

Consultation Response from KC Policy

2024/91173 rear of 17, Victoria Square, Holmfirth, HD9 2DN

Change of use from previous repair shop (use class E (c) (ii) to hot food takeaway (use class sui generis) with associated alterations (within a Conservation Area)

Date Responded: 14/06/2024

Responding Officer: NR

Responding Ref:

This application is for a change of use of 32 sq. m of floorspace from a vacant repair shop (Use Class E (c) (ii) - Professional services (other than health or medical services)) to a hot food takeaway (Use Class Sui Generis) at premises to the rear of 17 Victoria Square, Holmfirth, HD9 2DN. The site is located within the boundary of Holmfirth Town Centre (TCB5) as designated in the Kirklees Local Plan which was adopted on 27th February 2019. The Kirklees Development Plan should be fully considered; however, the following response relates to specific policies which are of particular relevance to the proposal, other policies that are not mentioned here may also apply.

Currently the premises are vacant having previously been used as a repair shop and the proposal would change the use of the premises to a hot food takeaway. With the proposal being located within a designated town centre in the Holme Valley, it is subject to relevant policies in the Kirklees Local Plan, Holme Valley Neighbourhood Plan and the Hot Food Takeaway Supplementary Planning Document (SPD).

Kirklees Local Plan

It should be noted that whilst the premises are located within Holmfirth Town Centre, it is not within the Primary Shopping Area nor is it on a designated Shopping Frontage so it will only be considered against policy LP16.

Policy LP16 – Food and drink uses and the evening economy

Proposals for food and drink, licensed entertainment uses and associated proposals will be supported, provided they are located within 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, a series of criteria needs to be considered. Criterion a considers the number, distribution and proximity of other food and drink uses, including those with unimplemented planning permission in a particular centre. The site is adjacent to a Secondary Shopping Frontage (SSF76 20 Dunford Road to 1 Rotcher Road). The latest occupancy data (2024) for this frontage shows that there are 10 units of which 6 (60%) are in use for food and drink purposes. On frontage SSF78 (2 Hollowgate to 6 - 8 Hollowgate), 2 of the 3 units (67%) are occupied by food and drink uses whilst on frontage SSF77 (1A Hollowgate to Elephant and Castle Inn, Hollowgate), 6 of the 10 units (60%) are occupied by food and drink uses. It is therefore considered that there is already a high concentration of food and drink uses within this area of Holmfirth Town Centre. If this proposed development was to be permitted, there would be a further concentration of food and drink uses in this part of Holmfirth Town Centre.

Paragraph 9.30 in the Kirklees Local Plan provides further detail on LP16 by explaining that high proportions of food and drink uses can detract from a centre or part of a centre's ability to provide other main town centre uses or detract from the attractiveness of an evening economy. Paragraph 9.33 goes on to state that long term detrimental impacts on centres can harm general amenity and make centres less attractive to those living there or not using that particular service. It is therefore considered that there is already an overconcentration of food and drink uses in this area of Holmfirth and this would be exacerbated by the proposed development and could have detrimental impacts and

as such would be contrary to criterion a of Policy LP16. Further advice on whether the proposal complies with criteria b to g will be available from other consultees.

Holme Valley Neighbourhood Development Plan

Policy 4 – Design Codes for High Quality Shopfronts and Advertisements

This proposal should have regard to the contents of this policy in order to ensure that the design of the shopfront and advertisement is appropriate to Holmfirth Town Centre.

Policy 8 - Facilitating Development in Holmfirth Town Centre and Honley District Centre and Brockholes and New Mill Local Centres

Within Holmfirth Town Centre and Honley District Centre, development for retail, leisure, office, commercial, cultural and tourism and other main town centre uses will be encouraged where they help enhance the viability and vibrancy of the centres. It goes on to state that development proposals in Holmfirth Town Centre will be assessed against a range of criteria. Relevant to this proposal are the following:

1. New developments and changes of use should complement existing provision and ensure that the town, district or local centre offer provides a range of uses appropriate for the relevant type of centre. Care should also be taken to ensure that development does not adversely affect other amenities and facilities, such as open and green space.
2. Proposals should be designed to secure easy pedestrian access and cycle and car parking to standard (including electric vehicle charging points). The development should be within easy walking distance of public transport facilities, use clear signage and provide facilities for the disposal of litter.

It is considered that the proposed change of use is approximately 150m from Holmfirth Bus Station and is in an accessible location, however, as set out above it is considered that the proposal would contribute to a further concentration of food and drink uses and could therefore be harmful to the viability and vibrancy to Holmfirth Town Centre.

Hot Food Takeaway SPD

Principle HFT1 – Public Health Toolkit

HFT1 will not apply where the application site is within the designated Principal Centres of Huddersfield and Dewsbury and the designated Town Centres of Batley, Cleckheaton, Holmfirth and Heckmondwike. With this proposal being located within Holmfirth Town Centre, Principle HFT1 will not apply to this proposal.

Principle HFT2 – Town Centre 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 will be considered to be harmful to the vitality and viability of Holmfirth Town Centre if it increases the concentration of hot food takeaway ground floor units in a centre to more than 10% of all main town centre uses. In Holmfirth Town Centre, there are currently 157 units of which 5 (3%) are in use as hot food takeaways. The proposed change of use would therefore be in accordance with Principle HFT2 of the HFT SPD. The proposal would also not result in a cluster of three or more hot food takeaways together nor would it reduce the number of units between clusters to one or none. Therefore, the proposed change of use would be in accordance with Principle HFT2.

Principle HFT 3 – Proximity to Schools

This Principle states that it will not apply where the application site is within a designated town centre and with this proposal being located within Holmfirth Town Centre, HFT3 does not apply to this proposal.

Principles HFT4 to HFT7

More advice on these principles will be available from other consultees.

Conclusion

With regards to criterion a in Policy LP16, it is considered that the proposal would result in an overconcentration of food and drink uses within this area of Holmfirth Town Centre contrary to the policy therefore the proposal cannot be supported.