



**Town and Country Planning Act 1990**

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

**REFUSAL OF PERMISSION FOR DEVELOPMENT**

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**Application Number: 2020/62/90450/E**

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**To:** Matthew Carpenter,  
Planware Ltd  
The Granary, First Floor  
37, Walnut Tree Lane  
Sudbury  
C010 1BD

**For:** Mcdonald's Restaurants Ltd

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

ERECTION OF RESTAURANT WITH DRIVE-THRU, CAR PARKING,  
LANDSCAPING, PLAY FRAME, CUSTOMER ORDER DISPLAYS AND  
ASSOCIATED WORKS.

**At:** LAND AT, OWL LANE, JOHN ORMSBY V C WAY, SHAW CROSS,  
DEWSBURY, WF12 7RQ

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**In accordance with the plan(s) and applications submitted to the Council on 11-Feb-2020. The reasons for the Council's decision to refuse permission for the development are:**

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.

Plans and specifications schedule:

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
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		
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-	B	18.01.2021

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
	MCD_L01		
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
Grease/Food Separation Tank	T25368 03967_002	A	22.09.2020
Grease Trap			22.09.2020
Environmental Noise Assessment	7281 - Dewsbury	Rev 12 10th 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.

### **Development within a Coal Mining Area**

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:  
[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

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

### **Appeals to the Secretary of State**

- If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If an enforcement notice is served or has been served relating to the same or substantially the same land and development as in your application and if you want to appeal against the local planning authority's decision on your application, then you must do so within:
  - i) 28 days from the date of this notice where the enforcement notice has been served,
  - ii) 28 days of the date of service of the enforcement notice or,
  - iii) the specified period starting from the date of this notice,whichever period expires earlier.
- If you want to appeal against your Local Planning Authority's decision then you must do so within the specified period, starting on the date of this notice.
- The "specified period" is 12 weeks where the development relates to a "minor commercial application" as defined within the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), or 6 months in any other case.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/planning-inspectorate>  
Further information on the Planning Appeal process can be found online at the Planning Inspectorates website  
<https://www.gov.uk/government/organisations/planning-inspectorate>.

- You must use the correct Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the type of application that the appeal relates to so they can send you the appeal form you require.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

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

#### **Purchase Notices**

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

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

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

Dated: 27-Apr-2021

Signed:



**David Shepherd**  
Strategic Director Growth and Regeneration

## Decision Documents

The decision notice indicates which documents relate to the decision. These documents can be viewed online at the Planning Services website at [www.kirklees.gov.uk/planning](http://www.kirklees.gov.uk/planning), and by clicking on the 'search and view existing planning applications and decisions' and by searching for application number 2020/62/90450/E .

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

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

**E-mail:** [dc.admin@kirklees.gov.uk](mailto:dc.admin@kirklees.gov.uk)

**Write to:** Planning Services  
Investment and Regeneration  
PO Box B93  
Civic Centre III  
Off Market Street  
Huddersfield  
HD1 2JR

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