

**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: | 2025/62/90146/E |
| Site Address: | Textile Chambers, Hick Lane, Batley, WF17 5HW |
| Description: | Change of use of vacant textile chamber former office (Egi use) to form cafe and restaurant on ground floor, one residential apartment (C3 use) on first floor, erection of single storey side extension, installation of raised outdoor seating area and internal alterations (within a Conservation Area) |
| Recommending Officer: | Nina Sayers |

DECISION – Conditional Full 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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 22 September 2025

Officer Report

Site Description

Textile Chambers, Hick Lane, Batley, WF17 5HW.

The application relates to a commercial property in Batley. The property is a two-storey, detached stone structure with a double-fronted façade under a hipped roof form. There is a single story pitched roofed element to the rear. The site is located within Batley Town Centre, outside of the primary and secondary shopping frontage. The site is also within Station Road Conservation Area and is adjacent to a Grade II listed public house.

Description of Proposal

The applicant is seeking permission for the Change of use of vacant textile chamber former office (Egi use) to form cafe and restaurant on ground floor, one residential apartment (C3 use) on first floor, erection of single storey side extension, installation of raised outdoor seating area and internal alterations (within a Conservation Area).

The proposal would include internal works and reconfiguration to support the change of use. The scheme proposes a café/restaurant area on the ground floor with associated kitchen and toilet facilities. The first floor proposes a 2-bedroom dwelling with associated living accommodation.

Externally a porta cabin storage facility would be erected to the side of the building finished in timber cladding and the existing raised area to the rear would be extended and a large, glazed opening installed.

To the front of the building a raised seating area would be installed with a stone dado wall.

History of negotiations/amendments received

Officers raised concerns regarding the loss of the door frame and architectural details as well as the loss of symmetry, which is characteristic of the age of the property. Similarly, the proposed veranda was considered to cause harm to the visual appearance of the principal elevation of the property. 2 sets of revised plans were received by the agent. The final revision revised the front elevation back to as existing with the inclusion of a raised seating area.

The description of proposal was changed from “Erection of single storey side extension, installation of shopfront with canopy and internal alterations (within a Conservation Area)” to the current description to ensure that all aspects of the proposal are covered. This was not readvertised as the changes refer to the removal of aspects of the development which would not cause any additional harm and the change of use has been clearly shown in all the plans

and submitted information and it is noted that there is an existing permission for a similar scheme on the site already. There was also no representation received during the initial publicity.

Relevant Planning History

2024/90403 Change of use of vacant textile chamber former office (Egi use) to form cafe and restaurant on ground floor, one residential apartment (C3 use) on first floor with some internal demolition works (within a Conservation Area). Conditional Full Permission.

2023/93235 Change of use and alterations to convert vacant textile hall former office (Egi use) to form 6no residential apartments (C3 use) (within a Conservation Area). Conditional Full Permission.

2020/92551 Change of use of former beauty salon to hot food take-away/delivery service and associated work (within a Conservation Area). Conditional Full Permission.

Representations

The application was advertised by neighbour letter, site notice, in the press and was publicised online due to being located within a conservation area. Final publicity expired 18th March 2025. No representation was received in response to publicity.

Consultation Responses

KC Environmental Health – no objections subject to conditions.

KC Highways DM – no objections subject to conditions.

KC Conservation and Design (informal) – no objections.

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 27th February 2019). The Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), both require development to be considerate in terms of the character of the host property and the wider street scene.

The site is located within Batley Town Centre and Station Road Conservation Area as outlined within the Kirklees Local Plan.

Kirklees Local Plan:

- **LP1** – Achieving sustainable development
- **LP2** – Place shaping
- **LP7** – Efficient and Effective Use of Land and Building
- **LP13** – Town Centre Uses

- **LP15** – Residential use in town centres
- **LP20** – Sustainable Travel
- **LP21** – Highways and access
- **LP22** – Parking
- **LP24** – Design
- **LP35** – Historic Environment
- **LP47** – Healthy, Active and Safe Lifestyles
- **LP51** – Protection and Improvement of Local Air Quality
- **LP52** – 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 12th 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 7 – Ensuring the vitality of town centres
- Chapter 12 – Achieving well-designed places
- Chapter 16 – Conserving and enhancing the built environment

Other Material Considerations:

- Kirklees Highways Design Guide SPD (2019).
- Kirklees Housebuilders Design Guide SPD (2021).
- National Design Space Standards

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity and historic environment
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Conclusion

1 – Principle of development:

The site is without notation 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. The proposal is for the change of use and alterations to convert a vacant an office unit into a café and restaurant residential apartments.

The application site is recorded as being located within Batley Town Centre and Station Road Conservation Area as outlined within the Kirklees Local Plan.

The proposed use for a restaurant/café on the ground floor is a main town centre use as defined within the NPPF. It is noted that the principle of converting this building has already been established under application 2024/90403. LP13 of the Kirklees Local Plan outlines that main town centre uses should be included within defined centres. The application site is located within Batley Town Centre and therefore is considered an appropriate location for this development.

Policy LP15 provides guidance for the development of residential uses within defined town centres. Paragraph 9.25 states that 'the principle for the provision of residential accommodation in town centres is supported provided it does not lead to an adverse impact on the operation of the town's retail core or would reduce space for other main town centre uses if outside of the primary shopping area'.

The application site is not located within the primary shopping area or within a primary shopping frontage. The proposal relates to a street which hosts a variety of residential and commercial uses. The two adjacent properties are public houses and do not host a shop frontage. It is also noted that the ground floor would remain as a commercial use with residential use at first floor level.

In this case, the application site is unallocated land within a residential area. As such, it is appropriate to consider the Local Planning Authority's overall housing position.

The 2023 update of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land, and the 2022 Housing Delivery Test (HDT) measurement which was published on 19th December 2023 demonstrated that Kirklees had achieved a 67% measurement against the required level of housing delivery over a rolling 3-year period (against a pass threshold of 75%).

As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, and delivery of housing has fallen below the 75% HDT requirement, it is necessary to consider planning applications for housing development in the context of NPPF paragraph 11 which triggers a presumption in favour of sustainable development. This means that for decision making "Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (NPPF Footnote 8), granting permission unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (NPPF Footnote 7) ; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

The Council's inability to demonstrate a five-year supply of housing land, or pass the Housing Delivery Test, weighs in favour of housing development but this has to be balanced against any adverse impacts of granting the proposal. The judgement in this case is set out in the officer's assessment.

Policy generally seeks to support residential development upon unallocated sites. Thus, residential development at the site could be acceptable in principle. Policy LP7 of the Kirklees Local Plan establishes a desired target density of thirty-five dwellings per hectare. However, LP7 also states that 'higher densities will be sought in principal town centres and in areas close to public transport interchanges'.

In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety. These issues along with other policy considerations will be addressed below.

2 – Impact on visual amenity and historic environment

Chapter 12 of the NPPF sets out that decisions should ensure that, amongst other things, developments are sympathetic to local character, including the surrounding built environment (para.135 of the NPPF). Policy LP24 of the KLP expands on this further, setting out that good design should be at the core of all proposals in the district.

The site is within the Batley Station Road Conservation Area.

Paragraph 200 of the National Planning Policy Framework states "In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting."

Paragraph 201 of the National Planning Policy Framework states "Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal."

This is supported by Policy LP35 of the Kirklees Local Plan which states that development proposals affecting a designated heritage asset should preserve or enhance the significance of the asset.

The site is also located within the Station Road Conservation Area and is adjacent to a listed building. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that Local Planning Authorities shall pay special attention to the desirability of preserving or enhancing the

appearance of buildings or land within a Conservation Area or within the setting of a listed building. Any impact on heritage assets will be given consideration having regard to Policy LP35 of the Kirklees Local Plan, and Chapter 16 of the National Policy Planning Framework.

The redevelopment of the building would include a raised seating area to the front of building, a porta cabin style extension to the rear, and a raised area with a large, glazed window to the rear. It is noted that the scheme initially proposed significant alterations to the front of the building, however officers had significant concerns regarding the impact of this on visual amenity and the historic character and therefore amended plans have been received which mainly retain the front elevation as existing other than the proposed seating area.

The proposed raised seating area would be located to the front of the building and would be approximately 1m in height with a stone dado wall which would have a maximum height of 1.6m with stone piers at either end. It is noted that there is an existing raised section with a curved dado wall which was historically mirrored by another raised section. The proposed would be in a similar location to the historic raised area however it would extend across the full width of the property. It is therefore considered that this would not cause significant harm to visual amenity or the historic character of the area.

The proposed 'porta cabin storage facility' would infill the section to the northern corner of the property. Whilst a porta cabin is not an ideal addition from a visual amenity perspective, this is located to the rear of the property and would not be visible from the front of the building or Hick Lane/Wellington Street/Commercial Street and therefore would not be prominent within the conservation area. This would be finished in timber cladding which would somewhat shield the porta cabin design, thus mitigating the harm.

Similarly, the proposed enlarged opening to the rear elevation would not be in a prominent location and would only be visible when viewed from the existing area of hardstanding to the rear. The proposed raised area to the rear would extend the existing raised section and therefore would not cause any additional harm to visual amenity over and above the existing.

KC Conservation and Design were informally consulted on the proposal, and subject to the design changes to the front elevation, which have been made, they had no objections to the scheme on the basis that it would be bringing a vacant building back into use and as the external works would be minimal.

Having taken the above into account, the proposed development would not cause any significant harm to the visual amenity of either the host property, the wider street scene or the historic character of the area, complying with Policy LP24 and LP35 of the Kirklees Local Plan and the aims of chapter 12 and 16 of the National Planning Policy Framework.

3 – Impact on residential amenity

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out in terms of policy LP24 (b), which states that proposals should promote good design by, amongst other things, providing a high standard of amenity for future and neighbouring occupiers as well as paragraph 135 (f) of the NPPF which states that developments should *“create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users”*.

The proposal would serve a café/restaurant on the ground floor and a two-bedroom flat at first floor level. It is noted that there are existing residential flats at first floor level within the adjacent properties. There would be no new openings proposed at first floor level and therefore no additional harm is considered to be caused to the amenity of the neighbouring occupants as a result of the proposal. The residential properties opposite the application site (Hilberoyd Road) would be >32m from the application site which would be a significant distance to prevent any significant overlooking harm.

Principle 16 of the Housebuilders Design Guide SPD states that: “All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers. Although the government has set out Nationally Described Space Standards, these are not currently adopted in the Kirklees Local Plan.” Further to this, Principle 17 of the Kirklees Housebuilders Design Guide SPD outlines that: *“All new houses should have adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character and context of the site. The provision of outdoor space should be considered in the context of the site layout and seek to maximise direct sunlight received in outdoor spaces.”*

The proposed flat would exceed the minimum requirements for a two-bedroom, single storey dwelling as outlined in the Nationally Described Space Standards (NDSS) and it is considered that there would be sufficient outlook and natural light to all the habitable rooms. Whilst no private amenity space is proposed, the development is <135m from green space and ~210m from Urban Green Space at land off Oxford Terrace, as allocated within the Kirklees Local Plan.

The proposed development is within a town centre area and would be adjacent to existing residential and commercial buildings so there is potential for noise pollution from commercial premises nearby. KC Environmental Health raised concerns that the noise from these sources could detrimentally impact the amenity of future occupiers. The development proposes residential accommodation above a café/restaurant. This would result in additional noise and odour which could cause harm to the amenity of the future occupiers of the residential accommodation. Therefore, should approval be recommended, it would be necessary to impose a condition requiring a noise assessment, details of noise and odour mitigation so officers can assess the impact that existing and proposed commercial noise and odour sources will have on the future occupiers of the proposed development. A higher level of sound

insulation is required where commercial and residential uses share a party wall/floor/ceiling and a condition is also recommended to secure this.

The hours of use are proposed as between 08:00 and 20:00 daily. These would be secured by condition to ensure no harm is caused to the future occupiers as a result of the proposal.

It is therefore considered that, subject to conditions, the proposed development would not cause significant harm to residential amenity, complying with Policy LP24 of the Kirklees Local Plan, chapter 12 of the NPPF and the Housebuilders Design Guide SPD.

4 – Impact on highway safety

The site is accessed via Hick Lane/Commercial Street. Access to the parking area to the side and rear of the building uses an existing vehicular access from Commercial Street which is one way at this location. The existing parking spaces would be retained as part of the proposal, providing off-street parking for 7 vehicles. This would allow for spaces to be available for the flat and the café/restaurant use. The site is ~460m north-west of Batley Train Station and ~430m south east of Batley Bus Station. Given the proximity to public transport links and as the site is located within Dewsbury Town Centre the proposed parking is considered acceptable.

The location of the proposed bin store is greater than the recommended minimum distance of 8m from the bin store to the adopted highway. A bin collection/presentation point should be located adjacent to the public highway and must not obstruct the adopted highway or the car park access road. This would be secured by condition should approval be recommended.

Therefore, subject to conditions, the proposal scheme is considered to comply with the recommendations in the Highways Design Guide and policies LP21 and LP22 of the Kirklees Local Plan.

5 – Other matters

Land contamination

There would be minimal groundworks as part of the proposal, however the site has been identified on the Council's mapping system as being adjacent to potentially contaminated land therefore a condition would be added to the decision notice regarding any unexpected contaminated land encountered during any groundworks.

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 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.

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 Air Quality & Emissions Technical Planning Guidance from the West Yorkshire Low Emissions Strategy Group. This is in accordance with Policies LP24 and LP51 of the KLP and Chapter 9 of the NPPF.

Drainage

A condition is recommended for the submission of a scheme to prevent fats, oils and grease from entering the wastewater drainage system to prevent any blockage to the drainage system as a result of the proposal.

There are no other matters for consideration.

6 - Representations

No representation was received.

7 – Conclusion

This application for the change of use and alterations to convert a vacant textile hall former office at Textile Chambers, Hick Lane has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Design SPD, the National Planning Policy Framework and other material considerations.

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 it is, therefore, recommended for approval.

Recommendation

Approval

Decision Authorisation - Delegated Powers

Application Number: 2025/90146

Officer Recommendation: Approval

Conditions and 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.

2. 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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP24 and LP35 of the Kirklees Local Plan, the adopted Housebuilders Design Guide SPD and the aims of the National Planning Policy Framework.

3. Before the development is brought into use, details of suitable storage, bin presentation points and access for collection of wastes from the dwellings 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 interest of highway safety and waste management and to accord with Policy LP24 of the Kirklees Local Plan.

5. Before construction work commences a report specifying the measures to be taken to protect the development from noise from all significant noise sources that are likely to affect the proposed development including road traffic and commercial premises shall be submitted to and approved in writing by the Local Planning Authority. The report shall:

- a) Determine the existing noise climate
- b) Predict the noise climate in living rooms and gardens (daytime), bedrooms (night-time) and other habitable rooms of the development

- c) Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required).

The development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained.

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. This is a pre-commencement condition to ensure that any risk to highway safety is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

6. The café use hereby permitted shall not be open to customers outside the hours of:

- 0800hrs to 2000hrs

There shall be no deliveries to, or dispatches from the café element of the premises outside these hours. No deliveries shall take place on Sundays or Bank Holidays. **Reason:** To ensure that the proposed cafe use does not give rise to the loss of amenity to occupants of the residential use hereby approved, as well as any other nearby residential properties, by reason of noise or disturbance at unsociable hours, 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.

7. Before the development is first brought into use, 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 wellbeing and to comply with Policy LP44 of the Local Plan and Chapter 14 of the NPPF.

8. 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 55dB 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 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.

9. Prior to cooking commencing on site, 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.
- 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.
- That the effective stack height (discharge height plus plume rise) is high enough to ensure that adequate dilution takes place before the plume interacts with the nearest sensitive receptor.

Reason: To ensure the proposed development does not cause harmful odour pollution at adjoining sensitive receptors or neighbouring receptors, 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.

If contamination, the presence of coal and/or evidence of coal workings not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved

Remediation Strategy and a Verification Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework.

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: The electrical supply of the electric vehicle charging points should allow the charging equipment to operate at full rated capacity and the installation must comply with all applicable electrical requirements in force at the time of installation. The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information in relation to Approved Documents.

NOTE: It is recommended that prior to development commencing the applicant should contact the Food Safety Team of Environmental Services to arrange an advice visit to discuss food safety and hygiene requirements including an appropriate layout. The Food Safety Team can be contacted on 01484 221000 or Email: fine.project@kirklees.gov.uk

NOTE: Health & Safety Footnote All workplaces where staff are employed need sanitary accommodation and all premises which are open to the public for entertainment and consumption of food and drink require toilets that are accessible to the public. If applicants need further advice on number and facilities, then please contact the Health and Safety team on 01484 221000 (ask for health and safety) or by email at healthandsafety@kirklees.gov.uk.

NOTE: Footnote Detailed advice is available in “Control of Odour and Noise from Commercial Kitchen Exhaust Systems” by EMAQ May 2022 which is an update of “Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems” by DEFRA 2005.

NOTE: Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework. Reports must be prepared in accordance with the following guidance:

- Land Contamination Risk Management (LCRM)
- BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice
- Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group.

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

Plans and specifications schedule:-

| Plan Type | Reference | Version | Date Received |
|-------------------------------------|------------------|----------------|----------------------|
| Location and Block Plan | 24-057-03 | | 11/02/2025 |
| Existing Floor Plans and Elevations | 24-057-01 | | 11/02/2025 |
| Proposed Floor Plans and Elevations | 24-057-02 | B | 11/09/2025 |
| Design and Access Statement | | | 11/02/2025 |
| Heritage Statement | | | 11/02/2025 |

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 2015 and otherwise actively engaged with the applicant in dealing with the application.

Officers raised concerns regarding the loss of the door frame and architectural details as well as the loss of symmetry, which is characteristic of the age of the property. Similarly, the proposed veranda was considered to cause harm to the visual appearance of the principal elevation of the property. Two sets of revised plans were received by the agent. The final revision revised the front elevation back to as existing with the inclusion of a raised seating area.

The description of proposal was changed from “Erection of single storey side extension, installation of shopfront with canopy and internal alterations (within a Conservation Area)” to the current description to ensure that all aspects of the proposal are covered. This was not readvertised as the changes refer to the removal of aspects of the development which would not cause any additional harm, and the change of use has been clearly shown in all the

plans and submitted information and it is noted that there is an existing permission for a similar scheme on the site already. There were also no representations received during the initial publicity.

Report Dated: 17/09/2025