

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 73

**DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS TO
CARRY OUT DEVELOPMENT WITHOUT COMPLIANCE WITH PLANNING
CONDITIONS PREVIOUSLY ATTACHED**

Reference No:	2025/70/91401/E
Site Address:	Frankie And Bennys, Centre 27 Business Park, Bankwood Way, Birstall, Batley, WF17 9TB
Description:	Variation condition 2 (plans) on previous permission 2024/93522 for variation condition 2, 7, 12, 13, 14, 15, 16, 20 on previous permission 2023/93781 for 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
Recommending Officer:	Nina Sayers

DECISION – APPROVE VARIATION OF CONDITION 2

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Sarah Longbottom

AUTHORISED OFFICER

Date: 18-Aug-2025

Officer Report

Site Description

Former Frankie & Bennys and Chiquitos, Centre 27 Business Park, Bankwood Way, Birstall, Batley, WF17 9TB.

The application site comprises a former restaurant and associated parking and access. The building is set to the northern part of the site, fronting Gelderd Road roundabout and the car parking and access are to the south, off Woodhead Road. The site is located within the southern part of Birstall Retail Park. Access would be shared with an existing Taco Bell and KFC which sit to the west of the Site.

The site is unallocated within the Kirklees Local Plan and is not within a defined centre boundary.

Description of Proposal

Planning permission is sought to vary condition 2 (plans) on previous permission 2024/93522 for variation condition 2, 7, 12, 13, 14, 15, 16, 20 on previous permission 2023/93781 for 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.

The proposed changes include alterations to the landscaping scheme approved under application 2024/93522 (18587 VEC XX XX DR L 1001). The following changes are proposed:

- Removal of dense shrubbery along Gelderd Road.
- 3no. Sanguinea Mid-winter Fire shrubs have been added to the northwest of unit 3.
- Planting by the refuse storage area by unit 3 removed
- Timber knee rails added to protect planting areas
- The approved tree and shrub specimens have been amended to Alder Buckthorn' (Frangula Alnus) Trees, Amanogawa' Cherry Blossom Trees, Sanguinea Mid-Winter Fire and Phorium 'Jester' shrubs.
- Sanguinea Mid-Winter Fire shrubs are now proposed in front of the EV charging bays
- Larger area of planting is now proposed in the area to the southeast of the sub-station.
- 6no. approved trees along the drive-thru' lane of the KFC on the southeastern edge of the Site are proposed to be replaced with shrubs
- Replacement of shrubbery to the boundary around the KFC.
- Proposed planting at site entrance (to the south of the 7no. parking bays) omitted

- Replacement of previously proposed tree by the bays described above with additional planting area in front of those bays

History of negotiations/amendments received

Kirklees Development Management Charter together with the National Planning Policy Framework and the DMPO 2015 encourages negotiation/engagement between Local Planning Authorities and agents/applicants. No amendments were sought or provided.

Relevant Planning History

2025/90696 Discharge of details reserved by Conditions 7. (extract systems) 12. (unit 1 drainage) 13. (unit 2 drainage) & 19. (site safety and security measures) of permission 2024/93522 for Variation condition 2, 7, 12, 13, 14, 15, 16 and 20 on previous permission 2023/93781 for 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. Approved.

2024/93522 Variation of conditions 2, 7, 12, 13, 14, 15, 16, 20 on previous permission 2023/93781 for 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. Approved.

2023/93781 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. Conditional full permission.

2010/92195 Erection of illuminated sign. Advertisement consent granted.

2010/92194 Alterations to shop front. Conditional full permission.

96/90434 Erection of restaurant/bar inclusive of ancillary accommodation, parking and landscaping. Approval of reserved matters

94/93709 Outline application for centre 27 development consisting of business (class b1) catering facilities, hotel, leisure facilities and associated car parking. Conditional outline permission.

88/01713 Outline application for business park & leisure incorporating multi-screen cinema and fast-food. Granted conditionally.

Adjacent site:

2020/92774 Erection of illuminated and non-illuminated signs. Advertisement Consent Granted.

2020/92773 Installation of new entrance door; cladding to 2 elevations; shopfront frames, drive-thru windows, bin store fence and speaker post to be resprayed. Conditional full permission.

2021/92860 Installation of illuminated and non-illuminated signs. Advertisement consent granted.

2021/91660 Conversion of existing restaurant to form new restaurant with ancillary drive-thru lane and associated work. Conditional full permission.

2021/92528 Erection of retail development, associated parking, servicing areas and landscaping. Section 106 Permission.

2024/90400 Non-material amendment to previous permission 2021/92528 for erection of retail development, associated parking, servicing areas and landscaping. Pending Consideration.

Representations

The application was advertised via site notice and on the website. Publicity expired on 1st August 2025. No representations were received.

Consultation Responses

No consultation required.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is unallocated on the Kirklees Local Plan Proposals Map.

Kirklees Local Plan (LP):

- **LP1** – Achieving Sustainable Development
- **LP2** – Place Shaping
- **LP9** – Supporting skilled and flexible communities and workforce
- **LP13** – Town Centre Uses
- **LP20** – Sustainable Travel
- **LP21** – Highway Safety
- **LP22** – Parking Provision
- **LP24** – Design
- **LP30** – Biodiversity and Geodiversity
- **LP44** - New waste management facilities
- **LP47** – Healthy, Active and Safe Lifestyles
- **LP52** – Protection and Improvement of Environmental Quality
- **LP53** – Contaminated and unstable land

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 12th December 2024, the Planning Practice Guidance Suite (PPGS)

first launched 6th 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.

- **Chapter 2** – Achieving Sustainable Development
- **Chapter 4** – Decision-Making
- **Chapter 8** – Promoting Health and Safe Communities
- **Chapter 9** – Promoting sustainable transport
- **Chapter 12** – Achieving Well-Designed Places
- **Chapter 15** – Conserving and Enhancing the Natural Environment

Other Material Considerations:

- Kirklees Highways Design Guide SPD (2019).
- Waste Management Design Guide for New Developments (Version 5, October 2020).
- Kirklees Biodiversity Net Gain Technical Advice Note (2021).
- Kirklees House Extension and Alterations SPD (2021).

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Conclusion

1 – Principle of development:

The application site is unallocated within the Kirklees Local Plans. NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

The principle of a development has already been established under application 2023/93781 and this applicant relates to changes to landscaping.

The proposal would not impact on the previous assessment of the principle of development which is acceptable. 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.

2 – Impact on visual amenity:

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby 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.”

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:

“a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...”

“c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...”

Paragraph 134 of the NPPF sets out that design guides and codes carry weight in decision making. Of note, Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

This application is to vary condition 2 (plans) on the previously approved scheme 2023/93781. The proposed changes would be to landscaping, all other aspects of the development have been assessed and considered acceptable under 2023/93781 and 2024/93522. Therefore, officers will now assess the impact of the proposed changes only.

The proposed changes to landscaping, as detailed in the description of proposal, would reduce the overall amount soft landscaping around the boundary of the site although it is noted that some additional trees and shrubs are still proposed. The submitted planning statement outlines that the proposed changes are required “for operational reasons and ensure good

design, including enabling access to refuse areas, preventing vermin, and reducing the blocked views of the units.”

Officers raised concerns that the proposal would result in a loss of planting and trees and queried the justification with regard to visibility of the units as however it appears the shrubbery does not appear high enough to shield the building when considering the removal of the trees has already been permitted under the previously approved application. The agent provided a section showing the change in land levels and the following justification:

“The proposed Unit 1 building floor level is over 4m below the level of the road (road level @ 161.49 – slab level @ 157.45) and so the proposed building / floor levels once complete will result in limited views.”

Whilst officers would prefer to see more shrubs and trees, as shown in the approved landscaping scheme, the proposed details still include a number of new trees and shrubs along the boundary. It is also noted that if the buildings are visible from the highway this will allow for natural surveillance and would attract business. It is considered on balance that the proposed changes would not result in significant harm to visual amenity and therefore the proposed scheme is considered acceptable from a visual amenity perspective.

As such, Officers consider that the proposal would not cause detrimental harm to the visual amenities of the locality and would comply with Policy LP24(a) and (c) of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

3 – Impact on residential amenity:

Section B and C of LP24 states that alterations to existing buildings should:

“...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers.”

Further to this, Paragraph 135 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

This application is to vary condition 2 (plans) on the previously approved scheme 2024/93522. The proposed changes would be to the landscaping; all other aspects of the development have been assessed and considered acceptable under 2023/93781 and 2024/93522. Officers consider the proposed changes would not cause any additional harm to residential amenity, over and above that already assessed, and considered acceptable, under applications 2023/93781 and 2024/93522.

As such, it is considered that the proposed development would not result in harm to residential amenity. The proposal therefore complies with Local Plan Policy LP24(b), HFT 6 of the Hot Food Takeaway SPD and Chapter 12 of the National Planning Policy Framework.

4 – Impact on highway safety:

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.”*

Policy LP21 of the Kirklees Local Plan states that proposals shall demonstrate that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users.

This application is to vary condition 2 (plans) on the previously approved scheme 2024/93522. The proposed changes would be to the landscaping, all other aspects of the development have been assessed and considered acceptable under 2023/93781 and 2024/93522. Officers consider the proposed changes would not cause any additional harm to highway safety, over and above that already assessed, and considered acceptable, under applications 2023/93781 and 2024/93522.

It is therefore considered that the proposal would not cause additional harm to the safe and efficient operation of the highway network, thus complying with Policies LP21 and LP22 of the Kirklees Local Plan, HFT 7 of the Hot Food Takeaway SPD and Chapter 9 of the NPPF.

5 – Other matters:

Ecology

Since the original application, Biodiversity Net Gain (BNG) of 10% for developments is now a mandatory requirement in England under the Environment Act 2021, subject to some limited exceptions. Unless exempt, every planning permission granted pursuant to an application submitted after 12 February 2024 is deemed to have been granted subject to a pre-commencement condition requiring a Biodiversity Gain Plan to be submitted and approved by the local planning authority prior to commencement of the development.

This application is for variations to an existing planning permission and therefore is exempt from providing BNG. The submitted information is therefore considered acceptable in terms of ecology and would comply with Policy LP30 of the Kirklees Local Plan and Principle 9 of the Kirklees Housebuilders Design SPD.

Plans

It is noted that the applicant submitted a section drawing (Proposed Site Boundary Sections – S1, S2, S3 & S4 ref: 25092-SDS-ST-XX-DR-C-TEN-2030 rev.T1) to show the land levels in relation to the highway/embankment. This plan includes structural details of retaining structures which have not been assessed under this application. For this reason, and as the plan was

informative only, the plan will not be included in the plans and specifications table which forms part of the Decision Notice.

6 – Representations:

No representation received.

7 – Conditions

The following conditions were added to application 2024/93522. Since this decision was issued, the applicant has applied to discharge conditions and therefore the following changes will be made to the conditions:

~~7. 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.~~

Before food cooking commences, the approved extract systems shall be installed and thereafter retained and maintained in accordance with the approved details.

~~12. 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 approved scheme to prevent fats, oils, and grease entering the drainage network serving commercial food preparation and dish-washing areas in Unit 1 shall be implemented prior to first operation of the development and shall be retained throughout the lifetime of the development.~~

~~13. 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 approved scheme to prevent fats, oils, and grease entering the drainage network serving commercial food preparation and dish-washing areas in Unit 2 shall be implemented prior to first operation of the development and shall be retained throughout the lifetime of the development.~~

8 – Conclusion:

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.

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 it is, therefore, recommended for approval.

Recommendation

Approve

Decision Authorisation - Delegated Powers

Application Number: 2025/91401

Officer Recommendation: Approve

Conditions and Reasons

1. The development hereby permitted shall be begun no later than 28-MAY-2024.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

3. Excluding demolition, no groundworks (other than those required for a site investigation report) shall commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that any risk from land contamination is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

4. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 3 further groundworks (excluding demolition) shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework This is a pre-commencement condition to ensure that any risk from land contamination is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

5. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 4. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework

6. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Verification Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures has been approved in writing by the Local Planning Authority

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework.

7. Before food cooking commences the approved extract systems shall be installed and thereafter retained and maintained in accordance with the approved details.

Reason: To ensure the proposed development does not cause harmful odour pollution within either a public area or at neighbouring premises in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52

of the Kirklees Local Plan, the Hot Food Takeaway SPD and Chapters 12 and 15 of the National Planning Policy Framework.

8. Excluding demolition, development shall not commence until a detailed design scheme detailing foul, surface water and land drainage, including agreed discharge rate of 20.3 l/s indirectly or directly to watercourse, attenuation for the critical 1 in 100 + 40% climate change rainfall event, attenuation construction details /design, plans and longitudinal sections, hydraulic calculations and phasing of drainage provision has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a risk assessment and method statement, in accordance with CDM Regulations 2015, for access to and into the attenuation structure, and the scheme shall include a maintenance and management plan for surface water infrastructure. No part of the development shall be occupied until such approved drainage scheme has been provided on the site to serve the development or each agreed phasing of the development and retained thereafter.

Reason: To ensure the provision of an adequate drainage system in the interests

of amenity, environmental well-being, and to accord with Policies LP24, LP28 and LP52 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that any flood risk is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

9. Excluding demolition, the development shall not commence until an assessment of the effects of 1 in 100 year storm events, with an additional allowance for climate change, blockage scenarios and exceedance events on drainage infrastructure and surface water run-off pre and post development between the development and the surrounding area (both upstream and downstream of the development), has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use (dwellings shall not be occupied) until the works comprising the approved scheme have been completed and such approved scheme shall be retained thereafter.

Reason: To ensure the provision of an adequate drainage system in the interests

of amenity, environmental well-being, and to accord with Policies LP24, LP28 and LP52 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that any flood risk is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

10. Excluding demolition, development shall not commence until a scheme, detailing temporary surface water drainage for the construction phase (after soil and vegetation/site strip) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail:

- phasing of the development and phasing of temporary drainage provision.

- include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is prevented.
- the strategy shall include a plan showing the location of the attenuation storage and supporting calculations, which shall be based on the critical 1 in 2-year storm. It should be assumed that once the site has been stripped that the percentage run-off will be 100 %. The maximum allowable off-site discharge rate shall not exceed 2.5 litres per second per ha, unless otherwise agreed with the LLFA.

The temporary works shall be implemented in accordance with the approved scheme and phasing. No phase of the development shall be commenced until the temporary works approved for that phase have been completed. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority.

Reason: To ensure the provision of an adequate drainage system in the interests

of amenity, environmental well-being, and to accord with Policies LP24, LP28 and LP52 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that any flood risk is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

11. Excluding demolition, development shall not commence until a scheme demonstrating surface water from vehicle parking and hard standing areas passing through an oil/petrol interceptor of adequate capacity prior to discharge. Roof drainage should not be passed through any interceptor.

Reason: To ensure the provision of an adequate drainage system in the interests

of amenity, environmental well-being, and to accord with Policies LP24, LP28 and LP52 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that any flood risk is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

12. The approved scheme to prevent fats, oils, and grease entering the drainage network serving commercial food preparation and dish-washing areas in Unit 1 shall be implemented prior to first operation of the development and shall be retained throughout the lifetime of the development.

Reason: To ensure the provision of adequate and sustainable systems of drainage are employed, in the interests of amenity, and environmental well-being and to comply with Policies LP24, LP28, LP44 and LP52 of the Local Plan and Chapters 11 and 14 of the National Planning Policy Framework.

13. The approved scheme to prevent fats, oils, and grease entering the drainage network serving commercial food preparation and dish-washing areas in Unit 2 shall be implemented prior to first operation of the development and shall be retained throughout the lifetime of the development.

Reason: To ensure the provision of adequate and sustainable systems of drainage are employed, in the interests of amenity, and environmental well-being and to comply with Policies LP24, LP28, LP44 and LP52 of the Local Plan and Chapters 11 and 14 of the National Planning Policy Framework.

14. Unit 3, 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 3 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.

Reason: To ensure the provision of adequate and sustainable systems of drainage are employed, in the interests of amenity, and environmental well-being and to comply with Policies LP24, LP28, LP44 and LP52 of the Local Plan and Chapters 11 and 14 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that any risk to flooding or amenity is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

15. Prior to Unit 3, as annotated on the approved site plan “0000/2024/P121 Rec.C”, being bought into use as a hot food takeaway, details of noise abatement and extraction of odours must be submitted to, and approved by, the Local Planning Authority. This should include full details of the extraction system proposed including the internal layout and external appearance showing the location of all the main components of the system, together with details of any necessary noise attenuation and odour abatement measures. The development shall be carried out in accordance with the approved information and retained for the lifetime of development.

Reason: To ensure there is no harm to visual amenity or residential amenity in line with policy HFT 4 of the Hot Food Takeaway SPD and Policy LP24 of the Kirklees Local Plan.

16. Prior to Unit 3, as annotated on the approved site plan “0000/2024/P121 Rec.C”, being bought into use as a hot food takeaway, details of waste disposal must be submitted to, and approved by, the Local Planning Authority. This should include a Waste Management Strategy which should cover storage and disposal of waste including provision of grease traps where appropriate. It should also consider recycling and the use of sustainable food packaging, such as cardboard boxes and paper straws. The development shall be carried out in accordance with the approved information and retained for the lifetime of development.

Reason: To ensure there is no harm to visual amenity or residential amenity in line with policy HFT 5 of the Hot Food Takeaway SPD and Policy LP24 of the Kirklees Local Plan.

17. No development shall commence until;

- a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;

- a) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that any risk from land contamination is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

18. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos.196 and 197 of the National Planning Policy Framework.

19. 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.

Reason: In the interests of minimising the risk of crime and anti-social behaviour and creating a safer, more secure and sustainable neighbourhood, and to accord with Policy LP24 of the Kirklees Local Plan and the National Planning Policy Framework.

20. Prior to occupation of the development, 6 electric vehicle recharging points shall be installed as shown on the approved site plan "0000/2024/P121 Rec.C", The scheme shall meet at least the minimum standard for power output outlined in West Yorkshire Low Emission Strategy Guidance. The charging points installed shall be retained thereafter.

Reason: In the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, to comply with the aims and objectives of Policies LP20, LP24 and LP47 of the Kirklees Local Plan and Chapters 2, 9 and 15 of the National Planning Policy Framework.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021. Reports must be prepared in accordance with the following guidance:

- Land Contamination Risk Management (LCRM)

- BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice
- Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group. The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalid

NOTE: Detailed advice is available in “Control of Odour and Noise from Commercial Kitchen Exhaust Systems” by EMAQ May 2022 (2nd Edition).

NOTE: It is recommended that prior to development commencing the applicant should contact the Food Safety Team of Environmental Services to arrange an advice visit to discuss food safety and hygiene requirements including an appropriate layout. The Food Safety team can be contacted on 01484 22100 (ask for food safety) or by email at food.safety@kirklees.gov.uk.

NOTE: All workplaces where staff are employed need sanitary accommodation and all premises which are open to the public for entertainment and consumption of food and drink require toilets that are accessible to the public. If applicants need further advice on number and facilities, then please contact the Health and Safety Team on 01484 221000 (ask for health and safety) or by email at healthandsafety@kirklees.gov.uk.

NOTE: It is the applicant’s responsibility to find out whether the work approved by this planning permission requires written approval from the Highways Structures section for works near or abutting highway and any retaining structures. Contact Highways Structures Section on Tel No. 01484-221000 who can advise further on this matter.

NOTE: Any advertisement/signage has not been dealt with under the determination of this planning application. Separate Advertisement Consent would be required for the display of advertisements in line with the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended).

NOTE: Please note that the granting of planning permission does not override any private rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

- 07.30 and 18.30 hours Mondays to Fridays.
- 08.00 and 13.00hours, Saturdays.

With no working Sundays or Public Holidays.

In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

Plans and specification schedule:

Plan Type	Reference	Version	Date Received
Location Plan	18587 THPW XX XX DR A 0001		21/12/2023
Existing Site Plan	18587 THPW XX XX DR A 0002	P01	21/12/2023
Existing Site Sections	18587 THPW XX XX DR A 0003	P01	21/12/2023
Proposed Site Plan	0000/2024/P121	C	13/12/2024
Proposed External Elevations (Unit 1)	0000/2024/S212		13/12/2024
Proposed External Elevations (Unit 1)	0000/2024/S211		13/12/2024
Proposed External Elevations (Unit 2)	0000/2024/P211	A	13/12/2024
Proposed Elevations – Unit 3	18587 THPW XX EL DR A 0132	P02	21/12/2023
Proposed General Arrangement Plan (Unit 1)	0000/2024/S100		13/12/2024
Proposed General Arrangement Plan (Unit 2)	0000/2024/P100	A	13/12/2024
Proposed Floor Plans – Unit 3	18587 THPW XX 00 DR A 0130	P01	21/12/2023
Proposed Roof Plan (Unit 1)	0000/2024/S110		13/12/2024
Proposed Roof Plan (Unit 2)	0000/2022/P110	B	13/12/2024
Proposed Roof Plan – Unit 3	18587 THPW XX R1 DR A 0131	P01	21/12/2023
Proposed Site Sections	0000/2024/P213	B	13/12/2024
Proposed Building Sections (Unit 1) – Sheet 1	0000/2024/S900		13/12/2024
Proposed Building Sections (Unit 1) –	0000/2024/S901		13/12/2024

Sheet 2			
Proposed Building Section (Unit 2)	0000/2024/P900		13/12/2024
Proposed Sections – Unit 3	18587 THPW XX SX DR A 0133	P02	21/12/2023
Proposed Levels	7842-HJCE-XX-XX-DR-C-2000	P05	21/12/2023
Landscape Plan	0000/2024/P122	B	20/05/2025
Design and Access Statement	DS01	P03	21/12/2023
Planning Statement	Q220794	December 2023	21/12/2023
Climate Change Statement			21/12/2023
Flood Risk Assessment	7842-HJCE-XX-XX-RP-3000-P03	P03	21/12/2023
Arboricultural Survey Report	SF3465		21/12/2023
Arboricultural Impact Assessment	AIA01	A	21/12/2023
External Lighting	0364 INSIG ZZ 00 PL U96 001	P2	21/12/2023
Transport Statement		December 2023	21/12/2023
Transport Technical Note			13/12/2024
Phase 1 Desk Study	S240222		04/04/2024
Supporting Letter from Stantec	Project/File: 333100993/A3/JC	Dated 16 May 2025	20/05/2025
Supporting Letter	333100993/A3/JC	Dated 12th March 2025	13/03/2025
EC-Fans Operating and Maintenance Specification			13/03/2025
Mechanical and Engineering Specification – Environmental Control and Extract Ventilation			13/03/2025
Mitsubishi Air Conditioning Product Information			13/03/2025
Mitsubishi Air Conditioning TM65 Calculation			13/03/2025
Mechanical Engineering Specification –	1322-DML010-XX-XX-RP-M-5001 P02		13/03/2025

Ventilation and Environmental Control Equipment'			
Unit 1 UG3 Grease Traps Specification			13/03/2025
Aluline Grease Trap Specification Report			13/03/2025
Aluzyme Microbial Liquid Specification Report			13/03/2025

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority 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. No amendments were sought or provided.

Report dated: 05/08/2025