

January 2025

PLANNING
STATEMENT

CHANGE OF USE OF RETAIL UNITS TO RETAIL
USE (CLASS E(A)), FOOD AND DRINK (CLASS
E(B)) AND HOT FOOD TAKEAWAY (SUI
GENERIS)

AT THE SWAN SERVICE STATION, 962
HUDDERSFIELD ROAD, MIRFIELD, WF14 9HS.

Ref: 2622

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SECTION 1: INTRODUCTION

- 1.1 This statement has been prepared to support a planning application to allow a wider range of operators within the three commercial retail units adjacent to the Swan Service Station at 962 Huddersfield Road, Mirfield.

SECTION 2: BACKGROUND AND SITE DESCRIPTION

- 2.1 In April 2020 planning permission was granted for the erection of a petrol filling station, kiosk/convenience store and three commercial retail units on this site (Ref: 2019/94003). After a few variations and subsequent discharge of planning conditions the service station and retail units were constructed and the service station opened for business in 2023.
- 2.2 There is currently interest from a well-known Coffee Shop operator, and a National Pizza Company, as well as interest from a local Hot Food Operator, yet it is not clear if the current planning approval permits these uses.
- 2.3 When the application was submitted in 2019 the description referred to commercial retail units with a view to any of the former Class A Uses being acceptable on this site. In September 2020 the use classes were changed, with Classes A, B and D being revoked with the introduction of Class E. Hot Food Takeaways fall outside Class E raising questions as to whether such uses are permitted on this site.
- 2.4 The cornerstone of the justification for developing this site dates back to 2014 when a planning application was approved for the erection of 3 units for mixed development comprising A1, A3 and A5 uses (Ref:2013/94023). Whilst that scheme was never built out the principle for this range of uses was established and taken forward with the approval of the 2019 application.

SECTION 3: APPRAISAL

- 3.1 The principle of retail, hot and cold food and take aways was established on this site in 2014. The approval of the units currently on site was for all intents and purposes for the full range of the former Class A uses. The supporting retail statement for the 2019 application referred to the suitability of other premises in terms of being able to '*pull up outside and collect a takeaway, or other such goods*'. (**my emphasis**)
- 3.2 During the assessment of the 2019 application, it was agreed the impact from the development is within acceptable levels and that there were no sequentially preferable sites that are suitable for the proposed development.

- 3.3 The only policy change since the approval of the 2019 application is the introduction of the Hot Food Takeaway SPD (September 2022), which includes requirements for applications that include Hot Food Takeaways.
- 3.4 The approval of the 2019 application established that:
- There is no impact on Town Centre Vitality and Viability
 - The subsequent discharge of conditions application agreed that there are no noise implications from the development. An extractor unit was approved to absorb odours from food preparation in the large unit, and similar equipment can be fitted within the smaller units if required.
 - There were no issues relating to waste disposal.
 - There were no issues relating to design and community safety, and
 - There were no issues relating to highway safety
- 3.5 The only issue highlighted within the Hot Food Takeaway SPD that was not assessed as part of the 2019 application was the proximity to schools.
- 3.6 The nearest schools are the Diamond Wood Community Academy, which is over 850m to the northeast of the site, and Crowlees Junior and Infant School that is over 950m to the west of the site. Both these schools are over twice the 400m distance from the units that is required by the Hot Food Takeaway SPD.

SECTION 4: CONCLUSION

- 4.1 The principle of mixed-use units comprising retail, food and drink and hot food takeaway has been long established on this site. The revoking of the Class A in September raised questions as to whether hot food takeaway and the sale of hot and cold food are permitted under the approved application.
- 4.2 The only change in policy since the approval of the 2019 application is the introduction of the Hot Food Takeaway SPD. The assessment above demonstrates how the use of the premises to include hot food takeaway accords with the requirements of the SPD.
- 4.3 We therefore believe that the proposed development accords with both local and national planning policy.