
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.