

31 July 2025

Project/File: 333100993/A3/HB/JC

VIA PLANNING PORTAL ONLY

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

Dear Sir / Madam,

Reference: APPLICATION TO DISCHARGE CONDITIONS 3, 4, 6, 8, 9, 11 AND 17 ATTACHED TO PERMISSION REF. 2024/70/93522/E AT THE FORMER FRANKIE AND BENNYS, 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 3 (Phase II Site Investigation), 4 (Remediation Strategy), 6 (Verification Report), 8 (Drainage Scheme), 9 (Surface Water Scheme), 11 (Petrol Interceptor) and 17 (Coal Mining Risk Assessment) 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;
- Phase II Site Investigation Report;
- Designer's Risk Assessment;
- Hydraulic Modelling;
- Proposed Surface Water Drainage Plan;
- Proposed Foul Drainage Layout Plan;
- Proposed Site Levels;
- Proposed Surface Water Exceedance Plan;
- Proposed Surface Water Manhole Plan;
- Proposed Foul Manhole Schedule;
- Typical Details;
- Proposed Detail on Hydrobrake;
- Operation and Maintenance Requirements for Infiltration Tank;
- Operation and Maintenance Requirements for Attenuation Storage Tanks;

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- Hydrobrake Technical Specification;
- Polystorm Product Information; and
- AquaOil Data Sheet.

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”

A planning 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.

A subsequent planning application (ref. 2025/91401) was submitted under Section 73 of the Town and Country Planning Act to vary Condition 2 (Approved Plans) of planning permission reference 2024/70/93522/E to amend the approved landscaping scheme and is pending determination.

This application seeks to discharge conditions 3, 4, 6, 8, 9, 11 and 17 of permission reference. 2024/70/93522/E.

Ground Conditions

Condition 3 states:

“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.”

To support the discharge of the above condition, a Phase II Site Investigation Report is submitted alongside this letter.

We, therefore, request that Condition 3 is discharged in full.

Condition 4 states:

“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.”

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Section 7.5 of the Phase II Site Investigation Report (Recommended Remedial Works) confirms that a formal Remediation Strategy is not required. The only remedial measure necessary is radon protection, which will be verified through a verification plan prepared by the membrane installer. This verification plan effectively serves the purpose of a Remediation Strategy in this context, fully discharging Condition 4.

On the basis of the above, we request that Condition 4 is discharged in full.

Condition 6 states:

"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."

As set out above, the Phase II Site Investigation Report confirms that a formal Remediation Strategy is not required, and the only remedial measure necessary is radon protection, however there is no condition in relation to gas. As such, a Verification Report pursuant to Condition 6 is not required.

With regard to the radon protection measures, the gas membrane installer will arrange for a specialist third party to test the membrane and prepare a verification report. However, it is considered that this does not fall within the requirements of Condition 6.

We, therefore, request that Condition 6 is fully discharged.

In summary, no remediation measures are necessary with regard to ground conditions. Remedial measures are identified for radon protection. Furthermore, the requirement for barrier pipe for potable water supply would be verified by the local water supply company as the water company would not connect a new development to the mains supply until it is satisfied that appropriate pipe materials have been used on site.

On that basis, it is considered that a Remediation Strategy (Condition 4) and Remediation Verification Report (Condition 6) are satisfied.

Condition 17 states:

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;*
- b) 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.*

Condition 17 relates to ground stability issues associated with coal mining. The Phase II Site Investigation Report satisfies the first part of Condition 17 and includes recommendations that are applicable to the second part of the Condition (post-demolition investigation and treatment works).

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As such, we request that Condition 17 is discharged.

Drainage Conditions

The suite of drainage information which accompanies this application is submitted to discharge Conditions 8, 9 and 11 attached to permission reference. 2024/70/93522/E.

For ease of reference, this includes:

- Designer's Risk Assessment;
- Hydraulic Modelling;
- Proposed Surface Water Drainage Plan;
- Proposed Foul Drainage Layout Plan;
- Proposed Site Levels;
- Proposed Surface Water Exceedance Plan;
- Proposed Surface Water Manhole Plan;
- Proposed Foul Manhole Schedule;
- Typical Details;
- Proposed Detail on Hydrobrake;
- Operation and Maintenance Requirements for Infiltration Tank;
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- Hydrobrake Technical Specification;
- Polystorm Product Information; and
- AquaOil Data Sheet.

The Flood Risk & Drainage Statement (prepared by Holloway Jennings) which was submitted and approved under permission reference 2023/62/93781/E is also of relevance and should be considered in relation to Condition 9. We, therefore, request that Conditions 8, 9 and 11 are fully discharged.

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



Jordan Clark
Senior Planner