

Planning Consultation Request

Town and Country Planning Act 1990

APPLICATION FOR PERMISSION TO DEVELOP LAND

Further or Amended Plans/Information Received

<p>Consultation Response from KC, Policy</p>
<p>2023/91350 Storage Yard/Car Park, Cannon Way, Dewsbury, WF13 1XH</p>
<p>Temporary change of use of storage/carpark site to facilitate catering trailer and associated waste storage</p>
<p>Date Responded: 19 July 2023 Responding Officer: Hannah Morrison/Sarah Smith Responding Ref:</p>
<p>The response below should be read alongside the previous consultation response dated 16/06/2023.</p> <p><u>LP13 Town centre uses</u></p> <p>In the previous consultation response (dated 16/06/2023), it states that the sequential test required for main town centre uses has been passed based on the information provided in an email (dated 07/06/2023) which confirmed that the customer base was principally the employees and customers of the businesses within the industrial estate.</p> <p>Further information submitted in July 2023 in the form of a project details document highlights that <i>'the temporary catering trailer would provide the necessary preparation and dispatch facilities for hot and cold food and grocery products ordered on-line for delivery or collection.'</i> The split between hot cooked food (70%) and ambient packed foods (30%) to be 70/30. There will be no public, customer seating or entertainment provided on site.</p> <p>The additional information states that the opening hours of the proposal are as follows: Lunch: 12:00 – 14:00 Dinner: 17:00 – 20:00 Late Night: 21:00 – 02.00</p> <p>It also states that <i>'the ability to trade 24 hours a day would be most advantageous for contact-free online food deliveries'</i>.</p> <p>Taking account of the further information submitted, it is considered that the catchment area of the proposal (i.e. where customers will come from to collect their food and drink) is larger than the industrial estate, particularly given that it refers to market testing a 'virtual' dining concept' across the Dewsbury area and the opening times appear to be limited in serving the surrounding businesses therefore the sequential test has not been passed. The applicant needs to provide further details on the catchment that the proposal is intended to serve. Then demonstrate why vacant units or land within and on the edge of centres as defined in the adopted Local Plan within that catchment are not suitable for the proposal taking account of flexibility in format and scale. When considering sequentially preferable land and sites within the catchment of the proposal account needs to be taken</p>

of the number, distribution and proximity of other food and drink uses including those with unimplemented planning permission as set out in Policy LP16 Food and drink uses and the evening economy.

The Hot Food Takeaway SPD provides further detail on the concentration of hot food takeaways in policy HFT 2.

Hot Food Takeaway SPD

This SPD was adopted at Cabinet on 21 September 2022, it provides further guidance to businesses and the local community on how the Local Planning Authority will assess planning applications for new hot food takeaways under Local Plan policies LP16 (Food and drink uses and the evening economy) and LP47 (Healthy, active and safe lifestyles).

Establishments whose primary business is the sale of hot food where the consumption is mostly undertaken off the premises is Sui Generis and this SPD would apply to those premises.

The applicant has confirmed (additional information submitted June 2023) that the trailer will be used for the preparation of both hot and cold food. The split between hot cooked food (70%) and ambient packaged foods (30%) to be 70/30. Food will be available for collection and delivery only. With no public, customer seating or entertainment provided on-site.

Therefore, as the majority of food served will be hot, there is no seating proposed and food is for collection and delivery only, this proposal is considered as a hot food takeaway and as such the Hot Food Takeaway SPD will apply to this proposal.

HFT1 Public Health Toolkit

Proposals that are not accepted by the toolkit will be refused unless other material considerations indicate otherwise. This postcode scores 26, therefore is above the threshold and should be refused on public health grounds unless other material considerations indicate otherwise.

		Kirklees Average 21/22	Region	National	Kirklees Benchmark	Benchmark	Points	
POSTCODE	WF13 1XH							
LSOA CODE	E01011257							
STREET DESCRIPTION	Cannon Way							
WARD	Dewsbury South Ward							
IMD RANK	Worst 20 to 30 percent						4	
ADULTS OVERWEIGHT*	43.4%	34.0%			34.0%		6	
Ward rank (1 lowest, 23 highest)	23							
ADULTS OBESE (age 18+)**	12.1%	11.1%	11.8%	9.7%	11.1%		4	
LSOA Rank (1 lowest, 260 highest)	187							
5 YEAR OLDS WITH EXCESS WEIGHT**	26.1%	24.8%	23.7%	22.3%	23.3%		4	
Ward rank (1 lowest, 23 highest)	15							
11 YEAR OLDS WITH EXCESS WEIGHT **	35.2%	39.4%	39.2%	37.8%	35.6%		0	
Ward rank (1 lowest, 23 highest)	7							
DIABETES PREVALENCE (age 17+)**	13.4%	8.9%	7.8%	7.3%	8.0%		6	
LSOA Rank (1 lowest, 260 highest)	255							
CORONARY HEART DISEASE PREVALENCE (all ages)**	3.1%	3.3%	3.6%	3.0%	3.4%		2	
LSOA Rank (1 lowest, 260 highest)	52							
* local data source - CLiK 2021 (at Ward level)							POINTS TOTAL:	26
** National Child Measurement Programme, 2021/22 (Ward level)							ASSESSMENT:	Reject
***GP QOF data (at LSOA level), 2021/22								

It scores above the Kirklees average/Kirklees benchmark on all but 1 of the indicators (11-year-olds with excess weight), this is a deprived area (worse 20 to 30%), with a high proportion of adults overweight, with a high prevalence of diabetes.

HFT2 Town Centre Vitality and Viability

The application site is not within a principal town, town, district or local centre; however when undertaking the main town centre use sequential test consideration needs to be given to the hot food takeaway unit thresholds set out in table 6 (page 14).

HFT3 Proximity to Schools

The application site is located within 400m of a school (Rida Girls High School (Chapel St) (Secondary)), as such in accordance with the SPD, if planning permission were to be granted, opening hours should be restricted, it should not open to the public before 5pm on weekdays and there should be no over the counter sales before that time (including collection).

HFT4 Noise abatement and extraction of odours

All applications must be accompanied by an Odour and Noise Impact Assessment. This should include full details of the extraction system proposed including the internal layout and external appearance showing the location of all the main components of the system, together with details of any necessary noise attenuation and odour abatement measures.

HFT5 Waste Disposal

All applications must be accompanied by a Waste Management Strategy which should cover storage and disposal of waste including provision of grease traps where appropriate. It should also consider recycling and the use of sustainable food packaging, such as cardboard boxes and paper straws.

HFT6 Takeaway design and community safety

When determining applications for hot food takeaways consideration will be given to safety and residential amenity. The advice of West Yorkshire Police and the Community Safety Partnership in relation to personal safety or crime and disorder will be given significant weight in determining such planning applications.

HFT7 Highway safety

Applications for hot food takeaways will be refused where the use is considered to have an unacceptable adverse impact on highway efficiency and safety.

LP27 Flood Risk Sequential Test

A Flood Risk Sequential Test has not been submitted, therefore our original comments (dated 16 June 2023) relating to flood risk and the methodology to be followed when carrying out a sequential test still apply. In accordance with NPPF/NPPG and LP27 a Flood Risk Sequential Test is required to be carried out for this proposal, however in light of the additional information submitted the area of search will need to be wider than the PEA originally advised.

The Sequential Test should be applied to 'Major' and 'Non-major development' proposed in areas at risk of flooding. This proposal is not exempt from the test under Footnote 56 of the NPPF, as it isn't classed as 'minor development' in relation to flood risk.

'Non major development' is any development falling below the 'Major' thresholds ((d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more, (e) development carried out on a site having an area of 1 hectare or more) but excluding minor development.

This application, located in Flood Zone 2 (Medium risk of flooding), having a floorspace of below 1,000sqm, is therefore considered as 'non-major' development and as such a flood risk sequential test is required to be carried out. (Paragraph: 051 NPPG Flood risk and coastal change).

For individual planning applications subject to the Sequential Test, the area to apply the test will be defined by local circumstances relating to the catchment area for the type of development proposed. Given that the trailer would provide the necessary preparation and dispatch facilities for hot and cold food and grocery products ordered online for delivery or collection, it is considered that the catchment area of the proposal is larger than the industrial estate, particularly given that it refers to market testing a 'virtual' dining concept' across the Dewsbury area and the opening times appear to be limited in serving the surrounding businesses. Therefore, the area of search will need to be much wider than the PEA.

In accordance with LP27 the whole Kirklees district should be the starting point for the sequential test with applicants required to provide justification where a smaller area of search is proposed. If following application of the sequential test, there are no reasonably available sites which could accommodate the development in zones with a lower probability of flooding, it should also be demonstrated that a sequential approach has been applied within sites.