

**Consultation Response from KC Policy**
**2024/90800 Prime Property Rentals, 115 Bradford Road, Fartown, Huddersfield, HD1 6DZ**
**Change of use from offices to takeaway and 2 additional dwellings, dormer windows to front and rear, new shop front, windows and associated works**
**Date Responded: 22/04/2024**
**Responding Officer: NR**
**Responding Ref:**

This application is for a change of use from offices to a hot food takeaway at Prime Property Rentals, 115 Bradford Road, Fartown, Huddersfield, HD1 6DZ. The site is located within Hillhouse Local Centre (LCB21) as designated in the Kirklees Local Plan, which was adopted on 27<sup>th</sup> February 2019. The Local Plan should be fully considered; however, the following response relates to specific Local Plan policies and Supplementary Planning Document principles which are of particular relevance to the proposal and other policies that are not mentioned here may also apply.

Currently the ground floor and basement are in use as an office and a storage area whilst the first and second floor accommodate a 3-bedroom apartment. The proposal would change the use of the ground floor to a hot food takeaway, the basement to a two-bedroom apartment and split the first and second floors into two three-bedroom apartments. Overall, there would be a net gain of two dwellings. With this proposal including a hot food takeaway, it will have to be assessed against Policy LP16 in the Local Plan along with the relevant Principles in the Kirklees Hot Food Takeaway and Housebuilders' Design Guide Supplementary Planning Documents (SPDs).

**Kirklees Local Plan**
**Policy LP16 – Food and drink uses and the evening economy**

This policy states that proposals for food and drink uses and associated proposals will be supported, provided they are located in 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.

In order to assess the potential harm of food and drink proposals on a centre, planning applications will be considered against criteria a to g in Policy LP16. Criterion a requires the consideration of the number, distribution and proximity of other food and drink uses, including those with unimplemented planning permission in a particular centre. Currently, there are 45 units in Hillhouse Local Centre of which 16 are in use for food and drink uses or 36% of uses. Therefore, it is considered that there will be no overconcentration of food and drink uses in Hillhouse Local Centre. Further advice on whether the proposal complies with criteria b to g will be available from other consultees.

**Hot Food Takeaway Supplementary Planning Document (HFT SPD)**
**HFT1 – Public Health Toolkit**

This principle states that proposals for all new hot food takeaways will be assessed against the Kirklees Council Public Health Toolkit. Proposals that are not accepted by the toolkit will be refused, unless other material considerations indicate otherwise. The proposed change of use would score 12 on the Toolkit and therefore passes the Toolkit assessment.

**HFT2 – Town Centre Vitality and Viability**

This principle states that hot food takeaways (Sui Generis) will not be supported in a principal town, town, district or local centre where the cumulative impact of introducing the facility would be detrimental to the vitality and viability of that centre. Proposals in Local Centres such as Hillhouse will be considered to be harmful if it meets one or more of three criteria.

Criteria 1 states that hot food takeaways will be considered to be harmful where they increase the concentration of hot food takeaway ground floor units in a centre to more than 15% of all main town

centre uses. In the case of this application, the occupancy data for Hillhouse Local Centre shows that there are 45 units in Hillhouse Local Centre of which 5 are in use as hot food takeaways (11% of units). If the proposed use was permitted, 6 units would be hot food takeaways (13.3% of units) Criterion 1 of Policy HFT2 has therefore been met.

Criterion 2 states that hot food takeaway proposals will be harmful where they create a cluster of three or more hot food takeaways together. In the case of this application, the occupancy data shows that to the north of the site are Broadway Hair Salon and Reflexion Beauty and to the south are Saim's Restaurant and Charmaine's Caribbean Café which come under the former A3 Use Class. Therefore, it is considered that the proposal will not result in a cluster of three or more hot food takeaways together. Regarding criterion 3, there are no clusters of hot food takeaways adjacent to the application site. Therefore, the proposed development would be acceptable in terms of Principle HFT2.

#### HFT3 – Proximity to Schools

This principle states that where planning permission is sought for a hot food takeaway (new or variation of condition) within 400m of the principal entry point to a primary (infant and/or junior or middle) or secondary school, and the proposal meets planning policy in all other respects, planning permission will only be permitted subject to the condition that opening hours are restricted to the following:

- **A primary school (infant and/or junior or middle):** the hot food takeaway is not open to the public between 3pm and 5pm weekdays and there are no over the counter sales during these times.
- **A secondary school:** the hot food takeaway is not open to the public before 5pm on weekdays and there are no over the counter sales before that time.

With this site being located within 400m walking distance of a primary school at Birkby Junior School, it will be necessary for a planning condition requiring that the takeaway is not open to the public between 3pm and 5pm on weekdays and there are no over the counter sales during these times.

#### Principles HFT4-HFT7

The applicant has not submitted any information pursuant to these principles and should therefore submit the information required by these principles.

#### Housebuilders' Design Guide SPD

The applicant has not provided any information about the floorspaces in the proposed apartments and should have regard to Principle 16 and Nationally Described Space Standards set out in Table 1 of the Housebuilders' Design Guide SPD. Consideration should also be given to the standard of amenity created in the new dwellings, in line with Local Plan Policy LP24 and the principles of the Housebuilder Design Guide SPD.

#### Conclusion

The proposed development would not result in an overconcentration of food and drink uses in accordance with criterion a of Policy LP16 and would be compliant with Principles 1 and 2 of the Kirklees HFT SPD. However, there would also need to be a condition restricting opening hours due to the site's proximity to Birkby Junior School so the proposal is compliant with Principle 3 of the SPD. The applicant also needs to submit additional information in accordance with Principles HFT4 through to HFT7 of the Hot Food Takeaways Supplementary Planning Document. Regard also needs to be had to Principle 16 of the Housebuilders' Design Guide SPD and Local Plan Policy LP24.