Consultation Response from KC Policy		
2019/92873 Wise Claims, 131, St John's Road, Birkby, Huddersfield, HD1 5EY		
Change of use and alterations to ground floor (A2) financial and professional services to form (A5) hot food takeaway (within a Conservation Area)		
Date Responded:	**Responding Officer: Sarah Smith**	**Responding Ref:**

The proposal is for a change of use to ground floor (89 sq m GIA) from a financial and professional service (A2) to a hot food takeaway (A5) located within the local centre of Birkby as defined in the Kirklees Local Plan adopted on 27 February 2019.

Hot food takeaways are regarded as a main town centre use and should be located within defined 'town centres', as set out in Local Plan policy LP13 Town centre uses. The role of local centres is to provide for top-up shopping and local services particularly food and drink and as such the proposal accords with this policy.

As the proposal is for a food and drink use, Local Plan policy LP16 Food and drink uses and the evening economy also needs to be considered. The policy states that:

Proposals for food and drink, licensed entertainment uses and associated proposals will be supported, provided they are located within a defined centre, and subject to:

- ensuring 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.

The policy also lists a number of criteria to be considered to assess the potential harm of food and drink proposals on a centre which are set out below:

a. the number, distribution and proximity of other food and drink uses, including those with unimplemented planning permission in a particular centre;
b. the impacts of noise, general disturbance, fumes, smells, litter and late night activity, including those impacts arising from the use of external areas;
c. the potential for anti-social behaviour to arise from the development, having regard to the effectiveness of available measures to manage potential harm through the use of planning conditions and / or obligations;
d. the availability of public transport, parking and servicing;
e. highway safety;
f. the provision of refuse storage and collection; and
g. the appearance of any associated extensions, flues and installations.

Environmental Health, the Police Architectural Liaison Officer and Highways Development Management should be consulted on criteria b to g set out in above.

In relation to criteria a, the council's latest occupancy survey of Birkby Local Centre undertaken in September 2018 shows that of the 61 units occupied by main town centres uses, 11 of those are hot food takeaways equating to 18% of the total number of units in main town centre use. There is also an unimplemented planning permission for an additional hot food takeaway at 37 Blacker Road granted on the 11th January 2018. Taking this into account, the percentage of hot food takeaways in the centre would rise to 19.7%.

The proposal is not located adjacent to other hot food takeaways therefore it would not create clusters of more than two hot food takeaways together or reduce the number of units between hot food

takeaways to less than two. However, the Birkby local community is well served by hot food takeaways within the centre. It is considered that an additional hot food takeaway that would take the percentage to 21.3% would be detrimental to the vitality and viability of centre. In addition, the premises is still in use and as such has not been vacant for a significant length of time. There were only 4 vacant units in the centre at the time of the survey (6.6%) and there could be a demand for an alternative use for the premises should it become vacant.