

# 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:	<b>2025/62/90487/E</b>
Site Address:	47, Huddersfield Road, Mirfield, WF14 8AE
Description:	Change of use and alterations to convert from vacant bank (Class E) to hot food takeaway (sui generis) with installation of extract and ventilation equipment and external alterations to the front and rear elevations
Recommending Officer:	Nicole Helliwell

#### **DECISION - Refuse**

**I hereby authorise the approval of this application for the reasons set out in the minutes of the 27 November 2025 District Wide Planning Committee and recommendation annexed below in respect of the above matter as per the resolved decision of the District-Wide Planning Committee.**

Kirsty Nicholls

***AUTHORISED OFFICER***

**Date:** 12-DEC-2025

**Decision Authorisation:** Committee Decision

**Committee:** District Committee

**Date of Committee:** 27<sup>th</sup> November 2025

**Application Number:** 2025/90487

**Officer Recommendation:** Approve

**Committee Decision:** Refuse

### **Summary of Committee Decision**

The application was heard at the 27<sup>th</sup> November 2025 meeting of the District Wide Planning Committee. Members discussed the application as follows:

- (i) Road safety, the Committee considered that the proposed location of the premises would likely result in customers parking on double yellow lines, blocking the entrance/exit to the adjacent fire station and encourage pedestrians to cross a busy section of the highway with no crossing point.
- (ii) Swept path analysis, the Committee raised concerns over the impact of no swept path analysis having been undertaken, and the impact upon access to bin storage and accessibility for waste collection wagons.
- (iii) Noise pollution, the Committee raised concerns over the noise impact of the flue upon residential amenity and,
- (iv) Residential amenity, the Committee raised concerns of the impact of the application upon the residents of Trinity Street, due to the width of the road, traffic generation, noise generation and impact upon the loss of the existing residential amenity.

Members resolved to refuse the application contrary to officer recommendation for the following reasons:

1. The proposed location of the premises would likely result in customers parking on double yellow lines, blocking the entrance/exit to the adjacent fire station and encourage pedestrians to cross a busy section of the highway with no crossing point. This will give rise to adverse effects in regard to highway and pedestrian safety contrary to policies LP21 & LP22 of the Kirklees Local Plan.
2. The proposal has not included an evidence based swept path analysis, and the impact upon access to bin storage and accessibility for waste collection wagons which could give rise to highways safety, adversely affecting road users and pedestrians. This is contrary to policies LP21 & LP22 of the Kirklees Local Plan.

3. The development will adversely impact upon the residents of Trinity Street, due to the width of the road, traffic generation, noise generation resulting in an adverse impact on the amenity of existing occupiers contrary to Policies LP21, LP22, LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.
4. The development will give rise to an adverse effect upon residential amenity in regard to noise pollution in the form of the noise impact of the oven extract duct located on the rear elevation of the building contrary to Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

**Reasons:**

1. The proposed location of the premises would likely result in customers parking on double yellow lines, blocking the entrance/exit to the adjacent fire station and encourage pedestrians to cross a busy section of the highway with no crossing point. This will give rise to adverse effects in regard to highway and pedestrian safety contrary to policies LP21 & LP22 of the Kirklees Local Plan.
2. The proposal has not included an evidence based swept path analysis, and the impact upon access to bin storage and accessibility for waste collection wagons which could give rise to highways safety, adversely affecting road users and pedestrians. This is contrary to policies LP21 & LP22 of the Kirklees Local Plan.
3. The development will adversely impact upon the residents of Trinity Street, due to the width of the road, traffic generation, noise generation resulting in an adverse impact on the amenity of existing occupiers contrary to Policies LP21, LP22, LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.
4. The development will give rise to an adverse effect upon residential amenity in regard to noise pollution in the form of the noise impact of the oven extract duct located on the rear elevation of the building contrary to Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

Plans and specifications schedules:-

**Plans / Documents submitted for application 2025/90487**

<b>Plan / document type</b>	<b>Reference</b>	<b>Version</b>	<b>Dated</b>
Location Plan	10131-SD-XX-00-P-A-00001	01	24/02/2025

Block Plan	10131-SD-XX-00-P-A-00002	01	24/02/2025
Proposed Ground Floor Layout	10131-SD-XX-00-P-A-11001	02	24/02/2025
Proposed Elevations 1 & 2	10131-SD-XX-00-E-A-13001	03	03/09/2025
Proposed Elevations 3, 4, 5 & 6	10131-SD-XX-00-E-A-13002		24/02/2025
Planning Statement	R001	V1	24/02/2025
Ventilation System	Dominos Mirfield		24/02/2025
Plant Noise Assessment	29AA.RP.01.00		24/02/2025
Waste Management Plan	R003v1		24/02/2025
Partition Sound Insulation Review	29AA.RP.02.00		27/03/2025
Extract Proposal			27/03/2025
Fat, Oils, Grease and Food Waste Store Guide			27/03/2025
Highways Technical Note	4851.01		27/06/2025
Delivery Management Plan	4851.DMP01	V2	17/11/2025

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 Planning 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.

KC Conservation and Design raised concerns regarding the design of the proposal given its siting adjacent to a Grade II listed building. A request was made to retain the existing sash windows and alter the window panels within the front elevation to clear glazing. Revised drawings were received which were considered acceptable with regard to heritage and visual amenity.

In KC Highways Development Management's consultation response dated 8<sup>th</sup> May 2024, officers objected to the scheme due to highway safety comments, no realistic off-street parking facilities being proposed, deliveries to customers being collected from the front and not the rear yard and deliveries to the site and bin collection being proposed from Huddersfield Road.

A Highways Technical Note prepared by Eddison's was submitted to address KC Highways concerns. Officers reviewed the technical note and confirmed that an acceptable Delivery Management Plan should be provided including proposals for the use of mopeds and E-bikes only for customer deliveries and details of the proposals for service deliveries and waste.

A Delivery Management Plan was submitted to support the application. KC Highways Development Management have since confirmed that the plan would be acceptable with regard to highway safety.

**Report Dated:**

10/12/2025