



KIRKLEES CULTURAL HEART

PLANNING STATEMENT

Pegasus Group

Planning Statement for Kirklees Cultural Heart.

Land and buildings at Queensgate Market, Huddersfield Library and Art Gallery, and Piazza (and The Shambles) Shopping Centre, Huddersfield.

On behalf of Kirklees Metropolitan Borough Council.

Date: September 2022 | Pegasus Ref: P21-0731

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Document Management.

Version	Date	Author	Checked/ Approved by:	Reason for revision
A	20.09.22	RG	CC	
B	29.09.22	CC	CC	Revisions to reflect final assessments



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Executive Summary.

- 1.1. The Kirklees Cultural Heart (KCH) is a key council-led regeneration scheme, which forms part of a wider blueprint for Huddersfield Town Centre. The 'Blueprint' is a ten-year vision to create a thriving, modern day town centre: A vibrant culture, art, leisure and nightlife offer, thriving businesses, a great place to live, improved access and enhanced public spaces.
- 1.2. KCH is a flagship project within the Huddersfield Blueprint that will breathe new life into the area presently occupied by the Piazza shopping centre, reinvigorating Listed Buildings and spaces within the site. It has been designed to create an inclusive, cultural centre that celebrates the district and embraces the viable use of heritage assets within the site. It will introduce a significant amount of public realm that will appeal to a variety of users, encouraging improved health within a traffic-free environment to encourage friends and family to relax, gather and move within the buildings within the scheme. It will create a mix of uses, including a new flexible venue, outdoor events space, museum, art gallery, food hall and library, which alongside the new public realm shall provide more reasons for people to visit the town centre.
- 1.3. Considerable iterative and detailed design work has been carried out by the design team alongside, in consultation with Kirklees Council and other relevant stakeholders to produce a truly inclusive and vibrant development scheme. The progression of this scheme has been subject to significant public consultation and scrutiny and therefore the submission of a planning application for the KCH represents a substantial milestone in the delivery of the scheme.
- 1.4. This planning application seeks 'full' planning permission for the proposed development, alongside two applications for Listed Building Consent (for the Library and Art Gallery building and the Queensgate Market) that shall help facilitate the scheme. It is the ambition of the Council, to bring forward the development comprehensively, although component parts can be brought forward at different phases, if required.
- 1.5. The nature of the proposed mixed-uses within the development, namely, a new indoor venue (that can operate with a range of floor spaces to suit a range of events) with a lower level multi-storey car park, museum, library, a gallery, food hall, new public realm including gardens, play areas, terraces and outdoor event space, are considered to align with the Development Plan for the site and are in accordance with national planning policy and guidance. The Kirklees Cultural Heart project should be considered acceptable in principle and planning should not be seen as a barrier to realising the ambition of the Kirklees Cultural Heart.
- 1.6. Whilst there are a variety of important historical, environmental and technical matters to be assessed, the planning strategy of the Kirklees Cultural Heart project is centered on the principles of 'Social Value', 'inclusion and culture' and its ability to:
 - Re-develop the Queensgate area to compliment a modern-day town centre, that will be inclusive, adapt and respond positively from the lessons learned and the impact of the pandemic, particularly the changing needs and aspirations of the town centre's catchment population;
 - Create a vibrant and dynamic destination where visitors and residents of all ages can gather and enjoy leisure, arts and music throughout the day and into the evening;

- Be accessible, providing open opportunities to participate, learn new skills, explore and discover;
- Preserve and enhance heritage assets and their settings, most notably, refurbishment and continued use of 2no. Listed Buildings including the Huddersfield Library and Gallery and Queensgate Market Hall;
- Enhance the use of the retained buildings and structures as destinations, increasing public access, while enabling them to perform an increased number of municipal and commercial functions more effectively;
- Increase town centre footfall, supporting local businesses and venues, creating jobs and new commercial opportunities making the proposition attractive to stakeholders;
- Encompass the Council's 2038 Carbon Neutral Vision and policies encouraging sustainability and minimising the carbon footprint of the development;
- Include a high-quality urban park that is welcoming, safe and with facilities for outside events of scale;
- Maintain and enhance connectivity to the rest of the town centre and its neighbourhoods, including essential links to the University.
- Create Social Value benefits (including, but not limited to, work experience and training opportunities for students, consultants, trades and other staff).
- Offer direct and indirect opportunities to address identified health inequalities in the District, and ultimately improve the social, economic environment, and the physical environment within Huddersfield Town Centre.

1.7. Kirklees Council have set out the guiding principles for the planning application, which are 'inclusion' and 'culture' (see table below). Inclusive design has been a very important area of focus for the Kirklees Cultural Heart project, as Kirklees Council strive to create places that everyone can use.

Kirklees Cultural Heart Definitions of Inclusion and Culture	
<p>Inclusion</p> <p><i>Kirklees Cultural Heart will be an accessible and welcoming destination for all. It will be an inviting, attractive and safe space to spend time.</i></p> <p><i>Inclusion is created through the variety of experiences on offer being accessible, inviting, tailored and open to all. Whether you want to be entertained or inspired, be creative, catch up with friends, or simply relax with your thoughts, the</i></p>	<p>Culture</p> <p><i>Kirklees Cultural Heart will be a source of creativity and have something for everyone, offering experiences from live music and performances to exhibitions and outdoor community events. The stories we will tell will shape how we see ourselves, how we see the world and how the world sees us. First and foremost, the Kirklees Cultural Heart will capture the heart, history and character of our place and people.</i></p>

<p><i>Kirklees Cultural Heart has everything you need to create brand new experiences every day.</i></p>	<p><i>Culture is for everyone, it is about our ideas, customs, how we all live and our individual passions. It improves our quality of life, wellbeing and sense of place.</i></p>
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- 1.8. Overall, this planning statement (when read alongside the wider documentation that forms part of the planning application) demonstrates that the proposals for the Kirklees Cultural Heart are in accordance with the Development Plan and other material considerations.
- 1.9. The design and layout of the buildings, mindful of opportunities created by heritage assets, are a highly positive addition to the locality and the townscape of Huddersfield as a whole. The nature of the uses and the changes proposed provides a viable longevity for the Listed Buildings, successfully balancing the significance of those listed Buildings whilst allowing a new use to be incorporated that provides access to all (allowing a greater appreciation of their significance).
- 1.10. Each element of the proposal, linked to the Listed Buildings, creates its own feature within the townscape with their design qualities providing a successful integration into the street scene.
- 1.11. The Public Realm creates a strong identity and sense of place, which aligns with the objectives of overall scheme. This will be of high quality, linking the site 'edge to edge' and beyond. This will deliver substantial benefits for mental and physical health, along with an evidential basis that such an investment into public realm can deliver substantial economic benefits.
- 1.12. Overall, the scheme is in accordance with the Local Plan and other material considerations. It is acknowledged that the scheme will change a familiar environment to many people. The iteration of the scheme has been mindful of the sites past but provides a confident future. The scheme has celebrated the history of the site through the imaginative use of Listed Buildings, open spaces and buildings that will surround them. The public benefits that flow from the proposal are such that they will substantially outweigh the less than substantial harms that have been identified upon heritage assets. Those benefits are only captured by taking the overall Masterplan approach, with each element supporting the viability of the next.
- 1.13. The LPA is respectfully asked to grant planning permission and Listed Building Consent.

2. Introduction and Development Proposal.

- 2.1. This Planning Statement has been prepared by Pegasus Group on behalf of Kirklees Council, to support a full planning application for:

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

- 2.2. Two separate Listed Building Consent applications are also being submitted alongside this planning application, including one for re-development of Queensgate Market into a Food Hall and refurbishment/extension of Huddersfield Library and Art Gallery, into a new Museum.

- 2.3. Drawing on from the above description, the breakdown of floorspace areas are as follows:

- Demolition of existing retail space (Piazza Centre) and partial elements of the existingservice tunnels to accommodate the re-development of this space to include:
- Development of a Public Realm comprising terraces, gardens, play areas for children and a flexible public square/outdoor events venue with ability to host up to 3,000 persons
- Construction of a new two storey, gallery (Use Class F.1).
- Construction of new public library onto east wing of Queensgate Market, including part change of use of existing market hall building
- Refurbishment and extension to existing library building, to convert into a museum building (Use Class F.1)
- Refurbishment and change of use of existing Queensgate Market Hall into new food hall (Use Class E)
- Construction of new events venue (sui-generis) for concerts and exhibitions (up to 2,200 people capacity) upon the site of the previously demolished multi-storey car park, south of Queensgate Market.
- Construction of new multi-storey car park situated below the new events venue, for 350 cars and vehicular access road from Queensgate.
- Maintenance of retained subterranean service tunnels.

- 2.4. The development has targeted the highest sustainable development credentials, including BREEAM (Excellent) standards and adopts project specific, embodied and operational carbon targets developed for the different building types. The buildings will have high levels of insulation (noting that two buildings are Listed, so the design process has been mindful of the impacts that energy efficiency methods can have upon the significance of those buildings) and low energy use and will benefit from solar photovoltaic panels mounted on the roof of the venue buildings. No gas is to be used across the proposal. The scheme will also seek to incorporate the use of timber and stone being considered to lower embodied carbon. Consideration has been given to encouraging sustainable travel, utilising the nearby public transport, development of a Travel Plan and integration of Kirklees' proposed cycle routes along Queensgate. The new multi-storey car park will contain 350 parking spaces, with 20% electrical vehicle charging points (EVCP) and capacity for the remaining 80% to also be EVCP, giving flexibility to this space to accommodate changing travel habits. Secure cycle parking (approximately 140 spaces across the development) will be provided.
- 2.5. A full and detailed breakdown of the proposals into their component parts, is set out with the architects Design and Access statement, prepared by FCBS, which accompanies this submission.
- 2.6. In heritage terms, the development includes the application for Listed Building Consents for the refurbishment of two Listed Buildings, including Queensgate Market and Huddersfield Library. The proposals indicate a range of changes to each building to accommodate these proposals. As is set out within these submissions, whilst there is harm, the changes are all within the less than substantial range. The submissions demonstrate that the development will provide more than sufficient public benefits to outweigh the identified less than substantial harm caused by the scheme. Two separate Listed Building applications have been submitted for consideration alongside this planning application.
- 2.7. The purpose of the Statement is to assess the proposal against the relevant planning considerations, in respect of current planning policy and the policy guidance in the National Planning Policy Framework (NPPF), and regard to any other material considerations.
- 2.8. The submission follows formal pre-application discussions with Officers at Kirklees Council (ref: PREAPP/2022/20509), including a pre-application presentation to Planning Committee on 11th August 2022. More broadly, there has been key heritage stakeholders, two phases of public consultation (including sessions for Councillors) have also been carried out. The pre-application consultation process and the comments arising are detailed within the Planning History section of this Statement, and also within the accompanying Statement of Community Involvement which is prepared by Counter Context.
- 2.9. The full details of the proposed development are set out in the drawings and reports accompanying the submission. A full, detailed list of supporting documentation is set out within the covering letter.
- 2.10. The application is supported by the following documents:
- Planning Application Forms, Certificates & Fee
 - Planning Pack of Drawings (see schedule attached to the cover letter)
 - Design and Access Statement



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

- 2.11. This Statement sets out a description of the site and consideration is given to the detail of the proposed development. This report also assesses the proposal in relation to relevant planning policy and shall demonstrate accordance with the relevant policies contained within the Development Plan. This Statement draws conclusions as to the suitability of the proposals for the granting of planning permission in the context of the Development Plan and any material considerations.

3. Site Description.

- 3.1. The Application Site which is known as the 'Kirklees Cultural Heart' is located north and west of the A62, within the core of Huddersfield Town Centre – approximately 350 metres to the south-east of Huddersfield train station – and in close proximity to Huddersfield Town Hall to the west. The site is located within the Ring Road (A62 Castlegate / Queensgate / Southgate), and is bound by Queensgate A62 to the south and south-east; by Queen Street to the east; by King Street to the north and by Victoria Lane, Peel Street and Alfred Street to the west. The Site is situated within the administrative boundary of Kirklees Council.
- 3.2. The site is located within a densely-built urban area bordered by key transport routes and surrounded by medium- to large-scale buildings of various styles, eras and materials which serve a variety of social and commercial purposes. To demonstrate the public transport accessibility of the site, a Public Transport Accessibility Level (PTAL) score has been calculated for the site, with an Index score of 29.34, this represents a very high level of access to public transport services.
- 3.3. There is little in terms of existing soft landscaping immediately surrounding the study area. There are significant levels changes across the site, including 4.5m level change from Queen Street up to the existing Library building and a circa. 1.5m level change from the Library up to the junction of Ramsden Street and Peel Street.
- 3.4. The site covers an area of 3.93 ha and consists of the former (now demolished) multi-storey car park, the Queensgate Market (Grade II listed), the library and art gallery (Grade II listed) and the Piazza shopping centre, along with intervening areas of open space. There is also an extensive network of underground service tunnels, predominantly below the Piazza, servicing the surrounding area and most notable the Piazza shopping centre and the market.
- 3.5. The site is located north and west of the A62 – Queensgate, within Huddersfield Town Centre. The A62 Queensgate frontage is largely characterised by the former site of the now demolished 4 storey multistorey car park and the eastern elevation of the Queensgate Market Hall and its artwork panels. The Market Hall is adjoined by the Piazza shopping centre, which wraps around the remainder of the sites eastern boundary and encloses around the Huddersfield Library and Art Gallery, which is located on (but within) the eastern edge of the site.
- 3.6. Whilst, the site sits between areas of open space, they are largely generally characterised with hard landscaping and limited street furniture and landscaping in terms of treatment within the public realm.
- 3.7. The site is overlooked by Huddersfield Town Hall and Concert Hall along the western boundary and further shopping areas which positively look out, into the site. The University



of Huddersfield campus is located beyond the A62 to the South East, whilst the Lawrence Batley Theatre stands off Queen Street to the east.

- 3.8. There are significant levels changes across the site, including 4.5m level change from Queen Street up to the existing Library building and a circa. 1.5m level change from the Library up to the junction of Ramsden Street and Peel Street.
- 3.9. The site (as shown outlined in red) is located within the administrative boundary of Kirklees Metropolitan Council and falls within Newsome ward.
- 3.10. The application site itself is located entirely within Flood Zone 1 (an area at least risk of flooding). Notwithstanding this, given the size of the site, a Flood Risk Assessment is included within the planning submission.
- 3.11. The site is not located within a Conservation Area but is located close to the boundary of Huddersfield Town Centre Conservation Area which is set to the east and west of the site. There are a number of Grade II Listed Buildings in close proximity to, and within the site, including Huddersfield Library and Art Gallery (Grade II) and Queensgate Market Hall (Grade II).

4. Planning History.

EIA Screening and Scoping

4.1. The application site has previously been subject to EIA Screening (Ref 2022/20030) and EIA Scoping Request as part of the proposals. A screening response was received on 3rd March 2022, as set out below, but a formal scoping response has not been received by Kirklees Council to date (as of 30th September 2022).

4.2. Kirklees Council issued a formal Screening Opinion on 3rd March 2022 (Ref 2022/20030), confirming that:

“For the reasons explained in this Screening Opinion assessment, the development is not required to provide an Environmental Statement. This conclusion is contingent on the information submitted for the purpose of this Screening Opinion, which is limited, and which could be subject to change dependent on further details emerging of the design of the [Kirklees] Cultural Heart development. It is therefore recommended that, while the Local Planning Authority are of the opinion that the [Kirklees] Cultural Heart development does not require an Environmental Statement prepared in accordance with the Environmental Impact Assessment Regulations 2017, this does not preclude a further Screening Opinion being sought by the applicant once the proposal’s design is worked up in greater detail.”

4.3. A voluntary Environmental Impact Assessment has been undertaken as part of this full planning application and its findings are set out within the accompanying Environmental Statement (ES) and its chapters.

Pre-application advice and consultation

4.4. Pre-application consultation with Kirklees Council was carried out and written advice was received from the Planning Department of Kirklees Council on 26th September 2022 (ref: PREAPP/2022/20509) in the form of a letter. A pre-application presentation by the Kirklees Cultural Heart delivery team was made to Kirklees Council Strategic Planning Committee on 11th August. This was an opportunity for the Kirklees Cultural Heart scheme to be introduced to Councillors at pre-application stage. The purpose of the presentation was to:

- Keep Councillors better informed on major applications (helping them to learn more about emerging proposals);
- Engage members on issues to be dealt with in a formal submission;
- Take account of emerging or existing community concerns at a formative stage;
- Obtaining initial members guidance for officer negotiations on major applications;
- Identifying issues to be dealt with in any further submissions and reinforcing Councils roles in their communities;

- No planning application decision to be made during this meeting – it is for Committee members to note the content of the presentation and ask any questions during the Q&A following the presentation.

Councillor	Comments/Matters raised	Consultant Team Response
<p>Cllr A Gregg (Conservative Cllr – Lindley Ward)</p>	<p>Car Parking – concern of reduction in spaces</p> <p>Access to new venue/restore bypass</p>	<p>The Former MSCP had 580 spaces, however, the top two decks were de-commissioned and out of use for many years, making them redundant. The actual capacity of the previous MSCP was circa 450 spaces. It is proposed that circa 353 spaces will now be included (20% electric vehicle charging points EVCP provided, with remaining 80% futureproofed for EVCP). This new car parking figure of 353 spaces is carefully considered and based on surveys/existing capacity in Town Centre and a balance of what the development needs in terms of car parking spaces for the mixed use scheme. It is the intention to also maximise utilization and revenue from other existing council car parks.</p> <p>Re. bypass – there are links being maintained and provided, including a new Toucan crossing for pedestrians and cyclists across Queensgate. The Council ‘active travel plan’ is being accommodated.</p>
<p>Cllr E Firth</p>	<p>Pop up electrics in outdoor event space</p>	<p>Consultation has been ongoing with Kirklees Culture and tourism team to make sure the brief for the outdoor space is right (this includes technical details of the space to make an event work)</p>
<p>Cllr M Sokhal</p>	<p>Construction Phasing (Will the MSCP be built first?)</p>	<p>The entire development will be brought forward comprehensively where possible, and individual components will only be brought forward separately if required to do so.</p>
<p>Cllr P Davies</p>	<p>Declared an interest – supports proposals</p>	<p>The entire committee expressed general support for the proposals.</p>

Cllr M Thompson	Car Parking – reduction in spaces	As above
Cllr J Lawson	<p>Maintenance matters</p> <p>Residential Amenity</p> <p>Tree replacement</p> <p>Transport</p> <p>Demolition (carbon footprint)</p>	<p>Maintenance costs have been considered and continue to be assessed throughout the design process and costing exercises. The intention is to design in as little maintenance as possible to save on maintenance costs later.</p> <p>Noise Impact Assessment work being carried out and Noise Report to be submitted with planning application which considers residential amenity.</p> <p>It is acknowledged that a small number of trees are to be removed along Queensgate that block views of the ceramic panels which are an important feature of the Listed Queensgate Market Hall. The trees are not TPO, nor of notable species. Historic England and Kirklees Council’s Tree Officer (contrary to the Officer report) support the removal of these trees and encourage a low level landscaping scheme here. 4no. new trees will be planted for each 1no. tree removed.</p> <p>Transport (response as above)</p> <p>The proposals include re-use of some materials and more work is to be done on disassembly reports.</p>
Cllr S Hall	Noise impact and insulation	Noise Impact Assessment work being carried out and Noise Report to be submitted with planning application.

- 4.5. Pre-application has also been held with various teams within Kirklees Council including statutory consultees (Environmental Health, Highways, Conservation, Ecology, Health Impact Team, Accessibility, Culture & Tourism Teams amongst others), local ward Councillors, planning committee Members, tenants of the Estate (including those within Huddersfield Library & Art Gallery, the Piazza and Queensgate Market) and the public.
- 4.6. Full details of the 2no. public consultations are contained within the accompanying Consultation Statement produced by Counter Context.

Planning History Search

- 4.7. The Local Planning Authority's online Public Access resource identified that the application site has been subject to numerous historic planning applications. A summary of only relevant applications are listed below.

The Piazza Shopping Centre/The Shambles

- 4.8. 2008/91902 – Outline application for new residential development (C3), retail and leisure (approx. 418,000 sq ft gross, encompassing A1 to A5 uses, including anchor, department store, mezzanine and new market hall, hotel (C1), new library, art gallery. **Undetermined** (neither withdrawn, nor decided).
- 4.9. Numerous minor shopfront alterations and signage applications for units within the Piazza Shopping Centre and The Shambles.

Huddersfield Library

- 4.10. 2006/94640 – Listed Building Consent for installation of CCTV system (internal and external). Granted 31st January 2007.
- 4.11. 2021/91765 – Listed Building Consent for replacement flat roof and all associated rooflights, repairs and repointing to external elevations, installation of new rooflight to existing lightwell and structural repair works within the lightwell. Granted 25th August 2021.
- 4.12. 2021/92044 – Listed Building Consent for the replacement of the existing single glazed windows. Withdrawn 12th November 2021.

Queensgate Market

- 4.13. Numerous Listed Building Consent applications for shopfront alterations, internal alterations and associated works.
- 4.14. 2020/93736 – Prior Approval for demolition of car park – Approved 8th December 2020.

5. Planning Policy.

- 5.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 5.2. This chapter reflects that policy hierarchy by first setting out a summary of the relevant paragraphs of the Development Plan followed by those of the National Planning Policy Framework.

Local Planning Policy

- 5.3. Kirklees Local Plan Strategy and Policies (adopted February 2019).
- 5.4. The relevant document forming the adopted Development Plan is the Kirklees Local Plan adopted on 27th February 2019.
- 5.5. The table below lists Local Plan policies relevant to this application. Discipline specific local plan policies are set out in more detail in the relevant accompanying statements, including chapters of the ES.

Policy	Policy title
LP1	Presumption in favour of sustainable development
LP2	Place Shaping
LP3	Location of new development
LP4	Providing Infrastructure
LP5	Masterplanning sites
LP7	Efficient and effective use of land and buildings
LP9	Supporting skilled and flexible communities and workforce
LP13	Town centre uses
LP14	Shopping frontages
LP16	Food and drink uses and the evening economy
LP17	Huddersfield Town Centre
LP19	Strategic transport infrastructure
LP20	Sustainable travel
LP21	Highways and access
LP22	Parking
LP23	Core Walking and cycling network
LP24	Design

Policy	Policy title
LP25	Advertisements and Shopfronts
LP26	Renewable and low carbon energy
LP27	Flood Risk
LP28	Drainage
LP30	Biodiversity and Geodiversity
LP32	Landscape
LP33	Trees
LP35	Historic Environment
LP43	Waste Management Hierarchy
LP47	Healthy, active and safe lifestyles
LP48	Community facilities and services
LP51	Protection and improvement of local air quality
LP52	Protection and improvement of environmental quality
LP53	Contaminated and unstable land
LP63	New Open Space

5.6. The following are relevant Supplementary Planning Documents or other guidance documents published by Kirklees Council;

5.7. Supplementary Planning Documents:

- Highways Design Guide SPD (2019)
- Guidance documents
- Huddersfield Blueprint (2021)
- Biodiversity Net Gain Technical Advice Note (2021)
- Planning Applications Climate Change Guidance (2021)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Waste Management Design Guide for New Developments (2020)
- Kirklees Joint Health and Wellbeing Strategy 2014–2020
- Kirklees Health and Wellbeing Plan 2018–2023

National Planning Policy

- 5.8. The revised National Planning Policy Framework (NPPF) was published in July 2021. The NPPF sets out the Government's planning policies for England and how these are expected to be applied.
- 5.9. The NPPF is a material consideration in planning decisions.
- 5.10. The Introduction to the NPPF reiterates that applications for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise; that the NPPF is a material consideration in planning decisions; and that the Framework should be read as a whole.
- 5.11. **Paragraph 7** confirms that the purpose of the planning system is to contribute to the achievement of sustainable development.
- 5.12. **Paragraph 8** confirms that achieving sustainable development means that the planning system has three overarching objectives: economic, social and environmental.
- 5.13. **Paragraph 9** confirms that planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.
- 5.14. **Paragraph 11** sets down the presumption in favour of sustainable development, which for decision-taking means:
- “...c) approving development proposals that accord with an up-to-date development plan without delay; or
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (including where an application is for housing and the cannot demonstrate a five year supply of deliverable housing sites), granting permission unless:
 - i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (including habitats sites); or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”
- 5.15. **Paragraph 17** requires each planning authority to prepare strategic policies to address each local planning authority's priorities for the development and use of land in its area. **Paragraph 20** continues this theme by stating that strategic priorities should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision for employment and other commercial development. **Paragraph 22** requires strategic policies should look ahead over a minimum 15 year period from adoption to anticipate and respond to long term requirements and opportunities such as those arising from major improvements in infrastructure. **Paragraph 23** requires strategic policies to provide a clear strategy for bringing sufficient land forward, and at a sufficient rate, to address objectively assessed needs over the plan period, in line with the presumption in favour of sustainable development. This should include planning for, and allocating sufficient sites to deliver the strategic priorities of the area.

- 5.16. **Paragraph 38** states that local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- 5.17. **Section 6** of the NPPF relates to 'Building a Strong, Competitive Economy'. **Paragraph 81** confirms that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt where significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.
- 5.18. **Paragraph 82** states that planning policies should:
- a) set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth, having regard to Local Industrial Strategies and other local policies for economic development and regeneration;
 - b) set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period;
 - c) seek to address potential barriers to investment, such as inadequate infrastructure, services or housing, or a poor environment; and
 - d) be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances.
- 5.19. In respect to decision making **Paragraph 83** highlights how planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations.
- 5.20. **Chapter 8** focuses on promoting health and safe communities. **Paragraph 92** states that planning decisions should aim to achieve development which is safe and accessible, and not susceptible to crime. New development proposals should also enable and support healthy lifestyles and address well-being needs.
- 5.21. **Paragraph 93** states that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:
- a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
 - b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;

c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;

d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and

e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

5.22. **Paragraph 94** is particularly pertinent to estate regeneration. It states:

"Planning policies and decisions should consider the social, economic and environmental benefits of estate regeneration. Local planning authorities should use their planning powers to help deliver estate regeneration to a high standard."

5.23. **Paragraph 97** states that planning policies and decisions should promote public safety and take into account wider security and defence requirements anticipating and addressing possible malicious threats and natural hazards, particularly in locations where large numbers of people are expected to congregate.

5.24. "Policies for relevant areas (such as town centre and regeneration frameworks), and the layout and design of developments, should be informed by the most up-to-date information available from the police and other agencies about the nature of potential threats and their implications. This includes appropriate and proportionate steps that can be taken to reduce vulnerability, increase resilience and ensure public safety and security."

5.25. **Paragraphs 104 and 105** state that developments should be located where the need to travel will be minimised and uses of sustainable transport modes can be maximised. Development proposals also need to include safe means of access for all users.

5.26. **Paragraph 110** sets out that for specific applications for development, it should be ensured that appropriate opportunities for sustainable transport can be, or have been taken up; safe and suitable access to the site can be achieved for all users; the design of the streets, parking areas and other transport elements reflects current national guidance, including the National Design Guide and the National Model Design Code; and any significant impacts from the development on the transport network (in terms of capacity and congestion), or highway safety, can be cost effectively mitigated to an acceptable degree.

5.27. **Paragraph 112** states:

a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;

b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;

c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;

d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and

e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

- 5.28. National planning policy of relevance to traffic and transport is set out in **Section 9** of the NPPF.
- 5.29. **Paragraph 113** states that all developments which will generate significant amounts of new traffic movement should be required to be supported by a Transport Statement or Transport Assessment and a Travel Plan.
- 5.30. **Paragraph 119** states that strategic policies should set out a clear strategy for accommodating objectively assessed needs and promote an effective use of land, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Paragraph 120 goes on to confirm that planning policy and decisions should, amongst other matters, make as much use as possible of previously developed or brown field land, take opportunities to achieve net environmental gains and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.
- 5.31. **Paragraph 124** seeks efficient use of land, taking into account the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it; local market conditions and viability; the availability and capacity of infrastructure and services – both existing and proposed as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use; and the desirability of maintaining an area’s prevailing character and setting, or of promoting regeneration and change.
- 5.32. **Paragraph 126** confirms that: the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 130 seeks to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); establish building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and support local facilities and transport networks; and create places that are safe, inclusive and accessible.
- 5.33. **Paragraph 152** states that development should support the transition to a low carbon future, taking advantage of opportunities to mitigate against the effects of climate change.
- 5.34. **Paragraph 167** states that local planning authorities should ensure that flood risk is not increased elsewhere (off-site) when considering development proposals.
- 5.35. **Paragraph 174 and 185** states that planning decisions should ensure that new development proposals are appropriate for their location, taking account of impacts of pollution, living

conditions, the natural environment. Development proposals should mitigate against potentially harmful impacts of noise and light pollution.

5.36. **Paragraph 189** states that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Paragraph 197 sets out that when determining applications, the LPA's should take account of:

a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

c) the desirability of new development making a positive contribution to local character and distinctiveness.

5.37. **Paragraphs 218 and 219** confirm that the NPPF should be taken into account as a material consideration from the day of publication. Where plans need to be revised this should be done as quickly as possible. Due weight should be given to existing policies, according to their degree of consistency with the Framework.

Planning Practice Guidance

5.38. Planning Practice Guidance ("PPG") is produced by the Government and provides a simple and clear guide to putting national planning policy into practice. The guidance is a web-based resource that is regularly updated and amended. Relevant National Policy Guidance for this proposal, is contained within the guidance on 'Ensuring the Vitality of Town Centres (ID:2b). This section of the PPG establishes that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations.

5.39. Other relevant national guidance and documents include the MHCLG: National Design Guide (2021)

6. Planning Assessment.

6.1. The following section of this report assesses the development proposals against the policies of the Development Plan, the NPPF and other material considerations. It also considers the public benefits of the scheme and the 'planning balance'. It is considered that the key issues in the determination of the application are:

- The Principle of Development (including achieving sustainable development);
- Heritage;
- Inclusive Design, Scale and Appearance;
- Transport and Highways;
- Trees and Landscaping;
- Ecology & Biodiversity Net Gain;
- Climate Change;
- Drainage & Flood Risk;
- Land Related Issues;
- Air Quality;
- Noise;
- Odours;
- Security & Designing Out Crime;
- Light;
- Waste Management
- The Planning Balance and Conclusions

The Principle of Development

6.2. The purpose of the planning system is to contribute to the achievement of sustainable development (NPPF, paragraph 7) and should be genuinely 'plan-led' (NPPF, paragraph 15).

6.3. Local Plan Policy LP1 (Achieving sustainable development) states that

"When considering development proposals, the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework... Proposals that accord with the policies in the Kirklees Local Plan will be approved without delay, unless material considerations indicate otherwise."

6.4. At the heart of national planning policy is the presumption in favour of sustainable development. For decision-taking this means, unless material considerations indicate otherwise, approving development proposals that accord with the development plan without delay. Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, LPAs should be granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
- the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.

6.5. The vast majority of the site is brownfield land (i.e. previously developed site) and clearly provides opportunity for sustainable redevelopment, which is fully articulated throughout the submission.

Assessment of Local Retail Policies

6.6. The application site is within Huddersfield town centre (TCB1) and within the primary shopping area (PSA1) and includes 5no. primary shopping frontages set out below and as designated in the local plan under Policy LP14:

6.7. Primary shopping frontages:

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

6.8. Policy LP14 – of the Kirklees Local Plan (Shopping Frontages) states [Pegasus emphasis in **bold**]:

*Within Principal and **Town Centres, Primary Shopping Areas, Primary Shopping Frontages** and Secondary Shopping Frontages have been defined to ensure a strong retail core to these centres, and focus main town centres uses within defined areas. The designations will be used for the following purpose:*

***Primary Shopping Area** – the retail core individually defined for each town centre. For District Centres this will be the full extent of the defined centre boundary, where retail uses and other main town centre uses are focused. Uses within Primary Shopping Areas will be expected to maintain or **provide active ground floor uses**. Retail uses within the above areas will be supported.*

Primary Shopping Frontages – frontages within the Primary Shopping Area in Principal and Town Centres that contain predominantly retail uses and where further retail uses will be focused.

Within the Primary Shopping Frontages as defined on the Town Centre Maps, at street level, proposals should seek to continue retail uses in order to retain vitality and viability within the Centre and the strong retail core. Retail will remain the predominant use on each primary shopping frontage. **Other main town centre uses will be acceptable** where the frontage remains predominately in retail use taking account of:

- a. the number, proximity, distribution of uses other than retail and the level of vacancy of ground floor units, and the duration of vacancy;
- b. the location and prominence of the unit within the primary shopping frontage;
- c. the nature of the proposed use, including the associated level of activity, hours of operation, whether a shop front would be incorporated and whether it would complement neighbouring uses; and
- d. in all cases proposals including changes of use shall seek to either retain, enhance or replace to improve shop front design and layout.

6.9. The Revised NPPF 2021 no longer requires Local Plans to define primary shopping frontages and retail is no longer considered a specially protected character for Town Centres. It is considered that Shopping Frontages Policy LP14 is now out of date and is therefore considered to carry limited weight. Notwithstanding this, section c) of LP 14 sets out that other main town centre uses will be acceptable where the nature of the proposed use, including the associated level of activity and hours of operation would complement neighbouring uses. This is a key element of policy LP14 as it acknowledges the value that a mixture of uses creates increased footfall and complements neighbouring uses. This is precisely what the proposals seek to achieve.

6.10. National Guidance advises in respect of town centres that LPAs:

- consider structural changes in the economy, in particular changes in shopping and leisure patterns and formats, the impact these are likely to have on individual town centres, and how the planning tools available to them can support necessary adaptation and change;
- Consider residential, employment, office, commercial, leisure/entertainment, healthcare and educational development in town centres to encourage vitality and diversity;
- Consider how appropriate evening and night time activities could increase economic activity within town centres and provide additional employment opportunities;
- Set out in its Local Plan a vision and strategy for its town centres that includes establishing the realistic role, function and hierarchy of town centres over the plan period.
- the vision for the future of each town centre, including the most appropriate mix of uses to enhance overall vitality and viability.

- the ability of the town centre to accommodate the scale of assessed need for main town centre uses.
- opportunities for improvements to the accessibility and wider quality of town centre locations.
- what complementary strategies are necessary or appropriate to enhance the town centre and help deliver the vision for its future, and how these can be planned and delivered.
- the role that different stakeholders can play in delivering the vision.

6.11. A broad range of national permitted development rights support appropriate changes of use in town centres. These rights are set out in the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. Many of these permitted development rights relate to uses defined in the Use Classes Order before it was amended on 1 September 2020.

6.12. The existing Kirklees Cultural Heart site is a Town Centre location. The key planning justification for this Town Centre development is that a mixed-use scheme will provide jobs, continue to attract existing footfall (but for a variety of new uses) and then attract new people and footfall into the Town Centre. This will create increased 'dwell' time in the town, across a longer period across the day, resulting in increased spend.

6.13. It is important to note that retail is no longer a specially protected character for Town Centres and it is considered that Shopping Frontages Policy LP14 is now out of date. The NPPF definition of a 'main town centre use' is [Pegasus emphasis in **bold**]:

*Retail development (including warehouse clubs and factory outlet centres); **leisure, entertainment** and more intensive sport and recreation uses (including cinemas, **restaurants**, drive-through restaurants, **bars and pubs**, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and **arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).***

6.14. The new uses proposed as part of the KCH scheme include leisure and entertainment, including the new concert venue (which can also be used for conference facilities), restaurants in the food offering within the new food hall, arts and culture development including the new museum, art gallery and library. These proposed developments are all considered 'main town centre uses' as per the Government NPPF definition and therefore accord with the Government approach to allowing a variety of uses within the Town Centre and do provide a number of 'active ground floor uses' in (part) accordance with Policy LP14.

6.15. It is helpful that the NPPF have broadened the range of 'main town centre uses', but the changing nature of the 'traditional high street', the impact of Covid-19 and changes to the Use Classes Order (amended on 1st September 2020) relating to Class E and F (where permitted development rights are set out in the Town and Country Planning (General Permitted Development) (England) Order 2015) are material considerations that need to be considered, and which outweigh outdated frontage policies. The introduction of the new Class E and F uses are designed to bring flexibility to town centres to enhance vitality and viability.

6.16. The effect of internet-based retailing on the traditional high street and the Covid 19 pandemic has resulted in a closure of significant numbers of shops within Huddersfield, including long established chains such as BHS, House of Fraser and M&S Foodhall. According to the High Streets Task Force, which is an alliance of placemaking experts commissioned by the Ministry of Housing, Communities and Local Government, the impact of COVID-19 on high streets and town centres has been profound. Major cities saw footfall drop by 75.9% 'on average in the period 1st March 2020 to 30th June and whilst there is evidence that they are recovering, footfall levels may not recover to pre-covid levels. It is clear that retail is declining as a dominant occupier in town centres and towns which are classified as 'multi-functional' by providing a number of other functions for their community, have suffered lower drops in footfall compared with other 'comparison' retail towns. Even before covid-19 struck, footfall was declining, with all major trading periods apart from Black Friday, seeing less footfall than the year previously. The High Street Task Force research concludes that Town Centres and City Centres that serve their local population by being a multifunctional hub is, are more likely to achieve a route to success, generating a lower but sustainable level of footfall." Improving Huddersfield's 'multi-functional' offering through the Kirklees Cultural Heart scheme should increase levels of footfall and accelerate the recovery of the 'high street'.

Relocation of existing retailers

- 6.17. The proposals seek the demolition of the existing Piazza shopping centre to make way for the re-development of the land as a public park. The Market Hall will become a Food Hall and in part the new Library.
- 6.18. The existing retailers and traders within the Market Hall have been offered opportunities for relocation to the Huddersfield Open Market or other premises within the town centre (such as, but not limited to, the Packhorse Shopping Centre) which will consolidate and strengthen the retail offer in other parts of the Town Centre. Some are taking up relocation, others are not, and these decisions are made by the individual retailer. At the time of writing, 24 of the 33 businesses from Queensgate Market are understood to be relocating elsewhere within the town centre, typically into vacant units within the town centre.
- 6.19. In terms of retailers within the Piazza, in each individual case, potential re-location options (for sites within Huddersfield Town Centre) are being discussed and are in various stages of negotiation. The conversations at present are confidential as they are commercially sensitive.

Retail Impact Assessment and Sequential Assessment

- Retail Impact Assessment

6.20. As set out in Government Guidance, paragraph: 014 Reference ID: 2b-014-20190722, the purpose of the Impact Test (or Retail Impact Assessment) is to consider the impact over time of certain out of centre and edge of centre proposals on town centre vitality/viability and investment. The test relates to retail and leisure developments (not all main town centre

¹ Taken from High Streets Task Force – Review of High Street Footfall 2019/20 publication

uses) which are not in accordance with up to date plan policies and which would be located outside existing town centres.

- 6.21. Part C of Policy LP13 sets out the local requirements for a Retail Impact Assessment and states:

“C. Impact Assessment – An Impact Assessment will be necessary for proposals (including the formation of mezzanine floors) for/or which include retail, leisure and office developments which are not located within a defined centre where: the proposal provides a floorspace greater than 500 sq.m gross; or the proposal is located within 800 metres of the boundary of a Town Centre or District Centre and is greater than 300 sq.m gross; or the proposal is located within 800 metres of the boundary of a Local Centre and is greater than 200 sq.m gross. The scope and content of any Impact Assessment shall be agreed with the Council and shall be reflective of the scale, role and function of the proposal. Proposals which would have an significant adverse impact on surrounding centres shall not be supported.”

- 6.22. Given the proposals are for ‘Main Town Centre Uses’ as defined within the NPPF glossary, and are all entirely with in the Town Centre, a Retail Impact Assessment is not required.

- Sequential Assessment

- 6.23. Relevant National Policy Guidance for this proposal, is contained within the guidance on ‘Ensuring the Vitality of Town Centres (ID:2b). This section of the NPPG establishes that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations. The sequential test guides main town centre uses towards town centre locations first (with preference for accessible sites which are well connected to the town centre).

- 6.24. Part B of Local Policy LP13 – Town Centre Uses, sets out the requirements for a sequential test. Part B states [Pegasus emphasis in bold]:

*“B. Sequential Test – Proposals which come forward for main town centre uses, which are located **outside** of the defined centre boundaries, will require the submission of a Sequential Test. For retail proposals the boundary shall form the Primary Shopping Area; for all other main town centre uses this shall be the extent of the centre boundary. Main town centre uses shall be first located in the defined centres, then edge of centre locations, and only if there are no suitable sites shall out of centre locations be considered. For offices and small scale proposals in non urban areas*, the sequential approach will not be required for proposals of 150 square metres and under. The scope and content of any Sequential Test shall be agreed with the council and shall be reflective of the scale, role and function of the proposal. Proposals which fail to pass the sequential test will not be supported.”*

- 6.25. Both Local and National planning policy require that new retail (Class E) floorspace is located first within designated town centres. Given that the proposals for the Kirklees Cultural Heart scheme are located within the Primary Shopping Area and not outside the defined centre boundary, a sequential test is not required to be submitted for this development proposal.

- 6.26. This proposal seeking planning permission for main town centre uses and as such, the development and is in full compliance with relevant the development plan policies and other considerations, such as the NPPF.

Achieving Sustainable Development

6.27. The NPPF states that 'The purposes of the planning system are to contribute to the achievement of sustainable development.' Paragraph 8 identifies that there are three overarching objectives to sustainable development being, an economic objective, a social objective and an environmental objective.

6.28. It is considered that the development proposals would contribute positively towards each of these dimensions:

- The Economic Benefit

6.29. The Government is committed to ensuring that the planning system does everything it can to build a strong, competitive economy. Paragraph 81 of the NPPF states that:

'Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.'

6.30. The economic benefits of the proposal are considerable as set out within the accompanying Economic Benefits Statement and Health Impact Assessment a. The development will have a number of outputs including:

- Increased number of visitors to Huddersfield
- Increased visitors stay and spend in Huddersfield and Kirklees
- Increased level of usage of cultural facilities by residents
- Higher national and regional profile for the town and Kirklees
- Additional economic Gross Value Added (GVA) to Kirklees
- Generate new full time and part time jobs • Catalyst for further private sector investment in the town centre (in retail, leisure and accommodation sectors)
- Greatly enhanced community facilities
- Protecting key cultural assets and cultural benefit
- Enhanced green amenity in the town centre
- Increased sustainability of facilities
- Positive impact on Social Value of the town centre offer

- Improved ancillary facilities

Construction Impacts

- **Direct and indirect construction-related employment:** The Proposed Development will support up to 924 temporary jobs on and off-site during the 3-year build phase.
- **Contribution of construction phase to economic output:** It is estimated that up to £148million of gross value added (GVA) could be generated during the 3-year construction period in current prices.

Operational Impacts

- **Employment:** The Proposed Development will support up to 459 jobs once operational.
- **Contribution to economic output:** The additional GVA attributable to the site once operational and fully occupied is estimated at £10.2million per annum.
- **Social value:** It is estimated that the Proposed Development will generate £10.5 million in social value from the museum, gallery, library and other cultural activities and amenities.
 - **Visitor Spend:** It is estimated that spend from day visits and overnight visits to the scheme will be around £18.1 million. These roles, along with potential further employment arising as the scheme develops will be a significant economic benefit, addressing the reduction of footfall in the Town Centre. The Kirklees Cultural Heart proposals such as the venue, museum, foodhall, library and art gallery will also have a significant supply chain, many of whom are located locally in Yorkshire, bringing further local economic benefits.

6.31. In terms of overall investment, the scheme construction and fit-out costs will result in a total investment in excess of £210 million. The project will utilise local labour and materials where available and therefore this investment will have a direct local benefit.

6.32. Overall, the economic benefits of the development are considered to be such that they would weigh heavily in favour of the grant of planning permission and are in accordance with the Local Plan strategic objectives Which include (but not limited to):

- Support the growth and diversification of the economy, to increase skill levels and employment opportunities including the provision of a high quality communication infrastructure.
- Strengthen the role of town centres, particularly Huddersfield to support their vitality and viability.

Social

6.33. The proposal will create several beneficial new uses whilst supporting the continued retail and leisure function of the surrounding Town Centre, promoting happy and healthy lifestyles. The Kirklees Cultural Heart programme is an ambitious regeneration project that will redevelop the entire site and be a catalyst (as a result of increased footfall and dwell time) that stimulates retail, social and leisure activity, on adjacent and nearby sites. Much of the existing built infrastructure will be demolished, including the Piazza, providing the opportunity to create new core facilities. Kirklees Cultural Heart will deliver:

- vibrant hub of cultural, art, leisure, event and entertainment provision
- a reinvigorated and safe evening offer, as part of a 365 days a year indoor and outdoor space
- a place for businesses to develop and thrive
- a great place to live
- improved local access and enhanced green and public spaces.

6.34. A full assessment of the social benefits are set out within the Socio-Economics Chapter of the ES and Health Impact Assessment. A summary of these public benefits are set out below:

- At 2.2ha, the inclusion of a diverse public realm has substantial public benefits to mental and physical health, within an area that lacks quality open areas.
- A Museum, Gallery and Library social value has been attributed to the cultural facilities. This is set at £6.40 per visit and £3.40 for non-users (based on adopting analysis for North West regional Museums). Social value is the attributing of a value to participation in cultural activity.
- A well-being value has been attributed to outdoor cultural events attracted under Options 2 and 3. This is set at £47 per visit with a deduction of 25% to allow for displacement (based on adopting analysis undertaken by DCMS) .
- An amenity value is attributed to Options 2 and 3 based on the provision of enhanced public realm. A value of £123,000 per hectare is adopted (based on MHCLG guidance).

6.35. Based on the above assumptions the social value from the museum, gallery and library is estimated at £5.5 million per annum. Other social value from cultural activities and amenities is estimated at £5 million per annum. On an annual basis this gives a total monetary social value of around £10.5 million per annum

Environmental

6.36. The proposals will contribute positively to the character of the locality together with achieving biodiversity net gain in excess of 50% to be delivered within the site area. Full details of all landscaping proposals including the '4 rooms' – The Green, Gardens, The Square and the Terraces' which are designed around inclusive development, are set out within the Landscape and Public Realm Strategy and accompanying landscape masterplan, produced

by ReForm. The development will attain high levels of sustainability and energy efficiency, Key environmental aspects of the development (as set out within the accompanying Sustainability Statement prepared by Etude) include:

- All buildings will be targeting BREEAM Excellent.
- The types of materials being proposed are being considered and timber and stone are being utilised where possible to lower embodied carbon.
- There will be a large array of solar panels on new roofs (on the venue for example).
- There will be no gas use.
- Excellent daylight and acoustic levels are being designed in, as well as improved air quality.
- Sustainable modes of transport are being promoted through the design.
- Circular economy principles for re-use of materials are being considered.
- 50%+ biodiversity net gain.
- Climate resilient SUDS are being incorporated.
- The implementation of such measures into new build elements carries weight in favour of the application as a public benefit. Where the energy efficiency measures have been carried through into the Listed Buildings, these carry greater weight in the planning balance. Whilst there is guidance toward supporting greater energy efficiency within Listed Buildings, a minimal intervention approach could have been taken. This has not been the choice of the applicant, who has sought to apply a holistic approach to energy efficiency whereby every element of the scheme (new build or change of use) achieves the lowest energy consumption possible. The costs therefore to run/maintain the Listed Buildings are therefore less, and substantially increases the ability for them to remain publicly accessible, as they have been originally intended to be long into the future.
- The intertwining of each element within the overall KCH scheme is such, that these substantial benefits can only be achieved as one comprehensive development.

6.37. For these reasons, it is considered that the KCH proposals are considered to be fully in accordance with Government Policy and Local Plan Policies on sustainable development, including Policies LP1, LP2, LP3, LP 13, LP 14 and LP 17.

Heritage

6.38. Two separate Listed Building Consent applications are submitted alongside this planning application which contain full details of proposals and should be considered in parallel to this planning application.

- 6.39. Several assessments of the 2no. Listed Buildings have been carried out to understand the significance of the heritage assets on the site (i.e. the Market Hall and the Library and Art Gallery). The applicants have engaged with statutory consultees, such as Historic England, , the 20th Century Society, the LPA's Conservation Officer and Huddersfield Civic Society throughout the design process. These discussions have informed the design iteration process and the comments which have focused upon the detail of the scheme have been generally supportive.
- 6.40. Paragraph 194 of the NPPF requires applicants to describe the significance of any heritage asset affected by the proposals. The significance of heritage assets affects are described in Heritage Reports prepared by FCBS–Library and Art Gallery Assessment of Significance; 2069–Heritage Reports – Queensgate Market Hall; and the Desk Based Archaeology and Built Heritage Setting Assessment prepared by Pegasus Group.
- 6.41. Recent High Court Decisions have confirmed that enhancement (which includes restoration) to the historic environment should be considered as a public benefit under the provisions of Paragraphs 201 to 203.
- 6.42. The PPG provides further clarity on what is meant by the term 'public benefit', including how these may be derived from enhancement to the historic environment ('heritage benefits'), as follows:
- “Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.”*
- 6.43. Examples of heritage benefits may include:
- sustaining or enhancing the significance of a heritage asset and the contribution of its setting
 - reducing or removing risks to a heritage asset
 - securing the optimum viable use of a heritage asset in support of its long term conservation.
- 6.44. The weighing of public benefits against the harm may justify any harm caused.
- 6.45. In heritage terms, the KCH development will provide more than sufficient public benefits to outweigh the less than substantial harm caused by the scheme as is demonstrated within this Planning Statement and other accompanying documents. Whilst wide ranging and of varying degrees of change, **the significance of the Listed buildings will be preserved or enhanced**. As such any harm is considered to be within the ranges of 'less than substantial harm'. As such, the proposals do engage paragraph 199 202 of the NPPF which requires any harm to be balanced against the public benefits of the proposed development.
- 6.46. As is assessed within the various heritage related documents that form part of this application, there is substantial detail provided within this application to assist in determining

the impacts upon heritage assets within the site and beyond. 'At worst' there are impacts that are within the range of a less than substantial level of harm, other impacts are neutral, and some are beneficial.

- 6.47. It is not the role of this Planning Statement to restate the content of what is said elsewhere. As such, a Summary of Heritage Impacts table is provided as Appendix 2. This details the effect upon heritage assets, as to be weighed in the planning balance. Clearly those heritage effects that are shown to be beneficial to a heritage asset can be given a substantial weighting.

Summary on Heritage Matters

- 6.48. Overall, the proposals demonstrate compliance with Policies LP35 of the Kirklees Local Plan as well as Paragraphs 200 and 202 and Chapters 2, 4, 7 and 16 of the National Planning Policy Framework. There is a clear understanding of the levels of change to heritage assets, be they a physical alteration, or an effect upon their setting. Whilst it is for the decision maker to make the judgement, each harm has been set out within the planning and Listed Building Consent applications (at worst those harms falling within the less than substantial harm range) and the public benefits set out within this statement (as summarised later) and the application as whole outweigh each of those harms.

Design

- 6.49. Heritage matters aside, considerable attention has been given to the siting, scale and massing of new build elements and work also a great deal of consideration has been given to the likely palette of materials for the scheme, as set out within the accompanying Design and Access Statement. The scheme has evolved over the last 12 months, through two phases of public consultation and ongoing meetings with relevant LPA officers and consultees. The scheme has been designed with inclusivity, including accessibility, health and wellbeing of users in mind with large expanses of green spaces are provided, ramps, public lifts and level access provided where possible and a 50%+ increase in biodiversity net gain from the current condition.
- 6.50. The proposals illustrate the potential for signage and advertisements (linked to the KCH). This is indicative only and separate consents will be required in due course.
- 6.51. Within buildings, natural light, views out, fresh air, good acoustic separation and close relationships to outdoor spaces are provided. Cycle parking for staff and visitors and the provision of generous staircases promotes healthy forms of activity to and within buildings.
- 6.52. Public spaces that cater for different user groups are also provided within each public building, such as sensory rooms, public toilets including Changes Places, baby changing and breast feeding rooms to ensure facilities are fully inclusive and available to the public.
- 6.53. The Townscape and Visual Assessment (TVIA) has considered the impacts of the development upon the locality and beyond (e.g. at Castle Hill). The assessment concludes that the development is acceptable and forms an appropriate response to the urban form.
- 6.54. It is not for this Planning Statement to repeat the content of the DAS and Public Realm assessment, but both demonstrate a clear design approach and one that is of a very high

quality, which respects and informs local context and shows accordance with Local Plan policies LP2 and LP5 and NPPF.

Transport and Highways

- 6.55. Paragraph 113 of the NPPF sets out that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment and a Travel Plan. A Transport Assessment and Travel Plan are submitted with this application and separate Highways Chapter is provided within the ES.
- 6.56. The Travel Plan promotes sustainable travel and minimises the impact of the development on the local and strategic highway networks.
- 6.57. A full Transport Assessment (TA) has been prepared for the proposed Development. This includes a detailed description of the baseline conditions, calculation of the traffic likely to be generated by the proposed Development, the traffic modelling undertaken and the impact assessment for all aspects of traffic and transportation. The TA is the principal document in which the traffic impacts of the proposed Development have been assessed.
- 6.58. The ES Chapter on Highways also provides a summary of the key traffic and transport impacts on existing receptors and assesses their significance.
- 6.59. The applicants have undertaken traffic surveys and modelling of the scheme. This is linked to the means to enter and exit the proposed multi storey car park and to achieve the necessary servicing requirements for the development as a whole (and also neighbouring areas). This will involve a new access onto the Queensgate ring road. The design of the access and car park itself will be such that mitigates queue times and impacts on the flow of the ring road.
- 6.60. Given the sites central location, with broad opportunities for multi-mode journeys and linked trips the scheme has the attributes to be a highly sustainable development. The site is well located in terms of access to public transport, such as the bus stops on Peel Street and walking distances to other public transport nodes. The site is served by the existing public services and transport within the locality, including nearby bus routes. Given the access to public transport and the proximity of the site to the services, visitors and staff need not be reliant on private transport provision. The submitted transport assessment identifies that the level of frequency of buses that operate within the vicinity of the site means that the site is very well located for travel by bus and there are numerous services all within easy walking distance of the site.
- 6.61. In addition, access to the site by sustainable modes including cycles are addressed within the travel plan. The development is being designed to be a fully inclusive and allow staff and visitors locally to access the site by bicycle.
- 6.62. The proposed development will provide a total of 350 car parking spaces within the new Multi-Storey Car Park (MSCP), with 20% Electric Vehicle Charging Points (EVCP) and with capacity for the remaining to 80% EVCP to futureproof the development. Access to the proposed development will be provided from the existing transport network surrounding the development site with a new access junction from the A62 Queensgate to replace the former Markets car park accesses from Alfred Street and subway from Queen Street South.

- 6.63. The proposed new MSCP will be provided to the south of the site, in the approximate location of the recently demolished Markets MSCP, bounded by Alfred Street to the west and A62 Queensgate to the south and east. A total 350 car parking spaces are proposed across three levels, including 34 accessible spaces (10%) and 70 spaces with access to electric vehicle charging points (20%). Parking for approximately 6 motorcycles is provided at the MSCP Basement level.
- 6.64. An in-depth assessment of car parking requirements is set out within the reports. The overall conclusion being that the proposed car parking provision will meet the requirements of the Kirklees Cultural Heart most of the time, with wider parking facilities within the town and sustainable transport modes making the proposal acceptable. An Events Management Plan would be required, which will manage highway aspects arising during periods of time when events are running at the site, ensuring the operation of the highway during these times. The assessment concludes the proposed development would not be expected to have a severe impact in terms of sustainable travel, traffic impact and road safety. It is therefore concluded that there is no material highways or traffic reason why planning permission should not be granted.
- 6.65. Compliance with Local Plan policies LP19, LP20, LP21, LP22 and LP23 and the NPPF paragraphs 104 and 113 is therefore demonstrated.

Trees and Landscaping

- 6.66. The proposed approach to the public realm is set out within the documents prepared by Re-Form. This is derived around a 'four room' approach to the landscaping, which creates a series of interesting, accessible, safe and inclusive spaces, for use across different times of day and the year. As with the spaces within some of the buildings, the public realm will allow for opportunities for public art and performance, which all contribute to the sense of space and provide a public benefit.
- 6.67. As described below, this accommodates the opportunities (that have been taken) to provide significant Biodiversity Net Gain (at 55%+).
- 6.68. Whilst there are no designated public rights of way through the site at present, the proposed public realm embraces permeability and along the overall masterplan provides a 'porous' development that allows pedestrians of all ability and cyclists to move through the space and beyond. Inevitably there will be some effects during the construction period, but these are temporary and diversions around the site will be made clear.
- 6.69. The inclusion of public realm, which amounts to 2.2ha, provides substantial public benefits, including positive impacts on air quality (see ES), physical and mental health (see Health Impact Assessment) and provides the centre piece to the overall KCH development. The ability for it to be a place for a variety of people, as individuals or as groups/families creates a destination in its own right. It also helps achieve a fundamental element of the KCH scheme – to drive footfall, to the benefit of the town as a whole (see Economic Benefits Statement).
- 6.70. The 'Pedestrian Pound' report (2018), produced by Living Streets, reviewed the results of investment into the public realm and if this created additional commercial benefits. It found that investment into the public realm could drive footfall up by 30%. Investment in public realm has also shown itself to be a driver for new employment and investment in those areas

that surround it. One example cited by the report being the Heart of the City, Sheffield. Here an evaluation of the public realm improvements to the Peace Gardens (which forms part of the Heart of the City) reported a 35% increase in footfall in the City Centre (Genecon, 2010). The authors estimated an attribution rate of 20% – 44%, or a net increase of visitors of 350,000 – 770,000, and a net increase in spending of £4.2 million (based on 7% attribution of additional spend of £12.20 per visitor). Reported regeneration outcomes included an increase of £1.60 – £2.40 / sq. ft. rental value and the creation of 341 – 527 additional net jobs (ibid.).

- 6.71. The Economic Benefits Statement articulates the outputs from the KCH scheme, but it is quite evident that an attractive public realm, as is proposed, is not just a visual contributor but an economic one as well. These are substantial public benefits.
- 6.72. Existing trees are present in two primary locations, including along Queensgate fronting onto the ring road and adjacent to the existing Library building. A tree survey which accompanies this planning submission revealed a total of 38 individual trees including
- **3no.** trees identified as Category 'B'
 - **34no.** trees identified as Category 'C'
 - **1no.** tree identified as Category 'U'
- 6.73. The arboricultural survey was carried out to assess the health, condition and quality of existing trees. The guiding principle is to retain all trees where desirable and where possible, however a number of existing trees need to be removed in order to facilitate the re-modelling of the Cultural Heart and in particular to enable new site levels and accessible environments to be formed. It is also proposed to thin out the trees in poor condition, situated along Queensgate which cover the ceramic tiles, which are a key heritage feature of the Listed Queensgate Market. Tree loss has been considered as part of the comprehensive tree planting scheme for the Cultural Heart which aims to provide a significant increase in tree numbers and canopy area within the Town Centre. The tree replacement ratio of 4:1 is very generous and in accordance with Policy LP33 and weighs positively in the planning balance as a public benefit.

Ecology and Biodiversity Net Gain

- 6.74. Policy LP 30 – Biodiversity and Geodiversity states that the Council will seek to protect and enhance the biodiversity and geodiversity of Kirklees.
- 6.75. With regards to Biodiversity and Development, the policy states:
- “Development proposals will be required to:-*
- (i) *result in no significant loss or harm to biodiversity in Kirklees through avoidance, adequate mitigation or, as a last resort, compensatory measures secured through the establishment of a legally binding agreement;*

- (ii) *minimise impact on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist;*
- (iii) *safeguard and enhance the function and connectivity of the Kirklees Wildlife Habitat Network at a local and wider landscape-scale unless the loss of the site and its functional role within the network can be fully maintained or compensated for in the long term;*
- (iv) *establish additional ecological links to the Kirklees Wildlife Habitat Network where opportunities exist; and*
- (v) *incorporate biodiversity enhancement measures to reflect the priority habitats and species identified for the relevant Kirklees Biodiversity Opportunity Zone."*

- 6.76. A Preliminary Ecological Appraisal for part of the site was undertaken in December 2019 by AECOM. The report concluded that the habitats recorded on site were of *"limited ecological value"*, and that the *"loss of these habitats would not require specific habitat mitigation"*. Nevertheless, the report made recommendations regarding breeding birds on site, noting that habitat removal should be undertaken outside of the breeding season, or immediately after checks by a suitably qualified ecologist.
- 6.77. Subsequently, ARUP were commissioned by Kirklees Council to undertake an ecological site survey at Queensgate Market and the Piazza. The purpose of the survey was to validate the results of the Preliminary Ecological Appraisal undertaken by AECOM in 2019 and habitat condition information was also collected to inform a Biodiversity Net Gain (BNG) baseline assessment.
- 6.78. The updated ecological survey confirmed there were no changes to the habitats present on site since the PEA undertaken in 2019. The additional areas of site included in this assessment were also considered to have limited ecological value. The buildings and trees on site continue to provide potential nesting habitat for common bird species, however the site was deemed to provide negligible potential for roosting bats.
- 6.79. The BNG metric demonstrates a baseline value of 2.32 Habitat Units within the site, which is reflective of the low quality value of the site in ecological terms. The current iteration of the landscape plan provided for assessment demonstrates an uplift of c55% which is in excess of the applicants target of 50% for the scheme and considerably above the 10% target being established at the national level.
- 6.80. This is a Public Benefit that weighs positively in the planning balance.
- 6.81. No further ecological surveys are required at this time, however, a habitat management plan (subject to suitably worded condition) must be implemented to ensure the long-term management of the habitats at the target condition included in the metric.
- 6.82. The proposals are therefore considered to be in accordance with Local Plan Policies LP 30, LP 32 and LP 33 in ecology and BNG terms.

Climate change

- 6.83. The Council approved Climate Emergency measures at its meeting of full Council on the 16th of January 2019, and the West Yorkshire Combined Authority has pledged that the Leeds City Region would reach net zero carbon emissions by 2038. A draft Carbon Emission Reduction Pathways Technical Report (July 2020, Element Energy), setting out how carbon reductions might be achieved, has been published by the West Yorkshire Combined Authority.
- 6.84. On the 12th of November 2019 the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research.
- 6.85. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system, and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the council would use the relevant Local Plan policies and guidance documents to embed the climate change agenda.
- 6.86. The proposed venue will look to be built to high energy efficiency standards and has been designed to reduce energy demand during peak operations and low occupancy when not in use. The venue will also look to deploy a large and efficient PV array to maximise the roof area to generate renewable energy for the building.
- 6.87. To encourage low carbon modes of transport, 20% of car parking spaces will support electric car charging, with some of these spaces being rapid charging points. The remaining 80% of spaces will have passive provision for future installation of Electric car charging points. This allows for the adoption of new and innovative charging technologies which are emerging and avoids locking in redundant services.
- 6.88. The food hall will undertake a sympathetic low energy retrofit to ensure that the listed features are upgraded without compromising their heritage importance. The food hall will allow users to enjoy the refurbished space comfortably during all seasons.
- 6.89. The library will undergo a major low energy refurbishment with an extension which is sympathetic to the existing features of historical and heritage importance. The design team is working to find the balance between replacement and improvement with the retention of existing elements in line with best practice energy efficiency, embodied carbon and circular economy principles.
- 6.90. The grade two listed Library and Art gallery will be retained and refurbished to ensure the building's energy consumption is dramatically reduced relative to current operational use. The heating systems will be replaced in support of low carbon technologies to generate heat and domestic hot water. Brand new and efficient building services will be installed to ensure the internal comfort of occupants is maintained, in addition to ensuring the correct conditions for exhibited pieces and installations.
- 6.91. The new gallery building will look to achieve exemplary levels of energy efficiency and has been designed to be a low embodied carbon building. This has been achieved through the process of structural rationalisation and the use of mass timber structure.

- 6.92. As highlighted earlier, there are substantial public benefits that flow from the improved energy efficiency of Listed Buildings, including their longevity and ability to remain publicly accessible, as part of a wider and facilitating KCH development.
- 6.93. The proposals demonstrate accordance with Local Plan and NPPF.

Drainage and Flood Risk

- 6.94. The planning application is accompanied by a Flood Risk Assessment.
- 6.95. Paragraph 168 of the NPPF establishes that new development is planned to avoid areas at risk of flooding and takes account of climate change. Paragraph 167 sets out that local planning authorities should ensure that flood risk is not increased elsewhere.
- 6.96. The site falls in Flood Zone 1 (low probability of flooding) on the Environment Agency maps and the proposals are considered to be 'More Vulnerable' in terms of flood vulnerability, which is considered to be appropriate development in Flood Zone 1. There is a surface water flooding risk present on site, particularly given changing levels of the site. The lower-level areas outside of the existing Library and Piazza Shopping Centre are the main areas highlighted to have a 'high' risk of surface water flooding. High risk is defined as an area that has a chance of flooding of greater than 3.3% each year.
- 6.97. The FRA report has considered other potential sources of flooding to the site, including groundwater, surface water, existing sewers, water mains and other artificial sources. In a major storm rainfall event, following failure of the drainage infrastructure, this area is likely to pond due to the existing site topography.
- 6.98. On this basis, the applicants have undertaken a Flood Risk and drainage assessment works and have held meetings with relevant stakeholders, including LPA officers. The objective of the scheme will be to minimise and regulate overland water flows before it reaches the wider drainage system of the town centre. The inclusion of a substantial area of public realm will result in a net benefit to the management of water across the site. The public realm will support the ecological improvements of the scheme in addition to providing resilience to flood risk and changes to our climate.
- 6.99. The site masterplan has been developed to direct flooding away from buildings and to not increase flood risk off site. Internal threshold levels are designed to be above adjacent landscaped areas.
- 6.100. In addition, the development will not increase flood risk to the wider catchment area as a result of suitable management of surface water runoff discharging from the site. This will result in a 30% reduction in the total peak run off rate (noting that the proposed scheme accommodates drainage infrastructure to capture flooding on the site, including a 1-100 year event and a 40% uplift for climate change). As a result, the proposed development will ease pressure on existing systems in the locality, which is a public benefit that weighs in favour of the application.
- 6.101. Overall, it is concluded that the report demonstrates that the flood risk to this site is reasonable and acceptable and that the foul and surface water drainage systems for the

proposals can be designed and constructed to meet local plan policies LP27 and LP 28 and national planning policy.

Land Related Issues

- 6.102. Kirklees Council and ARUP have undertaken significant assessment works to understand the potential for land contamination, particularly as a result of the proposed demolition of buildings upon the site. A Site Investigation Report (Phase 1) including Coal Mining Risk Assessment has been prepared by ARUP and is enclosed within this submission, with a Site Investigation Report (Phase 2) to follow in due course.
- 6.103. There are no known impediments arising from ground conditions that would preclude the granting of planning permission.

Air Quality

- 6.104. The application site is located within the existing Kirklees Air Quality Management Area (AQMA 9 – Huddersfield Town Centre). An air quality assessment, produced by ARUP accompanies this planning submission which considers the impact of air the development on the AQMA 9 during both construction and operational phases in accordance with EHO pre-application feedback to date and in accordance with the West Yorkshire Low Emissions Strategy (WYLES). It sets out a review of current legislation, planning policy and a baseline assessment describing the current air quality conditions in the vicinity of the Site. The proposals are in accordance with policy and legislation in relation to air quality. Impacts from construction traffic will be assessed in due course (subject to suitably worded condition). The relevant air quality objectives for NO₂, PM₁₀ and PM_{2.5} are predicted to be met at all existing and proposed human receptors.
- 6.105. The ES Chapter sets out the measures incorporated into the scheme, such as the Travel Plan and the EVCP within the MSCP. These measures weigh positively as a public benefit in the management of air quality effects.
- 6.106. The effect of the proposals on local air quality is not considered to be significant and therefore is in accordance with Policy LP51.

Noise

- 6.107. Paragraph 174 of the NPPF states (inter-alia) that *“Decisions should contribute to and enhance the natural and local environment by... e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by unacceptable levels of noise...”*
- 6.108. Six separate Noise Reports prepared by ARUP have been produced to accompany this planning submission, including the Outdoor Venue, Food Hall, Museum, Library, Gallery and Venue. These all include an environmental baseline noise survey undertaken to determine the existing noise and climate character in and around the site.

- 6.109. The nearest noise sensitive receptors are (in different combinations):
- The Stay Hotel – a three storey hotel opposite located on Alfred Street
 - Buxton House – an 11-storey residential tower block on Albion Street comprising 57 residences.
 - Hindu Temple on Zetland Street
- 6.110. The Acoustic assessments for the scheme demonstrate that subject to adherence to appropriate limits, the proposals are acceptable in amenity terms and demonstrate accordance with Local Plan Policies LP16, LP21, LP26 and LP52.

Odours

- 6.111. Elements of the scheme, notably the Food Hall shall have the propensity to generate odours. The scheme shall adopt appropriate technologies in due course to ensure that such odours are removed or minimised to acceptable levels and this level of detail can be conditioned through a suitably worded condition.
- 6.112. This demonstrates accordance with Local Plan Policy LP16 and LP52.

Security & Designing out Crime

- 6.113. An objective of the Kirklees Cultural Heart is to create a safe, welcoming and family friendly environment. Local Plan Policy LP24 (part e) states *“The risk of crime is minimised by enhanced security, and the promotion of well-defined routes, overlooked streets and places, high levels of activity, and well-designed security features”*. The designers of the scheme have worked with West Yorkshire Police ‘Secure by Design’ officers to develop strategies to ensure that the proposals meet this objective in accordance with Policy LP24 (part e), which include (but not limited to):
- Providing safe, well-lit and overlooked areas of public realm that create a secure, friendly and active environment throughout the whole day.
 - Creating a safe and welcoming public realm across the whole site, including the new park, we are utilising a number of approaches:
 - Creating clear pedestrian routes with good visibility.
 - Creating a range of accessible seating opportunities.
 - Organising spaces to encourage visibility and prevent groups gathering.
 - Providing lighting throughout the site, with particular attention given to all key pedestrian routes.
 - Ensuring CCTV coverage across the site.

- Installation of potential emergency call button.

The incorporation of these measures into the scheme are a public benefit that weighs positively in favour of the proposal.

Light

- 6.114. A lighting assessment has been provided as part of the application, this shall balance the needs to create a safe and welcoming environment, alongside lighting being used to create public art statement and the amenity of surrounding uses.
- 6.115. The final scheme is not yet devised, as such a suitably worded planning condition will be required. However, it is evident that a well designed lighting scheme can achieve a secure by design approach, whilst retaining the intended ambiance of the spaces and the amenity of the surrounding area.

Waste Management

- 6.116. A (design stage) site waste management plan (SWMP), which includes details of both construction waste and operational waste has been produced by ARUP and is included within the submission. This will demonstrate the ability of the site to meet the Councils requirements, including recycling initiatives.
- 6.117. This design stage SWMP has been produced in line with all of Kirklees Council requirements and the guidance in the pre-application consultation request. Waste is being considered by the design team of the proposed development to ensure that the minimum amount of material is wasted and that circular opportunities are identified. A full review of the existing development has evaluated what level of retention is possible. For the existing buildings and infrastructure any demolition materials will be for re-used or recycled onsite or offsite.
- 6.118. Subject to planning permission, it is anticipated that a suitably worded condition can be added to a Decision Notice for a final SWMP to demonstrate how resources and waste have been considered during the design and construction stages of the proposed development and how effective and sustainable waste management will have been delivered during the project.
- 6.119. The planning condition would require the final SWMP to be submitted by the proposed development following its completion by the Preferred Principal Contractor. Implementation of the final SWMP will ensure that significant adverse effects do not arise as a result of the demolition, earthworks and construction phases. The SWMP will be refined by the Principal Contractor as future design details enable waste streams to be quantified more accurately. Implementation of the final SWMP will ensure that significant adverse effects do not arise as a result of the demolition, earthworks and construction phases.
- 6.120. This commercial recycling and waste strategy demonstrates how waste and recyclables will be stored, transferred and collected for each part of the proposed development (the Library, Museum, Gallery, Venue, Food Hall, MSCP and Urban Park). The strategy has been developed to comply with the recycling and waste all of the requirements of Kirklees Council including



the guidance in the pre-application consultation request. It also demonstrates how the proposed development will satisfy other requirements including the Building Regulations.

- 6.121. Compliance with this waste strategy will ensure there are sufficient waste storage areas across the proposed development to segregate waste and recyclables, appropriate commercial waste storage areas and suitable access for refuse collection vehicles (RCVs). This includes sufficient space to enable the segregation of recyclable materials across the proposed development to limit the quantity of waste sent for disposal.
- 6.122. The incorporation of such measures provides a public benefit over and above the existing situation

7. Conclusions

Planning Balance

- 7.1. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Act') imposes a statutory duty upon decision makers to pay special regard to the desirability of preserving listed buildings and their setting, or any features of special architectural or historic interest that they possess.
- 7.2. Section 72 of the Act also imposes a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.
- 7.3. When considering the impact of a proposed development on the significance of a designated heritage asset, the NPPF (Paragraph 199) requires that great weight should be given to the asset's conservation.
- 7.4. The more important the asset, the greater the weight should be.
- 7.5. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (Paragraph 200).
- 7.6. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (Paragraph 202).
- 7.7. The Planning Practice Guide defines what is meant by the term public benefits and states:
"Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit."
- 7.8. Full details of the alterations to both the Listed Queensgate Market Hall and separately, the Huddersfield Library and Art Gallery are set out in full, within the DAS and heritage related documents that form this application and within the two separate Listed Building Consent applications. As is shown, there are some heritage harms, but these fall within the range of less than substantial. Taking into account the content of the remainder of the planning application, no other harms (which are not heritage related) have been identified that are so unacceptable to warrant a conflict with the Local Plan, this being that the effects are not harmful, or that the effects can be mitigated or enhanced to an acceptable level (such as via the use of planning conditions).
- 7.9. By considering the summary of public benefits set out below (and with the enhanced detail provided within the various documents that form the KCH proposal for planning purposes), the Kirklees Cultural Heart development proposals will provide more than sufficient public benefits to outweigh the less than substantial harm caused by the scheme.

Summary of benefits

7.10. The below table sets out the applicants position on the weight that should be given to the public benefits of the development.

Public Benefit	Weight	Justification
Economic Benefits		
<p>Direct and indirect construction-related employment: The Proposed Development will support up to 924 temporary jobs on and off-site during the 3-year build phase.</p>	<p>Substantial</p>	<p>Huddersfield Town Centre has experienced an employment decline of 7.1% (2,000 fewer jobs) between 2015 and 2020. For the same period, Kirklees had 1.9% fewer jobs (3,000 jobs).</p> <p>This compares against the job growth of 1% (11,000 jobs) for West Yorkshire across the same time period.</p> <p>Development that creates job opportunities to arrest declines and poorer performances, such as KCH, carry substantial weight – particularly if the opportunity is to reinvigorate the town centre, providing a catalyst for more investment and confidence.</p> <p>In terms of overall investment, the scheme construction and fit-out costs will result in a total investment in excess of £210 million. The project will utilise local labour and materials where available and therefore this investment will have a direct local benefit.</p> <p>Construction employment accounts for only 5.7% of employment in Kirklees. KCH afford the opportunity for that to increase.</p>
<p>Contribution of construction phase to economic output: It is estimated that up to £148million of gross value added (GVA) could be generated during the 3-year construction period in current prices.</p>	<p>Substantial</p>	<p>This is a significant sum, which will add value to the district and supporting sectors in particular, which would include town centre uses benefitting from increased trade during the construction period.</p>
<p>Employment: The Proposed Development will support up to 459 gross full-time equivalent jobs on-site once operational.</p>	<p>Substantial</p>	<p>Huddersfield Town Centre has experienced an employment decline of 7.1% (2,000 fewer jobs) between 2015 and 2020. For the same period, Kirklees had 1.9% fewer jobs (3,000 jobs).</p>

		<p>This compares against the job growth of 1% (11,000 jobs) for West Yorkshire.</p> <p>Development that creates job opportunities to arrest declines and poorer performances, such as KCH, carry substantial weight – particularly if the opportunity is to reinvigorate the town centre, providing a catalyst for more investment and confidence.</p>
The sites falls within two LSOA's, which are in the top 10% and 30% deprived LSOA's in the England.	Substantial	Opportunities to arrest further decline and promote growth, through economic and social benefits should be taken. KCH represents a substantial development, with a variety of uses throughout, which will assist in upturning the deprivation that has been identified within the Economic Benefits Statement
Contribution to economic output: The additional GVA attributable to the site once operational and fully occupied is estimated at £10.2million per annum.	Substantial	This is a significant amount of GVA coming onto the town and district. This contribution is importantly diverse and different overall to the present offer within the town. Creating a multi-functional town centre, which is resilient to change and has a broader appeal will create a positive legacy and drive investment beyond the sites boundaries.
Visitor Spend: It is estimated that spend from day visits and overnight visits to the scheme will be around £18.1 million.	Substantial	KCH seeks to provide a range of facilities and amenities that will attract Kirklees residents and those from further afield. By increasing footfall and giving a reason to stay longer in the town, it follows that investment beyond the site boundaries will follow.
Creation of a multifunctional town centre.	Substantial	<p>Multifunctional towns have suffered lower levels of decline in footfall than 'comparison retail' towns. It is also expected that multifunctional towns can recover from economic downturns and be more resilient.</p> <p>KCH provides a clear opportunity for a transformative change, taking a significant step forward to diversify the offer in the town and district as a whole.</p>
A reinvigorated town, including evening offer, across 365 days a year, both indoors and outdoors	Substantial	Promotion of a variety of uses and activities will encourage more participation in the town centre and across different times of the day. This

		creates a resilient town and one that can appeal to all demographics.
Achievement of strategic economic objectives, set by Kirklees Council and the Leeds City Region LEP.	Substantial	KCH provides an element of the realisation of the objectives of these bodies, creating employment opportunities and promoting the health and well being of the population.
Socio/Health Benefits		
The site falls within two LSOAs, where it ranks in the top 20% of most deprived LSOA's for health.	Substantial	The proposal incorporates a substantial amount of public realm, at 2.2ha, which will provide a range of opportunities for physical and well-being. In an area that does not have significant opportunities for quality outdoor space, of a variety of typologies, the benefits are considered to represent substantial public benefits.
60.2% of Kirklees residents, aged 16+ are classed as active. This is below the rate for England (61.4%).	Substantial	The proposal incorporates a substantial amount public realm, at 2.2ha, which will provide a range of opportunities for physical and well-being. In an area that does not have significant opportunities for quality outdoor space, of a variety of typologies, the benefits are considered to represent a substantial public benefit.
35.2% of children in years 1-11 in Kirklees are classed as active. This is below rate for England at 44.6%.	Substantial	<p>The proposal incorporates a substantial public realm, at 2.2ha, which will provide a range of opportunities for physical and well-being. In an area that does not have significant opportunities for quality outdoor space, of a variety of typologies, the benefits are considered to represent a substantial public benefit.</p> <p>A focus on the public realm being for all ages and KCH having a family focus is key in seeking to improve upon the activity rates. This has benefits well beyond the confines of the KCH scheme.</p>
Social value: It is estimated that the Proposed Development will generate £10.5 million in social value from the museum, gallery,	Substantial	KCH seeks to encourage participation and inclusivity. By significantly improving access to quality spaces for cultural and learning activities, there are obvious and 'hidden' benefits for those that attend, whatever their demographic.

library and other cultural activities and amenities.		KCH will reinforce the strong sense of place for the town, centred on the sites Listed Buildings to the advantage of its residents and those from beyond the town.
Walking, cycling and use of public transport are to be encouraged by the sites accessible location and Travel Plan.	Substantial	The sites location will encourage increased activity of users and thus improve health.
Applying the MHCLG guidance, at £123,000 per hectare, there is a £270,600 amenity value attributed to the public realm.	Substantial	The weight to be applied to this figure must be seen in the context of the other benefits arising from the public realm.
Heritage Benefits		
The securing of the long term future of the Library and Art Gallery, as a museum, through a viable re-use and inclusion of energy efficiency measures that shall ensure the continuation of its accessibility to the public.	Substantial	The Library building is in need of investment. The KCH proposals provide a holistic solution to the delivery of fabric improvements and its longevity as a publicly accessible asset.
The securing of the long term future of the Queensgate Market, as a library and food hall, through a viable re-use and inclusion of energy efficiency measures that shall ensure the continuation of its accessibility to the public.	Substantial	<p>Whilst there is harm, within the less than substantial range, KCH will deliver benefits in the form of better revealing those elements that are of significance (such as the roof structure), whilst retaining the accessibility of the building, to a wide range of visitors (both internal and external to the building).</p> <p>There is a significant investment into the building, which in fabric terms will improve its longevity and resilience through a viable reuse.</p>
Enhancement to the Huddersfield Town Centre Conservation Area	Substantial	The proposal shall remove many features that do not positively contribute to the Conservation Area. This removal opens up opportunities to better understand the Conservation Area and many of the Listed Buildings in the locality.
Inclusive Design Benefits		

<p>The proposals demonstrate a high quantity and quality of inclusive design attributes, both internally and externally.</p> <p>The Listed Buildings are proposed to be altered, sensitively, to allow improved accessibility and thus appreciation by all abilities.</p>	<p>Substantial</p>	<p>The ability of the scheme to encourage visitors is a substantial benefit and inclusive design is a golden thread of the scheme and carries substantial weight in the planning balance.</p>
<p>Public Realm Benefits</p>		
<p>An inclusive design, catering for a wide variety of visitors.</p>	<p>Substantial</p>	<p>Evidence suggests that improved public realm can drive investment into town centres. The public realm at KCH is significant and links the wider town centre to the facilities within the scheme. These are substantial benefits.</p>
<p>Improved health and well being.</p>	<p>Substantial</p>	<p>As described above, public realm offers the opportunity to improve the mental and physical health of visitors.</p>
<p>Significant new landscaping features.</p>	<p>Substantial</p>	<p>The proposals demonstrate a clear opportunity to provide substantially more landscaping features than as existing and to a much higher quality. When placed in the context of KCH, the health benefits, bio-diversity benefits and appreciation of heritage assets makes this a substantial benefit.</p>
<p>Bio-Diversity Benefits</p>		
<p>Achievement of c55% BNG</p>	<p>Substantial</p>	<p>The target is typically 10%, KCH targeted 50% and has surpassed this. Linked to a quality design and resilience to climate change, a c55% BNG is a substantial public benefit.</p>
<p>Climate Change Benefits</p>		
<p>Targeting of optimum energy efficiency targets.</p>	<p>Significant to Substantial</p>	<p>The implementation of energy saving measures into new build elements carries weight in favour of the application as a public benefit.</p> <p>Where the energy efficiency measures have been carried through into the Listed Buildings, these carry greater weight in the planning balance. Whilst there is guidance toward supporting</p>

		<p>greater energy efficiency within Listed Buildings, a minimal intervention approach could have been taken. This has not been the choice of the applicant, who has sought to apply a holistic approach to energy efficiency whereby every element of the scheme (new build or change of use) achieves the lowest energy consumption possible. The costs therefore to run/maintain the Listed Buildings are therefore less, and substantially increases the ability for them to remain publicly accessible, as they have been originally intended to be long into the future.</p> <p>The intertwining of each element within the overall KCH scheme is such, that these substantial benefits can only be achieved as one comprehensive development.</p>
Provision of EVCP within the development, with flexibility to have more in the future.	Significant	<p>Whilst the Travel Plan for KCH seeks to reduce use of the car to/from the site, the MSCP is being designed to accommodate high levels of EVCP, with the potential to add more as demand increases.</p> <p>This provision will inform travel choices and future proof the scheme to changing modes of transport.</p>
140 cycle parking spaces and pedestrian permeability	Significant	<p>The provision on the site, to such a high standard will encourage non-motorised modes of transport, resulting in greater dwell time and footfall in the town centre.</p>
Flood Risk and Drainage Benefits		
Improvements to flood resilience	Significant	<p>KCH will result in a 30% reduction in the total peak run off rate (noting that the proposed scheme accommodates drainage infrastructure to capture flooding on the site, including a 1-100 year event and a 40% uplift for climate change). As a result, the proposed development will ease pressure on existing systems in the locality, which is a public benefit that weighs in favour of the application.</p>
Air Quality Benefits		

Assessment and incorporation of air quality mitigation measures.	Significant	Incorporation of mitigation measures such as a Travel Plan (when one does not exist), EVCP and public realm, results in a significant public benefit.
Waste Management Benefits		
Incorporation of appropriate waste management systems	Significant	The use of such strategies, when non formally exist upon the site now will ensure that the waste hierarchy is followed and accommodate significant public benefits thereafter.
Other Benefits		
Increased level of usage of cultural facilities by residents	Significant	All proposals involve significant additional investment into Council owned, cultural facilities to encourage increased level of usage by residents.
Higher national and regional profile for the town and Kirklees	Substantial	The Cultural Heart Proposals (as part of the wider Huddersfield Blueprint) will develop a strong town centre profile.
Catalyst for further private sector investment in the town centre (in retail, leisure and accommodation sectors)	Substantial	Relevant case studies from elsewhere highlight the important impacts that cultural regeneration and placemaking can have, with significant returns on investment (places such as Halifax, Margate, and Wakefield), as well as improved educational, employment, and civic pride outcomes. Moreover, regeneration has catalysed the wider redevelopment of these town centres and supported local businesses by increasing private sector confidence and associated investment.
Greatly enhanced community facilities	Substantial	Proposed elements of the Cultural Heart (all available to the public) include: A new library, new museum, new gallery, new food hall, new event venue: which can be scaled up or down for live music, theatre, cultural events, and conferences, a new town park and outdoor event space and new multi-storey car park.
Protecting key cultural assets and cultural benefit	Substantial	The vision for the new museum is that it will celebrate and showcase Kirklees' remarkable heritage in ways that will inspire the future. This will draw on the content and accessibility to the

		<p>Yorkshire Achieve Service within the KCH scheme itself. The new library will have a space included specifically for the West Yorkshire Archive Service.</p> <p>The museum will celebrate the region as a place of creativity and experimentation and show how this has led to innovation and change in the past and how it is continuing to do so now and in the future.</p> <p>Kirklees' heritage, tourism, and cultural objectives will be supported by the museum. It will help people engage with their heritage, establish a sense of place and identity, promote local activities and landmarks, and deliver new learning opportunities.</p>
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7.11. This Planning Statement, alongside submitted drawings and accompanying reports, supports a full planning application submitted by Kirklees Council for:

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

7.12. The Statement considers the proposal against the content of the Development Plan and the advice provided by the Government through planning policy guidance and statements.

7.13. Considerable iterative and detailed design work has been carried out by the architects and consultant team alongside Kirklees Council and other relevant stakeholders to produce a truly inclusive and vibrant development scheme. The progression of this scheme has been subject to significant assessment and scrutiny and thorough consideration has been given to all feedback prior to the submission of this planning application.

7.14. The nature of the proposed mixed-uses within the development, namely, a new indoor venue with multi-storey car park, museum, library, food hall, gallery, new public realm including gardens, play areas, terraces and outdoor event space, are considered to fully align with the Development Plan for the site and are in accordance with national planning policy and guidance.



7.15. On the basis of the above the Local Planning Authority is therefore respectfully requested to approve the application without delay.



Appendix

Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

Leeds

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