

# KIRKLEES METROPOLITAN COUNCIL INVESTMENT & REGENERATION SERVICE

## DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended)

### DELEGATED DECISION TO DETERMINE APPLICATIONS FOR CONSENT, AGREEMENT OR APPROVAL REQUIRED BY CONDITION

Reference No:	<b>2024/44/92683/W</b>
Site Address:	Various locations - A629, Halifax Road, Huddersfield
Description:	Discharge of details reserved by conditions 8 (archaeological investigation), 9 (Arboricultural Impact Assessment), 20 (landscaping) and 21 (Air Quality Impact Assessment) of previous permission 2021/92734 for improvement and widening of A629 to include junction improvements; re-positioning of footways and footway improvements; pedestrian crossing provision; 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 (within a Conservation Area)
Recommending Officer:	William Simcock

#### **DECISION – SPLIT-DECISION DISCHARGE OF CONDITION**

**I hereby authorise the split decision of this discharge of condition application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.**

Julia Steadman

***AUTHORISED OFFICER***

**Date: 13-Nov-2024**

**Application: 2024/92683**

**Site:** Various locations - A629, Halifax Road, Huddersfield

This application relates to previous permission 2021/92734 for improvement and widening of A629 to include junction improvements; re-positioning of footways and footway improvements; pedestrian crossing provision; 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 (within a Conservation Area).

The applicant seeks to discharge conditions 8 (archaeological investigation), 9 (Arboricultural Impact Assessment), 20 (landscaping) and 21 (Air Quality Impact Assessment) as follows:

8. No development shall commence in Areas C or Area D (as set out on Location Plan – TF5-P-LP-1-Rev1) until a written scheme of archaeological investigation (WSI) for each Area has been submitted to and approved in writing by the Local Planning Authority, respectively. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include: a) A statement of significance and the project's research objectives, and; b) The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works; and, c) The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. The development shall be implemented in accordance with the approved WSI.

**Reason:** To ensure the nearby archaeological remains are recorded in accordance with Policy LP35 of the Kirklees Local Plan.

9. No development shall take place in Area C (as set out on Location Plan – TF5-P-LP-1-Rev1) until a revised Arboricultural Impact Assessment ([AIA] to BS5837:2012), which includes precise information relating to the effects of the drainage infrastructure between Man Hole 2 and Man Hole 3 (as set out on plan TF5/Area C/DR-3B) on the trees located within Area C, is submitted to and approved by the Local Planning Authority. The revised AIA shall minimise tree removal having regard to the requirements of condition 10.

**Reason:** To ensure that tree loss is minimised in accordance with the requirements of Policy LP33 of the Kirklees Local Plan. This pre-commencement condition is required on the basis that commencement works to provide the drainage infrastructure would be undertaken very early in the scheme's delivery process and therefore the provision of satisfactory arboricultural information prior to commencement is justified to minimise tree removal as much as possible.

20. Notwithstanding the approved plans relevant to 'Area B' (as set out on Location Plan – TF5-P-LP-1-Rev1), a detailed design of the hard and soft

landscaping at the southern corner of the junction between Birkby Road and Halifax Road adjacent to 52 Inglewood Avenue shall be submitted to and approved by the Local Planning Authority prior to any soft or hard landscaping works commencing within Area B. The design shall minimise maintenance whilst ensuring that some soft landscaping is retained. The approved details shall be implemented prior to the junction becoming fully operational.

**Reason:** In the interest of providing an optimal landscaping design across the corner between Birkby Road and Halifax Road in accordance with the requirements of Policy LP24 Design of the Kirklees Local Plan.

21. Prior to the commencement of development, a full Air Quality Impact Assessment (AQIA) shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall:

- Determine the impact that the development will have on air quality (taking into consideration any cumulative impact from other local developments) and if necessary provide a suitable mitigation plan; and
- Include a dust mitigation plan which should consider dust arising from all construction related activities and any necessary mitigation measures to control dust during construction. The requirements of the AQIA shall be implemented prior to completion of the development.

**Reason:** For promoting sustainable development and transport and conserving the natural environment in accordance with parts 2, 9 & 15 of the National Planning Policy Framework and Policies LP20, LP24, LP47, LP51 of the Kirklees Local Plan. The requirement for this pre-commencement condition is on the basis of the need to establish appropriate mitigation prior to development commencing which may otherwise undermine the assessment

### *Assessment*

#### Condition 8

A WSI, reference CWY333 A629 Ainley Top Watching Brief, has been submitted. This was prepared by the West Yorkshire Archaeology Advisory Service (WYAAS).

WYAAS comments are that the WSI is acceptable.

The WSI is considered acceptable and fulfils the stated purposes of the condition (a-c). The implementation of the development in accordance with the Written Scheme of Investigation will discharge the condition.

#### Condition 9

A revised Arboricultural Impact Assessment, reference 20953100-WAT-xx-XX-RP-N-74002\_PO1, has been submitted.

The Arboricultural Officer has examined the submitted tree information and has confirmed that it meets the requirements of condition (9) regarding the

drainage location and impact. It is recommended that approval of details be granted.

#### Condition 20

The following plans have been submitted:

- TF5-Area B- GC-1.pdf
- TF5-AREA B-LSC-01.pdf
- TF5-AREA-LSC-SD-5.pdf

Three landscaping planters measuring 1.1m by 800mm planted with native bulbs are to be installed on the southern side of the junction. It is considered that this is sufficient to fulfil the requirements of the condition, and the details are hereby approved. Subject to the works being implemented prior to the junction becoming fully operational, the condition will be discharged.

#### Condition 21

The following has been submitted:

- A629 Halifax Road Air Quality Assessment Addendum by Arcadis, dated September 2024.
- Management (IAQM) and Environmental Protection UK (EPUK) Development Control guidance (Institute of Air Quality Management and Environmental Protection UK, 2017).

This addendum summarises the results using the IAQM & EPUK significance criteria and discusses the requirement for mitigation. It should be noted that this addendum does not include a dust mitigation plan, required under the wording of the condition. It is understood that the dust mitigation plan will be developed by the contractor, who will be appointed next year, and will form part of the Construction Environmental Management Plan. A CEMP (Biodiversity) is required under condition (13).

KC Environmental Health accept the Air Quality Mitigation Statement by Arcadis (revision 1, 10th September 2024), but recommend that condition (21) is not fully discharged until the dust mitigation plan has been approved by the Local Planning Authority. Therefore, only partial approval can be granted in respect of this condition.

**Report Dated:**

12-Nov-2024
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