

Robert Halstead

Chartered Surveyors & Town Planners

N.C. Willock MRICS MRTPI

Office G of H, Bridge Mills, Huddersfield Road, Holmfirth, HD9 3TW

Tel: 01484 686322 e mail: nick@roberthalstead.co.uk

Planning Development

Planning Policy Statement

Land at Waterloo Road, Waterloo, Huddersfield, HD5 0AH

Introduction

A pre-application enquiry for the “change of use of existing premises from sui generis (drive-through hot food takeaway) to Class E (coffee shop with drive-through drinks takeaway) including a change to the current permitted opening hours and any associated external alterations”, was submitted to the Council in the summer of 2024 (ref: 2024/20632). Officers concluded that the principle of development could be acceptable, subject to further assessment of noise impacts and trip generation.

Following the pre-application enquiry, a full planning application is now being submitted. The application includes a Noise Assessment and a Transport Statement in order to demonstrate that the proposals are acceptable in relation to noise and highway matters. The number of proposed covers inside the premises put forward at the pre-application stage has decreased slightly from 72 to 68.

The following paragraphs of this report will also demonstrate the appropriateness of the development in terms of urban greenspace, vitality and viability of town centres, visual amenity, biodiversity and climate change.

Site Description

The application site incorporates buildings and land in association with the former Harvey’s hot food takeaway Drive-Through. The site is located on the corner of the A642 Wakefield Road to the south and Waterloo Road to the west. Vehicular entry / exit to the site is via an access point on Waterloo Road with an additional exit point onto Wakefield Road. A small car park is located at the front of the site. The site is surrounded by residential dwellings to the west and north-west, an area of woodland to the east and north-east, a retail park to the far east and business development to the south.

Planning History

2023/92573 – Discharge of conditions 3 (marking out of parking), 4 (entry signs), 6 (kitchen ventilation), 7 (noise), 8 (external lighting), 9 (CCTV), 10 (vehicle recharging), 11 (operational management plan) on previous permission 2021/91172 for change of use from former petrol station, car and van repairs/part sales and car sales pitch to hot food takeaway (Sui Generis) – Approved

2021/91172 – Change of use from former petrol station, car and van repairs/part sales and car sales pitch to hot food takeaway (Sui Generis) – Approved



Application Site

Policy Designation

The application site is located within the Strategic Green Infrastructure Network in accordance with the Local Plan Policies Map. Part of the site also lies within Urban Green Space and within the Kirklees Wildlife Habitat Network.

The Proposals

This application seeks planning permission for the change of use from hot food takeaway with drive-through (Sui Generis) to coffee shop with drive-through facility (Class E) together with internal and external alterations.

The only external alteration proposed to the building involves the removal of two of the three existing drive-through windows on the rear elevation to be replaced with white/cream render to match existing.

Internally, the proposed development would accommodate 68 covers. The internal layout would include serving areas, seating areas, kitchen areas, and toilets (including disabled).

The proposed access would be taken from Waterloo Road only with the access point on Wakefield Road blocked off with new kerbs. The layout of the internal circulation areas and car parking are proposed to be altered and would include 19 parking spaces, made up of 15 standard spaces, one disabled space, one customer order bay and two EV charging spaces / staff spaces. Parking for six bicycles is also proposed to be provided on site.

The proposed opening hours are Monday to Saturday 6.30am to 10.00pm and Sundays 7.30am to 9.00pm.

Assessment of the Proposals

Supporting a Strong and Competitive Economy

Paragraph 85 in the NPPF states:

'Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.'

The existing hot food takeaway and drive-through has been closed since February 2024. The proposals would enable the applicant to invest and adapt the building into a coffee shop with drive-through, bringing it back into a viable economic use. The proposals would also create 8 FTE (full-time equivalent) jobs for the local area.

The proposed development would therefore support a strong and competitive economy in accordance with paragraph 85 in the NPPF.

Making Effective Use of Land and Buildings

Paragraph 125 in the NPPF states:

'Planning policies and decisions should: d) promote and support the development of under-utilised land and buildings.'

Local Plan Policy LP7 also states:

'To ensure the best use of land and buildings, proposals:

- a. Should encourage the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value;*
- b. Should encourage the reuse or adaptation of vacant or underused properties.'*

As mentioned above, the hot food takeaway and drive-through has been closed since early 2024. The proposals would bring the site back into use and the adaptation of the building to incorporate a coffee shop with a drive-through would attract local customers and passing trade.

The site is located in a highly sustainable urban location close to the local centre of Waterloo, and due to the nature of the site comprising an existing building and hard standing areas, the site is not considered to be of high environmental value.

The proposals are therefore considered to be acceptable in this respect and accord with paragraph 125 in the NPPF and Local Plan Policy LP7.

Urban Greenspace

The northern and north-eastern part of the site is designated Urban Greenspace. Local Plan Policy LP61 states:

'Development proposals which would result in the loss of urban green space will only be permitted where:

- a. *An assessment shows the open space is clearly no longer required to meet local needs for open space, sport, recreational facilities and does not make an important contribution in terms of visual amenity, landscape or biodiversity value;*
- b. *Replacement open space, sport or recreation facilities which are equivalent or better in size and quality are provided elsewhere within easily accessible location for existing and potential new users; or*
- c. *The proposal is for an alternative open space, sport or recreation use that is needed to help address identified deficiencies and clearly outweighs the loss of the existing green space.'*

The previous planning application for the change of use from former petrol station, car and van repairs/part sales and car sales pitch to hot food takeaway (Sui Generis) was approved and subsequently implemented. At that time ¹ officers took the view that although the development was not in accordance with the requirements of Local Plan Policy LP61, the proposals were considered to be acceptable as they would not have resulted in any significant or material loss of urban greenspace. It was concluded that the urban greenspace within the application site provided no opportunity for public access or recreation and makes no significant positive contribution to visual amenity.

The current scheme proposes no changes to the area within urban green space, and simply aim to re-use the existing building and surrounding hard surfaced areas for parking and the drive-through. The proposed development would therefore not result in any material change to the character or nature of the urban greenspace when compared with that previously approved and implemented.

The proposals are therefore considered to be acceptable in relation to Local Plan Policy LP61.

Main Town Centre Uses Planning Policy - Impact & Sequential Assessment

The application site is located in an edge of centre location being located 40m east of the defined local centre of Waterloo.

Coffee shops, with or without a drive-through, are not explicitly named as a 'main town centre use' in accordance with the NPPF glossary. However, in the previous application and the recent pre-application enquiry, it was assessed by officers that an Impact Assessment would not be necessary, since, owing to the catchment it would serve, the development would not be competing directly with businesses in commercial centres.

With regard to the sequential test, the pre-application enquiry stated the following:

"A Sequential Test would be required, however, it is acknowledged that the current use of the site is for a hot food takeaway and therefore it may be possible for you to justify within any future submission why a Sequential Test would not be required in this instance. This would need to be explored and set out in detail as part of any application." (Note – there was a typo here in that this proposal is for a coffee shop not a hot food takeaway).

With reference to the above advice and the sequential report submitted with the previous application (and agreed to be passed) for the hot food takeaway drive-through case, the current proposals are very similar to the previous ones in that they fall within the food and drink category.

¹ Please refer to the relevant committee report – ref: 2021/91172

The catchment area associated with the previously submitted Sequential Assessment was proposed and accepted as being confined to the Waterloo and Dalton Green Lane centres, particularly as at that time, Harvey's the applicant was in the process of opening a town centre Harvey's.

In terms of the catchment area for the current proposals, this would be the same as the previous proposal if conducting the sequential assessment again, and similarly to the previous case, the nearest equivalent competitor is Coffee Boy on Wakefield Road, Moldgreen – thereby covering that part of the district and picking up trade west of there, towards Huddersfield town centre.

The established centres identified in the previous sequential assessment (Waterloo and Dalton Green Lane) have been re-assessed and there remain no available, suitable or viable sites capable of accommodating the proposed development, taking into account the required flexibility stated by policy.

It is therefore concluded that because the current proposals are within a similar category of development to the existing implemented planning permission and relevant material planning circumstances remain unchanged with regard to the catchment area and site / premises availability, there is sufficient information to enable the LPA to conclude that the retail policy requirements are met in accordance with Local Plan Policy LP13 (Town centre uses) and Section 7 of the NPPF (Ensuring the vitality of town centres).

Food and Drink Establishments

Local Plan Policy LP16 states:

'In order to assess the potential harm of food and drink and licensed entertainment proposals, the following criteria will be considered with a planning application:

- b. the impacts of noise, general disturbance, fumes, smells, litter and late night activity, including those impacts arising from the use of external areas;*
- c. the potential for anti-social behaviour to arise from the development, having regard to the effectiveness of available measures to manage potential harm through the use of planning conditions and / or obligations;*
- d. the availability of public transport, parking and servicing;*
- e. highway safety;*
- f. the provisions of refuse storage and collection; and*
- g. the appearance of any associated extensions, flues and installations.'*

Criteria b. noise impacts and criteria d. and e. highway considerations are assessed in more detail in later sections of this report. In summary, the submitted Noise Impact Assessment and Transport Statement have concluded that the proposals are acceptable in terms of noise and highway matters.

Referring to criteria b. in respect of fumes and smells, the proposals are not considered to represent an issue in this regard as the scheme is for a coffee shop with limited smells / odours rather than a hot food takeaway which tend to have a greater degree of smells / odours.

Regarding criteria b. late night activity and criteria c. anti-social behaviour, the proposed premises will not be opened beyond 10pm. It is considered that the nature of the proposals as a coffee shop and the proposed opening hours would not attract late night activity or anti-social behaviour in the same way other hot food takeaway establishments might.

Referring to criteria f. bin storage will be provided within the building and refuse will be collected once a week.

Regarding criteria g. no extensions, flues or installations are proposed.

Given the above, the proposals are considered to be an acceptable food and drink establishment and in compliance with Local Plan Policy LP16.

Design and Visual Amenity

Local Plan Policy LP24 states:

'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.'

Paragraph 135 in the NPPF sets out various design objectives, including the need to ensure that developments: function well and add to the overall quality of the area; are visually attractive; are sympathetic to local character; and establish or maintain a strong sense of place.'

The only external alteration proposed to the building involves the removal of two drive-through windows on the rear elevation to be replaced with white/cream render which would match the existing building. The layout of the car park is also proposed to be altered but would still remain a car park.

The proposed development is therefore considered to be acceptable with regard to design and visual amenity and complies with Local Plan Policy LP24 and paragraph 135 in the NPPF.

Residential Amenity

Local Plan Policy LP24 states:

'Proposals should promote good design by ensuring: b. they provide a high standard of amenity for future and neighbouring occupiers.'

This is echoed in paragraph 135 f) in the NPPF.

Paragraph 198 in the NPPF also states:

'Planning policies and decisions should also ensure that new development is appropriate for its location ... In so doing, they should:

a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.

c) limit the impact of light pollution from artificial light on local amenity.'

The closest residential dwellings to the application site are No's 1-11 Waterloo Road. As the proposals would utilise the existing building and hard standing areas on site, with only minor alterations proposed to the exterior of the building, and car park and drive-through layout, it is considered the development would not cause undue harm to residential amenity in terms of outlook, privacy or daylight for neighbouring residents.

In terms of noise, a Noise Impact Assessment has been produced by Environmental Noise Solutions Limited and accompanies the application.

The report found that the ambient and background noise climate in the vicinity of the site is characterised / dominated by the road traffic on Waterloo Road and Wakefield Road (56 dB and 52 dB respectively during the daytime and early morning), with no other significant noise sources noted.

Assessments of noise associated with deliveries and with the use of the drive-through were undertaken. No assessments were made relating to fixed plant, as this is not proposed.

Deliveries are expected to take place once per day and these would typically occur during opening hours (0630 – 2200 hours). The principal noise associated with deliveries would be trolleys being wheeled into the building. Noise levels associated with deliveries would be at least 6 dB below the existing early morning background noise levels at the nearest noise sensitive receptors.

The drive-through process includes: customers placing orders, driving to the collection point and collecting orders from the collection window. The predicted trip rate of 21 no. drive-through customers for the daytime peak hour was adopted for the assessment. The dominant noise source is idling vehicle engines. Noise levels associated with the drive-through are expected to be up to 26 dB at the nearest receptors. Such levels are very low and would typically not be audible against the existing ambient noise levels at the site.

In conclusion, noise associated with the operational development is considered to be at the 'No Observed Effect Level'.

The proposals are therefore considered to be acceptable in terms of residential amenity and noise and accord with Local Plan Policy LP24 and paragraphs 135 and 198 in the NPPF.

Highway Considerations

Local Plan Policy LP21 states:

'New development will normally be permitted where safe and suitable access to the site can be achieved for all people and where the residual cumulative impacts of development are not severe.'

A Transport Statement has been produced by Sanderson Associates which accompanies the application. The main points of note are summarised below:

Access

- Vehicle access will be taken from Waterloo Road only and the existing access onto Wakefield Road will be closed and kerbed through.
- The access will service the drive-through and parking areas.
- Swept paths demonstrate that a large car and a 4.6t van can access and egress the site using the proposed drive-through arrangements.
- Direct pedestrian footway links will be created from the existing pedestrian infrastructure on Waterloo Road and Wakefield Road and marked out pedestrian crossing points will be provided within the site.

Parking

- Car parking will be provided within a dedicated off street parking area at the front of the site for customers with a total of 19 spaces including one disabled bay and one customer order bay. Two spaces will include EV charging points.
- Using the TRICS data, parking demand is estimated to reach 12 spaces on a weekday and 14 spaces on a Saturday. The proposed level of parking is therefore considered to be adequate and would not lead to vehicle overspill onto the adjacent roads.
- Three secure cycle storage points to accommodate six bicycles are also proposed adjacent to the building entrance.

Servicing

- Bin stores are proposed to be provided within the building at the north-west end with an access point into the car park.
- Swept paths demonstrate that a 10m rigid delivery vehicle could access and egress the site in a forward gear.
- One daily delivery is expected. This will be carried out by a small van and scheduled in advance during off-peak hours but within operational hours. The supplier will notify the management one hour prior to arrival of their expected delivery time.
- No takeout deliveries are proposed as part of the application.

Accessibility by Sustainable Modes of Transport

- The majority of Waterloo and Tandem are within 1km (12 minute) walking distance of the site. Further residential areas (Almondbury, Moldgreen, Fenay Bridge and Dalton) are within 2km of the site. It is highly likely that staff and customers will be from the local residential areas and able to walk to the site.
- Cycle parking for six bicycles is also proposed within the site which will provide staff and customers with a realistic choice to access the site by bicycle.
- Frequent bus services run from the bus stops adjacent to the application site, and these stop at public transport hubs which provide various connections to and from a variety of regional and local destinations.

Trip Generation

- The TRICS data demonstrates that the proposed development will only produce a marginal increase in non-car travel modes. The predicted demand for walking, cycling and public transport use in the network peak hours is considered low and the existing infrastructure will not be affected.
- It is expected that there would be some (about 20%) 'linked trips' between the uses within the surrounding area. For instance, traffic visiting the adjacent retail park may also visit the drive-through.
- In addition to linked trips, it is considered that a large proportion of traffic would be pass-by trips or diverted trips (due to its location on the A642) further reducing the level of new vehicle trips on the local highway network.
- The residual proportion of 'new' traffic flows would therefore be relatively modest (about 20%). The remaining 80% of trips would be comprised as a split between pass-by, linked, diverted or primary transferred trips.
- New trips generated by the development is likely to be in the order of 10 trips (two-way) in the AM peak, 3 trips (two-way) in the PM peak and 9 trips (two-way) in the SAT peak. This

level of traffic intensification would likely be imperceptible amongst typical daily fluctuations in traffic flows.

- The proposed development is also expected to generate fewer 'new' trips in the typical network peak hours when compared with the current approved lawful use as a drive-through hot food takeaway.

The proposed development is therefore considered to be acceptable with regard to Highway Considerations and accords with Local Plan Policies LP20, LP21 and LP22 and the aims of Chapter 9 in the NPPF.

Biodiversity Net Gain

Certain types of development are exempt from the mandatory biodiversity net gain requirements. This includes a development that does not impact a priority habitat and impacts less than:

- 25 square metres (5m x 5m) of on-site habitat
- 5 metres of on-site linear habitats such as hedgerows

The Government guidance states that a development 'impacts' a habitat if it decreases the biodiversity value.²

The application site contains a building and hardstanding areas only. The proposed change of use would therefore impact less than 25 square metres of on-site habitat with a measurable biodiversity value. The adjacent trees and stream would not be impacted by the proposed change of use, in that, the proposed development would result in no loss of gain in the value of these areas.

The proposals are therefore considered to be acceptable with regards to biodiversity and accord with Local Plan Policies LP30 and LP34 and the aims of Chapter 15 in the NPPF.

Climate Change / Air Quality

Paragraph 164 in the NPPF states that, '*New development should be planned for in ways that: b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design.*'

Local Plan Policy LP24 also states that, '*Proposals should promote good design by ensuring: d. high levels of sustainability,*' through a number of criteria.

A Climate Change Statement is submitted as part of the application. The following climate change mitigation measures form part of the development proposals:

- Re-use and adaptation of an existing building.
- Installation of two EV charging points to help mitigate air quality impacts.
- Bin storage to include recycling bins.
- Access to sustainable modes of transport.

The proposed development is therefore likely to have a positive impact on climate change and air quality and accords with Local Plan Policy LP24 and paragraph 164 in the NPPF.

² Understanding Biodiversity Net Gain

Conclusion

This application seeks planning permission for the change of use from hot food takeaway with drive-through (Sui Generis) to coffee shop with drive-through (Class) together with internal and external alterations.

As discussed in the preceding paragraphs of this report, the proposed development would result in a vacant and disused building and site being brought back into a viable economic use and creating 8 FTE jobs for the local area.

The development is also considered to be acceptable in terms of urban greenspace and retail policy, and in relation to noise, highway matters, biodiversity and climate change.

It is therefore respectfully requested that planning permission is approved accordingly.

Robert Halstead Chartered Surveyors & Town Planners

June 2025