

# Robert Halstead

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Planning      Development

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**By Email Only**

13<sup>th</sup> December 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,

We submitted an objection letter on behalf of some local residents in relation to the above application on 25<sup>th</sup> October 2023.

We note from the website that the applicant has submitted some additional supporting information. We would therefore like to make some additional comments:

Policy HFT 4 Noise abatement and extraction of odours

The applicant states in their Hot Food Takeaways SPD document that,

*'On site there will be a simple domestic style range cooker and domestic style extract to meet the demand for ventilation. The setup will be more like a domestic kitchen arrangement with simple cooking rather than the more typical type food preparation and cooking you would associate with a hot food takeaway. The style of food the applicant intends to serve will consist mainly of Indian flat bread, tea and coffee etc.*

*Considering the simple domestic cooking process and extract, a separation with other residential dwellings, limited hours of operation then we believe that there will be no detrimental impact on the adjacent properties or surrounding local area in terms of noise or odours and as such we believe the above will be sufficient to address the requirement for a noise and odour assessment.'*

According to our clients, some of the food dishes that are proposed and shown on the menu cannot be cooked on a normal domestic hob as the applicant suggests. The dishes are substantial restaurant / takeaway items that would require a fully functioning commercial style kitchen. With this in mind, it is highly unlikely that a domestic style extraction system would be adequate for the proposed

development. Furthermore, contrary to what the applicant states, the property is a mid-terrace property and is therefore joined to, and not separate from other residential dwellings. With regards to the 'limited hours of operation,' it is also questionable as to whether these will be limited to 0700 to 1400 hours Monday to Friday. The applicant's menu refers to a 'weekend special,' and the applicant's Sequential Test document also states that the business will be 'predominantly open during the day and not on an evening.'

Given some of the vague and conflicting information in their document, it is considered that an Odour and Noise Impact Assessment, which contains full details, should be provided by the applicant in accordance with Policy HFT 4. It is noted that the Council's Environmental Health (Pollution and Noise Control) have also stated that a Report be submitted prior to the determination of the application.

#### Policy HFT 5 Waste Disposal

The applicant states in their Hot Food Takeaways SPD document that,

*'There will be one 240ltr bin stored to the rear of the property and will be covered and out of view. On bin collection day this will be collected from the side of the property or brought to the front for ease of access.'*

As stated in our original objection letter, 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. Therefore, if the bin is to be stored at the rear of the building as the applicant suggests, then the red line boundary needs amending to include the bin store. On bin collection day, it is unclear how the bin would be collected from the side of the property as it's a mid-terrace! To bring the bin round to the front of the property would be less than straight forward too. Our clients are therefore concerned that the bin may end up being permanently located at the front of the property, which would be of detriment to visual amenity and the character of the area. The bins are also highly likely to result in an odour nuisance given the proximity of neighbouring dwellings, whether they are located at the front or at the rear.

It is also considered that the limited information that the applicant has submitted in relation to waste does not constitute a Waste Management Strategy and as such, this information is still required for the application in accordance with Policy HFT 5 and Local Plan Policy LP44.

#### Policy HFT 7 Highway Safety

The applicant states in their Hot Food Takeaways SPD document that,

*'It is anticipated that most customers will be visiting the premises by foot and with limited car usage. The applicant will bring their own stock and supplies to the shop and as such there will be no delivery vehicles to site.'*

Although some customers may visit the premises on foot, our clients believe that many customers will travel by car. As stated in our original objection letter, Wharf Street and the surrounding roads are relatively narrow with limited off-street parking. Given the nature of the area, the roads are already heavily congested with residential and industrial traffic and on-street parking. The proposed development would further increase the volume of traffic using Wharf Street, and customers visiting the premises would be required to park on Wharf Street where space is already limited. 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.

It also seems odd that the applicant doesn't expect any delivery vehicles to visit the premises. Even if this is the case, the applicant themselves would still need to park on Wharf Street to unload their stock and supplies from their own vehicle if transporting them from their home.

Our clients are therefore still very much of the view that the proposed development would have an unacceptable adverse impact on highway safety which is contrary to Policy HFT 7 and Local Plan Policy LP21.

In summary, our clients still strongly object to the proposed change of use. They therefore wish to uphold their original objection and would also like these additional comments to be taken into account in the determination of the application.

Yours faithfully,

Nick Willock MRTPI MRICS

**Robert Halstead Chartered Surveyors & Town Planners**