
Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 02-Mar-2023

Subject: Planning Application 2022/93248 Demolition of existing Piazza shopping centre; part removal of Queensgate Market; demolition/retention of service tunnels; redevelopment of the site to form new public realm space (including public park and gardens, play areas, public square/outdoor event space); refurbishment and change of use of existing Queensgate Market Hall into food hall (Use Class E (b) sale of food and drink for consumption, mostly, on the premises); refurbishment and extension of existing library and art gallery building to form museum (Use Class F.1); change of use of part existing market hall building and extension to form public library (Use Class F.1); erection of indoor event venue incorporating multi-storey car park below (Sui-Generis); erection of public gallery building (Class F.1); associated infrastructure on land and buildings at Queensgate Market, Huddersfield Library and Art Gallery, and Piazza (and The Shambles) Shopping Centre (part Listed Building/part within a Conservation Area) Piazza Centre, Princess Alexandra Walk, Huddersfield, HD1 2RS

**APPLICANT
KIRKLEES COUNCIL**

**DATE VALID
03-OCT-2022**

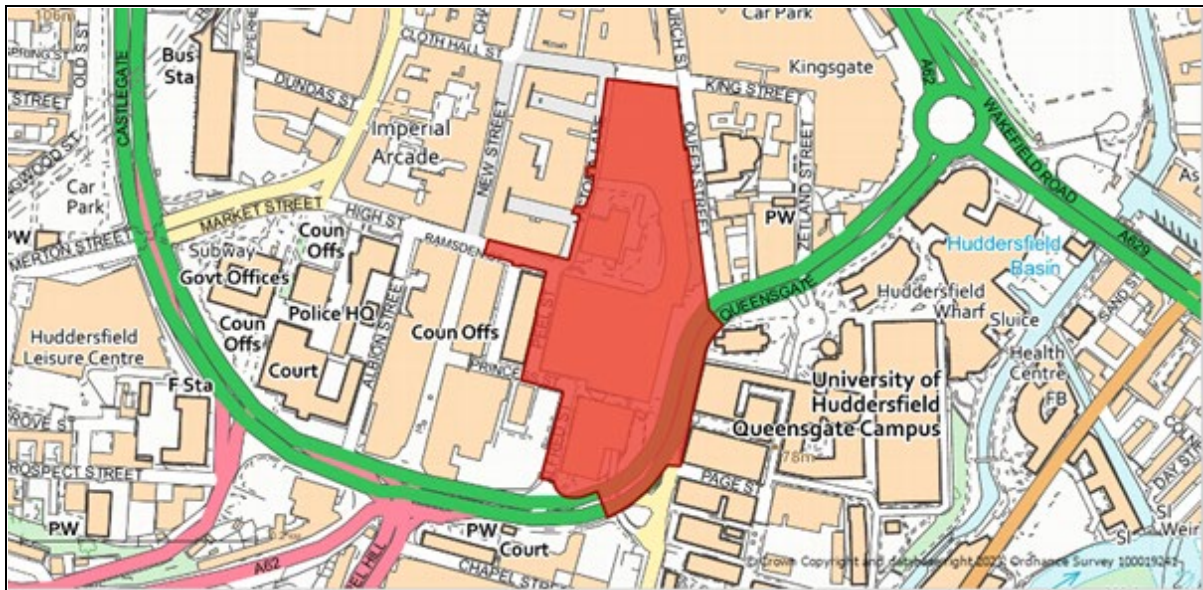
**TARGET DATE
02-JAN-2023**

EXTENSION EXPIRY DATE

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

[Public speaking at committee link](#)

LOCATION PLAN



Map not to scale – for identification purposes only

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report and to secure a Section 111 agreement to cover the following matters:

1. Sustainable transport:- Framework Travel Plan (and subordinate plans) implementation and monitoring including fees – £15,000 (£3,000 for five years).

In the circumstances where the Section 106 agreement has not been completed within three months of the date of the Committee’s resolution then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the mitigation and benefits that would have been secured; if so, the Head of Planning and Development is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

1.0 INTRODUCTION:

1.1 This application is presented to Strategic Planning Committee in accordance with the scheme of delegation given that the proposal is for non-residential development exceeding 0.5 Ha in size. The applicant is Kirklees Council represented by Pegasus Group.

1.2 The Kirklees Cultural Heart is a key flagship regeneration project for Kirklees Council and as a significant component of the Huddersfield Blueprint is of great importance to the ten-year vision to transform Huddersfield Town Centre. The development combines the retention and re-use of key civic buildings and the creation of a multi-functional, high-quality destination. Demolition will enable the site to be remodelled and rejuvenated and reveal open views over spacious leafy and useable areas of public realm. The scheme aims to improve accessibility within this part of the town centre and provide both indoor and outdoor spaces for events.

1.3 This is a full planning application for Demolition of the existing Piazza shopping centre, part removal of elements of Queensgate Market, and demolition/retention of service tunnels; with redevelopment of the site to form new public realm space (including public park and gardens, play areas, public square/outdoor event space); refurbishment and change of use of existing Queensgate Market Hall into new food hall (Use Class E (b) Sale of food and drink for consumption, mostly, on the premises); refurbishment and extension of existing library and art gallery building to form a new museum (Use Class F.1); change of use of part existing market hall building and extension to form a new public library (Use Class F.1); construction of new indoor event venue incorporating multi-storey car park below (Sui Generis); erection of new public gallery building (Class F.1); and associated infrastructure on land and buildings at Queensgate Market, Huddersfield Library and Art Gallery, and Piazza (and The Shambles) Shopping Centre, Huddersfield.'

1.4 The application inclusive of plans is supported by following documents:

- Planning Application Forms, Certificates & Fee
- Planning Pack of Drawings (see schedule attached to the cover letter)
- Design and Access Statement
- Planning Statement
- Voluntary EIA (ES) Statement including relevant chapters on planning, heritage, highways and air quality.
- Geotechnical and Geoenvironmental Technical Note (Site Investigation Phase 1 Assessment/Coal Mining Risk Assessment)
- Demolition Statement
- Structural Survey
- Utilities Statement
- Flood Risk Assessment
- Drainage Statement
- Waste Strategy
- Landscape and Public Realm Strategy (including Public Art statement)
- Transport Assessment
- Travel Plan
- Ecological Survey and Biodiversity Net Gain Assessment
- Sustainability Statement
- Noise Assessment Reports
- Ventilation and Extract Statement
- Public Realm Lighting Strategy
- Desk based Archaeology and Built Heritage Setting Assessment
- Heritage Impact Assessment
- Tree Survey
- Health Impact Assessment
- Economic Benefits Statement
- Townscape/Visual Impact Assessment
- Statements of Significance
- Statement of Community Involvement

1.5 The applicants made a pre-application submission (reference 2022/20509) on 11/04/22 in respect of the Cultural Heart project which was presented to Strategic Planning Committee on 11/04/23. The pre-app response was issued on 26/09/22 which set out the relevant policy considerations and responses from consultees within Kirklees Council. The principle of the development was considered acceptable, identifying the key issues for the development as listed below:

- Economy and Investment Opportunities
- Impacts upon Heritage Assets
- Urban Design and Public Realm
- Access Highways and Sustainable Travel
- Waste and Recycling
- Residential Amenity and Public Health
- Drainage
- Landscaping and Trees
- Biodiversity
- Security and Designing out Crime

1.6 More detailed comments were given on design issues and on the areas of public realm within the site to assist the applicants in providing a scheme that complies with council planning policies and guidance.

2.0 SITE AND SURROUNDINGS

2.1 The Application Site is located north and west of the A62 Queensgate, within Huddersfield Town Centre and falls within Newsome ward. The site is very accessible with Huddersfield train station to the northwest (approximately 500 metres), Huddersfield bus station to the west (approximately 350m). The site is bound by Queensgate A62 to the south and south-east; by Queen Street to the east; by King Street to the north and by Victoria Lane, Peel Street and Alfred Street to the west.

2.2 The site is surrounded by medium scale buildings of various styles, eras and materials which serve a variety of civic, social and commercial purposes and significant levels changes across the site, including 4.5m level change from Queen Street up to the existing Library building and a circa. 1.5m level change from the library up to the junction of Ramsden Street and Peel Street. The site covers an area of 3.93 ha and consists of the former (now demolished) multi-storey car park, the Queensgate Market (Grade II listed), the library and art gallery (Grade II listed) and the Piazza shopping centre, along with dispersed areas of open space.

2.3 An extensive network of underground service tunnels, below the site, service the surrounding area, most notably the Piazza shopping centre and the market. The A62 Queensgate frontage is largely characterised by the former site of the now demolished 4 storey multistorey car park and the eastern elevation of the Queensgate Market Hall and its artwork panels. The Market Hall is adjoined by the Piazza shopping centre, which wraps around the remainder of the sites eastern boundary and encloses around the Huddersfield Library and Art Gallery, which is located on (but within) the eastern edge of the site. Whilst the site sits between areas of open space, these open space areas are largely generally characterised with hard landscaping and limited street furniture and landscaping in terms of treatment, which is characteristic of within the public realm.

2.4 The site is overlooked by Huddersfield Town Hall and Concert Hall along the western boundary and further shopping areas which look out, into the site. The University of Huddersfield campus is located beyond the A62 to the Southeast, whilst the Lawrence Batley Theatre stands on the opposite (eastern) side of Queen Street. The application site is located entirely within Flood Zone 1 (an area at least risk of flooding), is not located within a Conservation Area and is located close to the boundary of Huddersfield Town Centre Conservation Area which is to the east and west of the site. There are a number of Listed Buildings in close proximity to the site including Huddersfield Town Hall (Grade II), St Pauls Hall (Grade II), Lawrence Batley Theatre (Grade II*).

3.0 PROPOSAL

3.1 The Cultural Heart involves demolition of buildings within the site, including the parade of shops within the Piazza, elements of the Market Hall fronting onto Peel Street, the Shambles shopping arcade and the retail units fronting Princess Alexandra Walk. The applicants state that the scheme will include the retention and reuse of two Listed Buildings within the site, namely Market Hall and the Library and Art Gallery. The development comprises of the following elements:

- Development of a Public Realm comprising terraces, gardens, play areas for children and a flexible public square/outdoor events venue with ability to host up to 3,000 persons
- Construction of a new two storey, gallery (Use Class F.1) of around 3,000sqm (Gross Internal Area);
- Construction of new public library onto east wing of Queensgate Market, including part change of use of existing market hall building
- Refurbishment and extension to existing library building, to convert into a museum building (Use Class F.1) around 6,000sqm (Gross Internal Area)
- Refurbishment and change of use of existing Queensgate Market Hall into new food hall (Use Class E) of around 2,500sqm (Gross Internal Area)
- Construction of new events venue (sui-generis) for concerts and exhibitions (up to 2,200 people capacity) at approximately 8,000sqm of Gross Internal Area; upon the site of the previously demolished multi-storey car park, south of Queensgate Market.

3.2 The Transportation/ Highways elements of the scheme consist of :

- Construction of new multi-storey car park situated below the new events venue, with a capacity for 350 cars
- A range of short and long stay cycle parking will be provided across the site, accessed from existing cycle routes surrounding the site.

- A single point of access for vehicles from the Queensway to the venue. Creation of a new signalised junction to the venue providing a left turn in and left turn out, as well as a right turn entry. The new access junction will include pedestrian and cycle crossing provision.
- The existing subway arrangements will become redundant, as will the existing vehicular access on Alfred Street. The tunnels area under the site will be retained and reconfigured to provide servicing for the site with access from Queen Street.

3.3 The application is accompanied by two separate Listed Building Consent applications shown below. Both Listed Building Consent applications are delegated to officers under the council's scheme of delegation and do not require a committee decisions' but will not be determined until a committee resolution is made upon the planning application.

2022/93234- For alterations, refurbishment and extension to accommodate new museum- Existing Library and Art Gallery, Princess Alexandra Walk, Huddersfield

2022/932345- Refurbishment/extension of Huddersfield Library and Art Gallery, into a new Museum- Queensgate Market Hall, Huddersfield.

4.0 RELEVANT PLANNING HISTORY

4.1 Most Relevant summarised below:

2008/91902 – Outline application for new residential development (C3), retail and leisure (approx. 418,000 sq. ft gross, encompassing A1 to A5 uses, including anchor, department store, mezzanine and new market hall, hotel (C1), new library, art gallery. Undetermined (neither withdrawn, nor decided).

Numerous minor shopfront alterations and signage applications for units within the Piazza Shopping Centre and The Shambles. Huddersfield Library

2006/94640 – Listed Building Consent for installation of CCTV system (internal and external). Granted 31st January 2007.

2021/91765 – Listed Building Consent for replacement flat roof and all associated rooflights, repairs and repointing to external elevations, installation of new rooflight to existing lightwell and structural repair works within the lightwell. Granted 25th August 2021.

2021/92044 – Listed Building Consent for the replacement of the existing single glazed windows. Withdrawn 12th November 2021. Queensgate Market

Numerous Listed Building Consent applications for shopfront alterations, internal alterations and associated works.

2020/93736 – Prior Approval for demolition of car park – Approved 8th December 2020.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Amendments made by applicants dated (Addendum 2nd December 2022) following comments received during the ongoing statutory public consultation phase (principally heritage, highways and comments from the KC Environmental Health Officer) and other minor design changes that the applicant considered necessary as part of a design process. The list of amendments is shown below. Full re-consultation and publicity commenced on January 4th 2023.

Proposed Gallery

1. Revised Lower Ground Floor entrance (design development)
2. Tunnel alignment change (design development)
3. 1no. Lower Ground Floor window removed (design development)
4. 1no. lower ground floor window reduced in width to accommodate internal rearrangement
5. Gantry level structure added to portion of lower roof to accommodate PV Panels along with access and maintenance

Proposed Library and Food Hall

1. Retained southern stair (Response to Historic England)
2. Retained eastern level 1 wall (Response to Historic England)
3. Reduced eastern elevation openings toward Queensgate (Response to Historic England)
4. Adjusted Library floor levels (design development)
5. Different glass / solid / opening glazing arrangement (design development)
6. Alternative south west entrances to food hall (design development)
7. New lower ground floor room configuration to service spaces (design development)
8. Different opening glazing arrangement to food hall - design development to meet ventilation requirements (design development to meet ventilation requirements)

Proposed Museum

1. Café / Entrance glazing and GIA extents increased by 60m² (design development), covered external seating area omitted and glazing line moved out.
2. New riser introduced at centre of plan (Response to Historic England). Part retention of existing book lifts' shafts and linings for use as M&E risers - design development.
3. Roof light arrangement updated (design development)
4. Basement extents amended (design development)
5. Western infill elevation updated (design development)
6. Change to size and profile of new rooflights over the former top floor gallery spaces (design development)
7. Inclusion of a structure at roof level to support new building parapet (design development)
8. Level 01 AWC changed to store (design development)
9. Lift overruns removed (design development)
10. Updated text to Heritage Impact Assessment

Proposed Venue

1. Alternative entrance locations (design development)
2. Vent relocations (design development and response to EHO comments)
3. Minor changes to north and west door locations (design development)

5.2 Officers reviewed the design of the scheme and advised the applicants that several amendments were required. Amendments and Clarifications made by applicants dated was followed meeting with officers to consider materials and elevation changes to the following three specific areas.

1. Museum: Clarification of requirement for the height of the extension to the northern elevation: The applicants provided justification and aerial view of plant space above the roof level and an engineers plan of the plant required for the building. Amendment to western elevation to reduce mullions on to accentuate the horizontal rhythm of the metal panels.
2. Gallery: Amendment to South facing façade additional and wider windows to break up the facade
3. Venue: Clarification of external materials and the approach to colour and texture affecting external character given nits prominence, and sensitivity sitting adjacent to heritage assets.

6.0 PLANNING POLICY AND GUIDANCE

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27/02/2019).

Kirklees Local Plan (2019)

6.2 The application site is within Huddersfield town centre (TCB1) and within the primary shopping area (PSA1) and includes 5 primary shopping frontages set out below and as designated in the local plan:

Primary shopping frontages:

- PSF5 (part, 20- 24 King Street)
- PSF8 1 Princess Alexandra Walk to 20 Princess Alexandra Walk
- PSF9 1 The Shambles to 21 Princess Alexandra Walk
- PSF10 12 The Shambles to 11 Victoria Lane
- PSF12 (Queensgate Market)

6.3 The most relevant Local Plan policies are:

- LP1 – Presumption in favour of sustainable development
- LP2 – Place shaping
- LP3 – Location of new development
- LP4 – Providing infrastructure
- LP5 – Masterplanning sites
- LP7 – Efficient and effective use of land and buildings

LP9 – Supporting skilled and flexible communities and workforce
LP13 – Town centre uses
LP14 Shopping frontages
LP16 Food and drink uses and the evening economy
LP18 –
LP19 – Strategic transport infrastructure
LP20 – Sustainable travel
LP21 – Highways and access
LP22 – Parking
LP23 – Core walking and cycling network
LP24 – Design
LP26 – Renewable and low carbon energy
LP27 – Flood risk
LP28 – Drainage
LP30 – Biodiversity and geodiversity
LP32 – Landscape
LP33 – Trees
LP35 – Historic environment
LP47 – Healthy, active and safe lifestyles
LP48 – Community facilities and services
LP51 – Protection and improvement of local air quality
LP52 – Protection and improvement of environmental quality
LP53 – Contaminated and unstable land
LP63 – New open space
LP67 – Mixed use allocations

6.4 The following are relevant Supplementary Planning Documents or other guidance documents published by, or with, Kirklees Council;

Supplementary Planning Documents

- Highways Design Guide SPD (2019)

Guidance documents

Huddersfield Blueprint (2021)

Biodiversity Net Gain Technical Advice Note (2021)

Planning Applications Climate Change Guidance (2021)

West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)

Waste Management Design Guide for New Developments (2020)

Green Street Principles (2017)

Planning Applications Climate Change Guidance (2021)

Biodiversity Net Gain Technical Advice Note (2021)

Climate change

6.5 The Council approved Climate Emergency measures at its meeting of full Council on the 16th of January 2019, and the West Yorkshire Combined Authority has pledged that the Leeds City Region would reach net zero carbon emissions by 2038. A draft Carbon Emission Reduction Pathways Technical Report (July 2020, Element Energy), setting out how carbon reductions might be achieved, has been published by the West Yorkshire Combined Authority.

6.6 On the 12th of November 2019 the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system, and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the council would use the relevant Local Plan policies and guidance documents to embed the climate change agenda

National Planning Guidance

6.7 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) 2021, published 20th July 2021, and the Planning Practice Guidance Suite (PPGS), first launched 6th March 2014, together with C circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 8 – Promoting healthy and safe communities
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

6.8 Other relevant national guidance and documents:

7.0 PUBLIC/LOCAL RESPONSE

7.1 The application was advertised as a major development that is accompanied by an Environmental Impact Assessment (EIA) and involves alterations or demolition works to two listed buildings. Additionally, the proposal would affect the setting of listed buildings and a conservation area. Letters were sent to neighbouring properties on 10th October 2022. Nine site notices were posted on 1st December 2022 and a press notice was published on 02nd December 2022 (providing details relating to the Environmental Statement) was published.

7.2 Full publicity and re-consultations were again undertaken upon receiving amended plans. Letters were sent on 5th January 2023 to addresses close to the application site and within the surrounding area and site notices were again posted which in line with the council's adopted Statement of Community Involvement. 8 representations were received in response to the council's consultation on application 2022/93248. The following is a summary of the comments made:

Design

- It is more appropriate for the buildings to have a more traditional stone solid appearance with the historical buildings in Huddersfield.
- The more modern looking buildings in town are the ones that have not stood the test of time and are the ones we plan to take down
- Scheme disregards the significance of the grade II listed staircase through ceramic panel 10 onto Queensgate. The form and geometry of the 1970 staircase was extraordinary with an apparently unsupported raw concrete stringer beam, pale Ballidon limestone with a glistening quartz-like material concrete riser and tread ends with occasional but regular ballusters bearing black profile- This highly sculptural form is unusual and spectacular – not just a utilitarian staircase that has carried many hundreds of people a day for 50 years.
- Effort is required to re-instate the lost bronzes to library entrance windows
- Salvage of 1970's market hall Perspex signage flooring and lighting and fenestration should be conditioned

Trees

- There is no way that the replacement of the mature trees proposed to be destroyed can be mitigated by replanting. Loss of visual amenity, their local cooling effect, the habitat provided nor their contribution to absorbing pollution and carbon dioxide.
- Urban trees are now so difficult to establish, with vandalism and hot summers that every single successful tree already growing in a heavily urban location like this should be protected at all costs
- Designers wish for bare, cubist ugly concrete walls to create those clean lines, devoid of any natural softening should not be indulged at the expense of our health and wellbeing.
- There are 27 trees to be felled. These trees are mainly street council owned trees. These trees have been maintained by Kirklees council using public money. We have paid for these trees
- Objective 7 states that proposals in the Local Plan should be consistent with promoting development that helps to reduce and mitigate climate change
- Kirklees Council has declared a Climate Emergency and a commitment to Net Zero, while the Climate Change Act 2008 (as amended) targets 100% reduction in Green House Gas by 2050
- The 26 mature trees proposed to be felled (each be nominally equivalent to the carbon sequestration of about 500 10 year old trees, making a total of 13,000 10 year old trees (1), or each 4000 saplings, total 100,000 saplings.

- The trees proposed to be felled, are all or partly in a Conservation Area and thus are subject to protections of Tree Preservation Orders.
- There is no good reason that the trees should not be conserved within the scheme
- The proposed tree felling negates the Council's own Technical Advice Note & Policy LP30 of the Kirklees Local Plan requires development proposals to "provide (10%) Biodiversity Net Gain
- Queensgate trees - remove the ill-conceived, disfigured, non TPO, non-conservation area trees on Queensgate to enhance the street and listed building elevation
- *Carbon Reduction /Renewable Energy*
- WYCA's Climate Emergency declaration and Carbon Emissions Reduction Programme (CERP), identifies the vital role of Trees and Air Quality
- "Retaining an existing tree (provided it has adequate space for root and crown development) is five times more cost effective than periodic removal and replacement
- Shows little ambition, serious commitment or innovation to absolutely minimise/zero carbon footprint of the development
- Missed opportunity to maximise the renewable energy generation capacity of the development, most likely Solar PV on the very significant
- The condition of the Piazza Centre is such that refurbishment is a viable option Refurbishing existing buildings generates substantially less carbon emissions than demolition and redevelopment and should therefore be the preferred option.

Transport

- Innovative practical incentives for access by public transport and discouragement for car use
- To achieve "good access" cyclists will need better and safer links implemented – some of which are anticipated in future schemes that incorporate new junction designs, reallocation of road space These will need to include improved crossing of the ring road for cyclists (and pedestrians) at Trinity Street, St John's Road/Bradford Road, Leeds Road, Wakefield Road, South Queen Street, Manchester Road/Outcote Bank
- The Access to Queen Street from the proposed square should be consulted on with the wider public and people with restricted access abilities.
- The absence of car park access from one side of Queensgate is a surprise. They underpass has worked well. Only anti clockwise access planned! Why?
- Managing commercial, traffic and pedestrian interests (access, noise working hours) during demolition and construction needs conditioning.

- There was underground access, under Peel Street, from the former police station on the site of Queensgate Market. It is reputed to still be there. Is it worth looking at restoring from town hall to food court ?

Loss of facilities

- Huddersfield is losing its indoor market and there are no plans to replace this
- Lack of information as to how the proposed new museum will work alongside the existing Tolson Museum nearby
- Great loss of workplaces and amenity Piazza Arts Centre has become a popular, vibrant, diverse and hugely successful Centre. Refurbish the Piazza Arts Centre in genuine partnership with Arts Centre users is preferred
- Kirklees council should adopt a community development approach to help the Arts Centre establish the necessary organisational and business plan development

Other

- Lighting of food court area and Queensgate exterior needs conditioning.
- Lighting of park area and public art needs fuller detailing.
- Absence of any public art or provision for later instalment is disappointing

8.0 CONSULTATION RESPONSES:

8.1 Below is a summary of the consultation responses received:

Statutory Consultees

KC Highways DM No Objection subject to:

- Submission of independent Stage 1 RSA and Designer's Response satisfactorily addressing any issues identified in the audit
- Finalising and agreeing traffic modelling to satisfaction UTMC Urban Traffic Management Control

KC Lead Local Flooding Authority (LLFA) - SUPPORT

Responses dated 28/10/22 and 25/01/23

LLFA confirm acceptance of the following as indicated in the Drainage Statement document and on the Proposed Drainage Strategy drawing:

- proposed climate change allowance of 40%
- allowable surface water discharge rate of 195 l/s (based on 30% betterment of existing surface water run-off rate of 278 l/s equal to the current run-off from 2.0 ha) for the critical 1 in 100 year (plus climate change) rainfall event
- the proposal to discharge attenuated surface water run-off into the existing (or diverted) YW Combined sewers crossing or adjacent to the site

Advise the following drainage conditions

- Detailed design scheme detailing foul, surface water and land drainage
- Overland Flow Routing
- Construction Phase Surface Water Flood Risk and Pollution prevention plan

Historic England- No objection

Response dated 11/11/22

No objection to the applications on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the applications to meet the requirements of paragraphs 199, 200 and 202 of the NPPF.

In determining these applications you should bear in mind the statutory duty of sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Your authority should take these representations into account in determining the applications.

Historic Buildings & Places

Response dated 15/11/23

Historic Buildings & Places (HB&P) is the working name of the Ancient Monuments Society, a registered charity in England and Wales (no. 209605). It is one of the National Amenity Societies and, as such, is a consultee on all Listed Building Consent applications involving an element of demolition.

- Comments are relevant to NPPF (2021) policy considerations in paragraphs 195.199, 200
- Concerns re the treatment of the main market hall space and the 'peeling back' has gone too far.
- Concerns re replacing the external walls with full height glazing will result in the loss of the sense of enclosure within the market, as well as the long strips of horizontal parallel windows to the top of the outer walls that help draw your eye to the wonderful roof form.
- Better mix of solid and glazed walls are needed to protect the character of this grade II listed building
- A solid wall would also be a preferable background for the 'Commerce' artwork, as it is presently experienced.

Twentieth Century Society

Response dated 15/11/23

The Society's Caseworker has been involved in multiple preapplication meetings and attended a site visit, and the scheme has been reviewed by the Society's advisory Casework Committee.

Concerns

- proposals to 'peel back' the market elevations to reveal the mushroom columns, which are currently concealed
- the loss of the market manager's office (the 'panopticon'), which is an original component of the plan and design of the market's interiors.
- Regret the loss of the Piazza Shopping Centre which was key phase of the Murrayfield development and a good example of the architect's commercial work and of the kind of American-style enclosed malls built in England in the 1960s and 70s. It should be considered a Non-Designated Heritage Asset (NDHA) and positive contributor to the setting of the Grade II Market Hall.

No objections

- proposals to convert the Grade II Library and Art Gallery,
- the proposed extension to the north
- conversion of the Grade II Queensgate Market to a food hall and library.
- proposed removal of the surrounding retail units and arcades
- welcomes proposals to retain and conserve
- the Fritz Stellar 'Commerce' and 'Articulation in Movement' artworks, as of high significance.

Coal Authority - No objections subject to conditions

Response dated 24/10/22

The application site falls within the defined Development High Risk Area; therefore, within the application site and surrounding area there are coal mining features and hazards which need to be considered. The Coal Authority records indicate that the site lies in an area of probable unrecorded underground coal mine workings at shallow depth. If shallow workings are present, then those pose a potential risk to surface stability and public safety. The application is accompanied by a Coal Mining Risk Assessment

It should be noted that where SUDs are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. Wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. These risks should always be considered by the LPA.

Non Statutory

Huddersfield Civic Society

Object on the following grounds:

- Operation of the car park via a single entry onto the Ring Rd is unworkable, unsafe etc
- The provision of secure inadequate visitor cycle parking around the perimeter
- Inadequacy of the proposed parking provision
- Multi-modal transport journeys (which may/may not be timetabled to accommodate late finishes
- Without key evidence of viability, Councillors do not have sufficient evidence to decide on approval of the plans and/or its related spend
- Reassurance should be obtained that the site's electrical substation will support 100% EV charging and other commercial EV
- Skateboarding: This feature should be eliminated from the scheme design.
- A radical reduction in the maximum size of events in this space.
- The absence of a lift at this location, to assist people with Disabilities
- Demolition of Retail Units on King Street
- Elevational Details on several proposed buildings

Support on the following grounds:

- High quality public realm, in the area currently occupied by the Piazza through to Peel Street and Alfred Street.

Other comments

- approved scheme could include exercise facilities for adults
- exercise and play
- facilities are concentrated into one side of the public realm, leaving other areas as quieter spaces for rest, relaxation
- open space -must provide of an acceptable operational plan detailing how it will be managed
- condition required the provision of some form of 'capital' funding from the scheme, to underwrite maintenance costs
- Concern that the scheme does not allow safe operation of pop-up, ticketed events for up to 3,000 people

KC-Conservation & Design

Supports the Cultural Heart initiative, with the redevelopment of an area of the town which is currently under-used and has great potential. A strong emphasis is placed on the restoration and viable uses of Queensgate Market and Huddersfield Library and Art Gallery, with new links to the historic King Street, Queen Street and the wider town centre.

- support the demolition of modern retail buildings within the Piazza
- welcome the restoration and adaptation of the listed market and library building with the repair and restoration of deteriorated elements

- amendments have been made in line with comments by the Conservation and Design Team, with clear justification submitted where changes would impact on the function of the buildings and internal space.

Some elements of the proposal, cause less than substantial to the heritage assets within and surrounding the site. This harm is clearly outweighed by substantial public benefits, with the redevelopment of an underused part of town and creation of a cultural area for public use, the enhancement of a significant space within the town, and the restoration and enhancement of Queensgate Market and Huddersfield Library and Art Gallery.

No objections to the scheme, subject to the conditions below and those attached to the associated listed building consent applications

KC Highway Structures

Response dated 07/02/23

No objections subject to conditions on retaining walls, surface water attenuation tanks and informative on private service tunnels

KC Ecology

Response dated 01/11/22

An Ecological Survey Report and Biodiversity Net Gain Assessment have been submitted with the application. The site is of minimal ecological value, offering limited opportunities for protected species.

The Biodiversity Net Gain (BNG) Assessment submitted with the report results in a post-development total of 3.61 Habitat Units equating to a gain of 55.68% against the baseline. The level of BNG can be secured through an appropriately worded condition, which will allow a management plan to cover a period of 30 years.

No objection to this application, and it will provide a useful tool in connecting a highly urbanised environment to the wider area, providing significant recourses for a wide range of biodiversity receptors.

KC Trees

Response dated 23/01/23

The updated landscape scheme provides more planting around the Venue, car park and Queensgate frontage; and more tree planting on edge of The Square. The detail provided of the tree planting in general is very good and reassures the Council that the new trees will include large and medium trees with suitable soil volume for them to become established and withstand the environmental challenges of the urban area. Tree cover in the site will increase as a result of the proposals and over time will have a much greener and softer environment for users of the area which along with the design of the landscape should encourage much more use of the green area than currently occurs.

The landscaping scheme not only replaces the trees removed from the existing site but will enhance the area with more trees that will create a better environment around the built elements.

The existing tree information will need to be updated so recommend a condition to request it be attached should consent be granted.

KC Environmental Health (Pollution & Noise Control)- No objections

Responses dated 28/10/22 and 23/01/23

Air Quality

The site is located within Kirklees Councils Air Quality Management Area (AQMA) No.9 which encompasses Huddersfield Town Centre and was declared due to exceedances of the annual mean air quality objective for nitrogen dioxide (NO₂). An Air Quality Assessment has been undertaken

A qualitative assessment of construction phase impacts associated with fugitive dust emissions was undertaken and a damage cost calculation. Officers recommend a Dust Management Plan to control fugitive dust emissions during the construction phase is included within the site-specific Construction Environmental Management Plan.

Require a condition requiring a scheme to be submitted regarding the Electric Vehicle Charging Points

Contaminated Land:

The technical note summarises the several potential sources of contamination including contaminated made ground, contaminated perched and shallow water, infilled land and mine workings. In addition, several potential pollutant linkages are identified. An Intrusive investigation is necessary. No objection to the application subject to the necessary contamination land conditions being applied to any permission granted.

Noise

The applicants have submitted the following Noise Impact Assessments that identify the nearest noise sensitive receptors. The submitted reports are accepted but further information will be required once design details have been finalised. A condition is therefore necessary.

Artificial Lighting

Public Realm Lighting Strategy by Arup (ref: CDT430201-ARP ZZ-ZZ-RP-YL-00002), dated 30th Sept 2022, has been submitted. Officer's accept the lighting strategy and therefore recommend a condition to secure the mitigation as detailed in the accepted report.

Construction Environment Management Plan

Although the Environmental Statement lists the general mitigation for dust control from the IAQM guidance, this does not constitute a site-specific Construction Environmental Management Plan. It also does not adequately address the possible loss of amenity from noise during construction. Officers therefore recommend a condition requiring a site-specific Construction Environmental Management Plan.

Environmental Health Officers have no objection subject to several conditions

KC Street Scene

The proposed redevelopment does not include residential properties and therefore the Waste Collection Authority does not have a duty to collect waste from the site unless requested to do so. The WCA does want to ensure any new developments have appropriate waste storage capacity on site for a range of source separated wastes and to maximise recycling and efficient collection

The Site Waste Management Plan (SWMP) is focussed on waste generation during the demolition and construction activities whereas the Operational Recycling and Waste Strategy relates to ongoing servicing of the site. The level of detail in both documents is welcomed and has addressed the points raised in the pre application discussions.

KC Public Health – No Objections

Response dated 27/10/22

Commented on the Rapid HIA that submitted by the applicants

9.0 SUMMARY MAIN ISSUES

9.1 The main planning issues are relevant to this application are as follows:

- Environmental Impact Assessment
- Principle
- Town Centre Planning Policy Considerations
- Economy and Investment Opportunities
- Phasing & Delivery
- Urban Design and Public Realm
- Impacts upon Heritage Assets
- Access Highways and Sustainable Travel
- Waste and Recycling
- Residential Amenity and Public Health
- Drainage
- Biodiversity & Trees
- Security and Designing out Crime

Environmental Impact Assessment

9.2 The statutory requirements for carrying out an EIA, the contents of the ES and the procedures for determining planning applications for 'EIA Development' are set out within the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 as amended (the "EIA Regulations").

9.3 The site has previously been subject to EIA Screening (Ref 2022/20030) and EIA Scoping Request. The council's EIA screening response dated 3rd March 2022 concluded that the proposal did not require an Environmental Statement (ES). The submission of the planning application in September 2023 deviated from the pre-application submission in terms of the floorspace the application red line boundary which necessitated a further EIA screening opinion to ensure consistency. The

response dated 4th January 2023 (ref 2022/93248) concluded that that the proposed development has been assessed under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and does not require an Environmental Statement.

- 9.4 It should be noted the applicants submitted a voluntary Environment impact Assessment with the planning application. A Scoping Request was made on 8th June 2022. Technical responses from Kirklees Council Officers covering Transport, Air Quality and Heritage matters were subsequently provided. The matters considered in the ES are as follows:
- Chapter 1 Introduction
 - Chapter 2 Assessment Scope and Methodology
 - Chapter 3 The Application Site
 - Chapter 4 The Proposed Development and Alternatives Considered
 - Chapter 5 Planning Policy Context
 - Chapter 6 Socio-Economics
 - Chapter 7 Cultural Heritage
 - Chapter 8 Transport
 - Chapter 9 Air Quality

Principle

- 9.5 Planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions. The Local Plan strategy and policies should be considered as a whole and was found to be an appropriate basis for the planning of the borough by the relevant Inspector, strongly encourages the use of the borough's brownfield land.
- 9.6 The site is unallocated in the Kirklees Local Plan within the defined Huddersfield Town Centre boundary. (TCB1), predominately in the primary shopping area (PSA1) and includes 5 primary shopping frontages as designated in the local plan. These are:
PSF5 (part, 20- 24 King Street)
PSF8 1 Princess Alexandra Walk to 20 Princess Alexandra Walk
PSF9 1 The Shambles to 21 Princess Alexandra Walk
PSF10 12 The Shambles to 11 Victoria Lane
PSF12 (Queensgate Market)

The main policy considerations are set out below. Policy LP2- Place Shaping: states that all development proposals should seek to build on the strengths and opportunities and help address the challenges identified in order to protect and enhance the character of these places. The proposal is in the Huddersfield sub-area. The strengths and opportunities of the site are summarised below:

- 9.7 Strengths/Opportunities
- The town centre is the district's main cultural and leisure hub with opportunities to enhance this provision
 - The town centre is a focus for shopping and leisure and there are opportunities to enhance this provision, including through enhanced independent retail
 - Priority in Kirklees Economic Strategy to revitalise Huddersfield town centre

9.8 Challenges

- Poor air quality in some areas
- Some historic buildings are in poor condition

9.9 At the Cabinet meeting of 25th February 2020 the council endorsed the 'Huddersfield Blueprint' which is the regeneration strategy for Huddersfield town centre. The Blueprint is a ten-year vision to create a modern and thriving town centre including a vibrant culture, art and leisure offer at the new 'Cultural Heart'.

The council's vision for the Cultural Heart as set out in the Cabinet Report is for '*a new Cultural Heart, built around the Queensgate Market and library building, which includes; a library, art gallery, museum and live music venue in the Piazza and Queensgate area. As part of the new Cultural Heart, the plans propose to remove buildings in the Piazza area to create a large, family-friendly open space for people to gather.*'

9.10 The proposal accords with policy LP2 as a major scheme aiming to revitalise Huddersfield Town Centre which will enhance the culture and leisure provision and it is identified in the Council's regeneration strategy.

9.11 LP3 Location of new development: states that development proposals will be required to reflect the Spatial Development Strategy, Policy LP1 Presumption in Favour of Sustainable Development and Policy LP2 Place Shaping. This means: 1) Development should reflect:

- a. the settlement's size and function; and
- b. place shaping strengths, opportunities and challenges for growth; and
- c. spatial priorities for urban renaissance and regeneration; and
- d. the need to provide for new homes and jobs.

9.12 The Spatial Development Strategy highlights that the place based approach allows most growth to be met in the main urban areas of Huddersfield and Dewsbury in accordance with the spatial vision and a more flexible approach elsewhere to achieve a sustainable pattern of development. More specifically, it states that 'the focus of new retail, leisure, office, cultural and tourist facilities development is in the district's identified centres and on identified mixed use allocations, taking advantage of existing services and high levels of accessibility.'

9.13 To deliver the Spatial Development Strategy in relation to strengthening the role of town centres, a regeneration focus on Huddersfield Town Centre is identified. The scale and mix of uses proposed for this development as part of the regeneration of Huddersfield Town Centre is in accordance with policy LP3.

9.14 Policy LP13 Town centre uses: defines Huddersfield Town Centre as a Principal Town Centre and its role and function is to: 'Provide for the shopping needs (particularly for non-food goods) of residents across Kirklees. The main focus in Kirklees for the provision of financial and professional services; offices, entertainment; sport, leisure, arts, culture and tourism facilities; further and higher education; and health services.' LP13 states that centres should provide a mix of uses to serve the local community, businesses and visitors, the uses should complement each other whilst retaining a strong retail core and aim to provide a range of uses to support the daytime and evening economy. The proposal provides a mix of uses that

complement each other and introduces new leisure and cultural uses in the form of a music venue and museum of a type and size not currently in the town centre. Through providing a range of new and enhanced facilities and services the proposal should support both the daytime and evening economy.

- 9.15 The entertainment, leisure, arts and culture facilities proposed are main town centre uses and are of a scale appropriate for Huddersfield Town Centre. The proposal will enhance the experience of those visiting the centre and should support the centre to retain and increase its market share.
- 9.16 LP14 Shopping frontages- The site is within the primary shopping area of Huddersfield Town Centre and includes the 5 primary shopping frontages proposed to be demolished, as set out above. In the case of PSF 12 Queensgate Market, part of the frontage is proposed to be demolished and remaining structure redeveloped into the food court.
- 9.17 Paragraph 86 in chapter 7 of the NPPF, Ensuring the vitality of town centres, states that 'Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.' Town centres and retail planning practice guidance highlights that local planning authorities need to consider structural changes in the economy, in particular changes in shopping and leisure patterns and formats and the impact these are likely to have on individual town centres. The Government's 'High Streets and Town Centres in 2030' report (February 2019), highlights that the impact of the growth in on-line shopping on town centres in the form of store closures, persistently empty shops and declining footfall is clear. It goes on to state that town centres can survive and thrive if they adapt with a vision for activity-based community gathering places where retail is a smaller part of a wider range of uses including green space, leisure, arts and culture. This is reflected in the Huddersfield Blueprint vision.
- 9.18 It is considered that the loss of long-term vacant units and primary frontages at this specific location within the primary shopping area with the regeneration focus on town centre uses could help to strengthen the remaining retail core. The regeneration of the piazza area should attract visitors to the town centre facilitating linked trips and enhance the vitality and viability of the centre supporting the Blueprint vision
- 9.19 LP16 Food and drink uses and the evening economy- Policy LP16 supports proposals for food and drink and licensed entertainment uses within defined centres subject to 'ensuring the concentration of food and drink and licensed entertainment uses are not located in a particular centre or part of a centre, where they would result in harm to the character, function, vitality and viability of the centre, either individually or cumulatively.
- 9.20 LP17 Huddersfield Town Centre- This policy seeks to meet a priority of the Kirklees Economic Strategy 2014-2020 to revitalise Huddersfield Town Centre with more cultural, leisure and independent retail attractions, with the aim of increasing pedestrian footfall and vitality of the town centre. Revitalised centres are set out as a priority in the Kirklees Economic Strategy 2019 – 2025.

- 9.21 LP17 states that 'Huddersfield Town Centre will be the principal focus for high quality comparison retail goods within the district, supported by a range of leisure, tourism, office (including high quality grade A office space), and other main town centres uses.' Criteria defines where proposals for new development will be supported.

Conclusion on Principle

- 9.22 Given national policy support in the NPPF, particularly through chapters 7 and 12 and local policy, through a number of Kirklees Local Plan policies, including LP2 and LP17 for investment within Town Centres, and the Huddersfield Blueprint which establishes the regeneration strategy for Huddersfield town centre, as a major scheme aiming to revitalise Huddersfield Town Centre, the principle of development can be supported.

Town Centre Planning Policy Considerations

- 9.23 The new uses proposed as part of the KCH scheme include leisure and entertainment, including the new concert venue (which can also be used for conference facilities), restaurants in the food offering within the new food hall, arts and culture development including the new museum, art gallery and library. These proposed developments are all considered 'main town centre uses' as per the Government NPPF definition and therefore accord with the Government approach to allowing a variety of uses within the Town Centre and do provide a number of 'active ground floor uses' in (part) accordance with Policy LP14.
- 9.24 The NPPF have broadened the range of 'main town centre uses', but the changing nature of the 'traditional high street', the impact of Covid-19 and changes to the Use Classes Order (amended on 1st September 2020) relating to Class E and F (where permitted development rights are set out in the Town and Country Planning (General Permitted Development) (England) Order 2015) are material considerations that need to be considered, and which outweigh outdated frontage policies. The introduction of the new Class E and F uses are designed to bring flexibility to town centres to enhance vitality and viability.
- 9.25 Retailing on the traditional high street and also the impacts of the Covid 19 pandemic has resulted in a closure of significant numbers of shops within Huddersfield, including long established chains such as BHS, House of Fraser and M&S Foodhall.

Retail Impact Assessments:

- 9.26 Retail Impact Assessments are necessary for proposals (including the formation of mezzanine floors) for/or which include retail, leisure and office developments which are not located within a defined centre. Given the proposals are for 'Main Town Centre Uses' as defined within the NPPF glossary, and are all entirely within the Town Centre, a Retail Impact Assessment is not required.

Sequential Test:

- 9.27 Local planning authorities are required by paragraph 87 of the NPPF apply a sequential test to planning applications which come forward for main town centre uses, which are located outside of the defined centre boundaries. Given that the proposals are located within the Primary Shopping Area and not outside the defined centre boundary, a sequential test is not required to be submitted for this development proposal.

9.28 Relocation of Existing Retailers

It is noted that the applicants comment within the Planning Statement that the existing retailers and traders within the Market Hall have been offered opportunities for relocation to the Huddersfield Open Market or other premises within the town centre. Relocations will help to consolidate and strengthen the retail offer in other parts of the Town Centre. These decisions are made by the individual retailer, and whilst some are, others are not. By September 2022 24 of the 33 businesses from Queensgate Market were understood to be relocating elsewhere within the town centre.

Employment, skills and social value

9.29 Kirklees Council Economic Strategy was published in April 2019 and covers the period 2019-2025. The vision of the Economic Strategy is to create an inclusive and productive Kirklees

9.30 Local Plan policy LP9 states that the council will work with partners to accelerate economic growth through the development of skilled and flexible communities and workforce in order to underpin future economic growth to deliver the Kirklees Economic Strategy. It adds:

Wherever possible, proposals for new development will be strongly encouraged to contribute to the creation of local employment opportunities within the district with the aim of increasing wage levels and to support growth in the overall proportion of the districts' residents in education or training. Applicants should reach an agreement with the council about measures to achieve this, which could include: provision of specific training and apprenticeships that are related to the proposed development or support other agreed priorities for improving skills and education in Kirklees or the creation of conditions to support a higher performing workforce, increasing productivity and the in work progression of employees. The Council will therefore seek to secure an agreed training or apprenticeship programme with applicants [where specified thresholds are met by proposed developments].

9.31 The proposed development meets one of the thresholds set out in policy LP9 for employment developments delivering 3,500sqm or more of business or industrial floorspace). The applicants submitted an Economic Benefits Statement (ref: P21-0731 ROO1v5 EC EBS). The main findings of which can be summarised below:

Operational impacts:

9.32 Direct and indirect construction-related employment: The Proposed Development will support up to 924 temporary jobs on and off-site during the 3-year build phase.

9.33 Contribution of construction phase to economic output: It is estimated that up to £148million of gross value added (GVA) could be generated during the 3-year construction period in current price

Operational Impacts:

9.34 Employment: The Proposed Development will support up to 459 gross full-time equivalent jobs on-site once operational.

- 9.35 Contribution to economic output: The additional GVA attributable to the site once operational and fully occupied is estimated at £10.2million per annum.
- 9.36 Social value: It is estimated that the Proposed Development will generate £10.5 million in social value from the museum, gallery, library and other cultural activities and amenities.
- 9.37 Visitor Spend: It is estimated that spend from day visits and overnight visits to the scheme will be around £18.1 million.
- 9.38 Officer's consider that the applicant's estimates appear to demonstrate an acceptable and substantial economic benefit to Huddersfield
- 9.39 On 21/09/2022, Cabinet approved a Social Value Policy which defines social value as:
- ...the broad set of economic, social and environmental benefits that may be delivered in addition to the original goods or service being provided. They may include jobs and training, support of local businesses and community organisations, and to our environment. These benefits may be delivered through procurement, our employment practices, our grants and investments or other processes.*
- 9.40 The Social Value Policy confirms that the council will consider social value in relation to planning and development, particularly major planning applications. The council will negotiate social value obligations for all major developments, within the exiting Local Plan policy framework and subject to meeting legal tests of the Section 106 process and will use Section 106 agreements and other levers to ensure commitments are achieved.

Phasing & Delivery

- 9.41 Para 4.2.4 of the applicants Environmental Statement is relevant to the phasing of the development and states- *It is the ambition of the Council, to bring forward the development comprehensively, although component parts can be brought forward at different phases, if required*".
- 9.42 Planning for construction does require some flexibility and could be subject to modification during the development of the site. The applicants also state that *the likely significant effects of the construction of the Proposed Development have been identified with the best possible degree of accuracy.*
- 9.43 The proposed working procedures during the construction period will be provided to Kirklees Council (and other relevant bodies) in the form of a Construction Management Plan (CMP) and/or Construction Environmental Management Plan (CEMP) prior to commencement of the works, to be subject and this will be required by planning conditions planning condition. This will include confirmation of working hours. The proposed measures would include for 'Standard measures and the adoption of construction best practice methods' as referred to in the Assessment Approach and presumed to be in place for the purpose of the technical assessments set out in the ES assumes a multi-year build programme, and the first phase will be the works for the proposed food hall, new library and the outdoor event space. Any grant of planning permission will be conditioned so that a phasing plan can be submitted once to the LPA to give more detail when a construction programme has evolved.

9.44 The applicants have requested a 5-year timeframe with which to commence development. So would extend the standard timeframe of 3 years by a further 2 years. The scale of the uncertainty of the economy is such that project and the applicants request is considered to be reasonable and justified. Officers do not oppose this request and should committee members wish to grant permission a 5 year timeframe with which to commence development would be attached by condition.

Urban Design & Public Realm

9.45 Local Plan policies LP2, LP5, LP7 and LP24 are of particular relevance to this application in relation to design Chapters 11 and 12 of the NPPF also relevant. Paragraph 130 of the NPPF outlines criteria for assessment in respect to the design of new developments and states: 'Planning policies and decisions should ensure that developments:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change

9.46 In terms of local policy, Local Plan policy LP24 Design -sets policy guidance and criteria for assessing proposals and promotes good design by ensuring amongst other things :

- a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape;
- b. they provide a high standard of amenity for future and neighbouring occupiers;
- c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers;
- d. high levels of sustainability, to a degree proportionate to the proposal (set criteria)

9.47 The site is not allocated however, the site is identified as being within the Huddersfield Town Centre. Huddersfield Blueprint followed extensive public engagement. The plan aims to deliver five key objectives for Huddersfield Town Centre:

- A vibrant culture, art,
- leisure and nightlife offer,
- thriving businesses,
- a great place to live,
- improved access and enhanced public spaces

- 9.48 The 6 key areas within the Huddersfield Blueprint are Station Gateway, St Peter's, Kingsgate and King Street, New Street, the Civic Quarter and a new Cultural Heart in the Queensgate and Piazza area.
- 9.50 At pre-application stage the applicants submitted several documents including visual images of the scheme. Officers advised the applicants that the proposed massing along the Queensway ring road would provide suitably strong definition, although building heights would need to be assessed in relation to the settings of heritage assets and having regard to existing heights to the south and east. Additionally, officer's supported the removal of the large blank elevation opposite the Lawrence Batley Theatre which was welcomed, as it would enable greater appreciation of this cultural attraction and heritage asset, and related activities could spread out onto the steps/slope proposed opposite. The improved route from Queensgate to Ramsden Street was also welcomed
- 9.51 The applicants submitted a Townscape and Visual Impact Assessment (TVIA) to support the planning application. The main objectives of the TVIA are as follows:
- to identify, evaluate and describe the current landscape / townscape character of the site and its surroundings and also any notable landscape / townscape features within the site;
 - to determine the sensitivity of the landscape / townscape to the type of development proposed;
 - to identify potential visual receptors (i.e. people who would be able to see the development) and evaluate their sensitivity to the type of changes proposed;
 - to identify and describe any impacts of the development in so far as they affect the landscape / townscape and / or views of it and evaluate the magnitude of change due to these impacts;
 - to develop mitigation measures to avoid, reduce and compensate for landscape / townscape and visual impacts; and
 - to evaluate the relative significance of residual landscape / townscape and visual effects
- 9.52 The TVIR recognises the importance of the retention and appreciation of the ten large, ceramic artwork panels along the Market's eastern edge are designed by the Architect Fritz Steller who pioneered the production of large-scale ceramic art. These panels are set over natural stone cladding and represent - in abstract form - the 'mushroom' shells of the Market as well as the goods on sale. One public representation comments that the application seems to disregard the significance of the grade II listed staircase through ceramic panel 10 onto Queensgate. The form and geometry of the 1970 staircase was extraordinary with an apparently unsupported raw. Additionally commenting that this highly sculptural form is unusual and spectacular – not just a utilitarian staircase that has carried many hundreds of people a day for 50 years.

- 9.53 Also of significance is the 'Castle Hill Setting Study'; 2nd August 2016; by Kirklees Council. This report refers to its views and relationship with the town centre ...the most striking element of the view to the north is certainly the urban centre of the Huddersfield, which, while relatively compact, contains a number of tall buildings, both commercial and residential, as well as industrial features.
- 9.54 The applicants TVIA dissects the site into zones 1-4 and identifies changes to the character of the site itself range from major to moderate levels of effects, with effects varying across different zones within the site in terms of the magnitude of change. Changes to townscape character comprise alterations to height, scale, massing; style; legibility and public realm.
- 9.55 Officers concur with the conclusions of the TVIA and agree that the proposals will result in the total transformation of townscape character of some areas, while largely retaining - yet enhancing the existing character of other areas. In all cases, changes to townscape character confer decidedly beneficial effects across the site. Officers recognise the benefits of the scheme in terms of the following positive impacts upon townscape
- creation areas of large swathes of public realm
 - creation of a new civic square in the heart of the site
 - revealing heritage assets particularly listed buildings and their setting such as the adjacent Lawrence Batley theatre and Huddersfield Town Hall
 - restoring the previous strong connections between the conservation area to the west and the east of the site.
 - pedestrian accessibility
 - removal of buildings of generally poor design and condition which do not sit well against surrounding built form
- 9.56 Whilst the application has been supported with details of materials the precise tone of colour and texture of finish can be agreed by condition discharge stage involving sample boards on site.
- 9.57 The proposal is therefore considered to comply with the objectives of the of the Huddersfield Blueprint, the aspirations in terms of Chapter 12 of the NPPF and particularly paragraph 130. and Local and policy LP24.

Impacts upon Heritage Assets

- 9.58 Section sections 16(2) 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the council to have special regard to the desirability of preserving the nearby listed building, its setting and any features of special architectural or historic interest which it possesses and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. Furthermore, paragraphs 199 and 200 of the NPPF state that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be), and that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification. Local Plan policy LP35 states that development proposals affecting a designated heritage asset should preserve or enhance the significance of the asset and it mirrors paragraph

9.59 The applicants submitted Heritage Impact Assessment V2 in December 2022 which focussed on the changes proposed to the two listed buildings within the site, the Museum (former Library & Art Gallery) and the Food Hall & Library (Former Queensgate Market). The significance of each asset was considered in terms of *Historic Interest, Archaeological Interest* and *Architectural & Artistic interest*. The proposed works to the listed buildings are categorised within sections 2&3 of the relevant Heritage Impact Assessment as Removal, Intervention & Renewal:

Museum (former Library & Art Gallery)

9.60 The most significant visual change proposed for the existing library and art gallery building to form museum is the extension to the northern elevation. As part of the applicants' justification for the extension supporting documents states that the northern elevation of the library was not considered to be of aesthetic or architectural significance particularly when compared to the buildings other elevations. The scheme will accommodate the following spaces within the new extension.

- New public entrance to the north with café and shop
- New public facilities including accessible w/c, changing places facility and bike store
- New spaces design to support education and public engagement with museum collections
- New environmentally controlled exhibition spaces
- New plant & storage spaces to enable the building to operate to modern standards

9.61 The extension will be realised through multiple alterations to the listed building fabric. The maximum classification of harm caused by the alterations and extension proposed to the building has been considered by Historic England to be no greater than *less than substantial harm*.

Food Hall & Library (Former Queensgate Market)

9.62 The most significant visual change proposed for the Queensgate Market building to form food hall and library is the proposed demolition and removal of existing building fabric.

- Removal of Panopticon / Market Managers Office
- Removal of Market Stalls and Plinths
- Removal of self-contained shop units and arcade to the north edge of the market hall inclusive of the dividing wall onto which 'Commerce' is mounted
- Removal of shop units 1-27 and arcade that once linked Princess Alexandra Walk through the market into the carpark. Also offices at First Floor.
- Removal of shop units 177-188 at the west edge set below the pavement of Peel Street
Removal of space beyond shop units 165-168 including former carpark entrance
- Removal of Basement Mezzanine – stall holders stores

9.63 As part of the applicants' justification for the proposed works the Heritage Impact Assessment states that the level of the harm is assessed as a consequence of the volume of proposed change which is most visually evident in the transformation of an introspective indoor market full of low-rise stalls to an open and accessible food hall. The assessment recognises that the works will not result in the complete loss of any

element of high heritage significance. Where loss of fabric has been proposed it has been balanced by design measures to first minimise and then mitigate the potential harm. However, the level of harm caused by the scope and scale of work required will be at the upper end of 'less than substantial' due to the extent and removal of the original fabric.

- 9.64 Historic England agreed the harm caused would be to be no greater than less than substantial harm, in their consultation response dated 11.11.22 below:

Given the transformative nature of the proposals, there are some elements that would cause harm to the significance of the listed buildings. This harm has been well understood by the applicants and contained within the "less than substantial" bracket

- 9.65 The applicants state that they engaged with statutory consultees, such as Historic England and the 20th Century Society prior to submission of the planning and listed building applications. Their responses to the planning and listed building applications are summarised in the consultee responses section of this report: Committee members can view their responses in full on the council's website at:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022%2f93248>

- 9.66 Historic England made comments on the scheme but had no objection to the applications on heritage grounds, stating that the issues and safeguards outlined in our advice need to be addressed in order for the applications to meet the requirements of paragraphs 199, 200 and 202 of the NPPF. The Twentieth Century Society (TCS) and Historic Buildings & Places raised some concerns particularly focussed on works to the Market Hall. TCS stated on 15th November 2022 -*We remain concerned about proposals to 'peel back' the market elevations to reveal the mushroom columns*

- 9.67 In terms of Huddersfield Civic Society, consultation response they objected on several grounds and commented on others. Their objections focused on viability and economic benefits, car parking provision and operation, the outdoor event space, accessibility for people with disabilities and cycle users, multi-modal access and cycle parking provision.

- 9.68 A series of amendments (listed in Negotiations section of the report) were made by applicants dated 2nd December 2022, following comments received during the ongoing statutory public consultation phase. A full re-consultation and further full publicity period was undertaken. No further concerns have been raised from any of the external heritage consultees above.

KC Conservation & Design officer's consultation response is below

Demolition:

- 9.69 Extensive demolition of late 20th century buildings is proposed, with the removal of the parade of shops on the east side of the Piazza, which were constructed in the 1980's, along with the modern shop units to the north of the library. These buildings have no historic significance and therefore the Conservation and Design Team has no objections to their demolition to enable the enhancement and redevelopment of a large part of the town centre. The removal of a substantial and rather blank elevation facing Queen Street will greatly enhance the setting of the Grade II* listed Lawrence

Batley Theatre, with extensive new landscaping providing an attractive open space connecting the Piazza with the wider town, in particular King Street and Queen Street.

- 9.70 The partial demolition of the parade of shops at the northern end of Queensgate Market is proposed and is supported. This parade was added to the market hall shortly after it was built and makes no contribution to the architectural interest or significance of the building. Demolishing it will provide an outdoor leisure and event space which is well connected to the food hall in the market building. Details are discussed within the listed building consent application 2022/93235. Demolition of the multi-storey car park at the southern end of the site has already been carried out.

Queensgate Market (Proposed Library and Food Hall)

- 9.71 The Conservation and Design Team supports this proposal, which is assessed in the listed building consent application 2022/93235.

Huddersfield Library and Art Gallery (Proposed Museum)

Following minor amendments to the design, and justification for the scale and detailing of the extension, the Conservation and Design Team supports this proposal which is assessed in more detail under the listed building consent application 2022/93234.

Gallery

- 9.72 A public gallery is proposed on the site of the parade of Piazza shops which backs onto Queen Street. This linear building extends along Queen Street, stopping short of the Lawrence Batley Theatre, where a wide set of steps leads down from the proposed urban park.
- 9.73 The building is constructed in natural stone with expanses of glazing and elements in dark metal (colour and details to be confirmed). The design of the gallery buildings follows the theme within the Piazza area, with natural stone and dark metal cladding, with the architectural detailing complementing the detailing on the Library and Art Gallery (museum) extension and providing a coherent development. A live frontage at street level on Queen Street brings interest to this elevation and is considered to be an enhancement to the existing building. We accept that the basement level service areas need to be retained with associated access requirements as this will minimise clutter at street level.
- 9.74 A taller gallery building is proposed on the corner of Queen Street and Queensgate. Having initially considered that this building had the potential to dominate the corner, the design has been further amended to break up the massing by introducing more fenestration facing the proposed steps. Colour and texture of final materials will also play an important role in providing a coherent element to the development as a whole. As the building is set back from the corner of Queen Street its impact on the setting of the listed terrace on the east side of Queen Street is kept to a minimum, with a large tree on the junction retained to soften and partially obscure the east elevation.
- 9.75 We have no objections to this proposal, subject to details of external materials being submitted for approval. We would suggest that the areas of dark metal are in a patinated bronze colour to provide continuity with the Library and Art Gallery (museum) building.

The Venue

- 9.76 The Venue is a substantial building which replaces the recently demolished multi-storey car park. A key consideration is the impact of this building on the setting of the listed Queensgate Market. Set directly adjacent to the ring road, it is considered that the site can accommodate a large well-designed and well-proportioned building. The scale of the building has been justified by the need to provide a large venue for indoor events along with undercroft car parking at the lower levels. The previous multi-storey car park set a precedent for a large-scale building on this site, and even before that the site was occupied by warehouses and college buildings which are likely to have been tall buildings. Located on a prominent corner plot and key gateway into the town centre, officers consider the Venue to make a strong and positive contemporary architectural contribution.
- 9.77 Initial queries regarding the scale of the building and the vertical emphasis of the external elevations, particularly facing Queensgate, to minimise any conflict with the horizontal emphasis of Queensgate Market and its parabolic mushrooms have been further explored and overcome resulting in some minor changes being made to the east elevation, with horizontal detailing following the line of the market building, glazing and external finishes at ring road level creating a live frontage which reduces the visual massing.
- 9.78 The predominant construction material in the immediate vicinity is natural stone. It is therefore important that any new material palette both respects and enhances the surrounding context and setting. This can be achieved by using contemporary design and materials and it is considered that securing high quality materials and finishes will significantly contribute to the overall success of the scheme. For this reason, it is imperative that parameters relating to material selection and colour finishes/textures are broadly outlined prior to determination. To this end, the applicant/architect has provided additional information regarding proposed materials and indicative colour swatches for each aspect of the scheme which are broadly accepted. However, such matters will need to be finalised and approved via the imposition of carefully worded conditions in order to secure the high quality of design and materials being tabled in this application and to avoid any potential future dilution of the scheme via amendments or resubmissions.

Landscaping

- 9.79 Demolition of the modern Piazza shop units will open up views across Queen Street and King Street, greatly improving the connectivity of this area with the historic town centre to the north and east. Views of the Grade II* listed Lawrence Batley Theatre will be significantly improved with the demolition of a substantial and relatively blank wall at the rear of the late 20th century Piazza development.
- 9.80 New steps from the Piazza to Queen Street and the university will provide greatly improved access to the wider town, and improved connectivity both visually and physically, with paths leading from the wider town to provide level access. The demolition of the shops at Queensgate Market will better reveal the significance of Huddersfield Town Hall and enhance its setting.
- 9.81 It is essential that the materials, boundary treatments, street furniture and planting are of a high quality and finish resulting in minimal clutter and a well-considered palette, with well-designed anti-social measures and a maintenance plan put in place. Again, it is recommended that a set of landscape parameters relating to materials and

finishes should be outlined and agreed prior to determination to secure the high quality of design and materials being tabled in this application and to avoid any potential future dilution of the scheme via amendments or resubmissions.

Conclusion

- 9.82 The Conservation and Design Team supports the Cultural Heart initiative, with the redevelopment of an area of the town which is currently under-used and which has great potential. A strong emphasis is placed on the restoration and viable reuses of Queensgate Market and Huddersfield Library and Art Gallery, with new links to the historic King Street, Queen Street and the wider town centre.
- 9.83 The demolition of modern retail buildings within the Piazza is supported as this will greatly enhance this part of the town and the setting of the listed buildings and conservation area, while creating a high-quality area for cultural and leisure uses. We welcome the proposed re-use of reclaimed materials, particularly the ashlar stone, from the demolition of the Piazza buildings.
- 9.84 We welcome the restoration and adaptation of the listed market and library building, with the repair and restoration of deteriorated elements, improvements to energy efficiency and accessibility, and new sustainable and new viable public uses. We understand that some major changes are proposed to these buildings to facilitate its future reuse. It is considered that the public benefits arising from such changes outweighs the minor harm arising and in tandem, other aspects of the scheme seek to ensure that the overall character of both buildings is maintained, with architectural elements restored, enhanced and its significance better revealed.
- 9.85 It is acknowledged that some elements of the proposal, including the changes referred to above and the construction of substantial buildings, cause less than substantial harm to the heritage assets within and surrounding the site. Negotiations have taken place to reduce/limit the harm and minor amendments have been made in line with comments by the Conservation and Design Team, with clear justification submitted where changes would impact on the function of the buildings and internal space.
- 9.86 This harm is clearly outweighed by the substantial public benefits, with the redevelopment of an underused part of town and creation of a cultural area for public use, the enhancement of a significant space within the town, and the restoration, enhancement and active re-use of Queensgate Market and Huddersfield Library and Art Gallery.
- 9.87 In conclusion, we have no objections to the scheme, but in order to secure the high quality of design and finish proposed, it is recommended that the following conditions and those attached to the associated listed building consent applications are imposed.

Recommended conditions

- 9.88 If the application is supported, we recommend the following conditions (the wording of conditions to be drafted and agreed between the parties but should include the following as standard):
- Details of all external materials for all new construction to be submitted for approval. Including samples of ceramic cladding and facing materials for the Venue, all new building stone and cladding, bronze cladding for the west bay of the Library and Art Gallery, access ramp details and materials, window frame

details. These are required to ensure a high-quality external finish and colour to the buildings.

- Landscaping details, materials, street furniture design, anti-social behaviour measures, a landscape strategy and a maintenance plan.
- External lighting strategy including specification details of lighting proposed, particularly for The Venue and Gallery.

9.89 Officers have considered the proposals and consultation responses from statutory and non-statutory consultees and local and national policies, including guidance within the NPPG. Heritage consultees advise that the level of harm caused by the development is less than substantial harm. Key paragraph 202 of the NPPF states as follows:

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

9.90 The National Planning Practice Guide (NPPG) defines what is meant by the term public benefits and Paragraph: 019 Reference ID: 18a-019-20190723 states that public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. Officers consider that the public benefits of the scheme would include but not restricted to the following that are included (pages 42-50) within the applicants planning Statement

- Support up to 924 temporary jobs on and off-site during the 3-year build phase.
- Contribution of construction phase to economic output: £148million (estimated) of gross value added (GVA) could be generated during the 3-year construction period in current prices
- Support up to 459 gross full-time equivalent jobs on-site once operational.
- The sites falls within two LSOA's, which are in the top 10% and 30% deprived in the England.
- The additional GVA attributable to the site once operational and fully occupied is at £10.2million per annum (estimated)
- The securing of the long-term future of the Library and Art Gallery, as a museum, through a viable re-use and inclusion of energy efficiency measures that shall ensure the continuation of its accessibility to the public.
- The securing of the long-term future of the Queensgate Market, as a library and food hall, through a viable re-use and inclusion of energy efficiency measures that shall ensure the continuation of its accessibility to the public.
- Enhancement to the Huddersfield Town Centre Conservation Area

- Social value: It is estimated that the Proposed Development will generate £10.5 million in social value from the museum, gallery,
- Visitor Spend: It is estimated that spend from day visits and overnight visits to the scheme will be around £18.1 million.
- Creation of a multifunctional town centre
- A reinvigorated town, including evening offer, across 365 days a year, both indoors and outdoors
- Greatly enhanced community facilities
- Achievement of c55% BNG
- Improved health and well-being.

9.91 Officers consider that the substantial benefits (some of which are listed above) are more than sufficient to outweigh the less than substantial harm caused by the scheme. Consequently, officers consider that the proposal complies with Policy LP35 Kirklees Local Plan, sections 16(2), 66(1) and 72(1) and of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paragraphs 199 200 and Paragraphs 202 of the NPPF.

Access Highways and Sustainable travel

9.92 Local Plan policies LP5, LP19, LP20, LP22, LP23, LP24 are relevant to the scheme. Policy LP21 requires development proposals to demonstrate that they can accommodate sustainable modes of transport and can be accessed effectively and safely by all users. The policy also states that new development will normally be permitted where safe and suitable access to the site can be achieved for all people, and where the residual cumulative impacts of development are not severe. Kirklees Highway Design Guide SPD is relevant to parts of the scheme.

9.93 Paragraph 110 of the NPPF states that, in assessing applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, that safe and suitable access to the site can be achieved for all users, and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or highway safety, can be cost-effectively mitigated to an acceptable degree. Paragraph 111 of the NPPF adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or if the residual cumulative impacts on the road network would be severe.

9.94 A Transport Assessment and Travel Plan were submitted to support the application and separate Highways Chapter is provided within the ES. Highways DM officers have assessed the proposal and have provided a consultation response dated 23/02/23, the main points are set out below:

Accessibility:

The site has been considered in relation to its level of accessibility

Buses: Huddersfield bus station located at Upperhead Row / Market Street is approximately 350m (5-minute walk) west of the KCH site, providing access to a significant number of local and regional Services.

Rail: Huddersfield Rail Station is located to the northwest of the town centre at St George's Square, approximately 500m (8-minute walk) northwest of the KCH site. This provides access to a range of local, regional and national rail services, including frequent services to Leeds, Manchester, Hull, Sheffield, Newcastle, Liverpool and Bradford.

Pedestrian: Pedestrian infrastructure in the vicinity of the proposed development is generally of a high quality. Well-lit, wide footways are provided with a range of crossing provision including dropped kerbs at town centre junctions and pedestrian crossing at traffic signal control junctions. To the south-east of the site, three signalised crossings are provided over the ring road. At the Alfred Street, Queen Street and Zetland Street junctions, the proposed new site access to the multi-storey car park (MSCP) will also incorporate pedestrian crossing facilities. In the vicinity of the site, New Street, King Street and Victoria Lane are all pedestrianised, with limited, service vehicle access.

Cycling: Recommended signed and advisory cycle routes are identified in the Huddersfield Cycle Map, that provide good cycle access within the town.

Vehicular access

The proposed Venue and MSCP are located to the south of the site bounded by Alfred Street to the west and the A62 Queensgate to the south and east. It is proposed to access the MSCP from a new access junction on A62 Queensgate, the new access replacing the former Markets car park accesses from Alfred Street and the subway from Queen Street South.

The new access takes the form of a signal-controlled junction located to the north-east of the car park, entering the car park at Lower Ground level. The junction incorporates a right turn lane in for traffic accessing from the north and a left turn lane in for traffic accessing from the south, maintaining the current two through-lanes on the Ring Road in both directions. The proposals provide a left-turn only lane out of the car park, which is combined with the service tunnel exit route. The junction incorporates pedestrian crossing facilities, replacing the existing staggered-crossing across the A62 Queensgate with a straight-across crossing providing improved crossing provisions for pedestrians and cyclists. The proposed access arrangements are considered acceptable in principle, subject detailed Highway Design comments and submission of an independent Stage 1 RSA and Designer's Response.

Service Vehicle Access

In terms of service vehicle access and servicing arrangements the KCH will use the existing retained Lower Ground level tunnels, accessed/egressed from existing points of access on A62 Queensgate and Queen Street. Separate service areas are provided in the tunnels for each building with lift access between the tunnels and buildings. It is proposed to manage service vehicle access to restrict service vehicle movements at peak times when cars are entering and leaving the car park. No specific details have been provided at this stage, HDM are satisfied that this can be conditioned and a condition requiring submission of a site wide Service Management Plan is proposed.

In addition, to the retained service tunnels a new service vehicle layby is to be provided on Alfred Street to enable direct access to the Venue for service vehicles involved in set up and take down of some events. The layby is 40m in length enabling access for up to two large articulated HGVs.

Taxis:

A new taxi rank was proposed on Ramsden Street immediately south-west of the Museum utilising an existing parking bay. On further investigation it has been confirmed that the TRO covering this parking bay permits loading only between 6am – 10am and 4pm – 8pm, disabled badge holder only parking between 10am – 4pm and taxis between 8pm – 6am. Local businesses have advised that they require this layby for loading. As the highway authority we would not wish to see the loss of disabled parking bays in the town centre. HDM are of the view that the layby should be retained with its current restrictions, taxis being able to use the layby between 8pm – 6am.

Car Parking:

The proposed MSCP provides a total of 350 car parking spaces across three levels, including 35 accessible spaces (10%) and 70 spaces with access to electric vehicle charging points (20%). Parking for motorcycles is also provided. The 350 parking spaces within the KCH scheme provides sufficient parking to accommodate weekday daytime events, however, for peak events on evenings and weekends at the Venue the KCH MSCP will not be sufficient and additional town centre parking will be required to accommodate parking demand

Car Parking Demand:

A parking accumulation exercise was undertaken using the forecast vehicle trip generation to determine total car parking demand for the different peak scenarios, as follows:

- Weekday Daytime Peak - comprising Museum, Art Gallery, Library and Food Hall demand and a Business/Conference event at the Venue The peak car parking demand is 250 spaces with maximum demand between 12:00-16:00hrs.
- Weekday Evening Peak - comprising Museum, Art Gallery, Library and Food Hall demand and a maximum capacity Music event at the Venue. The peak car park demand is 520 with maximum demand between 19:00-22:00hrs.

- Saturday Daytime Peak - comprising Museum, Art Gallery, Library and Food Hall demand and an Exhibition/Consumer event at the Venue as well as the regular small-scale activities at the Outdoor Event Space. The peak car park demand is 600 with maximum demand between 11:00-15:00hrs. The Saturday evening peak is similar to the Saturday daytime peak, the Exhibition/Consumer event being replaced by a maximum capacity Music event, with maximum demand between 19:00-22:00hrs.

The assessment does not present the car parking associated with Large Scale events at the Outdoor Event Space, on a weekend daytime or evening. Car parking demand for these larger scale events is approx. 480 parking spaces, which is similar to the maximum demand for peak evening and weekend events at the Venue. Ideally programming of events at the Venue and Outdoor Event Space will be required to avoid peak events at both locations at the same time. An Events Management Plan is proposed to coordinate the programming of events and minimise conflict of these potential peak events. In the unlikely event that events are scheduled at the same time, the Events Management Plan would identify additional off-site parking and the implementation of temporary signing and traffic management to advise drivers where to park and how to access the events. A condition requiring submission of an Events Management Plan is proposed

Car Parking Assessment:

A review of town centre parking was undertaken to determine the future available parking to serve the KCH scheme. Thirteen car parks were identified that could potentially provide parking to serve the KCH development. Four of these car parks are due to close as a result of redevelopment, to account for existing users of these car parks relocating to different car parks, the occupancy of these car parks has been taken from the total forecast available spaces.

The assessment indicates that on a weekday during the peak occupancy period approximately 11:00-15:00hrs, there are forecast to be 109 spaces available across the town centre car parks. The majority of spaces available are located in the Kingsgate Shopping Centre car park and at the Bus Station.

The assessment indicates that on a weekday evening after 18:00hrs, there are forecast to be 756 spaces available across the town centre car parks. This excludes the Kingsgate shopping centre which closes at 18:30hrs and the Leisure complex which restricts public parking after 18:00hrs to be only available for complex visitors. The majority of spaces available are located in Springwood car park and at the Bus Station.

The assessment indicates that on a Saturday during the peak occupancy period approximately 10:00-16:00hrs, there are forecast to be 565 spaces available across the town centre car parks. The majority of spaces available are located in the Kingsgate Shopping Centre car park, Springwood car park and at the Bus Station.

It should be noted that for robustness the car park assessment does not consider on-street parking. It is likely that there will be on-street parking available within a short walk (areas to south and east of the ring road), particularly on evenings and weekends, which could accommodate some of the KCH scheme parking demand.

The car parking assessment demonstrates that the new KCH car park will provide sufficient parking to accommodate weekday daytime events, however for peak events on evenings and weekends at the Venue the KCH MSCP will not be sufficient and additional town centre parking will be required to accommodate parking demand. The parking assessment considers available car parking across the town centre and demonstrates that the forecast KCH scheme parking peak demand can be accommodated. There is a range of parking available across the town centre including on and off- street parking which will give drivers a good choice in terms of location and cost.

Traffic Impact/Network Assessment:

The scope of the Transport Assessment (TA) was agreed during pre-application discussions and is based on current guidance and industry standard methodology

The proposals comprise of a new venue, museum and food hall and retains and relocates the existing art gallery and library within the scheme. The scheme comprises:

Museum = 5,726sqm GIA

Art Gallery = 2,993sqm GIA

Library (& Archive) = 4,784sqm GIA

Venue = 7,705sqm GIA / 2,200-person maximum capacity

Food Hall = 2,379sqm GIA

Multi-Storey Car Park (MSCP) – 350 spaces

Public Realm – flexible, inclusive, safe, green character, able to host up to 3,000-person event. For each proposed land use within the KCH scheme a trip generation exercise has been undertaken to determine forecast vehicle trips and cumulative parking demand for ‘Weekday’ and a ‘Saturday’ scenario.

A local highway network model has been developed using TRANSYT software to assess the development’s impact on the local highway network. The model covers the south-eastern part of the ring road between Shorehead Roundabout (located to the north-east) and the A62 Manchester Road / Outcote Bank traffic signal-controlled junction (located to the southwest), and includes the following junctions:

- Queensgate/Zetland Street
- Queensgate/Queen Street
- Queensgate/Alfred Street
- Queensgate/Chapel Hill

Classified turning counts at all junctions within the model extents were undertaken on Thursday 23rd June 2022 (AM 07:00-10:00hrs, PM 16:00-22:00hrs) and Saturday 25th June 2022 (11:00-14:00hrs). In addition, classified link flows were collected on A62 Queensgate from Tuesday 21st June to Monday 4th July inclusive to provide 24 hourly flows through this period.

A review of the traffic data identified the AM and PM weekday peak periods and the Saturday peak periods and confirms the network peak periods as weekday AM 08:00-09:00hrs, PM 16:00-18:00hrs and Saturday 12:00-15:00hrs.

Data from the traffic surveys and trip generation exercise has been input into the model to determine the impact of the development on the highway network, i.e. Do Something scenario (including the development proposals) against the Do Minimum scenario (highway network should the development proposals not come forward).

TRANSYT calculates the Degree of Saturation (DoS) and Mean Maximum Queue (MMQ) for each approach to a junction (or link). The DoS indicates the performance of the junction under a given set of traffic flow conditions.

Assessment is based on a base year of 2022 with a future design year of 2027. 2027 base traffic flows are derived using Locally adjusted traffic growth factors from the National Trip End Model (NTEM/Tempro) data set. The following periods have been assessed:

- Weekday AM Peak (08:00 – 09:00) and PM Peak (17:00 – 18:00) Hours – this period accounts for the forecast arrival and departure trips associated with the conference / business events in addition to the peak background traffic flows. Whilst the PM peak hour for the background traffic flow occurs in the preceding hour, when combining the development flows, the 17:00 – 18:00 hrs period shows the greatest flow.
- Evening event peak 18:00-19:00hrs – this period accounts for the arrival trips for events at the venue. Although the combined flows for the preceding hour are higher and is being assessed as the PM peak hour, for robustness the assessment of this hour was also requested by the Local Highway authority.
- Saturday peak hour 12:00 – 13:00 hrs – this period accounts for development activities throughout the day combined with high background traffic flow.

Initial results of the assessment show the network to perform within theoretical practical capacity during all the modelled peak hours. Comparing the results for the Do Something scenario (including the development proposals) against the Do Minimum scenario (highway network should the development proposals not come forward) shows the development to have a marginal impact on network performance. Slight increases in DoS and mean max queues are forecast at most junctions however do not surpass the threshold for practical capacity. Based on this assessment it is considered that the impact of the KCH development proposals can be satisfactorily accommodated within the existing highway network and that the development's impact would not have a significant impact on the operation or safety of the highway network.

The new MSCP access junction is shown to perform well within practical capacity for all peak hours whilst maintaining the flow along the A62 approaches to the junction. Notwithstanding, the operation and performance of the MSCP access will be influenced by the access control system, i.e., how quickly and efficiently vehicles can enter and exit the car park. Specific details of the system proposed have not been submitted at this stage and a condition requiring details of the access control system is proposed. Note, the TRANSYT model is currently being reviewed and validated by UTMC and final confirmation of the acceptability of the modelling and results is awaited.

Road Safety:

A review of personal injury accident data has been undertaken using DfT information for the latest available five-year period (verified data up to 2021) for the agreed accident study area. The results of the analysis indicate that a total of 22 accidents have occurred in the study area in the latest five-year period, three of which resulted in serious injury (two in 2019 and one in 2020) all others resulting in slight injuries.

The findings of the highway safety review have not identified any significant highway safety issues in the vicinity of the site that raised concerns. There are some clusters of accidents at junctions, as would be expected, but in general the number of accidents over a five-year period is considered low. It is considered that there are no significant road safety issues on the local highway network that are likely to be materially exacerbated by the development proposals.

Planning Conditions:

- Construction Environmental Management Plan (CEMP)
- Events Management Plan
- Service Management Plan
- Full Travel Plan
- Signing/Wayfinding Strategy
- Highway Works – construction of new signalised access from A62 Queensgate to MSCP
- Highway Works – construction of new

Waste

- 9.95 Local Plan Policy LP43-Waste management hierarchy states that the council will encourage and support the minimisation of waste production, and support the re-use and recovery of waste materials
- 9.96 The proposed development is required to comply with a range of waste legislation, policy, standards and specifications including Kirklees Council Waste Management Design Guide for New Development
- 9.97 The applicants submitted Construction and Operational Waste Strategy to document details the construction Site Waste Management Plan (SWMP) and operational waste strategy for the project.
- 9.98 Kirklees Streetscene Officers were consulted and commented as follows: The proposed redevelopment does not include residential properties and therefore the Waste Collection Authority does not have a duty to collect waste from the site unless requested to do so. The WCA does want to ensure any new developments have appropriate waste storage capacity on site for a range of source separated wastes and to maximise recycling and efficient collection

Flood Risk & Drainage

- 9.99 The requirements of chapter 14 of the NPPF, and Local Plan policies LP27, LP28 and LP29, apply to the scheme. Paragraph 167 sets out that local planning authorities should ensure that flood risk is not increased elsewhere. Paragraph 168 of the NPPF establishes that new development is planned to avoid areas at risk of flooding and takes account of climate change
- 9.100 Policy LP27 requires proposals to be supported by an appropriate site specific Flood Risk Assessment in line with national planning policy taking into account of all sources of flooding set out in the Strategic Flood Risk Assessment and demonstrate that the

proposal will be safe throughout the lifetime of the development (taking account of climate change), without increasing flood risk elsewhere.

- 9.101 Policy LP28 gives a presumption that Sustainable Drainage Systems (SuDS) will be used to assist in achieving typical greenfield run-off rates should not be exceeded on greenfield sites, whereas proposals on brownfield sites there should be a minimum 30% reduction in surface water run-off where previous positive surface water connections from the site can be proven.

New connections will be subject to at least greenfield restrictions;

- 9.102 The planning application is accompanied by a Flood Risk Assessment and Drainage Statement. The site falls in Flood Zone 1 (low probability of flooding) on the Environment Agency maps and the proposals are considered to be 'More Vulnerable' in terms of flood vulnerability, which is considered to be appropriate development in Flood Zone 1. There is a surface water flooding risk present on site, particularly given changing levels of the site. The lower-level areas outside of the existing Library and Piazza Shopping Centre are the main areas highlighted to have a 'high' risk of surface water flooding. High risk is defined as an area that has a chance of flooding of greater than 3.3% each year.

- 9.103 The Lead Local Flood Authority (LLFA) were consulted accept of the following as indicated in the Drainage Statement document and Proposed Drainage Strategy drawing:

- proposed climate change allowance of 40%
- allowable surface water discharge rate of 195 l/s (based on 30% betterment of existing surface water run-off rate of 278 l/s equal to the current run-off from 2.0 ha) for the critical 1 in 100 year (plus climate change) rainfall event
- proposed discharge attenuated surface water run-off into the existing (or diverted) YW Combined sewers crossing or adjacent to the site.

LLFA raise no objections subject to conditions

Biodiversity & Trees

Biodiversity

- 9.104 Chapter 15 of the NPPF and Local Plan policy LP30 are relevant as the council will protect and enhance the biodiversity and geodiversity of Kirklees. Of note, paragraph 174 of the NPPF requires the proposed development to achieve a biodiversity net gain. The council's Biodiversity Net Gain Technical Advice Note (June 2021) sets out the council's approach to DEFRA Biodiversity Metric as a means of calculating losses and gains resulting from a proposed development, or other land use changes. A minimum of 10% net gain in biodiversity is required. A net gain of 10% is the proportion of increase proposed by central government, following the implementation of the Environment Act (2021).
- 9.105 An Ecological Survey Report and Biodiversity Net Gain Assessment have been submitted with the application. The Biodiversity Net Gain (BNG) Assessment submitted with the report results in a post-development total of 3.61 Habitat Units (combining baseline units retained and habitat units delivered). This equates to a gain of 55.68% against the baseline. This is welcomed and ensures the development proposals will come forward in line with national and local planning policy. The level of BNG can be secured through an appropriately worded condition, which will allow a management plan to cover a period of 30 years.

9.106 KC Ecology advises that the Ecology officers have no objection to this application subject to conditions requiring an Ecological Design Strategy (EDS) and the submission of a construction environmental management plan (CEMP: Biodiversity). Subject to these requirements officers consider that the proposal complies with Chapter 15 of the NPPF and policy LP30 of the Kirklees Local Plan.

Trees

9.107 Local Plan policy LP33 states that planning permission will not be granted for developments which directly or indirectly threaten trees or woodlands of significant amenity, and proposals should normally retain any valuable or important trees where they make a contribution to public amenity or have other benefits.

9.108 The applicants submitted an Arboricultural Impact Assessment that provided the advice on all relevant trees on the application site assessed present at implications for the existing trees on the site following a site survey. Each tree was assessed in accordance with BS 5837: 2012. The tree survey revealed a total of thirty-eight individual trees. Of these, three trees were identified as retention category 'B', thirty-four trees were identified as retention category 'C' and one tree was identified as retention category 'U'. There were no retention category 'A' trees identified.

It is noted that representations from members of the public have objected to the removal of trees

9.109 The councils tree officer has assessed the scheme and commented as follows:

The proposals have retained two significant trees at the entrance to the site from Queensgate. The retention of these trees will help frame the proposed site entrance and create a striking feature. Their retention will require careful management of construction work and the details of tree protection provided would enable their retention but should include a greater area of protection during the early stages of the construction to ensure the canopy and roots are protected. A revised tree protection plan should be provided to ensure

A number of smaller trees adjacent to the existing library are also proposed to be retained. The Arboricultural Impact Assessment identifies that twenty-seven trees in total will need to be removed to facilitate the proposals, including most trees along Queensgate and Queens Street. The details of the landscaping scheme will need to demonstrate sufficient tree planting to not only replace the trees lost but also to enhance this area.

At present I would be happy to support the proposals in principle but would request that landscaping details and an updated tree protection plan be provided either prior to a decision or as part of pre-commencement conditions.

9.110 Subject to these requirements officers consider that the proposal complies with Chapter 15 of the NPPF and policy LP33 of the Kirklees Local Plan.

Sustainability & Climate Change

National and Local Policy

- 9.111 As set out at paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF goes on to provide commentary on the environmental, social and economic aspects of sustainable development, all of which are relevant to planning decisions
- 9.112 The council approved a Planning Applications Climate Change Guidance document which advises applicants to submit a Climate Change Statement with all applications. Effectively, the applicant had already done this – a Sustainability Statement was submitted with the current application, and the applicant has referred to sustainability and climate change in other submission documents, which is welcomed.
- 9.113 The applicant’s sustainability Statement recognises the council’s commitment to work towards achieving net zero carbon in response to the council declaring a climate emergency
- 9.114 This statement includes a summary for sustainability across the development:

Public realm - The public realm will support the ecological improvements of the scheme in addition to providing resilience to flood risk and changes to our climate. The team are reviewing what the likely health and air quality benefits the soft landscape offer as well as reviewing planting options and the carbon sequestration potential of the scheme. The public realm will also offer a space to users of all abilities and be an inclusive place for all.

Transport - The buildings and public realm will offer best practice facilities for the use of sustainable modes of transport such as bicycles. The site will also offer a new link for pedestrians and cycle users.

Materials and character - The design team have set ambitious embodied carbon targets for the scheme and are undertaking a technical review of what materials and components can be feasibly reused in support of best practice circular economy principles. Timber structures and low carbon cladding materials are being investigated prioritised where feasible permitted as a means to reduce the inherent embodied impact of the scheme.

Museum - The grade two listed building will be retained and refurbished to ensure the building's energy consumption is dramatically reduced relative to current operational use. The heating systems will be replaced in support of low carbon technologies to generate heat and domestic hot water. Brand new and efficient building services will be installed to ensure the internal comfort of occupants is maintained, in addition to ensuring the correct conditions for exhibited pieces and installations.

Food Hall - The food hall will undertake a sympathetic low energy retrofit to ensure that the listed features are upgraded without compromising their heritage importance. The food hall will allow users to enjoy the refurbished space comfortably during all seasons.

Library – The library will undergo a major low energy refurbishment of areas of the existing Queensgate Market with an extension which is sympathetic to the existing features of historical and heritage importance. The design team is working to find the balance between replacement and improvement with the retention of existing elements in line with best practice energy efficiency, embodied carbon and circular economy principles.

Gallery - The new gallery building will look to achieve exemplary levels of energy efficiency and has been designed to be a low embodied carbon building. This has been achieved through the process of structural rationalisation and investigating the use of mass timber structure in appropriate areas.

Venue - the venue will look to be built to high energy efficiency standards and has been designed to reduce energy demand during peak operations and low occupancy when not in use. The venue will also look to deploy a large and efficient PV array to maximise the roof area to generate renewable energy for the building.

MSCP/ Parking - to encourage low carbon modes of transport, 20% of car parking spaces will support electric car charging, with some of these spaces being rapid charging points. The remaining 80% of spaces will have passive provision for future installation of Electric car charging points. This allows for the adoption of new and innovative charging technologies which are emerging and avoids locking in redundant services

- 9.115 Officers consider that in light of the above and other specifications set out in the supporting documents it is considered that the proposal can be regarded as sustainable development. A condition is recommended requiring the provisions of the Sustainability Statement to be implemented (and thereafter retained), along with a Post Construction Report to demonstrate they have been achieved

Residential Amenity

- 9.116 In terms of potentially impact upon residential amenity, and public health, particularly for users of the site and development, NPPF Chapters 8 -Promoting Healthy and Safe Communities and 12- Achieving Well Designed Places, are relevant. Similarly, local plan policies LP51, LP52 and LP53.
- 9.117 There are existing residential properties close to the site and planning permissions have been granted for residential development including conversions of existing buildings close to the site. The Strategic Planning Committee specifically made comments that the applicants should consider these residents when finalising their plans for planning application submission. Kirklees Council's Pollution Control team have considered the submission and provided a summary on the main issues below:
- 9.118 KC Environmental Health (Pollution & Noise Control) were consulted and responded on 28/10/22 and 23/01/23

Air Quality

- 9.119 The site is located within Kirklees Councils Air Quality Management Area (AQMA) No.9 which encompasses Huddersfield Town Centre and was declared due to exceedances of the annual mean air quality objective for nitrogen dioxide (NO₂). An Air Quality Assessment has been undertaken
- 9.120 A qualitative assessment of construction phase impacts associated with fugitive dust emissions was undertaken. The guidance considers the potential for dust emissions from dust-generating activities. A risk assessment was undertaken to identify all sources of dust and the dust emission magnitude of the construction phase.

- 9.121 A damage cost calculation has been undertaken. This is to determine the amount (value) of mitigation required to offset the detrimental impact that the development will have on air quality. This calculation provides a five-year exposure value to the sum of £667,251.
- 9.122 Officers accept the various embedded mitigation measures that are to be implemented across the development is over and above what would normally be expected to off-set the impact that the development will have on air quality. Officers recommend a Dust Management Plan to control fugitive dust emissions during the construction phase is included within the site-specific Construction Environmental Management Plan.
- 9.123 Construction Traffic can be scoped out of any further assessment provided that the Construction Management Plan limits the number of HGV movements to less than 25 movements per day. Officer Concerns regarding the impact that the car park vents will have on pedestrians queuing to enter the Venue. Officer's require further modelling to determine the 1-hour mean NO₂ concentrations, at both of the car park vents. This should include the background concentrations and other sources. We would also ask that receptors are modelled to a height of 0.5m, to determine the impact of the emissions from the vents on children queuing at the Venue.
- 9.124 With regards to Electric vehicle charging points, the car park is to be provided with 70 electric vehicle charging points which equates to 20% charging from day one and the remaining 80% of spaces will have passive provision for future installation of electric car charging points to enable 100% in the future. condition requiring a scheme to be submitted regarding the Electric Vehicle Charging Points

Contaminated Land:

- 9.125 The technical note summarises the several potential sources of contamination including contaminated made ground, contaminated perched and shallow water, infilled land and mine workings. In addition, several potential pollutant linkages are identified. An Intrusive investigation is necessary given the potential contamination identified in the reports submitted. Therefore, we accept the Phase 1 Geoenvironmental Report by AECOM, dated 23rd January 2020 (ref: 60613541) and the Geotechnical and Geoenvironmental Technical Note (P02) by Arup Limited, dated 26 September 2022
- 9.126 Officers have no objection to the application subject to the necessary contamination land conditions being applied to any permission granted.
- 9.127 The applicants have submitted the following Noise Impact Assessments that identify the nearest noise sensitive receptors. The submitted reports are accepted but further information will be required once design details have been finalised. Officers look to the applicant to control and where necessary, mitigating noise from the following:
- Mechanical Plant Noise
 - Noise Breaking into Residential Properties
 - Noise Breaking into Hotel Rooms
 - Entertainment Noise

9.128 Applicants must comply with officers' requirements and will need to be stated in order to ensure there is no loss of amenity to neighbouring properties. The submitted reports are accepted but further information will be required once design details have been finalised. A condition is therefore necessary.

Artificial Lighting

9.129 Public Realm Lighting Strategy by Arup (ref: CDT430201-ARP ZZ-ZZ-RP-YL-00002), dated 30th Sept 2022, has been submitted. Officers accept the lighting strategy and therefore recommend a condition to secure the mitigation as detailed in the accepted report.

9.130 Construction Environment Management Plan

Although the Environmental Statement lists the general mitigation for dust control from the IAQM guidance, this does not constitute a site-specific Construction Environmental Management Plan. It also does not adequately address the possible loss of amenity from noise during construction. Officers therefore recommend a condition requiring a site-specific Construction Environmental Management Plan.

9.131 Environmental Health Officers have no objection subject to several conditions relating to Air Quality, Noise, contaminated land, lighting, odours and construction phase. Given the advice from Environmental Health Officers it is considered that the proposal complies with policies LP51, LP52 and LP53 of the Local Plan.

Security & Designing out Crime

9.132 121NPPF chapter 8 Promoting Healthy and Safe Communities and Chapter 12 Achieving Well Designed Places alongside S17 Crime and Disorder Act 1998 establish the policy framework for consideration of this issue. Local Policy LP24 requires that good design should be at the core of all proposals in the district. Part e.) the risk of crime is minimised by enhanced security, and the promotion of well-defined routes, overlooked streets and places, high levels of activity, and well-designed security features

9.133 It is recognised that an objective of the Kirklees Cultural Heart is to create a safe, welcoming, and family friendly environment and it is noted that forthcoming legislation in the form of Martyn's Law (Protect and Prepare) has been considered given the creation and enhancement of public spaces. The council receives advice from West Yorkshire Police's Designing Out Crime Officer. West Yorkshire Police and the NE Counter Terrorism Unit have been engaged in discussions with the applicants in relation to the different elements of the development for public safety around landscaping and for the materials of the buildings.

CONCLUSION

10.1 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

- 10.2 The application site is unallocated in the Kirklees Local Plan within the defined Huddersfield Town Centre boundary. The development combines the retention and re-use of key civic buildings and the creation of a multi-functional, high-quality destination. Whilst some demolition of existing building stock is required the application justifies the design process followed to mitigate the extent of harm to key heritage assets. The development retains and enhances the key elements of the town centre environment, enabling the remodelling and revealing of open views over spacious leafy and useable areas of public realm.
- 10.3 In terms of the local impact, the issues of amenity of residents, loss of trees, highways and drainage amongst others, have been considered and found not to be unduly harmed whilst providing a significant increase in on site biodiversity net gain (55%)
- 10.4 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval, subject to conditions and planning obligations to be secured via a Section 111 agreement.

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report.

Timeframe and phasing

- 5 year time frame to commence development
- Development build in accordance with Plans
- Submission of a Phasing Plan

Heritage

- Details of all external materials for all new construction Including samples of ceramic cladding and facing materials for sensitive locations
- Landscaping details, materials, street furniture design, anti-social behaviour measures, a landscape strategy and a maintenance plan.
- External lighting strategy and specifications in sensitive locations

Highways

- Construction Environmental Management Plan (CEMP)
- Events Management Plan
- Service Management Plan
- Full Travel Plan
- Signing/Wayfinding Strategy
- Highway Works – construction of new signalised access from A62 Queensgate to MSCP
- Highway Works – construction of new service layby on Alfred Street
- Multistorey Car Park (MSCP) Access Control System

Highway Structures

- New retaining walls
- Surface water attenuation tanks

Environmental Health

- Air Quality Impact Assessment
- Electric Vehicle Charging Points
- Implement agreed Kitchen Extract Scheme
- Submission of a Phase 2 Intrusive Site Investigation Report
- Submission of Remediation Strategy (cont. land)
- Implementation of the Remediation Strategy (cont. land)
- Submission of Verification Report (cont. land)
- Noise Report required for proposed noise generating use
- Noise from Fixed Plant & Equipment
- Entertainment Noise Inaudibility
- Installation of the Agreed External Artificial Lighting
- Construction Environmental Management Plan

Drainage

- Drainage Details (scheme detailing foul, surface water and land drainage)
- Overland Flow Routing
- Construction Phase Surface Water Flood Risk and Pollution prevention plan.
- Ecology
- Ecological Design Strategy (EDS) and the
- Construction environmental management plan (CEMP: Biodiversity).

Ecology

Ecological Design Strategy (EDS)

Construction environmental management plan (CEMP: Biodiversity)

Coal Authority

Intrusive site investigations

Declaration prepared by a suitably competent person

Others

- Sustainability- provisions of the Climate Change Statement to be implemented (and thereafter retained), along with a Post Construction Report
- Details of waste collection provision
- Tree protection plan
- Landscape / tree planting details

Certificate Of Ownership - Certificate D (Shared Ownership - all other owners unknown)

Signed

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<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022%2f93248>