

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No: 2020/62/90450/E

Site Address: land at, Owl Lane, John Ormsby V C Way, Shaw Cross, Dewsbury, WF12 7RQ

Description: Erection of restaurant with drive-thru, car parking, landscaping, play frame, customer order displays and associated works.

Recommending Officer: Sarah Longbottom

DECISION – REFUSED

I hereby authorise the refusal of this application in accordance with the decision of the Strategic Planning Committee on 27-Jan-2021 and for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Paul Dowd

AUTHORISED OFFICER

Date: 27-Apr-2021

Decision Authorisation – Committee Decision

Committee: Strategic Planning Committee

Date of Committee: 31 March 2021

Application Number: 2020/90450

Officer Recommendation: REFUSE

Committee Decision: REFUSE

Reason for Refusal

1.The addition of the proposed restaurant and drive-thru, in an area where there are higher levels of deprivation combined with high levels of overweight or obese children and adults, would not be in the interests of ensuring healthy, active and safe lifestyles insofar as resisting the location of fast-food establishments in areas of poor health, contrary to Policy LP47 of the Kirklees Local Plan and the aims of Chapter 8 of the National Planning Policy Framework.

Summary of Committee Decision

Members determined the application in line with the recommendation set out within the Planning Update Report. The recommendation to the Committee was that they refine their reasons for refusal to those which in officers' opinion were the most sustainable in terms of technical evidence. This was the reason set out above.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Elevations and Plan – Bin Store	7866-SA-8587-P028	B	11.02.2020
3x3 Play Frame Plans and Elevations	E09-0046227-SA-XXXX-OPL3		11.02.2020
Supporting Statement Dewsbury		2(1)	11.02.2020
EVCP-Page 1-Pod Point Data Sheet Twin (S Range)			11.02.2020
EVCP-Page 2-Pod Point Data Sheet Twin (S Range)			11.02.2020
Play Frame 3x3 Planning Leaflet	E09-004		

Plan Type	Reference	Version	Date Received
Standard Patio Area Supporting Specifications Booklet			11.02.2020
Goal Post and McDigit COD Canopy Brochure			11.02.2020
Refuse Storage and Recycling Statement			11.02.2020
Cycle Locker_Velo_Box_Locker			11.02.2020
Litter Patrol Plan			11.02.2020
Odour Control Standard Supporting Information			11.02.2020
Owl Lane Dewsbury PEA Report		January 2020	11.02.2020
Travel Plan	39889	January 2020	11.02.2020
Site Layout Plan – Landscape	7866-SA-8587-P007	B	11.02.2020
Site Layout Plan – Existing	7866-SA-8587-AL03	A	11.02.2020
Proposed Levels	4190299-1000-P1		11.02.2020
Site Survey	8180507-4101		11.02.2020
Transport Statement		February 2020	11.02.2020
Noise Assessment	7281		11.02.2020
Ground Investigation Report	19.05.014	August 2019	11.02.2020
Dewsbury Drainage Statement		February 2020	11.02.2020
Tree Survey and Constraints Plan	8054-D-CP		20.04.2020
Landscape Maintenance and Management Plan	16716-VL_R01		20.04.2020
Raised Planter Plan	16716-VL-MCD_L02		20.04.2020
Landscape Plan	16716-VL-MCD_L01	B	18.01.2021
Biodiversity Enhancement Plan	17616-VL-MCD_V01	13th January 2021	18.01.2021
Odour Control Assessment		Rev 00	22.09.2020
Construction Management Plan	MD4190299/CP/013	7 September 2020	22.09.2020
Fatstrippa Details	FS150-01		22.09.2020

Plan Type	Reference	Version	Date Received
Grease/Food Separation Tank	T25368 03967_002	A	22.09.2020
Grease Trap			22.09.2020
Environmental Noise Assessment	7281 - Dewsbury	Rev 12 10 th September 2020	22.09.2020
Proposed Site Layout	7866-SA-8587-P004	Rev D	18.12.2020
Proposed Elevations and Sections	7866-SA-8587-P005	Rev C	18.12.2020
Ground Floor and Roof Plans	7866-SA-8587-P006	Rev C	18.12.2020
Offsite Highway Works	3889-SK-09		18.01.2021
Site Feasibility Plan	7866-SA-8587-SK10	Rev A	18.01.2021
Block Plan	7866-SA-8587-P002	Rev E	18.01.2021
Site Location Plan	7866-SA-8587-AL01	Rev C	18.01.2021

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority has, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. The application was refused by members of the Heavy Woollen Planning Sub-Committee. For the reason set out in the reason for refusal the development would not improve the environmental conditions of the area or the health of local residents.

Report Dated:

26.04.2021

