



Town and Country Planning Act 1990

Town and Country Planning General Regulations 1992

PLANNING PERMISSION FOR DEVELOPMENT SUBJECT TO REGULATION 3

Application Number: 2024/48/92283/E

To: Nejla Delkic,
BDP
11 Ducie Street
Manchester
M1 2JB
For: Kirklees Council

Description and location of development:

REDEVELOPMENT OF MARKET AND CREATION OF PARK

At: DEWSBURY MARKET, 32 CLOTH HALL STREET, DEWSBURY, WF13 1QE

Date of submission: 13-Aug-2024

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

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 by 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 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	13/08/2024
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	BDP, DMTP-BDP-00-XX-	Rev P02	13/08/2024

Statement	RP-M-57001, 12/08/2024		
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.

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

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

Details Reserved by Condition

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

Development within a Coal Mining Area

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

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

[Building on or within the influencing distance of mine entries - GOV.UK](#)

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Mining Remediation Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Application forms for Mining Remediation Authority permission and further guidance can be obtained from The Mining Remediation Authority's website at: <http://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property>

[What is a permit and how to get one? - GOV.UK \(www.gov.uk\)](#)

In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

If any future development has the potential to encounter coal seams which require excavating, for example excavation of building foundations, service trenches, development platforms, earthworks, non-coal mineral operations, an Incidental Coal Agreement will be required. Further information regarding Incidental Coal Agreements can be found here -

<https://www.gov.uk/government/publications/incidental-coal-agreement/guidance-notes-for-applicants-for-incidental-coal-agreements>

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 at: [Mining Remediation Authority - GOV.UK](#)

Digital Infrastructure: Fibre To The Property (FTTP)

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

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

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

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

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

Where the application has been publicised by notice(s) in the vicinity of the site. It is respectfully requested that the notice(s) now be removed and responsibly disposed of to avoid harm to the appearance of the area

Appeals to the Secretary of State

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

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

Purchase Notices

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

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

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

Dated: 13-Jun-2025

Signed:



David Shepherd
Executive Director for Place

Application Plans

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

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

[Kirklees Council Planning Website](#)

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

planning.contactcentre@kirklees.gov.uk

or telephone (01484) 414746 with the application number.

There may be a charge for this service.

Address to which all communications should be sent:

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