

Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2025/93197 - adj Huddersfield Open Market, Brook Street, Huddersfield, HD1 1RY		
Erection of free standing single storey structure to be used as a temporary indoor market (sui generis) with associated facilities, office cabins, waste compound, parking spaces and works (within a Conservation Area)		
Responding Date: 24 December 2025	Responding Officer: Mohammed Nasim	Responding Ref: WK202538419
<p><u>Comments</u></p> <p><u>Noise</u> We would recommend a condition to control the hours of use in line with the existing use of the original market hall in the interests of protecting amenity.</p> <p><u>Contaminated Land</u> The site is on potentially contaminated land (our ref 211/9) and on an existing hard surface but no detail is given on the extent of any groundworks nor how deep any fixings will need to go. Para 3.2 of the submitted Design & Access Statement dated November 2025 Ref HMH-GSA-TM-XX-T-1016 Rev 02 states '<i>The temporary structure combines driven steel rod anchors with supplementary concrete ballast to provide balanced resistance to uplift, sliding, and overturning forces while minimising ground disturbance and excavation</i>'. A condition is recommended for any unexpected contamination encountered during any groundworks.</p> <p><u>Construction</u> A condition is recommended to control the hour of construction during this phase in order to protect the amenity of neighbouring properties.</p> <p><u>Recommended Conditions</u></p> <p>HUC3 Hours of Use combined Open for Customers, Deliveries and Dispatches – Condition The use hereby permitted shall not be open to customers outside the hours of 0900hrs to 1600hrs Mon to Sat and there shall be no deliveries to, or dispatches from the premises outside these hours. No deliveries shall take place on Sundays. Reason: To ensure that the proposed use(s) does not give rise to the loss of amenity to nearby residential properties, by reason of noise or disturbance at unsociable hours, 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.</p> <p>CLC6 Reporting of Unexpected Contamination – Condition If contamination, the presence of coal and/or evidence of coal workings not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable</p>		

for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation 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 as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 190 of the National Planning Policy Framework.

CLC7 Contaminated land - Footnote

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.

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

CSC1 Construction Site Working Times - Condition

No construction related noise shall be audible beyond the site boundary outside the hours of:

- 07.30 to 18.30 hours Mondays to Fridays
- 08.00 to 13.00 hours Saturdays

With no construction related noise audible beyond the site boundary on Sundays or Bank/Public Holidays.

Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with part 15 of the NPPF and LP52 of the Local Plan

CSF1 Construction Sites working times – Footnote

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.