

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended)

**DELEGATED DECISION TO DETERMINE APPLICATIONS FOR
DEMOLITION OF BUILDINGS – Town and Country Planning (General
Permitted Development) Order 2015 (amended) – Class B, Part 11 of
Schedule 2.**

Reference No: 2020/N /93736/W

Site Address: Queensgate Market carpark, Alfred
Street/Queensgate, Huddersfield, HD1 2UJ

Description: Prior notification for demolition of car park

Recommending Officer: Stuart Howden

DECISION – Details of Demolition Approved

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

Teresa Harlow

AUTHORISED OFFICER

Date: 04-Dec-2020

Officer Report

Site Description

Queensgate Market Car Park, Alfred Street/Queensgate, Huddersfield, HD1 2UJ

The site comprises the Queensgate Market Car Park, which is to the east of Alfred Street, north west of Queens Street and south of Queensgate Market, and is within Huddersfield Town Centre. The car park has five levels and is constructed from concrete. The car park is linked to the Grade II Listed Queensgate Market by a footbridge a first floor level (this footbridge is not listed).

The site is not within a conservation area, but is within close proximity to the Huddersfield Town Centre Conservation Area which is to the east and west of the site. There are a number of Grade II listed buildings within close proximity to the site

Description of Proposal

The applicant sought determination as to whether prior approval was required for the method of demolition of the existing building as well as means of restoring the site.

On 10th November 2020, a formal request was sent to the applicant's agent outlining that prior approval was required (i.e. the LPA requested further information about the method of demolition and restoration of the site).

History of Negotiations/Amendments Received

The LPA determined that prior approval was required regarding the method of demolition and restoration of the site on 10th November 2020. The additional information requested relates to:

- The dismantling of the car park.
- Details of fencing.
- Clarity regarding the restoration of the site including replacement planting.
- Treatment of the footbridge which is linked to the Grade II listed Queensgate Market.
- Hours of construction.

The applicant's agent provided further information regarding these matters and addressed the concerns of Officers.

Relevant Planning History

92/02370 – Alteration to Car Park Entrance/Exit – Deemed Permission.

2008/91902 - Outline application for new residential development (C3); retail and leisure (Approx 418,000 SQR.FT Gross, encompassing A1 to A5 uses, including anchor, department store, mezzanines and new market hall); Hotel (C1); New library; Art gallery, information centre and tourist information centre (D1); A new car park (Approximately 900 spaces) and change of use of the court house to form cafe/restaurants (A3, A4) and enhancement/improvements to public realm, bridge link and highways improvements (Listed buildings part within a conservation area) – Approved.

Representations/Publicity

The Local Planning Authority did not publicise the Prior Notification application, as the duty lies with the applicant to advertise their intention to demolish the building. Photos of a number of site notices around the site have been provided by the applicant's agent.

The site notices were posted on 3rd November 2020. It is considered that the Prior Notification application met the conditions of Schedule 2, Part 11, Class B.2 (b) of the Town and Country Planning (General Permitted Development) Order 2015, with regard to publicising the application and the applicant's contact details.

No representations were received.

Consultation Responses

KC Building Control: No objections.

KC Trees: No objections to the demolition and associated tree loss. Any replacement development for the site will need to include substantial mitigating new tree planting, above that which is being removed, to ensure there is a gain on site. Protective fencing, as recommended in the Arboricultural Impact Assessment, will need to be complied with during the demolition process.

KC Ecology: A Bat Report has been submitted with the application which concludes the likely absence of roosting bats from the building on site. Therefore, risk to roosting bats is considered unlikely and, as no other significant ecological constraints are present, it is considered that the proposals are in accordance with LP30i to 'result in no significant loss or harm to biodiversity in Kirklees'

KC Highways Development Management: No comments received.

KC Conservation and Design: Concerns that the removal of the bridge could potentially leave a scar on the listed building. Also requested further information how the first exit will be provided after the removal of this element.

The above is a summary of comments raised from consultees. For full comments, please view the Council's Planning Webpage.

Relevant Planning Policy and Guidance

The Town and Country Planning (General Permitted Development) Order 2015 (GPDO).

Appraisal

General Principle

An application was submitted for determination as to whether prior approval for the method of demolition and/or restoration of the site was necessary and was required to be determined under Class B of Part 11, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (GPDO). This required a site notice to be displayed on or near the land for not less than 21 days.

Class B of Part 11, Schedule 2 of the GPDO gives Permitted Development rights for demolition that has obtained prior approval. An Application for Prior Notification of Proposed Demolition triggers a 28-day process in which the Local Planning Authority has to determine whether or not formal approval is needed for the works. If so, then details of the method of the demolition and means of restoring the site need to be approved.

Part B.2 of Part 11 of Schedule 2 of the GPDO makes it clear that such prior approval is not needed for demolition that is considered to be 'excluded demolition'. 'Excluded demolition' is defined at Para B.3 (GPDO) to mean 'any development on land which is the subject of a planning permission, for the redevelopment of the land'.

There are no current extant planning consents relating to the existing building. Therefore, the development set out in the prior notification application did not fall into the category of 'excluded demolition'. Furthermore, whilst it is noted in the prior notification application form that the car park has been assessed unsafe, it is not claimed that the demolition is 'urgently necessary.'

Where demolition is not 'excluded development' or 'urgently necessary', the applicant is required to apply to the Local Planning Authority (LPA) for the determination as to whether prior approval of the LPA is required as to the method of demolition and any proposed restoration of the site.

The application form submitted along with the prior notification application provided information on the method of demolition and restoration of the site. A Traffic Management Plan, Tree Survey and Tree Constraints Plan, and a Bat Survey were also submitted alongside the prior notification application. Evidence of site notices being posted around the site has been provided as part of this application.

However, on 10th November the applicant's agent was formally notified that prior approval was required and the Local Planning Authority has since requested further information regarding the following matters:

- The dismantling of the car park.
- Details of fencing.
- Clarity regarding the restoration of the site including replacement planting.
- Treatment of the footbridge which is linked to the Grade II listed Queensgate Market.
- Hours of construction.

The applicant's agent provided further information on the above matters and the method of demolition and restoring the site will be discussed below.

Method of demolition

The submission outlines that:

- 2.4 metre high close boarded fencing will be installed around the perimeter of the site during works and there will only be access and egress from the site off Queensgate via the haul road through 2.4 metre high gates.
- Pedestrian routes adjacent to the works are to be closed off during the duration of the works.
- Traffic management signage and fencing associated with road closure, toucan crossings and bus stop to be installed and maintained for the duration of the car park demolition.
- That each element/bay/level is to be demolished in a piecemeal fashion to avoid destabilising the structure (level by level reduced to ground level). Machine driven methods are not proposed, and instead there will be a dis-assembling demolition process which will lift and shift each element, including the footbridge, off site via a crane, and crushed off-site.
- Site working hours will be 08:00 – 17:00 Monday to Friday.

The Council's Conservation Officer raised concerns that the removal of the bridge could potentially leave a scar on the listed building. Further information on this matter was sought from the applicant's agent who noted that the footbridge is suffering from structural issues, and that it has a movement with a clear demarcation line at the interface with the adjoining Grade II listed Queensgate Market, which would avoid harm to the fabric of the listed building. Having visited the site and viewed the photos of the bridge from the applicant's agent, I am satisfied that the proposed removal of the bridge would not impact upon the fabric of the Grade II listed building.

The Council's Conservation Officer also raised concerns with how the fire escape from the market would be dealt with should the footbridge be

demolished. The applicant's agent has noted that a temporary scaffold stair tower will be installed parallel to Queensgate Market (not attached to this building) to allow for a fire escape route. It should be noted that if this is a temporary fixture it will not require planning permission, but if this is to become a more permanent fixture it may require planning permission.

The Council's Environmental Health Team have not provided comments on the above application, but the proposed hour of works are considered to be acceptable (they would not be at unsociable hours).

The Council's Building Control Department has noted that the car park has been assessed in respect to a Building Act 1964 demolition notice under a Section 80 application. Building Control raised no objections and put standard conditions on the Section 81 Counter Notice.

A bat survey has been submitted which concludes that the building is unlikely to accommodate roosting bats and the finding of this report is not disputed by the Council's Ecologist.

The Tree Survey submitted with this application identifies 12 individual trees, and notes 7 of these are category 'B' (moderate quality), whilst five are category 'C' (low quality). The Tree Survey notes that 11 of these trees are to be removed to facilitate the works. The Council's Arboricultural Officer has raised no objections to the loss of these trees as they are younger specimens and have poor form due to constrained growing location. Having visited the site, Officers see no reason to disagree with this conclusion. Regarding the tree to be retained, protective barriers are to be erected around the outer edge of the tree canopy or the edge of the root protection area (whichever is furthest away) and this will need to be complied with to ensure this retained trees is not inadvertently impacted by the works.

The Local Highways Authority has not commented on this application, but Officers see no reason to raise concerns regarding the Highway Management Plan submitted alongside the application.

Restoration of the site

In terms of the restoration of the site, the submission outlines that the bottom two levels of the car park have concrete hardstanding, which is to be retained for a temporary surface level car park. There would be no change of use as a result of this given the existing use of the site is already a car park.

The Council's Arborocultural Officer has stated that any replacement scheme for the site will need to include a detailed landscaping scheme to include substantial mitigating new tree planting, above that which is being removed, to ensure there is a gain on the site. The applicant's agent has noted that they would include replacement planting as part of new development at the site and that a detailed landscaping plan would be provided including native shrub planting. An informative will be attached specifying that any future application for development at the site will need to provide such a detailed landscaping scheme.

This restoration of the site is considered acceptable and it is considered that it would not have any significant adverse impacts on its surroundings.

Conclusion

It is recommended that prior approval for the demolition of the existing building is granted.

Recommendation: Grant Prior Approval Decision Authorisation – Delegate Powers

Application Number: 2020/93736

Officer Recommendation: Grant Prior Approval

Standard Letter

Extra text

The Council's Arborocultural Officer has stated that any redevelopment scheme for the site will need to include a detailed landscaping scheme to include substantial mitigating new tree planting, above that which is being removed as part of the method of demolition, to ensure there is a net gain on the site. You have noted that you would include replacement planting as part of new development at the site and that a detailed landscaping plan would be provided including native shrub planting. Any future application for development at the site will need to provide such a detailed landscaping scheme.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application Form	-	-	5 th November 2020
Location Plan	SE01	-	5 th November 2020
Photos Displaying Fixed Site Notices	-	-	5 th November 2020
Bat Survey Report by Brooks Ecological dated 7 th September 2020	ER-4883-01	-	5 th November 2020
Arboricultural Impact	AR-4883-03	-	5 th November 2020

Plan Type	Reference	Version	Date Received
Assessment Plus Tree Survey by Brooks Ecological dated October 2020			
Tree Constraints Plan	DR-4883-01	-	5 th November 2020
Traffic Management Plan	722-032-H04	T4	5 th November 2020
E-mail from applicant's agent received on 10 th November 2020 providing details on the demolition and restoration of the site	-	-	10 th November 2020
E-mail from the applicant's agent received on 20 th November 2020 providing details on the method of demolition	-	-	20 th November 2020
E-mail from the applicant's agent received on 23 rd November 2020 providing details of perimeter fencing	-	-	23 rd November 2020
E-mail from the applicant's agent received on 1 st December 2020 providing details of the construction hours	-	-	1 st December 2020
E-mail from the applicant's agent received on 1 st December 2020 providing details of the footbridge and scaffolding	-	-	1 st December 2020
Demolition Constraints Plan	722-032-D-01	T2	1 st December 2020
Photos displaying demarcation line between footbridge and Queensgate Market	-	-	2 nd December 2020
E-mail from the applicant's agent received on 2 nd December 2020 outlining that the	-	-	2 nd December 2020

Plan Type	Reference	Version	Date Received
scaffolding will not be attached to Queensgate Market			
E-mail from the applicant's agent received on 3 rd December 2020 regarding the replacement planting	-	-	3 rd December 2020

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

The LPA determined that prior approval was required regarding the method of demolition and restoration of the site on 10th November 2020. The additional information requested related to:

- The dismantling of the car park.
- Details of fencing.
- Clarity regarding the restoration of the site including replacement planting.
- Treatment of the footbridge which is linked to the Grade II listed Queensgate Market.
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Report Dated: 04.12.2020