

KIRKLEES METROPOLITAN COUNCIL INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended)

DELEGATED DECISION TO DETERMINE APPLICATIONS FOR CONSENT, AGREEMENT OR APPROVAL REQUIRED BY CONDITION

Reference No:	2024/44/90210/W
Site Address:	Piazza Centre, Princess Alexandra Walk, Huddersfield, HD1 2RS
Description:	Discharge of condition 40 (Framework Travel Plan) of previous permission 2022/93248 for 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)
Recommending Officer:	Ellie Thornhill

DECISION – Discharge of Condition – Approve

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

Victor Grayson

AUTHORISED OFFICER

Date: 31-Oct-2024

Officer report

Application: 2024/90210

Site: Piazza Centre, Princess Alexandra Walk, Huddersfield, HD1 2RS

Proposal: Discharge of condition 40 (Framework Travel Plan) of previous permission 2022/93248 for 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).

Condition 40: Framework Travel Plan

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.*

Assessment:

In support of condition 40 the following document has been submitted:

- Covering letter (reference P21-0731_L001v1_PL_LDS_CC) dated 19/12/2023

KC Highways Development Management have noted that in addition to condition 40 on the approved permission 2022/93248, condition 19 requires the submission and approval of a Travel Plan prior to the first occupation of any part of the development.

Condition 19 is worded as follows:

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.*

Of note, the final (post-committee) officer report for application 2022/93248 noted the committee's resolution as follows:

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

- *Sustainable Transport:- Framework Travel Plan (and subordinate plans) implementation and monitoring including fees – £15,000 (£3,000 for five years).*

The final (post-committee) officer report additionally noted:

The above-mentioned agreement would be secured by condition 40.

Conditions 40 does not duplicate condition 19 (although both conditions refer to implementation and monitoring). Condition 19 secures the submission and approval of a Travel Plan, whereas condition 40 secures an agreement relating to the implementation and monitoring of the Travel Plan.

The applicant's covering letter of 19/12/2023 states that "...to address Condition 40 of the decision letter, Our Cultural Heart shall pay the Local Planning Authority £5,000.00 prior to the occupation of any part of the approved scheme, a second payment of £5,000.00 shall be paid 18 months after this first payment, with a final payment of £5,000.00 18 months after the second payment". This addresses the monitoring fee expectation in an appropriate way (given that the council (as applicant) cannot enter into a Section 106 agreement with itself (as Local Planning Authority)).

Of note, condition 40 does not specify the format that the "agreement" needs to take.

The covering letter submitted in respect of the discharge of condition 40 states that a Travel Plan will be submitted in line with the requirements of condition 19. This is also considered acceptable for the discharge of condition 40.

Decision notice text

Condition 40: Framework Travel Plan

Pursuant to condition 40 you have submitted:

- Covering letter (reference P21-0731_L001v1_PL_LDS_CC) dated 19/12/2023

In addition to condition 40 on the approved permission 2022/93248, condition 19 of the same permission requires the submission and approval of a Travel Plan prior to the first occupation of any part of the development.

The covering letter submitted in respect of the discharge of condition 40 includes details relating to monitoring fees, and states that a Travel Plan will be submitted in line with the requirements of condition 19. This is considered acceptable for the discharge condition 40.

Dated: 30/10/2024