

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended)

**DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS -
REGULATION 3 TOWN AND COUNTRY PLANNING GENERAL
REGULATIONS 1992 (AS AMENDED)**

Reference No: **2024/48/92283/E**

Site Address: Dewsbury Market, 32 Cloth Hall Street, Dewsbury,
WF13 1QE

Description: Redevelopment of market and creation of park

Recommending Officer: Victor Grayson

DECISION – Granted Under Regulations 3

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.

Nicholas Hirst

AUTHORISED OFFICER

Date: 13-Jun-2025

Officer Report

Reference: 2024/48/92283/E

Site: Dewsbury Market, 32 Cloth Hall Street, Dewsbury, WF13 1QE

Proposal: Redevelopment of market and creation of park

Site Description

The application site is 1.05 hectares in size. It is surrounded by Foundry Street, Whitehall Way, Crackenedge Lane and Corporation Street (although the red line boundary extends across Whitehall Way to include land to the northeast), and includes the entire length of Cloth Hall Street. The site is approximately 40m Above Ordnance Datum, and there is a slight slope (downhill from west to east) across the site.

Within the application site are the existing Dewsbury Market buildings (the Market Hall and the Semi-covered Market) and the Outdoor Market. Various smaller buildings exist within the application site, including toilet blocks, a two-storey shop / office block and a terrace of five former fish units. The market accommodates around 400 stalls, although many of these are currently unoccupied. The application site also includes an existing waste compound, an electricity substation, and a part of the Whitehall Way Car Park on the northeast side of Whitehall Way.

Loading bays and dropped kerbs around the edges of the site enable servicing and access for vehicles.

Three trees exist within the application site, at its west end. These are not the subject of a Tree Preservation Order.

A culverted watercourse (Batley Beck / Dewsbury Beck) runs beneath the application site, from its north corner to its southeast corner.

Surrounding uses are predominantly commercial at ground floor level, and include retail and a public house. A public car park exists to the north. There are also residential uses surrounding the site.

The application site is within the Dewsbury Town Centre Conservation Area. There are no listed buildings within the application site. A Certificate of Immunity from Listing was issued on 09/10/2020 in respect of the market buildings. This is valid until 08/10/2025. Nearby listed buildings include 18-20 Corporation Street, Dewsbury Arcade, the former Salem Methodist Church (now Madni Masjid, the Dewsbury Town Centre Mosque), and the Station Hotel.

The application site is within the Dewsbury Town Centre (as designated in the Local Plan). The main part of the application site forms part of the Primary Shopping Area and Primary Shopping Frontage of the town centre. The market

is currently open on Wednesdays, Fridays and Saturdays, with some traders operating on Mondays, Tuesdays, Thursdays and Sundays.

Dewsbury railway station is approximately 300m to the southwest of the application site. The nearest bus stops are on Crackenedge Lane and Northgate.

The majority of the application site is within a wider minerals safeguarding area (sand and gravel, with sandstone and surface coal resource). The majority of the application site is within a Development Low Risk Area, as defined by the Mining Remediation Authority. Two small parts of the site are within a Development High Risk Area.

An Air Quality Management Area (AQMA 5 – Eastborough, Dewsbury) exists immediately to the east of the application site.

Biodiversity Opportunity Zones (Built-up Areas and Flood Plains) cover all of the application site. The Wildlife Habitat Network includes the watercourse that runs beneath the site. The site is within the Impact Risk Zone (IRZ) of the Denby Grange Colliery Ponds Site of Special Scientific Interest (SSSI). Bats and swifts are known to be present in the area.

Description of Proposal

The applicant proposes the redevelopment of the Market Hall and the Semi-covered Market to provide new retail, food and beverage, and café / bar facilities, and the redevelopment of the Outdoor Market and external area to provide a park.

Paragraph 3.3.1 of the submitted Planning Statement lists the proposed uses (across the site) as:

- E(a) – Display or retail sale of goods, other than hot food;
- E(b) – Sale of food and drink for consumption (mostly) on the premises;
- E(d) – Indoor sport, recreation or fitness (not involving motorised vehicles or firearms);
- Sui generis – Public House / Wine Bar / Drinking Establishment;
- Sui generis – Drinking establishments with expanded food provision;
- Sui generis – Venue for live music performance; and
- Sui generis – Hot food takeaways (for the sale of hot food where consumption of that food is mostly undertaken off the premises).

In addition, another sui generis use (the park) is also proposed.

The original structures of the Market Hall and the Semi-covered Market would be retained. Other buildings and elements would be demolished. The retained buildings would be provided with new walls / cladded sections, roofs and other elements.

A total of 111 stalls are proposed: 14 in the Market Hall (all for food and beverage, food retail and café/bar uses, and occupying 318sqm), 37 in the Semi-covered Market (occupying 348sqm), and 60 in the Outdoor Market (occupying 540sqm).

The proposed park would include an equipped play space, planted areas, trees, a lawn, seating, hard-surfaced areas, an electricity substation and a plant room.

Within the 1,206sqm of the proposed development's floorspace, 1,060sqm would be devoted to E(a) uses, and 146sqm would be devoted to E(b) uses.

A mezzanine floor (to the Market Hall) was approved under the previous application (ref: 2021/93368), but is not proposed under the current application.

Relevant Planning History

2021/20453 – Pre-application advice request relating to redevelopment of Dewsbury Market. Advice letter issued 20/08/2021.

2021/93368 – Planning permission granted 09/02/2022 for the redevelopment of Dewsbury Market with the addition of a mezzanine floor.

No discharge of condition applications (relating to conditions of the above permission) have been submitted.

A related application (ref: 2022/92308) was approved on 11/11/2022, granting planning permission for the temporary relocation of Dewsbury Market to Foundry Street / Market Place / Longcauseway / Town Hall Way, Dewsbury.

A current Non-Material Amendment application (ref: 2025/91393) seeks to amend the above permission (ref: 2022/92308) by reducing the number of stalls and containers that would be temporarily placed within the Foundry Street / Market Place / Longcauseway / Town Hall Way site. This application is yet to be determined.

2024/20417 – Pre-application advice request relating to redevelopment of the Market Hall and the Semi-covered Market to provide new retail, food and beverage, and café / bar facilities, and the redevelopment of the Outdoor Market and external area to provide a park. Meetings held 11/12/2023 and 17/07/2024. Advice letter issued 06/08/2024.

Planning Policy and Guidance

Kirklees Local Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27/02/2019).

The application site is within Dewsbury Town Centre, the Dewsbury Primary Shopping Area, and Primary Shopping Frontage, as defined in the Local Plan.

Relevant Local Plan policies include:

- 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 frontage
- LP16 – Food and drink uses and the evening economy
- LP18 – Dewsbury Town Centre
- LP20 – Sustainable travel
- LP21 – Highways and access
- LP22 – Parking
- LP24 – Design
- LP26 – Renewable and low carbon energy
- LP27 – Flood risk
- LP28 – Drainage
- LP29 – Management of water bodies
- LP30 – Biodiversity and geodiversity
- LP32 – Landscape
- LP33 – Trees
- LP34 – Conserving and enhancing the water environment
- LP35 – Historic environment
- LP38 – Minerals safeguarding
- LP43 – Waste management hierarchy
- LP47 – Healthy, active and safe lifestyles
- LP48 – Community facilities and services
- LP50 – Sport and physical activity
- LP51 – Protection and improvement of local air quality
- LP52 – Protection and improvement of environmental quality
- LP53 – Contaminated and unstable land
- LP63 – New open space

Local and regional policy and guidance

Relevant guidance and documents include:

- Dewsbury Conservation Area Appraisal (undated)
- Kirklees Tourism Strategy 2022-2025 (2022 draft)
- Social Value Policy (2022)
- Kirklees Economic Strategy (2019)
- Leeds City Region Strategic Economic Plan (2016)

- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Kirklees Joint Health and Wellbeing Strategy and Kirklees Health and Wellbeing Plan (2018)
- Kirklees Biodiversity Strategy and Biodiversity Action Plan (2007)
- Negotiating Financial Contributions for Transport Improvements (2007)
- Highway Design Guide SPD (2019)
- Open Space SPD (2021)
- Waste Management Design Guide for New Developments (2020, updated 2021)
- Planning Applications Climate Change Guidance (2021)
- Kirklees Climate Change Action Plan (2022)
- Biodiversity Net Gain Technical Advice Note (2021)
- Kirklees Biodiversity Strategy and Biodiversity Action Plan (2007)

Climate change

The council approved Climate Emergency measures at its meeting of full Council on 16/01/2019, 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.

On 12/11/2019 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. 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 will use the relevant Local Plan policies and guidance documents to embed the climate change agenda. In June 2021 the council approved a Planning Applications Climate Change Guidance document.

Dewsbury Blueprint

The Dewsbury Blueprint was published in 2020. It is a 10-year plan which sets out how key projects within the town centre will make the town more attractive and accessible, and will bring more activity to the centre.

National policy and guidance

The National Planning Policy Framework (2024, updated 2025) seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material

consideration and has been taken into account as part of the assessment of the proposal. Relevant paragraphs/chapters include:

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 6 – Building a strong, competitive economy
- Chapter 7 – Ensuring the vitality of town centres
- Chapter 8 – Promoting healthy and safe communities
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

Since March 2014 Planning Practice Guidance for England has been published online.

Other relevant national guidance and documents:

- National Design Guide (2019, updated 2021)
- National Model Design Code (2021)
- Cycle Infrastructure Design – Local Transport Note 1/20 (2020)
- Fields in Trust Guidance for Outdoor Sport and Play (2015)
- Green Streets Principles (2017)

Application-stage amendments

During the life of the application, the applicant engaged directly with the Environment Agency and Yorkshire Water, to address their concerns. Amended drainage, landscape and levels information was submitted to the council in light of those discussions.

An amended outdoor market layout was also submitted to address a highways concern regarding fire tender access.

These amendments and further information, given their limited change compared to the original proposal, did not necessitate public re-consultation.

Advertisement and Public representations

The application has been advertised (as a major development, as a departure from the development plan, as a development that would affect the setting of a listed building, and as a development within a conservation area) via three site notices posted on 09/09/2024, a press notice published on 19/09/2024, and letters sent to the occupants of surrounding properties. This was in line with the council's then-applicable Statement of Community Involvement.

The end date for publicity was 10/10/2024.

No public responses were received.

Consultation

The points raised by consultees are summarised as follows:

- Environment Agency – Expressed initial concerns (consultation response dated 01/10/2024) due to inadequate details regarding flood risk. Within their latest comments (consultation response dated 10/03/2025) they have withdrawn their objection, subject to condition being imposed. Generic advice provided regarding environmental permitting, flood resistance and resilience, flood warning, and sequential testing.
- Lead Local Flood Authority – Supports application. LLFA confirms acceptance of the proposal to continue to discharge unattenuated surface water flows to the existing connection points. It is noted that, with the introduction of soft landscaping to areas which were previously hard surfaced, the overall surface water discharge from the development would be reduced by 30%. No conditions recommended.
- KC Conservation and Design – Concur with case officer's assessment.
- KC Ecology – Ecological assessment provided is reasonable and acceptable. Concur with the case officer's assessment. Condition recommended to secure a CEMP: Biodiversity. Informative recommended regarding birds.
- KC Environmental Health – Findings of Phase 1 contamination report are accepted. Conditions recommended regarding Phase 2 report, Remediation Strategy, Verification Report and imported materials. Regarding noise, there are residential properties surrounding the site, and the findings of the Environmental Noise Assessment Report are accepted. Conditions recommended regarding entertainment and plant noise. Proposed external lighting is acceptable in relation to nearby residential receptors. Condition recommended securing a Construction Environmental Management Plan. Footnotes recommended regarding contaminated land and noise.
- KC Highways Development Management – Site is within a sustainable town centre location with easy access to public transport. Proposals are similar to those previously approved. The proposed changes are not expected to generate additional traffic to the local highway network. Swept path analysis is acceptable (subject to a condition securing an Access Management Plan), except regarding a 11m fire tender, where there would be a clash between the vehicle and market stalls in two locations – this needs to be addressed. The existing vehicular access along Cloth Hall Street from Whitehall Way at the northwestern end of

the site would be changed to a pedestrian-only access – this is acceptable. Access times and details of the operation of and maintenance responsibility for the bollards would need to be indicated within the Access Management Plan, which should also include waste collection information and set out how oversized delivery vehicles and unauthorised vehicles would be discouraged from accessing the site. Previously approved loss of six parking spaces has been reduced to four. Approval of such loss is needed from the Kirklees Parking Office. Traffic Regulation Order may be needed. Conditions recommended regarding Access Management Plan and access for a fire tender vehicle.

- KC Highways Structures – Section of Dewsbury Beck culvert runs beneath the site, but is away from the highway, therefore KC Highways Structures are not responsible for it.
- KC Policy – The proposed uses are considered to be acceptable main town centre uses and would therefore accord with Policy LP13. Whilst the proposal would see the loss of a number of retail units and lead to a reduced retail proportion within the primary frontage, and would therefore appear contrary to Policy LP14, the redevelopment is likely to have wider benefits that would align with the intentions of LP14 by promoting greater town centre vitality and viability.
- KC Trees – No objection. Three existing trees would be retained. Proposals would not cause impact to these trees, and may improve their future prospects.
- KC Waste Strategy – Proposals acceptable. Submission provides considerable detail regarding the composition of current and projected waste arisings, proposed provision of waste storage containers / segregation to manage waste arisings and measures to maximise recycling rates. The plan clearly shows the layout and construction detail of the proposed waste compound.
- Yorkshire Water – No objection in principle. No buildings should be erected within 3m of the existing water main beneath the site. It would appear that the public sewer is unlikely to be affected by building-over proposals. The precise location of water mains should be confirmed through site survey. Any alterations or diversions to the public sewer would be subject to formal procedure. Condition recommended regarding compliance with the submitted Flood Risk Assessment and Outline Drainage Strategy Report.
- Coal Authority (now the Mining Remediation Authority) – No objection. Considering that no built development is proposed within those areas of the site that are within the Development High Risk Area, it would not be reasonable to require site investigation by way of a planning condition. Informative recommended.

- West Yorkshire Police Designing Out Crime Officer – No further comment beyond advice given at pre-application stage.

Ward Members (for Dewsbury East ward) were consulted on the application, but did not comment.

Assessment

The relevant planning considerations are:

- Land use and principle of development
- Sustainable development and climate change
- Urban design and conservation issues
- Crime, anti-social behaviour and terrorism
- Open space and landscaping
- Neighbour amenity
- Highway and transportation issues
- Waste storage and collection
- Drainage and flood risk
- Public health
- Site contamination and stability
- Ecological considerations and trees
- Other matters

Land use and principle of development

The site is currently in market (retail) use, with parts in ancillary/related use. The submitted application form puts the site's existing gross internal floorspace at 1,262sqm.

Within the 1,206sqm of the proposed development, 1,060sqm would be devoted to E(a) uses (display or retail sale of goods, other than hot food), and 146sqm would be devoted to E(b) uses (sale of food and drink for consumption (mostly) on the premises). The submitted application form also lists the following proposed uses, but does not provide specific floorspace figures (in sqm) for each, as there would be varying degrees of overlap with the E(a) and E(b) uses detailed above (for example, live music may be performed in some of the E(a) and E(b) space at certain times):

- E(d) – Indoor sport, recreation or fitness (not involving motorised vehicles or firearms);
- Sui generis – Public House / Wine Bar / Drinking Establishment;
- Sui generis – Drinking establishments with expanded food provision;
- Sui generis – Venue for live music performance; and
- Sui generis – Hot food takeaways (for the sale of hot food where consumption of that food is mostly undertaken off the premises).

In addition, a large part of the application site (the proposed park) would be devoted to another sui generis use.

Planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions. The application must be considered in the context of the presumption in favour of sustainable development. Local Plan policy LP1 states the council will take a positive approach (to development proposals) that reflects the NPPF's presumption in favour of sustainable development.

The application site is within Dewsbury Town Centre, the Dewsbury Primary Shopping Area, and the Primary Shopping Frontage, as defined in the Local Plan. Local Plan policies LP13, LP14, LP16, LP18 and LP63 are the land use policies of particular relevance to this application.

Local Plan policy LP13 identifies Dewsbury as a Principal Town Centre. The role and function of such centres are to:

- Provide for the shopping needs (particularly for non-food goods) of residents across Kirklees.
- [Be] the main focus in Kirklees for the provision of financial and professional services; offices, entertainment; sport, leisure, arts, culture and tourism facilities; further and higher education; and health services.

Policy LP14 states that, within Principal Town Centres, Primary Shopping Areas and Primary Shopping Frontages have been defined to ensure a strong retail core is maintained these centres, and to focus main town centres uses within defined areas. It goes on to define Primary Shopping Areas as the retail core individually of each town centre, and states that uses within Primary Shopping Areas will be expected to maintain or provide active ground floor uses, and that retail uses within these areas will be supported. Policy LP14 defines Primary Shopping Frontages as frontages within the Primary Shopping Area that contain predominantly retail uses and where further retail uses will be focused. It adds that, within the Primary Shopping Frontages, 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.*

Paragraph 9.18 of the Local Plan (Strategy and Policies document) states that “predominant retail use” on a particular frontage is considered to be over 60% of units being in retail use.

The current proposals involve a reduction in the amount of space and frontage devoted to retail uses, and the introduction of non-retail uses in the form of units devoted to food and beverage business, as well as leisure/recreational uses.

Given the above-listed Local Plan designations, and given the requirements of policy LP14 of the Local Plan, the proposals must be regarded (and have been advertised) as a departure from the Local Plan.

However, a reduction in retail and an introduction of non-retail uses was previously considered and approved at the Dewsbury Market site under application ref: 2021/93368. The committee report (dated 18/11/2021) for that application stated at paragraph 10.4 that:

While the proposed redevelopment of the market reduces the number of stalls, these have been underused over the past few years and the market environment would be improved with the new stalls providing for food retail, food and beverage and daily license stalls with transient goods. The Foundry Street stalls would provide an active frontage, enhancing the attractiveness of the market from Kingsway and Queensway.

The same committee report also referred to Local Plan policy LP18, and paragraph 9.48 of the Local Plan (Strategy and Policies document), concluding that the then-proposed redevelopment of Dewsbury Market (which was to retain both the indoor and outdoor market with a mix of food retail, food and beverage and transient stalls) was supported by parts of the above-referenced policies. Paragraph 10.6 of the committee report stated:

The proposal also provides an opportunity to diversify the use of the market by including a space where entertainment events can be held. The redevelopment will support the vitality and viability of the town centre as a whole, through increasing the attractiveness of the market and the potential of increasing linked shopping trips.

Although the current proposals differ to what was considered in 2021 (in that less of the site would be devoted to retail use, and a new park would occupy much of the site), the council’s decision regarding application ref: 2021/93368 carries material weight in the consideration of the current application, and similar conclusions regarding land use can now be made.

At pre-application stage, on 11/12/2023 the applicant’s agent summarised the justification for the proposed land use approach as follows:

- *The proposal – which comes as a package – would deliver a significantly enhanced retail offer. The existing retail is of a poor quality and, as a consequence (partly – though general economics is also a significant*

factor), footfall has been in decline for several years – and traders are dwindling too. Whilst the “amount” of retail across the site will decrease as a part of the proposal, the “quality”, “intensity” and “activity” of the offer will be much higher.

- The aim of a smaller, but higher quality market, is to extend the days of operation – on current non-market days, the site is inactive and “redundant”, which brings with it its own issues.*
- The aim of the Town Park is to complement the market. It will generate its own footfall, creating vibrancy within the town centre. Notwithstanding that the market will be open on most days, on days it isn’t, the Town Park will ensure activity and footfall on the site.*
- The policy talks about other uses within the town centre / Primary Shopping Area / Frontages supporting the retail function. Other uses, therefore, are recognised as an important function for supporting the town centre “experience”.*

These are considered to be valid points that help to justify the proposed reduction in retail space at Dewsbury Market.

In response to the above, on 12/01/2024 the case officer noted that diversification of uses could help make the town centre more resilient (including economically resilient) to future pressures and trends, and that similar proposals have been successfully promoted at comparable towns. It was also noted that the Dewsbury Blueprint (which post-dates the Local Plan) is supportive of proposals of this nature, that bringing all-week and evening activity to the site could have economic benefits, that the proposals could have a role in making the Town Centre a more desirable place to live, and that crime and anti-social behaviour could be addressed. These are also material considerations that help to justify the proposed reduction in retail space at Dewsbury Market.

At application stage, KC Policy provided the following advice regarding policy LP13:

The proposals aim to create more of a leisure focus for the market, with the introduction of a park, and food and drink businesses becoming a much bigger part of the market’s attraction. The proposed uses are considered to be acceptable main town centre uses so would be supported by Policy LP13. Furthermore, it is considered that Dewsbury town centre has been suffering from significant decline in recent years with higher-than-average town centre vacancy rates, as such the pivoting of the town centre towards more of a leisure offering can be considered a viable strategy to address the decline and support increased town centre vitality which may encourage the viability of retail.

Further justification, or at least allowance for, the proposed mix of uses can be found in relevant Local Plan policies, the Dewsbury Blueprint, and the NPPF.

The proposed uses fall within the definitions of “employment-generating uses” and “main town centre uses” set out in the glossary of the Local Plan. Plan

policy LP13 states that, within Kirklees, main town centre uses shall be located within defined centres (which include Dewsbury Town Centre). It adds that main town centre uses which are appropriate in scale, help to retain an existing centre's market share, and enhance the experience of those visiting the centre and the businesses which operate in that centre will be supported. It is considered that the proposed uses would meet all of these criteria.

The role and function of Principal Town Centres is again noted. Such centres are to be the focus for the local provision of entertainment and leisure facilities, and the proposed uses would help to realise this aim in Dewsbury.

Regarding policy LP14, KC Policy advised:

In this instance the proposal would reduce the overall number of units within the frontage and the proportion of retail uses would be reduced to provide a primarily leisure and food and drink offering and as such would be contrary to LP14. The scheme would provide other benefits in terms of providing a more attractive space with the introduction of the park and enhanced landscaping, as well as enhancements to the shopfronts. The proposed leisure and food and drink uses are also likely to complement neighbouring uses and may promote increased footfall and custom to existing and neighbouring retail units.

Therefore, whilst the proposal may be contrary to Policy LP14 it is considered that, by rationalising the retail offering at the market to align better with actual levels of demand, it would offer wider benefits which would align with the intentions of the policy – namely to maintain a strong retail core and create a healthier town centre offering.

Policy LP16 of the Local Plan concerns food and drink uses and the evening economy. It states that proposals for food and drink, licensed entertainment uses, and associated proposals will be supported, provided they are located within a defined centre, and subject to relevant criteria being met. These criteria relate to concentrations of uses, the function, vitality and viability of the centre, noise and other amenity impacts, anti-social behaviour, accessibility, highway safety, waste and visual amenity. As set out throughout this report, the proposed development would achieve a high degree of compliance in respect of these criteria.

Regarding policy LP16, KC Policy advised:

Regarding criteria a) the proposal seeks to create a food and drink led attraction and as such will lead to a higher proportion of food and drink uses in the town centre. The policy does not provide % thresholds for acceptable levels of food and drink uses, rather it should be judged whether the concentration would prove to be harmful to the character, function, vitality and viability of the centre, either individually or cumulatively. Given the assessments in the above sections of this response, it is considered that the benefits provided by the increased food

and drink offering would not be harmful to the town centre. Therefore, the proposal does not raise concerns in regard to LP16.

Policy LP18 of the Local Plan concerns Dewsbury Town Centre, and states that the town centre will be a place of vibrancy, vitality and diversity, with a mix of uses to attract visitors. It adds that it will form the focus for retail provision for the north of the district, supported by other main town centre uses. Related paragraph 9.48 goes on to say that Dewsbury Market plays a key role in the operation and attraction of the town centre by providing both indoor and outdoor markets, drawing a significant number of people into the town centre on market days. It is considered that strengthening the market and its connections is important in broadening the offer of uses provided in the centre.

Regarding policy LP18, KC Policy advised:

The proposal would accord with LP18 by providing enhancements to the market (a), providing and enhancing new open spaces (b), providing a new park and event space, as well as new food and drink offerings to provide a greater offering for evening economy visitors (c), regenerate the market buildings (i) and provide urban green infrastructure in the form of a new park and landscaping (j).

The proposed development is also supported by the Dewsbury Blueprint, which recognises the importance of the market to the town centre and the need to drive greater footfall. It is again noted that the proposal would expand and diversify the market offer which would help to support the overarching ambitions for the town centre.

Documents such as the Kirklees Economic Strategy (2019), the Leeds City Region Strategic Economic Plan (2016), and the 2022 draft of the Kirklees Tourism Strategy 2022-2025 are also generally supportive of the proposed development. The Kirklees Economic Strategy – in Action Programme 11 – refers to the Dewsbury Town Centre Strategic Development Framework, and the intention to increase activity through new commercial opportunities, make the town centre more attractive, safe and welcoming, make the most of the town's public realm, and improve accessibility.

The principle of development is further supported by chapter 7 of the NPPF, which states (at paragraph 90) that planning decisions “should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation”. It also states that “planning policies should retain and enhance existing markets”, which demonstrates a commitment to existing markets at national level. It is considered that the proposed development, by largely retaining and enhancing the existing market, is compliant with this part of the NPPF.

A mezzanine floor (to the Market Hall) was approved under the previous application (ref: 2021/93368) but is not proposed under the current application. While this is unfortunate in some respects, the mezzanine is not considered necessary to make the proposals acceptable in planning terms.

Regarding the proposed park, Local Plan policy LP63 is relevant. This states that the council will seek to secure well-designed new and improved open space, sport and recreation facilities in the district to encourage everyone in Kirklees to be as physically active as possible and promote a healthy lifestyle for all. The proposed development would meet this aim. Policy LP63 includes no barriers to the proposed change of use from retail to sui generis use that the creation of the park would involve.

The loss of uses through the proposed demolition of existing structures at the site (which would mostly be non-historic stalls and low-rise buildings that accommodate retail and ancillary/related uses associated with the existing market) is not considered problematic in principle.

The application site is already in use as a market, and this existing use is not known to be especially problematic in this location. The existing use is not considered to be inherently incompatible with the surrounding commercial, residential and other uses. This matter is considered in more detail later in this report. Significant and uncontrolled impacts are unlikely to be introduced by the proposed development, and it does not involve the introduction of a new highly sensitive use that would be adversely effected by the operation of existing nearby businesses or community facilities.

Had all stalls of the existing market been fully occupied, the proposed development may have resulted in a loss of jobs at the application site. However, the submitted application form indicates that employment at the site would increase from an existing 75 part-time jobs to an anticipated 111 part-time jobs. Given the nature and scale of the proposed development, these figures are considered to be a reasonable and achievable forecast, and are welcomed.

Most of the application site is within a wider mineral safeguarding area (sand and gravel, with sandstone and surface coal resource). Local Plan policy LP38 therefore applies. This states that surface development at the application site will only be permitted where it has been demonstrated that certain criteria apply. Criterion 1c of policy LP38 is relevant, and allows for approval of the proposed development, as there is an overriding need (in this case, regeneration, adaptation and economic development needs, having regard to relevant Local Plan policies and the NPPF) for it.

Given the above assessment, it is considered that the proposed development is acceptable in land use terms. The principle of development is also considered acceptable. The proposed departure from Local Plan policy is considered to be justified.

Sustainable development and climate change

Chapters 2, 9, 14 and 15 of the NPPF are particularly relevant to the proposals in relation to sustainability and climate change, as are Local Plan policies LP1, LP20, LP21, LP24, LP26, LP27 and LP28, and the vision and strategic

objectives set out in chapter 4 of the Local Plan. The council approved Climate Emergency measures at its meeting of full Council on 16/01/2019, and the West Yorkshire Combined Authority has pledged that the Leeds City Region would reach net zero carbon emissions by 2038.

As set out at paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF goes on to provide commentary on the environmental, social and economic aspects of sustainable development, all of which are relevant to planning decisions.

It is considered that the proposed development would achieve net gains in respect of all three of these sustainable development objectives (economic, social and environmental).

It remains the case that the Dewsbury Market site is a sustainable location for leisure and recreational uses (as well as retained / reprovide retail uses), given it is within a Principal Town Centre and is highly accessible using sustainable modes of transport. It is located close to a wide variety of other uses, meaning combined trips could be made, and the proposed diversification of uses at the site (and within Dewsbury Town Centre) would potentially have further sustainability benefits in that existing facilities and already-deployed resources could be used more regularly and efficiently.

The retention and re-use of the Market Hall and the Semi-covered Market would achieve a saving of embodied carbon / energy when compared with a scheme involving their demolition and the construction of new buildings.

The applicant has submitted a Part L Statement. This recognises that the proposed refurbishment works at Dewsbury Market would need to be compliant with Building Regulations Approved Document Part L – “Conservation of Fuel and Power” but does not confirm that the relevant requirements would be exceeded.

The applicant has also submitted a Climate Change Statement, using the council’s template. This details measures relating to natural ventilation, knowledge sharing, embodied carbon saving, material use minimisation, waste recycling, green energy use, drainage, water efficiency and other measures that form part of the proposed development or are related to its operation.

Regarding the use of sustainable modes of transport by staff of and visitors to the proposed development, it is again noted that the application site is well-placed in relation to this important planning consideration. The proposed development is not expected to be heavily reliant on staff and visitors travelling by private car.

Appropriate provision for the recycling of waste has been included in the proposals.

The proposed drainage and flood risk minimisation measures have taken climate change into account.

Urban design and conservation issues

Local Plan policies LP2, LP7, LP18, LP24, LP32 and LP35 are of particular relevance to the proposal in relation to design and conservation. Chapters 11, 12 and 16 of the NPPF and the National Design Guide are also relevant.

Policy LP24 states that proposals should promote good design through various means. Policy LP35 states that development proposals affecting a designated heritage asset should preserve or enhance the significance of the asset.

Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are also relevant, in that they impose a duty upon the council (as Local Planning Authority) to have regard to the desirability of preserving listed buildings (or their setting or features of special architectural or historic interest) and to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. The application site is within the Dewsbury Town Centre Conservation Area (for which a conservation area appraisal has been prepared and published) and is close to listed buildings (including 18-20 Corporation Street, Dewsbury Arcade, the former Salem Methodist Church (now Madni Masjid, the Dewsbury Town Centre Mosque), and the Station Hotel – all Grade II listed).

The original structures of the Market Hall and the Semi-covered Market would be retained. Other buildings and elements would be demolished. The retained buildings would be provided with new walls / cladded sections, roofs and other elements.

The proposed demolition of existing structures at the site (which would mostly be non-historic stalls and low-rise buildings that accommodate retail and ancillary/related uses associated with the existing market) is not considered problematic in relation to design and conservation considerations. These structures do not make a positive contribution to the visual amenities of the area, to the character and appearance of the Dewsbury Town Centre Conservation Area, or to the settings of listed buildings. Due to their appearance and condition, some of these structures in fact cause harm to the conservation area and the settings of listed buildings.

The works proposed to the retained Market Hall and the Semi-covered Market include:

- Removal of visually inappropriate and ad-hoc structures and accretions.
- Internal reconfiguration, including provision of new stalls and retail units.
- Provision of public toilets in the Semi-covered Market.
- Reinstatement of glazed canopy to Market Hall.
- Re-exposure of cast iron columns and revealing of other historic fabric.
- Glazing of the Semi-covered Market's west elevation.
- Glazing, glazed terracotta cladding and glazed brick (or brick slip) cladding to other elevations.
- Replacement of all rainwater goods.

- Addition of maintenance walkways / gantries and handrails to roofs.

KC Conservation and Design raised no objection under the previous application (ref: 2021/93368), subject to conditions being imposed. KC Conservation and Design commented on the proposals at the subsequent pre-application stage. The proposals were generally considered acceptable in design and conservation terms, and many aspects were very much welcomed, however the following matters were raised:

- Shutters – KC Conservation and Design advised that these should be internal perforated shutters with internal shutter boxes. Page 32 of the Design and Access Statement (and figure 4.3.9) confirms that the shutter boxes would be recessed and integrated into the façade, and that shutters would be perforated to allow visibility.
- Elevations – KC Conservation and Design advised that the stall risers to the south and east elevations of the Market Hall should be broken up either horizontally or vertically with detailing to reduce the expanse of glazed brick, and the rear east elevation of the Semi-covered Market should be redesigned to break up the expanse of proposed cladding. At application stage, breaks have not been added to the stall risers, however the coursing/bond of the proposed cladding has been revised, and grilles above the openings to the Semi-covered Market's east elevation have been added. These measures adequately break up and soften the visual impact of the proposed cladding.
- Materials – Full details of all external materials were requested. Further details have been provided at application stage, and these are considered acceptable. Full details (and samples, if needed) would be submitted at conditions stage pursuant to recommended condition 17.
- Roof-level installations – At pre-application stage, the applicant advised that walkways/gantries, steps and railings would be needed at roof level (within the roof valleys) to facilitate maintenance, and that alternatives such as a “mansafe” system would not suffice. These have indeed been proposed at application site. While officers remain of the view that such installations would introduce regrettable visual clutter at roof-level, it is noted that the applicant has attempted to keep installations away from the edges of the buildings as far as is possible, thus minimising their visibility and impact. Subject to acceptable details of the finish of the roof-level materials being submitted pursuant to recommended condition 17, the impact of these installations would be reduced to an acceptable degree.
- Electricity substation – Officers had asked for the substation's roof to be redesigned to reflect the form, pitch and materials of nearby roofs, and advised that a standard, craned-on pyramid (hipped) GRP roof with a shallow pitch would not be acceptable. Drawing DMTP-BDP-00-SL-DR-A-20003 rev P02 now confirms that an appropriate pitched slate roof is proposed for the substation.

The existing buildings already have “DEWSBURY MARKET” signage beneath the eaves. No new signage would be approved under this application for full planning permission. Separate advertisement consent(s) may be necessary for such installations.

Regarding inclusive design and accessibility, Local Plan policy LP24f requires the needs of a range of different users (including people with disabilities) to be met, and accessible and inclusive spaces to be created. Policy LP13 requires all proposals for town centre uses to be inclusive for all users. Section 6.0 of the submitted Design and Access Statement notes that the existing market buildings already have step-free access, and that this would be maintained in all but two locations (one of which would not be used by the public). Inclusive design has also informed levels within the proposed park. Accessible outdoor seating is proposed within the new park. Accessible WCs and a “Changing Places” WC are proposed within the market buildings.

The existing market buildings are not listed, but are non-designated heritage assets, and are located within a conservation area (which is a designated heritage asset). The Dewsbury Conservation Area Appraisal recognises the market as a key site and an important contributor to the character of the conservation area, and identifies a “Market Character Area”. Having regard to this published appraisal, it is considered that the proposed development – which would retain the market use of much of the site – would assist in maintaining Dewsbury’s role as a market town (a role which contributes to the character of the conservation area). Furthermore, the proposed development would maintain the openness of much of the site, and would maintain an important view into the conservation area identified in figure 4.3 of the appraisal. An important vista (also identified in figure 4.3) of Machells Mill to the northwest would also be maintained. The proposed development would not cause harm in relation to features which contribute to the conservation area’s character and appearance, and in many respects (through the refurbishment of the retained market buildings, and the removal of unsightly clutter from the application site), the proposed development would enhance that character and appearance.

For the same reasons, and in some cases due to the intervening distances and buildings, it is considered that the surrounding listed buildings and their settings would not be adversely affected by the proposed development. The significance of those listed buildings is not entirely defined by their relationships with the market, however the settings of such assets are important, and it is again noted that the openness of much of the site would be maintained, and that the proposed visual improvements to the application site would enhance those settings.

Giving due regard to the NPPF’s requirement for consideration of a development’s impact upon heritage assets, for the reasons given, officers are satisfied that the proposal would not harm the heritage value of the identified heritage assets and would result in an enhancement to the historic environment.

Concluding on the above assessment, it is considered that the proposed development is acceptable in relation to design and heritage matters (subject to conditions) and is compliant with relevant policies in the Local Plan, with the NPPF, and with the Planning (Listed Buildings and Conservation Areas) Act 1990.

On 09/06/2025, KC Conservation and Design concurred with the above assessment.

Crime, anti-social behaviour and terrorism

The West Yorkshire Police Designing Out Crime Officer (DOCO) and the Counter Terrorism Security Advisor (CTSA) provided comments at pre-application stage. At application stage, the DOCO reiterated the earlier comments, and provided no additional advice.

Crime, anti-social behaviour and terrorism have been addressed in the applicant's Planning Statement and Design and Access Statement.

The proposed development is considered acceptable in relation to the prevention and deterrence of crime and anti-social behaviour. The proposed layout and other aspects of the development's design would not create significant new opportunities for crime, nor would any parts of the site become unacceptably more vulnerable in these respects.

Furthermore, it is considered that the proposed development strikes the right balance between addressing the concerns of the DOCO and the CTSA, and ensuring the proposed new areas of public realm are welcoming, convivial, attractive, well-functioning and accessible. Earlier consultee comments regarding the vulnerabilities of the development (which would be classed as a "crowded place" in counter-terrorism terms) and the risks of hostile vehicle attacks are noted, however it is considered that the perimeter measures included in the proposals are proportionate and acceptable. A 2.4m high boundary treatment around the site's entire perimeter would not be considered acceptable.

Recommended conditions 15 and 22 secure further details (including Hostile Vehicle Mitigation (HVM) measures) intended to address crime, anti-social behaviour and terrorism objectives, and would ensure the proposal complies with the aims and objectives of LP24.

Open space and landscaping

High quality landscaping needs to form part of the proposed development at this site, in accordance with Local Plan policies LP24, LP32 and LP33. Policy LP63 is also relevant.

A "pocket park" was previously approved at the west end of the application site under permission ref: 2021/93368. The current proposals greatly expand that provision, and also incorporate elements of the Town Park project that had

previously been proposed at Longcauseway in connection with the Dewsbury Blueprint.

With the inclusion of a new park, the proposed development involves the introduction of an extensive area of new open space and greenery. A new playspace is proposed within the park.

Dewsbury Town Centre is not characterised by green spaces, and the centre has relatively few trees. However, this does not mean that the provision of a new area of public open space (partly soft landscaped) would be inappropriate at the application site. On the contrary – soft landscaping here would greatly enhance this part of the town centre by softening the hard landscaping and surfaces that dominate the area, and by improving the setting of the surrounding heritage assets. It is also noted that treeplanting adjacent to carriageways would accord with the West Yorkshire Combined Authority's "Green Streets" principles, as well as paragraph 136 of the NPPF.

Section 5.0 of the submitted Design and Access Statement provides details regarding the proposed park. The purposes of the spaces within the park (annotated as "greenspace", "water and play" and "flexi-space") are detailed. Much of the park (and the outdoor market area) would be adaptable and capable of accommodating a variety of uses, enabling events to be held. Reference would be made to the culverted watercourse beneath the site. The plant room and electricity substation would be appropriately located so as not to appear obtrusive. Maintenance of the park and waste management has been considered in the proposed layout. The alignment of entrances to the proposed park (as defined by gaps between planters and other features) would appropriately respond to desire lines from the adjacent arcades and streets. Flood risk has informed the park's proposed layout.

The applicant proposes boundary treatments in the form of raised beds, planters, walls and bollards. These would be of appropriate materials (although full details (and samples, if necessary) of materials would need to be submitted pursuant to recommended conditions 15, 16 and 17) and have been designed and located to address crime prevention, anti-social behaviour and terrorism considerations.

The proposed playspace would cater for younger and older children, and includes provision for creative play. Full details of the playspace (including details of the proposed play equipment) would need to be provided pursuant to condition 16. Of note, some of the submitted illustrations suggest equipment of significant size and height is proposed. At conditions stage, consideration will need to be given to how these installations would affect longer views, the settings of surrounding buildings, and the character and appearance of the Dewsbury Town Centre Conservation Area.

The proposed water features would be multi-functional, serving an aesthetic role (including through historic references to the culverted watercourse beneath the site) as well as providing opportunities for creative play.

If appropriately maintained (in accordance with details to be submitted pursuant to recommended condition 15), the planting proposed towards the northern edge of the site would not result in the creation of an area with limited natural surveillance, vulnerable to fly-tipping, littering and other anti-social behaviour.

Details of typical tree pit sizes, topsoil depths, planter construction and watering would need to be provided pursuant to recommended condition 15.

Recommended condition 15 also secures a management plan for the development's landscaping scheme. This should include clear measures to ensure the scheme successfully establishes. The management of newly-establishing trees should include, but should not be limited to, a watering regime, monitoring of stakes and ties, formative pruning, and replacement of failed or damaged trees.

A freestanding, 2.149m high (including its plinth) sculpture is proposed within the park. This would be sited to ensure it would not appear crowded by temporary installations on market days or during events. The provision of public art at this site is encouraged (in principle) by policy LP24 (part j) of the Local Plan.

The proposed open space and landscaping are considered to be compliant with Local Plan policies LP24, LP32, LP33 and LP63. Furthermore, these aspects of the proposed development are considered acceptable in relation to heritage assets and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Neighbour amenity

Local Plan policy LP24 requires developments to provide a high standard of amenity for neighbouring occupiers. Local Plan policy LP52 is also relevant, as is policy LP16, which sets out criteria that food and drink and licensed entertainment proposals will be considered against. Policy LP14 states that, in Primary Shopping Frontages, main town centre uses would be considered with regard to the expected level of activity, hours of operation, and whether the use would complement neighbouring uses.

Noise-sensitive residential properties surround the application site. There are flats at Machells Mill to the northwest, above 19 Foundry Street to the south, and above the Station Hotel.

The submitted Planning Statement notes that Dewsbury Market Hall is open on Wednesdays, Fridays and Saturdays (with a selection of traders open on Mondays, Tuesdays, Thursdays and Sundays), and lists the market's current hours of operation as:

- 06:00 to 08:30 – Servicing and setting up;
- 08:30 to 16:00/30 – Market trading hours (Monday to Saturday; January to Easter / Easter to December respectively);
- 06:00 to 12:30 (Sunday);

- 16:00/30 to 18:00 – Servicing and packing up; and
- 16:00/30 to 19:00 – Cleaning and maintenance.

The proposed hours would be:

Indoor Market (Market Hall and Semi-covered Market)

Tuesday to Thursday:

- 07:30 - 10:00: Servicing and setting up
- 10:00 - 19:00: Trading hours
- 19:00 - 20:00: Servicing, packing away, cleaning and maintenance

Friday and Saturday:

- 07:30 - 10:00: Servicing and setting up
- 10:00 - 22:00: Trading hours
- 22:00 - 23:00: Servicing, packing away, cleaning and maintenance

Sunday:

- 07:30 - 10:00: Servicing and setting up
- 10:00 - 20:00: Trading hours
- 20:00 - 21:00: Servicing, packing away, cleaning and maintenance

Outdoor Market (Temporary Stalls)

Wednesday and Saturday:

- 06:00 - 08:30: Erection, servicing and setting up
- 08:30 - 16:00: Trading hours
- 16:00 - 18:00: Servicing, packing away and dismantling
- Cleaning and maintenance – to align with the Indoor Market

Site Wide Events (Occasional – defined as 12 days per year by the applicant):

Friday:

- 07:30 - 10:00: Servicing and setting up
- 10:00 - 23:00: Trading hours
- 23:00 - 24:00: Servicing, packing away, cleaning and maintenance

Saturday:

- 06:00 - 08:30: Erection, servicing and setting up
- 08:30 - 23:00: Trading hours
- 23:00 - 24:00: Servicing, packing away, cleaning and maintenance

Sunday:

- 07:30 - 10:00: Servicing and setting up
- 10:00 - 21:00: Trading hours
- 21:00 - 22:00: Servicing, packing away, cleaning and maintenance

These proposed hours do not differ significantly from those approved under the previous application ref: 2021/93368. Condition 17 of that permission controlled the use of the previously-approved development such that it would “not be open to customers outside the hours of 06:00 to 23:00 everyday, including Bank Holiday and there shall be no deliveries to, or dispatches from the premises outside these hours”. The reason for condition 17 related solely to neighbouring residential amenity.

The only differences to the hours now proposed (when compared to what was previously approved) would be the extra hour on occasional Friday and Saturday evenings, when servicing, packing away, cleaning and maintenance would continue to 24:00 (midnight).

The submitted Planning Statement includes commentary regarding noise, and an Environmental Noise Assessment Report assesses potential noise impacts in detail. It correctly notes the locations of surrounding residential properties, details existing noise levels, and details the noisy activity expected to take place as a result of the proposed development. The design of the refurbished market buildings (including the designs and opening of doors and windows, and proposed ventilation) has been taken into account in the applicant’s assessment of noise break-out. Noise from events held in the proposed park have also been assessed by the applicant, as has noise from external plant.

The Environmental Noise Assessment Report has been reviewed by KC Environmental Health. That team have accepted the findings of the report, and have recommended conditions to ensure there would be no loss of amenity to the occupiers of the nearest neighbouring residential properties. KC Environmental Health have noted that the recommended condition regarding entertainment noise is pertinent to the assumed uses, and any variation to these would require the submission of a further or addendum report which may require an amendment to the recommended condition.

In light of the above assessment, condition 5 is recommended. This has been agreed with the applicant’s agent. With this condition in place, and having regard to the distances between the proposed development and sensitive receptors, the existing noise levels and market activity, and the limited number of the occasional “Event Days” (of note, the Planning Statement at paragraphs 6.6.7 and 6.6.8 refer to up to 12 per year), it is considered that the proposed development would not unacceptably affect neighbouring amenity in relation to noise from events and activity.

A condition regarding plant noise (condition 6) is also recommended in accordance with KC Environmental Health’s advice and a wording adjustment requested by the applicant’s agent.

Regarding artificial light, Appendix A of the submitted Design and Access Statement provides extensive detail of the proposed façade and landscape lighting. KC Environmental Health have reviewed the proposals with regard to neighbour amenity, have noted that the lighting scheme has been designed in accordance with the ILP Guidance Note for the Reduction of Obtrusive Light GN01/20, and have advised that the proposals are acceptable.

Notwithstanding the extensive information provided at Appendix A, a condition (condition 21) requiring full details of external lighting is recommended, partly for residential amenity reasons, but also for highway safety, ecological, heritage, safety, crime, anti-social behaviour and sustainability reasons.

Given the proposed development involves the introduction of food and drink uses to the site, control of cooking and other food-related odours would be necessary. A relevant condition was imposed on the previous permission (ref: 2021/93368) in relation to this matter, and a similar condition (condition 18) is again recommended.

The proposed development includes the erection of a new plant room and an electricity substation. Due to their dimensions and locations in relation to neighbouring residential properties, these proposed new buildings raise no significant concerns in relation to natural light, privacy and overshadowing.

The proposed development would involve demolition, ground works and extensive construction work across the site. Careful construction management would be necessary during these works, to ensure the amenities of neighbouring residents are not significantly affected. The recommended condition requiring the submission, approval and implementation of a Construction (Environmental) Management Plan (C(E)MP) includes measures that would help ensure residential amenity would be protected during the construction phase, including in relation to noise, dust and artificial light.

Highway and transportation issues

Local Plan policies LP20 (regarding sustainable travel), LP21 (highways and access) and LP22 (parking) are relevant to this application, as is chapter 9 of the NPPF.

Existing highway conditions must be noted. All the roads surrounding the application site are subject to a 30mph speed restriction, with Whitehall Way and Foundry Street being one-way from the west of the site towards the east, Corporation Street being one-way heading westbound, and Crackenedge Lane being two-way up to its junction with Corporation Street. There is a pay-and-display car park off Whitehall Way to the north, and there are pay-and-display parking bays along Foundry Street and Corporation Street. There are taxi bays, disabled parking and loading bays located around the site.

Dewsbury railway station is approximately 300m to the southwest of the application site. The nearest bus stops are on Crackenedge Lane and

Northgate. Dewsbury bus station is approximately 400m to the south. Local car parks are within walking distance.

The site is bisected by Cloth Hall Street, which would undergo major change as part of the proposals, especially at the northwest end of the site where a park is proposed across it. However, Cloth Hall Street was stopped up on 27/10/1989 under Section 209 of the Town and Country Planning Act 1971, and is not considered to form part of the local highway network.

In relation to trip generation, the proposals are not expected to generate additional traffic on the local highway network.

Regarding access to the proposed development, Appendix E of the submitted Transport Statement includes drawings 950001 rev P01, 950002 rev P01 and 950003 rev P01 which provide swept path analysis for three different sized vehicles accessing the site. Drawing 950001 rev P01 shows that a 5.8m long wheelbase Transit (or similar) van would be able to access the site for deliveries and loading purposes for the stallholders. This is expected to be the largest frequent visitor to the site. The proposed route into the site would be from an access part way along Whitehall Way, with the exit being onto Foundry Street / Corporation Street. This proposed route is considered acceptable, however further details (of how access by larger vehicles would be restricted along this route) are needed – these would need to be included within an Access Management Plan for the site (recommended condition 20 secures this).

Drawing 950002 rev P01 shows a swept path analysis for an 11m fire tender with access and egress taking place from Foundry Street. The swept path analysis shows the route through the site to be very tight and at two locations it indicates that there would be a clash between the vehicle and market stalls. KC Highways Development Management have advised that this would not be acceptable, and have asked for the market stalls relocated to ensure that a fire and rescue service vehicle would be able to safely access and egress the site, noting that narrow clearances and collision points would slow the access of the vehicle in the event of an emergency. However, on 28/11/2024, the applicant's agent pointed out that the market stalls in question would be temporary, pop-up gazebo style (or similar) stalls, that these could very easily be moved in the event that a fire tender needed to enter the site (and was prevented from moving), and that the stalls are permitted development in any case and do not require planning permission. The agent acknowledged that the "clash" annotation on the submitted drawing 950002 rev P01 is not particularly helpful. In light of these valid points, amended drawings relating to the outdoor market stalls were not sought by officers. However, notwithstanding the agent's response of 28/11/2024, on 02/12/2024 an amended drawing (1350-BDP-OM-SL-SK-L-00005 rev P01) was submitted, demonstrating that there would no longer be any clashes between a fire tender and the outdoor stalls.

Drawing 950003 rev P01 illustrates a swept path for a 15.4m articulated goods vehicle using the Foundry Street access. This size of vehicle would only be expected when events were being held at site, for which stalls would need to be removed. The swept path analysis indicates that the articulated vehicle can

turn within the site, allowing access and egress in a forward gear. This is acceptable.

Overall, the proposed access arrangements are considered acceptable.

The vehicular access that currently exists along Cloth Hall Street from Whitehall Way at the northwestern end of the site would be changed to a pedestrian-only access as part of the proposals for the town park. As Cloth Hall Street is no longer an adopted highway, these changes are considered acceptable.

The access points would be controlled by use of removable bollards that would remain in place outside of access times, and details of the operation of and maintenance responsibility for the bollards would need to be set out within the required Access Management Plan.

The Access Management Plan would also need to contain details of all the points of access to the entire application site, and how they would be controlled, who would have responsibility for them being opened and then closed after use, who would have maintenance responsibility for the proposed bollards, and how oversized delivery vehicles and unauthorised vehicles would be discouraged from accessing the site. The Access Management Plan would also need to include details of the times that the access points would be open. Details of access to the waste storage area for collections would also need to be included within the Access Management Plan, along with further information indicating how waste collection would take place.

13 cycle parking stands are proposed along the northern edge of the application site. This is considered acceptable, and would help encourage the use of sustainable modes of transport by people visiting and working at the site.

The proposed changes to the waste compound on Whitehall Way are very similar to those approved under the previous permission (ref: 2021/93368), however this included the loss of six parking spaces, whereas the current application proposals involve the loss of only four car park spaces and one on-street space (although it is noted that no drawing showing the location of the lost spaces has been submitted to compare with the 2021 approval drawing SK22085-PL06). The proposed loss of parking spaces raises no new concerns in relation to material planning considerations, however it is noted that any such loss would need a separate, prior approval from the Kirklees Parking Office (who administer pay and display parking within the borough), and alterations to parking would require a Traffic Regulation Order (TRO) which may generate an additional charge.

Highway works associated with the proposed development may require a separate consent under Section 278 of the Highways Act 1980.

The recommended condition requiring the submission, approval and implementation of a Construction (Environmental) Management Plan (C(E)MP) includes measures that would help ensure the highway would not be obstructed during the construction phase.

Waste storage and collection

Local Plan policies LP24 part d(vi) and LP43, the council's Highway Design Guide SPD, and the council's Waste Management Design Guide for New Developments are relevant in relation to waste storage and collection.

An Operational Waste Report was submitted with the application, along with drawings of an expanded waste compound on the northeast side of Whitehall Way. The two existing compactors within the waste compound would be retained, and this would reduce the need for bins and other storage containers. Drawing DMTP-BDP-00-SL-DR-A-20001 rev P02 illustrates space for nine 1,100 litre Eurobins for recyclable material, six wheely bins for on-site waste collection and transport, and other bins and containers. The walls of the expanded compound would be built of stone reclaimed from existing site materials, if feasible.

KC Waste Strategy noted that the applicant's submission provided considerable detail regarding the composition of current and projected waste arisings, the proposed provision of waste storage containers / segregation to manage waste arisings, and measures to maximise recycling rates. It was further noted that the submitted drawing clearly showed the layout and construction detail of the proposed waste compound. KC Waste Strategy confirmed that the Waste Collection Authority (WCA) considered the proposals to be acceptable.

Drainage and flood risk

Parts of the application site are within Flood Zones 1, 2 and 3. A culverted watercourse (Batley Beck / Dewsbury Beck) runs beneath the application site, from its north corner to its southeast corner.

Chapter 14 of the NPPF, and Local Plan Policies LP27 and LP28, are relevant.

A Flood Risk Assessment and Outline Drainage Strategy Report was submitted with the application. This acknowledged the relevant flood zoning and flood risk (drawing on Environment Agency data), and detailed aspects of the proposed development that would help to ensure there would be a reduction in surface water run-off rates, and would reduce risk of harm arising from flood events, should they occur. Extensive soft planting, as well as permeable surfaces to much of the proposed playspace, would help reduce surface water run-off rates. The proposed development would achieve betterment in the form of increasing falls away from the market building (while noting that there is limited scope to do this, due to site constraints). Infiltration testing was carried out, but was not deemed feasible. Discharge of all the site's surface water to the culverted watercourse was also rejected in light of advice from the Environment Agency, however some surface water would continue to be disposed of via the culverted watercourse (as it currently is). Other surface water, as well as foul water, would be disposed of via Yorkshire Water's existing combined sewer.

Commenting on an earlier version of the applicant's Flood Risk Assessment and Outline Drainage Strategy Report, the Lead Local Flood Authority (LLFA) advised that the applicant's proposal to continue to discharge unattenuated surface water flows to the existing connection points was acceptable. The LLFA have additionally noted that, with the proposed introduction of soft landscaping to areas which were previously hard surfaced, the overall surface water discharge from the development would be reduced by 30%. The LLFA considered that no on-site attenuation (such as ponds, blue roofs or buried tanks) was necessary, although it is noted that the proposed levels and playspace would effectively increase the site's capacity for on-site storage of surface water.

No need for a sequential test was identified at pre-application stage. The submitted Planning Statement does not refer to sequential testing, and the applicant's Flood Risk Assessment and Outline Drainage Strategy Report states "As the market building is existing and being retained it is not expected a sequential test will be required". The LLFA have not identified a need for a sequential test. It is noted that the market has existed at this site for many years, and that the uses that are proposed to be introduced would be strongly linked to the ongoing use of much of the site for market trading. The proposed development would be a "less vulnerable" use (with reference to Annex 3 of the NPPF). The new uses would be on land within the control and already used by the applicant, and would not involve the development of greenfield land. Officers are satisfied that there are no sequentially preferable sites (of comparable size, accessibility and topography) available for the proposed development within Dewsbury Town Centre.

The Environment Agency initially objected to the application in relation to ground levels, flood routing, access/egress, evacuation, culvert stability and maintenance. There then followed a series of exchanges between the applicant team and the Environment Agency, culminating in the submission of a revised Flood Risk Assessment and Outline Drainage Strategy Report (which included an expanded Appendix G), and a further comment (dated 07/03/2025) from the Environment Agency, confirming the withdrawal of their objection. This position was subject to a condition being imposed, and this is accordingly recommended (as condition 3).

Yorkshire Water also initially raised concerns regarding the proposed development, stating that buildings would be sited over the public water supply infrastructure within the application site, and that this would seriously and unacceptably jeopardise Yorkshire Water's ability to maintain the public water network. Following exchanges between the applicant team and Yorkshire Water (including clarification from the applicant team regarding the proposals, as well as adjustments to aspects of the proposed landscaping), Yorkshire Water issued further comments dated 24/12/2024, raising no objection subject to a condition being applied – this is accordingly recommended (again, as condition 3).

Local Plan policy LP27 states that "Where feasible, development proposals should incorporate re-opening of culverts, modification of canalised water

courses and consideration of mitigation measures to achieve a more natural and maintainable state". While de-culverting of Batley Beck / Dewsbury Beck would have been welcomed in some respects as part of the proposed development, it is accepted that this would not be achievable whilst also delivering all of the development's other, significant benefits.

Given the proposed development includes food and drink uses, a condition (condition 19) is recommended, requiring a scheme to prevent fats, oils, and grease (from food preparation and dish-washing areas) entering the drainage network.

Given the above assessment, the proposed development is considered to be compliant with policies LP27 and LP28 of the Local Plan. Furthermore, there would be no conflict with policy LP29 (which requires the retention of water areas) or policy LP34 (which requires there to be no deterioration of water courses or water bodies).

Public health

A Health Impact Assessment did not need to be submitted with the application. However, chapter 8 of the NPPF, Local Plan policy LP47 and the council's Joint Health and Wellbeing Strategy are relevant to the application.

The proposed development – particularly due to the inclusion of playspace in an accessible location, as well as the proposed cycle parking and the enhanced experience the development would provide for pedestrians and cyclists – would assist in promoting healthy, active and safer lifestyles in accordance with the above planning policies. Active travel and outdoor activity would be facilitated and encouraged.

Site contamination and stability

According to records held by the council, the application site is potentially contaminated, and parts are within the 250m buffer zone of a historic landfill site to the north.

The applicant has submitted a Phase 1 Preliminary Geo-Environmental Risk Assessment, the findings of which have been accepted by KC Environmental Health. This report obviates the need for one of the conditions imposed under the previous application (ref: 2021/93368). KC Environmental Health have recommended conditions regarding Phase 2 report, Remediation Strategy, Verification Report and imported materials, and these are included in the list of conditions later in this report.

Parts of the application site are within the Development High Risk Area as defined by the Mining Remediation Authority (previously the Coal Authority), although most of the site is within the Development Low Risk Area. Therefore, within the site and surrounding area there are coal mining features and hazards.

A standalone Coal Mining Risk Assessment was not submitted with the previous application (ref: 2021/93368), and the Coal Authority did not object on that occasion. It is also noted that – under the current proposals – new buildings are not proposed within the parts of the application site that are within the Development High Risk Area.

Coal mining legacy is nonetheless addressed in the applicant's Phase 1 Preliminary Geo-Environmental Risk Assessment, which recommends intrusive site investigations to establish whether any remedial measures are necessary. However, the Coal Authority have been consulted on this application and have advised that – given that no built development is proposed within those areas of the site that are within the Development High Risk Area – it would not be reasonable to require site investigation by way of a planning condition. An informative was recommended by the Coal Authority, and it is recommended that this be included in the council's decision letter.

Ecological considerations and trees

Various biodiversity designations apply to the application site and adjacent land. Biodiversity Opportunity Zones (Built-up Areas and Flood Plains) cover all the application site. The Wildlife Habitat Network includes the watercourse that runs beneath the site. The site is within the Impact Risk Zone (IRZ) of the Denby Grange Colliery Ponds Site of Special Scientific Interest (SSSI). Bats and swifts are known to be present in the area.

No trees within the application site are subject to Tree Preservation Orders, however the designation of the Dewsbury Town Centre Conservation Area affords protection to trees. Three trees exist at the west end of the site – these are two Cherry trees and one Whitebeam tree.

Local Plan policies LP24, LP30, LP32 and LP33 are relevant, as is the NPPF (chapter 15) and the council's Biodiversity Net Gain Technical Advice Note.

KC Ecology raised no objection under the previous application (ref: 2021/93368). KC Ecology also provided comments at the subsequent pre-application stage, advising on application submission requirements.

The applicant has submitted an Ecological Assessment that details the findings of a desktop study and a site survey. These found very little ecological interest or potential at the application site, and – having regard to the fact that the site is almost entirely hard-surfaced – this is accepted. No significant constraints relating to rare and protected species or habitats were identified. KC Ecology have advised that this ecological assessment is reasonable and acceptable.

The proposed development includes the creation of a new urban park with significant amounts of soft landscaping. This is to include perennial planting, hedges, multi-stem trees, shrubs, street trees, and a new lawned area consisting of species rich lawn. This would greatly increase the site's biodiversity, and the biodiversity of the town centre.

The Wildlife Habitat Network would be enhanced by the creation of this new park, in compliance with Local Plan policy LP30.

The proposed plant room would have a sedum roof, which is welcomed. Maintenance of this roof would be secured via recommended condition 15, as would further details of the sedum roof's design (a plug-planted roof with an adequate substrate would be preferable to an inferior sedum mat).

Detailed planting plans or species lists have not been submitted with the application. A recommended condition (condition 15) secures these details. There should be an emphasis on native species that are attractive to pollinators and that provide year-round visual interest, and the planting of potentially invasive species should be avoided – these matters would be considered further at conditions stage.

The provision of a Biodiversity Net Gain (BNG) of 10% is now a mandatory requirement for developments in England under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

The applicant's Biodiversity Net Gain Assessment (which uses the Statutory Biodiversity Metric) sets out the application site's existing (baseline, or pre-development) and proposed (post-development) biodiversity values as follows:

	Existing (baseline)	Proposed (post- development)	Change
Habitat units	0.20	0.51	+152.83%
Hedgerow units	0.00	0.00	0%
Watercourse units	0.00	0.00	0%

The proposed on-site 152.83% increase in habitat units is welcomed, and would significantly exceed the 10% requirement. This application, if approved, would be deemed to have been granted subject to a pre-commencement condition requiring a Biodiversity Gain Plan to be submitted and approved by the Local Planning Authority prior to commencement of the development. An informative is recommended, reminding the applicant that the pre-commencement Biodiversity Gain Plan general planning condition (imposed by legislation) applies.

To achieve the required 10% BNG (and, indeed, to achieve the proposed 152.83% increase in habitat units) at this application site, a post-development biodiversity value totalling less than 1 unit would be needed. Furthermore, the other criteria that can make on-site BNG fall within the definition of "significant" are not considered applicable in this instance. It is therefore concluded that – for this application – there is not a need to secure maintenance, management and monitoring measures (via a Section 106 agreement, for a 30-year period) in relation to the BNG required of the proposed development. Recommended condition 15 includes requirements regarding the management and

maintenance of the on-site soft landscaping that would achieve the required BNG.

It is noted that there are currently no hedgerows on site. Regarding watercourse units, although Batley Beck / Dewsbury Beck runs beneath the application site, given that this watercourse is fully culverted and would not be altered as part of the proposed development, it is accepted that it does not need to be assessed in relation to BNG under this application.

KC Ecology have recommended a condition securing a CEMP: Biodiversity, however given the site's very limited ecological interest, this is not considered necessary. It is, however, recommended that an informative suggested by KC Ecology regarding birds be included in the council's decision letter.

An Arboricultural Impact Assessment has been submitted. This categorises the three trees at the west end of the application site as category B and C trees, and confirms that they would be retained as part of the proposed development. KC Trees have noted that the future prospects of these trees may even be improved by the proposed development.

The proposed extensive planting of trees at the application site is very much welcomed for aesthetic, amenity and biodiversity reasons. As noted earlier in this report, this planting would greatly enhance this part of the town centre, and it would accord with the West Yorkshire Combined Authority's "Green Streets" principles, as well as paragraph 136 of the NPPF.

Although KC Trees have not recommended conditions, a tree protection condition was imposed on the previous approval (ref: 2021/93368), and – given the three existing trees at the west end of the site are to be retained – a similar condition is again considered necessary. However, there do not appear to be clear tree protection measures set out in the submitted Arboricultural Impact Assessment (paragraph 5.1.9 says "This document encloses a Preliminary Arboricultural Method Statement outlining tree protection measures" but it does not appear to, and the Tree Impacts and Protection Plan at Appendix B does not show protection measures), therefore recommended condition 8 requires the submission of relevant information.

Training and apprenticeships

The provision of training and apprenticeships is strongly encouraged by Local Plan policy LP9. The proposed development does not meet the thresholds set out in that policy (the size of the proposed development does not trigger the requirement for an agreed training or apprenticeship programme referred to in Local Plan policy LP9), however officers may nonetheless approach the applicant team to discuss an appropriate Employment and Skills Agreement, to include provision of training and apprenticeship programmes. Given the scale of development proposed, there may also be opportunities to work in partnership with local colleges to provide on-site training facilities during the construction phases.

Air quality

An Air Quality Management Area (AQMA 5 – Eastborough, Dewsbury) exists immediately to the east of the application site. Given the nature of the proposed development, impacts in relation to air quality in and around the site are likely to be minimal or beneficial, and the proposal would not materially increase usage of the site within an area of poor air quality.

Conditions

Draft conditions were shared with the applicant's agent on 10/04/2024. Following amendment to some of the draft conditions, on 13/05/2025 the applicant's agent confirmed that the conditions were agreed.

The conditions are largely as per those of the previous permission (ref: 2021/93368), but with some rearranging and rewording, and changes to reflect what is now proposed, what has been submitted under the current application (such as the Phase 1 Preliminary Geo-Environmental Risk Assessment, which obviates the need for one of the previously-imposed conditions), and the request for extended "Event Day" hours.

The condition recommended by KC HDM regarding emergency vehicle access and swept path analysis has not been recommended, given that swept paths would only have been obstructed (to a minor extent) by movable market stalls, and the applicant has amended the relevant drawing (to remove the potential conflict) in any case.

The three previously-imposed crime / anti-social behaviour / terrorism prevention conditions have been merged into one, with those matters also being referred to in the landscaping condition.

The two previously-imposed conditions re: external materials have been merged into one.

Section 106 agreement

No Section 106 agreement is needed in connection with the proposed development.

Conclusion

The applicant's intention to bring forward transformational development at the Dewsbury Market site is very much welcomed. Although a departure from the Local Plan (due to the loss of retail floorspace and frontage at the site), the public benefits of the proposals would be significant. The introduction of appropriate leisure and recreational uses to the site has already been accepted in principle by the council through its previous approval of application ref: 2021/93368, and there are compelling reasons for accepting the mix of uses now proposed. Parts of relevant Local Plan policies are also supportive of, or allow for, the proposed uses.

Subject to conditions, the proposed development is also considered acceptable in terms of its impacts upon designated heritage assets, and in relation to highways, neighbour amenity, environmental health matters, crime prevention and other material planning considerations.

It is recommended that planning permission be approved, subject to conditions.

Planning permission is to be issued with reference to Regulation 3 of The Town and Country Planning General Regulations 1992. The application does not need to be referred to the Secretary of State.

Recommendation: Approve (subject to conditions)

Decision Authorisation: Delegated Powers

Application Number: 2024/92283

Conditions and Reasons

Compliance conditions

1. The development hereby approved shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in complete 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, residential amenity and other matters relevant to planning and to accord with the Kirklees Local Plan and the National Planning Policy Framework.

3. The development hereby approved shall be carried out in accordance with the submitted Flood Risk Assessment and Outline Drainage Strategy Report (BDP Civil and Structural Engineering Group, project number P3001350, document number DMTP-BDP-00-XX-RPC-00001 rev P04, dated 20/02/2025) and the following mitigation measures it details:

- Compensatory storage provided within the site boundary to facilitate at least a net gain of 714 cubic metres.

This mitigation shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To ensure the risk of flooding does not increase, to ensure surface water is disposed of appropriately, and to accord with Policies LP27, LP28 and LP34 of the Kirklees Local Plan and the National Planning Policy Framework.

4. The uses hereby approved shall not be open to customers outside the hours of 06:00 to 23:00 every day including Bank Holidays, and there shall be no deliveries to or dispatches from the premises outside these hours. On Event Days (which shall be limited in number to no more than 12 per year) servicing, packing away, cleaning and maintenance shall take place only between the hours of 06:00 to 00:00.

Reason: To ensure that the uses hereby approved do not give rise to the loss of amenity to nearby residential properties by reason of noise or disturbance at unsociable hours, and to accord with the aims of Policies LP24 and LP52 of the

Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

5. Where entertainment events take place more than once per week or continue beyond the hour of 23:00, 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, with inaudibility being defined as:

- The external LAeq (1 min) of the entertainment noise at the façade of the nearest residential premises being not greater than the external LA90 (of the background noise); and
- The external L10 (5 min) of the entertainment noise at the façade of the nearest residential premises being not greater than the external L90 (of the background noise) in each 1/3rd octave band between 40Hz and 160Hz.

Where entertainment events take place more than 30 times per year, not more than once in a single week and ends by the hour of 23:00, 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 entertainment noise at the façade of the nearest residential premises does not exceed the external LA90 (of the background noise) by more than 5dB; and
- The external L10 (5min) of the entertainment noise at the façade of the nearest residential premises does not exceed the external L90 (of the background noise) by more than 5dB in each 1/3rd octave band between 40Hz and 160Hz.

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.

6. The combined noise from any fixed mechanical services and external plant and equipment associated with the development hereby approved 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 when measured at the window of a habitable room within any existing residential noise sensitive receptor, with “rating level” and “background sound level” defined as 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.

Pre-commencement (and related) conditions

7. Prior to the commencement of development (including ground works), a Construction (Environmental) Management Plan (C(E)MP) shall be submitted to and approved in writing by the Local Planning Authority. The C(E)MP shall include the following details:

- A timetable of all works;
- Hours of works;
- Point(s) of access for construction traffic;
- Construction vehicle sizes and routes;
- Numbers and times of construction vehicle movements;
- Locations of HGV waiting areas and details of their management;
- Parking for construction workers;
- Loading and unloading of plant and materials;
- Storage of plant and materials;
- Signage;
- Measures to be taken to minimise the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site, including the provision of adequate wheel washing facilities within the site;
- Street sweeping;
- Measures to control and monitor the emission of dust and dirt during construction;
- Site waste management, including details of recycling/disposing of waste resulting from construction works;
- Mitigation of noise and vibration arising from all construction-related activities, including restrictions on the hours of working on the site including times of deliveries;
- Artificial lighting used in connection with all construction-related activities and security of the construction site;
- Site manager and resident liaison officer contacts, including details of their remit and responsibilities;
- Engagement with local residents and occupants or their representatives; and
- Engagement with the developers of nearby sites to agree any additional measures required in relation to cumulative impacts (should construction be carried out at nearby sites during the same period).

The development shall be carried out strictly in accordance with the C(E)MP so approved throughout the period of construction and no change therefrom shall take place without the prior written consent of the Local Planning Authority.

Reason: In the interests of amenity, to ensure the highway is not obstructed, to protect heritage assets and blue infrastructure, in the interests of highway safety, to ensure harm to biodiversity is avoided, and to accord with Policies LP21, LP24, LP30, LP35 and LP52 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure measures to avoid obstruction to the wider highway network, to protect heritage assets and blue infrastructure, to avoid increased risks to highway safety, and to prevent or minimise amenity and biodiversity impacts are devised and agreed at an appropriate stage of the development process.

8. Prior to the commencement of development (including ground works), an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) shall be submitted to and approved in writing by the Local Planning Authority. The AMS and TPP shall include the measures listed in Table 4 of the Arboricultural Impact Assessment (BDP, DMTP-BDP-00-ZZ-SU-Y-92003 rev 01, August 2024). The development hereby approved shall be carried out in accordance with the details so approved.

Reason: To protect trees in the interests of visual amenity and to accord with the requirements of Policies LP24 and LP33 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure tree protection measures are devised and agreed at an appropriate stage of the development process.

9. Prior to the commencement of any works within the Dewsbury Beck / Batley Beck culvert buffer zone (including ground works), as identified on document ref DMTP-BDP-00-XX-SK-S-0004, a scheme detailing the locations, design and construction of all new buildings and structures within the culvert buffer zone shall be submitted to and approved in writing by the Local Planning Authority. The details shall include cross-sections and other drawings. The development hereby approved shall be carried out in accordance with the details so approved.

Reason: To ensure the development causes no material harm with regard to highway safety, and to accord with Policy LP21 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure details of buildings and structures within the culvert buffer zone are agreed at an appropriate stage of the development process.

10. Prior to the commencement of groundworks (other than groundworks required for a site investigation report), a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure unacceptable risks to human health and the environment are identified and removed, and to ensure that the development is safely completed in accordance with the requirements of Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure that contamination is identified and suitable remediation measures are agreed at an appropriate stage of the development process.

11. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 10, further groundworks shall not commence until a Remediation Strategy 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 unacceptable risks to human health and the environment are identified and removed, and to ensure that the development is safely completed in accordance with the requirements of Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure that contamination is identified and suitable remediation measures are agreed at an appropriate stage of the development process.

12. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 11. 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 (except for site investigation works) 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 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 unacceptable risks to human health and the environment are identified and removed, and to ensure that the development is safely completed in accordance with the requirements of Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework.

13. Following completion of any measures identified in the approved Remediation Strategy 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 site shall be brought into use until such time as the remediation measures have been completed for (that part of) 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 unacceptable risks to human health and the environment are identified and removed, and to ensure that the development is safely completed in accordance with the requirements of Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework.

14. Prior to any materials being imported to the site (for the purpose of changing ground levels, providing foundations and/or enabling soft landscaping), a strategy detailing the intended placement, the source, characterisation and the suitability of any such imported material shall be submitted to and approved in writing the Local Planning Authority. The testing to demonstrate suitability shall then be carried out in accordance with the approved strategy. Following

importation and placement of the materials as described in the approved strategy, a Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time until a Verification Report has been approved in writing by the Local Planning Authority.

Reason: To ensure unacceptable risks to human health and the environment are identified and removed, and to ensure that the development is safely completed in accordance with the requirements of Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework.

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

15. Prior to the commencement of development (except in respect of the market building works hereby approved), 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:

- Proposed tree planting and plant beds (including full species lists (to include appropriate native tree species), planting plans and tree pit depths illustrated in section);
- Other vegetation planting around the site to provide recognisable fruit and nectar sources for local birds, small mammals and invertebrates;
- Areas of biodiverse planting provided within any designated soft landscaping to provide a source of food for local fauna;
- Nesting and roosting opportunities for birds and bats;
- Maintenance and management arrangements for the hard and soft landscaping;
- All street furniture (including bollards, seating and cycle stands, and related commentary related to inclusive design);
- All boundary treatments and gates;
- All water features;
- Paving and other hard surface materials (including samples, if requested);
- How the hard and soft landscaping has been designed and specified with regard to prevention of crime, anti-social behaviour and terrorism objectives.

The development hereby approved shall not be brought into use 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. All approved landscaping shall be retained thereafter in accordance with the approved details and approved long-term maintenance, monitoring and remedial arrangements.

Reason: In the interests of local ecological value, visual amenity and highways safety, to protect the setting of heritage assets, to minimise flood risk, to ensure the amenities of existing neighbouring residential units are protected, in the interests of creating a safer, more sustainable neighbourhood and reducing the risk of crime and anti-social behaviour, and to accord with Policies LP21, LP24,

LP27, LP30, LP32, LP33, LP35, 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 submitted at an appropriate stage of the development process.

16. Prior to the commencement of development of the playspace hereby approved, details of the playspace and any other playable spaces forming part of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. These shall include details of:

- Play equipment (plans, elevations and specifications / product sheets);
- Inclusive play (including for children with disabilities);
- Surface materials; and
- Maintenance and management arrangements for the playspace and any other playable spaces.

The development hereby approved shall not brought into use until the details so approved have been implemented in full. The playspace and playable spaces shall thereafter be maintained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to protect the setting of heritage assets, in the interests of creating stimulating, inclusive and safer places for play that would accommodate and attract a broader range of users and would encourage physical activity, in the interests of creating a safer, more sustainable neighbourhood and reducing the risk of crime and anti-social behaviour, and to accord with Policies LP24, LP47 and LP63 of the Kirklees Local Plan and the National Planning Policy Framework.

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

Prior to superstructure works conditions

17. Notwithstanding what is shown on the drawings hereby approved, prior to the commencement of superstructure works for a specified part of the development hereby approved, details of all external materials and finishes to be used for that part of the development shall be submitted to and approved in writing by the Local Planning Authority, and samples shall be left on site for the inspection and approval in writing of the Local Planning Authority. No materials other than those approved in accordance with this condition shall be used.

Reason: In the interests of visual amenity, to protect the setting of heritage assets, and to accord with Policies LP24 and LP35 of the Kirklees Local Plan and the National Planning Policy Framework.

18. Prior to the installation of any kitchen extract system(s) of the development hereby approved, details of that / those kitchen extract system(s) shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the following information:

- A risk assessment for odour which considers the amount and type of food that would be cooked, together with the anticipated dispersion of

odours and proximity of receptors likely to be affected by any cooking odours;

- Based on the risk assessment, details of the proposed methods of odour control and dispersion of any extracted odours;
- Details showing the proposed location of all the major components of the extract system;
- The noise mitigation measures to be incorporated in the extract system and details of the likely resulting noise levels that would be caused by operation of the extract system, in particular how loud it would be at nearby noise sensitive locations; and
- The proposed ongoing maintenance schedule that would be implemented to ensure that the extract system continues to effectively control odours and not cause excessive noise.

Prior to cooking commencing the approved extract system of the unit shall be installed and thereafter retained and maintained in accordance with the approved details.

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, and 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.

19. Prior to the installation of the kitchens of the development hereby approved, a scheme to prevent fats, oils, and grease (from food preparation and dish-washing areas) entering the drainage network shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to first operation of the development and shall be retained throughout the lifetime of the development.

Reason: To ensure the provision of adequate and sustainable systems of drainage are employed, in the interests of amenity, environmental well-being and to accord with Policy BE1(iv) of the Kirklees Local Plan and the National Planning Policy Framework.

Prior to first occupation/use conditions

20. The development shall not be brought into use until an Access Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Access Management Plan shall include:

- Member of staff contact details for stallholder/user liaison;
- Details of which vehicles (type and size) would be permitted on to the market square, how this will be enforced and by whom, and the times that access will be made available;
- Details of access routes for different types of vehicles (stallholder deliveries/servicing/maintenance/emergency services/events deliveries) and details of who would hold responsibility for operating the correct access points;
- Details of responsibilities for use and maintenance of the removable bollards across proposed access/egress points;

- Details of the operation of the waste storage site with details of responsibilities for opening/closing the gates for collection; and
- A mechanism for review of the Access Management Plan.

The development shall thereafter be operated in accordance with the approved Access Management Plan.

Reason: To ensure the site can be made safe and accessible, in the interests of highway and pedestrian safety, in the interests of visual amenity and to protect the setting of heritage assets, to assist in achieving sustainable development, and to accord with Policies LP21, LP24 and LP35 of the Kirklees Local Plan.

21. Prior to the first occupation of the development hereby approved, details of all external lighting shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:

- The proposed hours of operation of the lighting;
- The location and specification of all of the luminaires;
- The proposed design level of maintained average horizontal illuminance for the areas that needs to be illuminated;
- The predicted vertical illuminance that would be caused by the proposed lighting when measured at windows of any properties in the vicinity;
- The measures that would be taken to minimise or eliminate glare and stray light arising from the use of the lighting that would be caused beyond the boundary of the site;
- The methods of switching and controlling the lighting so that it would only be operated at the permitted times and at times when it is required.

The external lighting shall be designed to avoid harm to residential amenity, increased highway safety risk, risk of creating opportunities for crime and anti-social behaviour, and disturbance to wildlife. The development shall not be brought into use until the external lighting so approved has been installed and brought into use, and the external lighting shall be retained and maintained as such thereafter. Under no circumstances shall any other external lighting be installed without prior written consent from the Local Planning Authority.

Reason: In the interests of residential amenity and highway safety, to prevent significant ecological harm, to protect the setting of heritage assets, to safeguard habitat, in the interests of creating a safer, more sustainable neighbourhood and reducing the risk of crime and anti-social behaviour, and to accord with Policies LP21, LP24, LP30, LP35 and LP47 of the Kirklees Local Plan and the National Planning Policy Framework.

22. Prior to the first occupation of the development hereby approved, a scheme detailing the following shall submitted to and approved in writing by the Local Planning Authority:

- CCTV coverage at the site; and
- Hostile vehicle mitigation measures

The scheme shall be fully implemented in accordance with the approved details prior to the occupation of the development and shall be retained thereafter.

Reason: In the interests of creating a safer, more sustainable neighbourhood and reducing the risk of crime and anti-social behaviour, and to accord with Policy LP24 of the Kirklees Local Plan and Chapters 8 and 12 of the National Planning Policy Framework.

23. The 13 cycle stands as shown on plan ref DMTP-BDP-TP-SL-SK-L-90601 Rev. P02 shall be installed and made ready for use prior to the hereby approved market being brought into use.

Reason: To ensure the delivery of the cycle infrastructure, and to promote sustainable travel, in accordance with Policy LP21 of the Kirklees Local Plan.

NOTE: In accordance Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) **development may not be begun unless:**

- a) A Biodiversity Gain Plan (BGP) has been submitted to the Local Planning Authority; and
- b) The Local Planning Authority has approved the BGP.

The BGP must include:

- a) Information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;
- b) The pre-development biodiversity value of the onsite habitat;
- c) The post-development biodiversity value of the onsite habitat;
- d) Any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development;
- e) Any biodiversity credits purchased for the development; and
- f) Any such other matters as the Secretary of State may by regulations specify.

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

NOTE: All noise assessments should be carried out by a competent person. Developers may wish to contact the Association of Noise Consultants <http://www.association-ofnoiseconsultants.co.uk/> (020 8253 4518) or the

Institute of Acoustics <http://www.ioa.org.uk> (0300 999 9675) for a list of members.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of 07:30 and 18:30 hours Mondays to Fridays, and 08:00 and 13:00 hours on Saturdays, with no working Sundays or Public Holidays. These hours should be referred to in any Construction Environmental Management Plan to be submitted to the Local Planning Authority for approval. In some cases, different site-specific hours of operation may be appropriate. Under the Control of Pollution Act 1974 (Section 60), Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

NOTE: Institute of Air Quality Management document “Guidance on the assessment of dust from demolition and construction” Version 1.1 2014 provides detailed information regarding dust control. Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

NOTE: If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Mining Remediation Authority on 0800 288 4242. Further information is available on the Mining Remediation Authority website.

NOTE: Please refer to the Environment Agency’s comments of 07/03/2025 for advice regarding flood warnings.

NOTE: All works should be timed to occur outside nesting bird season (typically March to August, inclusive). If this is not possible all potential bird nesting opportunities must be checked by a suitably experienced ecologist within 24 hours prior to works. If any active nests are found, the ecologist should advise on suitable species-specific works exclusion zones. The exclusion zones should be regularly monitored by the ecologist and remain in place until the young have fledged the nest or the nests are otherwise deserted. This approach would help ensure that the proposals are implemented in accordance with the Wildlife and Countryside Act 1981 (as amended).

Plans and specifications schedule:

Plan/document type	Reference	Version	Date received
Site Location Plan	DMTP-BDP-00-SL-PL-A-20001	Rev P03	13/08/2024
Proposed Site Plan	DMTP-BDP-00-SL-PL-A-20004	Rev P03	13/08/2024
Site Demolition Plan	DMTP-BDP-00-SL-PL-A-20003	Rev P03	13/08/2024
Market Buildings Ground Level GA Plan	DMTP-BDP-00-GR-PL-A-20001	Rev P07	13/08/2024
Market Buildings Proposed Ground Floor Plan	DMTP-BDP-00-GR-PL-A-20011	Rev P03	13/08/2024
Market Hall Proposed Ground Floor Plan	DMTP-BDP-MH-GR-PL-A-20002	Rev P03	13/082/2024
Market Hall West Elevation Existing and Proposed	DMTP-BDP-MH-XX-EL-A-20001	Rev P04	13/08/2024
Market Hall South Elevations Existing and Proposed	DMTP-BDP-MH-XX-EL-A-20002	Rev P04	13/08/2024
Market Hall East Elevation Existing and Proposed	DMTP-BDP-MH-XX-EL-A-20003	Rev P04	13/08/2024
Market Hall North Elevation Existing and Proposed	DMTP-BDP-MH-XX-EL-A-20004	Rev P04	13/08/2024
Market Hall Section AA Existing and Proposed	DMTP-BDP-MH-XX-SE-A-20001	Rev P03	13/08/2024
Market Hall Section BB Existing and Proposed	DMTP-BDP-MH-XX-SE-A-20002	Rev P03	13/08/2024
Market Hall Plant Deck Level GA Plan	DMTP-BDP-00-01-PL-A-20002	Rev P07	13/08/2024

Semi Covered Market Proposed Plan	DMTP-BDP-CM-GR-PL-A-20002	Rev P03	13/08/2024
Semi Covered Market West Elevations Existing and Proposed	DMTP-BDP-CM-XX-EL-A-20001	Rev P04	13/08/2024
Semi Covered Market East Elevations Existing and Proposed	DMTP-BDP-CM-XX-EL-A-20002	Rev P04	13/08/2024
Semi Covered Market North Elevation Existing and Proposed	DMTP-BDP-CM-XX-EL-A-20003	Rev P04	13/08/2024
Semi Covered Market Section AA Existing and Proposed	DMTP-BDP-CM-XX-SE-A-20001	Rev P04	13/08/2024
Semi Covered Market Section BB Existing and Proposed	DMTP-BDP-CM-XX-SE-A-20002	Rev P04	13/08/2024
Semi Covered Market Section CC Existing and Proposed	DMTP-BDP-CM-XX-SE-A-20003	Rev P04	13/08/2024
Market Buildings Proposed Roof Plan	DMTP-BDP-00-RF-PL-A-20002	Rev P04	13/08/2024
Waste Compound Area Proposed Plans and Elevations	DMTP-BDP-00-SL-DR-A-20001	Rev P02	13/08/2024
Water Feature Plant Proposed Drawings	DMTP-BDP-00-SL-DR-A-20002	Rev P02	13/08/2024
Substation Proposed Plan and Elevations	DMTP-BDP-00-SL-DR-A-20003	Rev P02	13/08/2024

Existing and Proposed Site Elevation 1 – Foundry Street	DMTP-BDP-OM-SL-EL-A-20001	Rev P01	13/08/2024
Existing and Proposed Site Elevation 2 – Cloth Hall Street	DMTP-BDP-OM-SL-EL-A-20002	Rev P01	13/08/2024
Landscape Masterplan	DMTP-BDP-TP-SL-PL-L-90100	Rev P03	13/08/2024
Landscape General Arrangement	DMTP-BDP-TP-SL-P-L-90101	Rev P06	13/08/2024
Landscape General Arrangement with Tracking	1350-BDP-OM-SL-SK-L-00005	Rev P01	02/12/2024
Landscape Existing and Proposed Levels Plan	DMTP-BDP-TP-SL-SK-L-90601	Rev P02	07/11/2024
Proposed Site Plan with Yorkshire Water Assets	DMTP-BDP-00-SL-PL-A-20008	Rev P02	02/12/2024
Planning Statement	BDP, DMTP-BDP-00-XX-RP-T-00001, 12/08/2024	Rev P01	13/08/2024
Design and Access Statement	BDP, DMTP-BDP-00-XX-RP-Z-00004, 12/08/2024	Rev P02	13/08/2024
Heritage Statement	BDP, DMTP-BDP-00-XX-RP-Z-00005, 12/08/2024	Rev P02	13/08/2024
Transport Statement	SK Transport Planning, 240812/SK22085/TS01, 12/08/2024	Rev 01	13/08/2024
Operational Waste Report	BDP, DMTP-BDP-XX-XX-RP-A-98001, 11/08/2024	Rev P03	13/08/2024
Site Wide MEP Strategy – Overview	BDP, DMTP-BDP-00-XX-RP-J-00001, 12/08/2024	Rev P02	13/08/2024
TM52 Thermal Comfort Report	BDP, DMTP-BDP-XX-XX-RP-BP-00002, 12/08/2024	Rev P03	13/08/2024
Ventilation and Extract Statement	BDP, DMTP-BDP-00-XX-RP-M-57001, 12/08/2024	Rev P02	13/08/2024

Flood Risk Assessment and Outline Drainage Strategy	BDP, DMTP-BDP-00-XX-RP-C-0001, 20/02/2025	Rev P04	20/02/2025
Culvert Constraints Strategy	BDP, DMTP-BDP-00-XX-SK-S-0004, 14/01/2025	Rev P03	20/02/2025
Climate Change Statement	BDP, DMTP-BDP-00-XX-MS-A-0001, 12/08/2024	Rev P02	13/08/2024
Part L Statement	BDP, DMTP-BDP-00-XX-RP-BP-00001, 12/08/2024	Rev P03	13/08/2024
Ecological Assessment	BDP, DMTP-BDP-00-ZZ-SU-Y-92001, 06/08/2024	Rev 01	13/08/2024
Biodiversity Net Gain Assessment	BDP, DMTP-BDP-00-ZZ-SU-Y-92002, 06/08/2024	Rev 01	13/08/2024
Arboricultural Impact Assessment	BDP, DMTP-BDP-00-ZZ-SU-Y-92003, 06/08/2024	Rev 01	13/08/2024
Environmental Noise Assessment Report	BDP, DMTP-BDP-00-XX-RP-U-00001, 12/08/2023	Rev P0	13/08/2024
Phase 1 Preliminary Geo-Environmental Risk Assessment	Silkstone Environmental, 21157/P1/0, 30/09/2021	Rev 0	13/08/2024

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

Report Dated: 09/06/2025