
Report of the Head of Planning and Development**DISTRICT-WIDE PLANNING COMMITTEE****Date: 29-Jan-2026**

Subject: Planning Application 2025/93197 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) adj, Huddersfield Open Market, Brook Street, Huddersfield, HD1 1RY

APPLICANT

Sarah Collins, Kirklees
Council, Place

DATE VALID

24-Nov-2025

TARGET DATE

19-Jan-2026

EXTENSION EXPIRY DATE

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

[Public speaking at committee link](#)

LOCATION PLAN

Map not to scale – for identification purposes only

Electoral wards affected: Newsome

Ward Councillors consulted: No

Public or private: Public

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report

1. INTRODUCTION:

- 1.1 This application is brought to the District Wide Planning Committee as a result of the receipt of a significant number of representations in relation to application 2025/92443 for the re-development of Huddersfield Open Market. The total number of objections to the application seeking planning permission being 58.
- 1.2 Application 2025/92443 is seeking a full planning permission for the redevelopment of the market building and wider site. An associated application seeking listed building consent for the permanent redevelopment is also currently pending determination (application ref: 2025/92444).
- 1.3 A total of 17 objections have been received in relation to the listed building consent application and 13 objections to the temporary market proposal.
- 1.4 This application seeks temporary permission for a market structure and associated works / use of land to the northern part of the site. This would facilitate the development proposal for the permanent redevelopment during the construction phase.

2. SITE AND SURROUNDINGS:

- 2.1 The site relates to land opposite a Grade II Listed Building (Huddersfield Open Market). The site is located to the north of this building and consists of an area of hard surfaced tarmac which accommodates car parking and an area which is utilised for external siting of market stalls. Storage of wastes is currently undertaken to the east of the site. Further to the north of this part of the site is a supermarket (Tesco) with its associated multi-level parking area and access points.
- 2.2 Immediately adjacent to the boundary is a Grade II Listed Building (13, 15 & 17 Brook Street). A highway is located to the south of the site, with the Market building being split from the area of hardstanding by Brook Street. The site is located approximately 150m from Huddersfield Railway Station.

3. PROPOSAL:

- 3.1 The application is seeking planning permission for the erection of a 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)
- 3.2 Submitted drawing reference 1003RevP02 details the intended layout of the site, with the temporary building to be centrally sited with several outdoor stalls surrounding. A car park area is proposed, utilising an existing access and there would be a market operations office cabins and toilet cabins sited in proximity to the proposed building.
- 3.3 A temporary waste compound forms part of the proposed development. Freestanding concrete blocks are proposed to prevent vehicular access in proximity to the site.
- 3.4 Drawings referenced 3201RevP02 and 3200RevP02 detail the design of the temporary building which would be 4m in height to the eaves and 6.5m in height to the topmost part of the roof. The proposal would be a lightweight temporary design consisting of panted metal sheeting solid walls, tensile PVC roof system of a white colour finish and metal roller shutters for the entrances.
- 3.5 The submitted Application Form details the intended hours of use as being 09:00 – 16:00.

4. RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 The site includes planning history for extension of the car parking use (2000s), and advertisement consent for non illuminated signs (1980s).
- 4.2 Of relevance in the consideration of this case are applications 2025/92444 & 2025/92443 which seek planning permission and listed building consent for the redevelopment of the wider site including surrounding street and the existing Huddersfield Open Market.
- 4.3 The proposal the subject of this application is intended to operate temporarily to facilitate the construction phase of the development of other schemes.

5. HISTORY OF NEGOTIATIONS (including revisions to the scheme):

- 5.1 The application is progressed / assessed on the basis of the scheme as originally submitted.

6. PLANNING POLICY:

- 6.1 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 27th February 2019).

6.2 Within the Kirklees Local Plan, the site is allocated as being within the Huddersfield Conservation Area and identified Huddersfield Principal Town Centre as well as being a primary shopping area with a secondary shopping frontage to Byram Street, Brook Street and Lord Street (to the north, east and west of the Market Building).

6.3 The site is within an Air Quality Management Area (AQMA no.9).

6.4 The site is also within an area with a known presence of nesting birds (swifts) and identified by the Coal Authority as being at high risk of ground movement as a result of former mining activity.

6.5 The site is shown as being potentially contaminated from its former use (site reference 211/9).

6.6 It is noted that the site falls in the masterplan area for the 'Huddersfield Blueprint', which is a ten-year vision to create a thriving, modern day town centre. The vision for Huddersfield is that it will be a busy, family-friendly town centre that stays open for longer with a unique culture, arts and leisure offer, and a variety of thriving businesses. The scale of investment and transformation, including high quality, innovative culture, arts, and leisure offers will improve the attractiveness of the town centre as a place to live, providing new opportunities for residential development.

6.7 The following legislation, policy and guidance is considered relevant to the determination of this application:-

Kirklees Local Plan

- **LP1** – Presumption in favour of sustainable development
- **LP2** – Place shaping
- **LP13** – Town centre uses
- **LP14** – Shopping frontages Within Kirklees
- **LP17** – Huddersfield town centre
- **LP20** – Sustainable travel
- **LP21** – Highways and access
- **LP22** – Parking
- **LP24** – Design
- **LP28** – Drainage
- **LP30** – Biodiversity and geodiversity
- **LP47** – Healthy, active and safe lifestyles
- **LP51** – Protection and improvement of local air quality
- **LP52** – Protection and improvement of environmental quality
- **LP53** – Contaminated and unstable land

National Policies and Guidance

6.8 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2024, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

6.9 A consultation draft of the National Planning Policy Framework (the Framework) was published on 16 December 2025. As a consultation, the document is at an early stage and subject to change. Accordingly, for the purposes of this application, no weight is given to the current consultation document.

6.10 The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications. The following chapters of the NPPF are considered applicable:

- **Chapter 2** – Achieving sustainable development
- **Chapter 4** – Decision-making
- **Chapter 7** – Ensuring the vitality of town centres
- **Chapter 11** – Making efficient 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

Supplementary Planning Documents / Guidance

- Kirklees Highway Design Guide (adopted November 2019)
- Kirklees Waste Management Design Guide (2020)
- Planning Applications Climate Change Guidance (2021)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Huddersfield Blueprint

Legislation

- The Town & Country Planning Act 1990 (as amended).
- The Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
- The Planning and Compulsory Purchase Act 2004.
- Section 17 of the Crime and Disorder Act 1998 (as amended)
- The Conservation of Habitats and Species Regulations 2017

6.11 Section 72 of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

6.12 When making a recommendation in respect of a planning application affecting a Listed Building or its setting, attention must be given to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the Local Planning Authority to 'have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it possesses'.

7. PUBLIC/LOCAL RESPONSE:

- 7.1 Publication of the application has been undertaken in accordance with the Council's Development Management Charter which incorporates the legislative requirements for publicity of applications.
- 7.2 The application has been publicised as affecting the setting of a Listed Building / affecting the setting of a Conservation Area on the Council's website, by site notice and by press advertisement. The expiry date of the publicity period was the 5th January 2026.
- 7.3 Thirteen (13) letters of objection to this application have been received. The representations have all been in objection raising the following summarised observations / concerns:

Impact of redevelopment during construction phase and thereafter

- The scheme does not accommodate adequate room for stalls
- Not clear on way forward in 2026.
- Proposal is inadequate for the market which has 120 stalls all full at times, the proposal will half the capacity and cause irreparable damage to the future of the market
- The structure should be large enough to accommodate all traders
- No indication of which traders will be able to rent the reduced amount of stalls in particular for Saturday traders
- Will the café outlets be accommodated and would rental charges remain the same

Impact upon highway safety

- *The proposal will impede access*
- *This area of land is already used for traders parking and the monthly car jumble sale with cars being parked wherever. The temporary building being sited here will make matters worse*

Impact of permanent redevelopment upon traders

- The proposal will lead to removal of traders permanently
- Existing market does need significant alteration, traders will leave in droves and wont come back if the proposals go ahead
- Potential for peoples livelihoods to be significantly impacted upon.
- Trader survey undertaken did not ask pertinent questions
- No consultation undertaken with traders
- Plans should be scrapped and more consultation with traders undertaken
- The proposal have potential to significantly impact the viability of the Market in the future and potentially lead to its loss

Principle of development & conformity with planning policy

- Undermines town centre vitality and employment
- Conflicts with local planning policy.

Concerns relating to information submitted

- A like for like provision and economic impact assessment should accompany the application.

Other concerns raised

- Plans may appear workable to office staff but actually working under these plans will be difficult.
- Figures quoted underplay how busy the market is

7.4 The summarised representations are taken into account in the assessment of this application and discussed in greater length within section 9 of this report.

8. CONSULTATION RESPONSES:

8.1 The following consultations have been undertaken for this application with the summarised responses listed below.

8.2 **KC Conservation & Design (KC C&D):** Response received 7th January 2026 confirming they have no objection to the proposal. Within their response it is set out that the temporary market building footprint has been offset from adjacent building infrastructure to allow room for installation / maintenance and that they consider the moderate harm caused by the temporary market hall is outweighed by the public benefit of the heritage project and the temporary structure is considered to be acceptable subject to conditions. They note the intention for removal of the structure following completion of works to the Grade II Listed Building to the south of the site.

8.3 Within their response they set out that whilst signage would need to be subject to a separate consent process it should be of a reduced size / scale. They also consider that the materials, colour and finish of the hostile vehicle mitigation should be of a suitable design and colour.

8.4 With regard to the structure, they note the justification for a white colour finish to the roof is to maximise daylight although state that an off white would be an improved appearance, they also recommend that the structures walls and roller shutters be of a dark grey / green or dark blue colour finish

8.5 **KC Highways Development Management (KC HDM):** No objection subject to conditions. Within the response dated 8th January, KC HDM note that the structure and outdoor market stalls would be in an area currently used by market traders for parking. KC HDM note that the permanent market proposals would see this area utilised to accommodate stalls, event space and will not be available for parking.

8.6 It is advised by KC HDM that any works within the highway will need to be undertaken with the relevant legal agreement with the Local Highway Authority with a relevant footnote being attached should planning permission be approved, drawing this fact to the applicants attention.

- 8.7 Gaps of 1.2m are recommended by KC HDM to be provided between the concrete blocks to be utilised as hostile vehicle mitigation (HVM) to assist with pedestrian movement through desire lines and to allow for ease of access for users with mobility issues / using prams and buggies. A suitable access to allow for loading / unloading is considered likely to be required.
- 8.8 The direct route for pedestrians between the market area and Tesco is noted to be re-routed around the proposed temporary structure and it is considered necessary to ensure this is accessible for all users.
- 8.9 Within their response it is noted by KC HDM that the Brook Street Pay and Display car park will be reduced from 31 spaces to 9 to accommodate the development, which will require agreement with the Kirklees Town Centre Parking team. The response goes further to note the permanent proposals for redevelopment of this locality / the market will remove some of these spaces.
- 8.10 Details of waste collection / management are recommended to be subject to condition to ensure there is not a conflict between refuse vehicles and car park users. The requirement for there to be the use of a banksman is identified as a possibility.
- 8.11 **KC Environmental Health (KC EH):** No objection subject to condition. Within their response it is confirmed that the site is on potentially contaminated land. They note the temporary nature of the proposal and recommend a condition is attached in relation to land quality in the requiring submission of details of remediation should unexpected contamination be encountered. A condition restricting the hours of use to 09:00 and 16:00 Mon to Sat with no deliveries on Sundays is also recommended.
- 8.12 **Designing Out Crime Officer (KC DOCO):** Within their response the Designing Out Crime Officer sets out that the temporary waste compound should be subject to access controls. Hoarding rather than Heras fencing is also advised. Toilet cabins are recommended to be lockable outside of the hours of use.
- 8.13 A monitored alarm, door specifications, and use of CCTV to ensure adequate security measures are in place are also recommended.
- 8.14 **KC Waste Strategy (KC WS):** No objection subject to condition.
- 8.15 Within their response the Council's Waste Strategy Team set out their analysis of the waste storage arrangements as detailed within submitted drawing ref: HMH-GSA-TM-00-D-A-1170, Rev P02. Within their response they state they have no objection on the proviso of two conditions being included, these being that details for bin storage, screening, bin collection points, and refuse collection vehicle access are submitted to and agreed in writing by the LPA as well as details of the management and maintenance of communal refuse storage areas by a designated private management company.

8.16 Mining Remediation Authority: Whilst no response has been received, the response provided through application 2025/92443 is considered to be relevant in the consideration of this application. In this response, the Mining Remediation Authority confirm they have no objection and the details submitted as part of that application were concluded sufficient for the purposes of the planning system in demonstrating that the application site is safe and stable for the proposed development.

9. MAIN ISSUES

- Principle of development
- Heritage and Design
- Impact on Residential Amenity
- Impact on Highway Safety
- Climate Change
- Other Matters

Safety and Security

Air Quality

Archaeology

Ecology

Drainage

Land Quality

Land Stability

- Representations
- Conclusion & Recommendation

10. APPRAISAL

Principle of development

Sustainable Development

10.1 NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

10.2 The dimensions of sustainable development will be considered throughout the proposal.

10.3 Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

10.4 Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in chapter 2 of the National Planning Policy Framework.

10.5 Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

Land Allocation

10.6 The site falls within the Huddersfield Conservation Area and the Huddersfield Town Centre as well as being a Primary Shopping Area with a Secondary Shopping Frontage to Byram Street, Brook Street and Lord Street.

10.7 Chapter 7 of the NPPF is relevant in the consideration of this application and seeks to ensure that town centres can grow and diversify in a way which can allow a response to changes in the retail and leisure industries and allow for a suitable mix of uses.

10.8 Policy LP13 of the Kirklees Local Plan seeks to ensure main town centre uses shall be located within defined centres. The proposal would be in compliance with this policy given it would see the continued / expansion of main town centre uses within an identified centre.

10.9 With regard to policy LP17, this relates to developments within Huddersfield Town Centres and seeks to ensure new developments preserve and enhance the towns' cultural and architectural heritage and open spaces, and connections to them, are inclusive, provide urban green infrastructure, retain / refurbish traditional shop fronts, retain and regenerate key historic features of the town centre such as pedestrian arcades, yards and historic listed buildings, both within and outside of the Huddersfield Town Centre Conservation Area and provide space for a range of businesses from small scale start-ups to larger multinational corporations. In addition reference is made within this policy to highway safety considerations.

10.10 The proposal would facilitate the redevelopment of the existing open market building. The redevelopment and refurbishment works the subject of a separate proposal are not possible to be undertaken whilst the use continues within the building.

10.11 The scheme which is proposed would see main town centre uses located within the identified centre, furthermore, they would be for a temporary period to facilitate the redevelopment of an existing building used for main town centre activities.

10.12 It is considered the scheme would have a beneficial impact as a result of ensuring a continued offer is available rather than the use ceasing for a temporary period whilst the works are undertaken and then recommencing following the completion of the works. The provision of a temporary arrangement within close proximity to the existing market is considered to be a beneficial arrangement in terms of ensuring there is a continued offer provided rather than a temporary cessation of the use. Therefore it is concluded the proposal is in accordance with the aforementioned policies and the principle of development is acceptable.

Heritage & Urban Design issues

- 10.13 Policy LP24 of Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design.
- 10.14 LP35 of the Kirklees Local Plan requires that proposals should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure they are appropriately conserved, to the extent warranted by their significance, also having regard to the wider benefits of development. Consideration should be given to the need to ensure that proposals maintain and reinforce local distinctiveness and conserve the significance of designated and non-designated heritage assets.
- 10.15 The building is Grade II listed and therefore Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires the Local Planning Authority to 'have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic importance which it possesses'.
- 10.16 Section 72 of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character of appearance of Conservation Areas. This is echoed within policy LP35 of the Kirklees Local Plan and Chapter 16 of the NPPF.
- 10.17 At paragraphs 212 – 215 the NPPF is clear, that where development leads to substantial harm, it is necessary to achieve substantial public benefits that outweigh that harm or, in the case of less than substantial harm this should be weight against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 10.18 The proposal is sought for a temporary period of time, to facilitate works being undertaken to a Grade II Listed building which will contribute to its continued use. The scheme would see the use of temporary structures which are considered to lead to a degree of harm which, however they would be less than substantial.
- 10.19 The response of the Conservation & Design Team is noted that the proposal would be for a temporary period of time and would facilitate the development of the wider area which is considered to have a longer-term beneficial impact and will improve the character of this part of the Conservation Area and the Grade II Listed Huddersfield Open Market.
- 10.20 It is considered that unsympathetically installed lighting has the potential to have a detrimental visual impact and it is likely artificial lighting would be required as part of the development. Therefore, should planning permission be approved, it is recommended a condition be attached requiring details to be submitted to the LPA for written approval prior to the installation of lighting. Subject to condition it is considered suitable lighting which does not have a significant impact visually or on the wider conservation area can be achieved.

- 10.21 Whilst the recommendations of the Conservation & Design Team are noted and taken into account, given the temporary nature of the proposal it is considered that it would be unreasonable of the LPA to require finalised details of the materials of construction and colour finish of the hostile vehicle mitigation measures to be incorporated given these would likely be concrete block which would read as temporary structures in conjunction with the wider temporary development.
- 10.22 Turning to the building and associated structures, it is considered that on the basis the walls are of a dark grey / black colour finish, including that of the associated structures, the impact of the proposal would, whilst being incongruous in relation to the wider street scene, have a lesser impact than a more striking colour finish. In the event that planning permission be approved, a condition to ensure such a colour finish of the structures and walls / shutters of the temporary building is recommended to be attached.
- 10.23 In terms of any means of enclosure on the site, it is noted that a 2m high fence can likely be undertaken to parts of the site by utilising Permitted Development Rights in any event. The temporary nature of the development is such that it is considered it would be unreasonable of the LPA to insist upon a higher standard of design of such structures.
- 10.24 A condition requiring the development to be for a temporary period of 5 years is considered to be necessary as mitigation in relation to the visual impact of the development and impact upon the Conservation Area and nearby listed buildings. It is recommended that any approval is subject to such a condition on this basis.
- 10.25 Having regard to the response of the Conservation & Design Team and the fact the proposal would facilitate continued operations of the market whilst works are undertaken to the existing market building, it is considered that there are clear public benefits which outweigh the less than substantial harm which is identified as resulting from the development proposal. Notwithstanding this conclusion, it is considered appropriate that conditions are included to mitigate some of the identified harm and reduce the overall impact.
- 10.26 On the basis of inclusion of the recommended conditions the proposal is concluded to accord with the aforementioned policies and legislation and is acceptable in this regard.

Impact on Residential Amenity

- 10.27 Policy LP24 of the Kirklees Local Plan and policies within Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers
- 10.28 Section B of Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring: *“They provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings”*.

- 10.29 Further to this, Paragraph 135 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.
- 10.30 Policy LP52 is of relevance and sets out that development which has the potential to increase pollution from noise must be accompanied by evidence to show that the impacts have been evaluated and measures have been incorporated to prevent or reduce the pollution, so as to ensure it does not reduce the quality of life and well-being of people to an unacceptable level
- 10.31 The proposal is adjacent to the blank elevation of a building to the west and to a multi storey car park. The proposal would be for a temporary period of time and having regard to the response of the Environmental Health Team, it is considered that the impact as a result of noise / disturbance can be suitably mitigated through the inclusion of a condition restricting the hours of use to 09:00 and 16:00 and that servicing is undertaken within those hours also.
- 10.32 Whilst the response of the Environmental Health Team suggests hours of use are Monday – Saturday, given the use of the market is currently able to be undertaken on Sundays / Bank Holidays it is considered it would be unreasonable of the LPA to restrict the hours of use to Mon – Sat only particularly taking account of the existing operations in close proximity to the site.
- 10.33 Taking account of the temporary use of the site, it is considered the proposal would be acceptable in terms of impact upon the amenity of neighbouring occupiers subject to inclusion of the recommended condition.

Impact on Highway Safety

- 10.34 Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide is also considered to be of relevance.
- 10.35 Consultee responses have been received from the Highways Development Management Team and also the Waste Management Team, detailed in Section 8 of this report.
- 10.36 The proposal will see the main pedestrian access between the highway and Tesco car park provided to the east of the building, adjacent to the vehicular parking area. This would be of a width which is usable and allow a north / south access arrangement. Access in the east / west direction would be possible along the highway and also adjacent to the proposed temporary market building.
- 10.37 The proposal would be for a temporary period of time and whilst desire line routes may not be easily navigable, there will be a sufficiently sized access to allow access internally within the site and also externally around it such that the proposal would not detrimentally impact upon pedestrian safety. This conclusion is drawn on the basis of inclusion of the recommended condition requiring details of waste collection / management arrangements to be submitted to the LPA for written approval.

- 10.38 Given the submitted detail as well as the response of consultees, it is considered details in regard to waste can be suitably controlled by the inclusion of a condition requiring waste management to be in accordance with a waste strategy which is approved in writing by the LPA prior to the use taking place.
- 10.39 Furthermore, it is concluded that the sustainable location and alternative options in relation to vehicular parking, as well as the provision of loading / unloading areas on street is such that the impact of the temporary market would be acceptable in terms of highway safety. It is concluded that, having regard to the responses of consultees, the proposal would meet the requirements of the aforementioned policies and the scheme as proposed is acceptable in this regard.

Climate Change

- 10.40 On 12th November 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.
- 10.41 The proposal is to facilitate a wider redevelopment which will incorporate a number of sustainability measures which improve the impact of the existing building and wider site in terms of measures to reduce carbon emissions / improve air quality.
- 10.42 Given the proposal would contribute to delivery of a wider scheme (2025/92443) that would accommodate measures which go some way to addressing climate change it is concluded the proposal would be acceptable with regard to this matter and the proposal is acceptable in this regard.

Other Matters

Safety and Security

- 10.43 Section 17 of the Crime and Disorder Act 1998 places a duty on each local authority to '*do all that it reasonably can to prevent crime and disorder in its area*'. Section 8 ('Promoting healthy and safe communities') of the National Planning Policy Framework states at paragraph 96 that there should be an aim to achieve healthy, inclusive and safe places which: (b) are safe and accessible so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.
- 10.44 Policy LP24 sets out that proposals should promote good design by ensuring the risk of crime is minimised by enhanced security, and the promotion of well-defined routes, overlooked streets and places, high levels of activity, and well-designed security features.

- 10.45 The scheme has been subject to consultation with the Council's Designing Out Crime Officer. Their response makes recommendation of measures to reduce the potential for crime / anti-social behaviour.
- 10.46 The site is in a locality where there are known issues relating to anti-social behaviour and it is considered that in the absence of any suitable measures the development proposal has the potential to be vulnerable to crime / anti-social behaviour which could detrimentally affect the site. As such, it is considered appropriate and necessary that any approval be subject to condition requiring details of safety and security measures to be incorporated as part of the development, including use of CCTV monitoring as well as other security measures.
- 10.47 On the basis of the inclusion of the recommended condition the proposal is considered to be acceptable having regard to safety / security issues.

Air Quality

- 10.48 Policy LP51 of the Kirklees Local Plan and paragraphs 109, 187 and 199 of the NPPF are relevant, as well as the Air Quality & Emissions Technical Planning Guidance from the West Yorkshire Low Emissions Strategy Group. The site is within an Air Quality Management Area (AQMA no.9).
- 10.49 As set out within the 'Climate Change' section of this report, the proposal would facilitate an associated permanent development (application ref: 2025/92443) which would contribute measures to improve air quality, specifically the provision of electric vehicle charging points.
- 10.50 Given the existing operations at the site, measures to be included as part of the permanent redevelopment at the wider site and the temporary nature of the proposal it is considered it would be unreasonable of the LPA to insist upon measures to improve air quality be included upon any grant of permission particularly taking account of the scale of the development in this case.

Archaeology

- 10.51 It is noted that structures appear to have been present in the location of the car park when reviewing historical mapping data. Intervening development / surfacing works have subsequently been undertaken and the proposal would not significantly increase ground works. West Yorkshire Archaeology advised within their consultation response through planning application 2025/92443 (which relates to the same site) that the impact on below ground archaeology should be minimal. Having regard to this response, it is considered the archaeological impact of the development would not be significant in this case.

Ecology

- 10.52 Chapter 15 of the National Planning Policy Framework is relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.
- 10.53 Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

10.54 The Biodiversity Net Gain Technical Advice Note sets out that minor developments are subject to the mitigation hierarchy outlined within Chapter 2.2 and will still be required to demonstrate a net gain for biodiversity. Chapter 2.2 of the advice note details a mitigation hierarchy of avoid, mitigate, compensate, offset and finally enhance.

10.55 As the site is predominantly hardstanding, and no vegetation is to be removed, consultation with KC Ecology was not considered necessary. Within their consultation response in relation to application 2025/92443 they confirm that the development is not considered to be required to provide Biodiversity Net Gain as set out in Schedule 7A of the Town and Country Planning Act 1990 (as amended) on the basis the development would be exempt (de minimis exemption). In light of this their input into this application was not considered to be a requirement.

10.56 The development, being upon land which is hardstanding and offers no biodiversity / ecological value is not considered to have a significant impact in this respect and is concluded acceptable in terms of ecology and to accord with the aforementioned policies / legislation.

Drainage

10.57 Key design principle 14 of the House Extensions and alterations SPD requires that extensions and alterations should ensure that all new developments are resilient and resistant to flood risk.

10.58 Policy LP28 of the Kirklees Local Plan & Section 14 ('Meeting the challenge of climate change, flooding and coastal change') of the National Planning Policy Framework and the National Planning Policy Framework technical guidance document are considered to be relevant in terms of foul / surface water drainage.

10.59 Policy LP27 of the Kirklees Local Plan relates to flood risk and sets out, amongst other things, a site specific flood risk assessment and inclusion of flood mitigation measures be undertaken for developments.

10.60 As part of planning application 2025/92443, a drainage assessment has been submitted, which sets out that the site is a previously developed site with existing drainage systems. The assessment states that it has been ascertained that due to cohesive underlying geology and the fact it is a densely built-up site in an urban environment, with no open surface water body in close vicinity, and no surface water drainage; the preferred drainage hierarchy option is to discharge into public combined sewers on Lord Street and Byron Street.

10.61 The proposal will see buildings upon land which is currently hard standing, with existing surface water being required to be drained through existing drainage infrastructure which is already in place. The proposal would not alter this requirement and would not affect the surface run off from the site given it would remain the same as the existing situation.

- 10.62 Foul drainage would need to be appropriately dealt with in relation to the proposed toilet facilities. Separate regulatory functions control this requirement and taking account of the scale of the development and the extent to which surface water would not be significantly displaced as a result of the proposal, it is concluded the development would be acceptable with regard to drainage.

Land Quality

- 10.63 With regard to land quality, paragraphs 187, 196 and 197 of the National Planning Policy Framework and policy LP53 of the Kirklees Local Plan which seeks to ensure land quality is maintained as part of new development are considered to be relevant.
- 10.64 As part of planning application 2025/92443 a Phase I Desk Study dated October 2016 (ref: J3644/16/EDS), a Groundsure Screening Report and a Phase II Ground Investigation Report dated May 2025 (ref: CCG-C-24- 15006) has been submitted. This has been reviewed and concluded acceptable. The recommendation of the Environmental Health Team is that the permanent redevelopment of the site as proposed as part of planning application 2025/92443 be subject to conditions relating to land quality and that suitable remediation and verification of the site be provided.
- 10.65 As part of this application under consideration, the Environmental Health Team have advised they have no objection subject to condition requiring submission of details should unexpected contamination be encountered.
- 10.66 Taking account of the response of the consultee and the temporary nature of the proposal as well as the fact it would not see significant ground intrusions, it is concluded the proposal is acceptable in this regard subject to inclusion of the recommended condition.

Land Stability

- 10.67 Policy LP53 of the Kirklees Local Plan and paragraphs 196 and 197 of the National Planning Policy Framework are relevant which seek to ensure that a site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation.
- 10.68 The Mining Remediation Authority response in relation to application 2025/92443 received 29th September 2025 is considered to be relevant in this case. It is concluded that given the submitted detail and response of the Mining Remediation Authority to application 2025/92443 the impact of the development in relation to land stability would be acceptable. An informative note drawing the applicants' attention to the fact land stability is a matter which is the responsibility of the applicant is recommended should temporary planning permission be approved.
- 10.69 Subject to inclusion of the recommended informative note, the proposal is concluded to be acceptable in this regard.

Temporary use

10.70 The development proposal is seeking consent for a temporary period of time and would be in place to facilitate another development the subject of applications 2025/92443 and 2025/92444 for the re-development of Huddersfield Open Market.

10.71 Whilst it is envisaged that the temporary proposal would be in place for as short a time as possible, it is noted that a number of other factors would likely impact upon the timescale for commencement of the development, such as addressing planning conditions.

10.72 It is therefore recommended that any grant of permission is subject to condition that the development is removed from site within a 5 year period. This is considered to be a reasonable timeframe to allow for the permanent development to be completed.

Representations

10.73 The representations received have been summarised earlier in this report, for clarity they are repeated again (in italics) and addressed below.

Concerns about impact of redevelopment during construction phase and thereafter

- The scheme does not accommodate adequate room for stalls
- Not clear on way forward in 2026.
- Proposal is inadequate for the market which has 120 stalls all full at times, the proposal will half the capacity and cause irreparable damage to the future of the market
- The structure should be large enough to accommodate all traders
- No indication of which traders will be able to rent the reduced amount of stalls in particular for Saturday traders
- Will the café outlets be accommodated and would rental charges remain the same

10.74 **Officer Comment:** *The application is being assessed by the LPA on the basis of the planning merits of the proposal. The operational arrangements are a matter which is beyond the scope against which this application can be assessed.*

Impact upon highway safety

- The proposal will impede access
- This area of land is already used for traders parking and the monthly car jumble sale with cars being parked wherever. The temporary building being sited here will make matters worse

10.75 **Officer Comment:** *Access considerations are set out within the section of the report beginning at paragraph 10.36.*

Impact of permanent redevelopment upon traders

- The proposal will lead to removal of traders permanently

- Existing market does need significant alteration, traders will leave in droves and won't come back if the proposals go ahead
- Potential for people's livelihoods to be significantly impacted upon.
- Trader survey undertaken did not ask pertinent questions
- No consultation undertaken with traders
- Plans should be scrapped and more consultation with traders undertaken
- The proposal has potential to significantly impact the viability of the Market in the future and potentially lead to its loss

10.76 Officer Comment: *The rationale for the permanent redevelopment of the existing market is set out in the Committee Report under planning application 2025/92443. It is anticipated the redevelopment of the existing market will have a beneficial impact to the locality and existing market. The application is assessed on the basis of the merits of the scheme as proposed, which will retain market functions and refusal on a speculative basis relating to potential impact is not considered to be justifiable in this case.*

Principle of development & conformity with planning policy

- Undermines town centre vitality and employment
- Conflicts with local planning policy.

10.77 Officer Comment: *The principle of development is considered within the section of the report beginning at paragraph 10.1.*

Concerns relating to information submitted

- A like for like provision and economic impact assessment should accompany the application.

10.78 Officer Comment: *It is considered that the information and detail submitted as part of this application is proportionate to the scale of the proposal and it would be an unreasonable of the LPA to insist upon an economic impact assessment being submitted as part of this application. The scheme is being assessed on the merits of the development proposal the subject of the application.*

Other concerns raised

- Plans may appear workable to office staff but actually working under these plans will be difficult.
- Figures quoted underplay how busy the market is

10.79 Officer Comment: *The application is assessed on the basis of the submitted details. The specific day to day operations of the site would be a matter which the LPA could not insist upon details of or involvement with as it would go beyond the scope of the planning considerations of the application.*

11. CONCLUSION & RECOMMENDATION

- 11.1 The proposal would contribute to the overall redevelopment of the existing market building, that will form part of an overall strategy in relation to the regeneration of Huddersfield Town Centre (Huddersfield Blueprint) which identifies the Market and surrounding streets as an opportunity for redevelopment to increase hours and the overall offer from the building and wider site.
- 11.2 The development would see a continued operation undertaken which would ensure that whilst construction works take place there would be a provision for an operation of a market which is in the locality of the existing to continue to take place.
- 11.3 Having regard to the response of consultees and the extent of the detail submitted, on the basis of inclusion of the recommended conditions the proposed development is considered to be acceptable on a temporary basis. Conditional approval is therefore recommended.

12. CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Planning and Development)

1. Temporary consent requiring the development to be removed within 5 years of the date of issuing the permission.
2. Development be undertaken in accordance with the submitted plans and specifications
3. Submission of a scheme of lighting prior to installation to be approved by the Local Planning Authority
4. Hours of use 09:00 – 16:00 with servicing / deliveries within these times also.
5. Unexpected contamination
6. Submission of a waste collection / management strategy to be approved in writing by the Local Planning Authority .
7. Details of safety and security measures to be submitted to the Local Planning Authority for written approval.
8. Submission of a lighting scheme prior to installation of any artificial lighting to be agreed by the Local Planning Authority .
9. Requirement that the colour finishes of the buildings annotated 'Male + Female Temporary toilet cabin', 'Market operations office cabins', 'Accessible toilet cabin' as well as the walls and roller shutters of the building annotated 'Temporary Covered Market Canopy' upon submitted drawing ref: 1003RefP02 be of a dark grey or black colour finish.

Background Papers:

Application and history files.

[Planning Application Details](#)

Certificate of Ownership – Certificate A signed and dated 18/11/25.