

# Public Document Pack



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Wednesday 19 November 2025

## Notice of Meeting

Dear Member

### **District-Wide Planning Committee**

The **District-Wide Planning Committee** will meet in the **Council Chamber - Town Hall, Huddersfield** at **1.00 pm** on **Thursday 27 November 2025**.

(A coach will depart the Town Hall, at 10.45am to undertake Site Visits. The consideration of Planning Applications will commence at 1.00 pm in Huddersfield Town Hall.)

This meeting will be webcast live and will be available to view via the Council's website.

The items which will be discussed are described in the agenda and there are reports attached which give more details.

A handwritten signature in cursive script, appearing to read 'S Lawton'.

**Samantha Lawton**

**Service Director – Legal, Governance and Commissioning**

Kirklees Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform the Chair/Clerk of their intentions prior to the meeting.

## District-Wide Planning Committee

### Member

Councillor Sheikh Ullah (Chair)  
Councillor Donna Bellamy  
Councillor Paola Antonia Davies  
Councillor Eric Firth  
Councillor Zahid Kahut  
Councillor Susan Lee-Richards  
Councillor Tony McGrath  
Councillor Mohan Sokhal  
Councillor Cathy Scott

When a Member of the District-Wide Planning Committee cannot attend the meeting, a member of the Substitutes Panel (below) may attend in their place in accordance with the provision of Council Procedure Rule 35(7).

### Substitutes Panel

#### Conservative

B Armer  
D Hall  
J Taylor  
C Holt  
M Thompson

#### Green

K Allison  
A Cooper

#### Labour

M Ahmed  
J Homewood  
B Addy  
M Crook  
J Rylah  
A Sewell  
H McCarthy

#### Liberal

**Democrat**  
A Munro  
A Pinnock  
C Burke  
J Lawson  
D Longstaff  
A Marchington  
A Robinson  
A Smith

#### Community Alliance

A Zaman  
A Anwar

#### Kirklees Community Independents

JD Lawson  
A Arshad

# Agenda

## Reports or Explanatory Notes Attached

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**Pages**

**1: Membership of the Committee**

To receive any apologies for absence, or details of substitutions to Committee membership.

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**2: Minutes of the Previous Meeting**

1 - 4

To approve the Minutes of the meeting of the Committee held on 9 October 2025.

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**3: Declaration of Interests and Lobbying**

5 - 6

Committee Members will advise (i) if there are any items on the Agenda upon which they have been lobbied and/or (ii) if there are any items on the Agenda in which they have a Disposable Pecuniary Interest, which would prevent them from participating in any discussion or vote on an item, or any other interests.

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**4: Admission of the Public**

Most agenda items will be considered in public session, however, it shall be advised whether the Committee will consider any matters in private, by virtue of the reports containing information which falls within a category of exempt information as contained at Schedule 12A of the Local Government Act 1972.

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**5: Public Question Time**

To receive any public questions.

In accordance with Council Procedure Rule 11, the period for the asking and answering of public questions shall not exceed 15 minutes.

Any questions must be submitted in writing at least three clear working days in advance of the meeting.

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## **6: Deputations / Petitions**

To receive any public questions.

In accordance with Council Procedure Rule 11, the period for the asking and answering of public questions shall not exceed 15 minutes.

Any questions must be submitted in writing at least three clear working days in advance of the meeting.

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## **7: Site Visit - Application No: 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 at 47, Huddersfield Road, Mirfield.

Ward affected: Mirfield

Contact: Nicole Helliwell, Planning Services

(Estimated time of arrival at site – 11.15am)

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## **8: Site Visit - Application No: 2025/91657**

Erection of first floor side extension (within a Conservation Area) at Kelvin Villa, 1, Newsome Street, Dewsbury.

Ward affected: Dewsbury West

Contact: Jennifer Booth, Planning Services

(Estimated time of arrival at site – 11.40am)

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## **9: Planning Applications**

7 - 10

The Planning Committee will consider the attached schedule of Planning Applications.

Please note that any members of the public who wish to speak at the meeting must register to speak by 5.00pm (for phone requests) or 11:59pm (for email requests) on Monday 24 November 2025.

To register, please email [governance.planning@kirklees.gov.uk](mailto:governance.planning@kirklees.gov.uk) or phone the Governance Team on 01484 221000 (ext 74993).

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**10: Planning Application - Application No: 2025/90487** 11 - 36

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.

Ward affected: Mirfield

Contact: Nicole Helliwell, Planning Services

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**11: Planning Application - Application No: 2025/91657** 37 - 46

Erection of first floor side extension (within a Conservation Area) at Kelvin Villa, 1, Newsome Street, Dewsbury.

Ward affected: Dewsbury West

Contact: Jennifer Booth, Planning Services

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### **Planning Update**

An update, providing further information on applications on matters raised after the publication of the agenda, will be added to the web agenda prior to the meeting.

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Contact Officer: Sheila Dykes

## KIRKLEES COUNCIL

### DISTRICT-WIDE PLANNING COMMITTEE

**Thursday 9th October 2025**

Present: Councillor James Homewood (Chair)  
Councillor Donna Bellamy  
Councillor Paola Antonia Davies  
Councillor Susan Lee-Richards  
Councillor Cathy Scott  
Councillor Mohan Sokhal  
Councillor Harry McCarthy

Apologies: Councillor Sheikh Ullah (Chair)  
Councillor Eric Firth  
Councillor Tony McGrath

**17 Membership of the Committee**

Apologies for absence were received on behalf of Councillors Firth, McGrath and Ullah.

Councillor Homewood substituted for Councillor Ullah and Councillor McCarthy substituted for Councillor Firth under the provision of Council Procedure Rule 35 (7).

**18 Appointment of Chair**

**RESOLVED -**

That Councillor James Homewood be appointed Chair for the meeting.

**19 Minutes of the Previous Meeting**

**RESOLVED –**

That the Minutes of the meeting held on 4<sup>th</sup> September 2025 be approved as a correct record.

**20 Declaration of Interests and Lobbying**

Councillors Bellamy, Davies, Lee-Richards, Scott and Sokhal advised they had been lobbied in respect of Application 2025/92103.

Councillor Scott advised that she had also been lobbied in respect of Application 2025/92092.

**21 Admission of the Public**

All agenda items were considered in public session.

**22 Public Question Time**

No public questions were received.

## District-Wide Planning Committee - 9 October 2025

### 23 Deputations / Petitions

No deputations or petitions were received.

### 24 Site Visit - Application No: 2025/92092

Site visit undertaken.

### 25 Site Visit - Application No: 2025/90439

Site visit undertaken.

### 26 Site Visit - Application No: 2025/92103

Site visit undertaken.

### 27 Request for Deferral - Application No. 2025/92103

A request had been submitted for the consideration of Application 2025/92103 to be deferred due to the Ward Councillor who had referred the item to the Committee being unable to attend.

#### **RESOLVED –**

That the consideration of Application 2025/92103 be considered at the meeting as scheduled.

### 28 Planning Application - Application No: 2025/90439

The Committee considered Application 2025/90439 relating to the conversion of an existing listed church to two dwellings, forming new resident's car park, external amenity spaces and associated works at Church of the Holy Innocents, Vicarage Road, Dewsbury.

Under the provisions of Council Procedure Rule 37, the Committee received a representation from Emma Cosgriff (on behalf of the Church Commissioners).

#### **RESOLVED –**

That consideration of the application be deferred and that the Head of Planning and Development be requested to:

- (i) Review and strengthen the conditions in respect of, but not limited to:
  - (a) The internal works. To include specification of the retention/ preservation/re-use of internal features including the war memorial.
  - (b) Ensure the Construction Management Plan, or any related condition, includes a requirement for further survey work to be undertaken, prior to commencement, in the area proposed for car parking to check for unmarked graves and ensure no unmarked graves will be impacted.
- (ii) Seek information/comment from the Commonwealth War Graves Commission and Civic Society in respect of the whole of the area within the red-line boundary.
- (iii) Provide the full text of the consultation response from consultees including the Victorian Society and any consultation with the Civic Society and the local community.
- (iv) Include a footnote to ensure the use of permeable/sustainable drainage for the parking area.

## District-Wide Planning Committee - 9 October 2025

A recorded vote was taken, in accordance with Council Procedure Rule 42(5), as set out below:

For: Councillors Bellamy, Davies, Homewood, Lee-Richards, McCarthy, Scott and Sokhal (7 votes)

Against: 0 votes

### 29 **Planning Application - Application No: 2025/92092**

The Committee considered Application 2025/92092 in relation to the change of use from dwelling (use class C3) to residential care home (use class C2) at 81 George Avenue, Birkby, Huddersfield.

#### **RESOLVED –**

That approval of the application and the issuing of the decision notice be delegated to the Head of Planning and Development, in order to complete the list of conditions including those contained within the report, as set out below:

1. Development to commence within 3 years.
2. In accordance with plans.
3. Restrict the maximum number of children.
4. In accordance with management plan.

A recorded vote was taken, in accordance with Council Procedure Rule 42(5), as set out below:

For: Councillors Bellamy, Davies, Homewood, Lee-Richards, McCarthy and Scott (6 votes)

Against: Councillor Sokhal (1 vote)

### 30 **Planning Application - Application No: 2025/92103**

The Committee considered Application 2025/92103 in respect of the change of use from dwelling (C3) to a children's home (C2) at 17 Far View Crescent, Almondbury, Huddersfield.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Chris Sentance and Malcolm Sizer (in objection), Jessica Corrales-Ruiz and Johnny Haigh (on behalf of the applicant).

#### **RESOLVED -**

That approval of the application and the issuing of the decision notice be delegated to the Head of Planning and Development, in order to complete the list of conditions including those contained within the report, as set out below:

1. Standard conditions regarding time scale.
2. In full accordance with plans.
3. Restrict maximum number of children.
4. In accordance with management plan.

## **District-Wide Planning Committee - 9 October 2025**

A recorded vote was taken, in accordance with Council Procedure Rule 42(5), as set out below:

For: Councillors Bellamy, Homewood, McCarthy and Scott (4 votes)

Against: 0 votes

Abstain: Councillors Davies, Lee-Richards and Sokhal.

## KIRKLEES COUNCIL

### DECLARATION OF INTERESTS AND LOBBYING

District Wide Planning Committee

**Name of Councillor**

Item in which you have an interest	Type of interest (eg a disclosable pecuniary interest or an "Other Interest")	Does the nature of the interest require you to withdraw from the meeting while the item in which you have an interest is under consideration? [Y/N]	Brief description of your interest

**LOBBYING**

Date	Application/Page No.	Lobbied By (Name of person)	Applicant	Objector	Supporter	Action taken / Advice given

Signed: ..... Dated: .....

## NOTES

### Disclosable Pecuniary Interests

If you have any of the following pecuniary interests, they are your disclosable pecuniary interests under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Any employment, office, trade, profession, or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.

Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.

Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority -

- under which goods or services are to be provided or works are to be executed; and
- which has not been fully discharged.

Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.

Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.

Any tenancy where (to your knowledge) - the landlord is your council or authority; and the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -

(a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and

(b) either -

the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

### Lobbying

If you are approached by any Member of the public in respect of an application on the agenda you must declare that you have been lobbied. A declaration of lobbying does not affect your ability to participate in the consideration or determination of the application.

# Agenda Item 9

In respect of the consideration of all the planning applications on this agenda the following information applies:

## PLANNING POLICY

The statutory development plan is the starting point in the consideration of planning applications for the development or use of land unless material considerations indicate otherwise (Section 38(6) Planning and Compulsory Purchase Act 2004).

The statutory Development Plan for Kirklees is the Local Plan (adopted 27<sup>th</sup> February 2019) and the Holme Valley Neighbourhood Development Plan (adopted 8<sup>th</sup> December 2021).

## National Policy/ Guidelines

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF), published December 2024 and updated February 2025, the Planning Practice Guidance Suite (PPGS), first launched 6<sup>th</sup> March 2014, together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

## REPRESENTATIONS

The Council's Development Management Charter (December 2024) sets out how people and organisations will be enabled and encouraged to be involved in the development management process relating to planning applications.

The applications have been publicised by way of press notice, site notice and neighbour letters (as appropriate) in accordance with the Development Management Charter and in full accordance with the requirements of regulation, statute and national guidance.

## EQUALITY ISSUES

The Council has a general duty under section 149 Equality Act 2010 to have due regard to eliminating conduct that is prohibited by the Act, advancing equality of opportunity and fostering good relations between people who share a protected characteristic and people who do not share that characteristic. The relevant protected characteristics are:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

In the event that a specific development proposal has particular equality implications, the report will detail how the duty to have “due regard” to them has been discharged.

## HUMAN RIGHTS

The Council has had regard to the Human Rights Act 1998, and in particular:-

- Article 8 - Right to respect for private and family life.
- Article 1 of the First Protocol - Right to peaceful enjoyment of property and possessions.

The Council considers that the recommendations within the reports are in accordance with the law, proportionate and both necessary to protect the rights and freedoms of others and in the public interest.

## PLANNING CONDITIONS AND OBLIGATIONS

Paragraph 56 of The National Planning Policy Framework (NPPF) requires that Local Planning Authorities consider whether otherwise unacceptable development could be made acceptable through the use of planning condition or obligations.

The Community Infrastructure Levy Regulations 2010 (as amended) stipulates that planning obligations (also known as Section 106 agreements – of the Town and Country Planning Act 1990) should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

The NPPF and further guidance in the PPGS, require that planning conditions should only be imposed where they meet a series of key tests; these are in summary:

1. necessary;
2. relevant to planning and;
3. to the development to be permitted;
4. enforceable;
5. precise and;
6. reasonable in all other respects

Recommendations made with respect to the applications brought before the Planning Committee have been made in accordance with the above requirements.

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## 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

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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

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**Electoral wards affected: Mirfield Ward**

**Ward Councillors consulted: NO**

**Public or private: Public**

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**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 8<sup>th</sup> May 2024, officers objected to the scheme due to highway safety comments, no realistic off-street parking facilities being proposed, deliveries to customers being collected from the front and not the rear yard and deliveries to the site and bin collection being proposed from Huddersfield Road.
- 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 27<sup>th</sup> 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 10<sup>th</sup> 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/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 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% 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 6<sup>th</sup> 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 7<sup>th</sup> 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.

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## Report of the Head of Planning and Development

### DISTRICT-WIDE PLANNING COMMITTEE

Date: 27-Nov-2025

**Subject: Planning Application 2025/91657 Erection of first floor side extension (within a Conservation Area) Kelvin Villa, 1, Newsome Street, Dewsbury, WF13 4HE**

#### APPLICANT

S Ibrahim

#### DATE VALID

20-Jun-2025

#### TARGET DATE

15-Aug-2025

#### EXTENSION EXPIRY DATE

08-Sep-2025

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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

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**Electoral wards affected: Dewsbury West**

**Ward Councillors consulted: NO**

**Public or private: Public**

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**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 due to the number of representations contrary to the officer recommendation, as per the Council's Scheme of Delegation.
- 1.2 Through the initial publicity process, 24 representations were received, all in objection.
- 1.3 A second publicity period was initiated in response to amended plans. 16 further representations were received with no additional concerns raised from those received to the initial plans.

**2.0 SITE AND SURROUNDINGS:**

- 2.1 1 Newsome Street is a detached stone dwelling with the side elevation facing onto Newsome Street. The property has gardens to the front with a detached outbuilding and a porch on the front elevation. The extension has been constructed on the side elevation with a projecting element to the front.
- 2.2 The surroundings are residential properties, mostly of stone construction.

**3.0 PROPOSAL:**

- 3.1 The application is seeking planning permission for a first floor side extension.
- 3.2 The extension would be built over the existing side extension with a width of 4m, with a 0.5m set back from the front of the main house. The roof form would be hipped.
- 3.3 The extension would be constructed using stone with tiles.

**4.0 RELEVANT PLANNING HISTORY (including enforcement history):**

- 4.1 2022/92587 - Erection of extension - Refused and dismissed at appeal
- 4.2 2023/92037 – Deemed application via enforcement appeal - Dismissed

- 4.3 2024/90923 - Alterations to existing conservatory to form enclosed room (within a Conservation Area) – Approved
- 4.4 2024/92012 – Non material amendment to previous permission 2024/90923 for demolition of existing conservatory and erection of single storey side extension (within a Conservation Area) - Agreed

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

- 5.1 Kirklees Development Management Charter together with the National Planning Policy Framework and the DMPO 2024 encourages negotiation/engagement between Local Planning Authorities and agents/applicants, this is only within the scope of the application under consideration. The scale of the works originally proposed would result in an unsympathetic development relative to the character of host property. However, on receipt of the concerns from officers, the agent has reduced the width and amended the detailing. The amended plans have been advertised.

## **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 27<sup>th</sup> February 2019).

### Kirklees Local Plan (2019):

- 6.2 **LP 1** – Achieving sustainable development  
**LP 2** – Place shaping  
**LP 22** – Parking  
**LP 24** - Design  
**LP 30** – Biodiversity  
**LP 35** - Historic Environment

### Supplementary Planning Guidance / Documents:

- 6.3 House Extensions & Alterations SPD (2021)

### National Planning Guidance:

- 6.4 Chapter 12 – Achieving well-designed places  
Chapter 14 – Meeting the challenge of climate change, flooding and coastal change  
Chapter 15 – Conserving and enhancing the natural environment  
Chapter 16 – Conserving and enhancing the historic environment

## **7.0 PUBLIC/LOCAL RESPONSE:**

- 7.1 The application was advertised by neighbour letters, which expired on 31/07/2025
- 7.2 As a result of the above publicity, 24 representations have been received. The material planning matters raised are summarised as follows:

- Extension would be out of character with the conservation area.
- Loss of light to neighbours garden.
- Loss of privacy.
- Overbearing impact due to scale.
- Use of render inappropriate in area.
- Parking.

7.3 Concerns have also been raised on a number of matters which are not material planning considerations:

- Access for scaffolding.
- Damage to surrounding property.
- Noise and disruption.
- Previous development by the applicant.
- Fly tipping.
- Intent of neighbours to call police.
- Intent of neighbours to complain to the media.

7.4 Amended plans were received reducing the scale of the extension and publicity was carried out. Although 16 representations were received, no new issues were raised.

## **8.0 CONSULTATION RESPONSES:**

8.1 **Statutory:** None

8.2 **Non-statutory:** K.C. Conservation & Design – support subject to minor alterations (amended plans received)

## **9.0 MAIN ISSUES**

- Principle of development
- Impact on Conservation Area & Visual amenity
- Residential amenity
- Highway issues
- Representations
- Other matters

## **10.0 APPRAISAL**

### Principle of development

10.1 The site is without specific notation on the Kirklees Local Plan (KLP). 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. In terms of extending and making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with the House Extension & Alterations SPD and Chapter 12 of the NPPF, regarding design. 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.

10.2 In this instance, the property is located within the Northfield Conservation Area which is characterised by larger Victorian style properties with ornate stone detailing to the both the buildings and where retained, the boundary treatments. As such, consideration is to be given to the current proposals in terms of the relationship formed between the proposals and the Conservation Area with regards to policy LP35 of the Kirklees Local Plan and chapter 16 of the National Planning Policy Framework.

Impact on Conservation Area & visual amenity

10.3 The property is within the Northfields conservation area and as such, the scheme needs to be assessed having regards to Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework. Paragraph 207 of the NPPF requires the provision of a heritage impact assessment which should describe the significance of the heritage asset and the impact the proposals would have.

10.4 Northfields Conservation Area is a late 19th-century residential suburb in Dewsbury, characterized by Victorian and Edwardian architecture. Its development began in 1865 with the completion of St Mark's Church, followed by surrounding streets and buildings by 1908. While there are no statutory or locally listed buildings within the area itself, the closest listed buildings include St Mark's Church, its former vicarage, and Sunday school, now known as The Branch Christian School. The area's distinct character is defined by consistent use of coursed stone, natural slate, stone boundary walls, and a rectilinear street layout, with exceptions like Victoria and Alexandra Crescents adding visual interest.

10.5 The agent has supplied a Heritage Statement which outlines the characteristics of the conservation area. In this instance, the reduced width of the proposal to 4m allows for a more proportionate and context-sensitive addition to the host property. This narrower form better respects its position within the conservation area and significantly reduces the impact on visual amenity. The reduced massing and height assist to maintain the extension's discreet presence from surrounding viewpoints, including elevated positions within neighbouring properties and the rear lane. As a result, its visual impact on the Northfields Conservation Area is softened, aligning more closely with the modest scale and traditional form that define the area's character. The extension is less likely to disrupt the established roofline and rhythm of the streetscape, offering a more sympathetic addition that complements the historic context.

10.6 In policy terms, the proposed first floor side extension, now reduced to a width of 4m, is considered to be more sympathetic to its context and does not conflict with Kirklees Local Plan Policy LP35 or Chapter 16 of the NPPF. These policies seek to ensure high-quality design and the preservation of heritage assets, and the revised proposal demonstrates a more proportionate and respectful approach. The reduced scale and positioning of the extension help preserve the character and appearance of the Northfields Conservation Area, minimising any potential harm. As such, the development is more likely to be viewed as preserving the historic environment, with any minor impacts outweighed by the benefits of sensitive design and improved accommodation.

- 10.7 Key Design Principle 1 of the House Extensions & Alterations SPD does state that extensions and alterations to residential properties should be in keeping with the appearance, scale, design and local character of the area and the street scene. Furthermore, Key Design Principle 2 of the House Extensions & Alterations SPD goes onto state that extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and details.
- 10.8 The proposed first floor side extension at Kelvin Villa has been carefully refined to address officers' concerns. The reduction in width, use of natural stone to match the existing dwelling, and revised window proportions all contribute to a more balanced and contextually appropriate design. These measures help integrate the extension more harmoniously with the host property, preserving the architectural rhythm and character of the building. The first floor's setback and lowered roofline further reduce its visual impact, ensuring the extension remains subservient in appearance. As a result, the development is less visually prominent from surrounding viewpoints, including neighbouring properties and the rear lane, and avoids introducing a discordant element. Instead, it complements the existing built form and supports the visual coherence of the area.
- 10.9 Having taken the above into account, the proposed first floor side extension now reflects a more considered and sensitive approach to design. The reduction in width, use of natural stone to match the existing dwelling, and revised window proportions ensure the extension sits comfortably within its context and complements the character of the host property. As such, the development is in accordance with Policies LP24 and LP35 of the Kirklees Local Plan in terms of form, scale, and layout, as well as KDP 1 and 2 of the House Extension & Alterations SPD. It also supports the aims of Chapters 12 and 16 of the National Planning Policy Framework by promoting high-quality design and preserving the significance of heritage assets.

#### Residential Amenity

- 10.10 Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, 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. The House Extensions & Alterations SPD goes into further detail with respect to Key Design Principle 3 on privacy, Key Design Principle 5 on overshadowing/loss of light and Key Design Principle 6 on preventing overbearing impact.
- 10.11 The nearest neighbours are 26 & 28 West Park Street. However, these properties are situated in such a position relative to the extension, that there is no impact in terms of overbearing, overshadowing or overlooking.
- 10.12 The scheme is therefore considered to be acceptable in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extension & Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 130 of the NPPF.

10.13 Having considered the above factors, the proposals 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, Key Design Principles 3, 5, 6 & 7 of the House Extensions & Alterations SPD and Chapter 12 of the National Planning Policy Framework.

Highway issues

10.14 The proposals will result in some intensification of the domestic use. However, the property has parking in the form of a garage which is considered to represent a sufficient provision. Bin storage for the dwelling would not be moved as part of the proposals. As such the scheme would not represent any additional harm in terms of highway safety and as such complies with Policy LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extension & Alterations SPD.

Representations

10.15 24 representations have been received. The material planning matters raised are summarised as follows:

- Extension would be out of character with the conservation area  
*Officer Response: This is a material consideration as it relates to visual amenity. However as stated under the relevant subheading, the reduced scale, together with the detailing proposed and the matching materials would result in a proportionate addition to the property in keeping with the character.*
- Loss of light to neighbour's garden  
*Officer Response: This is a material consideration as it relates to residential amenity. As stated in the relevant section of this report, the nearest neighbours are 26 & 28 West Park Street. However, these properties are situated in such a position relative to the extension, that there is no impact in terms of overbearing, overshadowing or overlooking.*
- Loss of privacy  
*Officer Response: this is a material consideration as it relates to residential amenity. As stated in the relevant section of this report, the nearest neighbours are 26 & 28 West Park Street. However, these properties are situated in such a position relative to the extension, that there is no impact in terms of overbearing, overshadowing or overlooking.*
- Overbearing impact due to scale  
*Officer Response: This is a material consideration as it relates to residential amenity. As stated in the relevant section of this report, the nearest neighbours are 26 & 28 West Park Street. However, these properties are situated in such a position relative to the extension, that there is no impact in terms of overbearing, overshadowing or overlooking.*
- Use of render inappropriate in area  
*Officer Response: Amended plans have been received to ensure the extension is constructed using stone.*
- Parking  
*Officer Response: The increase in accommodation is not substantial and the existing parking is considered sufficient.*

10.16 Concerns have also been raised for a number of matters which are not material planning considerations and are noted:

- Access for scaffolding.
- Damage to surrounding property.
- Noise and disruption.
- Previous development by the applicant.
- Fly tipping.
- Intent of neighbours to call police.
- Intent of neighbours to complain to the media.

10.17 The additional representations received after the amended plans did not raise any new matters.

#### Other Matters

10.18 *Biodiversity*: After a visual assessment of the building by the officer, it appears that the building is in good order, well-sealed and unlikely to have any significant bat roost potential. Even so, a cautionary note should be added that if bats are found during the development, then work must cease immediately, and the advice of a licensed bat worker sought.

10.19 *Carbon Budget*: The proposal is a small scale domestic development to an existing dwelling. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.

### **11.0 CONCLUSION**

11.1 This application to erect a first floor extension to the side of 1 Newsome Street has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions & Alterations SPD, the National Planning Policy Framework and other material considerations.

11.2 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.

11.3 As set out above, this application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

### **12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Strategic Investment)**

1. Standard 3 year timescale to commence development
2. Development to be in accordance with plans
3. Materials of extension to match existing house

**Background Papers:**

Application and history files.

[Current application](#)

[2022/92587 - erection of extension - refused and dismissed at appeal](#)

[2023/92037 – deemed application via enforcement appeal -- dismissed](#)

[2024/90923 - Alterations to existing conservatory to form enclosed room \(within a Conservation Area\) - approved](#)

[2024/92012 – non material amendment -agreed](#)

Certificate of Ownership – Certificate A signed and dated.

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