

KIRKLEES METROPOLITAN COUNCIL INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended)

DELEGATED DECISION TO DETERMINE APPLICATIONS FOR CONSENT, AGREEMENT OR APPROVAL REQUIRED BY CONDITION

Reference No:	2026/44/91475/W
Site Address:	adj, Huddersfield Open Market, Brook Street, Huddersfield, HD1 1RY
Description:	Discharge of details reserved by conditions 6 (bin storage), 7 (crime) on previous permission 2025/93197 for erection of free standing single storey structure to be used as 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 – Discharge of Conditions - Approved

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 23-Jun-2026

APPLICATION SEEKING DISCHARGE OF CONDITION – 2026/91475

The merits of the application have previously been assessed under reference 2025/93197 and permission granted for the following 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)

The submitted application form details that this application is submitted, by the applicant in seeking to discharge condition 6 and condition 7 (parts d, e, f, g, h, & i).

ASSESSMENT

Condition 6

This condition states the following:

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.

The following has been submitted:

- Document titled 'Approval of details reserved by a condition (discharge) – Statement' dated 28th May 2026 ref: HMH-GSA-XX-XX-T-A-1021
- Document titled 'Huddersfield Market Regeneration Project' titled 'Temporary Market' dated 28th April 2026 ref: HMH-GSA-TM-XX-T-A-1700 – P03
- Document titled 'Waste management Strategy Proposal' ref: HMH-GSA-TM-XX-T-A-1020

The Council's Highways Development Management Team have been consulted, and within a response dated 4th June 2026 set out the following:

'We would defer to colleagues in the waste strategy team in relation to details for the required size and design of the proposed bin store, these comments deal exclusively with the highway safety implications of the proposals.

(i) The location of the bin store is away from the adopted highway and therefore the bins will not cause an obstruction to vehicles, and this is acceptable.

(ii) The waste collection presentation point is located to the front of the bin storage compound meaning that drag distances are kept to a minimum and access to the collection point can be made by a refuse collection vehicle (swept path analysis was provided as part of application 25/93197 in drawing No C121 P01) and this would be acceptable, however the collection point requires a refuse vehicle to reverse through a public car park and as servicing is limited to 9am to 4pm, this would need to be done while the car park is attracting a peak demand and this would be a highway safety concern.

We would like to see the collection point relocated away from the car park and would suggest that it is moved to adjacent to the compactor to the south of the site. This would increase the drag distance that the Market Management team would have to move the bins on collection day, however as there is no reason for vehicles or pedestrians to be within the area to the front of the compactor, HDM consider this a safer location for temporary collection.

With this we cannot currently support the discharge of condition 6 on highway safety grounds, however if the collection point can be relocated to remove the requirement for a refuse wagon to need to reverse through a public car park, we may be able to re-assess the application with a more positive outcome.'

The Council's Waste Strategy Team have been consulted, and have stated that they have no objection to the discharge of condition no.6.

The applicants' agent has set out that the likely collection time would be as currently operates, and that it would utilise an early morning time slot. The Waste Management Team have advised that the Council's waste collections are at such early times in relation to waste collections.

The timeframe for collections is not controlled by condition no.6, only the specific arrangements as to how waste would be stored and collected. There remains potential for waste collections to be undertaken at varying times of the day.

The location of the waste storage area is to a part of the site where such storage areas would typically be expected to be seen given it is in proximity to existing such facilities. The waste storage is sited a suitable distance from neighbouring occupiers such that it is considered that adverse impacts from noise / odour would not arise.

The requirements of condition no.6 for the location, design and materials of all bin storage areas/enclosures and recycling storage areas for the development and bin presentations points for collection of wastes has been satisfied by the scheme which has been submitted.

Having regard to the response of consultees, and the scheme as set out, it is considered that the proposed scheme would ensure adequate waste storage facilities are provided and have an acceptable impact in terms of visual and residential amenity and highway safety.

It is therefore recommended that condition no.6 be discharged.

Condition 7

This condition has in part been discharged by virtue of application 2026/91234 which discharged parts a, b and c. The condition, in full, states the following:

'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.'

This application is seeking to discharge parts d, e, f, g, h and i of condition no.7.

The following has been submitted:

- Document titled 'Cabins Outline Specification' dated 12th January 2026 ref: HMM-GSA-XX-XX-T-A-0005
- Document titled 'Approval of details reserved by a condition (discharge) – Statement' dated 28th May 2026 ref: HMM-GSA-XX-XX-T-A-1021
- Document titled 'Huddersfield Market Regeneration Project' titled 'Temporary Market' dated 28th April 2026 ref: HMM-GSA-TM-XX-T-A-1700 – P03
- Document detailing 'Counter Terror Block Vehicle Defence Barrier 1490mm with 15mm Chamfered Edges' Product ID VED/0044
- Document titled 'ND7000 Hand Chain Manually Operated Industrial Roller Shutter Door'

Within their consultation response, West Yorkshire Police Designing Out Crime Officer (DOCO) has provided advice and sought input from colleagues. No objection to the scheme as submitted has been raised.

It is noted that the layout of blocks to prevent casual vehicular access is detailed within approved drawing HMM-GSA-TM-00-D-A-1003revP02 of permission 2025/93197 and condition 2 of that consent requires the development be undertaken in accordance with the submitted drawings. As such it is not considered necessary to require the layout of hostile vehicle mitigation measures to be set out as part of this application for discharge of condition no.7.

The submitted scheme is considered to have suitably addressed all requirements in terms of the information to be submitted for parts d – i of condition no.7. Furthermore, taking account of the content of the submitted information and response of West Yorkshire Police DOCO, it is considered that the submitted scheme details safety and security measures which ensure the Council's duty under Section 17 of the Crime and Disorder Act 1998 has been sufficiently met and ensure compliance with the requirements of policy LP24 of the Kirklees Local Plan and the policies contained within Chapter 12 of the National Planning Policy Framework.

It is therefore recommended that parts d, e, f, g, h and i of condition no.7 are discharged.

DECISION NOTICE TEXT

Condition 6

You have submitted the following: -

- Document titled 'Approval of details reserved by a condition (discharge) – Statement' dated 28th May 2026 ref: HMH-GSA-XX-XX-T-A-1021
- Document titled 'Huddersfield Market Regeneration Project' titled 'Temporary Market' dated 28th April 2026 ref: HMH-GSA-TM-XX-T-A-1700 – P03
- Document titled 'Waste management Strategy Proposal' ref: HMH-GSA-TM-XX-T-A-1020

The submitted scheme detailing the location, design and materials of all bin storage areas/enclosures and recycling storage areas for the development and bin presentations points for collection of wastes is considered acceptable to satisfy the requirements of condition no.6 parts (i) and (ii). It is a requirement of this condition that the development is not brought into use until the works required by parts (i) and (ii) of the condition have been completed and provided and that they are thereafter retained.

Condition 7

You have submitted the following: -

- Document titled 'Cabins Outline Specification' dated 12th January 2026 ref: HMH-GSA-XX-XX-T-A-0005
- Document titled 'Approval of details reserved by a condition (discharge) – Statement' dated 28th May 2026 ref: HMH-GSA-XX-XX-T-A-1021
- Document titled 'Huddersfield Market Regeneration Project' titled 'Temporary Market' dated 28th April 2026 ref: HMH-GSA-TM-XX-T-A-1700 – P03
- Document detailing 'Counter Terror Block Vehicle Defence Barrier 1490mm with 15mm Chamfered Edges' Product ID VED/0044
- Document titled 'ND7000 Hand Chain Manually Operated Industrial Roller Shutter Door'

The submitted detail is considered sufficient to enable the discharge of parts d, e, f, g, h and i of condition no.7. These parts of condition no.7 are therefore discharged. It is a requirement that the approved scheme be installed and completed before the development is first occupied and retained thereafter.

