

# 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 – Discharge of Condition – Approve**

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

Nicholas Hirst

***AUTHORISED OFFICER***

**Date: 25-Jul-2025**

**Application:** 2024/44/92683/W

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

**Proposal:** 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)

### **Overview**

An interim decision letter was issued 13/11/2024, with the following position:

- Conditions approved and/or discharged: 8, 9, 20.
- Conditions not approved: 21.

Regarding condition 21, the interim decision notice stated:

*The following has been submitted:*

- *A629 Halifax Road Air Quality Assessment Addendum by Arcadis, dated September 2024.*

*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, which is 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 in 2025, and will form part of the Construction Environmental Management Plan. A CEMP (Biodiversity) is required under condition (13).*

*The Air Quality Mitigation Statement by Arcadis is accepted but condition (21) cannot be fully discharged until the dust mitigation plan has been submitted approved by the Local Planning Authority*

The following assessment therefore relates to condition 21 only.

### Condition 21 (Air Quality Impact Assessment)

*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*

A Construction Dust Management Plan (CDMP), version B, by CR Reynolds, dated 20/06/2025 has been submitted since the interim decision notice was issued. This includes plans showing the layout of the proposed work areas B, C and D showing the location of road sweepers and water bowsers, and a detailed written statement setting out proposed abatement and monitoring measures.

K.C. Environmental Health have provided a consultation response dated 14/07/2025 where they have reviewed the further details. In summary, they conclude:

*We have previously accepted the Air Quality Mitigation Statement by Arcadis (revision 1, 10th September 2024), we also accept the Construction Dust Management PLAN (CDMP) by CR Reynolds. Whilst we can recommend the discharge of the condition it is necessary that all the controls and mitigation required in both documents are fully implemented during the life of the construction and operation of the project.*

Officers support this assessment and recommend that the submitted details are approved. For the avoidance of doubt, this includes the newly submitted details, and the previously submitted and accepted Air Quality Mitigation Statement by Arcadis (revision 1, 10th September 2024). Notwithstanding this, the condition has an ongoing requirement which prevents full discharge until the hereby approved measures are implemented. A note of this is recommended to be included in the decision notice.

Further to the above, K.C. Environmental Health have requested that an advisory note pertaining to the council's powers under Section 60 of the Control of Pollution Act 1974 be placed on the decision notice. This is considered to be appropriate.

**Recommendation:** Approve details

**Report Dated:** 23/07/2025

**Proposed Letter Text**

Condition 21 (Air Quality Impact Assessment)

You have submitted the following information pursuant to condition 21:

- a Construction Dust Management Plan (CDMP), version B, by CR Reynolds, dated 20/06/2025. This includes plans showing the layout of the proposed work areas B, C and D showing the location of road sweepers and water bowsers, and a detailed written statement setting out proposed abatement and monitoring measures.
- Air Quality Assessment Addendum by Arcadis, dated September 2024, approved 13-Nov-2024.

I can confirm that the submitted details are acceptable and are hereby approved.

Notwithstanding the above, you are reminded that condition 21 has the following ongoing requirement, which must be adhered to, to ensure ongoing compliance with the condition:

*The requirements of the AQIA shall be implemented prior to completion of the development.*

Further to the above, K.C. Environmental Health have requested that the following be noted:

*The applicant is reminded that Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.*