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**Service Director – Legal, Governance and
Commissioning**

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Wednesday 21 January 2026

Notice of Meeting

Dear Member

District-Wide Planning Committee

The **District-Wide Planning Committee** will meet in the **Council Chamber - Town Hall, Huddersfield** at **1.00 pm** on **Thursday 29 January 2026**.

(A coach will depart the Town Hall, at 10.40am to undertake Site Visits. The consideration of Planning Applications will commence at 1.00 pm in Huddersfield Town Hall).

This meeting will be webcast live and will be available to view via the Council's website.

The items which will be discussed are described in the agenda and there are reports attached which give more details.

A handwritten signature in cursive script, appearing to read "S Lawton".

Samantha Lawton

Service Director – Legal, Governance and Commissioning

Kirklees Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform the Chair/Clerk of their intentions prior to the meeting.

District-Wide Planning Committee:-

Member

Councillor Sheikh Ullah (Chair)
Councillor Donna Bellamy
Councillor Paola Antonia Davies
Councillor Eric Firth
Councillor Zahid Kahut
Councillor Susan Lee-Richards
Councillor Tony McGrath
Councillor Mohan Sokhal
Councillor Cathy Scott

When a Member of the District-Wide Planning Committee cannot attend the meeting, a member of the Substitutes Panel (below) may attend in their place in accordance with the provision of Council Procedure Rule 35(7).

Substitutes Panel

Conservative

B Armer
D Hall
J Taylor
C Holt
M Thompson

Green

K Allison
A Cooper

Labour

M Ahmed
J Homewood
B Addy
M Crook
J Rylah
A Sewell
H McCarthy

Liberal

Democrat
A Munro
A Pinnock
C Burke
J Lawson
D Longstaff
A Marchington
A Robinson
A Smith

Community Alliance

A Zaman
A Anwar

Kirklees

Community Independents
JD Lawson
A Arshad

Agenda

Reports or Explanatory Notes Attached

Pages

1: Membership of the Committee

To receive any apologies for absence and notification of substitutions.

2: Appointment of Chair

The Committee will appoint a Chair for this meeting of the Committee.

(Apologies for absence have been received from Councillor Ullah).

3: Minutes of the Previous Meeting

1 - 4

To approve the Minutes of the Meeting of the Committee held on 27 November 2025.

4: Declaration of Interests and Lobbying

5 - 6

Committee Members will advise (i) if there are any items on the Agenda upon which they have been lobbied and/or (ii) if there are any items on the Agenda in which they have a Disposable Pecuniary Interest, which would prevent them from participating in any discussion or vote on an item, or any other interests.

5: Admission of the Public

Most agenda items will be considered in public session, however, it shall be advised whether the Committee will consider any matters in private, by virtue of the reports containing information which falls within a category of exempt information as contained at Schedule 12A of the Local Government Act 1972.

6: Public Question Time

To receive any public questions.

In accordance with Council Procedure Rule 11, the period for the asking and answering of public questions shall not exceed 15 minutes.

Any questions must be submitted in writing at least three clear working days in advance of the meeting.

7: Deputations / Petitions

The Committee will receive any petitions and/or deputations from members of the public. A deputation is where up to five people can attend the meeting and make a presentation on some particular issue of concern.

A member of the public can also submit a petition at the meeting relating to a matter on which the body has powers and responsibilities.

In accordance with Council Procedure Rule 10, Members of the Public must submit a deputation in writing, at least three clear working days in advance of the meeting and shall subsequently be notified if the deputation shall be heard. A maximum of four deputations shall be heard at any one meeting.

8: Planning Applications

7 - 10

The Planning Committee will consider the attached schedule of Planning Applications.

Please note that any members of the public who wish to speak at the meeting must register to speak by 5.00pm (for phone requests) or 11:59pm (for email requests) on Monday 26 January 2026.

To register, please email governance.planning@kirklees.gov.uk or phone the Governance Team on 01484 221000.

9: Site Visit - Applications 2025/92443 and 2025/93197

Planning Application 2025/92443 - External works to Market Building and wider site including alteration and demolition of modern additions to the Market building, new glazed screens, new WC and welfare facilities, provision of services and lighting including associated works, remodelling to the stone annexe, alterations to catering facilities, and self-contained commercial units, works to floor surfaces of Market Building. Use of Market Building for a mix of uses (sui generis) including retail, hot food takeaway, drinking establishment, restaurant / café uses, market office, public welfare facilities, storage facilities as well as provision of areas that provide a mix of fixed and flexible indoor and outdoor market stalls. Creation of areas for open market, siting of associated structures, installation of new fixed market stalls demolition of external bin store and creation of waste compound area, storage compounds, vehicular parking, remodelling and surfacing of areas of hardstanding, street furniture, car park layout, installation of parcel lockers, landscaping and associated works (Listed Building within a Conservation Area) Huddersfield Open Market, Brook Street, Huddersfield.

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) adjacent to Huddersfield Open Market, Brook Street, Huddersfield.

Ward affected: Newsome

Contact: John Holmes, Planning Services

(Estimated time of arrival at site – 10:55am)

10: Site Visit - Application No: 2025/93235

Removal of the Cross and reinstatement within the grass verge on Cross Street/Wyke Lane (Listed Building) at The Cross, Wyke Lane/Cross Street, Oakenshaw.

Ward affected: Cleckheaton

Contact: Edward Cheseldine, Planning Services

(Estimated time of arrival at site – 11:40am)

11: Planning Application - Application No: 2025/92443

11 - 50

External works to Market Building and wider site including alteration and demolition of modern additions to the Market building, new glazed screens, new WC and welfare facilities, provision of services and lighting including associated works, remodelling to the stone annexe, alterations to catering facilities, and self-contained commercial units, works to floor surfaces of Market Building. Use of Market Building for a mix of uses (sui generis) including retail, hot food takeaway, drinking establishment, restaurant / café uses, market office, public welfare facilities, storage facilities as well as provision of areas that provide a mix of fixed and flexible indoor and outdoor market stalls. Creation of areas for open market, siting of associated structures, installation of new fixed market stalls demolition of external bin store and creation of waste compound area, storage compounds, vehicular parking, remodelling and surfacing of areas of hardstanding, street furniture, car park layout, installation of parcel lockers, landscaping and associated works (Listed Building within a Conservation Area) Huddersfield Open Market, Brook Street, Huddersfield.

Ward affected: Newsome

Contact: John Holmes, Planning Services

12: Planning Application - Application No: 2025/93197

51 - 70

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) adjacent to Huddersfield Open Market, Brook Street, Huddersfield.

Ward affected: Newsome

Contact: John Holmes, Planning Services

13: Planning Application - Application No: 2025/93235

71 - 90

Removal of the Cross and reinstatement within the grass verge on Cross Street/Wyke Lane (Listed Building) at The Cross, Wyke Lane/Cross Street, Oakenshaw.

Ward affected: Cleckheaton

Contact: Edward Cheseldine, Planning Services

Planning Update

An update report, providing further information on applications on matters raised after the publication of the agenda, will be added to the web agenda prior to the meeting.

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Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

DISTRICT-WIDE PLANNING COMMITTEE

Thursday 27th November 2025

Present: Councillor Sheikh Ullah (Chair)
Councillor Donna Bellamy
Councillor Eric Firth
Councillor Susan Lee-Richards
Councillor Alison Munro
Councillor Mohan Sokhal

Apologies: Councillor Zahid Kahut
Councillor Tony McGrath
Councillor Cathy Scott

31 Membership of the Committee

Apologies for absence were received on behalf of Councillors Kahut, McGrath and Scott.

Councillor Munro substituted for Councillor Davies.

32 Minutes of the Previous Meeting

RESOLVED – That the Minutes of the meeting held on 9 October 2025 be approved as a correct record.

33 Declaration of Interests and Lobbying

Councillors Bellamy, Firth, Lee-Richards and Ullah advised they had been lobbied in respect of Application 2025/90487.

34 Admission of the Public

All agenda items were considered in public session.

35 Public Question Time

No public questions were received.

36 Deputations / Petitions

No deputations or petitions were received.

37 Site Visit - Application No: 2025/90487

Site visit undertaken.

38 Site Visit - Application No: 2025/91657

Site visit undertaken.

39 Planning Application - Application No: 2025/90487

The Committee gave consideration to Application 2025/90487 – Change of use and alterations to convert from vacant bank (Class E) to hot food takeaway (sui generis) with installation of extract and ventilation equipment and external alterations to the front and rear elevations at 47 Huddersfield Road, Mirfield.

Under the provisions of Council Procedure Rule 36(3), the Committee received a representation from Councillor Lees-Hamilton (local member).

Under the provisions of Council Procedure Rule 37, the Sub-Committee received representations from Christine Sykes and Stephen Carden (local resident) and Chris Binns (applicant's agent).

RESOLVED – That, contrary to the Officer's Recommendation, the application be refused on the grounds of (i) road safety (ii) swept analysis (iii) noise pollution and (iv) impact upon residential amenity of Trinity Street.

In regard to (i) road safety, the Committee considered that the proposed location of the premises would likely result in customers parking on double yellow lines, blocking the entrance/exit to the adjacent fire station and encourage pedestrians to cross a busy section of the highway with no crossing point. In regard to (ii) swept analysis, the Committee raised concerns over the impact of no swept path analysis having been undertaken, and the impact upon access to bin storage and accessibility for waste collection wagons. In regard to (iii) noise pollution, the Committee raised concerns over the noise impact of the flue upon residential amenity and, in regard to (iv) residential amenity, the Committee raised concerns of the impact of the application upon the residents of Trinity Street, due to the width of the road, traffic generation, noise generation and impact upon the loss of the existing residential amenity.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

For: Councillors Bellamy, Firth, Lee-Richards, Munro and Sokhal (5 votes)

Against: (no votes)

Abstain: Councillor Ullah

40 Planning Application - Application No: 2025/91657

The Committee gave consideration to Application 2025/91657 – Erection of a first floor side extension (within a conservation area) at Kelvin Villa, 1 Newsome Street, Dewsbury.

Under the provisions of Council Procedure Rule 37, the Committee received a representation from Haris Kasuji (applicant's agent).

RESOLVED - That authority be delegated to the Head of Planning and Development to approve the application, issue the decision notice and complete the list of conditions including matters relating to;

District-Wide Planning Committee - 27 November 2025

- Standard condition regarding 3 year timescale to commence development
- Development to be in accordance with plans
- Noise mitigation measures
- Kitchen extract scheme
- Pollution prevention
- Hours of use
- Delivery management plan

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

For: Councillors Bellamy, Firth, Lee-Richards, Munro, Sokhal and Ullah (6 votes)

Against: (no votes)

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KIRKLEES COUNCIL

DECLARATION OF INTERESTS AND LOBBYING

District Wide Planning Committee

Name of Councillor

Item in which you have an interest	Type of interest (eg a disclosable pecuniary interest or an "Other Interest")	Does the nature of the interest require you to withdraw from the meeting while the item in which you have an interest is under consideration? [Y/N]	Brief description of your interest

LOBBYING

Date	Application/Page No.	Lobbied By (Name of person)	Applicant	Objector	Supporter	Action taken / Advice given

Signed: Dated:

NOTES

Disclosable Pecuniary Interests

If you have any of the following pecuniary interests, they are your disclosable pecuniary interests under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Any employment, office, trade, profession, or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.

Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.

Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority -

- under which goods or services are to be provided or works are to be executed; and
- which has not been fully discharged.

Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.

Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.

Any tenancy where (to your knowledge) - the landlord is your council or authority; and the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -

(a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and

(b) either -

the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Lobbying

If you are approached by any Member of the public in respect of an application on the agenda you must declare that you have been lobbied. A declaration of lobbying does not affect your ability to participate in the consideration or determination of the application.

Agenda Item 8

In respect of the consideration of all the planning applications on this agenda the following information applies:

PLANNING POLICY

The statutory development plan is the starting point in the consideration of planning applications for the development or use of land unless material considerations indicate otherwise (Section 38(6) Planning and Compulsory Purchase Act 2004).

The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019) and the Holme Valley Neighbourhood Development Plan (adopted 8th December 2021).

National Policy/ Guidelines

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF), published December 2024 and updated February 2025, the Planning Practice Guidance Suite (PPGS), first launched 6th March 2014, together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

REPRESENTATIONS

The Council's Development Management Charter (December 2024) sets out how people and organisations will be enabled and encouraged to be involved in the development management process relating to planning applications.

The applications have been publicised by way of press notice, site notice and neighbour letters (as appropriate) in accordance with the Development Management Charter and in full accordance with the requirements of regulation, statute and national guidance.

EQUALITY ISSUES

The Council has a general duty under section 149 Equality Act 2010 to have due regard to eliminating conduct that is prohibited by the Act, advancing equality of opportunity and fostering good relations between people who share a protected characteristic and people who do not share that characteristic. The relevant protected characteristics are:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

In the event that a specific development proposal has particular equality implications, the report will detail how the duty to have “due regard” to them has been discharged.

HUMAN RIGHTS

The Council has had regard to the Human Rights Act 1998, and in particular:-

- Article 8 - Right to respect for private and family life.
- Article 1 of the First Protocol - Right to peaceful enjoyment of property and possessions.

The Council considers that the recommendations within the reports are in accordance with the law, proportionate and both necessary to protect the rights and freedoms of others and in the public interest.

PLANNING CONDITIONS AND OBLIGATIONS

Paragraph 56 of The National Planning Policy Framework (NPPF) requires that Local Planning Authorities consider whether otherwise unacceptable development could be made acceptable through the use of planning condition or obligations.

The Community Infrastructure Levy Regulations 2010 (as amended) stipulates that planning obligations (also known as Section 106 agreements – of the Town and Country Planning Act 1990) should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

The NPPF and further guidance in the PPGS, require that planning conditions should only be imposed where they meet a series of key tests; these are in summary:

1. necessary;
2. relevant to planning and;
3. to the development to be permitted;
4. enforceable;
5. precise and;
6. reasonable in all other respects

Recommendations made with respect to the applications brought before the Planning Committee have been made in accordance with the above requirements.

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Originator: John Holmes

Tel: 01484 221000

Report of the Head of Planning and Development

DISTRICT-WIDE PLANNING COMMITTEE

Date: 29-Jan-2026

Subject: Planning Application 2025/92443 External works to Market Building and wider site including alteration and demolition of modern additions to the Market building, new glazed screens, new WC and welfare facilities, provision of services and lighting including associated works, remodelling to the stone annexe, alterations to catering facilities, and self-contained commercial units, works to floor surfaces of Market Building. Use of Market Building for a mix of uses (sui generis) including retail, hot food takeaway, drinking establishment, restaurant / café uses, market office, public welfare facilities, storage facilities as well as provision of areas that provide a mix of fixed and flexible indoor and outdoor market stalls. Creation of areas for open market, siting of associated structures, installation of new fixed market stalls demolition of external bin store and creation of waste compound area, storage compounds, vehicular parking, remodelling and surfacing of areas of hardstanding, street furniture, car park layout, installation of parcel lockers, landscaping and associated works (Listed Building within a Conservation Area) Huddersfield Open Market, Brook Street, Huddersfield, HD1 1DY

APPLICANT

Sarah Collins, Kirklees
Council, Place

DATE VALID

29-Aug-2025

TARGET DATE

24-Oct-2025

EXTENSION EXPIRY DATE

30-Jan-2026

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 the application. The total number of objection to this application seeking planning permission is 58.
- 1.2 In connection with this application there is an application seeking Listed Building Consent for the same development the subject of this proposal.
- 1.3 There is also a further application seeking temporary consent for a market structure and associated works / use of land to the northern part of the site. This would facilitate the development proposal the subject of this application during the construction phase.
- 1.4 A total of 17 objections have been received in relation to the Listed Building Consent application and 13 objections to the temporary market proposal.

2. SITE AND SURROUNDINGS:

- 2.1 The site relates to the Grade II listed building (Huddersfield Open Market) and unlisted parts of that building to the southern portion of the site which are constructed from Stone. The site also includes an area to the north which is

an area of hard surfaced tarmac which accommodates car parking and an area which is utilised for external siting of market stalls. Storage of waste culminating from the site is currently undertaken in this part of the site. To the further north of this part of the site is a supermarket (Tesco) with its associated multi-level parking area and access.

- 2.2 To the west of the site are several listed buildings which are separated by highways although the northern portion which is currently hardstanding is immediately adjacent to the boundary with a Grade II listed building (13, 15 & 17 Brook Street). An unnamed street runs to the south of the site, which serves vehicular / pedestrian access and is single vehicle width.
- 2.3 Highways surround / split the northern part of the site, with the Market building being split from the area of hardstanding by Brook Street at the northern portion of the site. To the eastern part of the site is Lord Street and to the west Byram Street which tie into Brook Street to the north. The site is approximately 150m from Huddersfield Railway Station.
- 2.4 Within the consultation response received from Historic England it is detailed that Huddersfield Open Market was first constructed in 1887-89 by R.S. Drydale and is a cast iron structure consisting of six giant columns with elaborate, foliate capitals, iron trusses with decoration pierced into them. The large cast iron frame holds six aisles of slate roofs with north lights to provide natural light for the market goes below

3. PROPOSAL:

3.1 The application is seeking planning permission for the following:

- External works to the market building and wider site including alteration and demolition of previous more modern additions to the Market building, new glazed screens, new WC and welfare facilities, provision of services and lighting including associated works, remodelling to the stone annexe, alterations to catering facilities, and self-contained commercial units and works to floor surfaces of the market building including addition of a mezzanine.
- The use of the market building would be for a mix of uses (sui generis) including retail, hot food takeaway, drinking establishment, restaurant / café uses, market office, public welfare facilities, storage facilities as well as provision of areas that provide a mix of fixed and flexible indoor and outdoor market stalls.
- Creation of areas for an open market, siting of associated structures, installation of new fixed market stalls demolition of external bin store and creation of waste compound area, storage compounds, vehicular parking, remodelling and surfacing of areas of hardstanding, installation of parcel lockers, street furniture, reconfiguration of the car park layout, landscaping and associated works also form part of the development proposal.

3.2 Within an email dated 27th November 2025, it was confirmed that the hours and days of operation proposed would be extended from those currently under operation. Specifically, the submitted application form details hours of use as follows:

- 08:00 – 23:00 Monday – Saturday
- 10:00 – 20:00 Sundays and Bank Holidays

3.3 To facilitate the proposed development, a temporary market is intended to be constructed within the northern part of the site to allow works to the main building to be undertaken and an indoor / outdoor market to still function within the locality (on land to the northern part of the site). Following completion of the works the temporary market could cease its use. The temporary market is the subject of a separate, currently undetermined, planning application, 2025/93197.

Rationale for the proposed development

3.4 The application has been submitted by Kirklees Council's Town Centres Team on the basis that Huddersfield Open Market is a key building identified in the Huddersfield Blueprint masterplan. The Open Market building is Grade II* listed and when renovated is expected to act as a new focal point and catalyst for growth for the north of the town centre.

3.5 The Blueprint acknowledges that it was no longer viable for Huddersfield to support two markets. The development would see the amalgamation of the Queensgate Market Hall to be redeveloped as part of 'Our Cultural Heart', a further key site contained within the Blueprint.

3.6 The Town Centres Team confirm that the initial Blueprint consultation was undertaken in 2018 and consisted of a number of engagement exercises with a follow up session in late 2019 after its launch. A 'Place Standard' exercise was conducted to benchmark public reaction to the approach and projects.

3.7 The Blueprint identifies the need for a market with a new street-food offer and improved mix of traders, to provide a modern attractive market, that also provides events space.

3.8 In light of the Blueprint, in June 2021 market research was undertaken by Public Perspectives on behalf of the Town Centres Team. Two key findings from this report were:

- '84% of residents agree with the Council's vision for the future of the market. (That vision is: *Kirklees Markets should be family friendly, safe, have social spaces which offer unique, personal, ethical shopping experiences alongside opportunities to test ideas, eat, learn and be entertained*).
- '93% of residents are likely to visit a future market in Huddersfield once the changes are made'

3.9 The Council vision for the project is to create a family-friendly, safe, and vibrant space offering ethical shopping, food, events, and community engagement. The building will be open more days of the week and for longer hours than the current arrangement. Restoring the building will ensure its long-term viability.

3.10 The redevelopment would be solely funded by Central Government through the Local Regeneration Fund (formerly known as the Levelling Up Fund). Kirklees Council was allocated £16.5million for this project in November 2023 with delivery by 31st March 2028 being a key element/requirement of the fund.

3.11 The development is anticipated to lead to the following key elements:

- Flexible indoor market hall with demountable stalls, hot food units, and café/bar spaces.
- Public realm improvements.
- Accessibility upgrades including level thresholds, assisted doors, and improved toilets.
- Integration with wider regeneration including George Hotel and railway station upgrades.
- Restoration of a historic building

3.12 It is envisaged that the redevelopment of Huddersfield Market will deliver significant public benefits by revitalising a key town centre asset.

4. RELEVANT PLANNING HISTORY (including enforcement history):

4.1 The planning history for the Grade II listed building and unlisted part to the south relates to planning and listed building consents for redevelopment(s) of the building dating back to the 1990s and 2000s.

4.2 The hardstanding area to the northern part of the site includes planning history for the extension of the car parking use (2000s), and advertisement consent for non-illuminated signs (1980s).

4.3 Of relevance in the consideration of this case is the associated application 2025/92444, which seeks Listed Building Consent for the development.

4.4 Also of relevance is application 2025/93197 which seeks temporary 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. This would ensure that a continued indoor and outdoor market offer is provided for the duration of the construction phase of the development.

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

5.1 In addition to the submitted plans the following documents have been submitted to support the application:

- Restoration and Repair Document (ref: HMH-GSA-XX-XX-T-A-1009) received 01/09/2025
- Energy Statement (ref: 25-01-0194 - Huddersfield Market - Energy Statement - Stage 3) received 01/09/2025
- Paint & mortar analysis (ref: 2021/22 rev.1) received 01/09/2025
- Assessment of designated and non-designated heritage assets (Aecom – dated February 2020) received 03/09/2025
- Planning Statement (ref: HMH-GSA-XX-XX-T-1010) received 01/09/2025
- Design and Access Statement (ref: HMH-GSA-XX-XX-T-A-1008revP01) received 03/09/2025
- Ground Investigation Report (ref: CCG-C-24-15006) received 03/09/2025
- Phase 1 Assessment of Land Quality (ref: 3644/16/E) dated 08/09/2025
- Land Quality and Coal Mining Risk Assessment (ref: J3644/16/EDS) received 08/09/2025
- Fire Strategy Report (dated 17th June 2025) received 01/09/2025
- Transport Assessment (ref: 618-25-1) received 01/09/2025
- Bat Emergence Survey Report (ref: 22853/Awe) received 03/09/2025
- Preliminary Ecological Appraisal (ref: 60613541) received 01/09/2025
- Biodiversity Gain Plan Exemption Form, dated 15th August 2025 received 04/09/2025
- Building Condition Survey (ref: 201153) received 04/09/2025
- Heritage Assessment (ref: 9214) received 08/09/2025

5.2 During the course of the assessment of the application, the following additional/amended plans/information was submitted for consideration:

- Drawing HMH-GSA-PR-00-D-A-0402RevP02 - Public Realm Proposed Plan with surface finishes.
- Drawing HMH-GSA-WC-XX-D-A-0415RevP02 - General Arrangement - Storage Compound Plan, Elevations and Sections as Proposed.
- Drawing HMH-GSA-ZZ-XX-D-A-0500-RevP02 – Public Realm Proposed Site Elevations.
- Updated Drainage Strategy (ref: 1036-SWA-XX-XX-T-C-004P01) received 20th November 2025.
- Document titled 'Waste Management Strategy Proposal' (ref: HMH-GSA-XX-XX-T-A-1017)
- Updated Noise Assessment (ref: 12671.1001 revC) received 18th November 2025

5.3 The changes reflect, predominantly, a reduction in extent of the proposed development although have seen inclusion of parcel storage lockers and a revised treatment externally, with a revised car park, external waste and storage areas and public realm. Specifically, the amended plans include:

- Omission of the 'Container Pavilion' and any associated services.
- Reconfiguring of Brook Street Car Park to provide 25no. spaces
- Introduction of a location for postal drop off / collection lockers.
- Omission of the independent trailer store.

- Waste storage compound to include storage facilities within same compound.
- New fixed planting and street furniture to the outdoor market pitches
- Change of Hostile Vehicle Mitigation (HVM) droppable bollards for swing gates.

5.4 These amended plans were subject to further publicity and advertisement by site notice and in the press which expired on 19th December 2025.

5.5 Following on from the above, other information has been provided, specifically the following:

- Details of Hostile Vehicle Mitigation Measures (swing barrier and static bollards) (received 27th November 2025)
- Details of the intended parcel locker (received 27th November 2025)

5.6 This other information was not considered to significantly alter the scheme / provide further detail which was necessary to require publicity further to that already undertaken.

5.7 Within this email it is also confirmed that the use of the Hostile Vehicle Mitigation would be undertaken as follows:

- Byram Street / Northumberland Street junction: Barrier / Gate is Terra Ultimate 180 Swing Barrier and Shallow Static Terra Jupiter Bollards for the Secure Line
- Byram Street / Brook Street Junction: Barrier / Gate is Terra Ultimate 180 Swing Barrier and Shallow Static Terra Jupiter Bollards for the Secure Line
- Back Street / Lord Street Junction: Terra Quantum Manual Rising Bollards
- Lord Street Market Entrances: Either the Terra Quantum Manual Rising Bollards or Venus fixed bollards.

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:

- Huddersfield Conservation Area
- Huddersfield Principal Town Centre and associated primary shopping area
- Secondary shopping frontage to Byram Street, Brook Street and Lord Street (to the north, east and west of the Market Building).

6.3 In addition, the site is subject to the following constraints:

- Air Quality Management Area (AQMA no.9).
- known presence of nesting birds (swifts)
- Coal Authority high risk area in relation to ground movement as a result of former mining activity.
- Potentially contaminated from its former use (site reference 211/9).

6.4 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.

6.5 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
- **LP16** – Food and drink uses and the evening economy
- **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

6.6 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.

6.7 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 & Beautiful 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

6.8 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.

Supplementary Planning Documents / Guidance

- Kirklees Highway Design Guide (adopted November 2019)
- Kirklees Waste Management Design Guide (2020)
- Kirklees Hot Food Takeaway SPD (2022)
- 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

6.9 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.

6.10 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 initial expiry date of the publicity period was the 17th October 2025. Following a further period of publicity (after receipt of amended / updated plans), the expiry date of the further round of publicity was 19th December 2025.

7.3 Fifty-eight (58) letters of objection to this application have been received. The representations have all been in objection raising the following summarised observations / concerns:

Impact on current operators

- The current market is vibrant, holds great character, is extremely accessible, serves a very wide variety of communities and attracts overseas visitors due to its heritage.
- Increase of visitors / users / traders since 2020/2021, currently a thriving enterprise.
- Following covid it has taken a long time to restore the activity to previous levels
- The number of stalls will be reduced
- Current configuration is better than that as proposed
- Town centres are increasingly becoming ghost towns which the market is currently not and goes against this trend
- There does not appear to have been 1 – 1 consultations with stallholders undertaken
- Demise in treatment of customers / stall holders
- No consultation properly undertaken, outcome of existing consultation needs to be detailed and explained
- Reduction in stall numbers from 120 to 64 will force existing traders, such as those of auto jumble, out
- Traders will likely be priced out and unable to use the new market leading to redundancies which is not fair
- People visit from overseas, proposal will reduce its attraction and impact on all businesses in town centre
- Two busiest days are the 2nd hand market days
- Current planning policies are driving people away from the Town Centre, which this proposal will exacerbate
- Autojumble events contribute as a fundraiser for Yorkshire Air Ambulance

Visual Amenity

- The design will remove the character of Huddersfield Open Market.
- Entire design will lose character

Access and Highway Safety

- Bottleneck will arise for users within the reduce number of access points
- Impact upon access
- Access for stall holders seems constrained

Impact on existing Market & wider economy

- The proposal would reduce the number of visitors to Huddersfield and will impact on all businesses within the town centre.
- Impact upon existing operators businesses
- Closure for 18 months (or longer) would disrupt hundreds of livelihoods and end the market in its entirety
- Will people return follow closure as they will need to undertake alternative trading elsewhere
- Traders more likely to not use temporary market and not be present following the developments completion
- Catastrophic impact of closure upon economy, social cohesion / community facilities.
- Proposed temporary market is unfeasible and unable to accommodate the existing operations
- Events area will not be used regularly
- demolition and rebuilding of 5 café units and 5 retail units serves no purpose
- Intention to try open businesses such as butchers, fishmongers, and greengrocers has previously been unsuccessful due to lack of demand
- Supermarkets are preferred for certain goods, the proposal would not reverse consumer habits
- Money would be spent on a scaled down version of what exists already
- The redevelopment should not solely be for the Council to increase revenue
- Proposal appears to be gentrification of this part of Huddersfield
- Funds should be spent of preserving the existing rather than rip out existing and replace with expensive imitations.
- Cost of the proposal (16.5 million) would be better invested in creating more stalls not less
- Developments at Dewsbury and Wakefield ruined those markets

Consideration that alternative schemes would be better suited

- Existing market is the envy of other towns
- Refurbishment / cosmetic updates should be undertaken with the existing market remaining operational as was previously done
- Retention of stall space(s) is a better option
- Could introduce a farmers market
- Work pods could be accommodated elsewhere in Huddersfield such as media centre which has been badly managed
- The development appears to be mainly a food court building
- Utilising other empty buildings such as former BHS is an option
- Commitments of the cabinet report of 12th March 2024 do not appear to have been carried through into the current proposal (specifically paras 2.8, 3.2 & 3.3).

Third party Representations

- 160+ traders have signed a petition opposing the closure
- No traders have voiced support for the proposal

Impact of the Temporary Market

- Stall holders depend on nearly all stalls trading in all weathers
- Changing the location would ruin the enjoyment people get from the market
- Experience of other markets has shown what can be planned to take 6 months temporarily can take 3 years.

Accessibility

- The proposal would reduce the character, the soul, and the community spirit of the existing market
- Dining / café not being sited at ground floor level will effectively lock out users with accessibility issues
- If approved development will destroy the one vibrant, authentic thing this town still has
- Focus on bringing businesses back than driving out existing

Safety and Security

- Siting 40 stalls near Tesco shows lack of local knowledge as that area is affected by anti-social behaviour issues
- Covered outdoor stalls will attract users for anti-social behaviour activity and drive away custom

Sustainability

- Loss of second (2nd) hand market will see less sustainable development through reduction in re use of items

Loss of a Social Hub

- The market is a social event for many retired visitors.
- Existing events need to be accommodated.
- The market is one of the best antique markets outside London and has visitors from across the Britain attend.
- Offer from the market is currently better than other markets with low prices and wider range

Impact on the Grade II Listed Building

- Preserving a listed building is key policy objective on both cultural and historic basis, the proposal should preserve and not destroy the heritage of the building

Concerns Relating to Ability to Make Representations

- Disturbing to not be able to object via the Councils website and only able to do so via letter or email
- No objections displayed online, which is disturbing

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 Highways Development Management (KC HDM):** Response received 29th December 2025, within which they note the submission of a Transport Assessment and confirm that with regard to trip generation, it is not considered that the proposals would increase the number of trips to the extent that would constitute a severe impact upon the operation / efficiency of the local highway network.
- 8.3 The Transport Assessment indicates that there were no collisions recorded around the area of the market. Subsequent analysis by the KC HDM indicate that there was a single recorded injury accident collision on Brook Street in September 2024, however it is not considered that the development proposals would exacerbate the occurrence of this type of collision.
- 8.4 Officers state that any works to be carried out on the highway will require to be regularised by a s278 agreement with the Local Highway Authority and must include any changes to road geometry/kerb lines etc, HVM bollards and barriers and any changes to surfacing and recommend. A footnote advising of this requirement is recommended to be attached should planning permission be approved.
- 8.5 The consultation response goes further to advise that alterations to the car park will need to be approved by the Kirklees Town Centre Parking Team. They state any loss of parking has the potential to increase demand for the existing pay / display car parking provision. They recommend that an access management plan be submitted (and secured by condition) to ensure use of the loading bays upon Lord Street are not utilised for general parking.
- 8.6 In relation to swept paths, the submitted drawings are noted by KC Highways Development Management. They state that to ensure an 11.85m sized refuse vehicle can adequately access, a further swept path analysis plan should be submitted and recommend this is secured by condition.
- 8.7 The existing Traffic Regulation Orders (TROs) are referenced by KC HDM, and it is noted there would be alterations to these to allow for road closures for longer period of time and also that these will be ensured by utilising the proposed Hostile Vehicle Mitigation (HVM) swing gates. These would be in place at each end of Byram Street and across Brook Street. KC HDM state an access management plan will need to be submitted detailing use of the barriers, responsibilities for their management, measures to ensure emergency & delivery vehicle access and maintenance. A condition is recommended to ensure adequate arrangements are in place.
- 8.8 The postal lockers are expected to generate some trips, with a short term parking requirement ensuing. KC HDM raise the concern of close to / full capacity use of the car park and recommend that monitoring / suitable mitigation (if needed) be in place. They state this can be addressed as part of the recommended condition relating to the submission of an access management plan.

- 8.9 Turning to cycle parking, KC HDM note that cycle loops are to be introduced within the market area which will provide some short stay cycle parking. Longer term cycle storage for traders / workers would ideally be incorporated although it is acknowledged space restrictions impact upon the potential for such provision.
- 8.10 A Construction Access Management Plan is considered necessary to be in place prior to development commencing and a suitably worded condition is recommended to secure this should planning permission be approved.
- 8.11 **KC Environmental Health (KC EH):** Response received 1st October 2025. They state that the Phase One Desk Study by Rogers Geotechnical Services Ltd dated October 2016 (ref: J3644/16/EDS), whilst historic, is accepted given the site has remained a working commercial market since the date of the report.
- 8.12 In relation to the submitted Phase II assessment, KC EH set out that this information demonstrates that pathways exist in relation to soil contamination, ingestion and inhalation, indicating the need for remediation. This is accepted and it is recommended land quality conditions are attached should planning permission be approved.
- 8.13 In relation to noise, KC EH note the submitted Noise Impact Assessment authored by Apex Acoustics dated 21 August Ref 12671.1001 RevB. They confirm this report evaluates the potential noise impacts from fixed mechanical plant, amplified events, and traffic movements associated with the proposed redevelopment using BS 4142 for plant noise, DMRB criteria for traffic noise, and the 'Code of Practice for Environmental Noise Control' at Concerts.
- 8.14 Noise modelling has been conducted based upon library data for a music bar and the resultant figures indicate a low impact. KC EH state that this is assumed to be based on all doors being kept closed and requested this be clarified in their response of 1st October.
- 8.15 In addition, comment is made that access / egress be restricted to Lord Street and Brook Street and that there is an identified noise sensitive receptor at Brook Street. It is queried what noise breakout from access/egress will have on this occupier in their response of 1st October.
- 8.16 The market hall is highly reverberant, and the author caveats the report in para 7.13 by stating the results should be verified during the first few events at the identified noise sensitive receptors to determine if internal reverberant noise levels in the Open Market Hall must be limited at the Front of House, for certain frequencies.
- 8.17 Traffic noise has been assessed based upon the details within para 8.5. This is an already established market in the town centre area and no new noise source will be introduced. The assessment shows a negligible impact, well below levels that would cause adverse effects on residential amenity and appropriate for the established commercial character of the area. No specific traffic noise mitigation measures are required but comment is made that operational management, including restricted delivery hours and designated

loading areas, will help minimise potential impacts on nearby residents even further.

- 8.18 Within KC EH 1st October 2025 response it is concluded that, in relation to noise, the findings of the report thus far are accepted however clarification is required before they can fully accept the report and recommend any subsequent conditions. A condition restricting events to run no later than 23:00 and a condition requiring submission of a 'Construction Environmental Management Plan' to be agreed in writing with the LPA (prior to commencement) is recommended within this response. Furthermore, conditions requiring submission / implementation of a remediation strategy and submission of a verification report are recommended within this response.
- 8.19 Following on from this, additional information has been submitted (Noise Impact Assessment authored by Apex Acoustics dated 21 August Ref 12671.1001 RevC). The KC EH have reviewed the submitted document and recommend conditions in relation to noise. Specifically, they recommend conditions relating to submission of a further noise assessment in relation to operating events and which restricts noise levels for events and plant and machinery from the site. Informative notes are also recommended for inclusion in relation to noise and land quality.
- 8.20 **KC Designing Out Crime Officer:** No objection, recommendations of measures to reduce the potential for crime / anti-social behaviour have been provided.
- 8.21 Following review of the amended scheme, the Designing Out Crime Officer has stated that a divider at the halfway point of external seating would prevent use as a 'daybed'. They also provide recommendations in relation to the security standard for cycle storage, lighting and CCTV provision for the development and measures to prevent easy access to the storage / waste compound.
- 8.22 **KC Conservation & Design (KC C&D):** Response provided 12th December 2025, which identifies that the building is Grade II Listed, dated 1887-9 by architect RS Drydale, Borough Surveyor with ironwork by Whessoe Foundry Company of Darlington constructed of cast iron, with cast iron columns with elaborate foliate capitals, decorative patterned pierced girders, glass canopies and heraldic ornament.
- 8.23 Reference is made to the submitted documents, and the Heritage Statement, in particular the reference to Historic England which sets out that London examples of significant markets are rivalled only by those of northern industrial towns including Huddersfield.
- 8.24 KC C&D note that the market building has retained many original details, alterations to stall arrangements within the building over time to adapt to changes in management and the need for this flexibility is acknowledged within their response. The design of the market building is identified as being that which allows for flexibility to cater for traders. Essential repairs and updating of toilet facilities, services, automated glazed openings are needed and flexibility of stalls/spaces and event space is acknowledged as key to ongoing vibrancy and improving visitor numbers. Stall designs include some fixed stalls and some allow for conversion into seating to complement the food offer.

8.25 The Core cast iron structure and other significant elements will be repaired. Other items of lower or negative significance are identified as being enhanced. It is noted that the amended scheme removes the container structure. Further comment in relation to the various elements of the scheme, are provided, as follows.

External elevations

8.26 KC C&D advise that the removal of solid external shutters will enhance the visual appearance of the listed building, with potential for vandalism being able to be reduced by use of strong glass, CCTV, illumination, surveillance and other security management systems.

8.27 They go on to advise that the new metal framed glazed screen system with entrance doors suit the entrance hierarchy of the building with wide doors for loading on market days has been designed to suit the existing design as far as practicable and is considered to be acceptable.

Paint colour scheme

8.28 It is acknowledged that a very comprehensive paint colour analysis research has been undertaken, and one of the earliest periods of continuous red paint colours has been selected which is considered to be acceptable and will enhance the appearance in line with historic evidence. The new features which are not original or historic are identified as being improved through paint of a more discrete or subtle colour so attention is not drawn to those features being undertaken.

8.29 KC C&D set out that areas such as the market Office perforated decorative metal panel and means of enclosure would benefit from being of a more subtle colour finish such as beige/greys.

Public Realm

8.30 Enhancement of the public realm is identified by officers and welcomed, they state they encourage the retention of natural stone materials and use of new natural stone where possible or the use of a similar colour palette, texture and finish materials (buff colours or greys are preferred). They note this appears to be the theme for the proposal and the use of soft landscaping, appropriate street furniture and lighting is considered to enhance the area with the demountable stalls.

8.31 The finish of the compound external elevations should use appropriate colour finishes. The green Sedum roof is acceptable, and side cladding could use subtle colour finishes (green/beige/grey/blacks rather than red).

Further required details

8.32 Within their response, KC C&D state that further details should be submitted to confirm details of materials including that of the perforated metal curtain wall panels to allow for ventilation, materials used in the hard landscaping and street furniture.

- 8.33 **KC Waste Strategy (KC WS):** Response provided 23rd September 2025, which sets out a number of considerations that need to be accounted for in relation to waste storage and presentation and also refuse collection / vehicular access. A pre-commencement condition is recommended by KC WS which requires details of the management and maintenance of refuse storage areas by a designated private management company and access for waste crews to be approved in writing by the LPA and the approved scheme implemented prior to the development being brought into use.
- 8.34 Following their further consultation in relation to the amended scheme, the Waste Strategy Team confirm their initial comments remain relevant and seek an update to section 4.8 of the 'Access and Building Strategies' to confirm that the new proposal is acceptable to the Waste Collection Authority (WCA).
- 8.35 Subsequently, an updated waste strategy has been submitted (Waste Management Strategy Proposal ref: HMH-GSA-XX-XX-T-A-1017 received 12th December 2025). This has been reviewed by the KC WS and confirmed by them as being acceptable.
- 8.36 **KC Ecology:** Response received 16th September, whereby they confirmed that the Preliminary Ecological Assessment details that the site has a low potential for roosting bats, they confirm they considered it highly unlikely the building contains roosting bats. They state that nesting birds are noted as a concern and recommend an informative be included which restricts works to outside bird nesting season, or that an ecologist undertakes a suitable assessment if works are intended to be undertaken during bird nesting season.
- 8.37 Within their response KC Ecology set out that the site is predominantly hardstanding, and no vegetation is to be removed. 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).
- 8.38 **West Yorkshire Archaeology Advisory Services:** Response received 11th September 2025 whereby they confirm that the proposed works to the building are designed to respect the existing structure and its historic significance while impact on below ground archaeology should be minimal. They confirm that no archaeological works are considered necessary in this case.
- 8.39 **The National Amenity Societies:** Response received 1st October 2025, in reference to the submitted Listed Building Consent application (ref: 2025/92444), within which they set out that they consider there to be a design issue. Specifically, the design of the glazed and metal infill panels that will enclose the market at street level. They go on to explain that one of the key architectural features is the continuous tiers of round-arched lights that extend along each frontage and the glazing bars / mullions to the new infill glazing below should correspond to that pattern of lights above. They note that most align, but some, such as the mullions marked '2' on the plan for 'Proposed Elevations Sheet 1', do not and the modern jars with the old and is visually distracting. They recommend that bespoke width doors and glazing panels match the pattern of the lights above.

- 8.40 **Victorian Society:** Response received 3rd October 2025, whereby they state they echo the 1st October 2025 response of the National Amenity Societies and consider the redesign of the infill glazing would minimize this element which has an unsympathetic visual rhythm and the importance of respecting the historic window pattern.
- 8.41 **Historic England:** Response received 30th September 2025. Within their response the significance of the building is detailed. Not only is the significance of the built form referenced, but also the fact the market is animated by the freestanding stalls and the intangible aspects of market going which are considered to bring this building to life. The significance of the listed building is identified as being with the special appearance of the cast iron structure and its decorative design, and the communal values it possesses with it remaining to be used as a market.
- 8.42 The impact of the development is set out in their response. With reference to the interior specifically, Open Market retains a very open character with some fixed units around the edge of the building. The additions of the self-contained units will cause some harm to this significance through eroding some of the open space and contributing to some visual impermeability which modern additions presently have also contributed to. The continued use of freestanding, collapsable market stalls continues the building's primary function thus therefore largely preserving the functional element of the building's significance
- 8.43 In relation to the exterior, repainting based on a historic paint analysis will to some extent enhance the significance of the listed building. Reference is made to paint schemes reflecting changes through the lifetime of the building up to the present day, although the overall conclusion by Historic England is that reversion to a historic colour scheme could also be considered an overall enhancement. The opening up of the perimeter fixed units is considered to be an overall enhancement to the significance of the listed building by means of increasing the visual permeability into the market and therefore increasing that sense of openness even whilst viewing the building from outside.
- 8.44 The conversion of the existing extension, which is the annexe within the submitted scheme, would have some impact on the layout of this part of the building however would not necessarily impact the significance of the main market hall.
- 8.45 Historic England confirm that they consider the proposed public realm works would have a positive impact on the significance of both the Open Market, via its setting, and of the Huddersfield Conservation Area by improving the appearance of the road and pavement surfaces surrounding the listed building.
- 8.46 Overall, Historic England confirm they are supportive of the proposed development at Huddersfield Open Market. They identify that there would be a small amount of harm to the significance of the listed building caused by the construction of the hot food counters with mezzanines which breaks up some of that sense of volume and openness. They conclude that these new units are well detailed, provide a new offering for the market contributing to creating a more flexible space whilst keeping its role as a market at its core. Changes to the paint are based on a robust evidence base and they consider that this raises no concerns.

8.47 In relation to the public realm improvements and additional parking will improve the setting of the listed building and the character and appearance of the conservation area directly.

8.48 Historic England conclude that they are supportive of the principle of the development and recommend the LPA ensure it is content with the finer details and weigh any identified harm against the public benefits which are perceived to arise from this scheme.

8.49 **The Mining Remediation Authority:** Response received 29th September 2025. Within their response reference is made to the submitted Ground Investigation Report (May 2025, prepared by CCG Ltd), which confirms site investigations across the site. They confirm that on the basis of the report which confirms that no voided ground associated with shallow coalmine workings were encountered and that the site is minerally stable, they have no objections to the development.

8.50 The responses of the above consultees are discussed in greater length within the 'Assessment' section of this report.

9. MAIN ISSUES

- Principle of development
- Heritage and Design
- Impact on Residential Amenity
- Impact on Highway Safety
- Climate Change
- Other Matters (specifically the following):

Safety and Security

Air quality

Archaeology

Ecology

Drainage

Land Quality

Land Stability

- Representations
- Conclusion & Recommendation

10. APPRAISAL

Principle of development

Sustainable Development

10.1 The application site is within Huddersfield Town Centre / Conservation Area.

10.2 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.

- 10.3 The dimensions of sustainable development will be considered throughout the proposal. 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 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.
- 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 The existing building is, in part, allocated as a secondary frontage, which relates to frontages within and adjacent to the Primary Shopping Area in Principal and Town Centres. Parts A – C of policy LP14 is relevant and sets out that proposals for retail and other main town centre uses will be acceptable provided they meet the requirement of criteria A (having regard to criteria B and C. The criteria being the following:
- A) whether the proposal would lead to a dominance of non-retail uses in a particular frontage which would undermine the retail core and function of the Primary Shopping Area;
 - B) the nature of the proposed use, including the associated level of activity, hours of operation, whether a shop front would be incorporated and whether it would complement neighbouring uses; and
 - C) in all cases proposals and changes of use shall seek to either retain, enhance or replace to improve shop front design and layout
- 10.10 Turning to policy LP16, this seeks to ensure the concentration of food and drink and licensed entertainment uses are not located in a particular centre or part of a centre, where they would result in harm to the character, function, vitality and viability of the centre, either individually or cumulatively. Criteria A – G of this policy sets out the considerations in respect of this policy which

includes the number of other similar establishments, noise / odour impact, potential for anti social behaviour to arise as a result of the use(s), highway safety and servicing, provision for refuse collection / storage and appearance of any associated flues / installations.

- 10.11 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.
- 10.12 Submitted drawing reference 0410revP01 demonstrates that the market would incorporate two self-contained units (self-contained Unit 01 and 02 as annotated on the plans). These would front on to Byram Street, which is a Secondary Shopping Frontage. On the basis that Unit 01 was required to be for a use within Class E(a) of the Town and Country Planning (Use Classes) Order 1987 (as amended), it is considered that it can be ensured that this stretch of Secondary Shopping Frontage would remain such that non-retail uses in a particular frontage would not dominate.
- 10.13 This conclusion is drawn on the fact that Unit 01 would incorporate an active shop frontage. The proposal would see a drinking establishment to part of the ground floor space, which is at the corner of Byram and Brook Street. This would see part of the frontage being utilised as a non retail use.
- 10.14 The remaining frontage would be glazed and would allow access at various points, incorporating a number of new shop frontages. The access points would serve to allow access to the main building which would accommodate market stalls which are both a mix of more permanent and temporary stalls.
- 10.15 The development does incorporate areas of open spaces, and connections to them, and would be inclusive and provide urban green infrastructure as well as see a refurbishment of the building to incorporate more traditional shop fronts. The existing building has a number of security features (shutters) incorporated into the building which are not of a sympathetic design and these would be removed as part of the overall scheme which is seeking to regenerate key historic features of the town centre.
- 10.16 The development would see a building which is currently in a mix of Town Centre uses in a town centre location, developed such that it would provide an increased mix of uses, and a diversified offer whilst retaining the core operation as a market.
- 10.17 On the basis that any grant of permission ensures (via appropriately worded condition) the use of Unit 01 is restricted to a retail use only, it is considered the principle of the development and uses sought is acceptable and the development would comply with the requirements of policies LP13, LP14, LP16 and LP17 of the Kirklees Local Plan as well as policies within Chapter 7 of the National Planning Policy Framework.

10.18 These conclusions in relation to the principle of development are drawn on the basis that the impact of the development upon the character and appearance of the area, impact upon the historic environment, access and highway safety, residential amenity and all other relevant considerations is concluded to be acceptable. This is discussed in further detail in the following report.

Heritage & Urban Design issues

10.19 Policy LP24 of Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design.

10.20 Policy LP25 of Kirklees Local Plan details that new or replacement shop front units and display of advertisements will only be permitted if the design is consistent with the character of the existing building in terms of scale, quality and use of materials, respect the character of the locality and are designed to be in scale, in its depth and width, with the façade and street scene of which it forms part.

10.21 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.

10.22 The building subject to this application 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'.

10.23 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. This is echoed within policy LP35 of the Kirklees Local Plan and Chapter 16 of the NPPF.

10.24 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 weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

10.25 The scheme has been amended to reduce the extent of the development, specifically the removal of an external area which would have incorporated containers. The proposal would see the alteration of the existing building, and the development of external areas. The layout demonstrated upon submitted drawing reference 0402revP02 identifies that there would be a storage compound in the location of the existing storage compound.

- 10.26 Drawing reference 0415revP02 further details the extent of the storage compound, outlining that it would be largely screened by a 2.4m high galvanised steel structure with timber infill. It is recommended that should planning permission be approved, a condition be attached to secure the finalised details of the boundary treatment / means of enclosure is recommended. On the basis of the inclusion of this condition and taking into account the existing waste storage arrangements it is considered that the proposal would have an improved impact by screening what is currently an open waste storage area to this section of the existing car park.
- 10.27 The submitted layout plan further details a revised car parking layout and area which would be used for external stalls and the siting of postal lockers adjacent to the multi-level car park adjacent to this part of the site. The siting of benches, raised planters, bollards, bicycle stands, vehicle access restriction gates and a trading pitch area are detailed on this plan.
- 10.28 The proposal would see a number of surfacing works to the existing building and wider locality. In the event that planning permission is approved, it is recommended that conditions be attached for the finalised means of enclosure, materials relating to the planters, design of the storage lockers and resurfacing materials are submitted to the LPA for written approval. On the basis of inclusion of these conditions, and having regard to the responses of consultees, it is considered that these elements of the scheme would have an acceptable impact and would not lead to substantial harm within the Conservation Area or to the setting of the listed building.
- 10.29 It is considered a requirement that there are electric vehicle (EV) charging points included as part of the development (discussed in more depth in the 'Air quality' section of this report at paragraph 10.86 onwards). A number of spaces are indicated to accommodate such infrastructure. To ensure the visual impact of this infrastructure is acceptable, in the event that planning permission be approved, a condition is recommended which requires details of the appearance of EV charging points is submitted to the LPA.
- 10.30 Drawing 0651revP01 shows the internal elevations of the mezzanine for Units 1 and 2 (shop and café / bar). Structural details of the mezzanine are provided within the submitted plans. The details as provided are considered suitable, however it is considered that the finalised materials of construction and colour finishes should be secured via condition to ensure the listed building is not detrimentally affected by the use of poor quality / unsympathetic materials and colour finishes to the mezzanine additions. Given these elements are internal to the building they would be controlled by a suitably worded condition in place upon any grant of the associated Listed Building Consent (2024/93444).

- 10.31 The response of consultees is taken into account as well as the extent of the submitted detail. The overall impact of the development is considered to be one which will not lead to harm to the listed building / conservation area and would have an acceptable visual impact. The proposal is considered to complement the existing building and seeks to enhance the building with complimentary features and design including a greater use of glazing at ground floor level where there are currently closed steel shutters. On the basis of the inclusion of the conditions previously outlined, the proposal would have an acceptable visual impact with respect to the aforementioned elements of the scheme.
- 10.32 A lighting proposal plan is shown within plan Market Hall and Annexe Lighting Proposal Plan, reference 0490revP01. This details all intended internal lighting including feature pendulum lighting for general lighting, heritage style to match existing with LED lights, up lighting to roof soffit, linear fitting, directional spotlights above mezzanines, located in same position as heritage type pendant lights, 2x spotlights mounted just below the decorative capital to pick out the capital details, feature pendant LED to Annexe and linear LED lighting to perimeter frieze, washing light up internally.
- 10.33 Furthermore, drawings 0591revP01 & 0590revP01 detail the external lighting scheme, consisting of spotlights mounted behind annexe building parapet, linear perimeter frieze lights and a number of spot lights to elevations facing Byam Street / Lord Street.
- 10.34 The submitted lighting scheme is considered to be of the scale which is typically expected to be required. A finalised design of the lighting to be installed is recommended to be included as a condition of any approval to ensure the visual impact of the lighting is acceptable. This is also recommended to be included upon any grant of the associated Listed Building Consent given that some of the lighting would be installed internally.
- 10.35 The scheme will see a comprehensive overhaul of the existing building. The proposal will increase the use of glazing, creating main entrance points and two self-contained units. The submission has set out the overall design strategy, with the intention for the new shopfronts of the building to be a colour finish (red) similar to that of the building as originally constructed.
- 10.36 The response of consultees is detailed earlier in this report within Section 8. The Conservation and Design Team have stated that the Design and Access Statement confirms the philosophy of minimal intervention and reversible adaptations where possible, removal of modern interventions that are harmful to the significance of the listed building such as faux timber shop fronts, and the making good of historic fabric revealed. They go on to advise that the conclusions of the Heritage Impact Assessment state that all works will involve no harm and overall there will be enhancement to the listed building and Conservation Area, and they concur with this.
- 10.37 No objections have been received from other heritage consultees (Historic England & The National Amenities Society). Whilst further consideration to the design has been recommended by The National Amenities Society, and consideration of these given by the applicant, the extent of the development is considered in light of the existing building and previous interventions

undertaken, as well as the securing the longer term viability of the building as a result of the works. Access to the building is such that there would be an impact upon accessibility for all users were the design as recommended by The National Amenities Society be incorporated. Finally, the proposal is considered light of the responses of consultees who set out that there is a beneficial impact resulting from the proposal and that there would be a small scale reduction in terms of harm resulting from previous works undertaken to the building.

10.38 Subject to inclusion of the recommended conditions and taking account of the detail submitted, on balance it is concluded that the proposed development would have an acceptable impact upon the existing building and wider locality, respecting the historic nature of both and ensuring that there would be no harm to heritage assets arising from the development.

Impact upon Residential Amenity

10.39 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 occupier.

10.40 Policy LP16 and policies within the Hot Food Takeaway SPD are also of relevance given the intention for hot food takeaway(s) within the listed building.

10.41 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"*.

10.42 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.

10.43 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

10.44 The application has been submitted with accompanying assessments of noise, detailed earlier within this report. These have been reviewed by the Council's Environmental Health Team.

10.45 It is noted that there are residential occupiers in proximity to the building and it is anticipated that the development would lead to an increased level of activity. There will be a level of noise and disturbance already associated with the building and wider site, particularly given the town centre setting.

10.46 It is considered that given the potential for works undertaken during the construction phase, and the extent of such works which would include large areas of resurfacing, it is reasonable and necessary for a condition to be imposed upon any grant of permission controlling the impact of the proposal upon the amenity of neighbours during the construction phase of the development. This would be ensured by inclusion of a condition which requires suitable noise and dust mitigation measures to be in place throughout the entirety of the construction phase.

- 10.47 The hours of use of the building are indicated, within the Application Form, to be 8am – 11pm Mon – Saturday and 10am – 8pm on Sundays and Bank Holidays. Weight is afforded to the fact the existing operations from the site are not restricted by hours of use, and that there is likely to be an intention for the use to be undertaken on Sundays / Bank Holidays given there is scope for wider events to take place due to the fact of the town centre location. Having regard to the noise mitigation / control measures recommended by the Environmental Health Team it is considered a proportionate approach that the hours of use are restricted to 8am – 11pm, with servicing and loading / unloading activities restricted to between 8am and 6pm given such activities have potential to have a greater impact as they would be undertaken externally.
- 10.48 The impact of plant and machinery is considered able to be suitably controlled by the inclusion of conditions restricting the noise output in relation to the background noise climate. A condition requiring this is the case is recommended.
- 10.49 The proposal would see a number of events taking place, these are unspecified given they are not entirely known in terms of number / frequency. The Council's Environmental Health Team have considered this fact, and in light of the submitted detail consider that suitable conditions can be reasonably imposed to ensure that the impact of the proposal as a result of events taking place is suitably mitigated. The mitigation would see a requirement for submission of a noise assessment (and measures to be incorporated, if necessary) following the first two events taking place. This would allow for suitable monitoring during the first two events to inform the noise assessment which is subsequently submitted.
- 10.50 In addition, further noise mitigation as a result of events would be ensured through inclusion of a condition requiring the noise levels to not exceed specified levels.
- 10.51 Weight is afforded to the existing use of the site, which can take place on a 24 hour basis in any case as a market. The submitted detail and the response of the Environmental Health Team is also weighed in the planning balance, and it is concluded that suitable noise controls can be secured by conditions such that the impact of the development in this regard would not be detrimental to the residential amenity of neighbouring occupiers.
- 10.52 Similarly, the construction phase of the development, whilst likely to lead to a level of noise and disturbance, can be mitigated to some degree by the imposition of a condition requiring a construction environmental management. Furthermore, this phase of the development would not be for a significantly prolonged period.
- 10.53 With regard to odour, it is noted that the proposal would see the inclusion of plant and machinery which is linked to odour extraction. There are currently operations at the site which include the requirement of a means of extraction. Given the distance of the building from neighbouring occupiers, and the fact plant and machinery to incorporate means of extraction are proposed, it is concluded that the impact of the proposal in this regard would not be significant.

- 10.54 The proposed storage lockers are located in an area which is not close to residential properties, and whilst it would allow for 24 hours use with the associated visits by users of the locker, it is considered it would not have a significant impact as a result of noise and disturbance given it would be sited within the area which is adjacent to a multi storey car park and the car park / open space associated with the market.
- 10.55 It is therefore concluded that, on the basis of inclusion of the recommended conditions, the proposal would have an acceptable impact in terms of the residential amenity of neighbouring occupiers and would accord with the aforementioned policies.

Impact upon Highway Safety

- 10.56 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.
- 10.57 Swept path analysis is provided within submitted drawings 110revP04, 111revP04, 112revP04, 113revP06, 114revP03 and 115revP03. The drawing titled 'Fire Strategy Site Plan as Proposed' ref: 0810revP01 demonstrates access for a fire tender to the site.
- 10.58 Highways Development Management have stated they have no objection to the proposed development within their consultation response of 29th December 2025 however recommend a number of conditions be in attached should planning permission be approved.
- 10.59 Weight is afforded to the fact the existing use of the site is not restricted in terms of hours of use nor the access / management arrangements, other than that which relates to the existing Traffic Regulation Order (TRO) which is in place and sees access for vehicles restricted.
- 10.60 The proposal would introduce measures to ensure access for vehicles is more strictly controlled during operational hours, specifically the use of a swing gate across the highway. This also acts as an increased safety measure to restrict hostile vehicle access in proximity to the site (where currently there is no such measure(s) in place).
- 10.61 The use of the swing gates would, to some degree, restrict pedestrian / cycle access however this is balanced against the increased security and also the fact that such measures allow for pedestrianised areas to be created. The impact of the proposals upon access is therefore concluded to be acceptable in this regard.
- 10.62 The extent of cycle parking is similar to that which is available at present. Whilst it would be of benefit for cycle parking to be present which is also suitable for longer term use it is considered that having regard to the existing situation and the fact that to incorporate such parking is difficult to accommodate, on balance, it is considered the proposal is acceptable in terms of the extent of cycle parking proposed.

- 10.63 Given the submitted detail within the plans and the Waste Management Strategy Proposal (ref: 1017 received 12th December 2025) as well as the response of consultees, it is considered waste can be suitably controlled by the inclusion of a condition requiring waste management to be in accordance with the submitted strategy.
- 10.64 The recommended conditions set out within the KC HDM response, relating to an access management plan, details of construction phase access arrangements and also submission of a further swept path detail in relation to refuse vehicle access are considered to be reasonable and proportionate to the development proposal. Whilst weight is afforded the existing operations undertaken at site, it is considered that the introduction of the Hostile Vehicle Mitigation gates, and also the reconfiguration of the waste storage areas is such that inclusion of the recommended conditions is reasonable and necessary in this case. Similarly, the extent of works to be undertaken including resurfacing works is considered to be such that a requirement of details of the construction phase of the development is not unreasonable.
- 10.65 The proposal would introduce further formalised measures to increase periods when streets surrounding the site are pedestrianised. The town centre location is such that vehicular parking is already restricted, although access links to the site from a number of public transport methods are a positive. The introduction of the parcel locker is not envisaged to significantly impact highway safety given a large number of users of the facility are envisaged to be linked trips on foot by people using the town centre in any event.
- 10.66 Having regard to the responses of consultees and the nature / extent of the development proposal it is concluded that subject to inclusion of the recommended conditions the proposal would be acceptable in terms of impact upon access and highway safety.

Climate Change

- 10.67 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.
- 10.68 The application has been submitted with an accompanying Energy Statement which outlines and considers carbon reduction technologies to be included as part of the development. In particular the statement considers use of air source heat pumps as a viable option.

- 10.69 Solar PV is discounted on the basis of the impact it would have upon the structural integrity of the roof, it is considered there are also concerns to use of such a carbon reducing technology in terms of impact upon the historic asset / Grade II listed building and when coupled with the structural impacts it is considered discounting of this is a welcomed approach.
- 10.70 The Air Source Heat Pumps would be sited within the building, with vented surrounds, which would allow their operation whilst remaining predominantly screened from view. These would contribute to reducing the carbon emissions linked to the development. Furthermore, it is recommended that the reconfigured car park be subject to condition requiring provision of electric vehicle charging infrastructure.
- 10.71 On the basis of the inclusion of the recommended condition and taking account of the intended provision of air source heat pumps it is considered that the impact of the development with regard to climate change would be acceptable with the proposal having a small scale positive impact through incorporation measures to reduce the carbon footprint of the building / increase and promote use of electric vehicles.
- 10.72 The proposal is therefore considered acceptable in this regard, subject to condition.

Other Matters

Safety and Security

- 10.73 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.
- 10.74 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.
- 10.75 The scheme has been subject to consultation with the Council's Designing Out Crime Team. Their response makes recommendation of measures to reduce the potential for crime / anti-social behaviour. In addition, following amendments to the scheme, they have raised queries relating to hostile vehicle mitigation measures, specifically the security rating of the swing gates.
- 10.76 The applicant has set out that the specification will be those as set out in the submitted detail (Terra Ultimate 180° Swing Barrier), which would be opened at the start and end of each market day and to facilitate unloading and loading. There may be a requirement for periodical deliveries which will be managed as required. It is further confirmed that it is planned that the barriers will be closed all the time but at this stage that would be subject to a separate TRO process.

10.77 Currently there are no hostile vehicle mitigation measures in place in relation to this part of Huddersfield Town centre, the proposal would therefore lead to a betterment in relation to the safety and security of users of the site in this respect. The proposal would incorporate a number of new elements and as it is intended the site be utilised for longer periods of time, natural surveillance arising from increased use of the site / building would also have a beneficial impact in terms of safety and security.

10.78 Conditions are recommended relating to the finalised details of the security measures to be incorporated and this would be secured by inclusion of appropriately worded conditions upon any grant of permission.

10.79 On the basis of inclusion of conditions to secure safety measures, the proposal is considered to be acceptable in this regard.

Air quality

10.80 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).

10.81 The development would see a new parking area and the continued use / operation of the existing facility. The submitted Energy Statement sets out a number of measures to be undertaken to address lowering demand for energy in relation to the building. This would have a small-scale beneficial impact in relation to air quality.

10.82 Weight is afforded to the fact the proposal predominately involves the redevelopment of an existing facility and is not considered likely to lead to a significant increase in vehicle movements associated with the site over and above those which exist already. The scale of the development is considered to be such that it would not be a proportionate approach of the LPA to insist upon a scheme of measures to be set out as part of any application or for an analysis of a damage cost of the development to be undertaken in this case in relation to air quality.

10.83 However, it is considered a proportionate and necessary requirement that electric vehicle charging infrastructure is incorporated into the development proposal given it would see the reconfiguration of the parking area and the inclusion of such infrastructure has a direct promotion of measures that can mitigate the air quality impact. The inclusion of such measures would be an improvement than the existing situation at site.

10.84 Therefore, subject to condition requiring the provision of electric vehicle charging infrastructure as part of the development, the proposal is acceptable in this regard.

Archaeology

10.85 It is noted that structures appear to have been present in the location of the car park when reviewing historic maps. Intervening development / surfacing works have subsequently taken place and the proposal would not significantly

increase ground works. West Yorkshire Archaeology advise that the proposed works to the building are designed to respect the existing structure and its historic significance while impact on below ground archaeology will be minimal. Having regard to their response it is considered the archaeological impact of the development would not be significant in this case.

Ecology

- 10.86 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.
- 10.87 Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.
- 10.88 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.
- 10.89 A Bat Emergence Survey Report has been submitted as part of the application. This is dated 7th May 2025 and details no bats were observed emerging from the building. The number of commuting passes recorded was identified as being very low. The conclusions of the report are that bats have not been confirmed to be roosting at Huddersfield Open Market and a Bat Mitigation Licence from Natural England is not required. As such, bats do not pose any constraint to the development of the market.
- 10.90 In addition to the bat survey, a Preliminary Ecological Appraisal report (PEA) has been submitted. This is dated January 2020. This recommends mitigation in relation to nesting birds and that a bat survey is undertaken. The mitigation in relation to nesting birds is that works are undertaken outside of the bird nesting season. The bat survey has subsequently been undertaken post the 2020 PEA.
- 10.91 Given the extent of works and the content of the Bat Emergence Survey it is considered it would be unreasonable of the LPA to insist upon works to be undertaken outside of bird nesting season / for checks to be taken prior to works being undertaken as a condition. Therefore, it is considered that the impact of the proposal upon birds / bats has been suitably considered as part of the application and it is concluded that the impact would not be significant. However, an informative note is recommended to be included upon any grant of permission drawing the applicants' attention to the requirement, in law, should bats be encountered during the undertaking of the development.
- 10.92 As part of the application, a BNG statement is provided which sets out the development proposal is exempt from the legislative requirement of BNG given it would not see the loss of 25m²+ of habitat and therefore falls to benefit from the de minimis exemption. This is not disputed by the LPA. Therefore, in terms of Biodiversity Net Gain as set out by the statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) the development is exempt.

10.93 The response of the Council's Ecology Team received 16th September 2025 is noted. Taking account of the submitted detail and response of the Council's Ecology Team, as well as the extent of the works proposed, it is considered that the ecological impact of the development would not be significant and the proposal accords with the aforementioned policy / legislation.

Drainage

10.94 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.

10.95 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.

10.96 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.

10.97 As part of the application, a Drainage Assessment has been submitted, which sets out that the site is previously developed site with existing drainage systems. The assessment states that it has been ascertained that due to cohesive underlying geology and that 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.

10.98 The assessment notes this is an as existing arrangement and would require approval from Yorkshire Water for feeding into their infrastructure.

10.99 The existing drainage arrangements are largely such that the site is impermeable and surface water is dealt with by existing infrastructure. The nature of the development is such that it is not considered there would be a significant alteration to the existing infrastructure of the development of the site, with a small-scale reduction through introducing more permeable areas such as use of planters.

10.100 Therefore, having regard to the submitted detail and the existing impact the site has in relation to drainage it is considered there would not be a significant increase in surface water run off as a result of the proposal and given existing drainage infrastructure would largely be utilised it is not considered necessary to insist upon submission of a drainage scheme as part of this application. Foul water drainage would be addressed by existing infrastructure, and in any case is controlled by separate legislation in terms of the requirement for its suitable disposal / tying into existing foul drainage infrastructure.

10.101 Therefore, the proposal is concluded to be acceptable with regard to foul / surface water drainage in accordance with the aforementioned policies.

Land Quality

- 10.102 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.
- 10.103 As part of this application a Phase I Desk Study dated October 2016 (ref: J3644/16/EDS), Groundsure Screening Report and Phase II Ground Investigation Report dated May 2025 (ref: CCG-C-24- 15006) has been submitted.
- 10.104 The Council's Environmental Health Team have been consulted regarding the proposal, stating that whilst the Phase I report is historic, the site has remained a working commercial market since 2016 and have therefore accepted the report.
- 10.105 In assessing the Phase II report, the Environmental Health Team set out that the report advises mitigation in relation to the contaminants observed including good site practice to protect workers and members of the public during construction and informs:- *"In considering the above human health risk assessment, taking account of the low incidence of chemical contamination and given that the post development site configuration will comprise full hard pavement cover with no areas of soft landscaping proposed, then no radical remedial works are required since hard cover will break all plausible pathways and no complete pollutant linkages will be present."*
- 10.106 Subsequently, Environmental Health recommend that any grant of permission is subject to conditions requiring that a remediation strategy be submitted to, and approved in writing by the LPA, that the development is undertaken in accordance with the submitted and approved remediation strategy and that verification of land quality be provided.
- 10.107 It is considered that, given the proposal would see a number of works which would see intrusions into the ground, and taking account of the submitted detail as well as the response of the Environmental Health, Team the proposal would have an acceptable impact subject to conditions.

Land Stability

- 10.108 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.
- 10.109 The Mining Remediation Authority response received 29th September 2025 is noted as well as the content of the submitted Ground Investigation Report (May 2025, prepared by CCG Ltd).

10.110 It is concluded that given the submitted detail and response of the Mining Remediation Authority, the impact of the development in relation to land stability would be acceptable. However, an informative note drawing the applicants' attention to the fact land stability is a matter which is the responsibility of the applicant is recommended to be attached should planning permission be approved.

10.111 Subject to inclusion of the recommended informative note, the proposal is concluded to be acceptable in this regard.

Representations

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

- *The current market is vibrant, holds great character, is extremely accessible, serves a very wide variety of communities and attracts overseas visitors due to its heritage.*
- *Increase of visitors / users / traders since 2020/2021, currently a thriving enterprise.*
- *Following covid it has taken a long time to restore the activity to previous levels*
- *The number of stalls will be reduced*
- *Current configuration is better than that as proposed*
- *Town centres are increasingly becoming ghost towns which the market is currently not and goes against this trend*
- *There does not appear to have been 1 – 1 consultations with stallholders undertaken*
- *Demise in treatment of customers / stall holders*
- *No consultation properly undertaken, outcome of existing consultation needs to be detailed and explained*

10.113 **Officer Comment:** The rationale for the application is set out at section 3 of this report. The proposal can only be considered and determined on the basis of the planning merits of the scheme. As set out in this report, the proposal is considered to be acceptable in the planning balance. The concerns of third parties in relation to the commercial viability of the existing market and proposed scheme as well as the viewpoints about the current operation being preferable are noted. However, refusal of permission is not considered possible to substantiate on such grounds.

- *The design will remove the character of Huddersfield Open Market.*
- *Entire design will lose character*

10.114 **Officer Comment:** The impact of the development with regard to visual and heritage impact is set out within the section beginning at paragraph 10.19 of this report.

- *Bottleneck will arise for users within the reduce number of access points*
- *Impact upon access*
- *Access for stall holders seems constrained*

10.115 **Officer Comment:** The impact of the development with regard to highways impact is set out within the section beginning at paragraph 10.62 of this report.

- *The proposal would reduce the number of visitors to Huddersfield and will impact on all businesses within the town centre.*
- *Impact upon existing operators businesses*
- *Closure for 18 months (or longer) would disrupt hundreds of livelihoods and end the market in its entirety*
- *Will people return follow closure as they will need to undertake alternative trading elsewhere*
- *Traders more likely to not use temporary market and not be present following the developments completion*
- *Catastrophic impact of closure upon economy, social cohesion / community facilities.*
- *Proposed temporary market is unfeasible and unable to accommodate the existing operations*
- *Events area will not be used regularly*
- *demolition and rebuilding of 5 café units and 5 retail units serves no purpose*
- *Intention to try open businesses such as butchers, fishmongers, and greengrocers has previously been unsuccessful due to lack of demand*
- *Supermarkets are preferred for certain goods, the proposal would not reverse consumer habits*
- *Money would be spent on a scaled down version of what exists already*
- *The redevelopment should not solely be for the Council to increase revenue*
- *Proposal appears to be gentrification of this part of Huddersfield*
- *Funds should be spent of preserving the existing rather than rip out existing and replace with expensive imitations.*
- *Cost of the proposal (16.5 million) would be better invested in creating more stalls not less*
- *Developments at Dewsbury and Wakefield ruined those markets*

10.116 **Officer Comment:** The rationale for the application has been set out earlier within section 3 of this report. It would be unreasonable of the LPA to refuse permission on the basis of speculation in relation to the commercial viability or subsequent commercial impact of the proposal. Funding of the development is not a material planning consideration, although it has been confirmed by the applicant this would be provided by central government grant funding.

- *Existing market is the envy of other towns*
- *Refurbishment / cosmetic updates should be undertaken with the existing market remaining operational as was previously done*
- *Retention of stall space(s) is a better option*
- *Could introduce a farmers market*
- *Work pods could be accommodated elsewhere in Huddersfield such as media centre which has been badly managed*
- *The development appears to be mainly a food court building*
- *Utilising other empty buildings such as former BHS is an option*
- *Commitments of the cabinet report of 12th March 2024 do not appear to have been carried through into the current proposal (specifically paras 2.8, 3.2 & 3.3).*

10.117 **Officer Comment:** The assessment of this application is on the basis of the planning merits of the scheme as proposed. In light of the assessment of the proposal it is concluded minimal weight can be afforded to proposed alternative development(s) or uses in this case. Similarly, the Cabinet Report of 12th March 2024 is a matter which it is considered can be afforded minimal weight as a consideration that is material to the determination of this application.

- *160+ traders have signed a petition opposing the closure*

10.118 **Officer Comment:** Reference to a petition is noted however a petition has not been received as part of the third party representations submitted as part of this planning application. All representations received have been considered and taken into account.

- *No traders have voiced support for the proposal*

10.119 **Officer Comment:** No letters of support have been received. The absence of third party representations advocating support for the application is considered to be a matter which can be afforded minimal weight when assessing this application against all relevant planning considerations.

- *Reduction in stall numbers from 120 to 64 will force existing traders, such as those of auto jumble, out*
- *Traders will likely be priced out and unable to use the new market leading to redundancies which is not fair*
- *People visit from overseas, proposal will reduce its attraction and impact on all businesses in town centre*
- *Two busiest days are the 2nd hand market days*
- *Current planning policies are driving people away from the Town Centre, which this proposal will exacerbate*
- *Autojumble events contribute as a fundraiser for Yorkshire Air Ambulance*

10.120 **Officer Comment:** The proposal is seeking to increase overall operations of the market building and site including increased hours. Accommodation of all intended operators is a commercial matter undertaken by the Council's Markets Team. The assessment of the proposal in relation to the relevant planning policies has been undertaken as part of this application and is explained in further detail earlier in this report.

- *Stall holders depend on nearly all stalls trading in all weathers*
- *Changing the location would ruin the enjoyment people get from the market*
- *Experience of other markets has shown what can be planned to take 6 months temporarily can take 3 years.*

10.121 **Officer Comment:** The use of a temporary market and reconfiguration of the market arrangements as proposed is considered to be on a similar basis as to that which operates as existing. Temporary relocation whilst the works to the building are undertaken is considered to be limited and required to accommodate the proposal the subject of this application.

10.122 A separate application seeking permission for a structure to be used temporarily in connection with the works the subject of this application is being considered alongside this proposal.

10.123 Whilst temporary closure to allow for the works to be undertaken would lead to some disruption, this would be for a limited period and refusal on the basis there would be a temporary closure is not considered to be justifiable by the LPA in this case.

- *The proposal would reduce the character, the soul, and the community spirit of the existing market*
- *Dining / café not being sited at ground floor level will effectively lock out users with accessibility issues*
- *If approved development will destroy the one vibrant, authentic thing this town still has*
- *Focus on bringing businesses back than driving out existing*

10.124 **Officer Comment:** The consideration within third party representations of the character of the existing market and its operations are noted. The proposal would retain a market function and would provide accessible options within the building for all users. As such the proposal is considered to be acceptable and inclusive for all users as proposed. Having regard to the conclusions of the planning merits of the scheme, set out in the Assessment of this report, the perception of the market following its redevelopment (in comparison to the existing market) is a matter which is considered to be able to be afforded only minimal weight as a consideration which is material to the determination of this application.

10.125 Refusal on the basis of the perceived outcome resulting from the redevelopment is not considered to be a proportionate decision in this case given the merits of the scheme as proposed and the anticipated benefits.

- *Siting 40 stalls near Tesco shows lack of local knowledge as that area is affected by anti-social behaviour issues*
- *Covered outdoor stalls will attract users for anti-social behaviour activity and drive away custom*

10.126 **Officer Comment:** Safety and security considerations are considered as set out at within the section beginning at paragraph 10.79 of this report.

- *Loss of second (2nd) hand market will see less sustainable development through reduction in re use of items*

10.127 **Officer Comment:** The sustainability measures that would be incorporated are set out within the section beginning at paragraph 10.73 of this report. The potential for second hand trade to continue at the market would remain.

- *The market is a social event for many retired visitors.*
- *Existing events need to be accommodated.*
- *The market is one of the best antique markets outside London and has visitors from across the Britain attend.*
- *Offer from the market is currently better than other markets with low prices and wider range*

10.128 **Officer Comment:** The operations of the proposal would see facilities and uses which would facilitate such continued provision of the building and wider site for existing markets and associated wider social activities.

- *Preserving a listed building is key policy objective on both cultural and historic basis, the proposal should preserve and not destroy the heritage of the building*

10.129 **Officer Comment:** Design and heritage considerations are set out within the section beginning at paragraph 10.19 of this report.

- *Disturbing to not be able to object via the Councils website and only able to do so via letter or email*
- *No objections displayed online, which is disturbing*

10.130 **Officer Comment:** Objections to applications can be submitted by letter, email or use of the Council's online portal. The online portal system required completion of a number of fields in relation to name and address. At the time of initial publicity the system was not allowing for objections to be submitted without use of a Kirklees post code. However, this has since been addressed and at the time of the second round of publicity, objections could be made via the online portal system using any UK post code.

11. CONCLUSION & RECOMMENDATION

11.1 The proposal is seeking to redevelop the existing Market building and 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 proposals are considered to tie into the wider aspirations for Huddersfield Town Centre and propose a redevelopment which will be complimentary to the existing operations from the site, and seek to increase the offer that is available.

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. 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. Time limit to commence development
2. Development to be completed in accordance with the submitted plans and specifications
3. Unit 01 upon drawing 0410revP01 to be used for retail only
4. Hours of use to be between 08:00 and 23:00
5. Servicing hours (deliveries / unloading) to be between 08:00 and 18:00

6. Submission of a lighting scheme to be approved in writing
7. Safety and security measures to be submitted and approved in writing
8. Compiling of a remediation strategy in relation to land quality to be agreed by the Local Planning Authority.
9. Undertaking of the remediation strategy or any other such strategy so approved in writing by the Local Planning Authority
10. Completion of verification of land quality which is submitted to the Local Planning Authority in writing
11. Submission of a scheme of electric vehicle charging infrastructure
12. Submission of a scheme which details of the finalised materials and colour finishes of construction of the development including all surfacing
13. Finalised design, materials and colour finishes of all means of enclosure and screening including any bollards, gates, fences and walls
14. Waste Management is undertaken in accordance with the submitted strategy
15. Submission of a Construction Noise Environmental Management Plan to be agreed with the Local Planning Authority prior to development commencing
16. Submission of a noise assessment in relation to events
17. Noise limits for events
18. Noise limit for all plant and machinery to be use
19. Submission of a swept path analysis plan to be approved by the Local Planning Authority.
20. Access management plan submitted to, and approved in writing by, the Local Planning Authority.
21. Details of construction access management to be approved in writing by the Local Planning Authority and in place prior to development commencing / for the duration of the construction phase of the development.

Background Papers:

Application and history files.

[Planning application details](#)

Certificate of Ownership –Certificate A signed and dated 29/08/25.

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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

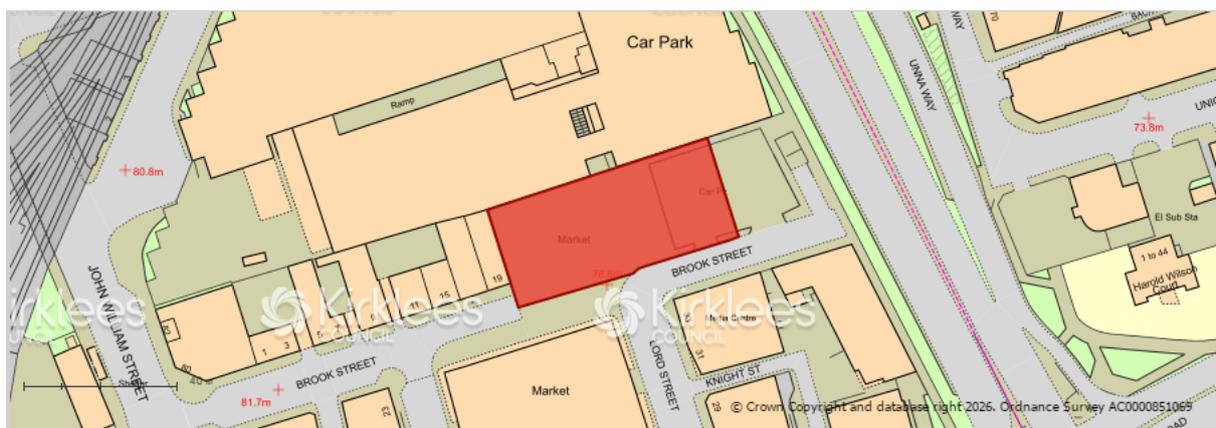
19-Jan-2026

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 of 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: HMM-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 or 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 weighed 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 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

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.

Report of the Head of Planning and Development

DISTRICT-WIDE PLANNING COMMITTEE

Date: 29-Jan-2026

Subject: Planning Application 2025/93235 Removal of the Cross and reinstatement within the grass verge on Cross Street/Wyke Lane (Listed Building) The Cross, Wyke Lane/Cross Street, Oakenshaw

APPLICANT

Ilyas Ramjan, Kirklees
Council - Major Projects
Team

DATE VALID

25-Nov-2025

TARGET DATE

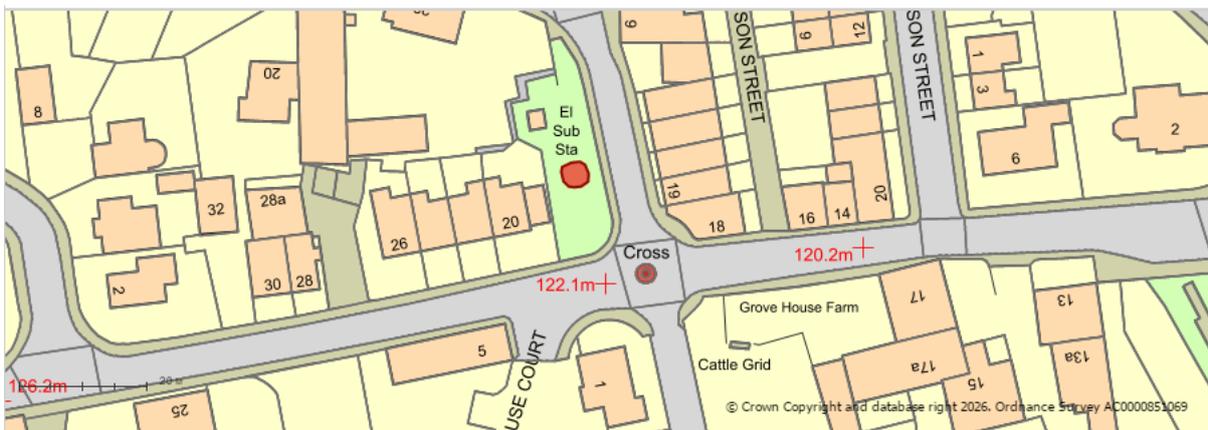
20-Jan-2026

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: Cleckheaton

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 at the request of Councillor John Lawson.

1.2 The grounds for referral are as follows:

“The depth and breadth of public interest in the future of the cross. It is a significant piece of local heritage that warrants a hearing at committee to evaluate the cultural impact of the application.

The listed status of the cross, in its setting, needs to be evaluated by Strategic Committee. There are many precedents for giving equal weight to the setting of a listed structure when considering an application which may affect a listed building.

The application does not take into account road safety issues that will arise after the proposed re-siting is carried out. There is no proposed treatment for resultant traffic management”.

1.3 The Chair of the Committee confirmed that the application would be reported to the District Wide Planning Sub-Committee, in line with the Kirklees Scheme of Delegation, which states that minor applications are determined by the District-wide Planning Committee.

2. SITE AND SURROUNDINGS:

2.1 The application site relates to a traffic junction and grass verge set within a residential area of Oakenshaw. Set within the junction is an area which is marked by concrete barriers where the cross was previously in situ. Wyke Lane is an unclassified road with a speed limit of 30mph.

2.2 Located to the north-west of the junction is a grass verge of 0.03ha. Included within this is an electricity sub-station, trees and interpretation board.

2.3 The cross is currently in secure storage having been removed from the site in 2022 following a road traffic collision.

3. PROPOSAL:

- 3.1 The application is seeking planning permission for the retrospective removal of the cross and its re-siting on the grass verge. The cross is a Grade II Listed structure erected in 1702.
- 3.2 The cross would be reinstated as per its original appearance and orientation, with the coat of arms facing north, the weathervanes positioned to the east and west, and the main sundial facing south. The structural reinstatement would be carried out by a specialist conservation team.
- 3.3 The cross would sit on two additional stone steps, visible from the east, to provide a stable base on the sloping ground, with stones at sub-base level or using local natural stone to match the existing.
- 3.4 Additional landscaping improvement works to the grass verge fall outside of the scope of the permission and include enhancements to the verge including a soft landscaping scheme, footpath, street furniture and information board. Development for these works are not subject to an assessment of this application as they are to be implemented under permitted development rights; however, they will be secured via a planning condition.

Rationale for the proposed development

- 3.5 The application has been submitted by the Council on the basis of finding a new location for the Oakenshaw cross which currently rests in storage due to previous road traffic collisions.
- 3.6 The following road traffic accidents have occurred:
 - May 2021 – Structure damaged by articulated lorry
 - November 2021 – Structure damaged by vehicle (type unknown)
 - February 2022 – Structure damaged by HGV
- 3.7 Following the incident on February 2022 the base stones of the structure had moved, becoming loose and the structure was deemed unsafe. For the purposes of highway safety and damage to a listed structure, the cross was removed from its original position.
- 3.8 Three potential sites were considered for reinstatement of the cross as follows:
 1. The original location was dismissed due to the risk of further damage.
 2. The Garden of Rest opposite St Andrew's Church was considered but deemed not close enough to the original location.
 3. The grass verge was selected due to its location on Cross Street, and close enough for interpretation to be clearly understood about the original location and setting.
- 3.9 The applicant envisage an enhancement to the public realm through the relocation of the cross and associated landscaping works to provide improved access, interpretation, and amenity space for the community.

3.10 Concurrent associated Listed Building Consent 2025/93234 seeks Listed Building Consent for the re-siting of the listed structure.

4. RELEVANT PLANNING HISTORY (including enforcement history):

4.1 2025/93234 - Listed Building Consent for removal of the Cross and reinstatement within the grass verge on Cross Street/Wyke Lane – Pending consideration

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

5.1 During the course of the application, the following amended plans were submitted for consideration:

- Location plan LA-01 revA – 16 January 2026
- Site plan HD/25/67355 /PL-1B - 15 January 2026
- Landscaping plan LA-03 revA - 15 January 2026

5.2 The changes set out to indicate the ownership of the grass verge which the cross will be situated in, identifying it as land owned by Kirklees Council.

5.3 The following additional information was submitted for consideration:

- Specification: Structural Works, authored by Blackett-Ord, reference Y19, dated November 2025 - received 12 January 2026.

5.4 The document sets out materials and methods to be used during the erection of the monument including mortar, stone repair, foundations.

5.5 The amendments/supplementary information are not considered to significantly alter the scheme or provide further detail which was necessary to require publicity further to that already undertaken.

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 strategic green infrastructure network.

6.3 The monument to be re-sited is a Grade II Listed structure (ref:1184674). The site is also within a bat alert layer on the Council's GIS mapping system. The site is shown as being within 250m from a historic landfill site (ref:12130).

6.4 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

- **LP21** – Highways and access
- **LP24** – Design
- **LP30** – Biodiversity and geodiversity
- **LP31** – Strategic green infrastructure network
- **LP33** – Trees
- **LP35** – Historic Environment
- **LP53** – Contaminated and unstable land

National Policies and Guidance

6.5 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.

6.6 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.

6.7 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 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

- Kirklees Highway Design Guide (adopted November 2019)

Legislation

- The Town & Country Planning Act 1990 (as amended).
- The Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
- The Conservation of Habitats and Species Regulations 2017

6.8 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 on the Council's website, by site notice and by press advertisement. The expiry date of the publicity period was the 11th January 2026.
- 7.3 Sixteen (16) letters of objection to this application have been received. On the concurrent associated Listed Building Consent (2025/93234), four (4) objections were received alongside one (1) letter of support and one (1) general comment.
- 7.4 The representations raised the following summarised observations / concerns:

Objections

- The Oakenshaw Cross should undergo refurbishment.
- This site remains an integral part of Oakenshaw's rich history and heritage.
- Highway works would cover the ancient stonework found beneath the podium step.
- Covering the stonework with a tarmac covering will be unnecessary and the stonework should also be preserved completely.
- Eight stone segmented sections were removed during the archaeological survey and also put in storage. This stonework could be the first and second step of the original Oakenshaw Cross which predates the current Cross.
- There is evidence of a void under the site which is at least 10 feet deep and also warrants further investigations.
- Stone work could be removed from the road and placed on the grass verge site with its upper segment sections.
- A protective barrier system should be installed around the junction.
- There has been a lot of local community involvement in our attempts to get the Cross reinstated to its rightful original place.
- The Council will not resit the Cross to its original location due to costs.
- The Cross should be protected by iron fencing.
- Allowing this would make Wyke Lane a rat run for speeding traffic and HGVs, putting residents and animals in danger.
- The issue is not the monument but the wagons/trucks who use the road irresponsibly.
- The farm traffic and bin wagon manage to negotiate the current bollards and never had issues before the monument was removed.
- A one way traffic system implemented around the Cross in its original position.
- Traffic up Wyke Lane from Bradford Road and traffic coming down Wyke Lane needs to turn left down Cross Street one way and the path widening outside the corner house to the monument to avoid traffic going down Wyke Lane.
- The grass suggested for the installation of the cross needs to be changed to parking spaces.
- The movement of the monument which was erected in 1703 is disrespectful to its original meaning and the current community.

- Cars travel up and down Wyke Lane at unsafe speeds and the memorial does act as a traffic calming feature which is much needed.
- The monument is protected under national heritage law and this should be respected and replaced to its original site.
- The majority of the community want the monument putting back into its rightful place and the actual problem addressed.
- Removal of the monument to the proposed site will not protect it from further damage as it could still be hit by speeding cars.
- The proposed space on Wyke Lane/ Cross Street is used by vehicles due to the lack of space on Cross Street.
- The Cross should be returned to its rightful historic location.
- The Cross was visible in all weather conditions.
- The Cross serves as a reminder the road is not a major road.
- The Cross was struck by vehicles that were speeding.
- HGV's above 7.5ton should be stopped from ignoring the access only signage.
- Traffic calming measures, chicanes, signage and a 20mph speed limit and road narrowing should be introduced.
- Installation of concrete barriers has narrowed the road
- Reflective stones could be used enhance visibility of the Cross.
- The road could be widened to allow vehicles to avoid the grass verge.
- There is no vehicular traffic analysis and road safety audit.
- Traffic monitoring has not been conducted.
- Removing the base stones will damage what is considered to be a medieval site.
- Within the Design and access statement it says the cross will be 12m from its original location, other document refers to different distances.
- The public cost of resitting the cross must be considered.
- The Cross is a local landmark which has a wide social and cultural history

Supportive Comments

- Absolutely fantastic location for it, would be wonderful to then have a board nearby with its historical information too and perhaps a reference to original location.

7.5 Comments have also been received on behalf of Spen Valley Civic Society;

- No objection to the part of the application dealing with the dismantling of the cross.
- It has taken 3 years for the Council to reach a decision for the Cross's re-siting.
- Appropriate storage of the Cross since its dismantling has not been provided.
- The restoration of the Cross in its original position will enhance road safety.
- No action has been taken by Kirklees Council to claim against owners of the vehicle involved in a road traffic collision.
- Objection to the re-siting of the cross in a different location from its original position.
- Appropriate traffic calming measures should be installed on the junction.
- The planning committee should undertake a site visit.

7.6 Ward members raised the following objection / comments;

- The Cross is a re example of a monument dedicated to a woman.
- The Cross is likely over 300 years old.
- The Cross is a focal point for the village.
- The Cross provides the village with a visible history and source of community pride.
- The Cross derives part of its significance from its location. Moving the Cross to the grass verge deprives it of that location significance.
- The monument will be totally screened from view by anyone other than those living on Cross Street.
- Large vehicles can manoeuvre round the Cross without causing damage to it.
- The harm to the Cross has been done by HGVs that should not be using Wyke Lane, especially now that there is a weight limit on the road.
- Traffic accidents on Wyke Lane get no mention in the planning reports.
- Wyke Lane requires road safety measures.
- The grass verge was the site of a terrace of houses which had cellars – there is no reference within the application to provide a firm and stable base

7.7 The summarised representations are taken into account in the assessment of this application and discussed in greater length within section 11 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 Highways Development Management (KCHDM):** Response received 11th January 2026, within which it was concluded the cross in its original location would result in conditions detrimental to highway and pedestrian safety, and lead to further collisions or vehicle strikes.

8.3 The KCHDM are of the view that the proposed relocation of the cross to the grass verge at the intersection of Wyke Lane/Cross Street would be beneficial to the safe operation and movement of vehicles and pedestrians using the Wyke Lane / Cross Street / Sykes Lane junction and offer no objection to the proposals.

8.4 It is recommended that a condition be attached should planning permission be approved that the off-site highways works on plan – Drawing No. HD/25/67355/GC-1A shall be fully delivered prior to the completion of relocation works of the cross.

8.5 **KC Trees:** Response received 6th January 2026. They recommended that the proposal should be amended to avoid the root protection area of the existing cherry tree location on the south of the grass verge.

- 8.6 KC Trees recommended that if the proposal is approved, a no-dig method is conditioned under arboricultural supervision as stated within the JCA AIA ref. 23498/ChC to minimise root disturbance. A condition is therefore recommended that development shall not commence until an Arboricultural Method Statement has been submitted and approved in writing by the Local Planning Authority.
- 8.7 **KC Conservation & Design:** Response provided 08th January 2026, which identifies that the cross is Grade II Listed, erected in 1702 by local dignitary Dr Richard Richardson as a memorial to his wife Sarah and their child who both died in childbirth. The Cross had four sundials (stating 'Redeem the Time') and a weathervane at the top of the column, not all of which survive.
- 8.8 Reference is made to the road traffic collisions leading to its removal, the options appraisal conducted by KC Major Projects, and associated landscaping works.
- 8.9 The KC Conservation & Design team conclude that the proposal accords with Paragraph 215 of the National Planning Policy Framework that where a proposal would cause less than substantial harm, this harm should be weighed against the perceived public benefits of the scheme and where possible securing its optimum viable use. The Cross will be preserved and reinstated very close to the original location, which will allow close inspection of the features and interpretation of a better understanding of the history of the monument.
- 8.10 The proposals also accord with Policy LP35 of the Local Plan, "Development proposals affecting a designated heritage asset (or an archaeological site of national importance) should preserve or enhance the significance of the asset".
- 8.11 A condition is recommended for the structural works to be undertaken as described in the Specification: Structural Works report, authored by Blakett-Ord Conservation Engineering, reference Y19, received 12/01/26. The report specifies the materials and methods to be used during the erection of the monument including mortar, stone repair and foundation.
- 8.12 **Historic England:** Response received 24th December 2025. Within their response the significance of the cross is detailed, noting its appearance, prominence and historical context with notable local figures. They state: '*the Cross is significant due to its landmark character in the context of Wyke Lane and Cross Street and its association with Richard Richardson of Bierley Hall.*'
- 8.13 The impact of the development is set out in their response which references the cross being in storage since being struck by vehicles and its reinstatement which will positively impact its significance.
- 8.14 Historic England note that the change from its original position and resultant change of view would cause harm to the significance of the listed structure. Additionally, there would be a small amount of harm by not reinstating the cross in its original position, given certain aspects of the village have developed with the cross in mind.

- 8.15 Historic England conclude that they have no objection to the proposal. The harm from the change of its original position and loss of original context can be mitigated through the addition of interpretation boards and a landscaping scheme to enhance the public realm.
- 8.16 Historic England recommend that the supportive works are secured via condition in order for the application to meet the requirements of paragraphs 212, 213 and 215 of the NPPF.
- 8.17 **West Yorkshire Archaeological Advisory Service (WYAAS)**: Response received 14th January 2026. Their response makes reference to four-stepped base stones formed of large curved rectangular gritstone blocks, believed to belong to the original medieval cross. The 10ft sandstone shaft of the cross also appears to be a reuse of the medieval cross.
- 8.18 Their response relates to all-below ground matters from an archaeological point of view. The ground immediately beneath the current stepped base has the potential to contain archaeological remains associated with the medieval cross.
- 8.19 In order to protect and assess the sub-base stones, WYAAS recommend a condition requiring the applicant to submit a method statement for the dismantling, transport and reconstruction to be agreed for the existing stone steps buried beneath the carriageway, detailing methods for their excavation, lifting and storage for re-use.
- 8.20 Additionally, WYAAS recommend that an archaeological watching brief is maintained during the works to record the recovery of buried fabric, monitor the removal of carriageway layers and record the buried stone steps. The archaeologist must ensure this process is recorded and that the fabric is safely salvaged. The watching brief must also record any underlying medieval features (such as socket stones or deposits) revealed beneath the current base once the lower stones are lifted and monitor the excavation of foundations at the new location to record any archaeological deposits disturbed.

9. MAIN ISSUES

- Principle of development
- Heritage and Design
- Impact on Residential Amenity
- Impact on Highway Safety
- Climate Change
- Environmental Matters
- Representations
- Conclusion & Recommendation

10. APPRAISAL

Principle of development

Sustainable Development

- 10.1 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.

10.2 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

10.3 The site falls within Strategic Green Infrastructure Network identified within the Kirklees Local Plan. The Oakenshaw Cross is also a grade II listed structure therefore national and local policy relating to the historic environment is relevant.

Heritage & Design Issues

10.4 Policy LP24 of Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design.

10.5 The structure is Grade II Listed and therefore Section 16(2) 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’.

10.6 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. This is echoed within Policy LP35 of the Kirklees Local Plan and Chapter 16 of the NPPF.

10.7 Paragraphs 212 – 215 of the NPPF are 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.

10.8 The proposal would see the retrospective removal and reinstatement of cross within a grass verge on Cross Street/Wyke Lane.

10.9 The designated heritage asset is of high historical and cultural significance, having been erected since 1702, marking a focal point of the village which is identified within the response formed by KC Conservation & Design and Historic England. Public comments illustrate its rich contribution to the social fabric of the area which forms part of its significance.

10.10 Drawing LA01 details changes to the location of the cross, being approximately 17.50m to the north-west, placed in a central location on the verge.

10.11 The Oakenshaw Cross is set to be reinstated course by course. Each piece of the cross has been recorded by West Yorkshire Archaeological Advisory Service to ensure that the structure is rebuilt as before, restoring its previous appearance.

- 10.12 Two courses of natural stone will be installed on the east side of the cross. It will be identified if the sub-base stones can re-used for the purposes of these steps by a condition for a method statement detailing their condition. If these stones cannot be reused, for a consistent appearance, it will be conditioned that the additional sections are formed of matching stone. Methods of works specified with Specification: Structural Works report, authored by Blackett-Ord Conservation Engineering, reference Y19 will be conditioned due to the use of appropriate materials and methods for works on the heritage assets.
- 10.13 Evidence of previous damage to the Grade II Listed structure has been widely documented within the information received. It is clear that due to modern changes to road vehicles that regularly use the public road at this location, the position of the cross is leading to damage to the historic fabric of the cross and its movement is justified so long as there are suitable provisions set out that would identify the significance of the Oakenshaw Cross.
- 10.14 Enhancements to the public realm will be provided, however these works are not subject to an assessment through this planning application. These works shall be implemented under permitted development rights. They include the installation of an interpretation board to identify the historical importance of the Oakenshaw Cross, soft landscaping, and a footpath as indicated on drawing LA-03.
- 10.15 The scheme will enhance the existing grass verge, with the monument forming the central feature of the site, reflecting its importance to the local area complimented by features to enhance its setting and social and historical importance.
- 10.16 The response of consultees is detailed earlier in this report. No objection has been received by Historic England or KC Conservation & Design. In light of the changes to the position of the Oakenshaw Cross and changes to its setting, Historic England advised that the additional works, outside of this permission, should be secured via condition to mitigate the harm. In light of their comments, it is considered necessary to recommend a condition that prior to the completion of the relocation of the Cross, landscaping works detailed within drawing LA-03 shall be fully delivered. This will secure mitigation for the harm caused due to the change of the cross's location.
- 10.17 It is considered that, overall, the impact of the proposal would be acceptable, subject to inclusion of the recommended conditions, taking account of the detail submitted, on balance it is concluded that the proposed development would have an acceptable impact upon the designated historic asset whilst providing a scheme to enhance the public realm, ensuring that there would be no harm to heritage assets arising from the development.

Impact upon Residential Amenity

- 10.18 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”*.

- 10.19 Further to this, Paragraph 130 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.
- 10.20 It is not anticipated that the development will have an impact resulting to a change of amenity for the dwellings set along Cross Street or Wyke Lane due to the nature of the changes proposed. This conclusion is based on the minor changes to the location of the cross and reflected use type. It is noted that a bench will be installed under associated works which may attract visitors for longer periods within the site, however the impact is considered to be limited.
- 10.21 It is therefore concluded that the proposal would have an acceptable impact in terms of the residential amenity of neighbouring occupiers and would accord with the aforementioned policies.

Impact upon Highway Safety

- 10.22 Policies LP21 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.
- 10.23 Highway improvement works are illustrated on construction plan HD-25-67355-GC-1A and they will be undertaken by the highway authority. The KC Highways Development Management Team have stated that they have no objection to the proposed development within their consultation response of 11th January 2026, recommending a condition be attached for the works to be completed prior to the undertaking of the development should planning permission be approved.
- 10.24 The works include the resurfacing of the Wyke Lane, 4m ahead arrows and give way road markings. This would regularise the road for two-way traffic with a junction for merging traffic from Cross Street.
- 10.25 The applicant has submitted a Highways Statement dated 21 November 2025 justifying the works. Traffic movement diagrams have been provided on pages 3 & 4 of the document providing risks from HGV and lorry movements. Views 1, 2, 5 & 7 indicate HGV/lorry vehicles cannot manoeuvre safely around the cross without either hitting the structure or partially using the footpath. Photographic evidence of the damage cause from previous road traffic collisions with the cross has also been provided.
- 10.26 Giving weight to the justification provided as set out in the Highways Statement dated 21 November 2025, there are concerns for road and footpath users due to the limited width of the existing road network when the cross is located in a central position within Wyke Lane.
- 10.27 To secure a satisfactory layout of the existing road network it is recommended that the off-site highways works on plan – Drawing No. HD/25/67355/GC-1A shall be fully delivered prior to the completion of relocation works of the cross.

10.28 Having regard to the responses of consultees and the nature / extent of the development proposal, it is concluded that subject to inclusion of the recommended conditions, the proposal would be acceptable in terms of impact upon access and highway safety.

Environmental Matters

Trees

10.29 Policy LP33 of the Kirklees Local Plan states that the Council will not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity.

10.30 An ornamental cherry tree is recorded within the JCA survey ref. 23498/ChC with a diameter of 37cm. The tree is located in a prominent location within the grass verge abutting Wyke Lane. The arboricultural implications plans ref: 23498/ChC indicates that a footpath will be constructed which will fall partially over the root protection area of the tree.

10.31 KC Trees requested that the footpath was reconfigured to provide access to the cross from Cross Street to avoid disturbance to the establishment root network of the cherry tree.

10.32 Landscaping works will be carried out under permitted development rights. When considering the legal fallback position of landscaping works, material weight has been given to the implementation of these works, which could be carried out independently of the proposed development.

10.33 KC Trees recommend that if the footpath is not repositioned a no-dig method is used for its construction under arboriculture supervision. Existing flagstones are extracted by hand and heavy machinery is excluded from the root protection area. Given the amenity value of the tree, such a condition is recommended.

10.34 On the basis of the inclusion of conditions for the applicant to submit a Arboricultural Method Statement, the proposal is considered to be acceptable in this regard.

Land Contamination

10.35 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.

10.36 The site is shown as being within 250m from a historic landfill site (ref:12130). Ground excavation is considered to be limited due to the utilisation of natural topography and scale of the structure. Nevertheless, it is recommended a condition is provided in the case unexpected land contamination is uncovered during the construction works for the monument to cover all potential scenarios.

Archaeology

- 10.37 West Yorkshire Archaeology Advisory Service (WYAAS) previously advised the applicant during the transportation of the Cross between storage areas at which time they recorded the condition, measurements and individual pieces of the monument. There is evidence of historic material below surface level which will be extracted as part of highway works conducted by the highway authority.
- 10.38 It is recognised that there may be archaeological remains of significance below the ground and a full method statement detailing the specific methods for their careful excavation, lifting, and storage for re-use of the sub-base stone steps.
- 10.39 Additionally, and recommended by WYAAS, it is considered necessary to impose a condition for a watching brief monitor and record the buried stone steps and to record any potential material of significance within the void such as medieval features.

Ecology

- 10.40 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.
- 10.41 Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.
- 10.42 Policy LP31 requires proposal to safeguard and enhance green infrastructure networks, green infrastructure assets and the range of functions they provide.
- 10.43 Within the Kirklees Local Plan the site is allocated as being within the strategic green infrastructure network. It is also with a bat alert layer on the Council's GIS mapping system. The cross has been relocated to a secure site for storage, and it is considered the proposal will have no impact to bat populations.
- 10.44 Associated works include the provision of additional soft landscaping features which will enhance the wider site for flora and fauna. When considered alongside these works, the proposal is considered to be compliant with the aforementioned policies by providing an uplift to the grass verge site.
- 10.45 The development is considered to benefit from the de-minimis exemption as set out by The Biodiversity Net Gain Requirements (Exemptions) Regulations 2024.

11 REPRESENTATIONS

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

- *The Cross provides the village with a visible history and source of community pride.*
- *Moving the Cross to the grass verge deprives it of the location of the significance*
- *The Cross is a rare example of a monument dedicated to a woman.*
- *The Cross is a local landmark which has a wide social and cultural history*
- *The Cross is a focal point for the village.*
- *The Cross is likely over 300 years old.*
- *This site remains an integral part of Oakenshaw's rich history and heritage.*
- *The movement of the monument which was erected in 1703 is disrespectful to the its original meaning and the current community.*
- *The monument is protected under national heritage law and this should be respected and replaced to its original site.*

11.2 **Officer Response:** Considerations of the significance, movement and impact on the Grade II Listed Cross are detailed at the beginning of 10.4 of the report. The harm from the movement of the Cross from its original location will be mitigated through the additional landscaping scheme constructed in the grass verge. Officers, KC Conservation & Design and Historic England consider the significance of the heritage asset will be preserved.

- *Highway works would cover the ancient stonework found beneath the podium step.*
- *Covering the stonework with a tarmac covering will be unnecessary and the stonework should also be preserved completely.*
- *Eight stone segmented sections were removed during the archaeological survey and also put in storage. This stonework could be the first and second step of the original Oakenshaw Cross which predates the current Cross.*
- *There is evidence of a void under the site which is at least 10 feet deep and also warrants further investigations.*
- *Stone work could be removed from the road and placed on the grass verge site with its upper segment sections.*
- *Removing the base stones will damage what is considered to be a medieval site.*

11.3 **Officer Response:** Further archaeological investigation is recommended to enable the measurement and recording of below-ground features, ensuring that any removal of significant material is carried out in accordance with appropriate archaeological methods, as detailed at the beginning of paragraph 10.37.

- *The Oakenshaw Cross should undergo refurbishment.*

- 11.4 **Officer Response:** Repairs of the Cross are detailed within Specification: Structural Works, authored by Blackett-Ord, reference Y19.
- *Allowing this would make Wyke Lane a rat run for speeding traffic and HGVs, putting residents and animals in danger.*
 - *The issue is not the monument but the wagons/trucks who use the road irresponsibly.*
 - *Cars travel up and down Wyke Lane at unsafe speeds*
 - *The Cross was struck by vehicles that were speeding*
 - *The harm to the Cross has been done by HGVs that should not be using Wyke Lane, especially now that there is a weight limit on the road.*
- 11.5 **Officer Response:** The highway safety implications have been considered at the beginning of paragraph 10.22 of this report. The actions of road users are noted.
- *The farm traffic and bin wagon manage to negotiate the current bollards and never had issues before the monument was removed.*
 - *The Cross serves as a reminder the road is not a major road.*
 - *Large vehicles can manoeuvre round the Cross without causing damage to it.*
 - *The Cross was visible in all weather conditions.*
- 11.6 **Officer Response:** The Highways Statement dated 21 November 2025 includes traffic movement diagrams of HGVs and lorries indicating movement of some vehicle types are hazardous to road users and pedestrian safety on pages 3 & 4.
- *Wyke Lane requires road safety measures.*
 - *A one way traffic system implemented around the Cross in its original position.*
 - *Traffic up Wyke Lane from Bradford Road and traffic coming down Wyke Lane needs to turn left down Cross Street one way and the path widening outside the corner house to the monument to avoid traffic going down Wyke Lane.*
 - *HGV's above 7.5ton should be stopped from ignoring the access only signage.*
 - *Traffic calming measures, chicanes, signage and a 20mph speed limit and road narrowing should be introduced.*
 - *The road could be widened to allow vehicles to avoid the grass verge.*
 - *The restoration of the Cross in its original location will enhance road safety.*
 - *Appropriate traffic calming measures should be installed on the junction.*
 - *The memorial does act as a traffic calming feature which is much needed.*
 - *Reflective stones could be used enhance visibility of the Cross.*
 - *A protective barrier system should be installed around the junction.*
 - *The Cross should be protected by iron fencing.*
 - *The Cross should be returned to its rightful historic location.*
 - *Objection to the resitting of the cross in a different location from its original position.*

- 11.7 **Officer Response:** The highway works will be undertaken by the Highway Authority. The works are detailed within Drawing No. HD/25/67355/GC-1A and are not subject to planning assessment, as they do not require planning permission. It is considered that reinstating the cross in its original location would result in conditions detrimental to highway and pedestrian safety, and lead to further collisions or vehicle strikes.
- *Removal of the monument to the proposed site will not protect it from further damage as it could still be hit by speeding cars.*
- 11.8 **Officer Response:** The Cross will be located on a grass verge, moving the monument from Wyke Lane. There is a low risk the mentioned implications will occur.
- *The proposed space on Wyke Lane/ Cross Street is used by vehicles due to the lack of space on Cross Street.*
 - *The grass suggested for the installation of the cross needs to be changed to parking spaces.*
- 11.9 **Officer Response:** Comment noted, there is suitable on-street parking on public roads in the surrounding area.
- *Installation of concrete barriers has narrowed the road*
- 11.10 **Officer Response:** Concrete barriers are a temporary measure to protect the sub-base stones and will be removed as part of works constructed by the highway authority.
- *There is no vehicular traffic analysis and road safety audit.*
 - *Traffic monitoring has not been conducted.*
 - *Traffic accidents on Wyke Lane get no mention in the planning reports.*
- 11.11 **Officer Response:** Relevant highway safety information has been provided in order to make an assessment of the application.
- *The monument will be totally screened from view by anyone other than those living on Cross Street.*
- 11.12 **Officer Response:** The cross will be visible from aspects along Wyke Lane and is accessible for pedestrians.
- *Within the Design and access statement it says the cross will be 12m from its original location, other document refers to different distances.*
- 11.13 **Officer Response:** Officers measure the movement of the cross to be 17.50m to the north-west.
- *There has been a lot of local community involvement in our attempts to get the Cross reinstated to its rightful original place.*
 - *The majority of the community want the monument putting back into its rightful place and the actual problem addressed.*

- 11.14 **Officer Response:** The application has been submitted by the Council's Major Projects Team. It is recognised there has been community involvement prior to the submission of this application. This application has been assessed based on its own merits for the movement of the Cross to the grass verge.
- *The planning committee should undertake a site visit.*
- 11.15 **Officer Response:** Councillor John Lawson has requested a site visit is undertaken by the planning committee. The request has been brought forward to the Chair of the committee.
- *The Council will not resite the Cross to its original location due to costs.*
 - *The public cost of resitting the cross must be considered.*
 - *It has taken 3 years for the Council to reach a decision for the Cross's resitting.*
 - *Appropriate storage of the Cross since its dismantling has not been provided.*
 - *No action has been taken by Kirklees Council to claim against owners of the vehicle involved in a road traffic collision.*
- 11.16 **Officer Response:** Whilst these matters have been reviewed, the application for planning permission has been assessed on its own merits. The history of the decision to take down the cross cannot be considered within the planning balance.
- *The grass verge was the site of a terrace of houses which had cellars – there is no reference within the application to provide a firm and stable base.*
- 11.17 **Officer Response:** Specification: Structural Works, authored by Blackett-Ord, reference Y19, submitted on 12 January 2026 references work in the event voids are uncovered during the installation of the monument under beginning on line 330 & 337, Lines 270 & 310 relate to procedures for a stable base.
- *No objection to the part of the application dealing with the dismantling of the cross.*
 - *Absolutely fantastic location for it, would be wonderful to then have a board nearby with its historical information too and perhaps a reference to original location.*
- 11.18 **Officer Response:** Supportive comments noted. An information board is proposed to be installed under permitted development rights.
- *Have the repairs been done?*
 - *Will you be fixing the steps that were damaged by the HGV off site or are you intending to replace pieces?*
 - *Are you intending to repair the parts that were done in the 80s by locals after they appealed to Kirklees to repair correctly then by specialists?*
 - *They need acknowledging on an interpretation board as they were the ones to get it listed.*
 - *Are you intending to have the stone cleaned before installation.*
 - *As we are aware it's been moved from the grass verge to indoor storage, I hope everything that had broken off, was not left behind?*

11.19 **Officer Response:** Permission is sought for the works as described within this report.

12.0 CONCLUSION & RECOMMENDATION

12.1 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. Conditional approval is therefore recommended.

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

1. Time limit to commence development
2. Development to be completed in accordance with the plans and specifications.
3. Archaeological method statement to be submitted for written approval
4. Archaeological watching brief to be submitted for written approval
5. Should new stone be used for repair works or the new steps, details of their location and appearance to be submitted for written approval.
6. Off-site highway works on plan – Drawing No. HD/25/67355/GC-1A shall be completed.
7. Prior to the completion of the relocation works of the Cross, landscaping works detailed within drawing LA-03 shall be fully delivered.
8. Compliance with methods of works specified within report Specification: Structural Works, authored by Blackett-Ord Conservation Engineering, reference Y19.
9. Arboricultural Method Statement to be submitted for written approval.
10. Submission of land contamination details in the case unexpected contamination is uncovered during ground works.

Background Papers:

Application and history files.

[Planning application details | Kirklees Council](#)

Certificate of Ownership –Certificate A signed.