

12th March 2025

Project/File: 333100993/A3/JC

VIA PLANNING PORTAL ONLY

Kirklees Metropolitan Council
Planning Services
PO Box 1720
Huddersfield
HD1 9EL

Dear Sir / Madam,

Reference: APPLICATION TO DISCHARGE CONDITIONS 7, 12, 13 AND 19 ATTACHED TO PERMISSION REF. 2024/70/93522/E AT THE FORMER FRANKIE AND BENNY'S, CENTRE 27 BUSINESS PARK, BANKWOOD WAY, BIRSTALL, BATLEY, WF17 9TB

On behalf of our client, Quickcater Limited (the 'Applicant') we hereby submit a discharge of condition application in relation to Conditions 7 (Kitchen Extraction), 12 (Unit 1 Grease Trap) 13 (Unit 2 Grease Trap) and 19 (Site Safety) attached to planning permission reference 2024/70/93522/E at the former Frankie and Bennys and Chiquitos, Centre 27 Business Park, Bankwood Way, Birstall, Batley, WF17 9TB ('the Site').

This Application is accompanied by the following:

- Application Forms;
- Application Fee;
- EC-Fans Operating and Maintenance Specification;
- Mechanical and Engineering Specification – Environmental Control and Extract Ventilation;
- Mitsubishi Air Conditioning Product Information;
- Mitsubishi Air Conditioning TM65 Calculation;
- Proposed External HVAC Equipment Configuration (DML-XX-GF-DR-M-5702)
- Proposed HVAC Equipment Layout (DML-XX-GF-DR-M-5701)
- Mechanical Engineering Specification – Ventilation and Environmental Control Equipment
- Unit 1 UG3 Grease Traps Specification;
- Unit 2 UG3 Grease Traps Specification
- Aluline Grease Trap Specification Report;
- Aluzyme Microbial Liquid Specification Report.
- Door and Glazing Specifications;
- Exterior Lighting Calculations; and
- Proposed CCTV drawing.

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Background

Planning permission (reference: 2023/62/93781/E) was granted on 29th May 2024 for the demolition of existing buildings on the Site and construction of two drive-thru units and a flexible commercial unit. The description of development as shown on the decision notice is as follows:

“Demolition of existing buildings and erection of coffee shop with drive thru facility; drive-thru restaurant (class E and Sui Generis); flexible commercial unit (class E (a) and/or class E (b) and/or hot-foot takeaway Sui Generis Use); formation of hard and soft landscaping works; modifications to access and associated works”

An application (ref. 2024/70/93522/E) was subsequently submitted under Section 73 of the Town and Country Planning Act to vary Conditions 2, 7, 12, 13, 14, 15, 16 and 20 of permission reference 2023/93781 and was recently approved on 21st February 2025. This sought to make minor amendments to the footprint and elevations of Units 1 and 2, alongside minor parking and internal layout amendments to allow the units to be occupied by KFC and Starbucks.

In total, 23 conditions are attached to the above planning permission.

This application seeks to discharge conditions 7, 12, 13 and 19 which we address in turn below.

Condition 7

Condition 7 states:

“Before food cooking commences at the hereby approved Units 1 and 2, as annotated on the approved site plan “0000/2024/P121 Rec.C”, details of kitchen extract systems shall be submitted to and approved in writing by the Local Planning Authority. The details shall provide the following information:

- A risk assessment for odour which considers amount and type of food that will be cooked together with the proposed dispersion of odours and proximity of receptors likely to be affected by any cooking odours.*
- Based on the risk assessment, details of the proposed methods of odour control and dispersion of any extracted odours. The effective stack height (discharge height plus plume rise) must be high enough to ensure that adequate dilution takes place before the plume interacts with the nearest sensitive receptor.*
- Details showing the proposed location of all the major components of the extract system.*
- The noise mitigation measures that will be incorporated in the extract system and details of the likely resulting noise levels that will be caused by operation of the extract system, in particular how loud it will be at nearby noise sensitive locations.*
- The proposed ongoing maintenance schedule that will be carried out to ensure that the extract system continues to effectively control odours and not cause excessive noise.”*

Unit 1 will be occupied by Starbucks which will not prepare food or cook food from raw and only requires heating up of food, such as toasties and sandwiches. Therefore, extraction is minimal and only required to remove heat from these areas.

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As such, this application is supported by details for the general extract fan equipment which will serve the customer and staff toilets and a second system to extract heat from the ice maker, fridges and micro chef grill for Unit 1. The restaurant area will also be provided with cooling and heating requirements through mechanically forced air movement system in conjunction with air conditioning systems.

The external condensers will be located within the outdoor service area and will be fully waterproof and placed on antivibration mountings behind cladded walls. No noise receptors are located within the vicinity.

The following documents are submitted in relation to the specification and maintenance of the above:

- EC-Fans Operating and Maintenance Specification;
- Mechanical and Engineering Specification – Environmental Control and Extract Ventilation;
- Mitsubishi Air Conditioning Product Information;
- Mitsubishi Air Conditioning TM65 Calculation;

Unit 2 will be occupied by KFC. The 'Mechanical Engineering Specification – Ventilation and Environmental Control Equipment' document which is submitted in support of this application includes details on the kitchen extraction system, odour abatement system, and external plant. The document also includes an odour risk assessment which justifies the equipment proposed to mitigate any odour risks.

The document concludes that the grease and odour control measures which are proposed will protect the amenity of nearby receptors.

In relation to noise, Unit 2 is located over 400m from the nearest residential property and is also a similar distance from the main carriageway of the M62. Unit 2 will be surrounded by similar existing restaurants operating similar equipment.

On the basis of the above, the 'Mechanical Engineering Specification – Ventilation and Environmental Control Equipment' document concludes that it is not deemed necessary to conduct a noise survey for this location. However, based upon the proposed equipment noise characteristics and the distance to the closest receptor, a general calculation of the likely noise level from the KFC (if measured at the closest sensitive receptor) would be less than 35 dB(A). Due to the location and other noise emissions in this vicinity, it is concluded that the proposed equipment will not be perceptible above the general background noise levels.

The following drawings are also submitted which show the layout and configuration of the proposed Heating, Ventilation and Air Conditioning (HVAC) for Unit 2:

- Proposed External HVAC Equipment Configuration (DML-XX-GF-DR-M-5702)
- Proposed HVAC Equipment Layout (DML-XX-GF-DR-M-5701)

Based on the information submitted, we request that Condition 7 is discharged in full.

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Condition 12

Condition 12 states:

“Unit 1, as annotated on the approved site plan “0000/2024/P121 Rec.C”, shall not be occupied until a scheme to prevent fats, oils, and grease entering the drainage network serving commercial food preparation and dish-washing areas in Unit 1 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to first operation of the development and shall be retained throughout the lifetime of the development.”

Unit 1 will include a 288l grease trap. The following details and specifications are submitted for approval which demonstrate the measures which will be installed to prevent fats, oils and grease from entering the drainage network.

- Unit 1 UG3 Grease Traps Specification
- Aluline Grease Trap Specification Report; and
- Aluzyme Microbial Liquid Specification Report.

Based on the information submitted, we request that Condition 12 is discharged in full.

Condition 13

Condition 13 states:

“Unit 2, as annotated on the approved site plan “0000/2024/P121 Rec.C”, shall not be occupied until a scheme to prevent fats, oils, and grease entering the drainage network serving commercial food preparation and dish-washing areas in Unit 2 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to first operation of the development and shall be retained throughout the lifetime of the development.”

Unit 2 will include larger grease traps than Unit 1, with a capacity of 1608l, as shown on the ‘Unit 2 UG3 Grease Traps Specification’

The following reports submitted in relation to Condition 12 are also of relevance for Condition 13:

- Aluline Grease Trap Specification Report; and
- Aluzyme Microbial Liquid Specification Report.

Based on the information submitted, we request that Condition 13 is discharged in full.

Condition 19

Condition 19 states:

“No part of the development shall be brought into use until a scheme detailing the full site safety and security measures to be implemented, has been submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall include details of security glazing, CCTV and external lighting. The development shall be implemented in accordance with the approved details.”

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The following are submitted:

- Door and Glazing Specifications;
- Exterior Lighting Calculations; and
- Proposed CCTV drawing.

Based on the information submitted, we request that Condition 19 is discharged in full.

Summary

We trust the above information is sufficient to be able to determine the application. If, however, you require anything further, please do not hesitate to contact me.

Yours sincerely,

STANTEC UK LIMITED

REDACTED

Jordan Clark
Senior Planner