

**KIRKLEES METROPOLITAN COUNCIL  
INVESTMENT & REGENERATION SERVICE**

**DEVELOPMENT MANAGEMENT**

**Town and Country Planning Act 1990 (as amended) – SECTION 70**

**DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS**

Reference No:	<b>2024/62/90845/E</b>
Site Address:	land opposite, 510, Huddersfield Road, Ravensthorpe, Dewsbury, WF13 3ET
Description:	Change of use from car wash to hot food premises, remodelling and alterations to existing building
Recommending Officer:	Nicole Helliwell

**DECISION - REFUSED**

**I hereby authorise the refusal of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.**

Emma Thompson

***AUTHORISED OFFICER***

**Date: 25-Mar-26**

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### **Officer Report**

**Reference No.** 2024/62/90845/E

**Site Address:** Land opposite, 510, Huddersfield Road, Ravensthorpe, Dewsbury, WF13 3ET

**Proposal:** Change of use from car wash to hot food premises, remodelling and alterations to existing building

### **Site Description**

The application relates to Land opposite, 510 Huddersfield Road situated in Ravensthorpe, Dewsbury. The site is located within a priority employment area (PEA34) on the Kirklees Local Plan Proposals Map. The wider area comprises a combination of residential and commercial properties of varying materials and architectural styles. The site is not within a conservation area, nor are there any listed buildings or Public Rights of Way (PROW) within close proximity.

### **Description of Proposal**

The application seeks planning permission to change the use from a car wash to a hot food premises (Sui Generis). The proposal also involves remodelling and alterations to the existing building. The details of the proposal are summarised below:

- The resultant hot food premises would measure approx. 20.8m in length, approx. 10m in depth and would have an overall height of approx. 4.88m.
- Officers note that signage is shown on the proposed drawings. However, any signage would require advertisement consent and will not be considered under this application.

### **Relevant Planning History**

- **2021/90641:** Removal of conditions 3 (Phase I Desk Study), 4 (Phase II Report), 5 (Remediation Strategy), 6 (Remediation) & 7 (Validation Report) on previous permission 2019/90459 for change of use of land to car wash and erection of ancillary building. [Planning application details | Kirklees Council](#) – Discharge of Condition(s) Refused
- **2019/90459:** Change of use of land to car wash and erection of ancillary building. [Planning application details | Kirklees Council](#) – Conditional Full Permission
- **2010/93269:** Change of use of former tool hire outlet to form 5 retail shops and car valeting/wash. [Planning application details | Kirklees Council](#) – Withdrawn

- **99/93316:** Erection of illuminated and non-illuminated fascia/canopy signs. [Planning application details | Kirklees Council](#) - Advertisement Consent Approved
- **99/91847:** Installation of new shop front. [Planning application details | Kirklees Council](#) - Conditional Full Permission
- **99/91846:** Erection of illuminated and non-illuminated signage. [Planning application details | Kirklees Council](#) – Advertisement Consent Refused
- **96/92591:** Construction of compound to store. [Planning application details | Kirklees Council](#) - Conditional Full Permission
- **95/92454:** Cladding to existing building. [Planning application details | Kirklees Council](#) – Conditional Full Permission
- **95/91468:** Change of use of petrol filling station, showroom and garage forecourt to tool hire depot with stores and car parking. [Planning application details | Kirklees Council](#) - Conditional Full Permission

### **Representations**

The application was publicised by neighbour notification letters, which expired on 6<sup>th</sup> August 2024. As a result of the above publicity, four representations have been received. The comments made have been summarised below:

- Too many food outlets (fast) this isn't the vision for Kirklees.
- Already poor health etc. There will be too much noise pollution.
- Too much traffic we don't need any more takeaways.
- There is a lot of fly tipping and this area is an obesity area.
- Concerns around the increased road traffic disturbance to local residents both domestic and commercially.
- The proposed plans only include a limited amount of parking on the site. This will result in curb side and business premises vehicular obstructions.
- Currently there is a valeting place operating from there which already causes a lot of noise pollution.
- Opening of a food outlet will create chaos especially with vehicle traffic turning in on to the site and there is a nearby wedding hall which is very busy with vehicle traffic. The road is already busy as it is.
- Furthermore, another food outlet when there is already 10 food businesses within 100 metres this is not helping obesity at all and is promoting fast food culture.

### **Consultation Responses**

The following is a brief summary of Consultee advice (more details are contained in the 'Assessment' section of the report, where appropriate):

KC Public Health - The application has a score of 34. Based on this evidence, there are a number of health indicators which are worse than the Kirklees average. Careful consideration should be given to this application due to the

potential adverse health impacts of an additional hot food takeaway in this location.

KC Highways Development Management – Objection

KC Lead Local Flood Authority – No objection

KC Environmental Health - No objection subject to recommended conditions

### **Policy**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27<sup>th</sup> February 2019).

The site is located within a priority employment area (PEA34) on the Kirklees Local Plan Proposals Map. The site is also located within the Strategic Green Infrastructure Network. The most relevant policies for consideration in this case are:

### **Kirklees Local Plan Policies**

- **LP 1** - Achieving Sustainable Development
- **LP 2** - Place shaping
- **LP 7** - Efficient and Effective Use of Land and Buildings
- **LP 8** - Safeguarding Employment Land and Premises
- **LP 9** - Supporting Skilled and Flexible Communities And Workforce
- **LP 13** - Town Centre Uses
- **LP 16** Food and Drink Uses and the Evening Economy
- **LP 21** - Highways and Access
- **LP 22** - Parking
- **LP 24** - Design
- **LP 27** - Flood Risk
- **LP 28** - Drainage
- **LP 30** - Biodiversity and Geodiversity
- **LP 31** - Strategic Green Infrastructure Network
- **LP 44** - New Waste Management Facilities
- **LP 47** - Healthy, Safe and Active Lifestyles
- **LP 52** - Protection and Improvement of Environmental Quality
- **LP 53** - Contaminated and Unstable Land

### **In this case, the following SPDs are applicable:**

- Highways Design Guide SPD (adopted 4th November 2019)
- Biodiversity Net Gain Technical Advice Note (adopted 29th June 2021)
- Waste Management Design Guide for New Developments (Version 5, October 2020).
- Kirklees Hot Food Takeaway SPD (2022)

## **National Policies and Guidance:**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2024, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 2** - Achieving Sustainable Development
- **Chapter 4** - Decision-Making
- **Chapter 7** - Ensuring the vitality of Town Centres
- **Chapter 8** - Promoting Healthy and Safe Communities
- **Chapter 12** - Achieving Well-Designed Places
- **Chapter 14** - Meeting the Challenge of Climate Change, Flooding and Coastal Change
- **Chapter 15** - Conserving and Enhancing the Natural Environment

A consultation draft of the National Planning Policy Framework (the Framework) was published on 16 December 2025. As a consultation, the document is at an early stage and subject to change. Accordingly, for the purposes of this application, no weight is given to the current consultation document.

## **Assessment**

### **1. Principle of development**

#### **Town Centre Use**

The proposal is for a main town centre use in an edge-of-centre location, approximately 141m away from the nearest designated centre at Ravensthorpe District Centre (DCB13). As such, Policy LP13 of the Kirklees Local Plan is therefore relevant.

The role and function of District Centres like Ravensthorpe is to provide a range of shopping for everyday needs and serving specialist markets and to be the local focus for basic financial services, food and drink, entertainment, leisure and tourist facilities, and health services. With the proposed development making provision for food and drink uses, it would be an appropriate use within Ravensthorpe District Centre.

Part B of Policy LP13 states that proposals which come forward for main town centre uses, which are located outside of the defined centre boundaries, will require the submission of a Sequential Test. For retail proposals the boundary shall form the Primary Shopping Area; for all other main town centre uses this

shall be the extent of the centre boundary. Main town centre uses shall be first located in the defined centres, then edge of centre locations, and only if there are no suitable sites shall out of centre locations be considered.

The National Planning Policy Framework defines edge of centre locations as being those within 300m of a centre boundary. With the site being approximately 141m away from the boundary of Ravensthorpe District Centre, the site is considered to be in an edge of centre location.

The applicant has not provided a sequential test with the application. Details regarding the requirements of the Sequential Test are outlined within Paragraph 9.12 of the Kirklees Local Plan states that the following evidence needs to be provided:

- The business model for the development
- An appropriate catchment that the business would seek to serve in accordance with the Shopping Centre Hierarchy Table
- An appropriate audit trail of any sequentially preferable sites that have been discounted with a robust justification

On this basis, in the absence of the above information, it is considered that the proposed town centre use in this edge of centre location would have a detrimental effect on the vitality and viability of the nearby centres and would fail to accord with Policies LP2 and LP13 of the Kirklees Local Plan and Chapter 7 of the National Planning Policy Framework.

#### Priority Employment Area

The site is allocated as a Priority Employment Area (PEA34) on the Kirklees Local Plan (KLP). Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

With regard to the land allocation as employment land, LP8 supports development which continues the employment use. Part 1 of the policy states that proposals for re-development for employment generating uses (as defined in the Glossary) in Priority Employment Areas will be supported where there is no conflict with the established employment uses in the area (as defined in the Glossary). Part 2 of the policy outlines the limitations if a proposed scheme is proposing a non-employment generating use.

The Local Plan Glossary defines employment generating uses as being those which come under Use Classes B1, B2 and B8. Following changes to the Use Classes Order, Use Class B1 has been replaced with Use Class E. The proposal seeks planning permission for the change of use from a car wash to a hot food premises (Sui Generis). Whilst it is unclear how many jobs would

be provided, it could be considered as 'employment generating' as defined in the Local Plan glossary and would therefore comply with the aims of LP8.

### Food and Drink Uses and The Evening Economy

Policy LP16 of the Kirklees Local Plan states *"In order to assess the potential harm of food and drink and licensed entertainment proposals on a centre, the following criteria will be considered with a planning application:*

- a) the number, distribution and proximity of other food and drink uses, including those with unimplemented planning permission in a particular centre; a. the impacts of noise, general disturbance, fumes, smells, litter and late night activity, including those impacts arising from the use of external areas;*
- a) the potential for anti-social behaviour to arise from the development, having regard to the effectiveness of available measures to manage potential harm through the use of planning conditions and / or obligations;*
- b) the availability of public transport, parking and servicing;*
- c) highway safety;*
- d) the provision of refuse storage and collection; and*
- e) the appearance of any associated extensions, flues and installations."*

Proposals for food and drink uses and licensed entertainment uses located outside of defined centres will be subject to criteria b to g set out under Policy LP16. The site is located outside of a defined town centre in the Kirklees Local Plan. Sub paragraphs b – g of Policy LP16 have been considered in more detail within the officer report. The proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety.

### **1. Impact on Visual Amenity**

Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring the form, scale, layout, and details of all development respects and enhances the character of the townscape, extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details.

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby Paragraph 131 provides a principal consideration concerning design which states: "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

The application seeks permission for extensions and alterations to the existing building to form a hot food premises. The resultant building would be of an appropriate design and would measure approx. 20.8m in length, approx. 10m in depth and would have an overall height of approx. 4.88m. The submitted plans confirm that fenestration and openings would be installed within the north, west and south facing elevations. No details have been provided relating to the material palette, however, should the application be approved, a condition would be imposed requiring the materials to be reflective of those that currently exist within the local area. For these reasons, subject to conditions, it is considered that the proposal would be acceptable from a visual amenity perspective, in accordance with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the NPPF.

## **2. Impact on Residential Amenity**

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be outlined, taking into account Policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers.

### Impact on 500, 502, 504 and 506 Huddersfield Road

500, 502, 504 and 506 Huddersfield Road are residential properties located north of the application site. The proposed development would occupy a position approximately 24m from the front elevation of the neighbouring properties.

The separation distances retained would provide some mitigation from activities at the site, however, there is the potential for noise and odour nuisance associated with the proposed use.

### Noise

KC Environmental Health have noted that residential accommodation is situated across the road from the application site. The proposed development is in an area where existing daytime traffic noise levels will be quite high due to a nearby busy highway. As the applicant has not proposed opening times, officers consider that a condition restricting the hours of use is reasonable to protect amenity at night when traffic noise has reduced.

### Odours

Hot food is proposed, no detailed information has been provided in relation to the extraction facilities to be installed. Although there are no adjoining sensitive receptors, KC Environmental Health note there are sensitive receptors across the road and the development appears to be single storey thus the flue terminus may be at first floor height. With this in mind, officers

have recommended a condition in relation to suitable odour control to protect the amenity of sensitive receptors.

Having considered the above factors, the proposed development can be conditioned to avoid any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 and LP52 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties and Paragraph 135 (f) and Chapter 15 of the National Planning Policy Framework.

### **3. Impact on Highway Safety**

Local Plan Policies LP21 and LP22 of the Kirklees Local Plan are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Furthermore, Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

This application seeks approval to the change of use from car wash to hot food premises, remodelling and alterations to the existing building at land opposite, 510 Huddersfield Road in Ravensthorpe, Dewsbury. As such, KC Highway Development Management have been formally consulted on the proposed scheme.

The existing ground floor layout plan shows the proposed building centrally located within the site with a In and Out access arrangement. 8 parking spaces are shown to the frontage of the site, and further spaces to the sides, 4 to the eastern side and possibly 5 to the western side.

The proposed ground floor layout shows the proposed building increased in size with the existing In and Out access arrangements retained. 8 echelon parking spaces are shown to the frontage of the site with an aisle width of 4.2m, and further spaces to the sides. The number of spaces to the western side is unclear as this plan does not show the whole of the site. The proposed building is shown to have 9 tables for 4 and 4 tables for 2 resulting in approximately 44 covers in total, it is however considered that a different arrangement would allow more seating.

#### **KC Highway Development Management comments:**

1. The plans are not dimensioned, and all dimensions quoted in this response are therefore scaled and may not be accurate.

1. The 8 spaces to the front rely on echelon parking but the angle is not specified, for a 60-degree angle an aisle width of 4.2m wide would be required as recommended by Manual for Streets. The angle of the parking bays is greater than 60 degrees and 4.2 m may not therefore be sufficient. The depth of these parking bays may not meet the recommended minimum dimensions of 4.8m x 2.4m.
2. The 4.2m aisle width is between the bays and the building including the doorway. No pedestrian access is shown meaning that pedestrians using the access to the building or walking to and from the building will be vulnerable to through traffic and turning vehicles. A 2m wide footway should be shown to the frontage of the building together with details of the pedestrian accesses from Huddersfield Road.
3. The parking spaces to the eastern side should be 6m in length not 4.8m as shown. The first space is too close to the access and could result in vehicles reversing into the path of vehicles turning in at the entrance. The space against the rear boundary is only 5.5m in length and will be inaccessible if the space to the front is occupied.
4. Details of the parking to the western side need to be provided.
5. The proposals show a pay and collect point to the rear of the building with high tech order boards for drive through customers. No details are shown but there are only potentially 4 parking spaces possible in front of the pay and collection point and a further 3 out to Huddersfield Road for vehicles waiting to use the drive through facility which may not always be sufficient.
6. An existing bus stop to the site frontage which cannot be re-sited will block the egress from the site resulting in vehicles waiting within the site.
7. It's not clear from the plans how many parking spaces are proposed, the application form refers to 13 plus 2 disabled (15 in total) for at least 44 covers plus staff. Realistically KC Highways Development Management would estimate that just 9/10 off-street parking spaces can be provided if proper pedestrian access is shown, and the spaces are provided to the correct dimensions.

In conclusion, given the size of the proposed restaurant, that no assessment of traffic generation or parking demand is provided, that the number of parking spaces that can be realistically provided is likely to be around 9/10, and that there is limited space for vehicles waiting at the drive through facility, KC Highways Development Management are unable to support this application.

Therefore, given the reasons outlined above, it is considered that the proposal would cause detrimental harm to the safe and efficient operation of the highway network, contrary to Policies LP21 and LP22 of the Kirklees Local Plan, guidance within the Council's Highways Design Guide SPD, and Chapter 9 of the National Planning Policy Framework.

#### **4. Other Matters**

##### Climate Change

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

In this case, due to the nature of the proposal is not considered reasonable to require the applicant to put forward any specific resilience measures.

##### Contaminated Land

The proposed development is on land that is considered to be potentially contaminated by its former use (ref: 504/5), despite an earlier application requiring contaminated land reports, no information has been provided with this application. With this in mind, KC Environmental Health have recommended contaminated land conditions in order to ensure the site is safe and suitable for its intended use.

##### Electric Vehicle Charge Points

In an application of this nature, it is expected that facilities for charging electric vehicles and other ultra-low emission vehicles are provided in accordance with the National Planning Policy Framework and the current Air Quality & Emissions Technical Planning Guidance from the West Yorkshire Low Emissions Strategy Group.

##### Public Health

Policy LP47 of the Kirklees Local Plan states the council will create an environment which supports healthy, active and safe communities and reduces inequality. Policy LP47(j) goes on to state that healthy, active and safe lifestyles will be enabled by working with partners to manage the location of hot food take-aways particularly in areas of poor health.

Kirklees have adopted a Hot Food Take Away SPD which forms a significant material consideration. Policy HFT1 states that proposals for all new hot food takeaways will be assessed against the Kirklees Council Public Health Toolkit and that proposals which are not accepted by the toolkit will be refused unless other material considerations indicate otherwise.

KC Public Health have developed a tool which uses a range of local data (indicators) to assess which areas have multiple risk factors. These indicators include:

- Index of Multiple Deprivation (IMD) quintile - % of adults overweight
- % of adults obese
- % of 5-year-olds with excess weight
- % of 11-year-olds with excess weight
- Diabetes prevalence rate
- Coronary heart disease prevalence rate

KC Public Health have produced a scoring category based on these indicators of deprivation. A hot food takeaway will be refused permission if it is located within a postcode that has a combined points total above 20 (21 or above) across the seven indicators of deprivation, obesity and related health conditions out of a possible 42. In this instance, the application has a combined score of 34. Based on this evidence, there are a number of health indicators which are worse than the Kirklees average. As such, it is considered that a hot-food premises in the proposed location would have a detrimental impact in an area of Kirklees with an identified poor health need. Therefore, given the indicators for this site, the proposal would fail to meet Policy LP47 of the Kirklees Local Plan, HFT1 of the Hot Food Take Away SPD and Chapter 8 of the NPPF.

#### Drainage

The proposed development would not increase the drained area and there is no proposal to alter the existing drainage of the site, therefore, there is no increase in flood risk. The site is within Flood Zone 2, however, as the development does not include residential use, the risk of stranding is very low. As such, Kirklees Flood Management and Drainage as the Lead Local Flood Authority, supports this application and has no recommended drainage conditions.

#### Waste Storage/Collection and Littering

It is unclear from the submitted plans and information, how waste storage or facilities for the disposal of customer's litter can be accommodated within the application site. This would need to be adequately screened in a manner and location that does not detract from the street scene or the character of the

area; or that does not cause odour nuisance to neighbouring occupiers. Therefore, in the absence of this information, it is considered that the proposal could be harmful to visual and residential amenity contrary to Policies LP16, LP21, LP24 and LP52 of the Kirklees Local Plan and the aims of HFT5 the Council's Hot Food Takeaway Supplementary Planning Document.

#### Late Night activity/littering and Crime

In relation to general disturbance, littering and anti-social behaviour/crime impacts of the proposal, LP16 b) and c) of the Kirklees Local Plan and HFT 5 and 6 of the Hot Food Takeaway SPD are relevant in assessing the proposed development to be considered.

In relation to comings and goings, the application site is sited on a street with residential properties which is not in a local centre. No opening hours have been proposed and as such, it is unclear to whether the scheme would encourage night time activity and anti-social behaviour. However, KC Environmental Health have recommended an hour of use condition, such that the premises will not be open outside of the hours of 08:00 to 23:00 Monday to Saturday and 10:00 to 22:00 Sundays or Bank Holidays. Subject to the imposition of this condition, the proposal would be acceptable in this regard.

#### Construction Noise

Construction noise can give rise to loss of amenity to neighbouring noise sensitive receptors, therefore, should the application be approved, it is considered necessary for a footnote to be imposed restricting the times when noisy construction activities will be permitted.

There are no other matters relevant to the determination of this application.

### **5. Representations**

Four representations have been received following the statutory publicity. The comments made have been summarised and addressed below:

- Too many food outlets (fast) this isn't the vision for Kirklees.  
**Response:** *This matter has been addressed within the 'Other Matters' section of the report.*
- Already poor health etc. There will be too much noise pollution.  
**Response:** *This matter has been addressed within the 'Other Matters' section of the report.*
- Too much traffic we don't need any more takeaways.  
**Response:** *The proposal's potential impact on the highway network has been assessed within the 'Highway Safety' section of the report.*

- There is a lot of fly tipping and this area is an obesity area.  
**Response:** *This matter has been addressed within the 'Other Matters' section of the report.*
  
- Concerns around the increased road traffic disturbance to local residents both domestic and commercially.  
**Response:** *The proposal's potential impact on the highway network has been assessed within the 'Highway Safety' section of the report.*
  
- The proposed plans only include a limited amount of parking on the site. This will result in curb side and business premises vehicular obstructions.  
**Response:** *The proposal's potential impact on the highway network has been assessed within the 'Highway Safety' section of the report.*
  
- Currently there is a valeting place operating from there which already causes a lot of noise pollution.  
**Response:** *This matter has been addressed within the 'Other Matters' section of the report.*
  
- Opening of a food outlet will create chaos especially with vehicle traffic turning in on to the site and there is a nearby wedding hall which is very busy with vehicle traffic. The road is already busy as it is.  
**Response:** *The proposal's potential impact on the highway network has been assessed within the 'Highway Safety' section of the report.*
  
- Furthermore, another food outlet when there is already 10 food businesses within 100 metres this is not helping obesity at all and is promoting fast food culture.  
**Response:** *This matter has been addressed within the 'Other Matters' section of the report.*

## **6. History of negotiations/amendments received**

A request was made by KC Highway Development Management Officers to submit additional information relating traffic generation and parking demand. However, no further information was submitted by the applicant/agent.

## **7. Conclusion**

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF, taken as a whole, constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National

Planning Policy Framework and other material considerations. It is considered that the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material considerations. Therefore, the application is recommended for refusal.

**Recommendation: Refuse**

**Decision Authorisation - Delegated Powers**

**Application Number:** 2024/90845

**Officer Recommendation:** Refuse

**Reasons for Refusal**

1. The provision of a hot-food premises in the proposed location would have a detrimental impact in an area of Kirklees with an identified poor health need. The application has a combined score of 34 which would significantly exceed the recognised acceptable limits set out in the Council's Public Health Toolkit. As such, the proposal would fail to accord with the aims of Policy LP47 (j) of the Kirklees Local Plan, HFT1 of the Hot Food Take Away SPD and Chapter 8 of the National Planning Policy Framework.

2. The application provides insufficient information to assess traffic generation and parking demand. It is unclear how many parking spaces can be provided on site and there is limited space for vehicles waiting at the drive-thru facility. As such, it is considered that the proposal would cause detrimental harm to the safe and efficient operation of the highway network. To permit the development would be contrary to Policies LP21 and LP22 of the Kirklees Local Plan, guidance within the Council's Highways Design Guide SPD, and Chapter 9 of the National Planning Policy Framework.

3. In accordance with Policy LP13 and LP16 of the Kirklees Local Plan and Chapter 7 of the National Planning Policy Framework, Local Planning Authorities must apply a sequential approach to Main Town Centre uses that are not located within an existing centre. The applicant has failed to demonstrate, through submission of a sequential test, that the proposal would not harm the viability and vitality of nearby Town Centres. Therefore, the proposal would be contrary to Policies LP2 and LP13 of the Kirklees Local Plan and Chapter 7 of the National Planning Policy Framework.

4. The applicant has failed to demonstrate that waste storage or facilities for the disposal of customer's litter can be accommodated within the application site such that this can be adequately screened in a manner and location that does not detract from the street scene or the character of the area; or that does not cause odour nuisance to neighbouring occupiers. Therefore, the proposal would be harmful to visual and residential amenity contrary to Policies LP16, LP21, LP24 and LP52 of the Kirklees Local Plan and the aims of HFT5 the Council's Hot Food Takeaway Supplementary Planning Document.

**Plans and specifications schedule: -**

<b>Plan Type</b>	<b>Reference</b>	<b>Revision</b>	<b>Date Received</b>
Location Plan, Existing Ground Floor Layout and Front Elevation	-	-	07/06/2024
Current Layout of Car Wash	-	-	07/06/2024
Existing Ground Floor Layout and Existing Front and Side Elevations	-	-	07/06/2024
Proposed Ground Floor Layout and Proposed Front and Side Elevations	-	-	07/06/2024
Climate Change Statement	-	-	07/06/2024

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2024 and otherwise actively engaged with the applicant in dealing with the application. A request was made by KC Highway Development Management Officers to submit additional information relating traffic generation and parking demand. However, no further information was submitted by the applicant/agent.

**Report Dated: 20/03/2026**