

PLANNING STATEMENT

(Inc Impact on Conservation Area)

369 Bradford Rd

Batley

WF17 5PH

Proposal

Installation of Extraction System and its Associated External Grille to Northern side Elevation of Building.

Prepared by

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1.0 INTRODUCTION

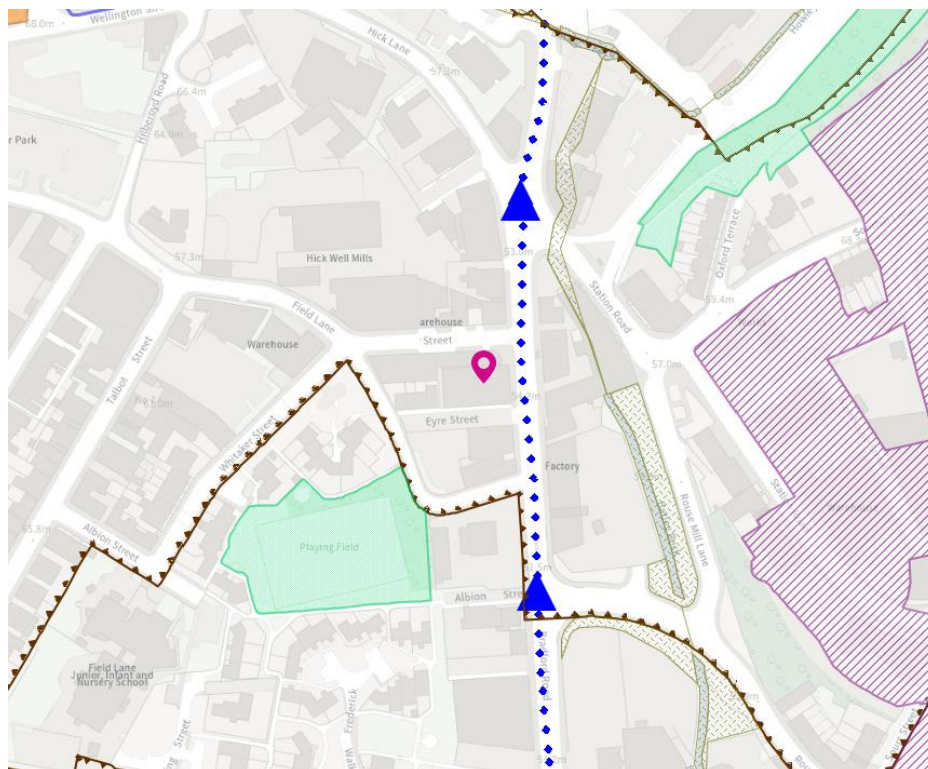
- 1.1 This Planning Statement is submitted by 'Planning Management Ltd' on behalf of the applicant who owns the application property positioned off Bradford Road, Batley, as shown on the plans accompanying this application. The proposed building has been used for retail at ground floor in the past, whilst the upper floors of the building have remained empty and disused more recently. The applicant is currently hoping to make better use of the building and is regenerating the site as a whole.
- 1.2 This application relates to an existing ground floor retail unit which takes up a large portion of the frontage along Bradford Road. The site was previously used by a retail vape shop (10: TEN) until it recently closed down. The retail store already has a large commercial kitchen to the rear. The applicant would like to make use of this kitchen area and retail unit by using the space as a restaurant. This does not require planning permission as both shops and restaurants are within the same use Class (E), and as such Permitted Development Rights are being exercised in this instance.
- 1.3 Given the above, this application considers the Positioning, Appearance, Noise, and Odour impacts of the extraction system required for the restaurant from the kitchen area. An extraction system is currently fitted; however this is considered to be substandard for the proposed use.
- 1.4 In terms of the economy, the council's overarching objectives place significant emphasis on the need to support the growth aspirations of the districts indigenous businesses, as well as securing the inward investment opportunities which are likely to occur during the course of the plan period.
- 1.5 Further to the above, the Kirklees Local Plan (adopted February 2019) talks about promoting the re-use of existing buildings and the use of brownfield land to meet development needs and support the regeneration of areas.
- 1.6 The applicant would like to work with the Council in order to secure approval for the proposed use and alterations.

2.0 SITE AND SURROUNDINGS

- 2.1 The application property relates to 369 Bradford Road, Batley. The property is three stories high and includes a white historic frontage with architectural detailing and evenly spaced windows on the upper floors with modern retail shopfronts on the ground floor. The property is part of a larger historic mill building with stone buildings attached to its northern side elevation with red brick used along its southern side elevation.
- 2.2 Bradford Road runs along its main frontage to the east, Bar Street along the north, and Eyre Street to the south.
- 2.3 The building was Formally known as The Regent Picture House. The cinema was totally redecorated in a 'Japanese' style, and it re-opened in April 1925. A false proscenium in front of the old one was installed in 1954 when the cinema was equipped with CinemaScope. The Regent Picture House was finally closed on 14th April 1983. The building was converted into part retail use, and in recent years had operated as the Spot Snooker Club.
- 2.4 The surrounding area consists of large industrial, commercial, and historic mill buildings which vary in term of their size, height, and materials. Directly on the opposite side of Bradford Road are smaller commercial takeaways, cafes and shops. To the north west at a distance of 100m is Batley Town Centre, whilst further north along Bradford Road are a variety of businesses.
- 2.5 The site is positioned within the settlement boundary of Batley, and within the Station Road Conservation Area.



- 2.6 **Above:** Aerial image indicates the positioning of the application site and also shows the variety of industrial and commercial uses in the vicinity.



- 2.7 **Above:** Image taken from the Local Plan Proposals Map; The application site is located within the urban boundary and Station Road Conservation Area, and adjacent to the Transport Route of Bradford Road.



- 2.8 **Above:** Image indicates retail store 10:10 TEN at ground floor now closed and vacant. This space is to be used as a restaurant under Permitted Development Class E.

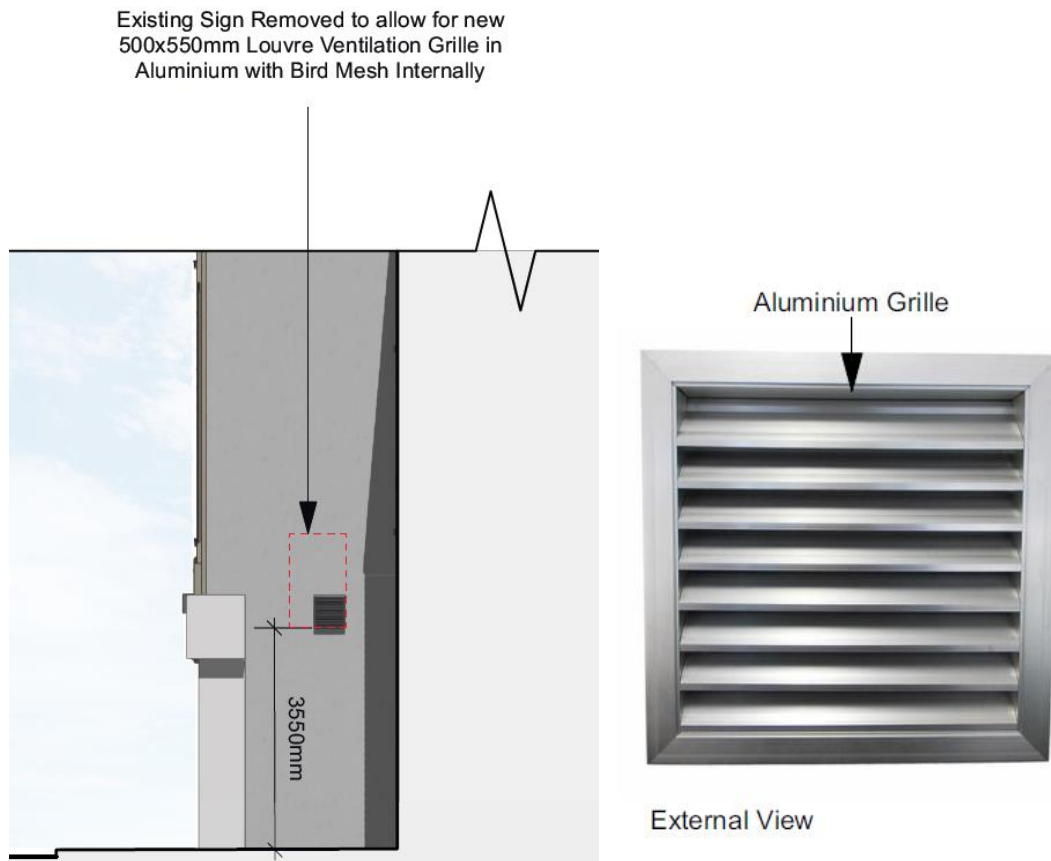
3.0 PROPOSED DEVELOPMENT

- 3.1 The proposed development consists of the installation of a new extraction system to the premises. The proposed extraction system is to exit the building to the northern side elevation and terminate above the eaves of the property.
- 3.2 The current extraction system serving the existing kitchen is to be replaced. This exits the building to the eastern front elevation at a low level under the recessed entrance door, and odour emissions have historically been identified as a potential issue. Due to internal restrictions including height the flue cannot exit to the south or be directed through the building.
- 3.3 The proposed flue has not been positioned on the southern side elevation or to the rear elevation due to the positioning of a number of windows and its closeness to residential properties, as such any extraction flue would need to pass over the windows to the upper floors which would result in poor design.

The proposed design has ensured that only an external small sized grille would be visible, which would replace a much larger internally illuminated box sign.



- 3.4 **Above:** Blue arrow indicates where existing extraction terminates over the recessed entrance. Red Arrow indicates the proposed new extraction point and positioning of grille in this sensitive location.



- 3.5 **Above:** Plan indicates the norther side elevation elevation of the property with proposed aluminium grille, this can be coloured white to match building if required. The grille would be substantially smaller than the box sign it replaces.



4.0. INVOLVEMENT

- 4.1 No formal pre-application advice in this instance has been sought from the Council. The scheme put forward is an acceptable proposal providing a much-needed development in this area whilst bringing a disused property into a viable use.
- 4.2 This planning Statement has been submitted as part of the planning application to provide a reasoned justification for its acceptability using local and national planning policy and guidance.
- 4.3 The issues of amenity of the surrounding area, location and design of the development are taken into consideration in the assessment below.

5.0 HISTORY

- 5.1 A history check has been undertaken which has revealed that the following specific planning history for the site;

Application 99/90722

CHANGE OF USE FROM TYRE BAY TO EXTEND EXISTING LEISURE/SNOOKER/AMUSEMENT CENTRE (WITHIN A CONSERVATION AREA)

🏠 EX REGENT CINEMA, 369 BRADFORD ROAD, BATLEY.

Received on 11-Mar-1999

✓ Application approved

6.0 RELEVANT PLANNING POLICY

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that decisions should be made in accordance with the development plan unless material considerations indicate otherwise.
- 6.2 The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019). It states that ‘Our vision needs to consider what Kirklees should be like in the future if the needs and aspirations of those who live, work in, or visit Kirklees are to be met whilst retaining the characteristics that make it attractive and distinctive. It also needs to be flexible to allow us to respond to future challenges in a way that is right for Kirklees and its residents and businesses.’
- 6.3 The statement vision for Kirklees is that people will have access to a range of local facilities including services, health-care and education provision, and adequate infrastructure. Places will be well-connected encouraging sustainable travel including increased opportunities for walking and cycling and improved links to other parts of the region and beyond.
- 6.4 The following Local Plan policies have relevance to the proposal:
- LP 01 – ACHIEVING SUSTAINABLE DEVELOPMENT
 - LP 02 – PLACE SHAPING
 - LP 22 – PARKING
 - LP 24 – DESIGN
 - POLICY LP35 - DEVELOPMENT PROPOSALS AFFECTING A DESIGNATED HERITAGE ASSET
 - LP 51 – PROTECTION AND IMPROVEMENT OF LOCAL AIR QUALITY
 - LP 52 – PROTECTION AND IMPROVEMENT OF ENVIRONMENTAL QUALITY

NPPF (2024)

- 6.5 The NPPF clearly states ‘that the purpose of the planning system is to contribute to the achievement of sustainable development’ (paragraph 7). Paragraph 10 confirms that ‘in

assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development’.

6.6 Paragraph 11 states that a presumption in favour of sustainable development is at the heart of the NPPF. It goes on to say that ‘for decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, 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; 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.

6.7 Paragraph 135 of the NPPF, advises that Planning policies and decisions should ensure that developments 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.

6.8 The general perspective of the NPPF is that planning should proactively drive growth and support sustainable economic development. It also states that planning should make effective use of land by reusing land that has been previously developed and sets out a presumption in favour of sustainable development. The government is committed to ensuring that the planning system does everything it can to support sustainable economic growth.



National Planning Practice Guidance (NPPG)

- 6.9 The government published its NPPG on 6 March 2014. This is intended to complement the NPPF and to provide a single resource for planning guidance, whilst rationalising and streamlining the material. Almost all previous planning Circulars and advice notes have been cancelled. Specific reference will be made to the NPPG or other national advice in the Analysis section of the report, where appropriate.

7.0 ASSESSMENT

- 7.1 **Policy LP1** of the Local Plan (PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT) 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 National Planning Policy Framework. 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.
- 7.2 Proposals that accord with the policies in the Kirklees Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.
- 7.3 Where there are no policies relevant to the proposal or relevant policies are out of date at the time of making the decision then the council will grant permission unless material considerations indicate otherwise – taking into account whether:
- a. any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or
 - b. specific policies in that Framework indicate that development should be restricted.

Noise and Odours

- 7.4 **Policy LP52** (PROTECTION AND IMPROVEMENT OF ENVIRONMENTAL QUALITY) states that ‘proposals which have the potential to increase pollution from noise, vibration, light, dust, odour, shadow flicker, chemicals and other forms of pollution or to increase pollution to soil or where environmentally sensitive development would be subject to significant levels of pollution, must be accompanied by evidence to show that the impacts have been evaluated and measures have been incorporated to prevent or reduce the pollution, so as to ensure it does not reduce the quality of life and well-being of people to an unacceptable level or have unacceptable impacts on the environment. Such developments which cannot incorporate suitable and sustainable mitigation



measures which reduce pollution levels to an acceptable level to protect the quality of life and well-being of people or protect the environment will not be permitted. Where possible, all new development should improve the existing environment’.

- 7.5 The adopted Hot Food Takeaway SPD at **Policy HFT 4 (NOISE ABATEMENT AND EXTRACTION OF ODOURS)** states that proposals for new hot food takeaways must demonstrate effective kitchen odour control and extract systems and appropriate noise attenuation measures. Noise attenuation and odour control measures must: Be acceptable in terms of visual amenity, including location and external finish; Not adversely impact on neighbouring occupiers by virtue of noise, vibration or odour; and remain appropriate to the type of food being prepared and be routinely and properly maintained.
- 7.6 The building is located in the defined urban area adjacent to the busy Bradford Road. The surrounding area is characterised by a number of small units with a good proportion of food and drink outlets and a nightclub. The types of uses within the vicinity, along with its proximity to high density residential areas, create a vibrant area.
- 7.7 It has already been established that the restaurant use at the site is Permitted Development and therefore this is not the matter under assessment, it is the relocation of the extraction. The area is established as mixed use, and the proposed grille to the side elevation of the building would therefore be in keeping with existing land uses around the area. It is however important to ensure that the proposal would not impact unduly on matters such as noise and odour pollution effects, as well as the impact of the development upon existing surrounding properties.
- 7.8 It should be noted that there will be some noise originating from the neighbouring commercial land uses on the ground floor, as well as from the surrounding night-time economy and road traffic on the busy Bradford Road. A noise and odour impact assessment has been submitted as part of this proposal. Furthermore, by virtue of this being a replacement flue where a previous flue in a slightly different position to the front of the property was installed, and when taking the noise created from neighbouring uses

into consideration, the proposed extraction is not considered to have a significant impact on the amenity of surrounding occupiers from noise and odour.

- 7.9 The image provided below show the commercial make-up of the area surrounding the site;

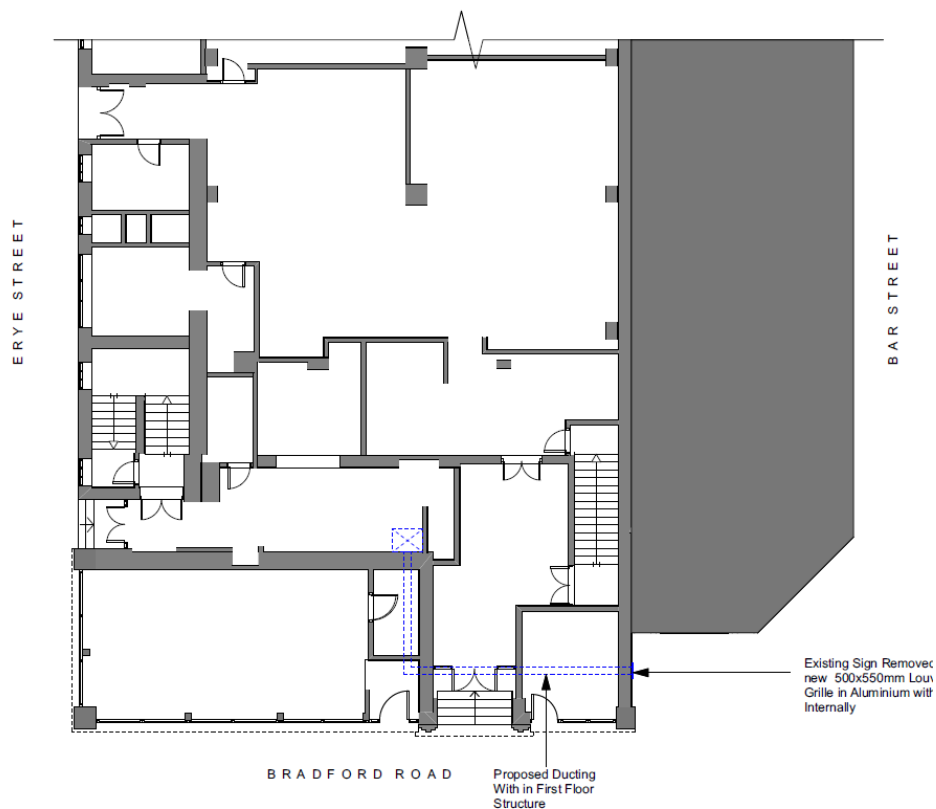


- 7.10 **Above:** Commercial Uses along Bradford Road with Bus Stop located outside the property. Application property to left.

- 7.11 **Below:** This shows the neighbouring property to the south of the site along Eyre Street, the building includes residential uses on the first floor, as such the proposed flue/extraction has not been located on the southern elevation of the building which would result in negative noise and odour impacts for occupiers, please see submitted Noise and Odour impact assessment.



7.12 **Above:** Residential uses on upper floor on Eyre Street.



7.13 The above image indicates the location of the proposed extraction with the two closest residential receptors identified on the opposite side of the road and on Eyre Street. These properties do not directly face the extraction, nor does its gable side elevation contain habitable room windows. The flue would have limited impact on residential amenity.

- 7.14 Furthermore, given the detached nature of the property away from residential dwellings, it is considered that surrounding properties would still enjoy peace and quiet during the evening and night where they can relax and sleep in a quiet environment with little disturbance.
- 7.15 Therefore, the effect on residential amenity by reason of noise or odour nuisance would be minor given its location amongst other similar uses and by virtue of its location. The Noise and Odour Report submitted demonstrates that the best and most suitable equipment has been used in this location to limit noise and odour nuisance impact on residential amenity.
- 7.16 In light of the above it is considered that the provision of a replacement extraction is acceptable and in accordance with Policy LP52 of the Local Plan, Policy HFT 4 of the Hot Food Takeaway SPD, and the National Planning Policy Framework.

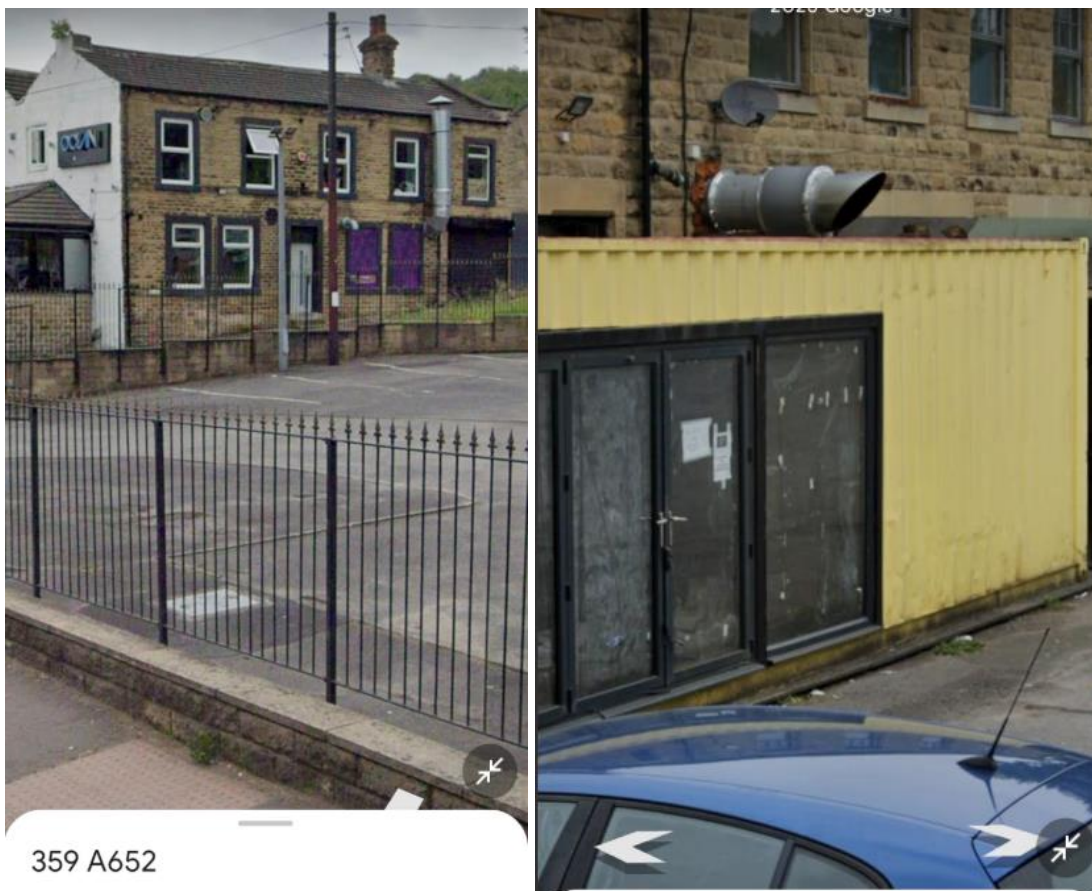
Visual Appearance

- 7.17 **LP24 (DESIGN)** states that good design should be at the core of all proposals in the district and should be considered at the outset of the development process, ensuring that design forms part of pre-application consultation of a proposal. Development briefs, design codes and masterplans should be used to secure high quality, green, accessible, inclusive and safe design, where applicable. Where appropriate and in agreement with the developer schemes will be submitted for design review.
- 7.18 Proposals should promote good design by ensuring:
- a.** the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape;
 - b.** they provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings and the creation of development-free buffer zones between housing and employment uses incorporating means of screening where necessary;

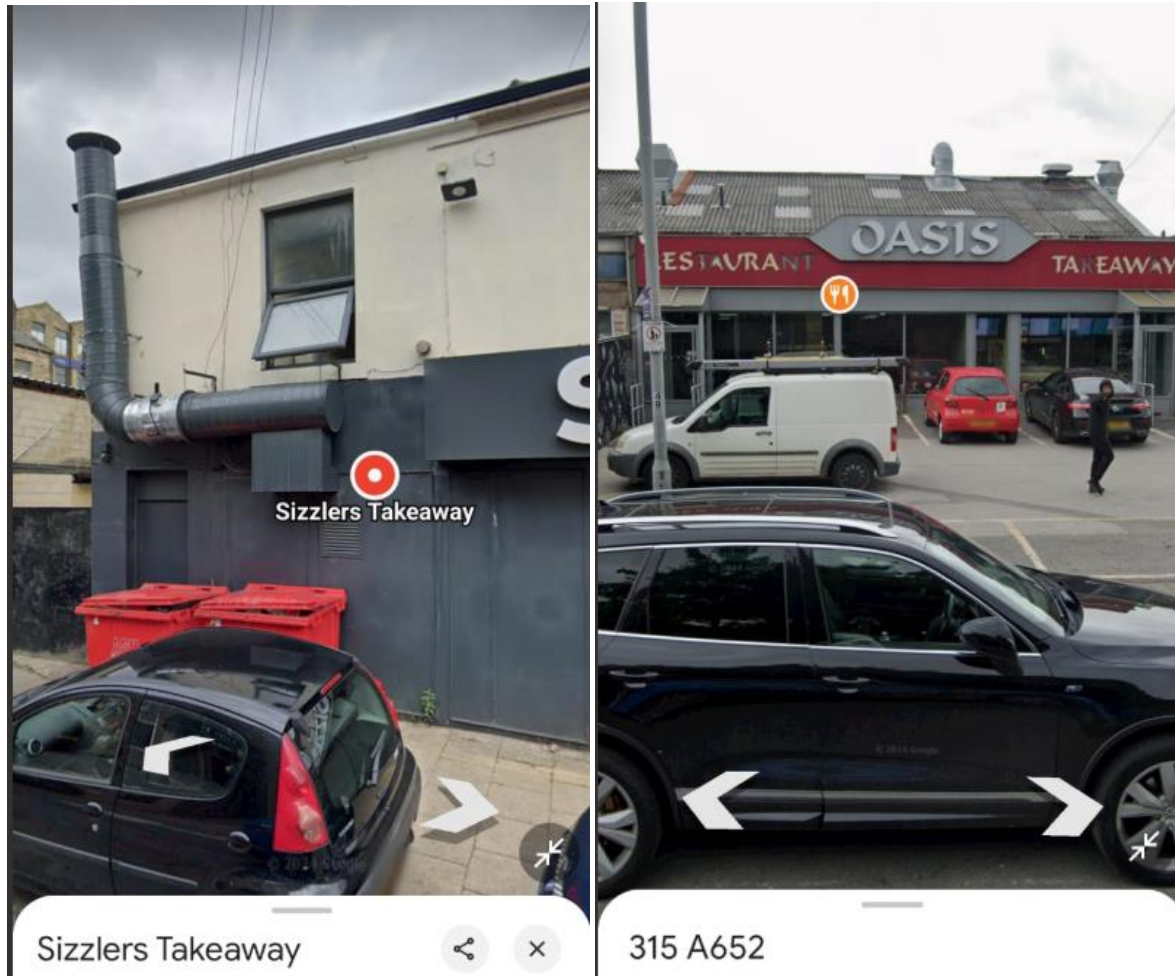
- 7.19 In terms of the appearance of the extraction grille. The extraction is of typical galvanised finish; this can be powder coated to match the render along this elevation. Furthermore, it would sit almost flush with the walling and would be a small addition to this elevation and overall building. The proposed extraction size and positioning is considered an improvement to the appearance of the building and area where it would replace existing box signage which is larger and illuminated during darkness.
- 7.20 Also, the flue has been sited on the less prominent side elevation of the building where it would have the least amount of impact on the appearance and character of the area. If the extraction was to be positioned along the southern elevation it would need to be a flue which would have to rise above the eaves, this would appear unsightly and of poor design. Give the height of the building it cannot go through the building and above the eaves due to its overall length and therefore appearance.
- 7.21 There are other more prominent flues positioned in the area, these are bulky, large and prominent and do not improve the character of the area (see below), in contrast this is a well thought out addition to the building within the Conservation Area which retains and improves the character the area.
- 7.22 The extraction is a necessary element of the restaurant to disperse odours and therefore it should be acknowledged that there will be some form of visual change. In this instance it is located away from public vantage points. Also, given there are other commercial properties nearby which have similar flues and commercial paraphernalia, the flue would not appear out of character. Please see images below which show the characteristics of the area;



7.23 **Above:** Ashpazi restaurant, flue extending from window pane in a prominent position.



7.24 **Above:** Oceana restaurant, and flue to rear of Mr T's. Both prominent, large, and garish



- 7.25 **Above:** Sizzlers Takeaway adjacent, large flue along the buildings height. Also, flue above the roof of Oasis restaurant.
- 7.26 Taking the above into account, and as evidenced, the appearance and positioning of the extraction grille would not undermine the character of the area or the original building as a whole and would be acceptable in this location and position within the Conservation Area where nearby properties and street scene consist of larger recently approved structures and paraphernalia. As such, overall appearance of the extraction is not considered harmful to the area and would be functional.
- 7.27 In light of the above, the grille would not be detrimental to visual amenity and would not harm the overall character and appearance of the area and the street scene. As such, the proposal is considered appropriate within this area and would accord with Policy LP24 of the Local Plan and the relevant parts of the NPPF and the Hot Food Takeaways SPD



8.0 CONCLUSION

- 8.1 It has been demonstrated that the proposed development is in full compliance with the Council's policies in the Local Plan and the National Planning Policy Framework. The development would not have a significant detrimental impact on the amenity of the local occupiers and residents by way of noise, odour, and appearance and should be approved.
- 8.2 The approval of the scheme would help in the regeneration of this large and prominent building in Batley.