned justification paragraph 6.22 states that the provision of appropriate infrastructure alongside growth is an integral element of sustainable development it accords with all the Local Plan Strategic Objectives.
- 6.16. Local Plan policy LP19 is concerned with strategic transport infrastructure. The policy states that the aim is to achieve a balanced and integrated transport network which makes the most efficient and effective use of road, rail, and public transport. Policy LP19 criterion 4 lists national, regional, and local transport schemes within Kirklees. These include a local scheme on the A629 Halifax Road (Huddersfield to Halifax Corridor) which is identified as being part of the West Yorkshire Key Route Network (WYKRN) on Map 1 within the Plan. Policy LP19 continues that detailed transport schemes that require planning permission will have regard to the constraints and considerations as set out in the Local Plan such as the impact on designated heritage assets and any other environmental impacts.
- 6.17. The scheme subject of this planning application requires planning permission, the improvements proposed going beyond what could be undertaken under permitted development rights given in Part 9 (Development Relating to Roads) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), these only being available to the highway authority within the boundaries of a road. In each of the three Areas now subject of this application, development is proposed amounting to an extension of the existing highway.

- 6.18. Reasoned justification paragraph 10.46 states that the Council has identified schemes throughout the district required to mitigate the transport impact of the Local Plan. Reasoned justification paragraph 10.46 additionally states that in some instances land might be required to deliver highway improvement schemes. Footnote 22 to the paragraph references the Kirklees Draft Local Plan Technical Paper : Transport Model November 2015. Amongst other things this records that the work identified locations on the highway network which are forecast to suffer increased delays as a result of proposals contained within the Local Plan and that these are where the Council needed to concentrate its transport mitigation strategy. The congestion locations identified include the A629 Halifax Road / Birkby Road and the A629 Ainley Top Roundabout and are identified for improvement in the Paper and subsequently in the Local Plan to mitigate its transport impact.
- 6.19. Section 7 of the Kirklees Local Plan Allocations and Designations Plan provides details of the transport schemes identified under Policy LP19 of the Local Plan. Reasoned justification paragraph 7.1 states strategic and local transport infrastructure to assist with the delivery of the spatial strategy and anticipated growth are identified. It continues that detailed transport schemes that require planning permission will have regard to the constraints and considerations as set out in the Local Plan such as impact on designated heritage assets and any other environmental considerations. A copy of the text for Site TS4, the A629 Halifax Road (Huddersfield to Halifax Corridor) is set out below.

Site TS4

A629 Halifax Road (Huddersfield to Halifax Corridor)

Junction improvements at Blacker Road and East Street with the A629 (Cavalry Arms) and route traffic management, including road space reorganisations between Huddersfield Ring Road and Ainley Top.

Impact for Kirklees : Accommodates growth from Local Plan allocations north of Huddersfield and supports more efficient commuting between Halifax and Huddersfield, as well as better access to the two centres to / from the M62. This would support employment growth. Businesses in Calderdale and Kirklees would become better connected to labour markets across West Yorkshire.

Scheme Detail : Improvements at the following locations:

- *A629 / Halifax Road / Blacker Road (to reduce congestion at Blacker Road / St John's Road due to rerouting to avoid the A629)*
 - *A629 / East Street (Cavalry Arms)*
 - *Ainley Top*
- 6.20. The improvement of the Huddersfield to Halifax Corridor which is the subject of this application is therefore a scheme included within the Development Plan which amongst other things would contribute to the mitigation of transport impacts of the Plan (reasoned justification para 10.46) and have a number of benefits including those set out above, supporting employment growth for example. Whilst the scheme is included within the Plan, acknowledging that planning permission is required, regard is to be had to the constraints and considerations set out in the Local Plan such as impact on designated heritage assets and any other environmental impacts. The project benefits are discussed below followed by the acceptability of the scheme on an

area by area basis. Before turning to this assessment, it is appropriate to record that the need for the scheme remains including for the reasons set out in the A629 Halifax Road Phase 5 Traffic Modelling and Network Performance report dated March 2023.

(2) Project Objectives

- 6.21. The proposed scheme will contribute to the following transport and economic objectives:
 - 6.21.1. Improving accessibility and connectivity between Huddersfield and Halifax;
 - 6.21.2. Improving transport links to other parts of the Leeds City Region and beyond;
 - 6.21.3. Relieving traffic congestion and reducing delays, contributing towards an efficient highway network which supports the district's economy;
 - 6.21.4. Increasing the practical reserve capacity at junctions to accommodate current traffic flows and future growth;
 - 6.21.5. Supporting job retention and economic growth in the wider area;
 - 6.21.6. Supporting development provision in Huddersfield to meet identified needs;
 - 6.21.7. Mitigating the transport impacts of allocations and other policy commitments in the Adopted Local Plan.
- 6.22. The proposed scheme will contribute where practicable to the following environmental objectives:
 - 6.22.1. Protecting and retaining the characteristics of the built, natural and historic environment;
 - 6.22.2. Incorporating measures to mitigate the impact of the development;
 - 6.22.3. Making efficient use of land.
- 6.23. The proposed scheme will contribute to the following social objectives;
 - 6.23.1. Supporting the growth and diversification of the economy, to increase skill levels and employment opportunities;
 - 6.23.2. Strengthening the role of town centres to support their vitality and viability;
 - 6.23.3. Tackling inequality and give all residents the opportunity for a healthy lifestyle, free from crime and to achieve their potential in work and education;
 - 6.23.4. Supporting the provision of new homes which meet the housing needs of the community, supporting existing communities and access to employment, public transport, shops, and services.
- 6.24. Whilst contributions are listed against one objective, in a number of instances, the contribution will be to more than one objective, they being mutually supporting.

(3) Project Benefits

6.25. Primary benefits of the development include;

- 6.25.1. Improve accessibility between Huddersfield and Halifax and to the M62 by reducing congestion, improving journey time reliability and reduce journey times between the ring road and Ainley Top roundabout;
- 6.25.2. Job retention and growth in the wider area with the creation of jobs and to support the delivery of the Lindley Moor West and East Enterprise Zones;
- 6.25.3. Supporting housing growth in Lindley area and west Huddersfield generally;
- 6.25.4. Contribute to improving GVA across West Yorkshire.

6.26. These are substantial benefits which would result from the development. In addition, further benefits include;

- 6.26.1. Provision of a car park on land adjoining 103 Halifax Road, Area C. The use of this car park is to be limited to local residents' use, being controlled by permit parking under separate legislation. Amongst other benefits this will (1) provide off road parking for residents of nearby properties, (2) reduce uncontrolled on street parking, a current cause of congestion, (3) provide EV charging points;
- 6.26.2. The development of a footway and cycleway within Area D which would link with the existing Core Walk Cycle Route which runs along Yew Tree Road and provide access to Huddersfield Town Centre amongst other destinations making the use of bicycles and walking as means of transport safer and more attractive;
- 6.26.3. Improve bus reliability and journey time;
- 6.26.4. Improve commercial vehicle reliability and journey time;
- 6.26.5. Environmental benefits through biodiversity net gain;
- 6.26.6. Reduce the overall average light level at the Cavalry Arms junction by approximately 36.5 percent whilst ensuring that it is lit to the relevant BE and EN Standards providing a range of benefits including in relation sustainability and environmental impact;
- 6.26.7. Provide street lighting for a segregated left turn lane and a remote footpath in the Yew Tree Road to Ainley Top part of the scheme providing an average light level on the segregated left turn in accordance with BS and EN Standards;
- 6.26.8. Improve highway safety through improved lighting. A further potential highway safety benefit is that a reduction in levels of queuing and slow moving traffic which may reduce the risk of driver error / failing to look incidents.

6.27. The above are further benefits to be afforded positive weight in the determination of this application.

- 6.28. The possibility of including additional pedestrian and cycling infrastructure within each Area has been investigated. It has been decided it is not feasible within Areas B or C for reasons including;
- 6.28.1. substantial additional third-party land and property would need to be acquired;
 - 6.28.2. a significant number of extra trees, the majority of which are subject to TPOs or within a conservation area and therefore protected would need to be removed;
 - 6.28.3. significant lengths of retaining walls, boundary walls and other boundary features some of which are protected would need to be demolished and rebuilt;
 - 6.28.4. properties may need to be demolished;
 - 6.28.5. substantial utility protection and diversion measures would be needed due to changes in levels and alignment of the highway;
 - 6.28.6. On street parking that currently exists could be lost.
- 6.29. Because of the above constraints, options have been considered as part of a separate phase (Phase 4) for the A629 between Huddersfield and Halifax town centres which focuses on improvements for walking, cycling and public transport. Within Kirklees it is proposed to build two routes, either side of the A629, that weave their way through residential areas, converging at Ainley Top and the Huddersfield ring road. The proposals also introduce changes to the ring road and within Huddersfield town and will build on other cycle infrastructure measures coming forward within Huddersfield.
- 6.30. The Phase 4 proposals were consulted on with the Public in 2019, an outline business case has been approved by the West Yorkshire Combined Authority and the proposals further developed through detailed design and further approval processes. The project has been funded by the West Yorkshire PUS Transport Fund (WY+ TF) but due to the current economic climate, high rates of inflation has resulted in a funding shortfall. Following a joint review with Calderdale and the West Yorkshire Combine Authority (WYCA), the project has been put on hold until a new funding source has been identified. Once a new funding source has been identified the project will continue from the existing development stage.
- 6.31. Pedestrian and cycle infrastructure is proposed as part of the current application in Area D and is discussed later in this Statement.

(4) Climate Change – Scheme as a Whole

- 6.32. Reference has previously been made to policies in the Development Plan including LP1 and policies LP26, LP27, LP28 and LP29 which are specifically concerned with elements of climate change.
- 6.33. Reference has additionally been made to the NPPF. Section 14 of the NPPF is concerned with meeting the challenge of climate change, flooding and coastal change. NPPF paragraph 148 states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It continues that it should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve

resilience, encourage the reuse of existing resources, and support renewable and low carbon energy and associated infrastructure.

- 6.34. Further advice on planning for climate change is provided in the National Planning Practice Guidance (NPPG), paragraphs 001 Ref ID : 6-001-20140306 to paragraph 012 Ref ID : 6-012-20190315 pertain. Paragraph 001 Ref ID : 6-001-20140306 states that addressing climate change is one of the core land use planning principles which the NPPF expects to underpin both plan-making and decision-taking. It continues that to be found sound, Local Plans will need to reflect this principle and enable the delivery of sustainable development in accordance with the policies in the NPPF. Kirklees Local Plan has been found sound and was adopted in February 2019. NPPF paragraph 33 requires that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years. The Kirklees Local Plan was adopted approximately 4 years ago, less than the 5 year period for assessment as to whether policies need updating. The policies within the Local Plan are therefore up to date and are to be afforded significant weight, including those which identify specific development proposals and those against which applications are to be assessed.
- 6.35. It is additionally material that Kirklees Council passed a motion as to a Climate Emergency on 16 January 2019, signed up to the Leeds City Region 'Climate Coalition' pledge to achieve 'net zero' carbon emissions by 2038 and on 13 November 2019 approved a detailed and ambitions response to the Climate Change Emergency. At the same meeting a Five Year Air Quality Action Plan was approved. This included actions to reduce emissions from transportation including Major Transport Schemes, redesigning, and making new roads to move vehicles more efficiently, improve active travel and reduce emissions. As set out above the proposals subject of this application are identified in the Local Plan, policies LP19 and TS4 pertain. Policy LP19 criterion (4) (2) states that detailed transport schemes that require planning permission will have regard to the constraints and considerations as set out in the Local Plan such as impact on designated heritage assets and any other environmental impacts. In the reasoned justification to policy TS4 in paragraph 7.1, it is stated that detailed transport schemes that require planning permission will have regard to the constraints and considerations set out in the Local Plan such as impact on designated heritage assets and any other environmental considerations.
- 6.36. The detailed proposals subject of this application have been designed to respond to the requirements of policies LP19 and TS4 and to the requirements arising from the Climate Change Emergency including a requirement for the consideration of the environmental impact in all decisions. These policies and requirements have informed mitigation and best practice enhancement measures to be adopted and sought in the construction process. These are discussed in the updated Carbon Impact Assessment May 2023 which is submitted as part of the amended application documentation.
- 6.37. These policies and requirements have additionally informed the design approach adopted and the inclusion of the following within the scheme amongst other measures seek to mitigate the impact of the development;
- 6.37.1. electric vehicle charging points in each of the proposed car parks
 - 6.37.2. the LED street lighting infrastructure to be installed
 - 6.37.3. the drainage design

- 6.37.4. the cycling / pedestrian infrastructure proposed within Area D providing wider linkages
- 6.37.5. the proposed landscaping / planting scheme which would amongst other things deliver biodiversity net gain;
- 6.37.6. re-use of suitable materials, stone for example;
- 6.37.7. re-use of existing infrastructure, lamp posts for example.
- 6.38. The design approach, along with the mitigation proposed, positively responds to the acknowledged climate change issue, and would support the delivery of the needed scheme which will entail a range of benefits.
- 6.39. The detailed acceptability of the scheme in other terms is assessed in the remainder of this Statement.

(5) Detailed Acceptability of Area B – Cavalry Arms Proposals

- 6.40. Area B is within the urban area and the Local Plan includes policies for the improvement of the A629 corridor including at the Cavalry Arms junction. The detailed acceptability of the scheme in accordance with LP19.4.2 is discussed below.

Heritage Impact

- 6.41. The application is accompanied by a detailed HEDBA January 2023. Section 7 of the HEDBA details the potential impacts of the proposed development which include on the setting of three Listed Buildings within the study area. The HEDBA finds that the setting of these assets has already been compromised by continuous development over time as shown by the historic map regression and most recently the loss of open space directly opposite these buildings due to a modern residential development.
- 6.42. Turning to the impact on Edgerton Conservation Area, the HEDBA January 2023 finds there would be an adverse impact during the construction works but subject to appropriate detailing, for example the re-use of stone in the wall to be rebuilt adjoining the Church of Jesus Christ of Latter-day Saints as provided in the application, the works would integrate acceptably and have a neutral impact on the character and appearance of the Area and not alter its significance or character as a whole.
- 6.43. There are no non designated heritage assets within the Area or the wider study area.
- 6.44. In relation to archaeology, the HEDBA January 2023 recommends no further archaeological work is necessary.

Impact on Trees

- 6.45. The application is accompanied by an Arboricultural Impact Assessment June 2021 for Area B. Table 2 details that within Area B the proposed development would entail the removal of 18 trees. Of these trees to be removed, 3 have been assessed as category A, 9 as category B and 6 as category C. None of the trees to be removed are protected by TPO or Conservation Area designations.
- 6.46. In mitigation of the trees to be lost, amended landscaping proposals are submitted. The amended landscaping plans show the planting of 17 individual trees plus 10 large

shrubs and native seasonal bulbs. The size / height of the trees / plants to be planted is recorded on the amended landscaping plans.

- 6.47. Whilst there would be a net loss of one tree in Area B, proposals for Area D include the creation of a new woodland area and as whole the scheme would result in a net increase of 599 additional trees, a material increase and a benefit to be delivered by the proposed development.
- 6.48. Measures to protect trees to be retained are set out in the Assessment.

Impact on Air Quality

- 6.49. The application is accompanied by an Air Quality Impact Assessment March 2023 which considers both construction dust and vehicle emissions. In relation to construction dust, mitigation measures are outlined in the Assessment which will be followed in the undertaking of the development. With these mitigation measures the residual effect from dust generating activities are predicted to be not significant in paragraph 5.1.3 of the report.
- 6.50. In relation to vehicle emissions, modelled concentrations indicate that air quality in the study area does not exceed the Air Quality Strategy (AQS) objectives in the opening year for NO₂ or particulate matter. The Assessment further finds the operation of the Scheme is predicted to result in negligible effects for NO₂, PM₁₀ and PM_{2.5} concentrations at all worst-case receptor locations and Defra PCM links. The Assessment concludes in paragraph 7.1.7 that the A629 Halifax Road Scheme is considered to be not significant in terms of impacts on air quality. The proposed development is therefore acceptable when assessed against Development Plan policies LP21, LP21 and other material considerations relevant to air quality.

Impact on Living Conditions

- 6.51. The proposed development has been designed to minimise and mitigate impacts whilst delivering the highway improvements set out in Development Plan policy. Acceptable living conditions would be maintained subject to the mitigation measures discussed below.
- 6.52. Construction noise and vibration are considered in the Construction Noise & Vibration Assessment February 2023 which forms part of the application. This sets out mitigation measures to address both noise and vibration in section 2.3. The magnitude of the noise impact when works are undertaken at the shortest distance are predominantly moderate to major but reducing to minor when works are undertaken 10 metres or more away. The overall impact is assessed as not being significant on assessed properties within Area B. This assessment is also applicable to other properties within Area B and is subject to limitations on the duration of works.
- 6.53. In relation to vibration, the magnitude is predicted to be predominantly negligible to minor adverse. However, given the variability in vibration with plant type and ground conditions, where vibration generating works are undertaken within 10 metres of properties, the Assessment recommends that vibration monitoring is undertaken at a representative location of the properties to ensure agreed targets are not exceeded.
- 6.54. Noise outwith the construction period is considered in the A629 Phase 5 Environmental Noise Assessment April 2023 which forms part of the application. It finds in Section 4.1 that for the majority of properties in Area B the predicted change in road traffic noise is below +/- 1 dB and is therefore negligible and not significant. One property

was subject to further assessment, The Gate 81A Halifax Road. Following further assessment, it was found that the predicted increase in road traffic noise at this property as a result of the Phase 5 improvements is not significant.

- 6.55. On the wider road network outside the Areas, the predicted change in road traffic noise is assessed as to be not significant.
- 6.56. The street lighting proposals are considered separately in this Statement. In relation to amenity, average light levels at the junction would be decreased around the Cavalry Arms junction by approximately 36.5 percent whilst still ensuring that the relevant BS and EN Standards are still met. This reduction in light levels would amongst other things constitute a benefit in residential amenity terms.
- 6.57. In order to protect amenity, where lighting columns would be installed closer to residential properties, columns would be fitted with rear shields to reduce backlight as effectively as possible.

Ecology

- 6.58. The application is accompanied by an Ecological Impact Assessment (EclA) June 2021 in respect of the impact of the development on the Area. Paragraph 5.1 records that the EclA has not identified any Important Ecological Features (IEFs) anticipated to be affected by the development. It continues that as such the development is unlikely to result in significant ecological effects and therefore assessment of effects is not required. Paragraph 5.2 records that measures are still required to ensure that the development meets legal compliance along with good practice environmental measures which are set out in the Assessment together with ecological enhancement measures.
- 6.59. Following on from the above Local Plan policy 30 is concerned with biodiversity and geodiversity and sets out the requirements for development proposals. These include to minimise the impact on biodiversity and to provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist.
- 6.60. As set out in the Biodiversity Net Gain Assessment January 2023, there would be no habitat enhancement or creation within Area B. That said, as part of the development as a whole, there would be Biodiversity Net Gain of 15.46% for habitat units and 1,273.33% for hedgerow units. The proposed development therefore exceeds a minimum of 10% biodiversity net gain. As part of the delivery of the biodiversity net gain there would be a need for a habitat management plan to be produced in consultation with the LPA. This can be covered by condition.

Landscaping / Townscape / Visual

- 6.61. Detailed hard and soft landscaping proposals are proposed in Area B. Hard landscaping proposals in Area B include the use of an appropriate pallet of materials and the construction of a replacement stone wall at the Church of the Latter-Day Saints and a new stone wall at 406 Birkby Road. Soft landscaping include 17 new trees and shrub planting. Additionally the proposals include the creation of a new woodland within Area D.
- 6.62. Findings of the Townscape & Visual Appraisal February 2023 include that with the mitigation proposed, the effects on townscape within Area B would be slight beneficial due to the resurfaced and widened footways. In terms of visual amenity there would

be moderate adverse effects in some locations and slight adverse effects in other locations. The provision of mitigation limits the adverse effects, but the proposed mitigation planting would take time to mature to provide its full mitigating effects.

Flood Risk

- 6.63. The application is accompanied by Flood Risk Assessment revision 9-0 dated 01/12/2022. This records that all existing highway gullies along Birkby Road feed into the public, combined water sewer. The proposed scheme would create approximately 400 sq metres of additional impermeable area. Acknowledging this increase Yorkshire Water and the LLFA have agreed that surface water attenuation within Area B is not required. However, in order to mitigate the impacts of the scheme, 330 sq metres of existing highway drainage would be removed from the sewer as part of the Prince Royd scheme, Area C.
- 6.64. Acknowledging the above there would not be an increase in flood risk within Area B.

Street Lighting

- 6.65. The overall average light level on the junction is decreasing by approximately 36.5% whilst still ensuring that it is lit to the relevant BS and EN standards. As set out in the Street Lighting Design Statement, existing lamp columns that need to be relocated will be placed as near as practicable to the existing position to minimise impact.

Highways

- 6.66. The application is accompanied by a Transport Assessment. Amongst other things it details the specific issues that arise at the junction and which the proposed development seeks to address following an analysis of options. The option proposed in this application is the preferred, is acceptable in highway safety terms and would contribute towards the mitigation of the transport impacts of the Local Plan.

Interim Conclusion – Detailed Acceptability of Area B – Cavalry Arms Proposals

- 6.67. The proposed development within Area B seeks to deliver a transport scheme identified in Local Plan policies LP19 and TS4. The scheme has been designed and mitigation proposed having regard to the constraints and considerations which exist. For the purposes of Section 38(6), the question is whether the scheme is in conflict with the Development Plan as a whole. For the reasons discussed and the mitigation proposed as part of the application, the proposals within Area B represent sustainable development, would bring wider benefit, and accord with the Development Plan as a whole.

(6) Detailed Acceptability of Area C – Prince Royd Proposals

- 6.68. Area C is within the urban area and the Local Plan includes policies for the improvement of the A629 corridor. The detailed acceptability of the scheme in accordance with LP19.4.2 is discussed below.

Heritage Impact

- 6.69. The application is accompanied by a detailed HEDBA January 2023. Section 7 of the HEDBA finds that the proposed development has negligible potential to have a direct physical or setting impact on Grade II Listed Buildings within the study area.

- 6.70. Although not recognised as a non-designated heritage asset a milestone may be directly impacted due to the improvement to the eastern side of Halifax Road (A629) but is considered of local importance and of low value.
- 6.71. In relation to archaeology, if there are any surviving features these are likely to be of low to negligible value. The Heritage Impact Assessment recommends that no further archaeological work is needed within this Area.

Impact on Trees

- 6.72. The application is accompanied by an Arboricultural Impact Assessment June 2021 for Area C. This details in Table 2 that within Area C the proposed development would entail the removal of 7 trees. Of these trees to be removed, 2 have been assessed as category B and 5 as category C. None of the trees to be removed are protected by TPO or Conservation Area designations.
- 6.73. In mitigation of the trees to be lost, 7 new trees and a 20 metre length of hedgerow are proposed to be planted within Area C. Additionally, the creation of a new woodland within Area D is proposed as part of the overall scheme. When the scheme is assessed as a whole, replacement planting provides sufficient compensation for the impacts of the Scheme.
- 6.74. The Assessment additionally set out measures for the protection of existing trees to be retained.

Impact on Air Quality

- 6.75. The application is accompanied by an Air Quality Impact Assessment March 2023 which considers both construction dust and vehicle emissions. In relation to construction dust, mitigation measures are outlined in the Assessment which will be followed in the undertaking of the development. With these mitigation measures the residual effect from dust generating activities is predicted to be not significant. In relation to vehicle emissions, modelled concentrations indicate that air quality in the study area does not exceed the Air Quality Strategy (AQS) objectives in the opening year for NO₂ or particulate matter. The Assessment further finds the operation of the Scheme is predicted to result in negligible effects for NO₂, PM₁₀ and PM_{2.5} concentrations at all worst-case receptor locations and Defra PCM links. The Assessment concludes that the A629 Halifax Road Scheme is considered to be not significant in terms of impacts on air quality. The proposed development is therefore acceptable when assessed against Development Plan policies LP21, LP21 and other material considerations relevant to air quality.

Impact on Living Conditions

- 6.76. The provision of off road car parking with EV charging points would benefit the properties it is to serve.
- 6.77. The proposed development has been designed to minimise and mitigate impacts whilst delivering the highway improvements set out in Development Plan policy. Acceptable living conditions would be maintained subject to mitigation measures discussed below.
- 6.78. Construction noise and vibration are considered in the Construction Noise & Vibration Assessment February 2023 which forms part of the application. This sets out mitigation measures addressing both noise and vibration in section 2.3. The magnitude of the noise impact when works are undertaken at the shortest distance are

predominantly moderate to major but reducing to minor when works are undertaken 10 metres or more away. The overall impact is assessed as not being significant on assessed properties within Area C. This assessment is also applicable to other properties within Area C and is subject to limitations on the duration of works.

- 6.79. In relation to vibration, the magnitude is predicted to be predominantly negligible to minor adverse. However, given the variability in vibration with plant type and ground conditions, where vibration generating works are undertaken within 10 metres of properties, the Assessment recommends that vibration monitoring is undertaken at a representative location of the properties to ensure agreed targets are not exceeded.
- 6.80. Noise outwith the construction period is considered in the A629 Phase 5 Environmental Noise Assessment April 2023 which forms part of the application. It finds in Section 4.2 that within properties in Area C the predicted change in road traffic noise is below +/- 1 dB and is therefore negligible and not significant.
- 6.81. On the wider road network outside the Areas, the predicted change in road traffic noise is assessed as to be not significant.
- 6.82. The street lighting proposals are considered separately in this Statement. In order to protect amenity, where lighting columns would be installed closer to residential properties, columns would be fitted with rear shields to reduce backlight as effectively as possible.

Urban Green Space

- 6.83. Hopkinson Recreation Ground is designated in the Local Plan as Urban Green Space. The proposed development includes the formation of a car park within the designated area of Urban Green Space on land adjoining 103 Halifax Road. It appears to have been used in the past for car parking but is currently used as an access point for Council maintenance staff. It is partly covered with tarmac and the balance with dense vegetation forming a woodland. Public access to the playing fields is via Birchencliffe Hill Road to the west.
- 6.84. Local Plan policy LP61 states that development which would result in the loss of urban green space (as identified on the Policies Map) will only be permitted where one of three criteria are met.
- 6.85. It is acknowledged that the proposed development is in conflict with Local Plan policy LP61 as the proposed car park would result in a loss of area currently designated as urban green space albeit which is currently unmanaged, hard surfaced in part and with scrub vegetation and litter present. The impact of the development on the open space is assessed in the Open Space Assessment March 2023 which forms part of the application. It finds that the proposed car park would provide a new area of off road car parking which would reduce on road parking on Halifax Road and facilitate traffic flow. The Assessment further finds that local character would experience beneficial effects through the delivery of a coherent and managed scheme and the creation of a distinctive sense of place.
- 6.86. It is acknowledged that the proposed development is in conflict with Local Plan policy LP61, the site of the proposed car park being part of a wider area of open space. There are however a number of material considerations arising which support the proposed development. These include;

- 6.86.1. The improvement of Halifax Road is part of a wider programme of transport improvements within West Yorkshire;
- 6.86.2. Local Plan policy LP19 identifies improvements to the A629 Halifax Road as a transport scheme, scheme TS4 within the Plan. The purposes of the scheme include to contribute to the mitigation of the transport impact of the Plan and to contribute towards employment growth;
- 6.86.3. The area appears to have been a car park previously. It appears to be little used as present, its main use appearing to be as an access for Council workers to the playing fields to the south. A means of access to the playing fields would be retained as part of the development;
- 6.86.4. The car park would provide off road parking for properties on Halifax Road. An issue causing congestion on the A629 is uncontrolled on street parking. The proposed car park would provide a number of benefits including overcoming the need for on road parking which currently contributes to problems of congestion in the area. Use of the car park would be controlled by way of separate legislation.
- 6.87. For the reasons discussed, the minimal level of harm which would be caused to the Urban Green Space would be outweighed by the significant public benefits of the A629 Halifax Road Scheme.
- 6.88. Following on from the above the proposed car parking spaces would provide wider benefits including off road parking for properties removing the need for on road parking which currently contributes to problems of congestion and delay along the A629.
- 6.89. For the reasons discussed above the slight reduction in the Urban Green Space within the Area is justified by the detailed development proposals and by the significant public benefits of the A629 Halifax Road Scheme.

Ecology

- 6.90. The application is accompanied by an Ecological Impact Assessment (EclA) June 2021 in respect of the impact of the development on the Area. Paragraph 5.1 records that the EclA has not identified any Important Ecological Features (IEFs) anticipated to be affected by the development. It continues that as such the development is unlikely to result in significant ecological effects and as such assessment of effects is not required. Paragraph 5.2 records that measures are still required to ensure that the development meets legal compliance along with good practice environmental measures which are set out in the Assessment together with ecological enhancement measures.
- 6.91. Following on from the above Local Plan policy 30 is concerned with biodiversity and geodiversity and sets out the requirements for development proposals. These include to minimise the impact on biodiversity and to provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist.
- 6.92. As set out in the Biodiversity Net Gain Assessment January 2023, a woodland (0.23 ha) within Area C would be enhanced from poor to moderate condition. In addition, amenity grassland (0.01 ha) and a species rich native hedgerow (20 metres) would be created. These would contribute as part of the development as a whole to achieving Biodiversity Net Gain of 15.46% for habitat units and 1,273.33% for hedgerow units,

therefore exceeding a minimum of 10% biodiversity net gain. As part of the delivery of the biodiversity net gain there would be a need for a habitat management plan to be produced in consultation with the LPA. This can be covered by condition.

Landscaping / Townscape / Visual

- 6.93. Detailed hard and soft landscaping proposals are proposed in Area C. Hard landscaping proposals in Area C include the use of an appropriate pallet of materials. Soft landscaping includes 7 new trees and a 20 metre length of new hedgerow planting in addition to retaining trees where practicable. Additionally, the creation of a new woodland within Area D is proposed as part of the overall scheme.
- 6.94. Findings of the Townscape & Visual Appraisal February 2023 include that with the mitigation proposed, the effects on townscape within Area C would be slight beneficial due to the clearance of an area of overgrown vegetation and supplementing existing vegetation with a managed area planting including new trees alongside the housing providing an improved frontage. There would also be improved footways and an additional uncontrolled pedestrian crossing. In terms of visual amenity there would be neutral effect in some locations and a slight beneficial effect in other locations.

Flood Risk

- 6.95. The application is accompanied by Flood Risk Assessment. The proposed car park would create approximately 1,000 sq metres of additional impermeable area. The proposed surface water drainage strategy is to provide a new surface water drainage system which would collect rainfall from the new car park and from approximately 330 sq metres of existing highway within Halifax Road which currently discharges into the public sewer in order to off-set the proposed works at Cavalry Arms, Area B. The new highway drainage system would discharge at a restricted rate of 3.5 litres per second to the watercourse located approximately 100 metres to the north east and would be designed for the critical 1 in 100 year storm, including 30% uplift for climate change.
- 6.96. Acknowledging the above there would not be an increase in flood risk within Area C.

Street Lighting / Car Park Lighting / Car Park Electric Infrastructure

- 6.97. There is currently no lighting within the area where the car park is proposed. Existing lighting assets along Halifax Road will remain where possible, relocated where necessary as close as practicable to their existing positions. The car park would be lit using 6 metre columns to achieve an average light level within the car park to the relevant standard with lighting at the lowest usage level appropriate for an outdoor open car park of this nature and area.
- 6.98. In addition to lighting, other electrical infrastructure is proposed within the car park including 12 fast charging electric vehicle points which would amongst other things make a positive contribution to the overall sustainability of the development.

Highways

- 6.99. The application is accompanied by a Transport Assessment. Amongst other things it details the specific issues that arise at the junction and which the proposed development seeks to address following an analysis of options. The option proposed in this application is the preferred, is acceptable in highway safety terms and would contribute towards the mitigation of the transport impacts of the Local Plan.

Interim Conclusion – Detailed Acceptability of Area C – Prince Royd Proposals

- 6.100. The proposed development within Area C seeks to deliver a transport scheme identified in Local Plan policies LP19 and TS4. The scheme has been designed and mitigation proposed having regard to the constraints and considerations which exist. Whilst there is conflict with Local Plan policy LP61 acknowledging the proposals include development within an area designated as Local Green Space, for the purposes of Section 38(6), the question is whether the scheme is in conflict with the Development Plan as a whole. For the reasons discussed and the mitigation proposed as part of the application, the proposals within Area C represent sustainable development, would bring wider benefit, and accord with the Development Plan as a whole.

(7) Detailed Acceptability of Area D – Yew Tree Road Proposals

- 6.101. Area D is within the urban area and the Local Plan includes policies for the improvement of the A629 corridor including at the Ainley Top. The detailed acceptability of the scheme in accordance with LP19.4.2 is discussed below.

Heritage Impact

- 6.102. The application is accompanied by a detailed HEDBA January 2023. Section 7 of the HEDBA finds that the development has negligible potential to have a direct physical or settings impact on Grade II Listed Buildings within the study area. In relation to non-designated heritage assets, section 7 of the HEDBA finds that there will be no physical impacts and no significant setting impact.
- 6.103. The HEDBA does note however that there is potential for archaeological remains to be present within the Area and recommends an archaeological watching brief. This is a requirement which can be covered by condition.

Impact on Trees

- 6.104. The application is accompanied by an Arboricultural Impact Assessment June 2021 for Area D. This details in Table 2 that within Area D the proposed development would entail the removal of 13 trees. Of these trees to be removed, 3 have been assessed as category B and 10 as category C. None of the trees to be removed are protected by TPO or Conservation Area designations.
- 6.105. In mitigation of the trees to be lost, the creation of a new woodland area comprising 613 new trees and 719 metres of new hedgerow planting is proposed as part of an integral part of the Development. The Assessment additionally sets out measures for the protection of existing trees to be retained.

Impact on Air Quality

- 6.106. The application is accompanied by an Air Quality Impact Assessment March 2023 which considers both construction dust and vehicle emissions. In relation to construction dust, mitigation measures are outlined in the Assessment which will be followed in the undertaking of the development. With these mitigation measures the residual effect from dust generating activities is predicted to be not significant. In relation to vehicle emissions, modelled concentrations indicate that air quality in the study area does not exceed the Air Quality Strategy (AQS) objectives in the opening year for NO₂ or particulate matter. The Assessment further finds the operation of the Scheme is predicted to result in negligible effects for NO₂, PM₁₀ and PM_{2.5}

concentrations at all worst-case receptor locations and Defra PCM links. The Assessment concludes that the A629 Halifax Road Scheme is considered to be not significant in terms of impacts on air quality. The proposed development is therefore acceptable when assessed against Development Plan policies LP21, LP21 and other material considerations relevant to air quality.

Impact on Living Conditions

- 6.107. The proposed development has been designed to minimise and mitigate impacts whilst delivering the highway improvements set out in Development Plan policy. It is considered acceptable living conditions would be maintained subject to mitigation measures discussed below.
- 6.108. Construction noise and vibration are considered in the Construction Noise & Vibration Assessment February 2023 which forms part of the application. This sets out mitigation measures to addressing both noise and vibration in section 2.3. The magnitude of the noise impact when works are undertaken at the shortest distance are predominantly moderate to major but reducing to minor when works are undertaken 10 metres or more away. The overall impact is assessed as not being significant on assessed properties within Area D. This assessment is also applicable to other properties within Area D and is subject to limitations on the duration of works.
- 6.109. In relation to vibration, the magnitude is predicted to be predominantly negligible to minor adverse. However, given the variability in vibration with plant type and ground conditions, where vibration generating works are undertaken within 10 metres of properties the Assessment recommends that vibration monitoring is undertaken at a representative location of the properties to ensure agreed targets are not exceeded.
- 6.110. Noise outwith the construction period is considered in the A629 Phase 5 Environmental Noise Assessment April 2023 which forms part of the application. It finds in Section 4.2 that for the majority of properties in Area D the predicted change in road traffic noise is below +/- 1 dB and is therefore negligible and not significant.
- 6.111. Twelve properties were subject of further assessment, 115 – 117 & 119 – 121 Yew Tree Road and 74 – 80 & 82 – 88 Yew Tree Road. The outcome was that in each of these properties except 121 Yew Tree Road the predicted change in road traffic noise is below +/- 1 dB and is therefore negligible and not significant. At 121 Yew Tree Road it is predicted that there would be an increase of greater than 1 dB in both the short term (+3.2dB) and long term (+1.9 dB) which is significant. The most exposed façade is the western façade due to the carriageway being slightly closer to the property with the Phase 5 improvements in place.
- 6.112. On the wider road network outside the Areas, the predicted change in road traffic noise is assessed as to be not significant.
- 6.113. The street lighting proposals are considered separately in this Statement. In order to protect amenity, where lighting columns would be installed closer to residential properties, columns would be fitted with rear shields to reduce backlight as effectively as possible.

Ecology

- 6.114. The application is accompanied by an Ecological Impact Assessment June 2021 (EclA) in respect of the impact of the development on the Area. Paragraph 5.1 records that the EclA has not identified any Important Ecological Features (IEFs) anticipated

to be affected by the development. It continues that as such the development is unlikely to result in significant ecological effects and as such assessment of effects is not required. Paragraph 5.2 records that measures are still required to ensure that the development meets legal compliance along with good practice environmental measures which are set out in the Assessment together with ecological enhancement measures.

- 6.115. Following on from the above Local Plan policy 30 is concerned with biodiversity and geodiversity and sets out the requirements for development proposals. These include to minimise the impact on biodiversity and to provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist.
- 6.116. As set out in the Biodiversity Net Gain Assessment January 2023, modified grassland (0.25 ha) within Area D would be enhanced to neutral grassland in moderate condition by creating a wildflower meadow. The area of vegetated garden (0.07ha) will be enhanced to urban woodland by appropriate planting of a mix of native tree species. A species rich native hedgerow (450 metres total length) with occasional native trees will be created, along with a line of native trees (100 metres in total length).
- 6.117. The development as a whole shows a Biodiversity Net Gain of 15.46% for habitat units and 1,273.33% for hedgerow units, therefore exceeding a minimum of 10% biodiversity net gain. As part of the delivery of the biodiversity net gain there would be a need for a habitat management plan to be produced in consultation with the LPA. This can be covered by condition.

Landscaping / Townscape / Visual

- 6.118. Detailed hard and soft landscaping proposals are provided for Area D. Hard landscaping proposals include the use of an appropriate pallet of materials. Soft landscaping proposals include the creation of a new woodland area comprising 613 new trees and 719 metres of new hedgerow planting as an integral part of the Development.
- 6.119. Findings of the Townscape & Visual Appraisal February 2023 include that with the mitigation proposed, the effects on townscape within Area D would be slight beneficial due to the resurfaced footway to the south, an uncontrolled pedestrian crossing point on Halifax Road and a further signalised crossing for pedestrians and cyclists. The proposed scheme would also have positive effects as a result of new planting.
- 6.120. In terms of visual amenity there would be slight beneficial and moderate beneficial effects as a result of improvement works to the footway, the cycleway, and the landscape treatment.

Flood Risk

- 6.121. The application is accompanied by Flood Risk Assessment. This finds that the proposed scheme would create approximately 3,433 sq metres of additional impermeable area.
- 6.122. A drainage investigation has found that the existing highway to the south of the roundabout connects to a culverted watercourse. It is therefore intended that the new slip road from the top of Halifax Road would drain into this system. The drainage investigation additionally found that elsewhere highway gullies connect into the combined sewer. In order to ensure that flood risk is not increased, part of the existing

highway will be disconnected and connected into the new drainage system for the roundabout. The discharge rate from the new highway drainage system would be 13 litres per second, 0.8 litres per second less than the original flow rate to the culvert which would ensure that the scheme helps to reduce flood risk overall. The new drainage system would be designed to cater for the 1 in 100 year storm, including 30% uplift for climate change.

6.123. The same principles detailed above would be applied to the new highway between Yew Tree Road and the roundabout. The final discharge to the sewer would be 10 litres per second, representing a net reduction in peak flow to the sewer of 0.9 litres per second. The new drainage system would include two attenuation storage tanks and has been designed to cater for the 1 in 100 year storm, including 30% uplift for climate change.

6.124. Acknowledging the above there would not be an increase in flood risk within Area D.

Promoting Sustainable Patterns of Movement

6.125. Cycling and pedestrian infrastructure is included within the development proposals within Area D. This infrastructure has been designed to connect with the existing core walking and cycling network, an integrated system of cycle routes, public footpath and bridleways that provide opportunity for alternative sustainable means of travel throughout the district and provide efficient links to urban centres and sites allocated for development in the Local Plan. This infrastructure provides an opportunity to reduce the number of car journeys in accordance with Local Plan policy LP23. Wider cycling infrastructure outwith Area D is discussed earlier in this Report and in the Transport Assessment submitted as part of the application.

Street Lighting

6.126. The overall average light level on the segregate left turn would be in accordance with BS and EN Standards. As set out in the Street Lighting Design Statement existing lamp columns, if structurally sound, would be reused where possible. Lamp columns that need to be relocated would be placed as near as practicable to the existing position to minimise impact. Where it is necessary to install lamp columns closer to existing properties, these columns would be fitted with rear shields to reduce backlight as effectively as possible.

Highways

6.127. The application is accompanied by a Transport Assessment. Amongst other things it details the specific issues that arise at the junction and which the proposed development seeks to address following an analysis of options. The option proposed in this application is the preferred, is acceptable in highway safety terms and would contribute towards the mitigation of the transport impacts of the Local Plan.

Interim Conclusion – Detailed Acceptability of Area D – Yew Tree Road

6.128. The proposed development within Area D seeks to deliver a transport scheme identified in Local Plan policies LP19 and TS4. The scheme has been designed and mitigation proposed having regard to the constraints and considerations which exist. For the purposes of Section 38(6), the question is whether the scheme is in conflict with the Development Plan as a whole. For the reasons discussed and the mitigation proposed as part of the application, the proposals within Area D represent sustainable

development, would bring wider benefit, and accord with the Development Plan as a whole.

7. **Conclusion**

- 7.1. The proposed development seeks to deliver a transport scheme identified in Local Plan policies LP19 and TS4. The scheme has been designed, and mitigation proposed, having regard to the constraints and considerations which exist. For the purposes of Section 38(6), the question is whether the scheme is in conflict with the Development Plan as a whole. For the reasons discussed and the mitigation proposed as part of the application, the proposals represent sustainable development, would bring wider benefit, and accord with the Development Plan as a whole.
- 7.2. The Local Planning Authority are therefore requested to approve this application and to grant planning and Listed Building consents subject to conditions.