



Town and Country Planning Act 1990

Town and Country Planning General Regulations 1992

PLANNING PERMISSION FOR DEVELOPMENT SUBJECT TO REGULATION 3

Application Number: 2025/48/93197/W

To: Nick Mitchell,
Greig & Stephenson Architects
Studio 201
22 Highbury Grove
Screenworks
London N5 2ER

For: Sarah Collins, Kirklees Council, Place

Description and location of development:

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)

At: ADJ, HUDDERSFIELD OPEN MARKET, BROOK STREET, HUDDERSFIELD, HD1 1RY

Date of submission: 24-Nov-2025

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):-

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
- b) Lighting during the construction phase of the development
- c) Measures to be undertaken to minimise risk of crime during the construction phase of the development
- d) Bicycle Stand design and certification rating
- e) Provision of a video surveillance and/or Closed Circuit (CCTV) system
- f) 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).
- g) Hostile Vehicle Mitigation
- h) Access control measures
- i) 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 an 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	18 th November 2025
Block Plan	1003RevP02	18 th November 2025
Proposed Elevations and Sections	3201RevP02	18 th November 2025
Proposed Elevations and Sections	3200RevP02	18 th November 2025
General Arrangement	1170RevP02	18 th November 2025
Swept Path Analysis Refuse Vehicle A	C-120revP01	18 th November 2025
Swept Path Analysis Refuse Vehicle B	C-121revP01	18 th November 2025
Undated, untitled, unreferenced utilities survey plan	1016-P02 - B	18 th November 2025
Design and Access Statement	1016-P02 - A	18 th November 2025
Planning Statement dated 17 th November 2025	1011RevP02	18 th November 2025
Biodiversity Net Gain Form		18 th November 2025
Geotechnical Environmental Report – Phase I	J3644/16/EDS	18 th November 2025
Geotechnical Environmental Report – Phase II	J3644/16/E	18 th November 2025
Preliminary Ecological Appraisal Report	60613541	18 th November 2025
Planning Update Report		25 th 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.

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.

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: 29-Apr-2026

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
