



**Town and Country Planning Act 1990**

**Town and Country Planning General Regulations 1992**

**PLANNING PERMISSION FOR DEVELOPMENT SUBJECT TO REGULATION 3**

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**Application Number: 2022/48/93248/W**

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**To:** Chris Calvert,  
Pegasus Group  
Pavilion Court  
Green Lane  
Garforth  
Leeds  
LS25 2AF

**For:** Kirklees Council

**Description and location of development:**

DEMOLITION OF EXISTING PIAZZA SHOPPING CENTRE; PART REMOVAL OF QUEENSGATE MARKET; DEMOLITION/RETENTION OF SERVICE TUNNELS; REDEVELOPMENT OF THE SITE TO FORM NEW PUBLIC REALM SPACE (INCLUDING PUBLIC PARK AND GARDENS, PLAY AREAS, PUBLIC SQUARE/OUTDOOR EVENT SPACE); REFURBISHMENT AND CHANGE OF USE OF EXISTING QUEENSGATE MARKET HALL INTO FOOD HALL (USE CLASS E (B) SALE OF FOOD AND DRINK FOR CONSUMPTION, MOSTLY, ON THE PREMISES); REFURBISHMENT AND EXTENSION OF EXISTING LIBRARY AND ART GALLERY BUILDING TO FORM MUSEUM (USE CLASS F.1); CHANGE OF USE OF PART EXISTING MARKET HALL BUILDING AND EXTENSION TO FORM PUBLIC LIBRARY (USE CLASS F.1); ERECTION OF INDOOR EVENT VENUE INCORPORATING MULTI-STOREY CAR PARK BELOW (SUI-GENERIS); ERECTION OF PUBLIC GALLERY BUILDING (CLASS F.1); ASSOCIATED INFRASTRUCTURE ON LAND AND BUILDINGS AT QUEENSGATE MARKET, HUDDERSFIELD LIBRARY AND ART GALLERY, AND PIAZZA (AND THE SHAMBLES) SHOPPING CENTRE (PART LISTED BUILDING/PART WITHIN A CONSERVATION AREA)

**At:** PIAZZA CENTRE, PRINCESS ALEXANDRA WALK, HUDDERSFIELD, HD1 2RS

**Date of submission: 03-Oct-2022**

**In pursuance of its powers under the above mentioned Act and Regulations KIRKLEES COUNCIL (hereinafter called "The Council") hereby grants planning permission for the above development subject to the following condition(s):-**

1. The development hereby permitted shall be begun within five years of the date of this permission.

**Reason:** The development is of a significant size and complexity and an extended period for implementation.

2. The development hereby permitted shall be carried out in accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

**Reason:** For the avoidance of doubt as to what is being permitted and in the interests of visual amenity, and other matters relevant to planning and to accord with the Kirklees Local Plan and the National Planning Policy Framework.

3. For the purposes of this decision letter and the conditions therein, drawing 2069-FCB-SK-A-0226 P02 broadly identifies the component parts of the development as listed below. Applications to discharge relevant conditions shall be correlated to these component parts, or combination of parts:

- a) The public open space
- b) The outdoor event space;
- c) The extension to the existing library;
- d) The food hall and library;
- e) The art gallery;
- f) The service tunnels; and
- g) The venue and MSCP

**Reason:** To ensure a consistent mechanism for the discharge of conditions.

4. Prior to commencement of development, a scheme for the programme of works shall be submitted to the Local Planning Authority.

**Reason** To ensure that construction of the development is phased in an appropriate way in accordance with policy LP5 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure that details of works are agreed at an appropriate stage of the development process.

## **Site Investigation and Demolition**

5. Demolition, site clearance of former structures or any groundworks (other than any groundworks required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person for any component part, or combination of component part(s) of the site (as referred to in condition 3) has been submitted to and approved in writing by the Local Planning Authority. The development of that component part, or parts shall be undertaken in accordance with the approved document.

**Reason:** To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraphs 183 and 184 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure that site investigation is carried out at an appropriate stage of the development process.

6. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition (5) further works shall not commence until a Remediation Strategy (relating to the relevant component part or parts of the development, as referred to in condition 3) by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

**Reason:** To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraphs 183 and 184 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure that site investigation is carried out at an appropriate stage of the development process.

7. Remediation of the site, or component part or parts (as referred to in condition 3), shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (6) In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all groundworks in the affected area of the relevant component part or parts of the development (except for site investigation works) as referred to in condition 3, shall cease immediately and the Local Planning Authority shall be notified in writing within two working days. Works shall not recommence until proposed revisions to the Remediation Strategy for that component part or parts have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

**Reason:** To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraphs 183 and 184 of the National Planning Policy Framework

8. Following completion of any measures identified in the approved Remediation Strategy for any component part or parts of the development as referred to in condition 3, specified or any approved revised Remediation Strategy a Verification Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the specified component part of the site shall be brought into use until such time as the remediation measures have been completed for the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures has been approved in writing by the Local Planning Authority. Where verification has been submitted and approved in stages for different areas of the whole site, a Final Verification Summary Report shall be submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraphs 183 and 184 of the National Planning Policy Framework

9. No development shall take place on any component part, or combination of component part(s) of the site until:

- a) an appropriate scheme of intrusive site investigations has been carried out on site for any component part of the site to establish the risks posed to the development by past coal mining activity, and;
- b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

**Reason:** The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. This condition will ensure that any risks associated with coal mining activity is taken into account.

This pre-commencement condition is necessary to ensure that investigation related to coal mining legacy is carried out at an appropriate stage of the development process.

10. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site (or any component part or parts, as referred to in condition 3) is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

**Reason:** The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. This condition will ensure that any risks associated with coal mining activity is taken into account.

11. No demolition of any building shall take place within a component part (or combination of component parts) until a demolition strategy (to include the treatment of any temporarily, or permanently exposed external surface) has been submitted and approved in writing by the Local Planning Authority in respect of each component part of the development hereby approved. The development of that component part, or parts shall be undertaken in accordance with the approved document.

**Reason:** To ensure that any demolition associated with the development is carried out to a satisfactory standard for the protection of visual and general amenity of the locality. This pre-commencement condition is necessary to ensure that details of demolition and protection are agreed at an appropriate stage of the development process.

### **Lighting**

12. The external artificial lighting shall be installed in accordance with the details provided in the Public Realm Lighting Strategy by Arup (ref: CDT430201-ARP-ZZ-ZZ-RP-YL-00002), dated 30th Sept 2022, including the mitigation measures to control spill light and glare.

**Reason:** To safeguard the amenities of the occupiers of nearby properties and promote sustainable development in accordance with part 2 and 15 of the National Planning Policy Framework and Policy LP52 of the Kirklees Local Plan.

### **Construction Environmental Management Plan**

13. Prior to development commencing, a Construction Environmental Management Plan (CEMP) relevant to any component part of the development (or combination of component parts) shall be submitted to and agreed in writing with the Local Planning Authority. The plan shall describe in detail the actions that will be taken to minimise adverse impacts on occupiers of nearby properties by effectively controlling:

- Noise and vibration arising from all construction related activities. This should also include suitable restrictions on the hours of working on the site including times of deliveries; and
- Dust arising from all construction related activities, which should include measures to monitor and record the emissions of dust during construction. This should be provided in the form a Dust Management Plan (with reference to the Air Quality Assessment by Ove Arup & Partners Limited (ARUP) Chapter 9 of Environmental Statement: Volume 1 Main Report and Figures (dated: 30.09.22).

A communications plan detailing the responsible person, their contact details and how this will be communicated to local residents and sensitive receptors. The agreed plan shall be adhered to throughout the construction of the development of that component part, or parts.

**Reason:** To safeguard the amenities of the occupiers of nearby properties in accordance with part 15 of the National Planning Policy Framework and Policy LP52 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure that details of works and the protection of amenity are agreed at an appropriate stage of the development process.

## **Construction Hours**

14. Noisy construction related activities shall not take place outside the hours of:

- 07.30 to 18.30 hours Mondays to Fridays.
- 08.00 to 13.00 hours, Saturdays; and
- No noisy construction related activities at any time on Sundays and Public Holidays.

**Reason:** To safeguard the amenities of the occupiers of nearby properties in accordance with part 15 of the National Planning Policy Framework and Policy LP52 of the Kirklees Local Plan.

## **Ecology**

15. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) for any component part of the development (or combination thereof) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- Risk assessment of potentially damaging construction activities that refers to the most up-to-date site specific survey information and specifically to nesting birds;
- Identification of “biodiversity protection zones”, where appropriate;
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- The location and timing of sensitive works to avoid harm to biodiversity features;
- The times during construction when specialist ecologists need to be present on site to oversee works, where appropriate;
- Responsible persons and lines of communication; and
- Use of protective fences, exclusion barriers and warning signs, where appropriate.

The approved CEMP shall be adhered to and implemented throughout the construction period of that component part, or parts in accordance with the approved details.

**Reason:** To protect biodiversity during construction by avoiding direct impacts to protected species, and to accord with Policy LP30 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure that details of measures to protect biodiversity are agreed at an appropriate stage of the development process.

16. Prior to development commencing, an Ecological Design Strategy (EDS) to ensure that a biodiversity net gain is achieved where possible within each component part and at the point of post-development completion, shall be submitted to, and agreed in writing by, the Local Planning Authority. The EDS shall be in broad accordance with the principles of the Biodiversity Metric 3.0 calculations as received by the Local Planning Authority on 4th October 2022, as agreed in principle with the Local Planning Authority prior to determination and shall provide a minimum of a 10% net gain (noting the developments objective to achieve a minimum of 50% net gain) in habitat units post-development. The EDS shall include the following:

- Purpose and conservation objectives for the proposed works;
- Review of site potential and constraints for each component part;
- Detailed design(s) and/or working method(s) to achieve stated objectives for each component part;
- Extent and location/area of proposed works within each component part on appropriate scale maps and plans;
- Type and source of materials to be used where appropriate, e.g. native species of local provenance, within each component part;
- Type and location of a minimum of 10 Swift boxes with the overall development.
- Persons responsible for implementing the works;
- Details of initial aftercare and long-term maintenance;
- Details for monitoring for each component part and (where the results from monitoring show that conservation aims and objectives of the EDS are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers a measurable biodiversity net gain;
- Details for disposal of any wastes arising from works; and
- Any subsequent changes to the proposed landscape design for any component part should be assessed using the Biodiversity Metric to ensure the BNG target continues to be met.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

**Reason:** To protect biodiversity during construction by avoiding direct impacts to protected species, and to accord with Policy LP30 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure that details relating to biodiversity are agreed at an appropriate stage of the development process.

17. Any works which could impact nesting birds to be undertaken outside the breeding bird season (March to August inclusive). This includes vegetation clearance, demolition or structural works to buildings that provide nesting opportunities. If this is not possible, all potential nesting habitats should be checked by a suitably qualified ecologist prior to works being undertaken, and measures implemented to prevent damage or destruction of nests whilst in use.

**Reason:** To protect biodiversity during construction by avoiding direct impacts to protected species, and to accord with Policy LP30 of the Kirklees Local Plan.

18. A habitat management plan for each component part, or parts (as referred to in condition 3) shall be implemented and all retained and newly created habitats on site to ensure they are appropriately managed and can achieve the target condition specified.  
**Reason:** To protect biodiversity during construction by avoiding direct impacts to protected species, and to accord with Policy LP30 of the Kirklees Local Plan.

### **Transport and Highways**

19. Prior to the first occupation of the uses hereby permitted (excluding public realm and the outdoor event space) within a component part, or combination of parts, a Travel Plan for the specified component part or parts shall be submitted and approved in writing by the Local Planning Authority. The Travel Plan for that component part, or parts shall be implemented thereafter. To support the promotion of the use of sustainable modes the travel plan will include: how the travel plan will be managed; targets aimed at lowering car use, particularly single occupancy trips, from/to the site; a program for monitoring the travel plan and its progress and how the travel plan and its objective of more sustainable travel will be promoted. The approved travel plan shall thereafter be retained throughout the lifetime of the development unless otherwise agreed in writing by the LPA.

**Reason:** To comply with the Council's sustainability objectives and the use of sustainable forms of transport are encouraged and to mitigate the highway and air quality impacts of the development in accordance with Policies LP20, LP21, LP24, LP51 and LP52 of the Kirklees Local Plan, Chapters 9 and 15 of the National Planning Policy Framework, and the West Yorkshire Low Emissions Strategy.

20. Prior to the first occupation of the uses hereby permitted (excluding public realm and the outdoor event space) within a component part, or combination of parts (as referred to in condition 3), a Strategic Service Management Plan shall be submitted and approved in writing by the Local Planning Authority in respect of each component part of the development hereby approved. The plan shall be fully implemented and the development thereafter operated in accordance with the approved service management plan throughout the lifetime of the development unless otherwise agreed in writing by the LPA

**Reason:** In the interests of highway safety in accordance with Policies LP20 and LP21 of the Kirklees Local Plan, as well as Chapter 9 of the National Planning Policy Framework.

21. Prior to first use of the Venue and/or outdoor event space, an Events (Planning) Management plan (including signage/wayfinding) setting out how events at the Venue and Outdoor Events Space are to be managed (including consideration of highway impacts) should be submitted to, and agreed in writing, by the Local Planning Authority. The use of the Venue and outdoor event space shall be carried out in accordance with those approved details throughout the lifetime of the development unless otherwise agreed in writing by the LPA

**Reason:** In the interests of highway safety in accordance with Policies LP20 and LP21 of the Kirklees Local Plan, as well as Chapter 9 of the National Planning Policy Framework.



22. Prior to development commencing upon the MSCP/Venue, a detailed scheme for the new signalised access from Queensgate to the MSCP including the MSCP access control system, as shown for indicative purposes only on drawing No. CDT430201-ARP-XX-XX-SK-C-000006, Rev. P03, shall be submitted to and agreed in writing with the Local Planning Authority. The scheme shall include construction details including full sections, drainage works, street lighting, signing, surface finishes and the treatment of sight lines, together with an independent safety audit covering all aspects of work. Before any part of the MSCP/Venue is brought into use the scheme shall be completed in accordance with the approved details.

**Reason:** To ensure that suitable access is available for the development In the interests of highway safety in accordance with Policies LP20 and LP21 of the Kirklees Local Plan, as well as Chapter 9 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure that details of access are agreed at an appropriate stage of the development process.

23. Prior to development commencing upon the MSCP/Venue, a detailed scheme for the new service layby on Alfred Street, as shown for indicative purposes only on drawing No. CDT430201-ARP-XX-XX-SK-C-000001, Rev.P03, shall be submitted to and agreed in writing with the Local Planning Authority. The scheme shall include construction details including full sections, drainage works, street lighting, signing, and surface finishes, together with an independent safety audit covering all aspects of work. Before any part of the MSCP/Venue is brought into use the scheme shall be completed in accordance with the approved details.

**Reason:** To ensure that suitable access is available for the development In the interests of highway safety in accordance with Policies LP20 and LP21 of the Kirklees Local Plan, as well as Chapter 9 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure that details of servicing provision are agreed at an appropriate stage of the development process.

24. Prior to development commencing upon the MSCP/Venue details of the proposed method of closing off and making good all existing redundant accesses to the development site shall have been submitted to and approved in writing by the local planning authority. The approved works shall be completed before the development is brought in to use and the highway layout retained as such for the lifetime of the development.

**Reason** To ensure that suitable access is available for the development in the interests of highway safety in accordance with Policies LP20 and LP21 of the Kirklees Local Plan, as well as Chapter 9 of the National Planning Policy Framework.

## **Drainage and Flood Risk**

25. Development shall not commence until a detailed design scheme detailing foul, surface water and land drainage, including agreed discharge rates with the LLFA) for any component part, or combination of parts (as referred to in condition 3) has been submitted to and agreed by the Local Planning Authority. The development of that component part or combination or parts shall take place in accordance with those approved details. The scheme shall make provision for flow rates of 204.2 l/s to public sewers (in accordance with the Technical Note 'drainage discharge DR01 Response) dated 24th May 2023, attenuation for the critical 1 in 100 + climate change rainfall event, attenuation construction details /design, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision. The scheme shall also include a risk assessment and method statement, in accordance with CDM Regulations 2015, for access to and into the attenuation structure, and the scheme shall include a maintenance and management plan for surface water infrastructure. No part of the development shall be occupied until such approved drainage scheme has been provided on the site to serve the development or each agreed component part of the development and retained thereafter.

**Reason:** To ensure the effective disposal of water from the development so as to avoid an increase in flood risk and so as to accord with Policies LP27 and LP28 of the Kirklees Local Plan and chapter 14 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure that details of drainage are agreed at an appropriate stage of the development process.

26. The development shall not commence for any component part, or combination of parts (as referred to in condition 3) until an assessment of the effects of 1 in 100 year storm events, with an additional allowance for climate change, blockage scenarios and exceedance events on drainage infrastructure and surface water run-off pre- and post-development between the development and the surrounding area (both upstream and downstream of the development), has been submitted to and approved in writing by the Local Planning Authority for any component part or parts. No part of the development for any component part or combination of parts shall be brought into use until the works comprising the approved scheme in relation to each agreed component part of the development have been completed and such approved scheme shall be retained thereafter.

**Reason:** To ensure the effective disposal of water from the development so as to avoid an increase in flood risk and so as to accord with Policies LP27 and LP28 of the Kirklees Local Plan and chapter 14 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure that details of drainage are agreed at an appropriate stage of the development process.

27. Development shall not commence within any component part or combination of parts (as referred to in condition 3) until a scheme, detailing temporary surface water drainage for the construction phase (after soil and vegetation/site strip) for an agreed component part of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail:

- phasing of the development and phasing of temporary drainage provision;
- include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is prevented; and
- the strategy shall include a plan showing the location of the attenuation storage and supporting calculations for any component part, or combination of parts.

Any temporary works shall be implemented in accordance with the approved scheme and phasing. No phase of the development shall be commenced until the temporary works approved for that component part or parts have been completed. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority.

**Reason:** To ensure the effective disposal of water from the development so as to avoid an increase in flood risk and so as to accord with Policies LP27 and LP28 of the Kirklees Local Plan and chapter 14 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure that details of temporary drainage are agreed at an appropriate stage of the development process.

### **Site Waste Management**

28. Prior to occupation of any component part, or combination of parts as referred to in condition 3 (excluding the public realm and outdoor event space), a site waste management plan to include details of how waste and recycling will be collected by vehicle, for any specified component part as agreed, has been submitted and approved in writing by the Local Planning Authority in respect of each component part of the development hereby approved.

**Reason:** In the interests of visual and residential amenity and highway safety, to assist in achieving sustainable development, and to accord with Policies LP21 and LP24 of the Kirklees Local Plan.

### **Security**

29. Prior to the commencement of superstructure works, for any component part, or combination of parts, details of measures to prevent and deter crime and anti-social behaviour shall be submitted to and approved in writing by the Local Planning Authority. These shall include:

- External lighting of public spaces;
- Street furniture (seating, planters); and
- Monitored CCTV

The details will correspond with landscaping details to be provided pursuant to conditions (33). No part of the development shall be brought into use until the development has been implemented in accordance with the details so approved.

**Reason:** In the interests of minimising the risk of crime and anti-social behaviour and creating a safer, more secure Town Centre's, and to accord with Policies LP24 and LP47 of the Kirklees Local Plan and the National Planning Policy Framework.



## **Air Quality**

30. Before the multi-storey car park (MSCP) is brought into use a supplementary Air Quality Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall include further modelling to determine the 1-hour mean NO<sub>2</sub> concentrations, at both of the car park vents. This should include the background concentrations and other sources. We would also ask that receptors are modelled to a height of 0.5m, to determine the impact of the emissions from the vents on children queuing at the Venue.

**Reason:** For promoting sustainable development and transport and conserving the natural environment in accordance with parts 2, 9 and 15 of the National Planning Policy Framework and Policies LP20, LP24, LP47 of the Kirklees Local Plan

31. Before the electrical system is installed a scheme detailing the dedicated facilities to be provided for charging electric vehicles shall be submitted to and agreed in writing by the Local Planning Authority. The scheme will be in accordance with the specifications detailed on pages 4-2 and 9-4 sections 4.2.7 and 9.5.32 of the Environment Statement by Pegasus Group, dated 30.09.22 and specify the number and location of the dedicated spaces to be provided. The agreed dedicated facilities for charging electric vehicles shall be installed, maintained and retained thereafter.

**Reason:** In the interest of compliance with Council's sustainability objectives including the use of sustainable forms of transport and to mitigate the highway and air quality impacts of the development in accordance with Policies LP20, LP21, LP24, LP51 and LP52 of the Kirklees Local Plan, Chapters 9 and 15 of the National Planning Policy Framework, and the West Yorkshire Low Emissions Strategy. (WYLES).

## **Materials**

32. No development above damp-proof course level shall take place upon the specified component part or parts (as referred to in condition 3) of the development until external materials have been submitted to and agreed in writing by the Local Planning Authority. The submission of materials to the Local Planning Authority shall set out the location of each material within the buildings elevation(s), their profile, colour, texture and their visible fittings. The materials shall be presented as a display panel(s) of a pre-agreed size and at a location within the site to be agreed with the Local Planning Authority. For the avoidance of doubt details shall include any screening of roof top plant. The development shall be implemented and completed in accordance with those approved details.

**Reason:** In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and the National Planning Policy Framework.

## **Landscaping**

33. Prior to the commencement of development of each specified component part, or parts, details of all hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. These shall include:

- Details of existing and proposed levels, and regrading;
- Planting plans, including additional treeplanting notwithstanding what is shown in the drawings hereby approved;
- Details of tree pit sizes and soils;
- Species schedules;
- Details of initial aftercare and long-term maintenance of trees including tree protection measures;
- Details of monitoring and remedial measures, including replacement of any trees, shrubs or planting that fails or becomes diseased within the first five years from completion;
- Details (including samples, if requested), of paving and other hard surface materials;
- Details and specifications of street furniture including but not limited to lighting, bollards, bins, seating and cycle provision; and
- No part of the development hereby approved shall be occupied until all hard and soft landscaping has been implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

The approved landscaping scheme shall for that component part, or parts (as referred to in condition 3) from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of a similar size and species unless the Local Planning Authority gives its written consent to any variation.

**Reason:** In the interests of visual amenity, to ensure high quality spaces are provided, in the interests of creating a safer, sustainable and accessible town centres, in accordance with Policies LP24, LP30, LP32, LP33, LP47 and LP63 of the Kirklees Local Plan and chapters 8, 12 and 15 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure that details of landscaping are agreed at an appropriate stage of the development process.

34. Where any specified component part or parts (as referred to in condition 3) makes provision for the retention of any existing tree(s), a scheme for the protection of those retained tree(s) shall be submitted to and agreed in writing by the Local Planning Authority. The approved measures shall be implemented and carried out in accordance with those approved details.

**Reason:** To ensure the future health and stability of retained trees within the scheme in accordance with policy LP33 of the Kirklees Local Plan and chapters 8, 12 and 15 of the National Planning Policy Framework.

## **Noise**

35. No component part or parts (as referred to in condition 3) shall be brought into use until all works comprised within the measures specified in the approved noise reports for that component part, or parts have been carried out in full and such works shall be thereafter retained.

**Reason:** To ensure the proposed development does not cause harmful noise pollution within neighboring noise sensitive locations, in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

36. The combined noise from any fixed mechanical services and external plant and equipment shall be effectively controlled so that the combined rating level of noise from all such equipment does not exceed the background sound level at any time. "Rating level" and "background sound level" are as defined in BS 4142:2014+A1:2019.

**Reason:** To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework

37. Where entertainment events take place more than once per week or continues beyond 2300hrs, entertainment noise (e.g. noise from amplified and non-amplified music, singing and speech) at the premises shall be controlled so as to be inaudible inside the nearest residential premises. Inaudibility being defined as:

- if the external LAeq, (1min) (of the music etc. noise) at the façade of the nearest residential premises is not greater than the external LA90 (of the background with no music etc. noise) at the façade of the nearest residential premises, and
- if the external L10 (5min) (of the music etc. noise) at the façade of the nearest residential premises is not greater than the external L90 (of the background with no music etc. noise) in each 1/3rd octave band between 40Hz and 160Hz at the façade of the nearest residential premises.

Where entertainment events take place more than 30 times per year, not more than once in a single week and ends by 2300hrs, entertainment noise (e.g. noise from amplified and nonamplified music, singing and speech) at the premises shall be controlled such that:

- the external LAeq, (1min) (of the music etc. noise) at the façade of the nearest residential premises does not exceed the external LA90 (of the background with no music etc. noise) by more than 5 dB at the façade of the nearest residential premises, and
- the external L10 (5min) (of the music etc. noise) at the façade of the nearest residential premises does not exceed the external L90 (of the background with no music etc. noise) by more than 5 dB in each 1/3rd octave band between 40Hz and 160Hz at the façade of the nearest residential premises.

Where entertainment events take place up to 30 times per year, suitable alternative external noise limits will be allowed based on the criteria set out the 'Code of Practice on Environmental Noise Control at Concerts' (Noise Council, 1995).

**Reason:** To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

### **Ventilation/Extraction**

38. Prior to the use of any kitchen in relation to component parts (food hall and library, the art gallery, and venue), the kitchen extract systems as specified in the Ventilation and Extract Statement (ref: CDT430201-ARP-XX-XX-RP-N-00052) (dated: 30.09.2022) by Ove Arup & Partners Limited shall be installed and operational. The kitchen extract system shall thereafter be retained, operated at all times during the preparation and cooking of food and maintained in accordance with the manufacturer's instructions.

**Reason:** To ensure the proposed development does not cause harmful odour pollution within either a public area or at neighbouring premises in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework

### **Sustainability and Energy**

39. Prior to commencement of any component part or parts (as referred to in condition 3), a Sustainability and Energy Statement, outlining how sustainability will be built into that particular component part or parts, in line with the Kirklees councils adopted Net Zero target by 2038, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first use of the development, these sustainability measures will be implemented and retained in accordance with the approved details.

**Reason:** In order to secure a sustainable form of development in compliance with Chapter 14 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure that details relevant to sustainability and energy are agreed at an appropriate stage of the development process.

### **Associated Agreement**

40. Within six months of the date of this permission, details of an agreement relating to the implementation of a Framework Travel Plan (and subordinate plans) and the monitoring thereof shall be submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure adequate arrangements for implementation and monitoring in relation to the Framework Travel Plan (and subordinate plans) are secured, and to comply with Policy LP20 of the Kirklees Local Plan and chapter 9 of the National Planning Policy Framework.

### **Footnotes**

References to "MSCP" in the above conditions relate to the multi-storey car park hereby approved.



### Electric Vehicle Charging Points

The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity and the installation must comply with all applicable electrical requirements in force at the time of installation.

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information in relation to Approved Document S.

### Contaminated Land

All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021. Reports must be prepared in

accordance with the following guidance:

- Land Contamination Risk Management (LCRM)
- BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice
- Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group.

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

### Competent Person (Noise)

All noise assessments should be carried out by a competent person. The applicant may wish to contact the Association of Noise Consultants <http://www.association-of-noise-consultants.co.uk/> (020 8253 4518) or the Institute of Acoustics <http://www.ioa.org.uk> (0300 999 9675) for a list of members.

### PCF Inaudibility

A simple “sound check” can be carried out outside the nearest noise sensitive property by listening to the music etc. coming from the application premises. If the music etc. is clearly audible, then it is likely that this condition is being breached. Therefore, steps should be taken to reduce the level that the music etc. is being played at.

Plans and specifications schedule:-

<b>Documents</b>	<b>Reference</b>	<b>Version</b>	<b>Date LPA Received</b>
Design and Access Statement	CDT430201_FCB_XX_XX_RP_A_010050_P01	1	4.10.22
VENTILATION & EXTRACT STATEMENT	CDT430201-ARP-XX-XX-RP-N-000052-FCBS MARKUP	1	4.10.22
ECONOMIC BENEFIT STATEMENT	R001V5 EC	1	4.10.22
PUBLIC REALM LIGHTING STRATEGY	CDT430201-ARP-ZZ-ZZ-RP-YL-000002	1	4.10.22
HIA FINAL	P21-0731 R002V4 EC	1	4.10.22
WASTE STRATEGY	CDT430201-ARP-ZZ-ZZ-RP-Z-000002	1	4.10.22
NOISE ASSESSMENT REPORT - FOOD HALL P02	IR430299-ARP-XX-XX-RP-YA-000002	1	4.10.22
NOISE ASSESSMENT REPORT - GALLERY P02	IR430299-ARP-XX-XX-RP-YA-000002	1	4.10.22
NOISE ASSESSMENT REPORT - LIBRARY P02	IR430299-ARP-XX-XX-RP-YA-000002	1	4.10.22
NOISE ASSESSMENT REPORT - MUSEUM P02	IR430299-ARP-XX-XX-RP-YA-000002	1	4.10.22
NOISE ASSESSMENT REPORT - INDOOR VENUE P02	IR430299-ARP-XX-XX-RP-YA-000002	1	4.10.22
GEOTECHNICAL & GEOENVIRONMENTAL TECHNICAL NOTE	CDT430201-ARP-XX-XX-RP-CG-0001-P02	1	4.10.22
FRA_P02 -220928	CDT430201-ARP-XX-XX-RP-C-001001-	1	4.10.22
DBHA & SETTING REPORT FINAL_PART 1		1	4.10.22
DBHA & SETTING REPORT FINAL_PART 2		1	4.10.22

DBHA & SETTING REPORT FINAL_PART 3		1	4.10.22
DBHA & SETTING REPORT FINAL_PART 4		1	4.10.22
Environmental Statement – Volume 1		1	4.10.22
EIA NTS Document		1	4.10.22
ECOLOGICAL SURVEY APP B	CDT430201-ARP-ZZ-ZZ-CA-YE- 000001	1	4.10.22
ECOLOGY SURVEY & BDNG CDT	CDT430201-ARP-ZZ-ZZ-RP-YE- 000002_P02	1	4.10.22
CHP UTILITIES STATEMENT P01		1	4.10.22
STATEMENT OF SIGNIFICANCE_V5- V5-QUEENSGATE MARKET HALL	CDT430201-FCB-XX-XX -RP-A- 000005	1	4.10.22
STATEMENT OF SIGNIFICANCE_V4- V2-LIBRARY & ART GALLERY	CDT430201-FCB-XX-XX -RP-A- 000001	1	4.10.22
STATEMENT OF SIGNIFICANCE_V3- V2-DEVELOPMENT SETTING	CDT430201-FCB-XX-XX -RP-A- 000003	1	4.10.22
STATEMENT OF SIGNIFICANCE_V2- HISTORY	CDT430201-FCB-XX-XX -RP-A- 000002	1	4.10.22
STATEMENT OF SIGNIFICANCE_VOL 1-V2-INTRODUCTION	CDT430201-FCB-XX-XX-RP-A- 000001	1	4.10.22
STRUCTURAL SURVEY SUMMARY	CDT430201-ARP-ZZ-ZZ-RP-S- 000018 -	1	4.10.22
DEMOLITION STATEMENT	CDT430201-ARP-ZZ-ZZ-PR-S- 000017	1	4.10.22
NOISE ASSESSMENT - OUTDOOR VENUE- P02	CDT430201-ARP-XX-XX-RP-YA- 000007	1	4.10.22

TRAVEL PLAN	CDT430201-ARP-XX-XX-RP-D-0002	1	4.10.22
TREE SURVEY		1	4.10.22
MODEL RESULTS	APPENDIX 9.3	1	4.10.22
ROAD TRAFFIC DATA	APPENDIX 9.2	1	4.10.22
METHOD OF CONSTRUCTION DUST ASSESSMENT	APPENDIX 9.1	1	4.10.22
TRAVEL PLAN	APPENDIX 8.2	1	4.10.22
STATEMENT OF COMMUNITY INVOLVEMENT		1	4.10.22
LANDSCAPE AND PUBLIC REALM STRATEGY	07/11/2022 - CDT430201-RFM-XX-XX-RO-A-0010010-P02		7.11.22
AIA	AR-5878-02		7.11.22
PLANNING STATEMENT AND APPENDIX			4.10.22
P21-0731_TVIA_VR-208922			7.11.22
TRANSPORT ASSESSMENT PLANNING SUBMISSION COMPILED	CDT430201-ARP-XX-XX-RP-D-0001		7.11.22
TRANSPORT ASSESSMENT APPENDIX J	CDT430201-ARP-XX-XX-RP-D-0001		7.11.22
TRANSPORT ASSESSMENT	ES Appendix 8.1		7.11.22
SUSTAINABILITY STATEMENT-REV C	220220443-KCH		7.11.22
SOUND SPACE - PHASE 1 GEO-ENVIRONMENTAL REPORT			7.11.22

DRAINAGE STATEMENT	CDT430201-ARP-XX-XX-RP-C-001002		7.11.22
PLANNING LANDSCAPE UPDATES 221201	RF21-914-WP-35-01		12.12.22
FINAL FULL APPLICATION.ES ADDENDUM TABLE.02.12.22			12.12.22
HERITAGE REPORTS_VOL 6 - HERITAGE IMPACT ASSESSMENT P02	CDT430201-FCB-XX-XX-RP-A-000006-		12.12.22
DRAFT EVENTS MANAGEMENT PLAN	CDT430201-ARP-XX-XX-RP-D-000005		07.02.23
DRAFT SERVICING STRATEGY	CDT430201-ARP-XX-XX-RP-D-000004		07.02.23
PROPOSED PLANNING AMENDMENTS AND FURTHER DETAIL 230208	2069KCH		14.02.23
LPA SCREENING MATRIX C.H DW2 04.01.23	2022-20891		14.02.23
CULT HEART EIA SCREENING OP. LETTER_VG TCS .	2022.20891		14.02.23

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Officers reviewed the design of the scheme and advised the applicants that amendments were required. The applicants submitted revisions and as per the Scheme of Delegation the application was presented to the Strategic Planning Committee where officers recommended approval.

### **Digital Infrastructure: Fibre To The Property (FTTP)**

Access to affordable and reliable broadband is necessary for Kirklees' residents, businesses, and visitors to take advantage of the growing digital economy and 'digital by default' services. Fibre optic cables direct to a property (FTTP) is the most reliable way of delivering high speed broadband connectivity and allows for gigabit internet speeds. Access to high quality digital infrastructure provides the foundations for, amongst other things:

- **Economic prosperity** – workforces that are digitally-literate enables business to thrive.
- **Digital literacy** – digital literacy and skills increase employability and people can exploit the internet for transactional, social, entertainment and learning purposes.
- **New services** – digital delivery can lower costs and provide innovative public and health services more conveniently.

It is therefore advised that digital infrastructure, including FTTP, and its benefits for the development be considered from the earliest feasible stage. Methods include working with Internet Service Providers to install digital infrastructure alongside other utilities or providing pre-infrastructure allowing for speedier installation at a later date.

To discuss the benefits that FTTP may have for your development, please contact Carl Tinson in Kirklees Council's Digital Team at [carl.tinson@kirklees.gov.uk](mailto:carl.tinson@kirklees.gov.uk)

**Note:** The provision of fibre infrastructure is often available from certain telecommunications providers free of charge for development over a certain scale, provided that sufficient notice is given. Notice periods are typically at least 12 months prior to first occupation. In some cases, providers may request a contribution from the developer.

**Note:** Where no telecommunications provider has been secured to provide fibre infrastructure by the time of highway construction, it is advised that additional dedicated telecommunications ducting is incorporated alongside other utilities to enable the efficient and cost effective provision of fibre infrastructure in the future.

**Building Regulations Approval** is required for most work involving building operations and/or structural alterations. It is the applicant's responsibility to find out if the work permitted by this planning permission needs approval under the Building Regulations, and if necessary to submit an application. If you are not the applicant can you please ensure the applicant is aware of this requirement. Contact Building Control on Tel No: (01484) 221550 for more information.

It is the applicant's responsibility to find out whether any works approved by this planning permission, which involve excavating or working near public highway and any highway structures including retaining walls, will require written approval from the Council's Highways Structures Section. Please contact the Highways Structures Section on Tel No. 01484-221000 Ext 74199 for further advice on this matter.

#### Details Reserved by Condition

- This permission has been granted subject to conditions. Some of the conditions may require you to submit further details. These conditions normally contain the wording "*submitted to and approved in writing by the Local Planning Authority*".
- You can apply online for approval of these details at [the Planning Portals website](#). Alternatively the forms and supporting guidance for submitting an application can be found online at [Kirklees Council Planning Website](#).
- This Authority recognises the need to ensure that you are able to develop the site as effectively and flexibly as possible. However, at the same time it must ensure that development is in accordance with the terms of the planning conditions and legal agreement and the expectations of elected members and local residents set through the decision process.
- You should note the triggers for compliance with the conditions of this planning permission. This Authority is committed to processing applications to discharge conditions in a timely manner. It is important to ensure that submissions are made as far in advance of the trigger to allow time for adequate consultation, discussion and in some circumstances publicity.
- It is important that applications to discharge conditions are accompanied by sufficient information to enable this Authority and its consultees to fully consider and determine the proposals. Whilst officers will endeavour to negotiate solutions, failure to provide a comprehensive submission may result in delay and refusal of the application.
- If you commence work without discharging conditions you are at risk of enforcement action and invalidating your permission if the planning condition is a pre commencement condition.

### **Development within a Coal Mining Area**

The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

[www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries](http://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries)

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

If this application has been publicised by notice(s) in the vicinity of the site, please would you now remove the notice(s) and dispose of it/them responsibly to avoid harm to the appearance of the local area.



### **Appeals to the Secretary of State**

- If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your Local Planning Authority's decision then you must do so within 6 months of the date of this notice.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at [the Planning Inspectorates website](#). Further information on the Planning Appeal process can be found online at [the Planning Inspectorates website](#)
- You must use the correct Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the type of application that the appeal relates to so they can send you the appeal form you require.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

**Please note, only the applicant possesses the right of appeal.**

### **Purchase Notices**

- If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

**In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.**

An important part of improving our service is to review your feedback on the way that we have dealt with your planning application(s). Please take a couple of minutes to email your comments to [dc.admin@kirklees.gov.uk](mailto:dc.admin@kirklees.gov.uk) so that we can work on continually improving our customer service. Thank you.

**Dated:** 21-Jul-2023

**Signed:**



**David Shepherd**  
**Strategic Director Growth and Regeneration**

### **Application Plans**

The decision notice indicates which plan/s relate to the decision.

Plans can be viewed on the Planning and Building Control web site:

[Kirklees Council Planning Website](#)

If a paper copy of the decided plan is required please email:

[planning.contactcentre@kirklees.gov.uk](mailto:planning.contactcentre@kirklees.gov.uk)

or telephone (01484) 414746 with the application number.

There may be a charge for this service.

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Address to which all communications should be sent:

Kirklees Council  
Planning and Development Service  
PO Box 1720  
Huddersfield  
HD1 9EL

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