
Report of the Head of Strategic Investment**STRATEGIC PLANNING COMMITTEE****Date: 03-Jan-2019**

Subject: Planning Application 2018/93568 Change of use of existing unit in a mixed Class A1/A2/A3 retail development to form a mixed A1/A2/A3/A4/D2 retail and leisure development, internal alterations and reconstruction of upper level with conversion of an existing internal void space at lower ground level to form new sanitary facilities and enclosure of an existing roof garden Kingsgate Centre, Store 1, King Street, Huddersfield, HD1 2QB

APPLICANT

Peter Everest, WD
Kingsgate Ltd

DATE VALID

29-Oct-2018

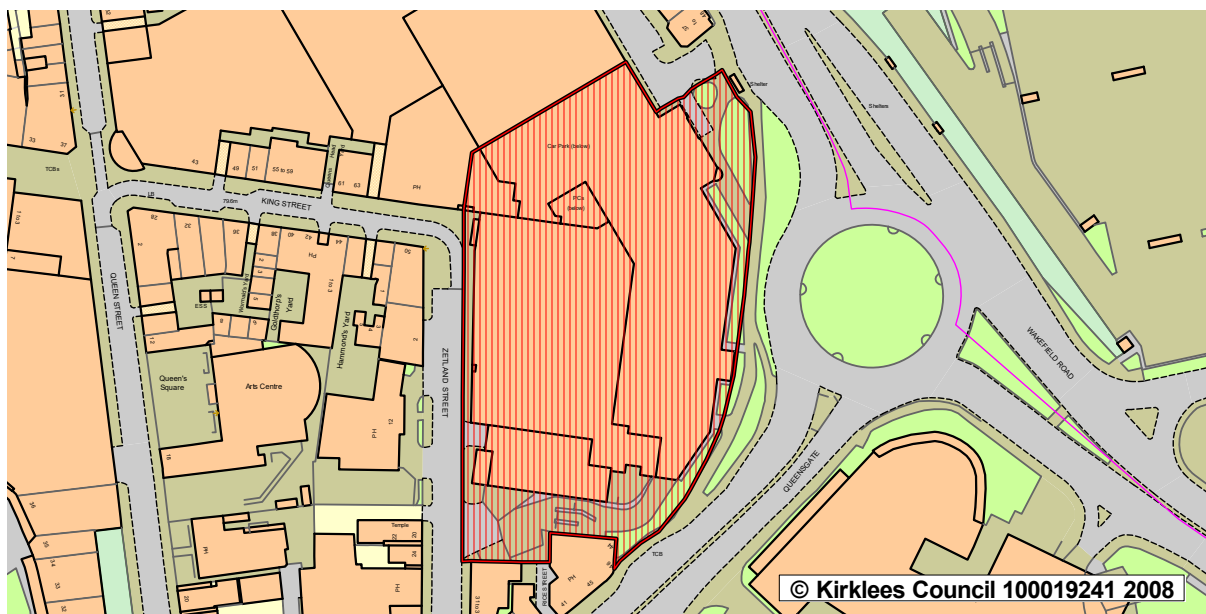
TARGET DATE

28-Jan-2019

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.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN

Map not to scale – for identification purposes only

Electoral Wards Affected: Newsome

Yes

Ward Members consulted
(referred to in report)

RECOMMENDATION

DELEGATE approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions including those contained within this report and to secure a S106 agreement to cover the following matters:

1. To secure a financial contribution for the improvement of the local highway network and/or public art work.

In the circumstances where the S106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Strategic Investment shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Strategic Investment is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

1.0 INTRODUCTION

- 1.1 The application seeks the change of use and subdivision of an existing unit within the Kingsgate Centre, with a use class of A1/A2/A3, to form a mixed use retail and leisure development of A1/A2/A3/A4/D2. Specifically, the proposal seeks several restaurant units and food courts (A3) within the lower ground floor and cinema (D2) on the upper floor. This incorporates internal and external alterations, including the reconstruction of the upper level through a roof extension.
- 1.2 The application is referred to the Strategic Planning Committee as the proposal is non-residential and has a site area exceeding 0.5ha. This is in accordance with the Council's delegation agreement.

2.0 SITE AND SURROUNDINGS

- 2.1 The Kingsgate Centre principally hosts retail units. The application site comprises land within the Kingsgate Centre, and adjacent land, of 1ha. The proposed works relate to the largest A1 retail unit within the Kingsgate Centre, split over three floors, which is currently occupied by the department store House of Fraser. The proposal also relates to the Centre's roof.
- 2.2 The Kingsgate Centre is on the south-eastern edge of Huddersfield Town Centre. To the west the application site fronts onto the bottom of Kings Street and Zetland Street, which mostly host restaurant and drinking establishments.

The Kingsgate's Zetland Street elevation hosts an entrance to House of Fraser's lower ground floor, a mixture of blank and glazed elevations, the service and car park entrances. To the south and east of the site is Huddersfield Town Centre's ring-road and Shorehead Roundabout.

3.0 PROPOSAL

- 3.1 The existing A1 retail unit is split over three floors. These are to be changed into separate uses.
- 3.2 The lower ground floor, on level with Zetland Street, currently has an A1/A2/A3 permission but operates as A1. The proposal seeks to change this to an A1/A2/A3/A4/D2 use, with the current intention to sub-divide the area into five restaurants and nine 'street food' units facing into a central food court, in addition to the cinema's access lobby.
- 3.3 The ground floor level, accessed from the Kingsgate Centre, is to remain in an A1 use. Physical alterations are limited to the removal of the existing escalators connecting the three floors and the installation of a staircase and elevators connecting the lower ground and upper floor levels (to serve the cinema).
- 3.4 The upper level, currently an A1 use with ancillary café, is to be converted to a D2 Cinema Use. It is to provide 9 screens, of varying sizes. To accommodate these screens, a roof extension is required.
- 3.5 At its tallest point the roof extension is to project upwards 8.6m above the Centre's existing parapet wall. This is on the Zetland Street elevation. This is not evident from all elevations due to the existing building's parapet walling and varied existing roof height. For example, from the Shorehead elevation the visible increase is 5.4m. The extension has an irregular, roughly square, footprint with maximum dimensions of 45m x 55m. It is to be clad in metal panels (grey) with feature reflective panels. At the centre of the roof extension's own roof is to be 2.0m high plant screening.
- 3.6 Other external works are limited to the frontage onto Zetland Street. This includes forming several new access points into the new units, the foot court and cinema lobby. This includes glazed panels at lower ground floor level, new signage locations (no details of proposed signs at this time), a canopy and feature entrance to the lobby using the same materials as the roof extension.
- 3.7 The following hours of use are sought;

Use	Monday to Friday	Saturday	Sunday / Bank Holidays
A1 (Shops)	0600 – 0100	0600 – 0100	0600 – 0100
A2 (Financial and professional services)	0600 – 0100	0600 – 0100	0600 – 0100
A3 (Restaurant and Café)	0600 – 0100	0600 – 0100	0600 – 0100

A4 (Drinking Establishments)	0600 – 0100	0600 – 0100	0600 – 0100
D2 (Assembly and leisure)	Always open		

4.0 RELEVANT PLANNING HISTORY (including enforcement history)

4.1 Application site (including the whole Kingsgate Centre)

88/06698: Outline Application for Retail Development Refurbishment of Queen St. Mission & King St. yards with ancillary car parking & highway works – Conditional Outline Permission

91/02220: New Shopping Centre and associated development including car parking – Approval of Reserved Matters

96/92049: Erection of covered shopping centre with car parking including use classes A1, A2, A3 (shops, financial & professional services, food & drink) and ancillary uses (amended proposals) – Conditional Full Permission

2016/92029: Erection of extension to existing Kingsgate Shopping Centre to form new Leisure Development including new cinema and restaurants, and demolition of existing buildings on the site including 20-22 Cross Church Street (partly within a Conservation Area) – Section 106 Full Permission

2016/92030: Listed Building Consent for erection of extension to existing Kingsgate Shopping Centre to form new Leisure Development including new cinema and restaurants, and demolition of existing buildings on the site including 20-22 Cross Church Street (partly within a Conservation Area) – Consent Granted

2018/90166: Outline permission for alterations and conversion of retail unit (A1) to 58-bedroom hotel (C1), partial demolition of building at level 4, erection of extension at roof level, erection of lift/stair core extension and erection of canopy to King Street at street level (within a Conservation Area and setting of Listed Buildings) – Conditional Outline Permission

2018/93933: Erection of extension at level 4 above existing unit store 1 – Ongoing

2018/93937: Change of use from existing Class A1 (retail) to Class D2 (assembly and leisure) erection of entrance canopy, entrance lobby and a public lift (within a Conservation Area) – Ongoing

4.2 Surrounding area

Given the site's location within Huddersfield Town Centre there are numerous planning applications within the surrounding area. Beyond those referenced above, none are considered relevant to the current application.

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme)

- 5.1 Officers have sought clarification on the proposed materials of construction, how the site would operate and the impact on the local highway. During the course of the application the applicant decided to amend the plans, most notably on the Zetland Street elevation. This was their own choice, without officer feedback.
- 5.2 At the time of writing discussions are ongoing regarding the local Highway Impact and the value of the contribution to improve the street scape around the site.

6.0 PLANNING POLICY

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 48 of the National Planning Policy Framework (2018). In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2018), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.
- 6.2 The site is allocated as a 'Site for Shopping Development' and a 'Main Shopping Area' on the UDP Proposals Map (Huddersfield Town Centre Insert). These related to TC2, which is not a saved policy, and the Kingsgate Development has been implemented.
- 6.3 The site is within Huddersfield Town Centre on the PLP Policies Map, allocated as a Primary Shopping Area. The site's frontage into the Kingsgate Centre is a Primary Shopping Frontage.
- 6.4 The site is adjacent to Huddersfield Town Centre Conservation Area.
- 6.5 Kirklees Unitary Development Plan (UDP) Saved Policies 2007
- **D2** – Unallocated land
 - **BE1** – Design principles
 - **BE2** – Quality of design
 - **BE5** – Conservation areas
 - **EP6** – Development and noise
 - **T10** – Highway and accessibility considerations in new development
 - **T19** – Parking standards
 - **T20** – Town centre parking
 - **S1** – Shopping and service uses (strategy)

- **S11** – Service uses
- **S14** – Hot food takeaways
- **TC1** – Huddersfield Town Centre Policies
- **TC22** – New development

6.6 Kirklees Draft Local Plan Strategies and Policies (2017)

- **PLP01** – Presumption in favour of sustainable development
- **PLP02** – Place shaping
- **PLP03** – Location of new development
- **PLP07** – Efficient and effective use of land and buildings
- **PLP13** – Town centre uses
- **PLP14** – Shopping frontages
- **PLP16** – Food and drink uses and the evening economy
- **PLP17** – Huddersfield Town Centre
- **PLP21** – Highway safety and access
- **PLP22** – Parking
- **PLP24** – Design
- **PLP25** – Advertisements and shop fronts
- **PLP30** – Biodiversity and geodiversity
- **PLP35** – Historic environment
- **PLP47** – Healthy, active and safe lifestyles
- **PLP51** – Protection and improvement of local air quality
- **PLP52** – Protection and improvement of environmental quality

6.7 National Planning Policy Framework (2018)

- **Chapter 2** – Achieving sustainable development
- **Chapter 4** – Decision-making
- **Chapter 6** – Building a strong, competitive economy
- **Chapter 7** – Ensuring the vitality of town centres
- **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 15** – Conserving and enhancing the natural environment
- **Chapter 16** – Conserving and enhancing the historic environment

7.0 **PUBLIC/LOCAL RESPONSE**

7.1 The application has been advertised via site notice, press notice and through neighbour letters to addresses bordering the site. This is in line with the Council's adopted Statement of Community Involvement. The end date for publicity was the 7th of December, 2018.

7.2 As a result of the advertisement period one representation was received. The following is a summary of the comments made;

- The NPPF supports cinemas as a town centre use. Hope local policy reflects this.
- A3/A4 uses would also be positive. While the Kingsgate is Huddersfield's only shopping centre it is lacking such services.

- Limited highways details have been provided, raising concerns over the introduction of a D2 use. The ring road is already a cause for concern and the intensification of parking could be an issue.

Local Member Response

- 7.3 Councillors Karen Allison and Julie Stewart-Turner expressed initial concerns over the proposal. Following a meeting between the councillors and officers, in which the proposal's details were discussed in more length, the councillors provided no further objection.

8.0 CONSULTATION RESPONSES

8.1 Statutory

Historic England: No objection.

K.C. Highways: Expressed concerns over the lack of a Highway assessment being provided.

8.2 Non-statutory

K.C. Conservation and Design: Note the mass and scale of the extension, however consider the benefits of the proposal to outweigh the harm caused. Welcome the improvements to the Zetland Street elevation.

K.C. Crime Prevention: No response received.

K.C. Ecology: No objection subject to condition.

K.C. Environmental Health: No objection subject to condition.

K.C. Policy: No objection on policy grounds.

K.C. Public Health: Have provided advice and guidance to the applicant.

Yorkshire Water: No response received.

9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Residential amenity
- Highway issues
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

- 10.1 Planning law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework 2018 (NPPF) is one such material

consideration. The starting point in assessing any planning application is, therefore, to ascertain whether or not a proposal accords with the relevant provisions of the development plan; in this case the saved policies in the Kirklees Unitary Development Plan, 1999 (UDP). If a planning application does not accord with the development plan, then regard should be had as to whether there are other material considerations, including the NPPF, which indicate that planning permission should be granted. The Council are also at an advanced stage in the preparation and adoption of the Local Plan. The Local Plan - Kirklees Publication Draft Local Plan (PDLP) – was submitted for examination in April 2017.

- 10.2 NPPF Paragraph 11 and PLP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation. The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.
- 10.3 The site is within Huddersfield Town Centre. NPPF Paragraph 85 requires that planning decisions to support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. This includes retaining and enhancing existing markets and, where appropriate, re-introduce or create new ones. This is supported by the preamble of PLP13, which states;

Town centres are continually changing, and evolve depending on market supply and demand at any particular time. The habits and requirements of consumers, businesses, and visitors are also a contributory factor. Centres provide an important cultural destination for communities, and provide goods and services which are essential for people to live and work and for businesses to prosper and be successful.

- 10.4 The proposal would result in the net loss of 5290sqm of retail floor space, although these floors are noted to have permission to convert to A2 or A3 (granted under the Kingsgate Centre planning permission). Being the upper and lower floors, neither of these front onto primary or secondary shopping frontages but are within Primary Shopping Areas. However, Primary Shopping Areas do not exclude non-shopping uses. While officers note the loss of retail space within a Primary Shopping Areas, given the recent economic climate and known retail business issues, in principle officers welcome the diversification of both the Kingsgate Centre and Huddersfield Town Centre.
- 10.5 The proposed cinema and restaurant uses would enhance the existing night-time economy of the town centre by providing a different offer to that provided by the high concentration of public houses and hot food takeaways within the vicinity of the site. There would be significant public benefits to diluting the 'alcohol economy' in this part of the town centre and the proposal would strengthen the vitality and viability of the overall town centre. Turning to jobs, the current site has an equivalent number of full-time jobs of 145. The proposed figure is unknown, however officers are satisfied that it would be either equivalent or higher, given the comparable densities of employment between A1 and A3/D2 uses.

- 10.6 To conclude on the principle of development, the principle of introducing a mixed use leisure and retail development within this highly sustainable central town centre location is welcomed. As such there are no objections to the principle of development. Consideration must be given to the proposal's local impact, outlined below.

Urban Design issues, including the Historic Environment

- 10.7 Policy BE1 requires new development to retain a sense of local identity, with BE2 stating new development should be in keeping with surrounding development in respect to density, layout and building height. These requirements are reflected in PLP24 and Paragraph 127(c) of the NPPF, which states;

Planning policies and decisions should ensure that developments: are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

- 10.8 Establishing the historic context, while not within the Huddersfield Town Centre Conservation Area, because of the site's proximity to the Conservation Area's boundary it has the potential to impact upon it. Furthermore there are numerous listed buildings adjacent to the site. Sections 66 and 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990 introduce a general duty in respect of Listed Buildings and Conservation Areas. In considering whether to grant planning permission for development which affects a listed building, its setting or the setting of a Conservation Area the LPA should give special attention to the desirability of preserving or enhancing the character or appearance of heritage assets. Additionally, Policy BE5, PLP35 and NPPF Chapter 16 outline the principle of development and restrictions for heritage asset development.
- 10.9 First, consideration is given to the changes to the Zetland Street elevation. Currently it is a predominantly blank wall, with some interest provided by darkened glazed sections and changes in material. Regardless it is considered to provide little in terms of visual amenity value.
- 10.10 The proposal seeks to change this into an active frontage through creating several new entrances and a feature entrance for the proposed cinema. This includes a minimally projecting canopy and subdivision through aluminium panels. The works are considered visually attractive and appropriately link into the proposed roof extension, resulting in a coherent new commercial frontage that, while more modern, is considered to suitably harmonises and respect the more traditional setting evident on Kings Street.
- 10.11 Some concern is held over the proposed upper signage locations, however the details of proposed signs would be subject to separate Advertisement Consent applications. Given the site's location to the Conservation Area, suitably high quality adverts which respect the traditional character and architecture of the area would be sought in such applications. The other signage locations are considered appropriate.
- 10.12 Turning to the roof extension, the proposed addition of lightweight and modern roof extensions is not unique within Huddersfield Town Centre, with examples

being evident on Dundas Street (The Alteration Shop) and Half Moon Street (Standard House). However that proposed is of a greater scale and would be notably from several prominent gateways and vistas around the town. Converse, Kingsgate is a large modern structure. The proposed extension has a lightweight, attractive yet functional appearance that would allow it to appear subservient to the host building.

- 10.13 The Kingsgate's most prominent elevation is that facing onto Shorehead. However, on this elevation the proposed roof extension is set well back into the structure, away from the frontage (circa 15.0m), and has the lowest increase in height compared to the existing parapet wall (5.4m). Because of this, while officers acknowledge the extension will be visible, it is not anticipated to appear overly prominent or incongruous so as to appear visually unattractive. Turning to Zetland Street, while the extension would be close to the road frontage it remains 5.0m set back into the building's roof. This results in a limited angle of view for pedestrians within the street, minimising its prominence and apparent mass. Views from within Huddersfield Town Centre, which are predominantly on a higher ground level are restricted due to the massing of development within the town. The extension will be visible from other viewpoints. However those referenced are the most prominent and impactful. For the reasons given, officers do not consider the mass, scale and appearance of the extension harmful to the visual amenity of the wider area.
- 10.14 Considering the materials, metal cladding is proposed. The Zetland elevation, which would have the greatest mass of the extension, it is to be broken up by reflective panels. Brochures of the proposed materials have been provided. Officers are satisfied that the materials sought would suitably harmonise with the host building while achieving the objectives of being lightweight and a subservient appearance. Nonetheless, if minded to approve, officers would seek a condition requiring samples to be provided, to ensure a suitable end product is used.

Historic Environment

- 10.15 Considering the above in the context of the historic environment, the NPPF requires that all development should preserve or enhance the character of conservation areas and setting of listed buildings. The improvement of the shop fronts on to Zetland Street are deemed an enhancement and is as such compliant with the NPPF. Regarding the roof extension, the increase in height does have an impact upon the setting and character of the conservation area and therefore is considered to cause harm. However, the harm is not considered to impact upon the overall significance of either the Conservation Area or adjacent listed buildings and is deemed less than substantial. It is noted that Historic England, while consulted, decided to provide no comment or objection.
- 10.16 In accordance with the NPPF, where less than substantial harm is caused it must be weighed against the public benefits. The public benefits of this scheme are considered to include the enhancements to the Zetland Street frontage, securing a financial contribution to improve local highways and/or artwork and securing a vital and viable use within a town centre, which in turn will increase footfall and 'spend' in the area. These have been considered by officers and K.C. Conservation and Design, who conclude that the public benefits will outweigh the harm caused.

- 10.17 Concluding on the above, officers are satisfied that the proposed works would be visually attractive upon the host building, complementing the existing built form, while also harmonising with the surrounding area. While some harm would be caused to the historic environment, this would be outweighed by the public benefits of the proposal. Therefore the development is deemed to comply with Policies D2, BE1, BE2, BE5 of the UDP, PLP24 and PLP35 of the PDLP and Chapters 12 and 16 of the NPPF.

Residential Amenity

- 10.18 While the proposal would increase the height of the existing structure, officers are satisfied that there are no 3rd party residential units within a close enough proximity to the site to suffer from harmful overbearing or overshadowing from the proposed development. Likewise, while the amount of glazed openings is to increase, none would result in harmful overlooking of neighbouring dwellings or land.
- 10.19 Notwithstanding the above, given the proposed cinema and restaurant uses, the site has the potential to be a noise and odour pollutant. This is giving weight to the proposed hours of use, with the restaurants being open to 0100 and cinema at all times. This could impact on residential units in a wider area, as well as pedestrians. However, in corroboration with Environmental Health, officers are satisfied that suitable mitigation can be achieved at the site. If minded to approve, officers are to condition mitigation strategies be provided, to comply with Policy EP6 of the UDP, PLP52 of the PDLP and Chapter 15 of the NPPF.

Highway issues

- 10.20 Policy T10 of the UDP sets out the matters against which new development will be assessed in terms of highway safety. The site is located within the town centre and in a highly sustainable location. The existing and proposed uses are anticipated to have a similar demand for parking, albeit with different peaks in demand.
- 10.21 The intention is to utilise the existing facilities of Kingsgate car park (in addition to others within the centre) as whilst the cinema / restaurant facility would be open throughout the day, the majority of use by non-shoppers will be during the evening when the car park is currently mostly empty. This is true too for other car parks within the area. This arrangement is considered to be acceptable. Serving arrangements are to remain as existing. Officers are to seek a Construction Management Plan via condition, given the nature of the proposed development and the site's access constraints.
- 10.22 Notwithstanding the above Highways Development Management have expressed concerns over the lack of a Transport Assessment. While not opposing the principle of the application, this information would allow further detailed assessment relating to traffic generation, parking, travel modes and drop off arrangements etc. Discussions on these details are ongoing.
- 10.23 While the proposal is not anticipated to increase vehicular demand, it would increase that from pedestrians within the town centre. To address concerns of the impact on the local network, the developer proposes to make a contribution of £25,000 towards local council initiatives of either Highway

improvements works or local artwork. Officers are in the process of negotiating the provision and value of the contribution. These are to be secured via a S106 Contribution, with an update on officer progress to be provided within the Committee Update to members.

- 10.24 Subject to securing these contributions, officers are satisfied that the proposed development would not harm the safe and efficient operation of the Highway, in accordance with Policies T10 of the UDP, PLP21 of the PDLP and Chapter 9 of the National Planning Policy Framework.

Other Matters

Crime prevention and counter terrorism

- 10.25 The proposal seeks restaurants and drinking establishments within Huddersfield Town Centre. Furthermore it would result in an intensification of a public area. Crime prevention and counter terrorism are material planning considerations, as outlined by BE23 of the UDP, PLP24 of the PDLP and Chapter 8 of the NPPF.
- 10.26 The applicant has undertaken consultation with the National Counter Terrorism Policing and will continue to do so through the technical design process. This is welcomed, however to ensure suitable measures are proposed and implemented, if minded to approve a condition is to be imposed.

Air Quality

- 10.27 Huddersfield Town Centre is currently an Area of Concern. It is the Policy of the Councils that in areas of concern, where developments will have a negative impact on air quality, that the impact should be assessed and mitigated against. Furthermore the application is considered to be major development in accordance with the West Yorkshire Low Emission Strategy Planning, and it is located within an Air Quality Management Area (Queensgate/Southgate). The impact of the proposed development on local air quality is therefore a significant factor.
- 10.28 While the proposal is supported by an Air Quality Impact Assessment, it does not address the required issues. Therefore officers are to seek an Air Quality Impact Assessment and Travel Plan via condition to ensure appropriate assessment and mitigation are accounted for. The report should specify what measures the developer intends to take to reduce this impact. Subject to such a condition, officers are satisfied that the proposal would comply with the aims and objectives of PLP21, PLP24 and PLP51 of the PDLP and Chapters 9 and 15 of the NPPF,

Ecological considerations

- 10.29 The proposal seeks alterations and enlargements to the roof. While officers are satisfied there will be no harm to local ecology, the PDLP and NPPF seek for planning applications to provide ecological enhancements. This has been considered by K.C. Ecology who consider the most appropriate enhancement to be swift boxes, to support the local population. This is to comply with PLP33 and Chapter 15 of the NPPF.

Planning obligations

- 10.30 Officers are in the process of negotiating the provision of a contribution towards local highway improvement works and/or towards public art works. These are to be secured via a S106 Contribution, with an update on officer progress to be provided within the Committee Update to members.

Representations

- 10.31 One representation was received. The following is a summary of the comments made, with officer response;

- *The NPPF supports cinemas as a town centre use. Hope local policy reflects this.*
- *A3/A4 uses would also be positive. While the Kingsgate is Huddersfield's only shopping centre it is lacking such services.*

Response: These comments are noted and align with officer's consideration of the principle of development.

- *Limited highways details have been provided, raising concerns over the introduction of a D2 use. The ring road is already a cause for concern and the intensification of parking could be an issue.*

Response: This is noted. However, as addressed within the Highways section officers are satisfied that the proposal would not represent a material intensification in demand for parking. As noted, a contribution is sought for local highway improvements to address pedestrian demand.

11.0 CONCLUSION

- 11.1 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.

- 11.2 The principle of converting retail space within the Kingsgate Centre into leisure, resulting in a mixed used leisure and retail development, is welcomed in principle. This is taking note of the sustainable town centre location. While the proposal would cause harm to the neighbouring Conservation Area, this is deemed to be less than substantial. The less than substantial harm is outweighed by the public benefits of the proposal.

- 11.3 Officers raise no objections to other material planning considerations, including highways, residential amenity and ecology.

- 11.4 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.

12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Strategic Investment)

1. Time limit 3years commencement

2. In accordance with plans
3. Noise and odour mitigation
4. Air Quality Impact Assessment and Travel Plan
5. Construction Management Plan
6. Ecological enhancements (swift boxes)
7. Hours of use
8. Material samples to be provided
9. Crime and counter-terrorism mitigation measures

Background Papers

Application and history files

Available at;

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018/93568>

Certificate of Ownership

Certificate A signed