

Appeal Statement of Case

**Appeal against the decision of Kirklees Council
to Refuse Planning Permission ref.
2025/62/90487/E for a change of use and
associated works.**

47, Huddersfield Road, Mirfield, WF14 8AE.

On behalf of Domino's Pizza UK & Ireland Ltd.

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Document Management.

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1. Introduction

- 1.1. This Statement of Case has been prepared by Pegasus Group on behalf of Domino's Pizza UK & Ireland Ltd (the Appellant) to support an appeal against the decision of Kirklees Council to refuse planning permission ref. 2025/62/90487/E for the following development at 47 Huddersfield Road, Mirfield:

“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.”

- 1.2. The planning application was refused on 12 December 2025 at Planning Committee, contrary to the Officer's Recommendation to approve. The decision notice for application 2025/62/90487/E is included in **Appendix 1**, and the associated Committee Report is included in **Appendix 2**.

- 1.3. As set out within the decision notice, the application was refused for four 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.”

Grounds of Appeal

- 1.4. The reasons for refusal relate to the impact of the proposed hot food takeaway use on the surrounding highway and the amenity of nearby residential properties.

Highway Safety

- 1.5. A Transport Summary Note has been prepared by BTG Eddison's which provides their response to the reasons for refusal, where they relate to highways matters.
- 1.6. The site is located in a District Centre. Policy LP22 details that car parking for new developments will be decided on a case-by-case basis, considering public transport, car ownership levels and the type of development proposed. The planning application was supported with proportionate highways evidence to demonstrate that the site is positioned in a sustainable location, with access to public transport provision. It was also supported with a car beat survey, which confirmed that, in addition to three parking spaces available at the rear yard and further space to store mopeds and E-bikes, there was capacity in the existing on-street parking spaces on Huddersfield Road to accommodate parking demand associated with the hot food takeaway without compromising highway safety.
- 1.7. It must be noted that the appeal site has a fallback position in which it could operate as a Class E restaurant (with ancillary takeaway), offices or café which would generate similar or greater levels of parking demand without the need for planning permission.
- 1.8. Highway officers at Kirklees Council confirmed they had no objections to the proposed change of use before the committee, with their comments stating that *"It can be concluded that the change of use proposals would result in a reduced demand for car parking when compared to the fall-back position." [Pegasus' emphasis]*
- 1.9. It is recognised that there are TROs, including double yellow lines, on Huddersfield Road. These have been accounted for in the parking surveys and Highways Technical Note, which have confirmed that there is sufficient parking available for the hot food takeaway without compromising safety or encouraging illegal parking.
- 1.10. All delivery drivers undergo compulsory training and are required to comply with the highway code; if they breach this, including parking on double yellow lines or in the fire station, disciplinary action will be taken. Similarly, customers visiting the site are expected to use 'common sense' and comply with the highway code. It is also a matter for the local highways authority to enforce if staff or customers park or stop on the double yellow lines outside the unit, it should not be a material planning consideration taken into account in the determination of an application.
- 1.11. No concerns were raised in relation to pedestrians crossing Huddersfield Road by Highways Officers; a pedestrian crossing is available approximately 90 metres to the west of the appeal site, and this serves the majority of units along Huddersfield Road and is as relevant to any fallback Class E use.
- 1.12. The Committee Report confirmed that a swept path analysis for refuse vehicles using the rear yard was not required, given that waste collections were to take place from Huddersfield Road, an arrangement that has been accepted by Highways Officers. Committee members proceeded to ignore such advice, requesting additional information which could have been secured via condition, were it reasonable or necessary.
- 1.13. The Committee went against the recommendations of the Planning and Highways Officers without any substantive evidence that the proposals would detract from highway safety nor did they account for the site's Class E fallback position.

Residential Amenity

- 1.14. The planning application was supported by proportionate evidence to confirm that the proposed change of use and installation of extraction and ventilation equipment would protect the amenity of nearby residents. This included a supporting Noise Impact Assessment, and Partition Sound Insulation Review. The supporting reports were confirmed to be suitable by Environmental Health, subject to conditions to ensure accordance with the submitted details and to restrict opening hours. Such conditions were considered to be sufficient to ensure that the amenity of nearby residents would be protected.
- 1.15. The Environmental Health Officer did not raise any concerns in relation to traffic noise associated with the proposed hot food takeaway. The site and surrounding dwellings are located in the boundary of the District Centre, where a greater level of noise and activity is to be expected and background noise levels are further increased by virtue of the proximity of the A644. Again, the site has a fallback position in which it could operate a variety of uses without the opportunity to introduce any of the mitigation measures offered by the Appellant.
- 1.16. The Planning Committee went against the recommendation of the Environmental Health Officer, despite no technical evidence being provided to support their reasoning. Instead, they raised concerns that the extract system would lead to unmanageable levels of noise and traffic noise along Trinity Street that would be detrimental to residents which is refuted by the evidence within the Noise Impact Assessment.
- 1.17. Overall, it can be seen that the Council is unjustified in its refusal of planning permission and that the change of use will protect surrounding highway safety, having been provided with suitable levels of parking and servicing arrangements. Similarly, it has been evidenced that the proposals will not generate any amenity impacts in regard to noise or odour.

Appeal Statement

- 1.18. This Statement will expand upon the above grounds of appeal and should be read in conjunction with the supporting Transport Summary Note. This Statement of Case will set out the planning justification for the proposals, reviewing the site and its surroundings and summarising the relevant planning history and policies.
- 1.19. It will then proceed to demonstrate how the proposals comply with national and local planning policies, reinforcing that the proposal is an appropriate development and there are no material considerations that outweigh its acceptability.

Matters Not in Dispute

- 1.20. The reasons for refusal relate to issues of highway safety, specifically parking and refuse collections, as well as residential amenity in regard to noise.
- 1.21. All other matters which were considered during the determination of the application are therefore not in dispute. These include, but are not limited to:
- Principle of Development.
 - Urban Design.

2. Site Description

- 2.1. The appeal site comprises a vacant bank, extending to the ground floor of 47 Huddersfield Road, Mirfield. The wider building comprises two storeys and sits on the corner of the junction between Huddersfield Road and Trinity Street.
- 2.2. The site is on the southern side of Huddersfield Road, and the first floor has been in use as a separate residential flat (Class C3). The ground floor appears to have most recently been in use as a tutoring centre (Class F1), but there is no planning history relating to the use which appears to have been operating for only 2-3 years and, as such, the change of use is made on the basis of the site's lawful former use as a bank (Class E).
- 2.3. There are outbuildings to the rear of the site and a yard which provides space to park up to three cars. There is separate access to the first floor via an external staircase and a refuse store, which is used by residents. No changes are proposed to the first floor of the unit.
- 2.4. The site is located within Mirfield District Centre, close to the eastern boundary of the centre. The site is adjacent to a fire station to the east and Trinity Methodist Church to the west (across Trinity Street).
- 2.5. There is a mix of Class E and other community uses around the site. Beyond the Church, premises are generally in retail or financial and professional services use (Class E), with a small proportion of food and drink uses. There are no existing takeaways close to the site, with the nearest (Kowloon and Pizza Island at 186 and 188 Huddersfield Road) at least 260 metres away. The site is within 400 metres' walking distance of Crowlees Junior and Infant School.
- 2.6. As mentioned, there is car parking available at the rear of the site, and further parking is available on Huddersfield Road, approximately 20 metres west of the site, which is restricted to a 1-hour stay (no return within 1 hour) between 08.00 and 18.00 hours Monday to Saturday.
- 2.7. The site is not located within a Conservation Area, and it is not Listed. The neighbouring Trinity Methodist Church and associated front wall, railings and gate piers are Grade II Listed, as is Water Hall and the gate/gate piers which are immediately to the east of the fire station.
- 2.8. The site is within Flood Zone 1, the area with the least probability of flooding.

3. Planning History

- 3.1. The majority of planning applications at the site relate to signage and shopfront works associated with the former bank, including 2006/95145 for the installation of illuminated ATM signage (Approved December 2006).
- 3.2. **Application Reference 2011/62/917317/E2** was approved in 2011 for the extension and conversion of an existing outbuilding to provide a garage, which has not been implemented.

Other Relevant Planning History

- 3.3. **Appeal Reference APP/Z0116/A/12/2176015** was allowed in November 2012 for the change of use of a Restaurant (Class A3) to a hot food takeaway (Class A5) at 68 Westbury Hill, Bristol. The main concerns related to road safety are especially for pedestrians. It went on to state that:

'8. Of course, some people might be tempted to park as close as possible to the unit, ignoring traffic restrictions. Yet the appellant's evidence indicates that customers spend about 5-10 minutes within a Dominos unit on average. It seems to me that most people would be reluctant to park in a hazardous location for this length of time, given that there appear to be reasonable opportunities to park in the general area.'

- 3.4. The full appeal decision can be found in **Appendix 4**.
- 3.5. **Appeal Reference APP/B4215/W/25/3366850** was allowed in August 2025 for the change of use of part of an existing sales building to a hot food takeaway (sui generis) at 1081 Stockport Road, Manchester. The Inspector concluded that the submission of a parking survey, which demonstrated there was sufficient capacity to accommodate parking demand, was sufficient to satisfy concerns and confirmed that proposals would not lead to operational or safety concerns in relation to trip generation or traffic movements.
- 3.6. The full appeal decision can be found in **Appendix 5**.
- 3.7. Appeal Reference **APP/L6940/A/18/3193479** was allowed in May 2018 for the change of use of a bank (Class A2) to a hot food takeaway (Class A3) at 11 High Street, Treorchy. The Inspector concluded that in worst-case scenarios, hot food takeaways would generate a requirement for 2-3 parking spaces, which could be accommodated on-street, especially as the council had not adopted parking guidance. The decision went on to state that *"From the representations received, it would appear that these parking restrictions are not being fully enforced, but that is a separate matter for the relevant enforcement authority. It remains the case that there are provisions in place to ensure the effective control of parking."*
- 3.8. It also went on to confirm that 200 metre walking distance from public parking facilities is suitable, especially where pedestrian crossings are available. It was concluded that the proposed use would not result in any material increase in demand for parking or cause any risk to highway safety.
- 3.9. The full appeal decision can be found in **Appendix 6**.

4. Appeal Proposal

- 4.1. The appeal proposals remain unchanged from those determined under application reference 2025/62/90487/E, and the full details of the proposal are set out below.

Change of Use

- 4.2. It is proposed that the ground floor unit will be converted to a hot food takeaway (sui generis) to be occupied as a pizza takeaway once all necessary consents are in place.
- 4.3. The proposed takeaway will operate between 11.00 and 23.00 hours daily and will generate a number of part-time and full-time employment opportunities. The majority of employees will be sourced locally.
- 4.4. The submitted plans show the layout for the proposed takeaway. The front of the unit will be occupied by the customer waiting area and counter on one side, with the kitchen and oven on the other side. The location of the entrance will remain unchanged.
- 4.5. Towards the rear of the unit will be the staff welfare facilities, wash-up areas and, beyond that, the cold room and dry storage areas.
- 4.6. Space for refuse storage will be provided within the rear yard, away from the rear elevation of the building. From here, it can easily be taken to a collection point in accordance with a schedule to be arranged by the applicant.
- 4.7. Deliveries will be made at the front of the premises outside of peak hours.

Extraction and Ventilation Equipment

- 4.8. In order to facilitate the operation of the unit as a takeaway, it is proposed to install extract and ventilation equipment. This will include extract and air handling equipment, together with air conditioning and cold room condensers.
- 4.9. The extract will run from the hood above the oven to exit via the rear elevation and extend up the back wall to terminate a minimum of 1 metre above eaves height. Odour mitigation, including carbon filters, will be incorporated into the system, together with silencers to prevent nuisance from noise.
- 4.10. An air handling unit will provide ventilation to the premises. This will be served by a louvred vent in the side elevation.
- 4.11. The air conditioning and cold room plant will be located within an outbuilding in the rear yard. The units will be mounted using anti-vibration mounts. Any required attenuation will be installed in accordance with the recommendations set out in the Noise Impact Assessment by Suono.

External Alterations

- 4.12. The proposed external alterations are limited and comprise the following:



- Existing entrance doors on the front elevation to be replaced with Traffic Grey aluminium framed doors.
- The rear door will be replaced with a new steel-faced door to provide emergency access.

4.13. All other changes relate to minor works to repair and repaint the existing windows, fence and access lift.

5. Planning Policy

National Planning Policy Framework (NPPF)

- 5.1. The National Planning Policy Framework (NPPF) (last updated in December 2024) sets out the Government's planning policies for England at a national level and how they are expected to be applied.
- 5.2. **Paragraph 7** of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. In terms of what is meant by 'sustainable development', the NPPF states at **Paragraph 8** that there are three dimensions to sustainable development (economic, social and environmental) and three roles that the planning system needs to perform.

"an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy."

- 5.3. **Paragraph 11** states that plans and decisions should apply a presumption in favour of sustainable development.

- 5.4. For decision-taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 5.5. **Paragraph 39** confirms that *“Local planning authorities should approach decisions on proposed development in a positive and creative way”* and that *“...Decision-makers at every level should seek to approve applications for sustainable development where possible”*.
- 5.6. At **paragraph 85**, the NPPF states:
- “Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.”*
- 5.7. **Paragraph 90** confirms that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.
- 5.8. **Paragraph 97** states:
- “Local planning authorities should refuse applications for hot food takeaways and fast food outlets:*
- a) *Within walking distance of schools and other places where children and young people congregate, unless the location is within a designated town centre; or*
 - b) *In locations where there is evidence that a concentration of such uses is having an adverse impact on local health, pollution or anti-social behaviour.” [Pegasus’ emphasis]*
- 5.9. **Paragraph 116** of the NPPF states that *“development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*
- 5.10. **Paragraph 198** relates to the potential pollution impacts of new development on existing uses. It states that planning policies and decisions should *“mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.”*
- 5.11. Overall, the NPPF confirms that the primary objective of development management is to foster the delivery of sustainable development, not to hinder or prevent it. Local Authorities should approach development management decisions positively – looking for solutions rather than problems so that applications can be approved wherever it is practical to do so. Securing the optimum viable use of the property and achieving public benefits are key material considerations for application proposals.

Local Planning Policy

- 5.12. The adopted Local Development Plan comprises the Kirklees Local Plan (2019). The Hot Food Takeaway Supplementary Planning Document (the HFT SPD) is also a material planning consideration in the assessment of this appeal.

- 5.13. **Policy LP7** states that proposals should encourage the efficient use of previously developed land in sustainable locations, provided that it is not of high environmental value and encourage the reuse or adaptation of vacant or underused properties.
- 5.14. **Policy LP13** relates to town centre uses. It states that main town centre uses should be located within defined centres. It states that centres in Kirklees should aim to provide a range of uses to support the daytime and evening economy.
- 5.15. **Policy LP16** sets out the Council's approach to food and drink uses and the evening economy. It states that proposals for food and drink, licensed entertainment uses, and associated proposals will be supported, provided they are located within a defined centre, and subject to:
- "ensuring the concentration of food and drink and licensed entertainment uses are not located in a particular centre or part of a centre, where they would result in harm to the character, function, vitality and viability of the centre, either individually or cumulatively."*
- 5.16. The following criteria are provided which will be considered with a planning application involving food and drink uses:
- The number, distribution and proximity of other food and drink uses, including those with unimplemented planning permission in a particular centre;
 - The impacts of noise, general disturbance, fumes, smells, litter and late night activity, including those impacts arising from the use of external areas;
 - The potential for anti-social behaviour to arise from the development, having regard to the effectiveness of available measures to manage potential harm through the use of planning conditions and/or obligations;
 - The availability of public transport, parking and servicing;
 - Highway safety;
 - The provision of refuse storage and collection; and
 - The appearance of any associated extensions, flues and installations.
- 5.17. **Policy LP21** regards Highways and Access. It details that proposals should demonstrate that they can accommodate sustainable modes of transport to protect the safety of all users. Proposals shall demonstrate adequate information and mitigation measures to avoid a detrimental impact on highway safety and the local highway network. Proposals shall also consider any impacts on the Strategic Road Network.
- 5.18. **Policy LP22** states that within local centres, car parks close to the main shopping centres will be for short stay use. Long stay car parks will be directed to the periphery of the centre. The policy states that *"provision of private non-residential parking in town centres will not be permitted unless it can be demonstrated that it is required for operational reasons"* and *"car parking in new developments will be determined by the availability of public transport, the accessibility of the site, location of development, local car ownership levels and the type, mix and use of the development."*

5.19. **Policy LP24** sets out the Council's design standards and requires that good design is at the core of all proposals in the district. It confirms that development provides a high standard of amenity for future and neighbouring occupiers and seeks to secure the reuse and adaptation of buildings where possible. The policy also requires that the risk of crime is minimised by enhanced security and the promotion of overlooked streets and places, and well-designed security features.

5.20. In relation to advertisements and shop fronts, **Policy LP25** states that the development of new or replacement shop front units and display of advertisements will only be permitted if they satisfy the following criteria:

- The design is consistent with the character of the existing building
- The proposals respect the character of the locality and any architectural, historic or cultural features
- The shop fascia is designed to be in scale in its depth and width, with the façade and street scene of which it forms part.

5.21. **Policy LP52** regards the protection and improvement of Environmental Quality. It seeks to ensure that where proposals have potential to increase noise, vibration or light will be supported, suitable evidence must be provided confirming that the impacts have been considered and suitable mitigation measures incorporated to reduce pollution levels where needed.

Hot Food Takeaway SPD (HFT SPD)

5.22. **Policy HFT 1** states that new takeaways will be assessed against the Kirklees Council Public Health Toolkit. Proposals in a postcode with a score of 21 or more will be refused. The score for the appraisal site is 18, a pass score.

5.23. **Policy HFT2** sets out criteria where the cumulative impact of a new takeaway would be harmful to the vitality and viability of the centre. If one or more criteria are met a proposal will be unacceptable:

- a. Increase in the concentration of hot food takeaways at ground floor level to greater than 15% of all town centre uses
- b. Creates a cluster of 3 or more takeaways together
- c. Reduces the number of units between takeaway clusters to one or none.

5.24. **Policy HFT3** states that proposals within 400 metres of a primary school will only be permitted where the takeaway is not open to the public between 3 – 5 pm weekdays and there are no over-the-counter sales during this time.

5.25. **Policy HFT4** states that applications must be accompanied by a noise and odour impact assessment and that, if necessary, soundproofing of party walls and ceilings must be demonstrated.



- 5.26. **Policy HFT5** requires that all applications be accompanied by a Waste Management Strategy to cover the storage and disposal of waste and the provision of grease traps where appropriate, and the use of sustainable food packaging.
- 5.27. **Policy HFT7** states that applications for takeaways will be refused where they will have an unacceptable impact on highway efficiency and safety, taking account of the existing use and location of the site, the accessibility for pedestrians, cyclists and vehicles, and the operational requirements of the business.
- 5.28. There are no further planning policies or supplementary planning documents (SPDs) that are of relevance to this appeal.

6. Case for the Appellant

6.1. This Statement of Case seeks to address each of the reasons for refusal and expand upon the Grounds for Appeal as set out in Section 1. The reasons for refusal have been reviewed and have been consolidated into the following concerns:

- Parking and Highway Safety
- Residential amenity and impacts on nearby properties

6.2. These points are discussed in detail below.

Parking and Highway Safety

6.3. Policy LP21 and LP22 of the Local Plan seek to protect highway safety through the provision of suitable and safe access and parking arrangements.

6.4. The site is located within a designated District Centre, a sustainable location in which customers can be expected to utilise the hot food takeaway as part of a linked trip to the District Centre. Similarly, staff are expected to either access the premises on foot from the surrounding residential area or utilise public transport connections.

6.5. As detailed above, the site is provided with three parking spaces in the rear yard, which will accommodate refuse storage alongside staff parking and moped/E-bike parking for delivery drivers. As set out in the supporting Transport Note, a parking beat survey has been undertaken and demonstrated that there is capacity in the on-street parking spaces to the west of the site, which are suitable to accommodate parking demand from the proposed use. This was not contested by Kirklees Highways Department, who had no objections to the level of parking available to the premises and confirmed it would be suitable to accommodate demand, without compromising highway safety or resulting in unlawful parking.

6.6. Even so, the Committee appeared to disregard the comments and recommendations of both the Highways and Planning Officers, concluding that the proposed use would lead to a level of parking demand that could not be accommodated and would lead to unlawful parking on the double yellow lines along Huddersfield Road.

6.7. Following the 2020 changes to the Use Classes Order, the site has a fallback position in which it could operate an alternative Class E use such as a restaurant, shop or offices. Such uses would not require planning permission but have the potential to generate a similar or greater number of highway trips and parking demand than the proposed use, with the Highways Officer's comments confirming that *"It can be concluded that the change of use proposals would result in a reduced demand for car parking when compared to the fallback position."*

6.8. Such a fallback position was disregarded by Committee members, who were entirely focused on the existing Traffic Regulation Orders on Huddersfield Road.

6.9. The enforcement of double yellow lines by Kirklees Council is entirely separate from the planning regime and is not a material planning consideration, provided it can be seen that these TROs exist to control unsafe parking. Where staff or customers are found to disregard

these restrictions, it is the responsibility of the highways authority to enforce them and it solely falls to the planning submission to demonstrate sufficient parking capacity to serve the use, as is the case at the Appeal Site.

- 6.10. This was confirmed in the Treorchy appeal (reference: APP/L6940/A/18/3193479), in which the Inspector stated that *“it would appear that parking restrictions are not being fully enforced, but that is a separate matter for the relevant enforcement authority. It remains the case that there are provisions in place to ensure the effective control of parking.”* Further highlighting that the provision of the existing TROs on the surrounding highway network will ensure the effective control of parking without compromising highway safety, given that sufficient parking capacity has been demonstrated to be available.
- 6.11. Other appeals for hot food takeaway uses have also confirmed that where parking provision is available at a suitable volume it cannot be assumed that customers, staff, or delivery drivers would park in hazardous locations that could compromise either their own or other users' safety. This was specifically confirmed in the change of use appeal in Bristol (reference APP/ZO116/A/12/2176015), with the Inspector stating that:
- “Of course, some people might be tempted to park as close as possible to the unit, ignoring traffic restrictions. Yet the appellant’s evidence indicates that customers spend about 5–10 minutes within a Dominos unit on average. It seems to me that most people would be reluctant to park in a hazardous location for this length of time, given that there appear to be reasonable opportunities to park in the general area.”*
- 6.12. This confirms that it is highly unlikely for parking associated with the proposed hot food takeaway use to result in hazardous parking and this would instead be easily accommodated in the parking spaces available. No additional evidence has been provided by the Council to dispute the evidence provided by the Appellant or the conclusions of the Highways Officer, nor are there parking standards adopted by Kirklees Council that would indicate otherwise.
- 6.13. Refusal reason one also noted that the proposals would result in pedestrians crossing a busy road. There is a signalised pedestrian crossing approximately 90 metres west of the site on Huddersfield Road, which is suitable to accommodate a safe crossing for pedestrians from the parking spaces opposite the site.
- 6.14. There is no evidence that indicates an additional pedestrian crossing associated with the proposed hot food takeaway is required. Instead, it is expected that pedestrians wishing cross Huddersfield Road will utilise the existing arrangements available, which have been demonstrated to be suitable through the site's former use as a bank.
- 6.15. It is therefore concluded that proposals are in accordance with Policy LP21 and LP22.

Delivery arrangements

- 6.16. Turning to servicing arrangements, refusal reason two specifically relates to the absence of a swept path analysis for refuse collection vehicles entering the rear yard from Trinity Street.
- 6.17. Both the application and this appeal are supported by a Delivery Management Plan prepared by BTG Eddison’s, which confirms that only delivery drivers and staff will utilise

the rear yard. The Management Plan goes on to confirm that servicing/refuse arrangements will be undertaken from Huddersfield Road from the layby 35 metres west of the site. Such arrangements were confirmed to be acceptable by highways officers, and compliance with the Delivery Driver Management Plan can be secured by condition to ensure the hot food takeaway complies with the proposed delivery and servicing arrangements.

- 6.18. As such, given that waste collection wagons will not access the rear yard, there is no requirement for a swept path analysis to be submitted for such vehicles and this reason for refusal should be disregarded.
- 6.19. It should also be noted that delivery drivers will utilise the existing access arrangements to the rear yard, which were utilised by both the previous bank use and would be used by an alternative Class E use (without the need for planning permission or consideration by highways). Given that the access arrangements will remain unchanged, there is no requirement to provide a swept path analysis for such vehicle movements.
- 6.20. Therefore, the proposed servicing arrangements (and delivery driver arrangements) are acceptable and will not give rise to any operational or highway safety concerns. They are therefore in accordance with policies LP21 and LP22.

Residential Amenity and Impacts on Nearby Properties

- 6.21. Policies LP24 and LP52 seek to control pollution sources and protect amenity and the quality of life.

Traffic Generation

- 6.22. Refusal reason three details that the change of use would impact the residents of Trinity Street, due to the width of the road, noise and traffic generation.
- 6.23. The proposed operator, Domino's, seeks to ensure that traffic impacts are kept to a minimum. All delivery drivers are employed by Domino's, and no third-party delivery drivers are employed. They will utilise E-bikes and mopeds, rather than private vehicles, which has been decided upon taking account of the width of Trinity Street and given the availability of covered storage within the rear yard.
- 6.24. Committee members raised concerns over noise generation from traffic movements associated with the hot food takeaway, as detailed above. The site is located directly south of the A644, which generates a level of background noise at nearby residential properties. The site is also located in a District Centre where a level of background noise associated with commercial premises can be expected.
- 6.25. As outlined in the Transport Technical Note, during the busiest trading hours, there will be around 9 delivery vehicle movements per hour. No concerns with the proposed vehicle movements were raised by highways officers or by Environmental Health Officers in relation to noise and disturbance. Furthermore, it has a Class E fallback position in which the site could operate an alternative Class E use, utilising Trinity Street to access the rear yard. This could accommodate retail or office uses without the need for planning, with the potential to generate a greater number of vehicle movements along Trinity Street than the takeaway use, with a proportionate increase in the possibility of amenity impacts.



- 6.26. It should be noted that Trinity Street has accommodated access and parking for a number of commercial uses alongside the residential properties for many years, without compromising highway safety or any record of highway incidents. The use of the rear yard, which will primarily be by E-bikes or mopeds, will not be at a level which can cause harm and by securing the Delivery Driver Management Plan by condition, the noise associated with the use will be reduced still further.
- 6.27. Despite the evidence submitted with the application, and the feedback from Highways and Environmental Health Officers, Members went against the recommendation of officers without any technical justification to support the reason for refusal. No further evidence has come forward that details traffic generation associated with the proposed use would be detrimental to nearby amenity.
- 6.28. The proposed development is therefore in accordance with policies LP21, LP22 and LP52 of the Kirklees Local Plan.
- 6.29. The closest residential properties are on the upper floor of the building, which is accessed from the external staircase in the rear yard and would be positioned directly above the hot food takeaway. The site is located within Mirfield District Centre, where a level of background noise should be expected and generated by the road network directly north of the site. The general use of the site as a hot food takeaway cannot be considered to cause unacceptable impacts on nearby properties. Indeed, it is common for residential units to be located directly above commercial uses, including takeaways in the District Centre and is in place at Mirfield Express (55 Huddersfield Road) and the parade from 136-146 Huddersfield Road to the west of the appeal site.
- 6.30. As set out in Section 4, the ventilation and extraction system will comprise an extract system running from the oven hoods, exiting the rear elevation and rising vertically to terminate 1m above eaves height; an air handling unit to provide ventilation and air conditioning and cold room compressors.
- 6.31. As detailed in the Noise Impact Assessment and Sound Insulation Report, the proposed change of use and installation of extraction and ventilation equipment will not have an unacceptable impact in relation to noise on the nearby residential properties, subject to the installation of the recommended mitigation measures, including the installation of a silencer and the use of anti-vibration mounts. Environmental Health officers considered the proposals and associated documentation and confirmed that, subject to conditions, they had no concerns about the proposals' impact on nearby amenity and were in accordance with Policy LP52.
- 6.32. Turning to odours, the application was supported with details of the extraction and ventilation equipment, which again Environmental Health confirmed was acceptable. An Odour Risk Assessment was also enclosed in the Extraction Proposals, allowing for a condition requiring compliance with the submitted details. This confirmed that, subsequent to the installation of a fine filtration system and carbon bag filters, odours could be suitably treated and dispersed.
- 6.33. The following conditions were initially recommended to ensure nearby residential amenity would be protected; some of these requests were resolved during the course of the application and are therefore not considered necessary if an appeal were to be allowed:

- **Prior to occupation, confirmation that the airborne sound insulation performance between the party wall is 53dB should be submitted and approved.**
- **Opening hours restricted to 11 am to 11 pm daily.**
- **Prior to food cooking commencing, details of the extract system, including an odour risk assessment and a noise verification report, should be submitted and approved.** Full details, including a noise impact assessment, odour assessment and a suite of extraction and ventilation details, were submitted in support of the application. As such, no additional information should need to be submitted for consideration in relation to noise or odour prior to occupation. The Appellant is willing to agree to compliance conditions to ensure compliance with the submitted details.
- **A scheme to prevent fats, oils and grease from entering the drainage network should be submitted and approved prior to commencement.** Dominos guide for the disposal of fats was submitted in the course of the application and supports this appeal. This was accepted by Environmental Health, subject to a compliance condition.

6.34. The Planning Officer's Committee Report (at **Appendix 2**) confirms that Environmental Health had no objections to the proposals, stating that:

“the proposed works are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24.”

6.35. The Committee Report goes on to confirm that the proposals, subject to conditions, would not detract from residential amenity and would accord with policies LP24 and LP52.

6.36. Even so, Committee Members went against the recommendations of the Environmental Health Officer and raised concerns that the proposed extract system would provide negative impacts to nearby residential properties. They had no evidence to contradict the evidence submitted by the acoustic consultant or the conclusions of the Environmental Health Officer, nor had any statutory consultees raised concerns in relation to amenity.

6.37. As confirmed in the Officer's Committee Report, the proposals and associated external changes will not result in additional overlooking, overbearing or overshadowing harm to the neighbouring dwellings.

6.38. The opening hours are proposed 11 am to 11 pm daily, which is considered suitable within the District Centre. These opening hours have also been accepted by Environmental Health to protect nearby amenities. These are suitable to accommodate Domino's operations and are in accordance with Policy LP24.

6.39. In summary, it has been demonstrated that subsequent to the installation of both the noise and odour abatement measures, amenity issues will be controlled to an acceptable level to ensure the above and nearby residents remain unimpacted by the change of use in accordance with policies LP24 and LP52.



- 6.40. Given that the proposed change of use is compliant with all relevant policies, including LP21, LP22, LP24, and LP52, the change of use is acceptable in principle. As such, the assumption in favour of sustainable development should be applied and the development approved in accordance with paragraph 11(c) of the NPPF.

7. Conclusion

- 7.1. This Statement of Case has been prepared in support of an appeal against the decision of Kirklees Council to refuse planning permission 2025/62/90487/E for the change of use from a bank (Class E) to a hot food takeaway (sui generis), installation of extraction and ventilation equipment and minor internal and external alterations at 47 Huddersfield Road, Mirfield.
- 7.2. This statement should be read in conjunction with the Transport Summary Note prepared by BTG Eddison's and other supporting documents (including the Delivery Management Plan, Waste Management Plan, grease fats and oils advice and Noise Impact Assessment), which reinforce that the change of use is acceptable in principle and will not detract from residential amenity or highway safety.
- 7.3. It has been demonstrated that the proposed hot food takeaway has access to a suitable volume of parking to prevent customers and delivery drivers from parking on double-yellow lines, without detracting from surrounding highway safety. The proposals are therefore in accordance with policies LP21 and LP22.
- 7.4. The statement has also noted that the new use and associated extraction and ventilation equipment will not detract from the amenity of the residents above. Neither will traffic noise impact amenity over and above its lawful use.
- 7.5. All other considerations (including but not limited to the Principle of Development and Urban Design) were found to be acceptable by the Council and are not addressed further in this Statement.



Appendices



Appendix 1 – 2025/62/90487/E Decision Notice

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:) 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



Appendix 2 – 2025/62/90487/E Committee Report

Report of the Head of Planning and Development

DISTRICT-WIDE PLANNING COMMITTEE

Date: 27-Nov-2025

Subject: Planning Application 2025/90487 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 47, Huddersfield Road, Mirfield, WF14 8AE

APPLICANT

Domino's Pizza UK &
Ireland Ltd

DATE VALID

21-Feb-2025

TARGET DATE

18-Apr-2025

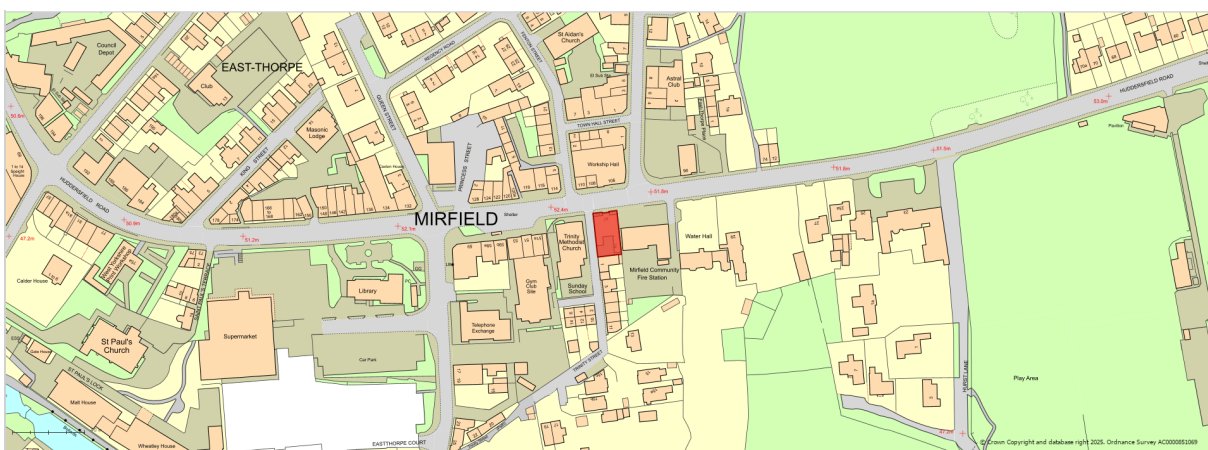
EXTENSION EXPIRY DATE

18-Aug-2025

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

[Public speaking at committee link](#)

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Mirfield Ward

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 in order to complete the list of conditions including those contained within this report.

1.0 INTRODUCTION:

- 1.1 This application for planning permission is brought to the District-Wide Planning Sub-Committee at the request of Councillor Lees-Hamilton and due to the number of representations contrary to the officer recommendation as per the Council's Scheme of Delegation. Through the publicity process, 27 representations were received, 22 in objection, 4 in support and 1 general comment. The representations will be discussed further in section 7 of this report.
- 1.2 Councillor Vivien Lees-Hamilton has requested that this application be referred to planning committee for the following reason:

"My objections are highway safety based. The building for this proposal is next to the fire station on the A644 a main road through Mirfield which is very often blocked with queuing traffic from the traffic lights at the junction with station Road, a junction that Dave Gill said was beyond saturation point way back in 2004. Matters have not improved going forwards, quite the opposite.

Trinity Street which is where delivery vehicles would need access and egress is a very narrow road where two cars can barely pass each other, there is no pedestrian footpath to either side, just high walls, and a very narrow street. I don't actually believe it possible for a delivery vehicle to access Trinity Street and then be able to turn into the parking spaces behind the building, and unload and then turn out of the parking spaces behind the building, and back out onto Trinity Street.

There are no associated car parks nearby for people to pick up their orders, just the bus stop, the double yellow lines, and the keep clear yellow hatched markings for the fire station. There are a few limited parking spaces for the shops on the other side of the road, but they are limited and are often full any way.

My objections and reasons for committee are on highway grounds and the safety of pedestrians and residents of Trinity Street.

There are also concerns for the regular users of the Trinity Methodist church which has many community groups who use the building for activities and not just for worship.

I am certain the use of this building as a takeaway outlet is totally unsuitable.”

2.0 SITE AND SURROUNDINGS:

2.1 The site relates to 47 Huddersfield Road, a two-storey detached building located in Mirfield. The building was formerly a bank and is currently vacant at ground floor level with residential accommodation at first floor level. The site is located within the Mirfield District Centre on the Kirklees Local Plan Proposals Map. The wider area comprises a combination of residential and commercial properties of varying materials and architectural styles. The site is not within a conservation area or near any Public Rights of Way (PROW). However, the property is located adjacent to Trinity Methodist Church, a Grade II Listed Building.

3.0 PROPOSAL:

3.1 The application seeks planning permission for the change of use and alterations to convert a vacant bank (Class E) to a hot food takeaway (sui generis) with the installation of extract and ventilation equipment and external alterations to the front and rear elevations. The premises would open 11:00am to 23:00pm daily. The details of the proposal are summarised below:

- Installation of two aluminium glazed door within the front elevation of the building
- Replace existing panel with powder coated grey metal panel (RAL 7043)
- Window frames to be sprayed (RAL 7043)
- All upper window panels within the front elevation of the building to be removed and replaced with clear glass
- Railings to be painted (RAL 7043)
- New oven extract duct to be installed within the rear elevation
- New timber steel plated door to be installed within the rear elevation
- New vent Axia extract fans to be installed within the rear elevation
- Vent grill to be installed within the eastern side elevation
- Replace plant room window and opening with acoustically rates louvred windows and doors

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- **2011/91317:** Extension of outbuilding to form garage – Conditional Full Permission
- **2007/93423:** Erection of attached garage and formation of entrance gates and bin store – Conditional Full Permission
- **2006/95145:** Installation of illuminated ATM signage – Advertisement Consent Granted

- **2006/95144:** Installation of ATM – Conditional Full Permission
- **2004/93094:** Installation of external chair hoist and alterations to entrance – Conditional Full Permission
- **2004/91187:** Installation of new automated door to front entrance and formation of new entrance for internal chair hoist and alterations – Withdrawn
- **2001/90289:** Erection of illuminated signs – Advertisement Consent Granted

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

- 5.1 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.
- 5.2 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.
- 5.3 A Highways Technical Note prepared by Eddison’s was submitted to address KC Highways Development Management 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.
- 5.4 A Delivery Management Plan was submitted to support the application. KC Highways Development Management have since confirmed that the plan would be acceptable with regards to highway safety.

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).

The site is located within the Mirfield District Centre on the Kirklees Local Plan Proposals Map.

Kirklees Local Plan (2019):

- 6.2 **LP 1** - Achieving Sustainable Development
LP 2 - Place shaping
LP 7 - Efficient and Effective Use of Land and Buildings
LP 13 - Town Centre Uses
LP 16 - Food and Drink Uses and the Evening Economy

- LP 21 - Highways and Access
- LP 22 - Parking
- LP 24 - Design
- LP 30 - Biodiversity & Geodiversity
- LP 35 - Historic Environment
- LP 44 - New Waste Management Facilities
- LP 47 - Healthy, Safe and Active Lifestyles
- LP 52 - Protection and Improvement of Environmental Quality
- LP 53 - Contaminated and Unstable Land

Supplementary Planning Guidance / Documents:

- 6.3 Highways Design Guide SPD (adopted 4th November 2019)
 Biodiversity Net Gain Technical Advice Note (adopted 29th June 2021)
 Waste Management Design Guide for New Developments (Version 5, October 2020)
 Kirklees Hot Food Takeaway SPD (2022)

National Planning Guidance:

- 6.4 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated December 2024, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.
- 6.5 The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications. Most specifically in this instance, the below chapters are of most relevance:
- **Chapter 2** - Achieving Sustainable Development
 - **Chapter 4** - Decision-Making
 - **Chapter 8** - Promoting Healthy and Safe Communities
 - **Chapter 12** - Achieving Well-Designed Places
 - **Chapter 14** - Meeting the Needs of Climate Change, Flooding and Coastal Change
 - **Chapter 15** - Conserving and Enhancing the Natural Environment
 - **Chapter 16** - Protecting and Enhancing the Historic Environment

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application was publicised by site notice and press advertisement, which expired on 10th April 2025. As a result of the above publicity, 27 representations have been received, 22 in objection, 4 in support and 1 general comment.

7.2 The following comments were raised by representation which have been summarised, grouped and arranged into themes. These will be addressed by officers in the representation section of the report.

7.3 Objections (22 Representations)

Suitability

- I am very surprised that this former bank has been considered as a suitable venue for a takeaway business.
- The building is unsuitable for take-away premises.
- It would be better used as a banking hub for Mirfield.
- Mirfield does not need another fast food establishment, it needs to attract independent business that will add to the aesthetics of the town.
- There are enough takeaways around Mirfield not to warrant another one.
- The building could be put to far better use in lines of what the community needs. There is not much for children who come from struggling families in Mirfield.
- There is no overriding need for another takeaway.
- We should be promoting independent business that are not food related.

Public Health

- Obesity in the UK is a major problem therefore we should be encouraging healthy living and eating, not allowing more fast food outlets to open.
- Takeaway food encourages obesity.
- The applicant already has a premises in Heckmondwike which delivers to Mirfield.
- Mirfield town centre does not need a takeaway given there are 21 food outlets in Ravensthorpe.

Visual Impacts

- Character of the area - we do not need another take away with illuminated signage on our high street.
- The implementation of another fast food business in the middle of Mirfield will do nothing to attract people to the town.

Residential and Environmental Impacts

- Litter would be created.
- Litter and rubbish will be a huge problem as people will not abide by rules and quite frankly it's not on their doorstep.
- There would be noise and smells from the extract ventilation system.
- There would be noise from cars, delivery bikes and people late at night.
- If this proposed takeaway goes ahead it is going to significantly impact mine, my families and neighbours safety and wellbeing
- If this application is passed there will be problems with parking, road safety, noise, possible anti-social behaviour from customers, cooking smells, litter and rubbish.

- Noise and disturbance from customers coming and going and delivery vehicles.
- I don't want my peace and safety being put at risk.
- Fast food outlets are magnets to rats due to discarded food and general food waste.
- Impact on the neighbouring houses in terms of traffic, noise and pollution.
- Residents of the street will be disturbed with car doors constantly banging.
- There are many houses in Trinity Street close to the former bank and nuisance is inevitable.
- Pollution from excess traffic including what will no doubt be many delivery app drivers/ bikes
- I do not want to see an increase in litter or anti-social behaviour if this application goes ahead.
- It's a real worry that rubbish will build up, littering will take place and limit access to trinity street, blocking Huddersfield road and potentially risk lifesaving services by blocking the fire station.
- Worried about smells and noise from the extract fans and litter from discarded meals etc

Highway Impacts

- This location has traffic problems, vehicles queue at the lights as far back as this building.
- This is a bad location for a fast food outlet as there is nowhere to park safely.
- The area already has enough takeaways and I feel it's a very bad spot for parking for collections or their delivery drivers
- There is inadequate parking for said proposition and no need for yet another takeaway.
- This will draw a larger number of delivery app drivers/ riders given its online presence.
- There is an application for 3 takeaway venues next to the Swan petrol station. Domino's would be better located there as there is available car parking.
- Insufficient parking for customers.
- The dangers to pedestrians far outweigh the advantages of yet another fast-food takeaway.
- The other side is the fire station, we cannot risk cars blocking access for the fire engines.
- Trinity street to the side is a very narrow cul-de-sac that can barely accommodate the residents let alone customers for a takeaway.
- It will limit access to trinity street, blocking Huddersfield road and potentially risk lifesaving services by blocking the fire station.
- Three parking spaces are shown at the back of the property. These are totally inadequate for a business of this type and size and the access for them is in and out of Trinity Street, which is narrow, with already limited visibility turning onto Huddersfield Road during busy times.
- Customers would not be able to park safely and legally, there are double yellow lines in front of and to both sides of the premises.

- There is already congestion along Huddersfield Road and it is inevitable that people will park their car on double yellow lines in front of the building to collect their takeaway causing obstruction.
- Cars turning right from Knowl Road onto Huddersfield Road will have to negotiate illegal parking at a busy junction. People will think it acceptable to use the fire station forecourt to park.
- Delivery trucks will park outside the building to deliver supplies causing disruption to car drivers and put pedestrians at risk.
- I note the mention of a 3 vehicle car park at the back of the premises, but access to and from this has the potential to cause even more problems.
- No comment has been made to the flat above the bank so if this is to be rented out again as living accommodation, there will be a further parking issues, also staff parking to be taken into account.
- Vehicles making deliveries will have little space to manoeuvre so will cause problems blocking Trinity Street for residents or parking on the double yellow lines.
- There is also the bus shelters further along again double yellowed and I worry that customers may park in there.
- Our garage and parking space is located at the bottom of Trinity Street. The parking on the street is already narrow enough to enter and exit the street and this proposed establishment will increase this issue.
- On a daily basis there are visitors to the church and young people attending the Scout groups, I worry that an increase of traffic will also raise the risks of accidents occurring.
- The car park opposite the bank on the corner of Huddersfield Road/Knowl Road is a private car park, spaces rented by local businesses, so not for use of a takeaway.
- There is a strong likelihood that the fire station immediately adjacent to the old bank will have issues with customers stopping there to collect food.
- What about the delivery vans/waggons, where are they going to park and indeed unload.
- This is a key pedestrian path and cars will no doubt obstruct this by parking on the pavement given lack of room on the highway for parking with HGVs and buses that need to pass.
- Those with mobility problems access the lift to the worship area at Trinity Methodist Church via their very small car park.
- We strongly object to this development, which from past experience at other fire stations has resulted in problems for our crews turning out to incidents.
- Mirfield is an on-call fire station which means firefighters attend the premises in response to incidents and therefore at times it appears unoccupied and I am concerned that this may encourage parking along the forecourt and on the highway. This is a huge risk for our ability to exit rapidly and safely.
- Additionally, once firefighters are called, park their own vehicles and turn out to an incident, there is a possibility that they will block in any vehicles that may be parked as they cannot wait for those drivers to return.

7.4 General Comments (1 Representation)

- Where are the delivery drivers going to park?

7.5 Supporting Comments (4 Representations)

- At last, another national company who has decided to invest in Mirfield and occupying an empty unit and create local jobs.
- People of Mirfield forget that this building was once a Bank that had a regular stream of customers... and they managed to park!
- You forget there was a night club both directly opposite and to the opposite side of Trinity Methodist church... You forget there was an Asian restaurant on Huddersfield road. Customers and delivery drivers managed to park and dealt with rubbish in the appropriate way.
- A national chain brings a higher standard of food and hygiene and provides local jobs.
- A national company will want to be part of the Mirfield community and support local charities through their give back.
- Mirfield needs to change else it will turn over to Barber shops, off licences, vape shops and more empty units
- This is a great opportunity to bring much needed employment into Mirfield by a Multi-National company who unlike many smaller enterprises will stay longer than a few years.
- The fire station does not appear to have problems with people parking at the front, nor do people choose to park on Trinity Street. There is more than sufficient free parking at the Co-Op and the library car park.
- Instead of people trying to block this application, why not stipulate that Domino's Pizza need to pay for anti-parking bollards at the rear of Trinity Church, same could apply to the fire station.
- Mirfield virtually grinds to a halt late in the afternoons, its needs businesses like this to invest in the town and help it to prosper for every ones benefit.
- I think this will be really good for Mirfield and the town centre.
- It will provide jobs as well as make use of a building that would otherwise be empty.
- Think this is a positive development for Mirfield and will satisfy developing tastes and demand from the local population for high standard, national, hot food provider - not all existing hot food providers deliver to the standards Domino's will!
- The venture will deliver much needed employment to the area and based on the designs in the application, will have low visual impact and will be sympathetic to the building and surroundings.
- Given the operating hours, any increase in traffic will have limited crossover with local peak traffic periods on Trinity Street, lessened as there is parking to the rear of the property, by the high street, at Tesco's, by Woods dentists and the large car park at the library / Co-Op.
- Given that the majority of orders will be online I cannot think there will be many collection orders.
- Noise assessments will be or will have been completed to support the application and the tech nowadays is close to silent-running and will need

multiple levels of filtering to avoid excess cooking odours (although the smell of fresh pizza dough isn't a bad smell really, all things considered)

- I think there will be a level of small-town NIMBYism which is the norm for Mirfield but would people prefer another empty building, barbers, charity shop or noisy bar in the town centre or a respectable high standard national chain (who will be very conscious of public image) serving a local need?

8.0 CONSULTATION RESPONSES:

KC Ecology - No objection subject to recommended conditions

KC Environmental Health - No objection subject to recommended conditions

KC Conservation and Design - No objection on receipt of amended plans

KC Waste Management – No objection

KC Highways Development Management – No objection on receipt of additional documentation

KC Public Health - No objection

9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Residential amenity
- Highway issues
- Representations
- Other matters
- Conclusion

10.0 APPRAISAL

Principle of development

- 10.1 Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.
- 10.2 Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that *“good design should be at the core of all proposals in the district”*.

Town Centre Uses

- 10.3 This application is for the change of use and alterations to convert a vacant bank (Class E) to a hot food takeaway (Sui Generis). The site is located within the Mirfield District Centre on the Kirklees Local Plan. As such, Policy LP13 and LP16 of the Kirklees Local Plan is relevant.
- 10.4 Policy LP13 of the Kirklees Local Plan states that main town centre uses shall be located within defined centres (principal centres, town centres, district centres, and local centres), as shown on the Policies and Town Centre Maps. This Policy outlines that proposals that have a significant adverse impact on the vitality and viability of a centre or compromise the role and function of a centre will not be supported. This Policy goes on to note that main town centre uses which are appropriate in scale, help to retain an existing centre's market share, and enhance the experience of those visiting the centre and the businesses which operate in that centre will be supported. The requirements of Policy LP13 are that District Centres should be the local focus for basic financial services, food and drink, entertainment, leisure and tourist facilities, and health services.
- 10.5 Policy LP16 of the Kirklees Local Plan states *'Proposals for food and drink, licensed entertainment uses and associated proposals will be supported, provided they are located within a defined centre, and subject to ensuring the concentration of food and drink and licensed entertainment uses are not located in a particular centre or part of a centre, where they would result in harm to the character, function, vitality and viability of the centre, either individually or cumulatively.'*
- 10.6 Policy HFT2 of the Council's Hot Food Takeaway SPD sets out that applications that increase the concentration of hot food takeaways to ground floor units in a local centre to more than 15% of all main town centres are harmful to the vitality and viability of the local centre.
- 10.7 The Table at Appendix 2 of the Council's Hot Food Takeaway SPD states that the proportion of takeaway uses in Mirfield District Centre was 4.8% using 2018/19 data. The submitted planning statement states that a search of the Council's planning records was undertaken which confirms that there have been no approvals for new takeaway uses within the District Centre since 2018. Therefore, it is considered that the percentage would increase to 6% as a result of the proposal. Given that the total presence of hot food takeaways within Mirfield District Centre would remain under 15% upon the granting of permission for this proposal, the scheme would be acceptable in this regard.
- 10.8 In addition, whilst the proposal would result in the loss of a Class E use which is a town centre use as defined in the NPPF glossary, the unit is currently vacant and its proposed use as a hot food takeaway would also constitute a main town centre. As such, it is concluded that a hot food takeaway at 47 Huddersfield Road would not compromise the function or role of this District Centre or negatively impact upon the vitality or viability of it. Therefore, it is considered that the proposal would promote the longevity of this commercial unit utilising an existing building to create an operating business.

10.9 In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety. These issues along with other policy considerations will be addressed below.

Urban Design issues

10.10 Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring the form, scale, layout, and details of all development respects and enhances the character of the townscape, extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details.

10.11 The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby Paragraph 131 provides a principal consideration concerning design which states: “The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”

10.12 Paragraph 135(c) of the NPPF sets out that development should be sympathetic to local character and history, including the surrounding built environment and landscape setting. Furthermore, Policy LP35 of the Kirklees Local Plan requires development proposals affecting a designated heritage asset to preserve or enhance the significance of the asset, retaining those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensuring that proposals maintain and reinforce local distinctiveness.

10.13 Paragraph 210 of the NPPF is also of relevance and states that in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.

10.14 The proposal seeks to make alterations to the existing fenestration and openings within the front, side and rear elevations of the building, install new vents and an oven extract duct and paint the existing window frames and railings in RAL 7043. Given that the alterations proposed would generally be in keeping with the style of the original build, it is considered that the proposal would not have a detrimental visual impact on the character and appearance of the host property and surrounding area and the significance of the adjacent listed building.

10.15 Having taken into account the above, it is considered that the proposal would be acceptable from a visual amenity perspective, in accordance with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the NPPF. Furthermore, the proposal would not cause any detrimental harm to the significance of the adjacent Listed Building and would comply with Policy LP35 of the Kirklees Local Plan and Chapter 16 of the NPPF.

Residential Amenity

10.16 Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be outlined, taking into account Policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers.

10.17 Due to the nature and scale of the exterior alterations proposed, officers consider that the proposal would not cause any additional overlooking, overbearing or overshadowing harm to the residential amenity of the neighbouring occupants, over and above the existing arrangements on site.

10.18 In addition, KC Environmental Health have reviewed the application. Whilst the change of use has the potential to cause noise which could detrimentally affect the amenity of the surrounding residential properties, conditions are proposed restricting the hours of use and for noise mitigation measures.

10.19 Having considered the above factors, the proposed works are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties and Paragraph 135 (f) of the National Planning Policy Framework.

Highway issues

10.20 Local Plan Policies LP21 and LP22 of the Kirklees Local Plan are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Furthermore, Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

10.21 This application seeks approval for the change of use and alterations to convert a vacant bank (Class E) to a hot food takeaway (sui generis) with the installation of extract and ventilation equipment and external alterations to the front and rear elevations at 47 Huddersfield Road, Mirfield. The proposed takeaway will operate between 11.00 and 23.00 hours daily.

- 10.22 The application site is on the southern side of Huddersfield Road and comprises the ground floor of 47 Huddersfield Road, Mirfield, a two-storey detached building on the corner of Huddersfield Road and Trinity Street. The first floor is a separate residential flat. The site is adjacent to Mirfield fire station to the east and Trinity Methodist Church to the west (across Trinity Street). There are double yellow lines to both sides of Huddersfield Road across the site frontage and along Trinity Street for the first approximately 40m. Parking is available on Huddersfield Road, approximately 20 metres west of the site which is restricted to a 1-hour stay (no return within 1 hour) between 08.00- and 18.00-hours Monday to Saturday.
- 10.23 In their consultation response dated 8th May, KC Highways Development Management recommended refusal to the proposals on highway safety grounds given that no realistic off-street parking facilities were proposed and that deliveries to customers are highly likely to be collected from the front and not the rear yard and deliveries to the site and bin collection is proposed from Huddersfield Road.
- 10.24 The applicants have since provided a Highways Technical Note prepared by Eddison's in support of the application which is summarised below:

The site

The application site is the ground floor of the building, which is currently vacant and has a lawful use as a bank (Class E), the ground floor unit has a gross floor area of 148sqm. The first floor of the unit is as separate residential flat (Class C3) and this will remain.

Parking

Given the site's location within the town centre, off-street and on-street parking is provided within the vicinity of the application. On-street marked parking bays are located on the northern side of the Huddersfield Road approximately 25 metres west of the application site. These parking bays are subject to parking restrictions Monday to Saturday 0800 to 1800 hours (maximum of 60 minutes with no return within 60 minutes). Further on-street parking provision is provided on Huddersfield Road approximately 100 metres east of the application, this parking has no restrictions. Whilst the Station Road car park is located 120 metres south-west of the application site, this provides a total of 71 spaces, is free of charge for up to 2 hours and can be accessed via the footway provision located on Huddersfield Road and Station Road.

To ascertain the existing demand for on-street marked parking bays on Huddersfield Road car parking beat surveys were undertaken on Friday 6th and Saturday 7th June 2025 between the 1200 hours and 2200 hours. These survey days were chosen as they are typically the busiest days for Domino's unit, as will be discussed in this note, the peak trading periods for Domino's units is between 1800 and 2000 hours.

The existing marked parking on Huddersfield Road operated with spare capacity during most of the survey periods. It is noted that there are short periods of time on Friday around 15 and 25 minutes (40 minutes in total) between 18:00 and 19:00 where all spaces are occupied, but at all other times there are between 1-3 spare spaces. On a Saturday there is spare capacity throughout the busiest trading period with spare capacity for between 2-3 vehicle available.

Fallback Position

The application site was previously occupied as a bank which will have generated vehicular movements and parking demand on the surrounding highway network. It is important to note that the existing Class E land-use unit could be lawfully used as retail land-use, such as a convenience store or retail unit without the need for planning permission i.e. deliveries and opening hours. In addition, such a use would generate demand for car parking provision on the surrounding highway network at any time. Clearly the level of demand for car parking generated by a convenience store or retail unit would be far more than that would be generated by either the previous Bank or proposed land-use. It can be concluded that the change of use proposals would result in a reduced demand for car parking when compared to the fall-back position.

Deliveries

It is proposed that the car park area to the rear of the unit will be used for operational use i.e. unit manager car parking and delivery drivers. Delivery drivers are employed by the Domino's, and they do not use aggregates to undertake deliveries. This enables them to monitor the location of delivery drivers to ensure the efficient operation of units. It is proposed that deliveries will be undertaken solely by E-bikes and mopeds, these are provided by Domino's and delivery pick-ups will be undertaken to the rear of the unit. Given that these will be Domino's employees they will be aware of the delivery strategy for the site. Experience of units of this type indicate that on average, approximately 66% to of the total trade are deliveries whilst the remaining 34% of trade are store collections. In addition, based on experience, although the proposed land-use is open between 9am and 11pm, the peak trading period is after 1800 hours when between 60- 67% of daily trade occurs which is outside the peak hours for traffic.

Trade Breakdown

A summary of the trade breakdown for a typical hot-food takeaway unit between Sunday to Thursday and Friday to Saturday is provided. This shows that Friday and Saturday are the busiest trade days, the busiest periods on Friday and Saturday occur between 1800 hours and 2000 hours and therefore outside of the peak periods for traffic movements. During this period there will be 40 deliveries from the site, comprising of a combination of 8 mopeds and 10 E-Bike movements and up to 12 customer collection trips to the unit.

Customer Collections

A large proportion of these will be undertaken by sustainable travel modes or linked trips to surrounding land-uses within the town centre and those undertaken by car will use the parking on the surrounding highway network. In addition, these customer collections would not necessarily be new demand for hot food takeaways. Instead, it is more likely that this premises would offer an alternative to customers already using the existing hot food takeaways operating on Huddersfield Road and the Mirfield area and would thereby cater for customers who may already be visiting them or have ordered a delivery from them.

Parking on yellow lines

The issue of customers parking on double yellow markings has been considered at an appeal for a Dominos unit on Bedminster Parade in Bristol (Appeal Ref: APP/Z0116/A/12/2176015) with the Appeal Decision stating the following

'8. Of course, some people might be tempted to park as close as possible to the unit, ignoring traffic restrictions. Yet the appellant's evidence indicates that customers spend about 5-10 minutes within a Dominos unit on average. It seems to me that most people would be reluctant to park in a hazardous location for this length of time, given that there appear to be reasonable opportunities to park in the general area.'

Further consideration of on-street parking is provided within an Appeal Decision for a site at Treorchy in South Wales which states the following in paragraph 5;

'5. There are parking restrictions in place to prevent illegal parking and to safeguard provision for residents. From the representations received it would appear that these parking restrictions are not being fully enforced, but that is a separate matter for the relevant enforcement authority. It remains the case that there are provisions in place to ensure the effective control of parking. Moreover, because of the busy traffic flows on High Street and having regard to the signal-controlled junction, it would be clearly obvious to most drivers that parking on the restricted sections of the highway would cause serious obstruction to the free flow of traffic in an illegal and anti-social manner. In my view, this would be a significant deterrent for most drivers.'

- 10.25 KC Highways Development Management have reviewed the Highways Technical Note and have confirmed that the previous concerns have been addressed however requested that an acceptable Delivery Management Plan should be provided pre-determination. It was requested that the plan include proposals for the use of mopeds and E-bikes only for customer deliveries and details of the proposals for service deliveries and waste.

- 10.26 A Delivery Management Plan has since been submitted. KC Highways Development Management have confirmed that the plan is considered acceptable with regard to highway safety. Subject to this being conditioned, officers have no further objection to this application.
- 10.27 In view of the above, it is considered that the proposal would not cause detrimental harm to the safe and efficient operation of the highway network, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan, guidance within the Council's Highways Design Guide SPD, and Chapter 9 of the National Planning Policy Framework.

Other Matters

10.28 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 pre-dates 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 case, due to the nature of the proposal is not considered reasonable to require the applicant to put forward any specific resilience measures.

10.29 Biodiversity Net Gain

The application form states that the development would be exempt from providing Biodiversity Net Gain. At this stage, Officers are only able to assess this on the basis of submitted information. Should the proposal be considered not exempt by reason of not being this or other relevant categories for the scale of the development then an appropriate condition, supported by a BNG metric submitted for the approval of the LPA, would be required to ensure on-site BNGs would last for at least 30 years to meet the requirements of this legislation.

10.30 Public Health

Policy LP47 of the Kirklees Local Plan states the council will create an environment which supports healthy, active and safe communities and reduces inequality. Policy LP47(j) goes on to state that healthy, active and safe lifestyles will be enabled by working with partners to manage the location of hot food take-aways particularly in areas of poor health.

Kirklees have adopted a Hot Food Take Away SPD which forms a significant material consideration. Policy HFT1 states that proposals for all new hot food takeaways will be assessed against the Kirklees Council Public Health Toolkit and that proposals which are not accepted by the toolkit will be refused unless other material considerations indicate otherwise.

KC Public Health have developed a tool which uses a range of local data (indicators) to assess which areas have multiple risk factors. These indicators include:

- Index of Multiple Deprivation (IMD) quintile
- % of adults overweight
- % of adults obese
- % of 5-year-olds with excess weight
- % of 11-year-olds with excess weight
- Diabetes prevalence rate
- Coronary heart disease prevalence rate

KC Public Health have produced a scoring category based on these indicators of deprivation. A hot food takeaway will be refused permission if it is located within a postcode that has a combined points total above 20 (21 or above) across the seven indicators of deprivation, obesity and related health conditions out of a possible 42. In this instance, the proposal has a combined score of 18. Whilst this is less than the threshold, Officers would still recommend that the applicant takes advantage of support and advice from Kirklees Food Initiatives and Nutrition Education (FINE) Project with a note recommended to be attached should planning permission be approved.

10.31 Hours of Use

KC Environmental Health have recommended a condition to control the hours of use, including deliveries and dispatches in the interests of protecting the amenity of neighbouring properties.

10.32 Construction Noise

Construction noise can give rise to loss of amenity to neighbouring noise sensitive receptors, therefore, should the application be approved, it is considered necessary for a footnote to be imposed restricting the times when noisy construction activities will be permitted.

10.33 Waste Water - Fats, Oils & Grease

The Company Guide for the disposal of Fats, Oils and Grease has been provided and this is accepted by KC Environmental Health subject to a compliance condition.

10.34 Kitchen Extraction System

The applicant has submitted an updated report from CanopyUK (dated 26 March 2025) which specifies the kitchen extraction equipment. Paragraph 3.14 assesses the risk and states that a high level of odour control is required. It proceeds to specify arrestment plant including panel and pleated filters along with an external discharge to high level. This aspect of the requirement is accepted.

The submitted Plant Noise Assessment authored by Suono (dated 6th February 2025, reference no. 27CD.RP.1) makes reference to the proposed mechanical plant to be used at the site which includes a S&P Extract Fan and Table 7 shows this will meet with the noise limits and is therefore accepted subject to a compliance condition.

10.35 Sound Insulation

A Floor Sound Insulation Review has been submitted authored by Suono (dated 7th February 2025, reference no. 29AA.RP.2.1). Whilst it incorrectly refers to Kirklees Council's Hot Food Takeaway SPD with regards to this matter, it does reference Approved Document E of the Building Regulations, in particular if a higher level of sound insulation is required.

Section 4 assesses typical levels of noise within a hot food takeaway preparation area and Table 5 shows that it will fail to meet with our requirements. As such, remedial works are recommended in Paragraphs 4.10 to 4.13 with table 6 predicting 52dB $D_{nT,w} + C_{tr}$, just short of our requirement of 53dB $D_{nT,w} + C_{tr}$. However, this is accepted based upon uncertainty of testing. Based on the remedial works outlined within the report and with the assumption that no other elements will create an acoustic weakness between the adjacent spaces, the proposed floor is expected to achieve the outlined criteria. It is therefore imperative that the works recommended are installed professionally and competently to ensure the two uses are isolated from each other. As such, KC Environmental Health accept the submitted information subject to a compliance condition.

10.36 Waste

The waste generated from the premises will be contained within 2 x 1,100ltr bins and stored in the south-west corner of the site near the gate. KC Waste Strategy have confirmed that this location is suitable for waste storage. Access from the bin storage area to the bin collection point on Trinity Street next to the highway should be constructed to withstand point loading and movement. Wheeled bins must not be permanently stored on the pavement or highway on Trinity Street. It is noted that arrangements will be made for the bins to be taken to the kerb for collection on the required day(s).

Representations

10.37 In total, over the course of the application, 27 representations have been received, 22 in objection, 4 in support and 1 general comment. The comments have been summarised, grouped and arranged into themes. These comments have been addressed below:

10.38 Objections (22 Representations)

Suitability

- I am very surprised that this former bank has been considered as a suitable venue for a takeaway business.
- The building is unsuitable for take-away premises.
- It would be better used as a banking hub for Mirfield.

- Mirfield does not need another fast food establishment, it needs to attract independent business that will add to the aesthetics of the town.
- There are enough takeaways around Mirfield not to warrant another one.
- The building could be put to far better use in lines of what the community needs. There is not much for children who come from struggling families in Mirfield.
- There is no overriding need for another takeaway.
- We should be promoting independent business that are not food related.

Officer Response: *The principle of development has been considered acceptable as outlined within the officer report.*

Public Health

- Obesity in the UK is a major problem therefore we should be encouraging healthy living and eating, not allowing more fast food outlets to open.
- There are several pizza and takeaway outlets serving the Mirfield area already.
- Takeaway food encourages obesity.
- The applicant already has a premises in Heckmondwike which delivers to Mirfield.
- Mirfield town centre does not need a takeaway given there are 21 food outlets in Ravensthorpe.

Officer Response: *KC Public Health were formally consulted on the application. A hot food takeaway will be refused permission if it is located within a postcode that has a combined points total above 20 (21 or above) across the seven indicators of deprivation, obesity and related health conditions out of a possible 42. In this instance, the proposal has a combined score of 18 and was considered acceptable in this regard.*

Visual Impacts

- Character of the area - we do not need another take away with illuminated signage on our high street.
- The implementation of another fast food business in the middle of Mirfield will do nothing to attract people to the town.

Officer Response: *The proposals impact on the character and appearance of the area has been assessed within the officer report. Given the nature and scale of the alterations proposed, officers consider that the scheme would be acceptable with regard to visual amenity.*

Residential and Environmental Impacts

- Litter would be created.
- Litter and rubbish will be a huge problem as people will not abide by rules and quite frankly it's not on their doorstep.
- There would be noise and smells from the extract ventilation system.
- There would be noise from cars, delivery bikes and people late at night.

- If this proposed takeaway goes ahead it is going to significantly impact mine, my families and neighbours safety and wellbeing
- If this application is passed there will be problems with parking, road safety, noise, possible anti-social behaviour from customers, cooking smells, litter and rubbish.
- Noise and disturbance from customers coming and going and delivery vehicles.
- I don't want my peace and safety being put at risk.
- Fast food outlets are magnets to rats due to discarded food and general food waste.
- Impact on the neighbouring houses in terms of traffic, noise and pollution.
- Residents of the street will be disturbed with car doors constantly banging.
- There are many houses in Trinity Street close to the former bank and nuisance is inevitable.
- Pollution from excess traffic including what will no doubt be many delivery app drivers/ bikes
- I do not want to see an increase in litter or anti-social behaviour if this application goes ahead.
- It's a real worry that rubbish will build up, littering will take place and limit access's to trinity street, blocking Huddersfield road and potentially risk lifesaving services by blocking the fire station.
- Worried about smells and noise from the extract fans and litter from discarded meals etc

Officer Response: *KC Environmental Health have reviewed the proposal and have recommended conditions relating to noise mitigation measures, a kitchen extract scheme, pollution prevention and the hours of use. Furthermore, KC Waste Strategy have confirmed that the waste generated will be contained within 2 x 1,100ltr bins and stored in the south-west corner of the site, which would be acceptable.*

Highway Impacts

- This location has traffic problems, vehicles queue at the lights as far back as this building.
- This is a bad location for a fast food outlet as there is nowhere to park safely.
- The area already has enough take aways and I feel it's a very bad spot for parking for collections or their delivery drivers
- There is inadequate parking for said proposition and no need for yet another takeaway.
- This will draw a larger number of delivery app drivers/ riders given its online presence.
- There is an application for 3 takeaway venues next to the Swan petrol station. Domino's would be better located there as there is available car parking.
- Insufficient parking for customers.
- The dangers to pedestrians far outweigh the advantages of yet another fast-food takeaway.

- The other side is the fire station, we cannot risk cars blocking access for the fire engines.
- Trinity street to the side is a very narrow cul-de-sac that can barely accommodate the residents let alone customers for a takeaway.
- It will limit access to trinity street, blocking Huddersfield road and potentially risk lifesaving services by blocking the fire station.
- Three parking spaces are shown at the back of the property. These are totally inadequate for a business of this type and size and the access for them is in and out of Trinity Street, which is narrow, with already limited visibility turning onto Huddersfield Road during busy times.
- Customers would not be able to park safely and legally, there are double yellow lines in front of and to both sides of the premises.
- There is already congestion along Huddersfield Road and it is inevitable that people will park their car on double yellow lines in front of the building to collect their takeaway causing obstruction.
- Cars turning right from Knowl Road onto Huddersfield Road will have to negotiate illegal parking at a busy junction. People will think it acceptable to use the fire station forecourt to park.
- Delivery trucks will park outside the building to deliver supplies causing disruption to car drivers and put pedestrians at risk.
- I note the mention of a 3 vehicle car park at the back of the premises, but access to and from this has the potential to cause even more problems.
- No comment has been made to the flat above the bank so if this is to be rented out again as living accommodation, there will be a further parking issues, also staff parking to be taken into account.
- Vehicles making deliveries will have little space to manoeuvre so will cause problems blocking Trinity Street for residents or parking on the double yellow lines.
- There is also the bus shelters further along again double yellowed and I worry that customers may park in there.
- Our garage and parking space is located at the bottom of Trinity Street. The parking on the street is already narrow enough to enter and exit the street and this proposed establishment will increase this issue.
- On a daily basis there are visitors to the church and young people attending the scout groups, I worry that an increase of traffic will also raise the risks of accidents occurring.
- The car park opposite the bank on the corner of Huddersfield Road/Knowl Road is a private car park, spaces rented by local businesses, so not for use of a takeaway.
- There is a strong likelihood that the fire station immediately adjacent to the old bank will have issues with customers stopping there to collect food.
- What about the delivery vans/waggon, where are they going to park and indeed unload.
- This is a key pedestrian path and cars will no doubt obstruct this by parking on the pavement given lack of room on the highway for parking with the hgv and buses that need to pass.

- Those with mobility problems access the lift to the worship area at Trinity Methodist Church via their very small car park.
- We strongly object to this development, which from past experience at other fire stations has resulted in problems for our crews turning out to incidents.
- Mirfield is an on-call fire station which means firefighters attend the premises in response to incidents and therefore at times it appears unoccupied and I am concerned that this may encourage parking along the forecourt and on the highway. This is a huge risk for our ability to exit rapidly and safely.
- Additionally, once firefighters are called, park their own vehicles and turn out to an incident, there is a possibility that they will block in any vehicles that may be parked as they cannot wait for those drivers to return.

Officer Response: *The submitted Highways Technical Note states that Friday and Saturday are the busiest trade days, with the busiest periods occurring between 1800 hours and 2000 hours and therefore outside of the peak periods for traffic movements.*

With regard to parking provision, the submitted Delivery Management Plan states that delivery vehicles will park within the car park at the rear of the property. Furthermore, off-street and on-street parking for customers would be provided within the vicinity of the site.

The issue of customers parking on double yellow markings has been considered at an appeal for a Dominos unit on Bedminster Parade in Bristol (Appeal Ref: APP/Z0116/A/12/2176015) with the Appeal Decision stating that whilst some people might be tempted to park as close as possible to the unit, ignoring traffic restrictions, customers generally spend 5-10 minutes within a Dominos unit on average.

The proposals potential impact on the highway network has been assessed in further detail within the 'Highway impacts' section of the report.

10.39 General Comments (1 Representation)

- Where are the delivery drivers going to park?

Officer Response: *The submitted Delivery Management Plan states that delivery vehicles will park within the car park at the rear of the property.*

10.40 Supporting Comments (4 Representations)

- At last, another national company who has decided to invest in Mirfield and occupying an empty unit and create local jobs.
- People of Mirfield forget that this building was once a Bank that had a regular stream of customers... and they managed to park!
- You forget there was a night club both directly opposite and to the opposite side of Trinity Methodist church... You forget there was an Asian restaurant on Huddersfield road. Customers and delivery drivers managed to park and dealt with rubbish in the appropriate way.

- A national chain brings a higher standard of food and hygiene and provides local jobs.
- A national company will want to be part of the Mirfield community and support local charities through their give back.
- Mirfield needs to change else it will turn over to Barber shops, off licences, vape shops and more empty units
- This is a great opportunity to bring much needed employment into Mirfield by a Multi-National company who unlike many smaller enterprises will stay longer than a few years.
- The Fire station does not appear to have problems with people parking at the front, nor do people choose to park on Trinity Street. There is more than sufficient free parking at the CO-OP and the library car park.
- Instead of people trying to block this application, why not stipulate that Domino's Pizza need to pay for anti-parking bollards at the rear of Trinity Church, same could apply to the fire-station.
- Mirfield virtually grinds to a halt late in the afternoons, its needs businesses like this to invest in the town and help it to prosper for every ones benefit.
- I think this will be really good for Mirfield and the town centre.
- It will provide jobs as well as make use of a building that would otherwise be empty.
- Think this is a positive development for Mirfield and will satisfy developing tastes and demand from the local population for high standard, national, hot food provider - not all existing hot food providers deliver to the standards Domino's will!
- The venture will deliver much needed employment to the area and based on the designs in the application, will have low visual impact and will be sympathetic to the building and surroundings.
- Given the operating hours, any increase in traffic will have limited crossover with local peak traffic periods on Trinity Street, lessened as there is parking to the rear of the property, by the high street, at Tesco's, by Woods dentists and the large car park at the library / co-op.
- Given that the majority of orders will be online I cannot think there will be many collection orders.
- Noise assessments will be or will have been completed to support the application and the tech nowadays is close to silent-running and will need multiple levels of filtering to avoid excess cooking odours (although the smell of fresh pizza dough isn't a bad smell really, all thing considered)
- I think there will be a level of small-town NIMBYism which is the norm for Mirfield but would people prefer another empty building, barbers, charity shop or noisy bar in the town centre or a respectable high standard national chain (who will be very conscious of public image) serving a local need?

Officer response: *These comments are noted.*

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 proposed 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. Standard condition regarding 3 year timescale to commence development
2. Development to be in full accordance with plans
3. Noise Mitigation Measures
4. Kitchen Extract Scheme
5. Pollution Prevention
6. Hours of Use
7. Delivery Management Plan

Background Papers:

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2025%2f90487>

Certificate of Ownership – Certificate B signed and dated.

KIRKLEES METROPOLITAN COUNCIL

PLANNING SERVICE

UPDATE OF LIST OF PLANNING APPLICATIONS TO BE DECIDED BY

PLANNING SUB-COMMITTEE DISTRICT-WIDE

27 NOVEMBER 2025

Planning Application 2025/90487

Item 10 – Page 11

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

47, Huddersfield Road, Mirfield, WF14 8AE

Following publication of the Committee Report, three additional representations have been received. The comments made have been summarised below:

- On-street parking associated with the use will be detrimental to pedestrian and highway safety.
- Increased parking will cause disruption and highway accidents.
- Concern of illegal parking blocking off the fire station access.
- Proposed car park to the rear is difficult to access and will likely be used by other business and residential flats above.
- Delivery pick up will pose risks to road users and pedestrians on a busy main road.
- Customers will not use nearby carparks.
- Concern that construction/delivery works will cause highway safety problems on narrow side road.
- Increased noise, odours and general disturbance.
- Proposed development is a safeguarding risk to the public.
- The site is not an appropriate location for a hot food takeaway use. There are other food outlets within close proximity.

Officer Response:

The comments made within the representations are noted and is it considered that all points raised have been addressed within the assessment of the published Committee Report. Further details can be found within Paragraph 10 – 10.39 of the published Committee Report.

Further to the above additional representations received, (Ward) Councillor Martin Bolt provided previous comments/questions that were raised during the processing of the application that have been assessed and taken into consideration during the application process.

In addition, Councillor Martin Bolt has raised concern that there is no information/evidence for the delivery vehicles accessing the yard at the rear of the building and no swept path analysis has been provided.

Officer Response: This comment is noted. The submitted Delivery Management Plan provides a parking strategy which states that delivery vehicles will park within the car park to the rear of the building and not on the highway network. In the event that members resolve to approve the application, as outlined in the published Committee Report, it is recommended that a condition be attached to the decision that this Delivery Management Plan is fully complied with for the lifetime of the development. It is noted that no swept path analysis plans have been provided, however it is considered that the rear parking area is acceptable and has been assessed and deemed acceptable by KC Highways Development Management.

KC Highways Development Management have also commented that the service yard to the rear is to facilitate staff parking, the storage of refuse containers and to secure pizza delivery vehicles which will be in the form of E-bikes and scooters. It is acknowledged that there is insufficient room to the rear of the premises off Trinity Street, as detailed in the Transport Assessment and Delivery Management Plan. Loading to the premises will take place on Huddersfield Road (outside peak times). Further to this, it should also be noted that the Traffic Regulation Order in the form of yellow box marking to the fire station shall be adhered to – i.e. not obstructed by delivery vehicles.



Appendix 3 – 2025/62/90487/E Delegated Officer Report

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:	2025/62/90487/E
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.

AUTHORISED OFFICER

Date: 12-DEC-2025

Decision Authorisation: Committee Decision

Committee: District Committee

Date of Committee: 27th November 2025

Application Number: 2025/90487

Officer Recommendation: Approve

Committee Decision: Refuse

Summary of Committee Decision

The application was heard at the 27th 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

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.

Report Dated:

10/12/2025



Appendix 4 – Appeal Decision APP/ZO116/A/12/2176015

Appeal Decision

Site visit made on 16 May 2016

by Rory Cridland LLB (Hons)

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24 June 2016

Appeal Ref: APP/Z0116/W/16/3145036
68 Westbury Hill, Westbury, Bristol BS9 3AA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Second State Pizza Company Ltd t/a Domino's against the decision of Bristol City Council.
 - The application Ref 15/04143/F, dated 11 August 2015, was refused by notice dated 25 November 2015.
 - The development proposed is change of use from a vacant retail unit (Class A1) to a hot food takeaway (Class A5); installation of extraction/ventilation equipment and external alterations.
-

Decision

1. The appeal is allowed and planning permission is granted for a change of use from a vacant retail unit (Class A1) to a hot food takeaway (Class A5); installation of extraction/ventilation equipment and external alterations at 68 Westbury Hill Westbury, Bristol BS9 3AA in accordance with the terms of the application, Ref 15/04143/F, dated 11 August 2015, subject to the conditions set out in the attached Schedule.

Main Issues

2. The main issues are the effect of the proposed takeaway on:
 - (i) the health of young people; and
 - (ii) the effect of the proposed development on highway safety, with particular regard to parking provision.

Reasons

Highway Safety

3. The appeal property is vacant having formerly traded as a dry cleaners. It is located in the Town Centre which forms part of the Westbury-on-Trym Conservation Area and is within the defined Primary Shopping Area. Although surrounded by other commercial premises, the majority of these are within Use Class A1 and there are no Class A5 units in the immediate vicinity. It is located on a busy road, close to the Grade II Listed War Memorial roundabout and directly alongside a pedestrian crossing. There are white zigzag road markings directly outside with double yellow lines further along the road.

4. The National Planning Policy Framework (“the Framework”) advises that development should only be refused on transport grounds where the residual cumulative impacts of development are severe.
5. The proposed development would be located within easy walking distance of the surrounding residential area. The Council appears to accept that the proposal would not result in illegal parking by customers and acknowledges that the existing on street parking restrictions are enforceable outside of the planning process. However, it is concerned that a lack of parking for delivery drivers would, at peak times, result in unauthorised parking to the front which would be detrimental to highway safety. I find this unlikely. As with customers, delivery drivers who arrive and find the sole parking space to the rear occupied are unlikely to seek to park at the front with its associated traffic restrictions and the safety issues which would be likely to arise. Instead they are more likely to find alternative legal parking in the immediate area while waiting for the available space to become free. In any event, as with customer parking, the restrictions in place are enforceable outside of the planning process.
6. Furthermore, I noted during my site visit that parking appeared in high demand as would be expected during normal business hours. Nevertheless, it was clear that there were spaces available in close proximity to the unit which could accommodate delivery vehicles should the need arise.
7. The proposed HFT would operate during the day and the evening. However, its delivery service is likely to be at its peak in the evening when other commercial premises are closed. As such the demand for parking will have significantly reduced. While I accept that the demand from local residents will have increased, it appears to me that there is sufficient parking capacity to accommodate the requirements of both local residents and the delivery vehicles without either having to resort to illegal parking.
8. While I note the Council’s concerns that a high number of pizza delivery vehicles utilising the car park could impact on the amenity of the occupiers of nearby Priory Dene, no robust evidence has been submitted which establishes that the number of vehicle movements would be so great that it would materially affect the living conditions of occupiers of these properties. Accordingly, I do not regard this as sufficient to warrant a refusal of planning permission in this instance.
9. On the whole, the evidence before me does not establish that the change of use proposed would result in unsafe or illegal parking on the road outside it. Furthermore, while I note the concerns of local residents that the additional vehicle movements associated with the change of use would result in highway safety issues along Priory Dene, these movements would be at their highest outside peak times and when vehicular use of that street was significantly lower. It would therefore be unlikely to result in sufficiently serious highways safety issues to justify a refusal of planning permission.
10. Consequently, for the above reasons, I conclude that the development would not be detrimental to highway safety. Accordingly, I find no conflict with Policy BCS10 of the Bristol Core Strategy¹ or Policies DM10 & DM23 SADMP which

¹ Bristol Development Framework Core Strategy (2011)

seek to ensure, amongst other things, that new A5 development does not prejudice highway safety.

Health of young people

11. Policy DM10 of the Site Allocations and Development Management Policies² ("SADMP") restricts development which would result in a harmful concentration of food and drink uses. In assessing the impact of proposals, it sets out a number of matters which are to be taken into account including the number, distribution and proximity of such units. It also seeks to limit the number of takeaways situated in close proximity to schools and youth facilities.
12. The appeal site is situated around 60m from the Westbury-on-Trym Methodist Church. The Council argues that in view of the number of youth activities which take place there, this should be regarded as a youth facility. Although not its primary purpose, from the evidence before me it appears that a considerable number of young people attend the site on a regular basis. Accordingly, I am satisfied that it is the type of youth facility envisaged by Policy DM10.
13. The explanatory text of Policy DM10 provides a definition of close proximity as being up to 400m of a school or youth facility, while also recognising that the point at which a harmful concentration is reached will vary from place to place. As such, the 400m figure is only a starting point and it is necessary to consider the site's location and the number of existing units and assess whether the proposal would result in a harmful overconcentration.
14. In this case, the proposed development would be a pizza delivery business located in the town centre, an area where such uses are to be expected. The imposition of a 400m exclusion zone around youth facilities in this location would exclude large parts of the town centre and would severely restrict class A5 development in that area. This would be detrimental to the overall vitality and viability of the town centre, contrary to the advice set out in paragraph 23 of the National Planning Policy Framework.
15. Although there are other hot food takeaways nearby, their numbers are small. Similarly, there is a sufficient degree of separation to ensure that there is no overconcentration of such uses. Although they are situated within a short distance of the appeal site and the church, their limited number and degree of separation help ensure that any impact on young people is likely to be limited. The Council has provided little in the way of robust evidence to show that children attending the church to undertake youth activities will be influenced by the presence of an additional Hot Food Takeaway ("HFT") in this location. In the absence of such evidence, I regard the addition of a further unit selling takeaway pizza as unlikely to materially alter the present position.
16. Whilst I have had regard to the concerns of neighbouring occupiers and other third parties, particularly those of Centre which relate to the potential contradictory messages to their clients, I accept that different types of takeaway will have different health impacts and that fast food does not necessarily equate to unhealthy eating. I am therefore satisfied that any resultant harm would not be significant and as such would be insufficient to justify a refusal of planning permission.

² Adopted July 2014

17. Accordingly, I find that the proposal would not be harmful to health or to the promotion of healthy lifestyles and as such find no conflict with Policy DM10 of the SADMP.

Other matters

18. The proposal includes a new shop front and other physical works. However, the Council raises no objection to the proposal on this basis and I see no reason to come to a contrary view. Accordingly, I conclude that the Westbury-on-Trym Conservation Area, within which the appeal property lies, would be preserved as would the setting of the Grade II Listed War Memorial.
19. I have taken into account the concerns of nearby residents and the objections made both at application stage and as part of this appeal. Those which relate to highway safety and unhealthy eating have been considered in my reasoning above. Those which relate to odours, noise, air quality, waste, vermin and litter were considered by the Council at application stage. I note that they do not form a reason for refusal and where necessary, could, where appropriate, be adequately dealt with by means of a condition. Accordingly, I do not regard them as sufficient, either individually or cumulatively, to justify a refusal of planning permission in this instance.

Conditions

20. I have had regard to the conditions suggested by the Council. In addition to the standard time condition, I regard a condition requiring compliance with the approved plans as necessary for the avoidance of doubt. Likewise, a condition requiring the submission of further details of the extraction/ventilation system is necessary in the interests of adjoining properties and for general environmental protection as are those which relate to refuse and recycling facilities. A condition restricting noise levels of the plant and equipment is necessary in the interest of neighbouring amenity.
21. I have considered the Council's suggested restriction on opening hours. However, no robust reasoning has been provided which would justify limiting the operating hours of the proposed takeaway to those suggested. Furthermore, I note that the other nearby takeaways have similar opening times to those proposed by the appellant. In view of its town centre location, such a restriction would not be appropriate and I have amended the suggested condition accordingly.
22. I do not however regard a condition requiring an Odour Management Plan as necessary. As the appellant has pointed out, this information is included in the submitted documentation.
23. Although I have found that the number of vehicle movements associated with the delivery of pizzas would not have any material impact on the residents of Priory Dene, when coupled with additional deliveries to the premises, the cumulative impact has the potential to create unacceptable levels of disturbance, particularly later in the evening. As such, I regard the imposition of a condition restricting deliveries to the premises to be reasonable and necessary in order to protect the amenity of neighbouring occupiers.
24. A number of these conditions need to be discharged before work commences on site as these relate to matters which need to be resolved on a fully coordinated basis.

Conclusion

25. For the reasons set out above I conclude that the appeal should be allowed.

INSPECTOR

SCHEDULE

Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) Except where these conditions require otherwise, the development hereby permitted shall be carried out in accordance with the following approved plans:
 - DB146 -EL-05 - Proposed Front and Rear Elevations
 - DB146 -EL-06 - Proposed Side Elevation,
 - DB146 -EX-01 - Existing Layout Plan,
 - DB146 -EX-02 - Existing Front and Rear Elevations
 - DB146 -EX-03 - Existing Side Elevation
 - DB146-BP09A - Block Plan
 - DB146 -GA-04A - Proposed Layout Plan
 - DB146-LP, Revision B - Site Location Plan
- 3) No development shall take place until details of ventilation system for the extraction and dispersal of cooking odours including details of the flue, its location and the method of odour control, noise levels and noise attenuation measures have been submitted to and approved in writing by the local planning authority

The approved scheme shall be implemented prior to the commencement of the use, be permanently retained thereafter, be used for its intended purpose during opening times and maintained in accordance with the details set out in Para 5.9 of the Supporting Annex B Document for Proposed Ventilation System.
- 4) No building or use hereby permitted shall be occupied or the use commenced until the refuse store, and area/facilities allocated for storing of recyclable materials, have been completed in accordance with the approved plans. Thereafter, all refuse and recyclable materials associated with the development shall either be stored within this dedicated store/area or internally within the building that forms part of the application site. No refuse or recycling material shall be stored or placed for collection on the public highway or pavement, except on the day of collection.
- 5) The rating level of any noise generated by plant & equipment as part of the development shall be at least 5 dB below the pre-existing background level as set out in Paragraph 3.2.2 of the Noise Report.
- 6) Activities relating to the collection of refuse and recyclables and the tipping of empty bottles into external receptacles shall only take place between 08.00 and 20.00 Monday to Saturday and not at all on Sundays or Bank Holidays.
- 7) Activities relating to deliveries to the premises (excluding activities involving the delivery of cooked pizza's to customers) shall only take place between 08.00 and 20.00 Monday to Saturday and not at all on Sundays or Bank Holidays.

- 8) The use hereby permitted shall not be open to customers outside the following times:

11:00 to 23:00 Monday to Sunday.



Appendix 5 – Appeal Decision

APP/B4215/W/25/3366850



Appeal Decision

Site visit made on 5 August 2025

by **Katie McDonald MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 August 2025

Appeal Ref: APP/B4215/W/25/3366850

Shell UK Limited, 1081 Stockport Road, Manchester M19 2RE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Motor Fuel Group against the decision of Manchester City Council.
 - The application Ref is 141206/FO/2024.
 - The development proposed is a change of use of part of existing sales building to create hot food takeaway (sui generis) in association with existing operation, together with single storey extension to create chiller compound, associated elevational alterations and installation of fume extraction flue and external plant equipment.
-

Decision

1. The appeal is allowed and planning permission is granted for a change of use of part of existing sales building to create hot food takeaway (sui generis) in association with existing operation, together with single storey extension to create chiller compound, associated elevational alterations and installation of fume extraction flue and external plant equipment at Shell UK Limited, 1081 Stockport Road, Manchester M19 2RE in accordance with the terms of the application, Ref 141206/FO/2024, subject to the conditions in the attached schedule.

Main Issues

2. These are the effect of the proposal on the:
 - a) Character and appearance of the area, with specific regard to the setting of the Grade II listed Church of St Andrew.
 - b) Living conditions of the occupiers of nearby dwellings, with specific reference to noise, disturbance, risk of crime and anti-social behaviour.
 - c) Safety of all highway users.

Reasons

Character and appearance

3. The site is an existing petrol filling station (PFS), located on the east side of Stockport Road. The site contains electric vehicle charging points, a standard canopy cover over the pumps, jet wash area and shop. There is car parking to the front of the shop. Stockport Road is a busy main thoroughfare, providing access to the M60, Stockport and Manchester city centre, and contains a mixture of commercial and residential uses, giving it an urban developed character. Opposite the site is a terraced row of dwellings and the Grade II listed Church of St Andrew. To the north is Cringle Road, with commercial and residential uses beyond on both sides of the road. To the south is a 24 hour gym and a Greggs, beyond which lies a KFC and McDonald's, both with drive thrus.

4. The proposal is to change part of the retail area into a hot food takeaway (HFT), along with a side extension to the street frontage and a flue. The extension would be flat roofed, modest size and contain no openings. Whilst it would be in a prominent position, the low height, matching materials and size means that it would harmonise with the existing building and have a limited effect on the surrounding area.
5. The flue would be located on the existing roof slope. It would be of a standard design and height and in this location, would have very little impact upon the street scene or existing building, having regard to the character of the area. There is a mixture of building types, ages, styles and the insertion of a standard, commonplace flue on a standard, commonplace petrol filling station would have a negligible effect.
6. The significance of the Church is derived from its architectural distinctiveness and historic interest as a product of early 20th-century ecclesiastical architecture in the Free Perpendicular style, with high-quality craftsmanship and materials. Its setting comprises the local streetscape and townscape, with the east facing gable, adorned with elaborate tracery and a foundation stone, directly confronting the street, which creates a prominent visual anchor.
7. The PFS is located directly opposite the Church, across the busy road. It is of a modern, standardised design, and the erection of a small extension and flue at the site would have little, if any, effect on the setting of the building or its significance. This is particularly the case when considering there is a large 'inpost locker' installation sited directly in front of the Church's prominent east facing gable.
8. Therefore, the effect of the proposal on the character and appearance of the area would be acceptable, compliant with policies SP1, EN3 and DM1 of the Core Strategy for the City of Manchester (July 2012, updated March 2024) (CS), policy DC19 of the Unitary Development Plan (UDP) (July 1995), and Policy JP-P1 of Places for Everyone Joint Development Plan Document (March 2024) (PfE). Together these seek the creation of well-designed places that enhance or create character and conserves the historic environment. There would also be compliance with the Hot Food Takeaway Supplementary Planning Document (March 2017) (SPD), which requires proposals for odour abatement to have no adverse impact on visual amenity. Despite its reference in the reason for refusal, Policy JP-P6 of the PfE is of no relevance to the assessment of this main issue.

Living conditions

9. The HFT would be accessed internally from the retail unit, and whilst not being ancillary, would be a complimentary use to the overall use of the site. Given this, and accepting the PFS operates 24/7, it would be reasonable to conclude that most of the business to the HFT would be from linked trips. Indeed, this is what the transport evidence concludes and additional people visiting the site would have a limited impact given that people already visit the site now. There are also alternative HFT options with drive thrus, eat in options and plentiful parking, in proximity to the site, which may be used in a linked trip or as an alternative offer. The Council provides no counter evidence regarding its asserted harmful increase in intensity and use, only assertion. Therefore, as the proposal is, in my view, increasing the offer that the site currently provides, it is unlikely to have any

adverse effect on the living conditions of nearby residents, particularly during the day.

10. That said, I accept that there could be some independent trips, or delivery drivers/cyclists collecting food during the evening, when background noise levels would be lower. This could lead to a slight increase in activity at the site, and residents may occasionally hear voices or observe increased activity at the site. However, the site is located on a busy arterial road that contains many commercial uses, other HFT's with eat in options and drive thrus, several of which open late into the evening, including the existing site which operates round the clock. Residential uses are located across this busy and wide main road, and the noise report also concludes that the proposal would only lead to a nominal 0.3dB increase in noise from the increase in activity on site. This would be negligible, and would not require attenuation. Thus, the proposed use alone is unlikely to exacerbate the effect to the point that there would be significant harm to neighbouring living conditions. Additionally, suggested conditions would control the hours of use, limiting the opening times to 0700-2300 Monday to Saturdays and 0800-2230 on Sundays and Bank Holidays [condition 10]. This would ensure that any activity arising from the site concluded by this hour, which would offer neighbouring residents respite during the later evening hours.
11. Congregations from delivery drivers would be unlikely as they are delivering hot food, and would be departing quickly to fulfil their job role. Assertions from the Council that site management would not be effective are without any substantive reasoning, nor is there any evidence of antisocial behaviour or crime that would arise because of this proposal. Furthermore, the site management plan could be the subject of a condition [condition 3], which would manage comings and goings and, if it were not operating effectively, the Council could pursue enforcement.
12. Bin collections would take place during the day, and the provision of extra bins to empty during the existing collection would not lead to adverse impacts, although a condition would ensure secure and appropriate arrangements [condition 8]. Any increased vermin or litter would be managed on site, and increased litter off site cannot be controlled by the developer. Deliveries to the site are likely to operate in the same way as already occurs, and the nominal increase is unlikely to result in any harm to neighbouring living conditions.
13. Therefore, whilst there would be a change to how the site operates, the proposal would not be an overly intensive use of the site, and increases in activity would have no harmful impact upon the neighbouring living conditions nearby. The proposal would comply with Policies SP1 and DM1 of the CS, Policies DC10 and DC26 of the UDP, and Policies JP-P1 and JP-P6 of the PfE. Together, these policies seek to have regard to the effects of development on amenity and health, including noise, odours, litter, vermin, safety, including by reducing opportunities for anti-social behaviour. There would also be compliance with Policy 2 of the SPD, which seeks to encourage centres and neighbourhoods which are vibrant and contribute to the Council's objective of improving the health of people living in Manchester.

Safety of all highway users

14. The evidence before me details that there would be an increase in trips of around 6% on weekdays and 7% on weekends. In numbers, this would equate to between

- 5 and 9 two-way movements during the weekday peak periods and around 12 two-way movements during the Saturday peak hour. During the later evening/early night time period, the increase would be fewer than 2 new trips during these hours. This is marginal especially considering the PFS is open 24/7. Given my conclusions above on there being limited increases in trips to the site, I am satisfied that the proposal would not lead to operational or safety concerns in relation to trip generation and traffic movements. This is in line with the findings of the Council's Highways Authority.
15. The proposal includes 3 additional car parking spaces to the front of the building, along with demarcated pedestrian walkways around the spaces. There appeared to me to be sufficient space to access the car parking spaces outside the building, even if all the pumps were in use. There is space to the side of pump 1 and it is likely that a vehicle could fit between pumps 2 and 3, and 4 and 5. Even if this were not the case, cars would simply have to wait until a car moved away to park. This is not unusual in PFSs. The new parking spaces would not be in front of the new access point, and would not hinder direct pedestrian access.
 16. In terms of the parking surveys as requested by the Council, the car parking accumulation survey¹ concludes that the level of parking accumulation within the site during the later evening and early night time period is minimal and reduces towards the later evening hours. At no point is the capacity of the existing provision exceeded, and I see no reason why additional surveys would be necessary in this instance.
 17. Fuel deliveries would use the same method as they do already. The increased car parking to the front of the retail unit would not affect this given the location of the tank farm, and tracking demonstrates that the new parking spaces would not hinder access around the forecourt and pumps. Other deliveries to the HFT would be every other day, and given this low frequency and existing site layout, I am satisfied that deliveries can be accommodated on site.
 18. Delivery drivers or cyclists picking up food from the HFT would park up on site, in the adequate parking and cycle bays. The movements in this area likely to be mostly in the evening when the PFS would be quieter, and the likelihood of conflict arising between these movements would be limited.
 19. The layout remains largely the same, and vehicles travel slowly through PFSs as drivers are either pulling in to fuel up, or pulling away when leaving. It is common for pedestrians to be walking where vehicles are driving, as they return to their cars following payment for fuel. I see no additional risk or safety issues created from the introduction of this use, or through an increase in pedestrians. Importantly, drivers are manifestly aware that there are pedestrians, as they will be about to, or have just carried out, that same pedestrian movement, and any additional drivers not fuelling up would be aware and experienced in the surroundings.
 20. Therefore, the proposal would have an acceptable effect upon the safety of all highway users. This is compliant with Policies SP1, T1 and DM1 of the CS, Policy DC10 of the UDP, and Policies JP-P1 and JP-P6 of the PfE. Together, these policies seek to have regard to the effects of development on amenity, including road safety and traffic generation, being well connected to other places, delivering a sustainable, high quality, integrated transport system to encourage modal shift

¹ Appellant's Highways Statement of Case

away from car travel to public transport, cycling and walking. There would also be no conflict with the SPD.

Other Matters

21. The appellant does not need to demonstrate that the proposal is required to maintain the viable operation of the site. There is little evidence before me to demonstrate that the proposal would not promote healthier food choices or positively contribute to health and well-being. It is not located close to local schools, and whilst the Council latterly sought to introduce a new argument into its Statement of Case regarding walking routes, the proposal would comply with the SPD as it would be more than 400m away from a school.

Conditions

22. In addition to the conditions detailed above, the drawings are listed for certainty [condition 2]. The site is required to be laid out and demarcated in accordance with the site plan and details of the cycle store are necessary to ensure that there is suitable provision for all users [conditions 4 and 5]. Details of the extraction system are necessary to ensure there are no adverse fumes or odours [condition 6].
23. I have not imposed the condition restricting the maximum floor space as this is indicated on the plans, and condition 2 requires the development to be carried out in accordance with these plans. I have not imposed the condition referring to operational requirements in the Transport Statement of the appellant's Transport Statement of Case, as there are none. It is also unnecessary to require the development to be carried out in accordance with the Noise Impact Assessment as this simply assesses the proposal, however, I have required the proposed plant to be installed as described in the report, which also negates the requirement for details to be submitted [condition 7]. I have also not imposed surveys for contaminated land investigations, given the small scale of the proposed groundworks. I have however, imposed a condition for unexpected contamination [condition 9].

Conclusion

24. For the reasons given above, the appeal is allowed.

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Block plan Ref: 13671-BP
 - Location plan Ref: 13671-LP
 - Proposed site layout Ref: 13671-P02 Rev C
 - Proposed sales building (Layout) Ref: 13671-P05 Rev E
 - Proposed sales building elevation Ref: 13671-P06 Rev B
 - Proposed section Ref: 13671-P07 Rev B
- 3) Prior to the development being brought into use, a site management plan shall be submitted to and approved in writing by the local planning authority. The plan shall provide measures to manage external areas of the forecourt, which would be utilised as part of the implemented development, including the prevention of loitering outside the hot food takeaway and wider petrol filling station forecourt, and ensuring the appropriate undertaking of off-site customer deliveries.
- 4) Prior to the development being brought into use, the demarcation of pedestrian routes, cycle storage and car parking shall be implemented in accordance with the detail of drawing No 13671-P02 Rev C. The demarcated areas shall be maintained in situ thereafter.
- 5) The development shall not be occupied until facilities for the secure storage of cycles have been provided in accordance with details to be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and retained in perpetuity.
- 6) The development shall not be occupied until equipment to control the emission of fumes and odour from the premises has been installed in accordance with a scheme, which shall first have been submitted to and approved in writing by the local planning authority. All equipment installed as part of the approved scheme shall thereafter be operated, maintained and retained in perpetuity.
- 7) Prior to the development being brought into use, the proposed plant and duct mounted attenuation, as described in the Noise Impact Assessment by EEC [EEC/EC19819-6 Version 1] shall be installed in full. All equipment installed shall thereafter be operated, maintained and retained in perpetuity.
- 8) Prior to the development being brought into use, a scheme for the storage and disposal of refuse, including external enclosures shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.
- 9) Any contamination that is found during construction of the approved development shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the

local planning authority. These approved schemes shall be carried out before the development is resumed or continued.

- 10) The hot food takeaway shall only be open for customers between the following hours:
0700-2300 Mondays - Saturdays
0800-2230 on Sundays and Bank/Public Holidays.

*****END OF CONDITIONS*****



Appendix 6 – Appeal Decision APP/L6940/A/18/3193479



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 23/04/18

gan **P J Davies BSc (Hons) MA MRTPI**
Arolygydd a benodir gan Weinidogion Cymru
Dyddiad : **10 Mai 2018**

Appeal Decision

Site visit made on 23/04/18

by **P J Davies BSc (Hons) MA MRTPI**
an Inspector appointed by the Welsh Ministers
Date : **10 May 2018**

Appeal Ref: APP/L6940/A/18/3193479

Site address: HSBC, 11 High Street, Treorchy, CF42 6AG

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by PTB Properties Ltd against the decision of Rhondda Cynon Taf County Borough Council.
 - The application Ref 16/1066/10, dated 27 September 2016, was refused by notice dated 24 July 2017.
 - The development proposed is a change of use from bank (A2) to hot food takeaway (Class A3) and installation of extraction / ventilation equipment.
-

Decision

1. The appeal is allowed and planning permission is granted for a change of use from bank (A2) to hot food takeaway (Class A3) and installation of extraction / ventilation equipment at HSBC, 11 High Street, Treorchy, CF42 6AG in accordance with the terms of the application, Ref 16/1066/10, dated 27 September 2016, subject to the conditions set out in the attached schedule.

Main Issue

2. The main issue is the effect of the proposal on highway safety, having particular regard to the demand for parking.

Reasons

3. The appeal property is a former bank situated in Treorchy town centre adjacent to a main junction that is subject to high volumes of traffic. It is also on a strategic route for traffic connecting from various settlements in the Rhondda Valley. Within the vicinity of the site, there are double yellow line parking restrictions around the signal controlled junction and extending along High Street on both sides of the road. There are also parking restrictions and residential permit zones on adjoining streets. The closest available parking for customers of the proposed development would be on a short section of Chapel Street, which is limited to one hour waiting between 9am and 5.30pm for non-permit holders. Parking provision is therefore very limited close to the site and I observed a high demand for spaces.
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4. I share the view that take away customers will generally try and park as close to the premises as possible because they are encouraged by the short term nature of the visit and a desire to keep food hot. Nonetheless, any retail or office use of the building would generate parking demand, and services such as cashpoints or a general convenience store can also attract short term visits. Using TRICS trip rate database, the appellant has made a comparison between trip rates for A1/A2 and A3 uses and concludes that a permitted A1 use would be likely to generate an equal or potentially higher number of vehicular trips. This is not challenged by the Council and I have no reason to disagree with this assessment. In terms of parking demand, the Council does not quantify what it considers to be a greater intensity of short-term on-street parking arising from the proposal. Evidence from the appellant however substantiates that a worst case scenario would be a parking requirement of 2 -3 spaces at any one time. There are also other considerations affecting parking behaviour and demand that should be weighed in the balance.
5. There are parking restrictions in place to prevent illegal parking and to safeguard provision for residents. From the representations received it would appear that these parking restrictions are not being fully enforced, but that is a separate matter for the relevant enforcement authority. It remains the case that there are provisions in place to ensure the effective control of parking. Moreover, because of the busy traffic flows on High Street and having regard to the signal controlled junction, it would be clearly obvious to most drivers that parking on the restricted sections of the highway would cause serious obstruction to the free flow of traffic in an illegal and anti-social manner. In my view, this would be a significant deterrent for most drivers. Similarly, whilst the Council provide a photo of a large HGV delivering to another Domino premises, the highway and parking conditions would deter deliveries by large vehicles. For these reasons I consider that most drivers would be discouraged from parking on the double yellow lines near the site, even for a very short time. I note the advice in 4.13 of Technical Advice Note (TAN) 18 'Transport' that permission should be refused for developments where despite controlled parking, unacceptable road safety or congestion issues will probably remain. However this is aimed at new development whereas the proposal before me concerns an existing building where any use will generate parking demand.
6. The appeal property is within a shopping centre with a public car park approximately 200 metres away. It is a short level walk to the appeal property with formal pedestrian crossings over High Street, and I have no reason to believe that most customers would not use it. Some customers are likely to share trips to the take away facility with other journeys to the centre, and given its proximity to a residential area, it is also not unreasonable to expect some journeys to be made locally on foot. Moreover, the provision of a delivery service would be likely to reduce car journeys to the site. The evidence indicates that Friday, Saturday and Sunday evenings around 7-8pm are busiest for other similar take away facilities operated by the appellant and I have no reason to doubt that this would not be typical of most take away providers generally. During these times when many shops will be closed, there would invariably be less demand for the on street parking spaces that exist on High Street a short distance from the appeal site. The appeal property also benefits from a small service yard to the rear for some albeit limited off-street parking for staff.
7. On balance I consider that it has not been demonstrated that the proposal would result in any material increase in the demand for parking or cause any significant risk to highway safety or residential amenity arising from poor parking behaviour. I therefore find no conflict with the objectives of Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Conditions

8. I have had regard to the Council's suggested conditions. In addition to the time commencement and plans compliance conditions, I have attached conditions relating to HGV deliveries and an amendment to a Traffic Regulation Order in the interests of highway safety. Conditions relating to odour/fume control and waste fats/oil disposal are also necessary to ensure that there is no detriment to residential or environmental amenity.

Other Matters

9. In reaching my decision, I have taken account of the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WCFG Act.

Conclusions

10. For the above reasons and having regard to all other matters raised, the appeal is allowed.

INSPECTOR

Schedule of Conditions

- 1) The development shall begin not later than five years from the date of this decision.
- 2) The development shall be carried out in accordance with the following approved plans and documents: B9217-AEW-16063-ZZ-DR-0003; B9217-AEW-16063-ZZ-DR-0004; B9217-AEW-16063-XX-DR-0005; B9217-AEW-16063-XX-DR-0006.
- 3) No HGV delivery shall take place between the hours of 0700-1000 and 1500 – 1900 on any day of the week.
- 4) The development shall not be brought into beneficial use until an amendment to the Traffic Regulation Order (TRO) along Chapel Street to safeguard access to the rear parking area has been completed in accordance with details to be approved in writing by the local planning authority.
- 5) Prior to the commencement of the use hereby permitted, a scheme of odour/effluvia/fume control shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.
- 6) Prior to the commencement of the use hereby permitted, details of a system to prevent waste cooking oil, fats, grease and solid waste from entering the foul drainage system shall be submitted to and agreed in writing by the local planning authority. The use shall thereafter be carried out in accordance with the approved details.



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 23/04/18

gan **P J Davies BSc (Hons) MA MRTPI**
Arolygydd a benodir gan Weinidogion Cymru
Dyddiad : **10 Mai 2018**

Appeal Decision

Site visit made on 23/04/18

by **P J Davies BSc (Hons) MA MRTPI**
an Inspector appointed by the Welsh Ministers
Date : **10 May 2018**

Cyf yr apêl: APP/L6940/A/18/3193479

Cyfeiriad y safle: HSBC, 11 Stryd Fawr, Treorci, CF42 6AG

Mae Gweinidogion Cymru wedi trosglwyddo'r awdurdod i benderfynu ar yr apêl hon i mi fel yr Arolygydd penodedig.

- Gwneir yr apêl o dan adran 78 Deddf Cynllunio Gwlad a Thref 1990 yn erbyn gwrthod rhoi caniatâd cynllunio.
 - Gwneir yr apêl gan PTB Properties Ltd yn erbyn y penderfyniad gan Gyngor Bwrdeistref Sirol Rhondda Cynon Taf.
 - Gwrthodwyd y cais, Cyf 16/1066/10, dyddiedig 27 Medi 2016, drwy hysbysiad dyddiedig 24 Gorffennaf 2017.
 - Y datblygiad a gynigir yw newid defnydd o fanc (A2) i siop fwyd poeth tecawê (Dosbarth A3) a gosod offer tynnu aer / awyru.
-

Penderfyniad

1. Caniateir yr apêl a rhoddir caniatâd cynllunio ar gyfer newid defnydd o fanc (A2) i siop fwyd poeth tecawê (Dosbarth A3) a gosod offer tynnu aer / awyru yn HSBC, 11 Stryd Fawr, Treorci, CF42 6AG yn unol â thelerau'r cais, Cyf 16/1066/10, dyddiedig 27 Medi 2016, yn amodol ar yr amodau a osodir allan yn y rhestr atodedig.

Prif Fater

2. Y prif fater yw effaith y cynnig ar ddiogelwch ar y ffyrdd, gan roi sylw arbennig i'r galw am barcio.

Rhesymau

3. Mae eiddo'r apêl yn fanc blaenorol wedi'i leoli yng nghanol tref Treorci ger prif gyffordd lle ceir llawer iawn o draffig. Hefyd, mae ar lwybr strategol ar gyfer traffig sy'n cysylltu gwahanol aneddiadau yng Nghwm Rhondda. Yng nghyffiniau'r safle, ceir cyfyngiadau parcio ar ffurf llinellau melyn dwbl o amgylch y gyffordd a reolir gan signalau ac mae'r rhain yn ymestyn ar hyd y Stryd Fawr ar ddwy ochr y ffordd. Yn ogystal, ceir cyfyngiadau parcio a pharthau trwyddedau preswyl mewn strydoedd cyfagos. Ceir y mannau parcio agosaf a fyddai ar gael i gwsmeriaid y datblygiad a gynigir ar ran fer o Chapel Street, sy'n gyfyngedig i un awr o aros rhwng 9am a 5.30pm ar gyfer pobl heb drwyddedau. Felly, mae'r ddarpariaeth barcio yn gyfyngedig iawn ger y safle a sylwais fod galw mawr am leodd.
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4. Rwy'n rhannu'r farn y bydd cwsmeriaid, yn gyffredinol, yn ceisio parcio mor agos i'r safle ag y bo modd oherwydd cânt eu hannog gan natur fyrdymor yr ymweliad ac awydd i gadw bwyd yn boeth. Serch hynny, byddai unrhyw ddefnydd manwerthu neu swyddfa yn yr adeilad yn creu galw am barcio, ac mae gwasanaethau fel peiriannau arian parod neu siop gyfleustra gyffredinol yn gallu denu ymweliadau tymor byr hefyd. Gan ddefnyddio cronfa ddata cyfraddau teithiau TRICS, mae'r apelydd wedi gwneud cymhariaeth rhwng cyfraddau teithiau ar gyfer defnyddiau A1/A2 ac A3 a daw i'r casgliad y byddai defnydd A1 a ganiateir yn debygol o achosi nifer cyfartal neu o bosibl nifer mwy o deithiau cerbydau. Nid yw'r Cyngor yn herio hyn ac nid oes gennyf unrhyw reswm i anghytuno â'r asesiad hwn. O ran y galw am barcio, nid yw'r Cyngor yn mesur yr hyn y maent yn ei ystyried fel dwysedd uwch o barcio ar y stryd yn y tymor byr a fyddai'n deillio o'r cynnig. Fodd bynnag, mae tystiolaeth gan yr apelydd yn cadarnhau mai'r senario gwaethaf fyddai gofyniad parcio am 2 -3 o leoedd ar unrhyw adeg. Hefyd, mae ystyriaethau eraill sy'n effeithio ar ymddygiad parcio a'r galw am barcio a dylid pwysu a mesur y rhain.
5. Mae cyfyngiadau parcio ar waith i atal parcio anghyfreithlon ac i ddiogelu darpariaeth ar gyfer trigolion. O'r sylwadau a dderbyniwyd, mae'n ymddangos nad yw'r cyfyngiadau parcio'n cael eu gorfodi'n llawn, ond mae hyn yn fater ar wahân ar gyfer yr awdurdod gorfodi perthnasol. Mae'n parhau'n wir fod darpariaethau ar waith i sicrhau rheolaeth effeithiol ar barcio. Ar ben hynny, oherwydd y llifoedd prysur o draffig ar y Stryd Fawr a gan ystyried y gyffordd a reolir gan signalau, byddai'n hollol eglur i'r rhan fwyaf o yrwyr y byddai parcio ar y rhannau cyfyngedig o'r briffordd yn achosi rhwystr difrifol i lif rhydd y traffig mewn ffordd anghyfreithlon a gwrthgymdeithasol. Yn fy marn i, byddai hyn yn rhwystr sylweddol i'r rhan fwyaf o yrwyr. Yn yr un modd, er bod y Cyngor wedi darparu llun o gerbyd nwyddau trwm mawr yn cyflenwi adeilad Domino arall, byddai'r amgylchiadau o ran ffyrdd a pharcio yn rhwystro cyflenwi gan gerbydau mawr. Am y rhesymau hyn, rwyf o'r farn y byddai'r rhan fwyaf o yrwyr yn penderfynu peidio â pharcio ar y llinellau melyn dwbl ger y safle, hyd yn oed am gyfnod byr iawn. Nodaf y cyngor ym mharagraff 4.13 Nodyn Cyngor Technegol (TAN) 18 'Trafnidiaeth' y dylid gwrthod caniatâd ar gyfer datblygiadau lle mae'n debyg y bydd materion annerbiniol yn ymwneud â diogelwch y ffordd neu dagfeydd heb eu datrys o hyd er gwaethaf parcio rheoledig. Fodd bynnag, cyfeiria hyn at ddatblygiadau newydd, ond mae'r cynnig sydd ger fy mron yn ymwneud ag adeilad sy'n bodoli lle byddai unrhyw ddefnydd yn creu galw am barcio.
6. Mae eiddo'r apêl o fewn canolfan siopa gyda maes parcio cyhoeddus tua 200 metr i ffwrdd. Mae'n daith gerdded fer a gwastad i eiddo'r apêl gyda chroesfannau ffurfiol ar gyfer cerddwyr ar draws y Stryd Fawr, ac nid oes gennyf unrhyw reswm i gredu na fyddai'r rhan fwyaf o gwsmeriaid yn ei ddefnyddio. Mae rhai cwsmeriaid yn debygol o rannu teithiau i'r cyfleuster tecawê â theithiau eraill i'r ganolfan, ac o ystyried yr agosrwydd at ardal breswyl, nid yw'n afresymol i ddisgwyl i rai teithiau gael eu gwneud yn lleol ar droed. Ar ben hynny, byddai darparu gwasanaeth cyflenwi yn debygol o leihau teithiau ceir i'r safle. Mae'r dystiolaeth yn dangos mai nosweithiau Gwener, Sadwrn a Sul o gwmpas 7-8pm sydd fwyaf prysur i gyfleusterau bwyd tecawê tebyg a weithredir gan yr apelydd ac nid oes gennyf unrhyw reswm i amau na fyddai hyn yn nodweddiadol i'r rhan fwyaf o ddarparwyr bwyd tecawê yn gyffredinol. Yn ystod yr amseroedd hyn pan fydd nifer o siopau ar gau, mae'n anochel y bydd llai o alw am y manau parcio ar y stryd sy'n bodoli ar y Stryd Fawr ychydig bellter o safle'r apêl. Hefyd, mae gan eiddo'r apêl iard wasanaeth fach yn y cefn sydd â nifer cyfyngedig o fannau parcio oddi ar y stryd ar gyfer staff.

7. Yn gyffredinol, rwyf o'r farn na ddangoswyd y byddai'r cynnig yn arwain at unrhyw gynnydd sylweddol yn y galw am barcio nac yn achosi unrhyw risg sylweddol i ddiogelwch ar y ffyrdd neu i amwynder preswyl a fyddai'n deillio o ymddygiad parcio gwael. Felly, nid welaf unrhyw wrthdaro ag amcanion Polisi AW5 Cynllun Datblygu Lleol Rhondda Cynon Taf.

Amodau

8. Rwyf wedi ystyried yr amodau a awgrymir gan y Cyngor. Yn ogystal â'r amodau yn ymwneud ag amser cychwyn a chydymffurfio â chynlluniau, rwyf wedi atodi amodau sy'n ymwneud â chyflenwi gan gerbydau nwyddau trwm a diwygiad i Orchymyn Rheoleiddio Traffig er budd diogelwch ar y ffyrdd. Hefyd, mae amodau yn ymwneud â rheoli arogl/mygdarth a braster gwastraff/gwaredu olew yn angenrheidiol er mwyn sicrhau na fydd unrhyw amharu ar amwynderau preswyl neu amgylcheddol.

Materion Eraill

9. Wrth wneud fy mhenderfyniad, rwyf wedi ystyried gofynion adran 3 ac adran 5 Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015. Ystyriaf fod y penderfyniad hwn yn unol ag egwyddor datblygu cynaliadwy'r Ddeddf trwy ei gyfraniad tuag at un neu fwy o amcanion llesiant Gweinidogion Cymru a osodir allan fel sy'n ofynnol gan adran 8 y Ddeddf.

Casgliadau

10. Am y rhesymau uchod ac ar ôl ystyried yr holl faterion eraill a godwyd, caniateir yr apêl.

AROLYGYDD

Rhestr o Amodau

- 1) Cychwynnir y datblygiad heb fod yn hwyrach na phum mlynedd o ddyddiad y penderfyniad hwn.
- 2) Gweithredir y datblygiad yn unol â'r cynlluniau a dogfennau cymeradwy canlynol: B9217-AEW-16063-ZZ-DR-0003; B9217-AEW-16063-ZZ-DR-0004; B9217-AEW-16063-XX-DR-0005; B9217-AEW-16063-XX-DR-0006.
- 3) Ni chaniateir unrhyw gyflenwi gan gerbydau nwyddau trwm rhwng oriau 0700 – 1000 a 1500 – 1900 ar unrhyw ddiwrnod o'r wythnos.
- 4) Ni chaiff y datblygiad ei ddefnyddio'n fuddiol hyd nes y cwblheir diwygiad i'r Gorchymyn Rheoleiddio Traffig ar hyd Chapel Street er mwyn diogelu mynediad i'r man parcio yn y cefn, yn unol â manylion i'w cymeradwyo'n ysgrifenedig gan yr awdurdod cynllunio lleol.
- 5) Cyn cychwyn ar y defnydd a ganiateir drwy hyn, rhaid i gynllun ar gyfer rheoli arogleuon/drewdod/mygdarth gael ei gyflwyno i'r awdurdod cynllunio lleol a'i gymeradwyo'n ysgrifenedig ganddynt. Wedi hynny, gweithredir y datblygiad yn unol â'r manylion a gymeradwyir.
- 6) Cyn cychwyn ar y defnydd a ganiateir drwy hyn, rhaid i fanylion system ar gyfer atal olew coginio, brasterau, saim a gwastraff solet rhag mynd i mewn i'r system ddraenio dŵr budr gael eu cyflwyno i'r awdurdod cynllunio lleol a'u cytuno'n ysgrifenedig ganddynt. Wedi hynny, gweithredir y datblygiad yn unol â'r manylion a gymeradwyir.

Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

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Expertly Done.

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