

**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>2025/62/90021/W</b>
Site Address:	26, John William Street, Huddersfield, HD1 1BQ
Description:	Change of use from retail shop (Class E) to hot food take-away (sui generis) installation of replacement shop front and extraction canopy to rear (Listed Building within a Conservation Area)
Recommending Officer:	Edward Cheseldine

**DECISION – Full Conditional Permission**

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

Kirsty Nicholls

***AUTHORISED OFFICER***

**Date: 10-APR-2025**

## **Officer Report**

2025/90021 - 26, John William Street, Huddersfield, HD1 1BQ

### **Site Description**

26 John William Street is a retail shop located on a main street within Huddersfield Centre. The building is 140.00m from Huddersfield Train Station. It is a two-storey shop unit which has been previously occupied. The surrounding area is characterised by retail and commercial units at street level. Residential properties occupy the remaining upper levels. The shops on either side are occupied by a takeaway and a restaurant. The building is Grade II listed and within the Huddersfield Town Centre Conservation Area. The application site is within the Huddersfield Town Centre boundary.

#### *List Description:*

*JOHN WILLIAM STREET 1. 5113 (East Side) Nos 22 to 34 (even) SE 1416 NW 1/689 II GV 2. Mid C19. Ashlar sandstone. 3 storeys and attics. Modillioned eaves cornice. Parapet, with regularly spaced pedimented piers. Continuous sill bands on 1st and 2nd floors, moulded on 1st floor. Rusticated quoins. Chamfered corners. Ground floor to John William Street is all modern shopfronts, unless pilastraded bank front of No 22 is original. Ground floor to St Peter's Street has 6 round-arched sashes with moulded voussoirs, keys and continuous moulded impost band (8 similar sashes to Church Street): double doors with 8 diamond panels and fanlight in round arch, with moulded imposts and keystones, flanked by Tuscan pilasters taking full entablature. 1st and 2nd floors have 13 ranges of sashes to John William Street, 8 to St Peter's Street, 9 to Church Street, and one on each corner towards John William Street. All have moulded surrounds and sills on brackets, those on John William Street with shouldered surrounds, and those on 1st floor also have entablature, the sill brackets console shaped. Area on St Peter's Street side, with very ornate cast iron railings.*

### **Proposal Description**

The application is seeking planning permission for a change of use from a retail shop (Class E) to hot food take-away (Sui Generis), shopfront alterations and extraction canopy to rear (Listed Building within a Conservation Area).

### **Consultation Responses**

KC Environmental Health – No objection, subject to condition for a fixed plant noise limit, sound report, extraction scheme, pollution prevention scheme.

KC Highways – No objection, subject to condition for servicing and delivery scheme and waste management scheme.

KC Conservation & Design – Informal consultation, initial objection to shopfront designs, however these have been overcome within the final set of amended plans. No objection to internal floorplan changes.

KC Crime Prevention – No comment

Historic England – No comment

The Victorian Society – Objection, on the basis of a lack of information for internal floor changes / historic fabric. Internal site photos were requested by the Officer. The photos indicate the interior is stud walling and of non-historical material. Consent for internal alterations is being determined at the time of writing this report (2025/90170).

### **Public Representations**

The application was advertised by neighbourhood notification letters, site notice and a press advertisement.

Neighbourhood notification expiry: 06-Mar-2025

Site notice expiry: 06-Mar-2025

Press advertisement expiry: 07-Mar-2025

One representation was received through application 2025/90170 (LBC).

As a result of the publicity, there was one objection from the Huddersfield Civic Society:

*On behalf of Huddersfield Civic Society (HCS). The design of the shopfront replicates the low quality design of others along John William Street, a matter about which HCS has campaigned for many years and we had hoped the Conservation Area Appraisal, Management Plan and Shopfront Guidance consultancy work more recently carried out by Purcells was establishing a better standard for shop fronts along this critical and architecturally important street. Moreover, the Heritage statement needs to be amended as the initial submission makes reference to the wrong address.*

*Officer Response:* There has been a concerted effort by the Officer to illustrate what would be acceptable in terms of an appropriate design for the shopfront. Amended plans have been received, which are considered to address all design issues, retaining and repairing features of the listed building and 1960's shopfront.

In addition, a secondary objection was received after the publicity date closed:

- *Objection to the granite riser - The riser is in a rich red and black 'granite' called Imperial Mahogany. It comes from Milbank, South Dakota USA. Originally formed in a magma chamber deep in the earth,*

*it has been changed through later mountain building events, where high temperature and pressures have elongated the crystals and caused streaking of the minerals into bands. It is almost a gneiss – a metamorphosed granite. See Guide to the Building Stones of Huddersfield by Malcom Dean published by Kirklees Council's Kirklees Environment Initiative (no date).*

*Officer Response:* There has been a concerted effort by the Officer to illustrate what would be acceptable in terms of an appropriate design for the shopfront. The granite riser is set to be retained with part of it being repurposed.

## **Relevant Planning History**

### Application Site

2025/90170 - Listed Building Consent for erection of new signage, installation of replacement shop front, extraction canopy to rear and internal alterations (within a Conservation Area) – Pending decision

2025/90022 - Erection of illuminated sign (Listed Building within a Conservation Area) – Pending decision

### 28 John William Street

2019/92512 - Installation of 3 externally illuminated fascia signs and 1 externally illuminated projecting sign (Listed Building within a Conservation Area) – Consent Granted

***Not built in accordance with the approved plans.***

### 17-33a, John William Street

2022/93964 - Listed Building Consent for reinstatement, refurbishment and repair of 6no shops and signage [within a Conservation Area] – Consent Granted

## **History of Negotiations / Amendments Received**

Officers had concerns in relation to the initial plans to the front façade and there was outstanding information in terms of materials.

It was illustrated to the applicant what amendments would be acceptable through the provision of details, materials and the placement of advertising signs.

Kirklees Planning Authority have recently published shop front guidance for the Huddersfield Town Centre Conservation Area which was forwarded to the applicant. Please note page 19 which relates to John William Street improvements.

<https://www.kirklees.gov.uk/beta/trees-listing-and-conservation/pdf/huddersfield-town-centre-conservation-area-shopfront-design-guidance.pdf>

The wider area is also currently being reviewed under the Heritage Lead Regeneration Scheme to repair or replace shopfronts on historic buildings. John William Street is within this scheme. Shopfronts of properties 11-35 John William Street have consent to replace signage, sympathetic to the historic environment. This too has been communicated to the applicant.

<https://kirkleestogether.co.uk/2023/06/12/improving-huddersfield-high-streets-kerb-appeal/#:~:text=pride%20among%20residents.-%2cThe%20Heritage%20Lead%20Regeneration%20Scheme%2crestoring%20and%20maintaining%20their%20properties>

The applicant was given the opportunity to submit 3 sets of amended plans to the shop front, plans received 04 April 2025 will be assessed below.

## **Policy & Legislation**

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 within a Principal Town Centre, a secondary shopping front and within the Huddersfield Town Centre Conservation Area, on the Kirklees Local Plan Proposals Map.

On 12<sup>th</sup> 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 predates 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.

## **Kirklees Local Plan Policies**

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 13** – Town centre uses
- **LP 14** – Shopping frontages
- **LP 16** – Food and drink uses and the evening economy
- **LP 17** – Huddersfield Town Centre

- **LP 21** – Highway safety
- **LP 22** – Parking
- **LP 24** – Design
- **LP 25** – Advertisements and shop fronts
- **LP 30** – Biodiversity & Geodiversity
- **LP 35** – Historic environment
- **LP 43** – Waste management hierarchy
- **LP 47** – Healthy, active and safe lifestyles
- **LP 51** – Protection and improvement of air quality
- **LP 52** – Protection and improvement of environmental quality

### **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, and the Planning Practice Guidance Suite (PPGS) first launched 6<sup>th</sup> 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 6 – Building a strong and competitive economy
- 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
- Chapter 16 – Conserving and enhancing the historic environment

### **Other supplementary planning documents:**

- Kirklees Hot Food Takeaway Supplementary Planning Document (2022)
- Kirklees Council Public Health Toolkit
- The Huddersfield Blueprint (Ten Year vision)

<https://www.kirklees.gov.uk/beta/huddersfield-blueprint/index.aspx>

- Huddersfield Town Centre Conservation Area: Shopfront Design Guidance (October 2024)
- Huddersfield Town Centre Conservation Area Appraisal and Management Plan (October 2024)

### **Assessment**

- 1) Principle of Development
- 1) Impact on Visual Amenity
- 2) Impact on Residential Amenity
- 3) Impact on Highway Safety
- 4) Environmental Matters
- 5) Conclusion

#### Principle of development:

Chapter 2 of the NPPF states that: “Planning policies and decisions should play an active role in guiding development towards sustainable solutions...” It goes on to state that objectives should: “support strong, vibrant and healthy communities... by fostering a well-designed and safe built environment...”

In line with the NPPF, Policy LP1 of the Kirklees Local Plan declares that: ‘...the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.’ Policy LP1 continues by stating: ‘The council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.’ Policy LP2 of the Kirklees Local Plan sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan.

#### *Proposed Use of the Site*

The Kirklees Hot Food Takeaway SPD (paragraph 3.1) defines takeaway uses as an establishment whose primary business is the sale of hot food where the consumption is mostly undertaken off the premises.

The applicant is applying for a takeaway, there are 27 internal seats on the proposed floorplans. The use will be assessed on this basis.

The harms of takeaways are identified in pages 4-7 and throughout the Kirklees Hot Food Takeaway SPD, the implications of the use class are displayed in Policy LP16 & LP47 of the Kirklees Local Plan and Chapter 8 of the NPPF.

Seven principles apply to hot food takeaways where planning permission is required, for new hot food takeaways which are set within the Kirklees Hot Food Takeaway SPD. The HFT’s Policies will aid in the assessment if the change of use is acceptable.

In terms of the assessment, Policy HFT1 is not relevant as the site rests within a designated Principal Centre. The policy relates to the Public Health hot food takeaway toolkit giving an overview of the health of the area around a particular postcode.

Policy HFT2 considers the viability and vitality of town centres. There are three criterion. The site rests within a secondary shopping frontage, therefore, passes the first criterion. The takeaway will be positioned between another takeaway and a restaurant. Adjacent to the takeaway at 28 John Williams Street is a pawnbrokers then a desserts café. The two adjacent uses are complimentary to a takeaway site due to shared evening opening hours. The proposal would in principle be compatible with the adjacent uses, therefore meeting the requirement of HFT2.

Policy HFT3 regards the proximity to school. The policy does not relate to takeaways in Principal Town Centres.

Policy HFT4 relates to noise abatement and extraction of odours. Proposals for new hot food takeaways must demonstrate effective kitchen odour control and extract systems and appropriate noise attenuation measures. KC Environmental Health have assessed the application. A noise condition and kitchen extraction scheme is recommended, which will be conditioned so to meet the requirements of HFT4. The design details of the intake / outtake have not been confirmed as the details are to be confirmed through a condition.

Policy HFT5 relates to the disposal of waste. Bin storage and presentation points have not been submitted, nor has a waste disposal scheme been submitted. To meet the requirements of HFT5 these details will be conditioned.

Policy HFT 6 regards design and community safety. KC Crime Prevent have been consulted however they did not comment on the application.

Takeaways may give rise to increased crime and antisocial behaviour, often resulting from customers who may arrive intoxicated. This is more likely to be a serious concern in locations where there is a high concentration of such uses as any additional takeaways will give people more of an incentive to linger in the area late at night. For instance, altercations and fights may break out amongst people who are walking from the nearest bar or pub to the takeaway, who are waiting to be served, or finishing their meal on the street outside. It is noted that John William Street does not have a very high concentration of establishments serving alcohol, although it does have several other hot food takeaways.

Section 17 of the Crime and Disorder Act 1998 places a duty on each local authority to 'do all that it reasonably can to prevent crime and disorder in its area'. Section 8 ('Promoting healthy and safe communities') of the National Planning Policy Framework states at paragraph 96 that there should be an aim to achieve healthy, inclusive and safe places which: (b) are safe and accessible so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.

Due to this and in respect of HFT 6 and Local Plan Policy LP24e, in the event that planning permission be approved, a condition is recommended to be

attached requiring a scheme of measures to ensure criminal activity is deterred / reduced (including the requirement for CCTV). With the inclusion of this condition, it is considered that the impact of the proposal in this regard can be suitably mitigated.

Policy HFT 7 relates to an assessment of the takeaway on highway safety. The application was assessed by KC Highways, they recommended a condition for a servicing and delivery management scheme. In order to address HFT 7 these conditions are considered to be necessary.

The application therefore meets the requirements of the Kirklees Hot Food Takeaway SPD, in part to be discharged through supplementary information.

Sections of the Kirklees Local Plan are also relevant. Paragraph 9.19 states, *'Secondary shopping frontages have been defined on the basis that at least 40% of each frontage will typically be in A1 retail use at ground floor level with rental levels and pedestrian flow also being key considerations. Therefore, a dominance of non-retail uses is considered to be over 60% of units.'*

An assessment of the uses along John William Street based on the March 2025 occupancy survey has been undertaken. This has taken into account secondary shopping frontages, SSF15 (9 Kirkgate to 7 Church Street), SSF18 (2 Church Street to 6A St Peter's Street), SSF 32 (1 John William Street to 37 John William Street) and SSF 19 (36 – 60 John William Street). There are 16 food and drink uses, and of those, 10 are café/restaurants with 4 selling fast food and 1 is a pub. This equates to 53% of ground floor units including the proposed takeaway which is under the threshold and furthermore the food and drink uses are not all concentrated in one area but spread out along the shopping frontages.

The takeaway will be positioned between another takeaway and a restaurant. The two adjacent uses are complimentary to a takeaway site due to shared evening opening hours. It is not considered there would be a conflict arising from the change in use in terms of function or vitality. The proposal would in principle be compatible with the aims of Policies LP14 and 16 and NPPF Chapter 7.

### *Historic Environment*

The applicant has submitted applications for Listed Building Consent and Advertisement Consent for works to the front and rear elevation which will also be assessed under this application.

The front façade currently has a fascia set beneath an entablature with stone pilasters and a granite riser. The stone currently seen within the shopfront is not thought to be original. Set above the entablature is a wooden plinth, there is no record within the council's database to suggest signage in this place has been granted permission. Underneath is likely to contain original stone features of the listed building.

Directly opposite is another Grade II listed building with shop fronts. The area is therefore highly sensitive in terms of the historic environment. Shop fronts dominate William Street. The site is highly prominent, in a high footfall area. The street contains many heritage assets including the adjacent Grade II\* 'Lion Chambers' and Grade II\* The George Hotel, connecting the train station area with the main shopping district of Huddersfield.

There are restoration efforts within Huddersfield Town Centre as illustrated within the *Huddersfield Blueprint*. The site sits between *The Station Gateway* and *New Street* projects. Regeneration and restoration efforts are also near completion for the refurbishment of The George Hotel. There is collaborative rejuvenation work in the area, included, on John William Street, through the Huddersfield Heritage Lead Regeneration Scheme. The street will serve as a main thoroughfare from the train station/hotel right through to the *Cultural Heart*.

Kirklees Planning Authority has introduced the *Huddersfield Town Centre Conservation Area: Shopfront Design Guidance* (October 2024), which aims to promote well-designed shopfronts that respect the historic environment, which the plans have been assessed against.

It is noted that a heritage statement has been received in support of the application. The statement notes the changes will bring a modern appearance to the building. It does not offer any public benefits however there will be benefits from the repairs to the stonework of the listed building (Listed Building Consent) and reuse of the vacant site. The proposal will be assessed on this basis.

The proposed refurbishment of the front façade includes the installation of a fascia board within the existing shop front surrounds. The overall design is considered to be acceptable. Lettering is appropriately spaced being set in from the sides and leaving space above and below the lettering. It will be raised by 100mm. The aluminium signs will have a matte finish which is appropriate on a listed building. Features of the 1960's shopfront are being retained, including a granite riser and the surrounds. A metal hanging sign will be installed with a motif of a bull's head with white elevated text. It will appear modern but within the context of the shop front design.

Under the application for Listed Building Consent, repair works will take place to the original sandstone above the entablature once the existing wooden plinth is removed.

Shopfronts are designed to generate interest and attract attention. There is an existing level of paraphernalia present within the streetscene. The level of alterations on the shop front is acceptable and not over and above other designs within the street. The design will introduce a modern appearance to the shop front, whilst retaining the existing features of the external Grade II listed building and 1960's modernist shop front.

There are ongoing refurbishment works to existing signage on John William Street, as well as wider regeneration plans as part of the Huddersfield Blueprint. The shopfront design is not considered to be a departure from the wider aspirations and objectives of said plans.

To the rear, an air intake and outlet will be formed within the upper windows on the ground floor. The machinery will support the change of use. They are placed on the rear of the building above eye level. These changes are acceptable.

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires, that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 (1) requires that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The shopfront will introduce a modern design which is not inappropriate within the shopping row. The design has been modified to maintain original and modernist features. Other details are appropriate to the setting and appearance of the listed building.

Paragraph 212 of the NPPF states that:

*“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”*

Paragraph 214 goes on to state that:

*“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”*

Less than substantial harm will be caused from the placement of modern signage. The harm is considered to be minor. There are public benefits to the proposal. Original stonework will be repaired above the entablature, revealing more of the details within the elevation of the table. Works will facilitate the reuse of the building. The public benefits are considered to be greater than the minor less than substantial harm caused by the works.

The principle of development is considered to be acceptable when assessed against Chapters 2 and 16 of the National Planning Policy Framework and

Section 16(2) & 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

#### Impact on Visual Amenity

Policy LP24 of the Kirklees Local Plan states, 'Proposals should promote good design by ensuring the details of all development respects and enhances the character of the townscape and heritage assets.

Policy LP35 of the Kirklees Local Plan states, 'proposals affecting a designated heritage asset should preserve or enhance the significance of the asset.

The development will signage which is justified and appropriate given the wider context of the building's use. Works do not include permanent alterations to the listed building. The shopfront is design proportionately when considering the details.

The works therefore accord with Local Plan Policy LP24 & LP35 of the Kirklees Local Plan.

#### Impact on Residential Amenity

Section B of LP24 states that development should:

*'...minimise impact on residential amenity of future and neighbouring occupiers.'*

Residential dwellings are situated above the site. Hot food takeaways can result in an increase in noise disturbances due to a range of factors, including machinery, staff, customers, deliveries and waste disposal. The site is within a town centre area and a certain level of noise is expected, even late into the evening. KC Environmental Health have been consulted in relation to noise. Whilst the applicant has submitted a noise survey, sound mitigation insulation has not. In the event that planning permission be approved, a condition relating to sound insulation for party floors/walls/ceilings is recommended to be attached along with a condition relating to fixed plant machinery limits.

In addition, operating hours will be condition to:

- 1100hrs to 2300hrs Mon-Sun including bank holidays

In the interest of protecting amenity, deliveries and collections of waste shall only be between 09.00 and 20.00 on Mondays to Fridays and 09:00 and 16.00 on Saturdays and at no time on Sundays and bank holidays

Extraction may result in odours from the cooking of food being produced which may impact upon living qualities. The applicant has submitted a Design and Specification for Kitchen Ventilation System authored by KRS Steel Services Ltd. dated 17 February 2025. The submitted drawing no.

C8425/MO1 from KRS Steel Services Ltd. shows the discharge to be at low/street level and not above eaves as stated which therefore warrants a higher score of either 15 (poor) or 20 (very poor). The resultant figure places the impact risk as very high with an appropriate level of odour control required. KC Environmental Health have rejected the report and recommended a condition for the submission of an odour impact assessment to protect the amenity of neighbouring properties. Such an impact raises concern; therefore, the condition is suitable.

### Impact on Highway Safety

Policy LP21 states all proposal should ensure the safe and efficient flow of traffic within the development and on the surrounding highway Network.

Policy LP22 and the Kirklees Highways Design Guide Supplementary Planning Document are relevant insofar as they relate to parking provisions.

The proposal is in a town centre location where car parking for staff, customer and deliveries is limited. They would have to arrive on foot or by public transport, so off-street parking is not essential in this case. There has been a recent rise in deliveries, with personnel often arriving in vehicles. Stop bays are limited within the immediate vicinity and most spaces have restrictions.

KC Highways were consulted. They recommended a service management plan be submitted including details of how servicing and deliveries to the premises will be made, how parking for both servicing and take-away collections will be managed to ensure parking restrictions on John William Street are observed and a mechanism for review of the Servicing Management Plan. Considering the potential impact, this is considered necessary to condition.

### Environmental Matters

Issues relating to odour, noise, waste management, opening and delivery hours have been assessed throughout.

### *Biodiversity Net Gain*

Paragraphs 187, 193, 194 and 195 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers. Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

Furthermore, Biodiversity Net Gain (BNG) came into effect for minor sites on 02 April 2024. There is a requirement to replace the loss of a habitat whilst delivering at least 10% biodiversity net gain.

The applicant has indicated a biodiversity net gain uplift is not required due to the *Di Minimis* exemption. Development does not include any extensions or the removal of habitats, Officers agree it would fall under the *Di Minimis* exemption, as listed within the Government Biodiversity Net Gain Advisory Note, therefore no uplift is required.

However, Policy LP30 of the Kirklees Local Plan set out that proposals should provide net gains in biodiversity. The site is within the town centre, it is a ground and first-floor unit and grade II listed, it is not appropriate to recommend a bird or bat box.

#### *Pollution Prevention Fats, Oils and Grease*

Policy LP43 of the Kirklees Local Plan, seeks to safeguard suitable waste management facilities for developments to work towards achieving the objectives and targets for recycling/recovery for waste as set out in the Waste Framework Directive.

A condition is recommended by KC Environmental Health, for the submission of a scheme to prevent fats, oils and grease from entering the wastewater drainage network. Given the size of the establishment and potential environmental impacts, the condition is suitable.

#### *Construction Site Working Times*

Construction working times are covered by other regulations, therefore it is not deemed necessary to add a secondary planning condition, however a footnote may be added.

#### *Carbon Budget*

The proposal is a small scale development. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.

### **Conclusion**

The application for change of use and alterations at 26 John William Street 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. Given the acceptable principle and design, and lack of harm in terms of visual amenity, residential amenity highway safety and environmental matters, the proposed change of use is considered to be acceptable.

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.

As set out above, this application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

**Recommendation**

**Approve**

**Decision Authorisation – Delegated Powers**

**Application Number:** 2025/90021

**Officer Recommendation:** Approve

**Conditions & Reasons**

1. The development hereby permitted shall be begun within three years of the date of this permission.

**Reason:** Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

1. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

**Reason:** For the avoidance of doubt as to what is being permitted and to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP1, LP2, LP13, LP14, LP16, LP21, LP22, LP24, LP25, LP35, LP43, LP47, LP51 and LP52 of the Kirklees Local Plan, the Council's adopted Hot Food Takeaway Supplementary Planning Document (2022) and the policies within Chapters 2, 4, 6, 7, 8, 12, 14 ,15 and 16 of the National Planning Policy Framework.

2. The combined noise from any fixed mechanical services and external plant and equipment shall be effectively controlled so that the combined rating level of noise from all such equipment is 10dB below the measured background sound level at any time. "Rating level" and "background sound level" are as defined in BS 4142:2014+A1:2019.

**Reason:** To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

3. Before the development is brought into use written evidence to demonstrate that the airborne sound insulation performance of the party floors/walls/ceiling of the development is of a minimum of 53dB DnTw + Ctr shall be submitted to and approved in writing by the Local Planning Authority. If it cannot be demonstrated that the aforementioned airborne sound insulation performance has been achieved, a scheme incorporating further measures to achieve the sound insulation performance shall be submitted to and approved in writing by the Local Planning Authority. All works comprised within those further measures shall be completed and further written evidence to demonstrate that the aforementioned sound insulation performance level has been achieved shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use.

**Reason:** To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

4. Before food cooking commences, details of a kitchen extract system shall be submitted to and approved in writing by the Local Planning Authority. The details shall provide the following information:
- A risk assessment for odour which considers amount and type of food that will be cooked together with the proposed dispersion of odours and proximity of receptors likely to be affected by any cooking odours.
  - Based on the risk assessment, details of the proposed methods of odour control and dispersion of any extracted odours. The effective stack height (discharge height plus plume rise) must be high enough to ensure that adequate dilution takes place before the plume interacts with the nearest sensitive receptor.
  - Details showing the proposed location of all the major components of the extract system.
  - The noise mitigation measures that will be incorporated in the extract system and details of the likely resulting noise levels that will be caused by operation of the extract system, in particular how loud it will be at nearby noise sensitive locations.
  - The proposed ongoing maintenance schedule that will be carried out to ensure that the extract system continues to effectively control odours and not cause excessive noise.

Before food cooking commences, the approved extract system shall be installed and thereafter retained and maintained in accordance with the approved details.

**Reason:** To ensure the proposed development does not cause harmful odour pollution within either a public area or at neighbouring premises in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

5. Development shall not commence until a scheme to prevent fats, oils, and grease entering the drainage network serving commercial food preparation and dish-washing areas has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to first operation of the development and shall be retained throughout the lifetime of the development.

**Reason:** To ensure the provision of adequate and sustainable systems of drainage are employed, in the interests of amenity, and environmental well-being and to comply with LP43 of the Local Plan and paragraph 120 of the NPPF.

6. The development shall not be brought in to use until a Servicing Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Servicing Management Plan shall include details of how servicing and deliveries to the premises will be made, how parking for both servicing and take-away collections will be managed to ensure parking restrictions on John William Street are observed and a mechanism for review of the Servicing Management Plan. The development shall thereafter be operated in accordance with the approved Servicing Management Plan.

**Reason:** To ensure that, having regard to its location and the restricted servicing facilities available, the site is not used in an over-intensive and inappropriate manner in order to protect the amenities of all other road users and in the interests of highway safety LP21 & LP22.

7. Before development commences, details of suitable storage, bin presentation points and access for collection of wastes from the premises hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided before first occupation and shall be so retained thereafter.

**Reason:** In the interests of amenity and highway safety and to meet the requirements set out in Local Plan Policy LP24 part d(vi) & LP43.

8. Deliveries, and collections of waste shall only be between 09.00 and 20.00 on Mondays to Fridays and 09:00 and 16.00 on Saturdays and at no time on Sundays and bank holidays

**Reason:** To safeguard the amenities of the occupiers of nearby properties to accord with Policies LP24 and LP52 of the Kirklees Local Plan and policies within chapter 15 of the National Planning Policy Framework.

9. The use hereby approved shall not take place outside the hours of: 11:00 to 23:00 hours Mondays to Sundays including Public Holidays.

**Reason:** To safeguard the amenities of the occupiers of nearby properties to accord with Policies LP24 and LP52 of the Kirklees Local Plan and policies within chapter 15 of the National Planning Policy Framework.

10. The development shall not be brought into use until a scheme has been submitted to, and approved in writing by, the Local Planning Authority which sets out all measures to minimise the risk of crime and meet the specific security needs of the application site and the development. The scheme shall include details of CCTV, including location, orientation, and type of camera, recording quality, image storage and frames per second. The approved scheme shall be implemented before the development is first occupied and retained thereafter.

**Reason:** To ensure that prior to the commencement of development safety and security measures have been agreed in pursuance of the Council's duty under Section 17 of the Crime and Disorder Act 1998 and

to accord with policy LP24 of the Kirklees Local Plan and the policies contained within Chapter 12 of the National Planning Policy Framework.

**NOTE:** Kitchen Extract Scheme - Detailed advice is available in “Control of Odour and Noise from Commercial Kitchen Exhaust Systems” by EMAQ May 2022 (2nd Edition).

**NOTE:** All noise assessments should be carried out by a competent person. The applicant may wish to contact the Association of Noise Consultants <http://www.association-of-noiseconsultants.co.uk/> (020 8253 4518) or the Institute of Acoustics <http://www.ioa.org.uk> (0300 999 9675) for a list of members.

**NOTE:** To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of: 07.30 and 18.30 hours, Mondays to Fridays 08.00 and 13.00hours, Saturdays, with no working Sundays or Public Holidays. In some cases, different site-specific hours of operation may be appropriate.

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location plan	-	-	06 January 2025
Block plan	2024-226	-	06 January 2025
Existing and proposed ground floorplan	2024-226-2	-	06 January 2025
Existing and proposed first floorplan	2024-226-3	-	06 January 2025
Existing and proposed front elevation	2024-226-4	RevC	04 April 2025
Existing and proposed rear elevation	2024-226-9	RevA	06 January 2025
Proposed canopy extraction and fresh air supply ventilation layout	C8425-M01	-	06 January 2025
Gen 01- Performance Maxfan 45 Exhaust Fan	-	-	06 January 2025
Gen 02 - Longar Type 14 Medium and High Efficiency Synthetic Bag Filters LR	-	-	06 January 2025
Gen 03 - Longar Type 11 Pleated Panel Filters LR	-	-	06 January 2025
Gen 04 - Longar Type 8 Activated Carbon Filter LR	-	-	06 January 2025
Gen 05 - Longar Type 4 Mesh Filter LR	-	-	06 January 2025

Gen 06 - Longar Type 2 Premium Baffle Filter	-	-	06 January 2025
Gen 07 - Jet Cowl Datasheet	-	-	06 January 2025
Gen 08 - AV - Male Bobbins (1)	-	-	06 January 2025
Gen 09 - AV – Hangers	-	-	06 January 2025
Gen 10 - 5 Purified Air ESP Technical and Operations Manual English - Lo Res	-	-	06 January 2025
Gen 11 - Noise Report	j5832a	-	06 January 2025
Gen 12 - Kitchen Ventilation Specification	-	-	06 January 2025
Gen 13 - Elta SEL Multiflow Fan	-	-	06 January 2025
Conservation / Heritage Statement	-	RevA	18 February 2025
Climate change statement			06 January 2025

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2024 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

Officers had concerns in relation to the initial plans to the front façade and there was outstanding information in terms of materials.

It was illustrated to the applicant what amendments would be acceptable through the provision of details, materials and the placement of advertising signs.

Kirklees Planning Authority have recently published shop front guidance for the Huddersfield Town Centre Conservation Area which was forwarded to the applicant. Please note page 19 which relates to John William Street improvements.

<https://www.kirklees.gov.uk/beta/trees-listing-and-conservation/pdf/huddersfield-town-centre-conservation-area-shopfront-design-guidance.pdf>

The wider area is also currently being reviewed under the Heritage Lead Regeneration Scheme to repair or replace shopfronts on historic buildings. John William Street is within this scheme. Shopfronts of properties 11-35 John William Street have consent to replace signage, sympathetic to the historic environment. This too has been communicated to the applicant.

<https://kirkleestogether.co.uk/2023/06/12/improving-huddersfield-high-streets-kerb-appeal/#:~:text=pride%20among%20residents.-%2cThe%20Heritage%20Lead%20Regeneration%20Scheme%2crestoring%20and%20maintaining%20their%20properties>