
Report of the Head of Planning and Development

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 10-Jun-2021

Subject: Planning Application 2021/90708 Change of use of clothes shop to hot and cold food dessert cafe and take away 677, Huddersfield Road, Ravensthorpe, Dewsbury, WF13 3LD

APPLICANT

N Hussain

DATE VALID

22-Mar-2021

TARGET DATE

17-May-2021

EXTENSION EXPIRY DATE

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Dewsbury West

Ward Councillors consulted: No

Public or private: Public

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development to complete the list of conditions including those contained within this report.

1.0 INTRODUCTION:

1.1 This application is brought to committee as the applicant is related to a Councillor. This is in accordance with the Council's Scheme of Delegation set out in the Constitution.

2.0 SITE AND SURROUNDINGS:

2.1 The application site, no.677 Huddersfield Road, Ravensthorpe is a mixed-use premises with a retail element on the ground floor to the roadside of the building and a residential use for the rest of the property. The building itself fronts both Huddersfield Road and Charles Street with a courtyard area to the rear accessed through a passageway on Charles Street. Within the courtyard, which is in the ownership of the applicant, there is a large outbuilding, and the area is paved between the main building and the outbuilding. The residential element has an existing two storey extension across part of the width of the dwelling with a balcony.

2.2 There are other business/retail premises on the opposite corner of Charles Street and on Huddersfield Road. The adjoining property to the side and on the other side of the passageway are residential properties. There are workshops to the rear of the courtyard on the other side of the outbuilding.

3.0 PROPOSAL:

3.1 The applicant is seeking permission to change the use of the premises from a shop to a hot and cold dessert café and take away.

3.2 The hours of opening proposed are 06:00 till 23:00, 7 days a week.e

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 2016/93272 - erection of extension and balcony to rear - approved by committee 15/12/2016

4.2 2006/92233 – alterations to vacant public house to form shop and two storey extension to living quarters – approved by committee 10/08/2006

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

5.1 None

6.0 PLANNING POLICY:

6.1 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).

Kirklees Local Plan (2019):

- 6.2
- LP 01 – Achieving sustainable development
 - LP 02 – Place shaping
 - LP 13 – Town centre uses
 - LP 16 – Food and drink uses and the evening economy
 - LP 21 – Highway safety and access
 - LP 22 – Parking
 - LP 24 – Design
 - LP 52 – Protection and improvement of environment quality

Supplementary Planning Guidance / Documents:

6.3 None

National Planning Guidance:

6.4 Chapter 2 – Achieving sustainable development
Chapter 7 – Ensuring the vitality of town centres
Chapter 12 – Achieving well-designed places

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application has been advertised by letter giving till 30/04/2021 for comments. No responses received

8.0 CONSULTATION RESPONSES:

Below is a summary of the consultee responses. Where appropriate, these are expanded on as part of the appraisal at section 10.

8.1 Statutory:

K.C. Highways Development Management – support the proposal.

K.C. Environmental Health – support subject to conditions.

8.2 Non-statutory:

None

9.0 MAIN ISSUES

- Principle of development
- Town Centre use
- Visual amenity
- Residential amenity
- Highway issues
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

- 10.1 Chapter 2 of the NPPF introduces the presumption in favour of sustainable development, which is the focus of policy LP1 of the Kirklees Local Plan. This policy stipulates that proposals that accord with policies in the Kirklees Local Plan will be approved without delay unless material considerations indicate otherwise. Policy LP24 of the KLP is the overarching policy in relation to the design of all proposals, requiring them to respect the appearance and character of the existing development in the surrounding area as well as to protect the amenity of the future and neighbouring occupiers, to promote highway safety and sustainability. These considerations, along with others, are addressed in the following sections in this report.

Town Centre use

- 10.2 The property is currently a shop which falls within class E of the Use Classes Order (as amended 2020) and the applicant is seeking permission to alter the use to a hot and cold dessert café with take away which would fall into a sui generis use.
- 10.3 The NPPF identified that this use is a main town centre use and that, to avoid a sequential test, the use must be in an existing centre. The location of the property is within the defined centre of Ravensthorpe. As such, a sequential test is not required, and the location is considered appropriate for the use when assessed in relation to Chapter 7 of the NPPF.
- 10.4 Chapter 7 of the National Planning Policy Framework supports the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaption. Local Plan Policy LP13 reiterates the national policy stance. This building has a well-established existing retail use, surrounded by other retail uses. The scale and type of use proposed would still form an acceptable use within the area and is considered acceptable in terms of town centre policy. It is considered that the proposed use would support the approach taken by both Local and National Planning Policy in terms of its contribution to the vitality of the town centre.

Visual Amenity

- 10.5 No external changes are proposed to the building as part of this proposal, with only internal layout changes required to facilitate the change of use. Furthermore, the new use would be compatible with the character of the local centre location. For these reasons, it is not considered that the proposal would have greater impact on the character of either the street scene or the wider area than existing.
- 10.6 Taking the above into consideration, the proposed development is considered to comply with Policy LP24 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

Residential Amenity

- 10.7 Policy LP24 of the Kirklees Local Plan sets out that consideration needs to be given to the impact of the proposal on neighbouring properties.
- 10.8 The properties within the surrounding area are of a mix of commercial and residential uses. The application site also includes a residential element to the rear and at first floor level.
- 10.9 In this instance, the built form of the building would not change as a result of the proposal and therefore there would be no overbearing or overshadowing impact as a result of the change of use. In addition, there would be no external alterations to the property which would prevent overlooking from the proposed use.
- 10.10 In terms of noise, K.C. Environmental Health have been consulted and raised no objection subject to a condition restricting hours of use. In line with the applicants proposed hours, 06:00 till 23:00 is considered acceptable given the location on the main road. This is in the interest of the residential amenity of the neighbouring residential uses and the provision of a noise report. Given the location of the site within an area which includes a number of commercial uses, it is not considered that the dessert shop would result in significant noise disturbance, over and above the existing uses in the area and would not conflict with the other uses which are located within close proximity to the site, subject to the suggested conditions.
- 10.11 The proposed development complies with Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

Highway issues

- 10.12 The impact on highway safety is acceptable. K.C. Highways Development Management have reviewed the planning application and have no objections to the proposed development.

- 10.13 The proposed development site was formerly a pub, and more recently a clothes shop. The site is in the recognised centre of Ravensthorpe and is set amongst a mix of business, residential and other take-away/restaurant premises. Whilst the parking provision is below standard, the site is considered in a sustainable location in a recognised centre with good public transport links, and on-street parking available.
- 10.14 The proposed development is considered to comply with policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

Representations

- 10.15 No representations have been received with regards to this proposal.

Other Matters

- 10.16 *Odours:* Environmental Health have been consulted and will support the proposals subject to a condition requiring details of the ventilation system have been submitted to and agreed. Subject to the appropriate condition, the proposal can be considered to comply with LP52 of the KLP.
- 10.17 *Drainage:* for the proposal to be acceptable, details will be required via condition in terms of the provision of a scheme to prevent fats, oils and grease entering the drainage network.
- 10.18 There are no other matters with respect to this application.

11.0 CONCLUSION

- 11.1 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.
- 11.2 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.

12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Planning and Development)

1. Time scale for the implementation of development (within 3 years)
2. In accordance with the approved details
3. Submission of a scheme of ventilation
4. Submission of a scheme for the removal of fats, oils and grease
5. Submission of a Noise report
6. Restriction of hours of operation: 06:00 till 23:00, 7 days a week

Background Papers:

Application and history files.

[Planning application details | Kirklees Council](#)

Certificate of Ownership –Certificate A signed