

Our ref: hk/o/Batley/APC/20.10.25

20 October, 2025

Planning Development,  
Kirklees Council ,  
Via Planning Portal

Dear Sir/Madam,

**Proposed siting of extraction equipment to rear at 32 Commercial Street, Batley, WF17 5EY**

We act as planning consultants to the freeholder of the above premises.

As you know, The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 come into effect on 1<sup>st</sup> September 2020. The new regulations revoke Parts A and D of the Schedule to the Use Classes Order 1987 and introduce a new Class E. Commercial, Business and Service Use Class which allows an unrestricted permitted development right for use, or part use, for all or any of the following purposes—

- a) *for the display or retail sale of goods, other than hot food, principally to visiting members of the public,*
- b) *for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises,*
- c) *for the provision of the following kinds of services principally to visiting members of the public—*
  - (i) financial services,*
  - (ii) professional services (other than health or medical services), or*
  - (iii) any other services which it is appropriate to provide in a commercial, business or service locality,*
- d) *for indoor sport, recreation or fitness, not involving motorised vehicles or firearms, principally to visiting members of the public,*
- e) *for the provision of medical or health services, principally to visiting members of the public, except the use of premises attached to the residence of the consultant or practitioner,*
- f) *for a creche, day nursery or day centre, not including a residential use, principally to visiting members of the public,*
- g) *for—*
  - (i) an office to carry out any operational or administrative functions,*
  - (ii) the research and development of products or processes, or*
  - (iii) any industrial process,*
- h) *Being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.*

As such, planning permission in this case for change of use from the retail use to restaurant use is no longer required. Planning permission is however required for siting of extraction and any external alterations.

The subject premises formerly traded as Batley DIY centre and closed on 14 February 2025. It is proposed to position an extract flue to the rear of the premises. The subject property is not statutorily or local listed nor is the premises located in a designated conservation area. The subject premises comprises a modern flat roofed brick built commercial property of no architectural merit. The front of the premises features a modern shopfront with aluminium cladding and large signage above. The rear of the premises where the extract flue will be located is featureless save for a single door to the service yard which was previously operated as garden centre display area.



*Application Site: Front Elevation*



*Application Site: Rear Elevation*

The proposed extraction flue will be positioned externally above the rear entrance door and extract 1m above eaves height as recommended by EMAQ best practice guidance. Noise and odour impact assessments are enclosed within the application package. There are no residential uses in the vicinity, and the premises backs on to the 24-hour Tesco Extra Supermarket. In addition to high level extraction the system features a high velocity jet cowl and silencers positioned either side of the extract fan and anti-vibration mounts to control structure borne noise. Odour mitigation features include grease baffle filters, pre filters and carbon filtration to provide a grease, odour and smoke free extraction system such that there will be no discernible harm to amenity.

The subject proposals fully comply with adopted local development plan policy and will ensure that optimum viable use of the premises as a Class E restaurant will be facilitated. The subject proposal will also result in the creation of approximately 30 new jobs in the town centre at a time when traditional high street uses are in decline.

If you have any queries relating to these proposals, please do not hesitate to contact these offices in the first instance.

Yours sincerely,

**HARIS KASUJI BA MA MRTPI**