

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:	2025/62/92700/W
Site Address:	Farmfoods, 14, Market Street, Huddersfield, HD1 2ET
Description:	Change of use to restaurant and takeaway, new shopfront, installation of extractor flue and weather louver grill (within a Conservation Area)
Recommending Officer:	Elenya Jackson

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: 24 December 2025

Officer Report.

Reference: 2025/92700

Location: Farmfoods, 14, Market Street, Huddersfield, HD1 2ET

Proposal: Change of use to restaurant and takeaway, new shopfront, installation of extractor flue and weather louver grill (within a Conservation Area)

Site Description.

14, Market Street, Huddersfield, HD1 2ET is a two-storey building located along Market Street in Huddersfield's Town Centre. The building itself is constructed from stone and previously functioned as *Farm Foods*, therefore, has a commercial shop front appearance externally with a large extent of glazing established. The building is surrounded by other commercial buildings given its location within a Town Centre setting; these buildings all function with an array of uses including retail, optometrists, restaurants and hairdressers.

The site is located within the Huddersfield Town Centre Conservation Area and is surrounded by several Grade II Listed Buildings.

Description of Proposal.

Planning permission is sought for the Change of use to restaurant and takeaway, new shopfront, installation of extractor flue and weather louver grill.

The external appearance of the building will predominantly remain the same with regard to the existing architectural style of the building and the forms of fenestration previously established to all elevations; however, the new windows would be elongated to extend to the floor. The placement of signage upon the building will remain largely the same in terms of width and length along the front but it will extend the length of the building. The proposal would also include individual lettering signage on the northern elevation. This application does not extend to the signage. As full assessment of these signs has been made in conjunction with advertisement consent application 2025/92701

The proposed extractor flue will exit the building to the rear elevation and will rise to a height just above the eaves of the roof, therefore will not exceed the height of the host building. The weather louver grill will also be erected on the rear of the property.

All of these developments facilitate the change of use of the building to become 'Home Buffet' restaurant and takeaway. Within the interior therefore alterations will also occur to create a large restaurant seating area and main kitchen.

Negotiations

N/A

Relevant Planning History.

2025/92701: Advertisement consent for installation of illuminated signs to front and side (within a Conservation Area) – pending consideration

2009/90319: Alterations and installation of scissor lift (Within a Conservation Area). Conditional full permission.

2008/94468: Illumination of existing sign (Within a Conservation Area).
Refused. Appeal Dismissed

Representations.

We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via, a site notice and within the press, collectively expiring on 5th December. No representations were received in relation to site publicity.

Consultation Responses.

KC Environmental Health – overall, accepted the Kitchen Extraction, Odour Control and associated reports submitted alongside the application, however, have recommended several conditions to ensure appropriate noise levels following development and for reasons of drainage and pollution prevention.

KC Highways Development Management – Informal. No objections

KC Conservation and Design – (verbal) requested alterations to the location of the signage on northern elevation to be set lower on the building (to be addressed by signage application).

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 27th February 2019).

The site is located within the Huddersfield Town Conservation Area and in close proximity to many Grade II Listed Buildings.

Since the application is predominantly for a change of use with only minimal alterations to the exterior of the building, it is considered that it does not raise access issues or other issues under the Equality Act.

Kirklees Local Plan (LP):

- LP13 – Town Centre uses
- LP16 – Food and drink uses and the evening economy
- LP21 – Highway safety and access
- LP24 – Design
- LP35 – Historic Environment
- LP47 – Healthy, active and safe lifestyles
- 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 19th February 2019, 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 8 – protecting healthy and safe communities
- Chapter 12 – achieving well-designed places
- Chapter 15 – conserving and enhancing the natural environment
- Chapter 16 – conserving and enhancing the historic environment

Supplementary Guidance

Kirklees Hot Food Takeaway SPD

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Economic impacts
- 2) Impact on visual amenity (including any heritage considerations)
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters
- 6) Representations
- 7) Conclusion

1. Principle of Development:

The site is located within the Huddersfield Town Centre. Within the NPPF, it will be assessed having regard to the advice in Chapter 7 concerning the vitality and viability of town centres. Also of relevance is the advice in Chapter 8 “Promoting healthy and safe communities” that planning decisions should ensure that crime and disorder, or the fear of crime, do not undermine quality of life or community cohesion and Chapter 15 “Conserving and enhancing the natural environment” which states that any possible pollution impacts must be considered at the planning stage.

Turning to the Local Plan, among the most relevant policies are Policy LP13 which states, in brief, that main town centre uses shall be located within defined centres, which should provide a mix of uses whilst retaining a strong retail core, and Policy LP 16, which states that proposals of this nature (food and drink and the evening economy) should be supported, subject to ensuring that the concentration of food and drink and licensed entertainment uses should not be in any one part of a centre, where this would result in harm to the character, function, vitality and viability of the centre, and subject to other criteria such as noise, fumes, and potential anti-social behaviour.

Policy LP47 states that healthy, safe and active lifestyles will be enabled by “working with partners to manage the location of hot food takeaways particularly in areas of poor health”. This aim is also supported by Planning Practice Guidance – health and wellbeing. This contains the following specific advice:

1. Planning can influence the built environment to improve health and reduce obesity and excess weight in local communities.
1. Local planning authorities can consider bringing forward, where supported by an evidence base, local plan policies and supplementary planning documents, which limit the proliferation of certain use classes in identified areas, where planning permission is required.
2. Local planning authorities and planning applicants could have particular regard to the following issues:
 - a. proximity to locations where children and young people congregate such as schools, community centres and playgrounds
 - b. evidence indicating high levels of obesity, deprivation and general poor health in specific locations
 - c. over-concentration and clustering of certain use classes within a specified area

Policy LP52 (protection and improvement of environmental quality) is also of relevance, especially regarding potential noise and odours from the proposed business.

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. When making decisions on planning applications for development that would affect Listed Buildings or their setting, there is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, to have special regard to the desirability of preserving the building and its setting, and any features of interest it possesses. In this context preservation means not harming the interests of listed buildings as opposed to keeping them unchanged. Any impact on heritage assets (including the setting of surrounding Listed Buildings to the application site) will be given consideration having regard to Policy LP35 and NPPF Chapter 16.

Finally, under Section 17 of the Crime and Disorder Act, the Council acting as Local Planning Authority has an obligation to have due regard to the likely impact upon, and to do all it reasonably can to prevent, crime and disorder.

The proposed change of use and external alterations are acceptable in principle, providing they do not adversely affect the setting of designated heritage assets, the wider visual amenities of the area or the amenities of nearby buildings and appropriately abide by all the relevant local and national policies.

1. Impact on local economy and the vitality and viability of the Town Centre:

The proposed use is deemed to be a main town centre use. Huddersfield Town Centre contains a mix of uses, in which most of the typical main town centre uses are well represented, including class E. At present, there are no other restaurants located along Market Street. Therefore, the opening of the proposed business could in fact enhance the vitality and viability of the Town Centre, encouraging the establishment of a new sector within an area which spatially underrepresents this commercial sector. In addition, because of this, the change of use will not undermine the retail function of the town centre as no excessive concentration of restaurants/takeaways will be caused as a result of development.

In turn, this also suggests that the change of use would not detriment the current functioning of the evening economy within the centre and not cause an excessive concentration of evening economy use within any one part of the centre. In addition, the hours of operation have been limited to 11:00-23:00 on the application form.

Works have already commenced on the building prior to the determination of this application, the utilisation of the building for an active business that upholds an active and maintained frontage will increase the extent of activity in the town centre as well as improving its attractiveness as a destination for consumers. In turn, contributing positively to improving the vitality and viability of Huddersfield's Town Centre.

In conclusion, whilst the concentration of restaurants/takeaways in any commercial centre must be monitored and managed, it is considered that at this point in time the concentration of such uses in Huddersfield Town Centre has not reached a level at which harm would occur through the addition of one further unit, especially given that no other businesses within this commercial sector are currently established along Market Street. Therefore, it is considered that the proposal would not detract from the vitality or viability of the Centre or its attractiveness as a destination for shoppers, rather it is suggested to have the potential to instead enhance the centre through the opening up of different sectors along Market Street in turn, potentially enticing people to the area for this reason. Therefore, the proposal is acceptable in principle subject to an assessment of amenity and other issues below, it would accord with the aims of LP13 and 16(a), and with Chapter 7 of the NPPF.

2. Impact on Visual Amenity and Heritage Considerations:

Officers have reviewed the application with the Conservation and Design who was agreeable to the principle of the proposals; however, requested alterations to the signage. This was erected and the business operating prior to the determination of the application.

The signage is subject to a separate application and this permission does not extend to the proposed signage.

With regard to the erection of an extractor flue and associated infrastructure will be erected to the rear of the building and therefore, are not considered to pose detriment to the existing appearance of the building itself or the wider heritage sensitive setting. This is because both features will not impact the existing architectural style of the host building.

The proposed developments therefore comply with the aims of Policy LP24(a) and LP35, and with Chapter 16 of the NPPF.

3. Impact on Residential Amenity:

Restaurant and takeaways have the potential to give rise to noise disturbance through vehicle movements, especially delivery vehicles arriving and departing, and from the behaviour of customers. Given the predominantly commercial surroundings of the site, located within a Town Centre district, and situated close to an existing road network, it is considered that the proposed business could operate during the hours of 11:00-23:00 every day without giving rise to a significant increase in noise disturbance to any surrounding residential properties. It should also be acknowledged that the extent of residential properties within the vicinity of the application site is very few, with no residential use allocated within the host building or any buildings that directly adjoin Unit 3 Cherry Tree Centre.

With regard to potential odours, KC Environmental Health accepted the Odour Control report submitted in conjunction with the application and a condition

has been added to this report in relation to the agreed kitchen extraction scheme and food preparation and cooking processes to ensure no harmful odour pollution within the public area or at neighbouring premises.

For these reasons and subject to compliance with the relevant conditions outlined at the end of this report, the proposal would comply with the aims of Policies LP16(b) and LP52, and those of NPPF Chapter 15.

4. Impact on Highway Safety:

The site is located within the Town Centre of Huddersfield which has good access to bus and train connections and is considered to be a sustainable location and the restaurant may well be used in conjunction with linked trips to the town centre.

The application has been reviewed by KC Highways and no further comments have been made due to the sustainable location of the site.

In light of the above the operation of a restaurant/take-away within the host premises will not result in any detriment to highway safety from a parking perspective. In addition, given the hours of operation, parking spaces surrounding the site are likely to be readily available on an evening when there is expected to be less consumer parking demand in conjunction with other Class E uses in the vicinity.

Therefore, for these reasons, the proposal accords with the aims of Policy LP21, 22 and LP16 (d-f).

5. Other Matters:

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 this instance the applicant has not submitted any supplementary statement or other information to explain how the proposed development would help to address or combat climate change effects.

It is noted however, that the proposal represents a change of use of an existing building in a sustainable location.

It is therefore considered that the development is compatible with the Council's target of promoting carbon reduction.

Biodiversity Net Gain

The proposal relates to a change of use and limited external alterations, and as such, impacts less than 25 sq m of on site habitat. On this basis, the development is exempt from BNG.

Drainage

Environmental Health have advised that condition is attached to the decision notice to prevent fats, oils, and grease entering the drainage network. Such a condition is considered appropriate given the use, though this can be conditioned to be prior to use.

Crime and Disorder:

As the restaurant will have a takeaway function, which are often associated with crime and anti-social behaviour given the hours of operation and links with the evening economy, it is recommended that additional features of secure design be considered by the applicant upon approval such as windows that have laminated glazing and CCTV systems.

With the implementation of the hours of use condition and the consideration of the above forms of secure design, the proposal is considered to comply with the aims of Chapter 8 of the NPPF, LP16(c), and Section 17 of the Crime and Disorder Act. It should however be noted that roller shutters would require separate planning permission.

Public Health

LP47(j) aims to manage the location of hot food takeaways. The reasoning supporting this is to seek to limit access to energy-dense food in order to encourage individual consumers to make healthier choices in what they eat, and thereby to discourage the development of obesity and related health issues including risks of developed chronic heart disease and type 2 diabetes. The provision of hot food takeaways within any one local centre, both in absolute numbers and as a percentage of all units, is therefore important in assessing public health impacts.

Kirklees Council has adopted a supplementary planning document which provides guidance on how the Local Planning Authority will assess applications for hot food takeaways. HFT1 refers to the public health toolkit and states that where a proposal would not be acceptable to the toolkit, the application will be refused unless other material considerations indicate otherwise.

The proposal has scored 26 points out of a possible 42 which are related to seven indicators of deprivation, obesity and related health conditions. Applications which score more than 20 would be considered non compliant with HFT1. It is considered by officers that the proposal would be located in a

town centre within an existing commercial unit that has previously operated as a class E use.

Officers are of the opinion that under the existing use class, the site could be utilised in such a way that would not be considered in-line with the tool kit. In addition, from reviewing the site, it is considered the use of the building as a hot food takeaway would be secondary to the use as a restaurant.

The application site being converted to a hot food takeaway would result in the applicant being able to be referred to the FINE team to explore healthy choices being added onto the menu.

HFT3 of the SPD refers to 'proximity to schools' and states that where an application is within 400m of a primary/infant and junior school, the proposal would only be considered acceptable where the hours are regulated to ensure that there is no opening between 3-5pm. Officers have reviewed the vicinity and understand that "Yorkshire English School" is in close proximity to the site. Officers consider that this is an alternative provision and not a mainstream education facility.

It is therefore, considered that the development would generally comply with the aims of Policy LP47(j) and Planning Practice Guidance on Health and Wellbeing.

6. Representations:

No representations were received.

7. Conclusion:

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.

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: Approval

Decision Authorisation - Delegated Powers

Application Number: 2025/92700

Officer Recommendation: CONDITIONAL FULL PERMISSION

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.

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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP13 and LP16 of the Kirklees Local Plan.

2. Before any food cooking commences at the application site, the kitchen extract system as specified in the mechanical ventilation system proposal by Far East kitchen solutions, shall be installed and operational. The kitchen extract system shall thereafter be retained, operated at all times during the preparation and cooking of food and maintained in accordance with the manufacturer's instructions and as detailed in the said report.

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.

3. 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 does not exceed the 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 interests 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.

4. The use hereby permitted shall not be open to customers outside the hours of 12:00 and 23:00 on any day of the week and there shall be no deliveries to, or dispatches from the premises outside these hours. No deliveries shall take place on Sundays or Bank Holidays.

Reason: To ensure that the proposed use(s) does not give rise to the loss of amenity to 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.

5. Before the hereby approved development is first brought into use, a scheme to prevent fats, oils, and grease entering the drainage network serving the commercial food preparation and dish-washing areas shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to the development being brought into use and shall be retained.

Reason: To ensure the provision of adequate and sustainable systems of drainage are employed, in the interests of amenity, environment well-being and to accord with Policy LP24 of the Kirklees Local Plan.

NOTE Notwithstanding the submitted plans, this permission does not extend to the erection of signage on the building as this is being considered under application 2025/92701.

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 22100 (ask for food safety) or by email at food.safety@kirklees.gov.uk

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	A112	-	9.10.2025
Site Plan	A110	-	9.10.2025
Proposed plans and elevations	A110	-	9.10.2025
Existing plan and elevations	A106	-	9.10.2025
Mechanical Ventilation System	Far East Kitchen Solutions	26 March 2025	9.10.2025
Fresh air ventilation and heat exchange			9.10.2025

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 Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2024 and otherwise actively engaged with the applicant in dealing with the application. Amended plans were submitted by the applicant to show the kitchen extraction flue to be reduced in height, the new drawings showed the flue to sit below the maximum height of the host building.

No alterations required.

