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**Former Kirklees College Campus (Known as Trinity Central),
Huddersfield.**

Planning and Retail Statement

On behalf of
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1. Introduction

Purpose of the Statement

- 1.1 This Planning Policy Analytical Statement has been produced to support a hybrid planning application seeking full planning permission and listed building consent for the demolition of existing buildings (excluding the Grade II* former Huddersfield Infirmary building and the Grade II Listed King Edward VII Statue) and redevelopment of the site to provide a mixed use scheme comprising a new supermarket, residential and retail uses. Outline planning permission is sought for the remainder of the site for a mixed use residential and office use development.
- 1.2 The application seeks to regenerate the site which was formerly in use as the Kirklees College Campus. However, the college vacated the site in 2013 and the buildings have been vacant for a number of years in which time the site has become derelict and the principal listed structures are falling into a state of disrepair.
- 1.3 This report describes the application site and proposed development before briefly identifying and examining the issues relevant to the application.
- 1.4 The application is supported by the following documents;
 - Site Location Plan;
 - Proposed Site Plan;
 - Full Plans and elevations;
 - Application form
 - Design and Access Statement
 - Heritage Statement
 - Transport Assessment and Travel Plan
 - Phase 1 and 2 Geo-environmental Assessment
 - Flood Risk Assessment and Drainage Strategy
 - Ecological Appraisal including Bat Survey
 - Noise Assessment
 - Air Quality Impact Assessment

2. The Site Context

Location

- 2.1 The application site is located adjacent and to the west of the Huddersfield Town Centre ring road (Castlegate A62). The site is elliptical in shape extending to 2.46 hectares (6.09 acres). The boundaries of the site are formed by Fitzwilliam Street, Portland Street, New North Road, Castlegate and Trinity Street.
- 2.2 The site comprises the former Kirklees College Campus and can be roughly broken into three character zones as follows;
 - a) UPPER SITE – This area comprises the northern part of the site and includes the 1933 Infirmary extension and a modern corner building;
 - b) HISTORIC CORE – situated centrally with the site, the area includes the Grade II* Listed original Huddersfield Infirmary building and the Grade II Listed statue of Edward VII;
 - c) COLLEGE CAMPUS – This area refers to the southern part of the site and contains a range of buildings dating from the 1970's that are approximately five storey high.
- 2.3 The College vacated the site in 2013 and since that time the site has been marketed for redevelopment. The site has now been vacant for five years, during which time it has declined considerably and been subject to decay and vandalism.
- 2.4 The Listed building and Statue on the site are at risk as a result of the overall decline of the site and associated vandalism. Further decline is likely should the site not come forward for redevelopment.
- 2.5 The site is located within Huddersfield Town Centre as defined on the Unitary Development Plan and emerging Local Plan proposals map. It partly lies within Greenhead Park Conservation Area.
- 2.6 The site is allocated for mixed use redevelopment under site Ref: MX1906 of the draft submission Local Plan which is undergoing Inspector examination at the time of writing.
- 2.7 The site is very accessible with Huddersfield train station and bus station both within walking distance (approximately 350m to the east and south east respectively) via the existing subway crossing the A62.
- 2.8 Pedestrian access to the site is good although partly restricted along the eastern/southern boundary due to the topography and retaining wall features. There is both subway access under and an existing, at grade crossing over the ring road (Castlegate) in the immediate vicinity of the site providing important access for pedestrians and cyclists accessing the neighbouring residential areas and town centre.
- 2.9 The site is also highly accessible to vehicles with the M62 motorway situated 5km to the northwest. The site itself is accessed by the A640 and the A629 which run adjacent to the sites western and eastern boundaries respectively.

- 2.10 The wider context of the site can be summarised as retail and commercial uses within the town centre to the east of the site, residential uses to the north and south and Greenhead Park to the west.
- 2.11 From the site, views are available to the surrounding hills. In particular, views of Castle Hill to the south and Cowcliffe Ridge to the north are available.

Planning History

- 2.12 The site has been identified and promoted for re-development since 2016, three years after Kirklees College vacated the site and relocated to new purpose built accommodation in the Town.
- 2.13 The Council have an aspiration for the redevelopment of the site and have allocated the area as a mixed use site, Ref MX1906 in the draft submission Local Plan which is currently undergoing Inspector Examination.
- 2.14 The southern section of the site, bounded by Trinity Walk and Castlegate benefits from extant outline planning consent for the demolition of existing buildings and erection of a food retail unit (A1) with associated site works, parking, access and landscaping, (Ref:2015/62/93827/W).

3. Description of Proposed Development

- 3.1 The proposed redevelopment of the site seeks to retain the Grade II* Listed building and provide an improved setting for the Grade II Listed King Edward VII Statue. The remaining buildings on the site, the majority of which were constructed in the 1970's are to be demolished to enable a comprehensive, spatially designed mixed use regeneration scheme.
- 3.2 This application is a hybrid planning application seeking full planning permission and listed building consent for the demolition of existing buildings (excluding the Grade II* former Huddersfield Infirmary building and the Grade II Listed King Edward VII Statue) and redevelopment of part of the site. Outline planning permission is sought for the remainder of the site as detailed below.
- 3.3 The application site can currently be broken down into three character zones as follows;
- a) UPPER SITE (Northern part of the site) – The 1933 Infirmary extension and modern corner building;
 - b) HISTORIC CORE (Central area) - The Grade II* Listed original Huddersfield Infirmary building and the Grade II Listed statue of Edward VII; and
 - c) COLLEGE CAMPUS (southern area) – 1970s high rise tower blocks.
- 3.4 The proposed development and hybrid application also relate to each of these character areas. Full planning permission is sought for the historic core and college campus areas.
- 3.5 In the central Historic Core area the Grade II* Listed Huddersfield Infirmary building will be repaired and redeveloped to provide new office accommodation. The two 'wings' to the rear of the main building façade will be demolished and rebuilt to provide a mixed use development comprising residential, retail and office space with undercroft car parking.
- 3.6 The proposed redevelopment of the southern part of the site, the College Campus broadly respects the approved outline scheme for the area (Ref 2015/62/93827/W). The mixed use development will provide a supermarket at ground floor level, with residential development above, together with associated access, car parking and landscaping.
- 3.7 For the upper site Outline Planning Permission is sought. The application proposes a mixed use development comprising 3 blocks with flexible planning permission to provide residential and office uses together with appropriate car parking, including undercroft parking.
- 3.8 The proposed development comprises the restoration of the Huddersfield Infirmary Building and the development of 7 new buildings across the site. The accompanying Design and Access Statement provides full details of the proposed development and design of the buildings.
- 3.9 The scale and form of the development varies from 4-6 storeys in the northern part of the site (buildings 1-7 on the site plan), and an 11 storey building on the southern part of the site (building 8 on the site layout plan).

- 3.10 The proposed quantum of development for each proposed unit can be summarised as follows;

Full Planning Permission

HISTORIC CORE

- Building 1 (Huddersfield Infirmary) 20,086ft² Gross Office
- Building 2 5,203ft² Retail
19,824ft² Residential (32 units)
- Building 3 18,136ft² Residential (25 units)

COLLEGE CAMPUS

- Building 8 21,607ft² Retail
87,585ft² Residential (98 units)

Outline Planning Permission

UPPER SITE

- Building 4 24,864ft² Residential (29 units)
- Building 5&6 47,998ft² Residential/ Office (55 units)
- Building 7 29,964ft² Office

- 3.11 The quantum of development proposed comprises the following elements;

- 229 Residential Dwellings (155 dwellings full/74 dwellings outline)
- Use Class A1 Retail and Shops
- Use Class B1 Offices
- 337 Vehicle Parking Spaces and cycle parking

- 3.12 As detailed above, the proposal includes a variety of uses that will offer a 24 hour use of the site and a good mix of uses to create a safe and sustainable place.

- 3.13 Vehicle, cycle and pedestrian links will be provided to Huddersfield town centre and the surrounding road networks. The primary vehicular access reflects the previous retail proposal on the site and is proposed from Trinity Street and Portland Street. This is due to the access from the eastern site boundary being constrained by the busy A62 or the one way route, New North Road.

- 3.14 The hybrid application is supported by a number of technical documents as follows;

- Site Location Plan;
- Proposed Site Plan;
- Full Plans and elevations;
- Application form
- Design and Access Statement

- Heritage Statement
- Transport Assessment and Travel Plan
- Phase 1 and 2 Geo-environmental Assessment
- Flood Risk Assessment and Drainage Strategy
- Ecological Appraisal including Bat Survey
- Noise Assessment
- Air Quality Impact Assessment

4. Relevant Planning Policy

National Planning Policy

National Planning Policy Framework

- 4.1 The National Planning Policy Framework (“NPPF”) was published in March 2012 and is a material consideration in the determination of planning applications.
- 4.2 The policies in the NPPF, taken as a whole, constitute the Government’s view of what sustainable development in England means in practice for the planning system (paragraph 6).

Presumption in favour of Sustainable Development

- 4.3 The three dimensions of sustainable development include economic, social and environmental factors (paragraph 7). The planning system is to perform a number of roles:
- An **economic** role – contributing to building a strong, responsive and competitive economy;
 - A **social** role – supporting strong, vibrant and healthy communities including provision of accessible local services that reflect the community’s needs; and
 - An **environmental** role – contributing to protecting and enhancing the natural, built and historic environment.
- 4.4 At the heart of the NPPF is a ‘presumption in favour of sustainable development’ (paragraph 14).

Core Planning Principles

- 4.5 With the overarching roles that the planning system is expected to play, the NPPF includes a set of core land use planning principles that should underpin decision taking and include, amongst other things, that planning should:
- Be a creative exercise in finding ways to enhance and improve places in which people live their lives;
 - Proactively drive and support sustainable economic development;
 - Seek to secure high quality design and a good standard of amenity;
 - Take account of the different roles and character of different areas;
 - Support the transition to a low carbon future in a changing climate;
 - Encourage the effective use of land by reusing land that has been previously developed (brownfield land);
 - Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are or can be made sustainable; and
 - Take account of and support local strategies to deliver sufficient community and cultural facilities and services to meet local needs.
- 4.6 In delivering sustainable development, the NPPF highlights a number of key areas

Building a strong, competitive economy

- 4.7 The NPPF makes clear (paragraph 19) that the planning system should operate to encourage and not act as an impediment to sustainable growth. Therefore, significant weight is to be placed on the need to support economic growth through the planning system.
- 4.8 Paragraph 21 highlights that policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances.
- 4.9 In this context paragraph 22 states that:

“Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose.....Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.”

Ensuring the vitality of town centres

- 4.10 The NPPF seeks to ensure the vitality of town centres. Paragraph 24 indicates that local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and not in accordance with an up-to-date Local Plan.
- 4.11 Applying the sequential test means that applications for main town centre uses should be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered.
- 4.12 When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.
- 4.13 Impact assessments (paragraph 26) are required for retail development outside town centres which are not in accordance with an up to date Local Plan and over a threshold of 2,500 m² unless there is a locally set threshold.
- 4.14 Impact assessments should look at impact of a proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal and impact on town centre vitality and viability, including local consumer choice.

Promoting sustainable transport

- 4.15 Section 4 seeks to promote sustainable transport. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are “severe” (paragraph 32).

Requiring good design

- 4.16 The Government attaches great importance to the design of the built environment and good design is a key aspect of sustainable development (paragraph 56).

However, design policies should avoid unnecessary prescription or detail (paragraph 59).

- 4.17 Paragraph 60 goes on to state that “*planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles*”.

Promoting healthy communities

- 4.18 In promoting healthy communities (Section 8) the NPPF seeks to promote safe and accessible environments as well as safe and accessible developments (paragraph 69).

Meeting the Challenge of climate change, flooding and coastal change

- 4.19 Section 10 of the guidance seeks to ensure that new development meets the challenge of climate change and takes account of relevant local plan policies and the landform, layout, building orientation, massing and landscaping to minimise energy consumption (paragraph 96).

Conserving and enhancing the natural environment

- 4.20 Paragraph 111 highlights that planning decisions should encourage the effective use of land that has been previously developed (brownfield land).
- 4.21 Planning decisions should also ensure that a site is suitable for its new use taking account of ground conditions and land instability (paragraph 121).
- 4.22 When conserving or enhancing the natural environment paragraph 123 highlights that planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life

Conserving and enhancing the historic environment

- 4.23 The NPPF highlights the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.
- 4.24 In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance.
- 4.25 As a minimum the relevant historic environment record should be consulted and the heritage assets assessed using appropriate expertise where necessary.

Decision Taking

- 4.26 Under the NPPF local planning authorities are to approach decision taking in a positive way to foster the delivery of sustainable development (paragraph 186).
- 4.27 Local planning authorities should look for solutions rather than problems and decision takers should seek to approve applications for sustainable development, where possible.

- 4.28 A number of parts of the National Planning Policy Framework (NPPF) are relevant to the application including;
- Part 2: Ensuring the vitality of town centres;
 - Part 4: Promoting sustainable transport;
 - Part 7: Requirement good design;
 - Part 8: Promoting healthy communities;
 - Part 10: Meeting the challenge of climate change, flooding and coastal change;
 - Part 11: Conserving and enhancing the natural environment;
 - Part 12: Conserving and enhancing the historic environment.

Kirklees Unitary Development Plan

- 4.29 The Statutory Development Plan comprises the saved policies of the Kirklees Unitary Development Plan which was adopted in 1999 (amended and updated). Whilst the policies of the plan are somewhat out of date, until the emerging Local Plan is adopted, they carry the full weight in terms of decision making.
- 4.30 The UDP contains a Huddersfield Town Centre Inset Plan, the southern part of the application site is unallocated, the central and northern parts of the site containing older/ historic buildings fall within the boundary of the Greenhead Park Conservation Area.
- 4.31 The Plan shows the main shopping area and defines the primary and secondary shopping frontages for Huddersfield. The application site is located approximately 300m to the west of the defined Main shopping area.
- 4.32 The proposed development has been assessed against the following saved policies in the UDP:
- D2 – Unallocated land
 - BE1 – Design principles
 - BE2 – Quality of design
 - BE5 – Preservation / enhancement of conservation areas;
 - BE6 – Infill sites;
 - BE11 – Materials;
 - BE16 – Shop fronts;
 - BE20 – Access to buildings;
 - BE21 – Access to open space
 - BE22 – Parking spaces for people with disabilities;
 - T10 – Highway safety
 - T16 – Pedestrian safety within developments;
 - T19 – Parking standards;
 - G6 – Land contamination;
 - S1 – Town Centres/ Local Centres shopping;
 - S4 – Large Stores
 - TC1 – Enhancing the role of the Huddersfield Town Centre.
- 4.33 Policy D2 provides general development guidance where sites are not subject to specific land use policy designation. The policy states that development will be permitted subject to a number of criteria.
- 4.34 Policies BE1 and BE2 relate to design principles and promote good practice and quality of design in new developments.

- 4.35 Policies BE5 and BE6 provide guidance on development within conservation area and state that proposals need to respect the architectural qualities of surrounding buildings, and contribute to the preservation or enhancement of the character or appearance of the area.
- 4.36 Policies BE11 relates to building materials and requires new buildings to be constructed in natural stone in areas where the predominant material is stone, is in a conservation or town and local centres.
- 4.37 Policy BE12 relates to new dwellings and provides details of distances required between properties to ensure privacy and open space for occupants. BE16 sets out details relating to signage, window area and fascia on shop fronts.
- 4.38 Policies BE20 and 21 require developments to be accessible to all. Policy BE22 requires dedicated parking for disable users within any scheme that provides car parking.
- 4.39 Policies T10, T16 and T19 provide advice and requirements in relation to transport and highway matters. Policy T10 states that new developments will only be acceptable where they can be adequately served by the existing highway network and do not materially impact on highway safety.
- 4.40 Policy T16 requires suitable provision for pedestrians in new development and T19 sets out car parking requirements.
- 4.41 Section 13 of the UDP sets out policies relating to retail and town centres.
- 4.42 Policy S1 states that town and local centres will be the focus for shopping and commercial activity.
- 4.43 Policy S4 states that proposals for large stores will be considered with regard to a number of criteria including;
- The likely effect on the vitality and viability of any existing town or large local centre;
 - The benefit to the quality and range of shopping provision or from meeting an identified quantitative deficiency;
 - The accessibility of the proposed store to those without private transport.
- 4.44 The supporting text of the policy states that the preferred location for large store retail development is firstly within existing town and large local shopping centres.
- 4.45 Section 15 of the UDP relates to Huddersfield town centre. Policy TC1 relates to Huddersfield town centre and sets out the improvements the Council seek to the town centre including enhancements to shopping, housing, leisure, the environment, transport and pedestrianised areas.

Other Material Considerations – Emerging Local Plan

- 4.46 Kirklees are in the process of preparing a Local Plan which will replace the UDP.

Publication Draft Local Plan, November 2016

- 4.47 The Local Plan was submitted for examination in April 2017 and is currently undergoing Inspector Examination. The plan is at an advanced stage and so some weight can be afforded to the policies.
- 4.48 The Local Plan sets out how much new development there should be in the district, where it will go and what policies are required to achieve the strategy.
- 4.49 The Plan is accompanied by a Policies Map and Town Centre Maps contained within appendix 1 and 2 of the Allocations and Designations document.
- 4.50 Map TCB1, Huddersfield Map 1 identifies the Principal Town Centre boundary and Primary Shopping Area. The application site is included within the defined town centre boundary. The Primary Shopping Area broadly reflects that contained in the UDP, the application site is located approximately 300m to the west of the primary catchment area.
- 4.51 Policy PLP1 sets out the councils' presumption in favour of sustainable development, reflecting the approach set out in the NPPF. The policy states that proposals that accord with the policies of the Plan will be approved without delay.
- 4.52 Policy PLP2 states that proposals should build on the strengths and opportunities to enhance the quality and character of places as detailed in four sub areas, one of which relates to Huddersfield. The statement box sets out a number of strengths and opportunities for growth, including identifying "mixed use development sites around the town centre such as the Technical College Site (the application site).
- 4.53 Policy PLP3 relates to the location of new development to ensure that sustainable development is achieved. The policy supports the delivery of housing and employment growth and seeks to ensure that the opportunities for development on brownfield sites are realised early in the plan period.
- 4.54 Policy PLP7 relates to the efficient and effective use of land and buildings and encourages the efficient use of previously developed land in sustainable locations and the reuse or adaptation of vacant or underused properties. In terms of housing, densities of at least 35 dwellings per hectare are sought with higher levels in the principal town centres.
- 4.55 Policy PLP9 supports skilled and flexible communities and workforce and seeks the creation of local employment opportunities in new development proposals.
- 4.56 Policy PLP11 requires new housing proposals to contribute to creating mixed and balanced communities in line with evidence of housing need. The proportion of affordable homes should be 20% of units on schemes for 10 homes or more, although vacant building credit is a material planning consideration in this regard.
- 4.57 Section 9 of the Plan refers to Retailing and Town centres. Policy PLP13 states that town centre uses shall be located within defined centres as shown on the policies maps. The policy states that main town centre uses that are appropriate in scale, help to retain an existing centres market share and enhance the experience of those visiting the centre will be supported. The policy states that all proposals shall be

inclusive for all users and be attractive to pedestrians, cyclists, and public transport users.

- 4.58 Huddersfield is identified as a principal town centre, the role of which is to provide for the shopping needs of residents across Kirklees and to provide the majority of services including financial and professional services, entertainment, leisure and health services.
- 4.59 Part B of the policy relates to the sequential test and states that proposals for main town centre uses outside of the defined centre shall be supported by a Sequential Test. For retail proposals, the use should be located in the Primary Shopping Area and then in edge of centre locations and only if no suitable sites are available to consider out of centre locations.
- 4.60 Part C of the policy relates to Impact Assessments and states that these are required for retail, leisure and office proposals that provide greater than 500sq. m gross that are not located within a defined centre.
- 4.61 Policy PLP15 refers to residential use in town centres and states this will be supported subject to a number of criteria, including the protection of the character of the area, the protection of residential amenity and provision of parking and storage.
- 4.62 Policy PLP16 supports Food and drink uses in defined centres subject to a number of criteria aimed at assessing the potential harm of proposals on a centre.
- 4.63 Policy PLP17 relates specifically to Huddersfield Town Centre and states that the centre will be the principal focus for high quality comparison goods and other main town centre uses. Proposals for new development will be supported where they meet the criteria set out in the policy which aim to preserve and enhance the centre and support the growth and diversification of the economy.
- 4.64 The policy states that proposals on the edge of Huddersfield Town centre which pass the sequential test shall include enhanced connections to the town centre.
- 4.65 Policy PLP20 refers to Sustainable travel and states that proposals for new development shall encourage sustainable modes of travel. Travel Plans to encourage the use of public transport and cycling, and details of the design and levels of parking provision area required for larger schemes.
- 4.66 Policies PLP21, 22 and 23 relate to Highway safety, parking provision and the walking and cycling network and set out guidance and requirements for new development proposals.
- 4.67 Policy PLP24 promotes good design by ensuring a number of criteria are met in development proposals whilst policies PLP26, 27 and 28 refer to climate change, flood risk and drainage and set out requirements for new development.
- 4.68 Policy PLP35 refers to the Historic Environment and provides a number of detailed criteria relating to new development proposals affecting a designated heritage asset.

Technical Paper: Retailing and town centres, April 2017

- 4.69 The technical paper supports the Kirklees Local Plan and provides up to date evidence used to formulate the policies in the emerging local plan.

Summary

- 4.70 The Statutory Development Plan was adopted in 1999 with a number of policies saved in 2007. The Kirklees Local Plan was submitted for examination in April 2017 and is progressing through examination.
- 4.71 NPPF provides up to date guidance for development proposals and promotes sustainable growth.

5. Retail Policy Considerations and Sequential Assessment

- 5.1 The NPPF (March 2012) provides guidance on development for main town centre uses. The Framework seeks to ensure the vitality of centres and highlights two key areas which may require assessment for proposals for main town centre uses.
- 5.2 Applications for main town centre uses which are not located within existing centres but are in edge or out of centre locations are required to provide a sequential assessment.
- 5.3 Retail developments outside town centres which are not in accordance with an up to date Local Plan require an impact assessment proportionate to the proposals. NPPF sets a default threshold of 2,500m², for impact assessment. As referred to previously there is no locally set threshold in the adopted plan. Policy PLP13 of the emerging Plan states that an impact assessment will be required for proposals that provide greater than 500m² gross of retail floorspace with the scope reflective of the scale, role and function of the proposal.
- 5.4 With regard to NPPF policies, edge of centre locations for main town centre uses are defined in the Glossary. For retail, edge of centre is defined as a location that is well connected and up to 300 metres of the primary shopping area. For all other main town centre uses, including hotels and offices edge of centre is a location within 300 metres of a town centre boundary.
- 5.5 The application site is located 300m to the west of the primary shopping area as shown on the both the adopted UDP Map and the emerging Huddersfield Town centre Map.
- 5.6 The application proposal comprises two main town centre uses,
- A1 Retail
 - 2007m² A1 convenience store
 - 483m² Additional A1 retail units
 - B1 Offices.
- 5.7 The site is located within the defined Huddersfield town centre boundary. Applying the definition set out in NPPF, the proposed office element of the development is an acceptable use on the application site which is within the town centre boundary. It is therefore not necessary to apply the sequential and impact assessment to the office use.
- 5.8 The proposed retail development comprises 2,490m² retail floorspace, of which the gross external area would be marginally above the threshold contained in NPPF and above that contained in emerging policy PLP13. Therefore, a strict application of NPPF requires sequential and impact assessment for the A1 retail elements of the proposal which are addressed separately below.

Sequential Assessment

- 5.9 Paragraph 24 of the NPPF confirms a sequential assessment will be required for applications for main town centre uses which are not in an existing centre or in accordance with an up to date development plan.
- 5.10 The search sequence identified in paragraph 24 is that town centre uses should be located in town centres, then in edge of centre locations and only if 'suitable' sites are not 'available' should out of centre sites be considered.

- 5.11 The NPPF also states that when considering edge of centre or out of centre proposals, preference should be given to accessible sites that are 'well connected to the town centre'.
- 5.12 Finally, paragraph 24 of the NPPF highlights that 'applicants and local planning authorities should demonstrate flexibility on issues such as format and scale'.
- 5.13 Guidance on the application of the sequential test is provided by the DCLG, Planning Policy Guidance (NPPG) which encourages the potential suitability of alternative sites to be discussed between the developer and the local planning authority at the earliest opportunity.
- 5.14 Pre-application discussions took place with the local planning authority in September 2017 and in May 2018 and informs the assessment below.
- 5.15 The application site is located within the defined Huddersfield town centre boundary but outside the primary shopping area. The site is located approximately 300m from the defined Primary shopping area and is considered to be edge of centre in policy terms.
- 5.16 It is therefore necessary to consider whether there are any more sequentially preferable sites which could accommodate the proposed development, having regard to the fact that applicants and local planning authorities should demonstrate flexibility.
- 5.17 The application site is located on the edge of Huddersfield town centre which is one of two principal town centres in the shopping centre hierarchy. In the first instance therefore, the area of search for sequential alternatives can be limited to the two principal centres;
- Huddersfield
 - Dewsbury.
- 5.18 From this position, the area of search for sequential alternatives can be reduced further to that of a primary catchment area (PCA) for the proposed development. The proposed development seeks to provide a larger format store for the existing Lidl store approximately 600m away from the application site on Manchester Road, with some additional retail units to support the mixed use redevelopment of the site and other residential and office uses on the site.
- 5.19 As with the existing Lidl store, the majority of the proposed new developments trade will be drawn from the local area. Whilst a small amount of trade may be drawn from surrounding areas, the primary draw will be from the immediate area.
- 5.20 Dewsbury Centre is located approximately 14km to the east of the application site and consequently has a different catchment area than sites in and around Huddersfield. Dewsbury centre can be discounted from the sequential assessment.
- 5.21 The relevant centre to consider in the context of the sequential test is therefore limited to Huddersfield town centre.
- 5.22 The site is located 300m to the west of the defined Primary shopping area in an edge of centre position that is well connected to the centre. The area for search is therefore the Primary Shopping Area, being sequentially preferable to an edge of centre location. For this assessment it is appropriate to use the Primary Shopping Area defined on the Huddersfield Map 1 TCB1 on in the emerging Local Plan. This broadly reflects that of the adopted plan but provides a more up to date boundary reflecting changes that have taken place in the eastern part of the centre through the development of Kingsgate shopping centre.
- 5.23 The NPPF states that only if 'suitable sites' are not 'available' should edge or out of centre sites be considered. The question of 'suitability' has been the subject of much

recent debate and whilst not specifically referred to in the PPG, viability is clearly one aspect of suitability.

- 5.24 An important issue in setting the parameters for the site search exercise under the sequential test is whether, when considering 'suitability', a potential alternative site is to be suitable for the 'proposed development' or some other scheme.
- 5.25 This question was considered in the context of the Supreme Court Judgement (Tesco Stores Ltd v Dundee City Council, 21st March 2012, UKSC13) in which Lord Reed (paragraph 29) concluded that for a site to be considered 'suitable' should be based on whether it is suitable for the proposed development, not whether the proposed development can be altered or reduced so that it can be made to fit an alternative site.
- 5.26 The sequential test was debated further that the Rushden Lakes Call In decision (2014). The Inspector considered the question of flexibility and confirmed that when applying the sequential test there was no requirement to disaggregate. He highlighted that if it had been intended to require consideration be given to disaggregation, it would have been explicitly included in the wording of the NPPF and it was not.
- 5.27 The findings of the Dundee judgement, accepted by the Secretary of State when determining the Rushden Lakes proposal, emphasised the need for the application of commercial reality when considering the sequential test and that prime regard has to be had to the development proposed.
- 5.28 In light of the Dundee judgement/ Rushden Lakes decision and other High Court judgements, disaggregation of the individual elements has not been considered and is not required under NPPF.
- 5.29 A further recent Call-In Inquiry granting planning permission for a designer outlet centre (APP/V2723/V/15/132873 & APP/V2723/V/16/3143678) (2016) confirms the position, with the Inspector summarising that whilst Framework paragraph 24 indicates that applicants should demonstrate flexibility on issues such as format and scale, it does not require the applicant to disaggregate a scheme.
- 5.30 The Inspector continues by stating that the sequential test seeks to see if the application, i.e. what is proposed, can be accommodated on a town centre site or on sequentially preferable sites.
- 5.31 This approach is supported by the NPPF in which paragraph 24 confirms that the sequential test seeks to address whether '*the application*' (i.e. what is proposed) can be accommodated on a town centre site.
- 5.32 Against this background it is the 'application'/ 'proposal' that is to be considered having regard to the need for flexibility by both applicants and local planning authorities on issues such as format and scale.
- 5.33 In this case, the application site measures 2.46 hectares. The proposed development seeks to demolish the existing unlisted buildings on the site known as Kirklees College and provide a mixed use regeneration of the site including the regeneration of the principal listed building on the site.
- 5.34 The mixed use redevelopment of the site is intrinsic to the viability and vitality of the scheme as a whole. However in terms of the sequential assessment it is necessary to consider the retail elements. There are two retail elements, a foodstore comprising 2,007m² gross internal floorspace in the southern part of the site and additional units located within the central area comprising 483m² gross internal floorspace.
- 5.35 As established above NPPF does not require the applicant to disaggregate a scheme. In terms of flexibility of format, for the purposes of the assessment we can consider

the provision of the additional units adjoining the foodstore or within the same block, therefore creating a block with a gross area of 2,550m².

- 5.36 This gross retail provision, allowing for a degree of flexibility is essentially the same as the approved outline scheme under (2015/62/93827/W) which permitted 2,470m² gross convenience foodstore on the southern part of the site comprising 1.13ha.

Site Search

- 5.37 The site search assessment considered whether there are any sites within the primary shopping area of Huddersfield town centre which are suitable and available for the proposed retail elements of the scheme. Having regard to the need for consideration to be given to flexibility, the retail elements would require a site of at least 1.13ha.

- 5.38 Against this background and following our own investigations and initial discussions with the Council, no available sites have been identified within the centre. A proportion of vacant units are available in the town, the majority of which are small units that are not suitable for the proposed development.

Policy Map Search

- 5.39 For robustness, it is also relevant to consider the policies maps for Huddersfield town centre. The UDP map for Huddersfield town centre dates from 1999 and identifies a number of sites for Shopping Development.

- 5.40 The largest site TS2(i) relates to the site of the Kingsgate Shopping Centre and is therefore no longer available, having been developed. The remaining sites TC2 (ii-v) relate to redevelopment opportunities in the town centre. Following our visit to the centre none of these sites are available and these can therefore be discounted as not being sequentially preferable.

- 5.41 The emerging policies map (Publication Draft Local Plan November 2016) is also relevant. Based on evidence provided in a Retail Capacity Study carried out by WYG in 2014 and 2016 and in order to be sufficiently flexible the emerging plan does not allocate land for retail development, instead provides a strong policy approach.

- 5.42 Reference is made in the emerging plan to two key development sites identified to support capacity for growth within the town centre and provide mixed use development opportunities. One of these is the application site, the former Kirklees College site, the second is the former sports centre on Southgate.

Southgate Site

- 5.43 The Southgate site is located on the north east edge of the town centre and benefits from extant planning permission (2009/93675) for the erection of a replacement Tesco store of 6,860m².

- 5.44 The site is an edge of centre location, approximately 350m from the primary shopping area and is therefore not sequentially preferable to the application site and can be dismissed.

Former Kirklees College Site – Application site

- 5.45 The application site, the former Kirklees college site is located in an edge of centre location within the town centre boundary of the UDP Inset Plan and on the emerging Huddersfield Map 1. The site is seen as a key development site that is well connected to the primary shopping area.

- 5.46 PolicyTC1 of the Unitary Development Plans relates to enhancing the role of the town centre by, amongst other matters, improving the quality of the built environment and open spaces, and enabling development opportunities.

- 5.47 The site comprises a brownfield, vacant and disused site which is allocated as a mixed use site in the emerging development plan. Development of the site is intended to support the capacity for growth within the town centre.
- 5.48 The Former Kirklees College Site will extend and improve the range of shopping and significantly improve the quality of the built environment and help to facilitate regeneration of the site and wider area.
- 5.49 Emerging Policy PL17 states that proposals for new development within the town centre that create opportunities for economic development and expansion of the town, retain and regenerate key historic features and provide space for larger scale retail floor plates and town centre residential living will be supported. The proposed retail development is integral to the vitality of the mixed use redevelopment of the site and complies with the adopted and emerging policies.
- 5.50 In summary, no alternative sites have been identified as suitable or available for the proposed development. Whilst there are individual units that are available in the defined centre which could accommodate parts of the retail floorspace, disaggregation of the proposal is not required.
- 5.51 We do not consider there are any sites that are suitable and available for the proposed development and we therefore conclude the sequential test is passed.

Impact

- 5.52 Paragraph 26 of NPPF sets out the requirement for impact assessments and states they should include an assessment of:
- The impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
 - The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made.
- 5.53 In considering the impact of the proposal, regard has been had to the evidence base of the emerging local plan, in particular, the Technical Paper: Retailing and town centres, April 2017 and the WYG Retail Study Update, 2016.

Impact on Public and Private Investment

- 5.54 Discussions with the local planning authority have not identified any plans for public investment in Huddersfield town centre at present or in the future. We are mindful of the strategy to revitalise the centre with more cultural, leisure and independent retail attraction with the aim of increasing footfall and in turn the vitality of the centre. The allocation of the application site for mixed use development forms part of this strategy to enable growth of the centre.
- 5.55 With regard to private investment we are aware of the proposed extension to the Kingsgate shopping centre to provide additional leisure floorspace (including a nine-screen cinema), food and drink outlets and an extension to the existing Next unit. The scheme was approved in March 2017 and is due to open by Christmas 2019.
- 5.56 This application will provide a convenience store and approximately 500m² of additional retail space. Whilst the retail units/ space could be occupied by food and drink occupiers, due to their location on the opposite side of the town and context in relation to the Kirkgate shopping and leisure centre we do not consider they would have any impact on this investment.
- 5.57 The WYG Retail Study Update, 2016 refers to three convenience commitments in zone 1 namely the proposed multi use leisure and entertainment development at

Stadium Way in Huddersfield, the erection of a farm shop at Netherton Moor Road and consent for a foodstore as part of a wider mixed use development at the former St Luke's Hospital at Crosland Moor.

- 5.58 All of the commitments are out of centre and therefore it is not necessary to consider any impact associated with the proposed development on these schemes.
- 5.59 The proposed mixed use development will promote growth and vitality within Huddersfield town centre and will contribute towards achieving the aims of the Kirklees Economic Strategy and other policies within the emerging Local Plan. As a result we do not consider the proposed development will give rise to any significant adverse impacts on the town centre.

Impact on Local Consumer Choice

- 5.60 The second test under paragraph 26 of the NPPF is impact on town centres vitality and viability, including local consumer choice and trade in the town centres and wider area.
- 5.61 In relation to 'local consumer choice' we consider the proposal would have a positive impact. The proposed Lidl foodstore will be located in building 8 as shown on the proposed layout plan. The store forms a relocation of the existing store on Manchester Road to provide a larger modern store, providing added choice and an improved shopping experience to existing customers.
- 5.62 The sites location within the town centre boundary and within the mixed use redevelopment scheme will provide convenient and sustainable shopping provision for existing and new residents associated with the residential elements of the application site.
- 5.63 The assessment by Officers of the extant application for a new foodstore on the site concluded that the proposal would extend and improve the range of shopping, deliver additional employment and significantly improve the quality of the built environment.
- 5.64 In addition to the proposed Lidl store, the application seeks an additional 543m² of retail use proposed within the ground floor of building 2 to complement the mixed use redevelopment of the site.
- 5.65 The operators of this retail area are not known at this stage but are likely to provide a mix of comparison uses and food and drink outlets to enhance the vitality and viability of the scheme and support the new residential and office community created by this planning application.
- 5.66 The proposed retail uses as part of the wider mixed use regeneration will provide enhanced consumer choice through the provision of a modern convenience store and additional units to ensure a thriving redevelopment of the site. The proposed development therefore accords with the emerging policy objective to extend and support the growth of the town centre with enhanced linkages to the core.

Impact on town Centre vitality and Viability

- 5.67 The third element of assessing the impact of a proposal relates to the impact on town centre vitality and viability and trade in the town centre and wider area, up to five years from the time the application is made.
- 5.68 The scope of an impact assessment should reflect the scale, role and function of the proposal. In this instance, there is an extant permission on the site for the provision of 2,470m² gross retail floorspace, (1,424m² net sales.)
- 5.69 This application seeks permission for 2,490m² gross retail floorspace, which is an additional 20m² gross retail floorspace.

- 5.70 In isolation, the provision of an additional 20m² retail floorspace would not require any assessment of impact. However, it is noted that the scheme subject to this application is for an external floor area which is marginally above the NPPF threshold. In order to be robust, we consider impact briefly below.
- 5.71 The assessment of the extant permission found there to be no impact associated with the provision of 2,470m² gross retail development. In this context, the scale of this application proposal for an additional 20m² is not significantly different so that no impact is expected to be associated with the development.
- 5.72 However, to be robust it is appropriate to briefly consider a qualitative assessment of impact, drawing on the conclusions of the retail evidence base supporting the emerging plan and the proposed inclusion of the site within the town centre in the emerging plan.
- 5.73 To consider impact on town centre vitality and viability it is necessary to first understand the health of the two centres which may be affected by the application proposal. In this instance given the location of the application site within the town centre boundary, the primary catchment area for the proposal is restricted to the town centre and areas immediately to the north, west and south of the application site which include the Trinity Street local centre which is located adjacent to the application site.

Trinity Street Local Centre

- 5.74 The local centre is referred to in the UDP as one of 50 local centres. The designation is retained in the emerging Local Plan as one of 61 local centres. The local centre extends along Trinity Street westwards away from Huddersfield town centre and provides a number of shops and services dispersed by residential dwellings. A bus service runs along Trinity Street and on street parking is available.
- 5.75 The centre performs a neighbourhood function providing a largely service based function including a pharmacy, convenience/ newsagents, estate agent, take away restaurants and a surgery.
- 5.76 The centre is important to local needs and is considered to be in good health in terms of providing the services required for the local community.
- 5.77 The application proposal contains a convenience store 2007m² gross and an additional 483m² gross retail space. The majority of the retail floorspace benefits from extant permission for convenience goods (2,470m²) which officers concluded would not result in any significant adverse impacts on Trinity Street Local Centre.
- 5.78 The proposed retail development associated with this application provides an additional 20m² gross of the retail floorspace. It is recognised that the format of the space is different than the extant consent with a smaller convenience store enabling the addition of just under 500m² of space to be subdivided into a number of units.
- 5.79 The additional units are located centrally within the site and will support the mixed-use development of the site. The additional units are intrinsic to creating the sense of place of the wider scheme and to add to the vitality and viability of the development.
- 5.80 Given the conclusions of the officer's report associated with the extant application and the quantum and central location of the additional units within the site, it is not considered that the uplift of retail floorspace or the proposed format would result in any significant adverse impact on the vitality or viability of Trinity Street local centre that would affect its long term viability.

Huddersfield town centre.

- 5.81 In 2014 WYG carried out a health check of Huddersfield town centre as part of the Retail Capacity Study for Kirklees. The health check concluded that Huddersfield town centre exhibited a number of positive signs in relation to health check indicators including a large number of units and being well represented in terms of both national and independent retailers. The indoor shopping centre and markets enable a variety of operators to trade in the centre.
- 5.82 The Kirklees Annual Monitoring Report 2015/ 16 shows that in April 2015, there were 750 shop units trading in Huddersfield Town Centre boundary.
- 5.83 Vacancy levels of shop units have remained slightly above the national levels, increasing from 14% in 2013 to 16.1% in 2015. In July 2017 the UK vacancy level according to Experian Retail Planner Briefing Note 15, was 13.7%.
- 5.84 Whilst vacancy rates in the centre remain slightly above the UK level, this reflects a relatively constant pattern over recent years.
- 5.85 The centre benefits from a good range of comparison and convenience shops together with a range of leisure and retail services. Street markets and events and an emphasis on the indoor market add to the vitality and viability of the centre.
- 5.86 A recent visit to the centre supports the 2014 findings that the health of the town centre remains vital and viable with a good mix of uses that provide for the needs of the district.
- 5.87 The emerging plan defines a Town Centre boundary which includes the application site, Trinity Site, and the mixed-use site at Southgate. These sites are included in the boundary to support the regeneration and of the sites and allow for future expansion of the centre into these locations.
- 5.88 Looking more closely at the quantum of retail development proposed, the 2017 Technical Paper on Retailing and Town Centres supports the proposal, drawing on data and the conclusions in the 2016 Retail Capacity Study update by WYG.
- 5.89 The application proposal seeks 2,490m² of gross internal retail floorspace. As referred to previously the site benefits from an extant permission for a proposed Lidl store comprising 2,470m² gross Ref 2015/93827 to enable the relocation of the existing Lidl store on Manchester Road.
- 5.90 The uplift of retail area in the proposed scheme is therefore 20m² gross which is below the threshold set out in the emerging local plan for an Impact Assessment to be carried out.
- 5.91 The 2016 report identifies that there is a need for convenience goods floorspace in Kirklees. A surplus of convenience goods expenditure across the district of £149m in 2016 is identified which is expected to increase to £166m at 2021 and increasing further up to 2031.
- 5.92 Existing commitments are found to extinguish the majority of surplus expenditure leaving approximately £50m surplus at 2016 increasing to £66.7m at 2021, £87.8 at 2026 and £108.38m at 2031.
- 5.93 The surplus expenditure after commitments have been taken into account equates to a convenience goods floorspace requirements of between 3,700m² and 5,800m² at 2016 increasing to between 8,200m² and 12,700m² at 2031.
- 5.94 With regard to comparison goods, WYG report concludes there is surplus comparison expenditure. Whilst comparison goods commitments extinguish a proportion of the surplus expenditure, the report concludes that a substantial surplus of £30m remains at 2021 increasing to £342m at 2031.

- 5.95 The WYG report considers the specific requirements in individual zones. The application site falls within zone 1 of the retail study area. Within the zone, the study suggests that three commitments, Netherton Moor, Crosland Moor and Stadium Way extinguish the surplus convenience expenditure up until 2031 and the comparison expenditure up to 2021.
- 5.96 Our research suggests that the proposed developments at Netherton has progressed although the Crosland Moor mixed use development and Stadium Way leisure and entertainment development have been delayed.
- 5.97 An extension of time application for the outline consent at Stadium Way was granted in October 2017. The local press reported in October 2017 that the scheme was due to open in 2020 although this is likely to have slipped further due to reserved matters applications outstanding at the time of writing this statement.
- 5.98 An application was granted in October 2017 relating to Crosland Moor to discharge and vary a number of conditions. Of particular relevance the application consent previously contained a convenience foodstore of up 4,273m² gross with an additional 1,114m² for comparison goods.
- 5.99 The 2017 consent varied the condition to remove the restriction on types of goods based on evidence of there being a lack of market interest to provide a convenience foodstore up to 4,000m² although a smaller convenience store up to 2,000m² may be viable.
- 5.100 The reduction in convenience goods floorspace provided at Crosland Moor significantly reduces the estimated convenience turnover of the commitment.
- 5.101 At the time of writing, reserved matters applications are outstanding on both proposals. Whilst it is still appropriate to consider these commitments, it is likely that the developments will be delayed beyond 2021 when additional surplus convenience and comparison expenditure becomes available as discussed above.
- 5.102 The application proposal relates to an uplift in retail space of 80m² which is below the threshold for impact assessment. However, the evidence above suggests that there is sufficient capacity available in zone 1 in the short term to support the proposed development.
- 5.103 It is relevant to note that the WYG report identifies both convenience and comparison capacity in the short term (up to 2021) in the adjoining zone (zone 2). The report concludes that where there is a need identified within a zone, a portion of the need could be provided within the adjacent zones, particularly in respect of convenience goods floorspace.
- 5.104 The WYG evidence and the Kirklees Technical Paper: Retailing and town centres both support the conclusion that there is sufficient capacity within the application zone (1) for the proposed development.
- 5.105 It is not considered that the proposed development will result in any significant adverse impact on the vitality or viability of existing centres. Indeed, the proposed development will extend and improve the range of shopping to add to vitality and viability of the regeneration and will improve the quality of the built environment.

6.0 Planning Assessment

- 6.1 Under Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990, applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 6.2 The development plan in this instance pre-dates the publication of the NPPF and therefore advice in Annex 1 of the NPPF is of relevance regarding the weight to be attached to different policies.
- 6.3 The NPPF highlights a presumption in favour of sustainable development, which is to be a golden thread running through planning, including decision taking.

Sustainable Development

- 6.4 The NPPF identifies three dimensions to sustainable development including economic, social and environmental. We consider the proposed development would contribute to all three roles.
- 6.5 In relation to '**economic**' factors, the proposal represents inward investment in Huddersfield and will deliver the regeneration of the town centre site. The principle of a mixed use development of the site and restoration of the historic assets has been accepted in the mixed use allocation in the emerging Local Plan which is currently undergoing Inspector Examination. The principle and benefits of the retail development of part of the site has been accepted in the extant permission.
- 6.6 The retail element associated with the extant permission was identified as providing up to 50 jobs. The proposed mixed use development including 4649sqm of office space will deliver additional new employment opportunities providing local residents with around 700 new employment opportunities in total, thus contributing to the local economy.
- 6.7 Employment opportunities will also be generated during the construction phase and where appropriate, local labour would be given the opportunity to be involved.
- 6.8 The proposed development provides an important '**social**' role. Provision of a range of new employment opportunities would be attractive to local and new residents. The mix of uses including employment, retail and residential will support the viability and sustainability of the site.
- 6.9 The former Grade II* hospital and Grade II statue are located within the central part of the site are at risk having been vacant and left to decay for a number of years. The application proposal seeks to demolish later additions to the original building and reconstruct them as detached entities to provide modern internal spaces in keeping with the original hospital block that will be restored and brought back into use.
- 6.10 The restoration and reuse of the listed former principal hospital building and restoration of the statue will protect the assets for future generations to enjoy. The proposed mixed use development will enhance the accessibility to the building and statue for the community to enjoy.
- 6.11 In relation to the '**environmental role**', a key benefit of the proposal is the regeneration of a previously developed site. The mixed use regeneration will improve

the quality of the built environment and extend the town centre. The mix of uses proposed and access to the town centre transport connections will support the existing and proposed community whilst reducing the need for regular car based trips.

- 6.12 The site benefits from excellent access by a choice of transport mode with buses and trains proximate to the site. The proximity of the application site to the centre will enable people to easily access the services and connections available by sustainable means.
- 6.13 The application site is a brownfield site that is unallocated in the Kirklees Unitary Development Plan (UDP) and is allocated as a mixed use site in the emerging Local Plan to which considerable weight can be attached.
- 6.14 We consider the proposal would provide sustainable development within the meaning of the NPPF and emerging policy PLP1 and should be granted planning permission.

Principle of Development

- 6.15 The site is unallocated in the Kirklees UDP although the northern part of the site falls within the Greenhead Park Conservation Area. The site is allocated as a mixed use site (Ref MX1906) within the emerging Local Plan with Policy PLP2 establishing the mixed use development.
- 6.16 The preapplication response relating to the proposed development concludes that the principle of mixed use development of the site comprising, retail, offices and residential use is acceptable.
- 6.17 The principle of retail development on the southern part of the site has been established under the extant permission (2015/93827) for the demolition of the existing buildings and erection of a food retail unit with associated parking, access and landscaping.
- 6.18 The site comprises a number of buildings and is classed as a brownfield site within the town centre. Emerging Policy PLP7 encourages the efficient use of previously developed land in sustainable locations.
- 6.19 The previous section has considered retail policy in detail and concludes that the edge of centre site is sequentially acceptable and that there are no alternative sites available.
- 6.20 The application site benefits from an extant permission for 2,470m² of retail floorspace. The application proposals seek an uplift in retail floorspace of 20m² although the format is different with the total retail area comprising a 2,007m² food retail unit and 483m² of additional retail units.
- 6.21 The officers report into the extant permission concluded the retail use would extend and improve the range of shopping, deliver additional employment and improve the quality of the built environment.
- 6.22 In this instance the proposed retail development associated with the mixed use redevelopment of the site is integral to the vitality of the scheme. The retail policy assessment considered a qualitative impact assessment of Huddersfield town centre and concludes that the retail uses would enhance the role of the town centre by extending and improving the range of shopping for the town and that the quantum of floorspace proposed would have not significant adverse impact on the town centre.

- 6.23 The retail elements of the scheme provide a range of employment opportunities and are an integral part of the delivery of a vibrant mixed use scheme.

Housing Policy Considerations

- 6.24 The application proposes 229 new dwellings on this sustainable town centre site, of which 155 are applied for in full with 74 units applied for in outline. As there is a significant number of buildings to be removed from the site, vacant building credit applies such that there is no requirement for affordable housing. It is clear from the application drawings, the extent of the floorspace of existing buildings far exceeds that being replaced by residential accommodation.
- 6.25 Policy H1 of the UDP and PLP1 of the emerging Local Plan supports the creation of dwellings subject to local need. The City Centre living provision would enable a sustainable 'urban renaissance'. Furthermore, Policy PLP1 aims to ensure that "opportunities for development on brownfield sites are realised early in the plan."

Conservation and Design

- 6.26 The former Huddersfield Infirmary Building, Grade II* listed and Grade II King Edward VII Statue sit centrally within the application site. The northern part of the site falls within the Greenhead Park Conservation Area.
- 6.27 The wider site comprises the former Kirklees college campus which includes a range of buildings up to 5 storeys high dating from the 1970s.
- 6.28 The application proposes to demolish the 1970s blocks, former ancillary hospital accommodation and the two rear wings/additions to the original infirmary building. The original Grade II* listed infirmary building is of high significance will be repaired and converted.
- 6.29 To fully assess the significance of the site and the proposed development a Heritage Statement has been prepared (by Woodhall Planning & Conservation) to support the application.
- 6.30 The assessment identifies that there would be "less than substantial harm" to both the listed buildings and structures and Conservation Area. On the other hand, the development would create a **"substantial public benefit that would be achieved by the redevelopment of the Site, the repair and restoration of the principal part of the Grade II* listed building, the provision of a secure economic future for the Grade II* listed building and the enhancement to the setting of the listed buildings and the conservation area."**

Flood Risk and Drainage

- 6.31 In accordance with NPPF a Flood Risk Assessment and Drainage Strategy have been prepared to support the application. The site falls within flood zone 1 and there is therefore no requirement to demonstrate compliance with the sequential or exceptions test. The Environment Agency confirm that areas classified in zone 1 have a less than 1 in 1000 annual probability of flooding and that all land uses are appropriate in this zone.
- 6.32 The FRA states that drainage records shows the site connects to public combined sewers around the site. Given the brownfield nature of the site this is to be expected. Yorkshire Water have confirmed that foul flows can discharge to the combined system and surface water may also discharge at a restricted rate (as detailed in the drainage

strategy). The development raises no issues of flood risk in accordance with PLP 27 and PLP 28 of the Emerging Kirklees Local Plan.

Residential Amenity/ noise and Air Quality

- 6.33 A noise assessment has been prepared in accordance with policy BE1 to ensure that the proposed residents will be protected by noise from traffic associated with the development and the commercial uses on the site.
- 6.34 The noise report concludes that there would be no significant impact preventing the residential development of the site. Mitigation measures in terms of certain glazing specifications are suggested to reduce any ambient noise to windows facing noise sources such as roads.
- 6.35 The submitted Air Quality Assessment considers the overall impact of the development taking into account the councils most recent air quality screening.
- 6.36 The analysis assesses both the construction phase and completion/operational phases of the proposed development. Impacts relating to the former can be addressed with appropriate mitigation measures that can be dealt with via condition through a construction management plan.
- 6.37 In relation to the operational phase, the assessment concludes the impact upon air quality in terms of Nitrogen Dioxide and Particulate Matter would be negligible.
- 6.38 Optional mitigation measures have been suggested within the Assessment, but it is reiterated the development would have a negligible impact upon air quality in the vicinity so the mitigation measures are not a necessity.
- 6.39 The development is therefore in complete accordance with Policy BE1 in the sense that it avoids “excessive exposure to noise or pollution”. Policy PLP15 of the emerging Kirklees Local Plan sets out the criteria for supporting residential development in Town Centre’s and consideration for noise and air quality is one such consideration; the development is therefore in accordance with emerging policy.

Highways

- 6.40 Paragraph 34 of the NPPF requires decisions to ensure that developments that generate significant movement to be located where the need for travel can be minimised and the use of sustainable transport modes can be maximised.
- 6.41 The NPPF requires developments to be supported by a Transport Statement or Transport Assessment. Paragraph 33 of the NPPF confirms that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 6.42 The application is supported by a Transport Assessment and Travel Plan which demonstrates that the site is well located in terms of public transport services and pedestrian linkages.
- 6.43 The site provides adequate parking when it is considered the site is within a highly sustainable location and easily accessible by public transport; the scheme delivers parking adequate to the commercial requirements.
- 6.44 The scheme will result in minimal additional trips during the AM and PM peak periods.
- 6.45 A draft Travel Plan accompanies the application which details the role of the Travel Plan coordinator to promote and assist employees and visitors to the site to use sustainable modes of transport in accordance with NPPF.
- 6.46 In light of the above we consider the proposal accords with the saved policies of the development and the NPPF.

Design and Landscaping scheme

- 6.47 The design principles of the proposed development are provided in the accompanying Design and Access Statement.
- 6.48 The proposed Masterplan layout has been informed by the historical urban grain, honouring the original infirmary in the central part of the site by re-establishing the original 'avenues' which help to penetrate the site and create transparency through the site, in accordance with Policies BE1 & BE2.
- 6.49 The scheme proposes eight blocks across the site situated to create zones to compliment and create connections with their surroundings. Blocks 1 to 3 include the restored infirmary building with two new sustainable and modern wings to cater for modern residential standards. A small amount of retail is included in block 2 to create a hub of use in the central area creating a day time use below the residential units.
- 6.50 Blocks 4, 5, 6, 7 are located in the northern part of the site and comprise residential and office uses to compliment the adjacent residential dwellings.
- 6.51 Block 8 comprises the convenience store at ground level with residential dwellings above to benefit from views across the town.
- 6.52 The proposed development would provide simple high quality forms to create contemporary brick and stone buildings that reflect the towns rich heritage of Victorian mills whilst creating its own sense of place.

Ecology

- 6.53 In accordance with Policy PLP30 of the emerging Local Plan an extended Phase 1 Habitat Survey was carried out.
- 6.54 The findings of the Survey concluded that the 'habitats on site provide a low ecological value and should not pose a constraint to development'.
- 6.55 In particular a detailed Bat Survey was conducted, the Bat survey concluded that there was 'very low activity' in the area and there was no evidence of bats emerging from roosts within the site.
- 6.56 Ecological enhancements are proposed to be considered within the development, these include wildflower seeding of public open space, providing linear features such as tree planting and inclusion of swift bricks and bat roosting boxes within the design.

7. Conclusions

- 7.1 This Planning Support Statement has been produced following instruction from Trinity One LLP to support a hybrid planning application for the proposed redevelopment of the Former Kirklees College, Huddersfield.
- 7.2 The hybrid application consists of a full planning application for the erection of a Lidl supermarket with an 8-storey residential building above, the redevelopment of a grade ii listed Huddersfield infirmary Building to offices and erection of two residential buildings to the rear. The application also seeks outline approval of 4 residential/office buildings in the northern part of the site.
- 7.3 The site is currently derelict and is proposed to be allocated for mixed use redevelopment (Ref: MX1906) under the emerging Local Plan. This proposed allocation, given the advanced stage of the emerging Local Plan, has established the principle of development in this location as acceptable.
- 7.4 Kirklees Council is unable to demonstrate a five-year housing supply and have a record of persistent under delivery to warrant the 20% buffer required by Paragraph 47 of the NPPF. There is an urgent need for more housing to be delivered in the District. The development is proposed to deliver 198 apartments in a highly sustainable location.
- 7.5 Development of the site would provide a high quality mixed use scheme providing much needed housing in a sustainable location, a retail provision within the designated town centre and office provision. The proposed use of materials would be sympathetic to the character of Huddersfield whilst specifically complimenting the former Huddersfield Infirmary Building.
- 7.6 Vehicular access is provided from New North Road, Portland Street and Trinity Street as shown on the submitted plans and detailed in the Transport Assessment. The Transport Assessment provided with the application establishes there would be no adverse impact upon the local highway network. Parking is provided for each element of the development whilst considering the highly sustainable Town Centre location.
- 7.7 The principle of retail development on the site has been established through extant permission (2015/93827). In addition, a full retail policy consideration and sequential assessment concludes the development is acceptable and there are no other alternative suitable sites more preferable.
- 7.8 A full Heritage Statement is submitted with the application and judged the direct impact of the development would have 'less than substantial harm' to the designated historic assets, this harm is "balanced against the substantial public benefit that would be achieved by the redevelopment of the Site, the repair and restoration of the principal part of the Grade II* listed building, the provision of a secure economic future for the Grade II* listed building and the enhancement to the setting of the listed buildings and the conservation area".
- 7.9 In view of the above, it is considered the scheme satisfies national and local policy and represents a suitable development proposal for the site that addresses all the relevant and material considerations. In this context, the proposal satisfies Section 38(6) of the Planning and Compulsory Purchase Act 2004 and it is considered that planning permission, conservation area consent and listed building consent should be granted.