

**FULL PLANNING APPLICATION FOR THE
CONVERSION OF AN EXISTING RESTAURANT TO A
RESTAURANT / DRIVE-THRU UNDER USE CLASS E
/ SUI GENERIS AT THE FORMER BELLA ITALIA,
CENTRE 27 BUSINESS PARK, BATLEY, WF17 9TD**

PLANNING STATEMENT

ON BEHALF OF RAFKINS (J27 LEEDS) LEISURE PARK LIMITED

**TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)
PLANNING AND COMPULSORY PURCHASE ACT 2004**



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1. INTRODUCTION AND BACKGROUND

- 1.1 This planning statement is written in support of a full planning application for the conversion of an existing restaurant (Use Class E) to form a new restaurant with an ancillary drive-thru lane (Use Class Sui Generis) at the former Bella Italia, Centre 27 Business Park, Batley, WF17 9TD. The proposal also involves a new drive-thru window pod on the existing building and some alterations to associated parking and landscaping.
- 1.2 The application site consists of an existing Bella Italia restaurant situated within the Centre 27 Business Park in Birstall. The existing Bella Italia restaurant (Use Class E) is one storey in height and is approximately 285.6m² / 3074sqft which is positioned south and west of the application site. To the north and east of the application site is car parking facilities which cater for the existing Use Class E restaurant.
- 1.3 There is also an existing KFC restaurant and drive-thru (Use Class E / Sui Generis) positioned east of the application site, along with a Chiquito and Frankie & Benny's restaurants situated further north of the application site.
- 1.4 Whilst Centre 27 Business Park falls within a Priority Employment Area, the application site sits outside of this but falls under an out of centre retail park which is an established location for restaurants and similar uses. The majority of units in this area are a mixture of commercial units or hot food takeaways / restaurants and drive-thrus, such as McDonalds, Starbucks and Krispy Kreme. The site is also close to a Showcase Cinema, a Nando's restaurant, a retail warehouse unit currently occupied by Smyth's Toys and a gym, together with other food and beverage outlets. Centre 27 Retail Park and Birstall Shopping Park are located immediately to the north west of the site, beyond Gelderd Road (A62).
- 1.5 The current access arrangements into Centre 27 Business Park are formed via Woodhead Road. The current level of parking provides 46 spaces which includes 40 x standard car parking bays and 6 x disabled parking bays.
- 1.6 There are no sensitive uses, such as residential accommodation in the vicinity of the site. The nearest residential property, located on Raikes Lane, is situated approx. 0.9 miles from the proposed Use Class E restaurant.

- 1.7 This Statement will assess in detail all the planning aspects associated with the proposals for the application site. It will be shown that the proposals are in accordance with national and local planning policies and the presumption in favour of sustainable development.

2. PROPOSAL

- 2.1 The proposal would provide a single storey drive thru / restaurant. The gross internal area (GIA) of the building, which includes the external yard is 289.3m² / 3114sqft.
- 2.2 The proposal would convert the existing Bella Italia restaurant and include a drive-thru unit with a collection window for the drive-thru. The conversion would retain the existing floorplan of the Bella Italia with the minor amendment of the collection window to the western elevation.
- 2.3 An associated drive-thru lane is also proposed. The orientation of the proposed drive-thru lane would be from south to north wrapping around the western boundary.
- 2.4 The existing access into the application site would continue to be utilised from Woodhead Road.
- 2.5 The proposals would necessitate revisions to the current parking arrangement at the existing site by removing 2 parking spaces in total to allow a proposed order bay to be positioned close to the drive-thru lane. The number of proposed parking bays would be 44 car parking spaces: including 1 x order bay and 5 x disabled bays.
- 2.6 The elevations of the proposed restaurant / drive-thru would retain the existing Bella Italia shell, with minor amendments for the bin store and drive-thru pod window. The proposed design of the restaurant / drive-thru, and external materials is to be as per the existing, however, the advertisement of the proposed unit is to be agreed at a later date.
- 2.7 The material submitted to Kirklees Council comprises the following:
- Site Location Plan – Scale 1:1250 @ A4
 - Existing Site Plan – Drawing No. 0000/2021/G120. Scale 1:200 @ A1
 - Proposed Site Plan – Drawing No. 0000/2021/G121. Scale 1:200 @ A1
 - Existing External Elevations - 0000/2021/G210. Scale 1:100 @ A1
 - Proposed External Elevations (with no signage) – Drawing No. 0000/2021/G212. Scale 1:100 @ A1

2.8 It is envisaged that the proposed new restaurant operation will create up to 35 new jobs, comprising of a mix of 20 part-time positions and 15 full-time positions.

2.9 The proposed opening hours would include the following:

Monday – Sunday: 10am to 11pm.

3. POLICY

- 3.1 In the case of Birstall, the relevant development plan document is the Kirklees Local Plan which was adopted on 27 February 2019.

Kirklees Local Plan - Strategy and Policies

- 3.2 **Policy LP16 (Food and drink uses and the evening economy)** 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.*

- 3.3 It goes onto state that in order to assess the potential harm of food and drink and licensed entertainment proposals on a centre, the following criteria will be considered with a planning application:

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.

- 3.4 **Policy LP24 (Design)** states that good design should be at the core of all proposals in the district and should be considered at the outset of the development process. It continues to state that proposals should promote good design by ensuring high levels of sustainability through *"the re-use and adaptation of existing buildings, where practicable."*

National Planning Policy Framework February 2019

- 3.5 The NPPF sets out the Government's planning policies for England and how these should be applied in Local Plan preparation and decision-making. The NPPF constitutes a material consideration.

Achieving Sustainable Development

- 3.6 Chapter 2 sets out the Government's policies and objectives seeking to achieve sustainable development. Paragraph 8 outlines these objectives that need to be pursued in mutually supportive ways:
- *an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
 - *a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*
 - *an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*
- 3.7 The following extracts from the NPPF are also of relevance:

- 3.8 Paragraph 38 which states that local planning authorities should approach decisions on proposed development in a positive and creative way and that decision-makers should seek to approve applications for sustainable development where possible.
- 3.9 Paragraph 80 which states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

Making effective use of land

- 3.19 Chapter 11 of the NPPF focuses on making effective use of land. Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously developed or 'brownfield' land.

"Planning policies and decisions should:

- encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside;*
- recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;*
- give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;*
- promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more*

effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure); and

- support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well designed (including complying with any local design policies and standards) and can maintain safe access and egress for occupiers."*

Achieving well-designed places

3.10 Paragraph 124 states *"The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities"*.

3.11 Paragraphs 127 sets out criteria that policies and decisions should require to ensure that development:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*

- *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

3.12 Paragraphs 128 specifies that *"design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests"*.

4. PLANNING CONSIDERATIONS

Principle of Development

- 4.1 The proposal involves the reuse of an existing Bella Italia restaurant; therefore, this would allow for the reuse of an existing vacant building. The proposal would be compatible with the existing established restaurant at the site and would also accord with Policy LP24 of the Kirklees Local Plan by ensuring high levels of sustainability through the re-use and adaptation of existing buildings.
- 4.2 The Use Class E / Sui Generis outlet would provide additional customer choice for the Centre 27 Business Park. This would accord with Policy LP24 of the Kirklees Local Plan and be consistent with key provisions contained within the NPPF, to make effective use of established sites and to deliver sustainable development.
- 4.3 Whilst Centre 27 Business Park falls within a Priority Employment Area, the application site sits outside of this but falls under an out of centre retail park which is an established location for restaurants and similar uses. The majority of units in this area are a mixture of leisure and retail units or occupied as restaurants and drive-thrus. The introduction of the drive-thru lane at the application site will provide customers with a choice of either 'eating in' or allowing them the convenience of using the drive-thru facility, an option that is popular with customers visiting the business and retail parks and is especially significant following the impact of the Covid 19 epidemic. The proposal will be open from 10:00am to 11:00pm Monday to Sunday and as a result will add to vitality and diversity outside of shopping hours which would accord with Policy LP16 of the Kirklees Local Plan.
- 4.4 In addition to the above, it is noted that whilst Policy LP16 sets out criteria against which proposals for food and drink use will be assessed outside of defined centres, this is not relevant to the current proposal as the food and drink use of the property is already established. The only change will be that customers seeking to purchase food and drink to consume off the premises will now have a choice of using the drive-thru facility or going into the main restaurant unit.
- 4.5 The proposal will deliver 35 new employment opportunities. These will be in a range of positions including managerial. They also provide for flexible working arrangements which can be particularly attractive to younger people who have suffered most during the recent pandemic. In addition, the proposal will provide

for job opportunities within the hospitality sector which has also been hit most significantly in terms of job losses. These economic considerations weigh heavily in support of the proposed development.

- 4.6 The NPPF and National Planning Practice Guidance places significant weight on the need to support economic growth, and this application would certainly help to achieve this. The proposal would create both jobs and economic prosperity for the area, supporting sustainable economic growth. These benefits are therefore a material consideration in the determination of the planning application, and the Council should respond positively to this opportunity for growth, in line with the provisions set out in the NPPF.
- 4.7 The proposal would demonstrate an effective and efficient reuse of an existing vacant building and would therefore be in line with the NPPF as it gives substantial weight to the value of using suitable brownfield land whilst promoting the development of under-utilised land.

Transport

- 4.8 The proposal will retain the existing restaurant outlet but will introduce an ancillary drive-thru lane, as shown on the submitted Proposed Site Plan. The drive-thru lane will facilitate takeaway sales associated with the drive-thru restaurant and takeaways and as result will potentially reduce parking demand.
- 4.9 The proposal will result in the loss of 2 parking spaces at the application site, however, the proposed reconfigured car parking area would retain a total of 44 car parking spaces: including 3 x order bay and 5 x disabled bays available for the proposed outlet. The level of parking provision at the site and in the surrounding area is therefore considered acceptable for the proposed development.

Amenity

- 4.10 The application site is located within a commercial context with an existing KFC drive-thru restaurant situated to the east of the application site and an Chiquito and Frankie & Benny's restaurant located to the north of the application site. The closest residential property, located on Raikes Lane, is situated approx. 0.9 mile from the proposed Use Class E / Sui Generis. The proposal would, therefore, not

cause significant harm to residential amenity in terms of noise, vibration, odour, traffic disturbance, litter, or hours of operation.

- 4.11 Within this context, it is considered that the proposal will have a negligible impact on the amenity of neighbouring residents and is therefore considered that the proposal would be acceptable in amenity terms in accordance with Policy LP16 of the Kirklees Local Plan, as well as with relevant provisions of national planning policy.

Landscaping

- 4.12 For the proposed development there would be a 5 no. trees removed to the south and south-west of the site's boundary. However, the majority of existing landscape within the development would be retained. Therefore, the proposal would have a negligible impact on the existing landscape at the site making it a suitable location for the Use Class E / Sui Generis.

5. CONCLUSION

- 5.1 The proposal will make use of an established restaurant site within a wider established out of town Centre, providing an additional drive-thru restaurant unit on a site which is located within the urban area of Birstall. This will make effective and efficient use of an existing vacant building, in a manner that is consistent with the Local Plan and the NPPF as it gives substantial weight to the value of using suitable brownfield land.
- 5.2 The proposal complies with Policies LP16 and LP24 in assisting in maintaining an established location for restaurants and similar uses. The majority of units in this area are in leisure, retail, restaurant or takeaway use.
- 5.3 There are no sensitive uses, such as residential accommodation in the vicinity of the site and the nearest residential property is located on Raikes Lane which is 0.9 miles away. Therefore, the proposal will have no adverse impact as a result of noise, fumes or odour.
- 5.4 The proposal will also involve the creation of 35 jobs in total, which will include 15 no. full time and 20 no. part time. This again will be a positive benefit as a result of the proposal and weigh heavily in support of the proposed development.
- 5.5 The site will continue to provide for suitable levels of parking and servicing and will not result in any off-site adverse consequences in transport terms.
- 5.6 Overall, this Statement has demonstrated that the proposed development is compliant with the provisions of both national and Development Plan policy. It is considered that there are no reasons why planning permission should be withheld, and therefore it is respectfully requested that planning permission is granted.