

# Robert Halstead

Chartered Surveyors & Town Planners

N.C. Willock MRICS MRTPI

Office G of H, Bridge Mills, Huddersfield Road, Holmfirth, HD9 3TW

e mail:

Planning    Development

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**By Email Only**

25<sup>th</sup> October 2023

Kirklees Planning Services  
Development Control

**FAO Nicole Helliwell**

**RE: OBJECTION TO APPLICATION FOR CHANGE OF USE FROM CLOTHES SHOP TO CAFÉ WITH HOT FOOD TAKE OUT AT 31 WHARF STREET, SAVILE TOWN, DEWSBURY, WF12 9AT**

**LPA REF: 2023/92635**

Dear Madam,

Robert Halstead Chartered Surveyors and Town Planners have been instructed to submit an objection letter to Kirklees Council on behalf of local residents.

Our clients are concerned that the proposed change of use would have a detrimental impact on traffic and parking, and that the proposals would cause undue harm in relation to waste, visual amenity, and the character of the area. Furthermore, the application does not appear to contain sufficient information for the application to be fully assessed. These issues in relation to relevant planning policies and guidance will form the basis of this objection.

## Insufficient Information

The application form states that the change of use started in August 2023. Recent photographs of the front of the premises also support this claim (see photograph below). As such, the application is considered to be retrospective, or at least part retrospective, and this should therefore be made clear within the description of the proposal. It is requested that the description be amended to reflect this.

As already noted by KC Policy and KC Environmental Health (Pollution & Noise Control), the following reports are also missing from the application:

- Retail Sequential Assessment in accordance with Local Plan Policy LP13 and paragraph 87 in the NPPF as the application site is located outside of a defined centre.
- Flood Risk Assessment in accordance with paragraph 167 in the NPPF as the application site is located within Flood Zone 2.

- Odour and Noise Impact Assessment in accordance with Policy HFT4 in the Kirklees Hot Food Takeaway SPD.
- Waste Management Strategy in accordance with Policy HTF5 in the Kirklees Hot Food Takeaway SPD and Local Plan Policy LP44.

In addition, it is considered that the following information is also missing from the application:

- Detailed floor plans to show the proportion of space designated for food preparation and other servicing in relation to designated customer circulation space, and the number of tables and chairs to be provided for customer use in accordance with paragraphs 3.5 and 3.6 in the Kirklees Hot Food Takeaway SPD.

Given the above, it is considered that the proposed development should be refused on the grounds of insufficient information. Should the LPA, however, request this information prior to the determination of the application, it is requested that the application be re-advertised to allow local residents, such as our clients, to make further representations if they wish.

#### Highway Matters

Policy HFT 7 in the Kirklees Hot Food Takeaway SPD state the following:

*'Applications for hot food takeaways will be refused where the use is considered to have an unacceptable adverse impact on highway efficiency and safety, including the consideration of:*

- *The existing use and location of the site or premises;*
- *Accessibility for pedestrians, cyclists and vehicular traffic; and*
- *The operational requirements of the business.'*

Local Plan Policy LP21 also states that,

*'New development will normally be permitted where safe and suitable access to the site can be achieved for all people and where the residual cumulative impacts of development are not severe.'*

The application site is located within a residential street with business and industrial premises located directly north and east of the application site. Wharf Street and the surrounding roads are relatively narrow with limited off-street parking availability. As such, given the nature of the area, the roads are already heavily congested with residential and industrial traffic and on-street parking.

It is considered that the proposed development would further increase the volume of traffic using Wharf Street. Furthermore, the application site does not include any customer parking, and as a result, customers visiting the premises would be required to park on Wharf Street where space is already limited and demand for on-street parking from residents and existing business users is already high.

The increase in traffic and on-street parking would further reduce visibility for road users and restrict the free flow of traffic along Wharf Street. The application site is also located close to a bend in the road which further increases highway safety concerns.

The increase in traffic associated with the proposed development would also lead to increased noise levels and disturbance for local residents. Although the premises is not proposed to operate during unsociable hours, car engines left running outside of the premises and car doors opening and shutting

on a regular basis would, in our view, cause undue harm to the residential amenity of neighbouring residents.

The proposed change of use is therefore not considered to be appropriate with regards to highway efficiency and safety and is therefore contrary to Local Policies HFT 7 and LP21.

### Waste

Policy HFT 5 in the Kirklees Hot Food Takeaway SPD states the following:

*'Any proposal for hot food takeaway should:*

- *Accommodate commercial bin stores within the building where practicable. If this is not possible the bin store must be on site and adequately screened in a manner and location that does not detract from the street scene or the character of the area and that does not cause odour nuisance to neighbouring occupiers*
- *Locate bin stores to enable access for refuse collection vehicles; and*
- *Consider the provision of bins for customer's litter in locations that do not cause a nuisance or obstruction on the highway or any other public or private space.'*

The application form states that two bins are being provided by the local authority and collected via business waste. Other than this, the application, including the submitted plans, contains no details regarding waste. This is of great concern to our clients.

The application site is small, and the red line boundary on the Location Plan only includes the building and a very small area of land at the front of the building. If the bin store cannot be located within the building, (which seems likely given the size of the premises), where exactly are the bins going to be stored? Locating them at the front of the property would be completely inappropriate in our view as they would detrimentally affect visual amenity and the character of the street scene and would also likely cause some obstruction to the public footpath.

If the applicant intends to store the bins at the rear of the premises, this area should have been included within the red line boundary. Either way, the bins are highly likely to cause an odour nuisance to neighbouring dwellings whether they are located at the front or rear.

Our clients are also concerned that the proposed development would increase the amount of litter along Wharf Street and the surrounding area. Even if customer litter bins are provided by the applicant, it is possible that these would not always be used by customers to dispose of their rubbish. The increase in litter would also have a negative impact on the visual amenity of the area as well as potentially increasing odours and vermin.

Although very few details concerning waste, including the lack of a Waste Management Strategy, have been submitted as part of the application, the proposed development is nevertheless considered to be inappropriate given the nature of the application site, in particular the close proximity of residential dwellings to the proposed takeaway.

### Visual amenity and the character of the area

Local Plan Policy LP25 states the following:

*'1. The development of new or replacement shop front units and display or advertisements will only be permitted if they satisfy the following criteria:*

- a. The design is consistent with the character of the existing building in terms of scale, quality and use of materials;*
- b. Proposals respect the character of the locality and any features of historic, architectural, cultural or other special interest;*
- c. The shop front fascia is designed to be in scale, in its depth and width, with the façade and street scene of which it forms part.'*

the shop front is bulky, unattractive, and not in keeping with the row of stone fronted terraced properties of which it forms a part of. Whilst it is recognised that the previous clothes shop also contained the black box like fascia , it is felt that this application offers the opportunity to remove this and replace it with something much simpler in design and more in keeping with the character and appearance of the host property.

### **No. 31 Wharf Street (front elevation)**

Likewise, the proposed signage appears to have been just 'stuck on' without much consideration given to scale, design or detailing. No details have been provided within the application concerning the signage either, including materials.

As mentioned above, any bin storage at the front of the premises would also have a detrimental impact on visual amenity, and any increase to on-street parking as a result of the development would further degrade the overall character of the area.

### Proliferation of hot food takeaway is in Savile Town

Finally, an online search of Savile Town has revealed that it already has nine hot food takeaways, only two of which are located within the defined local centre.<sup>1</sup> The other seven are located within either the residential or industrial areas of Savile Town. One hot food takeaway known as The Food Shack is situated just along the road from the application site at No. 42 Wharf Street. It should be noted that this takeaway doesn't have planning permission and is currently being investigated by Planning Enforcement.

The location of hot food takeaways outside of defined centres not only has the potential to cause harm to the vitality and viability of centres, but also has a negative impact on the character and amenity of residential areas in particular, such as this area of Wharf Street. The fact that there are now two hot food takeaways on this residential street within 30 metres of one another is also considered to be inappropriate with regard to visual amenity, as well the potential impacts on the health of the local community.

Given the reasons outlined above, our clients strongly object to the proposed change of use. It is therefore respectfully requested that the Council refuse this application.

Yours faithfully,

**Robert Halstead Chartered Surveyors & Town Planners**