

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended)

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

Reference No: **2025/48/93197/W**

Site Address: adj, Huddersfield Open Market, Brook Street,
Huddersfield, HD1 1RY

Description: 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)

Recommending Officer: John Holmes

DECISION – Conditional Temporary Permission

I hereby authorise the approval of this application for the reasons set out in the 16th April 2026 Committee Report and recommendation annexed below in respect of the above matter as per the resolved decision of the District-Wide Planning Committee.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 29-Apr-2026

Decision Authorisation: Committee Decision

Committee: District wide Planning Committee

Date of Committee: 16th April 2026

Application Number: 2025/93197

Officer Recommendation: Conditional Temporary Permission

Committee Decision: Conditional Temporary Permission

Summary of Committee Decision

At the committee meeting of 16th April 2026 members of the committee resolved to approve the application subject to the conditions set out in the committee report.

Having regard to the resolution of the Committee to approve, subject to the recommended conditions, it is recommended the decision is issued subject to conditions listed below.

Conditions

1. The development is hereby approved for a temporary period of 5 years from the date of this permission. Following the expiry of this permission the buildings shall be removed from site and the land restored in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt as to what is authorised by this permission pursuant to section 72 of the Town and Country Planning Act 1990 (as amended) to ensure the development is acceptable in terms of visual impact and impact upon the setting of the Conservation Area and neighbouring grade II listed building to accord with policies LP24 and LP35 of the Kirklees Local Plan, policies within Chapters 12 and 16 of the National Planning Policy Framework and the Town and Country Planning (Listed Buildings & Conservation Areas) Act 1990.

2. The development hereby permitted 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 to accord with Policies LP1, LP2, LP13, LP14, LP17, LP20, LP21, LP22, LP24, LP28, LP30, LP47, LP51, LP52 and LP53 of the Kirklees Local Plan, the Council's adopted Highways Design Guide and the policies within Chapters 2, 4, 7, 11, 12, 14, 15 and 16 of the National Planning Policy Framework

3. No external artificial lighting shall be erected within the site, unless and until details of size, location, orientation, lighting level and any associated fixing apparatus have first been submitted to and agreed in writing by the Local Planning Authority. The submitted scheme shall demonstrate conformance with established guidance document Conservation Trust and Institute of Lighting Professionals (2023) Bats and Artificial Lighting at Night. The submitted scheme shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features. No external artificial lighting shall be erected within the site other than that which has been approved by this condition which shall be retained thereafter.

Reason: In the interests of visual amenity, preserving the setting of a listed building, residential amenity and biodiversity and in accordance with Policies LP24, LP30 & LP35 of the Kirklees Local Plan and policies within Chapters 12, 15 and 16 of the National Planning Policy Framework.

4. The use hereby approved including servicing and deliveries shall not take place outside the hours of 09:00 to 16:00 hours.

Reason: To safeguard the amenities of the occupiers of nearby properties to accord with Policies LP24 and LP52 of the Kirklees Local Plan and policies within chapter 15 of the National Planning Policy Framework.

5. In the event that contamination not previously identified by the developer is encountered during the development, 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 2 working days.

Groundworks in the affected area shall not recommence until either (a) a Remediation Strategy 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 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 Validation Report shall be submitted to the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority, No part of the site shall be brought into use until such time as the site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors to accord with LP53 of the Kirklees Local Plan and policies contained within Chapter 15 of the National Planning Policy Framework.

6. Notwithstanding the plans submitted, the development shall not be brought into use until a scheme detailing

- (i) the location, design and materials of all bin storage areas/enclosures and recycling storage areas for the development; and
- (ii) bin presentations points for collection of wastes has been submitted to and approved in writing by the Local Planning Authority.

The development shall not be brought into use until the works required by parts (i) and (ii) of this condition have been completed and provided and which shall thereafter be retained.

Reason: To ensure adequate waste storage facilities are provided in the interests of visual and residential amenity and highway safety to accord with Policies LP21, LP24 and LP52 of the Kirklees Local Plan, Kirklees Waste Management Design Guide for New Developments and policies contained within chapters 12 and 15 of the National Planning Policy Framework.

7. The development hereby approved shall not commence until a scheme has been submitted to, and approved in writing by, the Local Planning Authority which sets out all measures to minimise the risk of crime and meet the specific security needs of the application site and the development. The submitted scheme shall include details of the following measures:

- a) Fencing to prohibit casual access during the construction phase of the development
- a) Lighting during the construction phase of the development
- b) Measures to be undertaken to minimise risk of crime during the construction phase of the development
- c) Bicycle Stand design and certification rating
- d) Provision of a video surveillance and/or Closed Circuit (CCTV) system
- e) Provision of intruder alarms which meet the requirements of BS EN 50131 (Intrusion and hold-up systems) and EN 50136 (Alarm transmission systems and equipment).
- f) Hostile Vehicle Mitigation
- g) Access control measures
- h) Door and glazing standards and certification rating

The approved scheme shall be implemented during the construction phase in relation to measures a, b and c and retained for the duration of the construction phase of the development. Measures d, e, f, g, h and I shall be installed and completed before the development is first occupied and retained thereafter.

Reason: to ensure that prior to the commencement of development safety and security measures have been agreed in pursuance of the Council's duty under Section 17 of the Crime and Disorder Act 1998 and to accord with policy LP24 of the Kirklees Local Plan and the policies contained within Chapter 12 of the National Planning Policy Framework.

8. 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 shall be of a dark grey or black colour finish.

Reason: In the interests of visual amenity and to reduce the developments impact upon the setting of the Conservation Area and neighbouring grade II listed building to accord with policies LP24 and LP35 of the Kirklees Local Plan, policies within Chapters 12 and 16 of the National Planning Policy Framework and the Town and Country Planning (Listed Buildings & Conservation Areas) Act 1990.

NOTE: Any changes to the access within the adopted highway fronting the property will need to be constructed under a section 184 agreement of the 1980 Highways Act (vehicle crossings over footways and verges). You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Interference with the highway without such permission is an offence which could lead to prosecution.

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.

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.

NOTE: No construction related noise should 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.

NOTE: 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.

Plans and specifications schedules:-

Plans / Documents submitted for application

Plan / document type	Reference	Dated
Location Plan	0100RevP01	18th November 2025
Block Plan	1003RevP02	18th November 2025
Proposed Elevations and Sections	3201RevP02	18th November 2025
Proposed Elevations and Sections	3200RevP02	18th November 2025
General Arrangement	1170RevP02	18th November 2025
Swept Path Analysis Refuse Vehicle A	C-120revP01	18th November 2025
Swept Path Analysis Refuse Vehicle B	C-121revP01	18th November 2025
Undated, untitled, unreferenced utilities survey plan	1016-P02 - B	18th November 2025
Design and Access Statement	1016-P02 - A	18th November 2025
Planning Statement dated 17th November 2025	1011RevP02	18th November 2025
Biodiversity Net Gain Form		18th November 2025
Geotechnical Environmental Report – Phase I	J3644/16/EDS	18th November 2025
Geotechnical Environmental Report – Phase II	J3644/16/E	18th November 2025
Preliminary Ecological Appraisal Report	60613541	18th November 2025
Planning Update Report		25th March 2026

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 Planning 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. Discussions were undertaken regarding alternative options and feasibility of the development.

Report Dated:

21st April 2026