



## **Addendum to Supporting Planning Statement submitted in April 2021**

**Proposed change of use from shop (Class E, Commercial and business purposes) to Hot Food Takeaway (Sui Generis) at 2 Town Road, Kirkheaton, Huddersfield, HD5 0HW.**

**Date: Oct 2021**

**Reference: 15821**

## 1.0 Introduction

- 1.1 This Addendum to the original Supporting Planning statement has been prepared by ***D5 Planning, Town Planning Consultants*** on behalf of Willow Properties (Yorkshire) Limited and has been prepared to support a planning application for the change of use of an existing shop use (Class E) to a hot food takeaway (Sui generis).
- 1.2 This document provides background information on the application site and sets out the planning case for the development.
- 1.3 By way of background, an application for this change of use was originally submitted in 2019 (2019/90889) but was subsequently withdrawn following comments from Kirklees Highways. At that time the proposed opening hours were from 0800 to 2300 hours. This application proposes opening hours of 1700-2300 hours.
- 1.4 Application 2021/92321 was submitted in May 2021 but invalidated by the Council in September 2021 due to an incorrect ownership Certificate. The proposed external flue was deemed to encroach over the adjoining footpath. This resubmission rectifies matters with the correct Certificate now completed.

## 2.0 Consultation responses

- 2.1 Notwithstanding the invalidation of the original planning application, it had reached an advanced stage in the process and consultee responses were received from Environmental Health and Highways. Environmental Health raised no objections subject to planning conditions whilst Highways objected due to concerns on highway safety grounds -

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- 2.2 In reaching such a conclusion Highways fail to address the *fall-back* position of the applicant where a number of car generating Class E uses could legitimately take place with uncontrolled opening hours. This is a material consideration and should be addressed by Kirklees Highways.
- 2.3 Furthermore, there is no acknowledgement of two existing commercial units (a Barbers and a Hairdressers) that operate on Shop Lane during daytime hours with a TRO outside and have caused no known highway issues. The proposed take away hours are in the evening only when traffic movement is significantly less and, as with these two existing commercial premises, on-street parking is available within easy walking distance of the site.
- 2.4 The presence of the existing TRO will ensure parking on street does not take place.
- 2.5 Given the above we would expect Kirklees Highways to reconsider their position on the application.

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