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Town and Country Planning Act 1990

Town and Country Planning (Development Management Procedure) (England) Order 2015

REFUSAL OF PERMISSION FOR DEVELOPMENT

Application Number: 2025/62/90487/E

To: Emma Morrison,
Pegasus Planning Group Ltd
First Floor, South Wing, Equinox North
Great Park Road
Bristol
BS32 4QL

For: Domino's Pizza Uk & Ireland Ltd

In pursuance of its powers under the above-mentioned Act and Order the KIRKLEES COUNCIL (hereinafter called "The Council") as Local Planning Authority hereby refuses to permit:-

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

At: 47, HUDDERSFIELD ROAD, MIRFIELD, WF14 8AE

In accordance with the plan(s) and applications submitted to the Council on 21-Feb-2025. The reasons for the Council's decision to refuse permission for the development are:

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:-

Plan / document type	Reference	Version	Dated
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 8th 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.

Where the application has been publicised by notice(s) in the vicinity of the site. It is respectfully requested that the notice(s) now be removed and responsibly disposed of to avoid harm to the appearance of the area

Appeals to the Secretary of State

- **If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.**
- **If an enforcement notice is served or has been served relating to the same or substantially the same land and development as in your application and if you want to appeal against the local planning authority's decision on your application, then you must do so within:**

i) 28 days from the date of this notice where the enforcement notice has been served,
ii) 28 days of the date of service of the enforcement notice or,
iii) the specified period starting from the date of this notice,

whichever period expires earlier.

- **If you want to appeal against your Local Planning Authority's decision then you must do so within the specified period, starting on the date of this notice.**

- **The "specified period" is 12 weeks where the development relates to a "minor commercial application" as defined within the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), or 6 months in any other case.**

- **Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at the Planning Inspectorate website**
  Further information on the Planning Appeal process can be found online at the Planning Inspectorates website
- **You must use the correct Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the type of application that the appeal relates to so they can send you the appeal form you require.**
- **The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.**
- **The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.**
- **In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.**

Please note, only the applicant possesses the right of appeal.

Purchase Notices

- **If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.**

In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

An important part of improving our service is to review your feedback on the way that we have dealt with your planning application(s). Please take a couple of minutes to email your comments to dc.admin@kirklees.gov.uk so that we can work on continually improving our customer service. Thank you.

Dated: 12-Dec-2025

Signed:



David Shepherd
Executive Director for Place

Decision Documents

The decision notice indicates which documents relate to the decision. These documents can be viewed online at the Kirklees Planning Website, by clicking on the 'search and view existing planning applications and decisions' and by searching for application number 2025/62/90487/E.

If a paper copy of the decision notice or decided plans are required, please email dc.admin@kirklees.gov.uk or telephone 01484 414746 with the application number. There may be a charge for this service.

All communications should be sent to one of the following address:

E-mail: dc.admin@kirklees.gov.uk

Write to: Kirklees Council
Planning and Development Service
PO Box 1720
Huddersfield
HD1 9EL
