



Kirklees Council
Planning and Development Service
PO Box 1720
Huddersfield
HD1 9EL

Enquiries to: Nina Sayers

Jordan Clark,
Stantec
100, Barbirolli Square
Manchester
M2 3AB

Kirklees Direct
Tel: 01484 221000
Email: nina.sayers@kirklees.gov.uk

Date: 14-Oct-2025
Our Ref: 2025/92187

Dear Sir/Madam

**Application for Approval of Details Reserved by Condition
Town and Country Planning Act 1990
Planning (Listed Buildings and Conservation Areas) Act 1990**

Discharge of details reserved by conditions 3 (Phase II Intrusive Site Investigation Report), 4 (Remediation Strategy), 6 (Verification Report), 8, 9, 11 (drainage), 17 (coal mining) on previous permission 2025/91401 for the variation of 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

Frankie And Bennys, Centre 27 Business Park, Bankwood Way, Birstall, Batley, WF17 9TB

Application Number: 2025/92187

I write with reference to your application to discharge the conditions for the above development as submitted on 04-Aug-2025.

Conditions 9 and 11 can be discharged.

Condition 3, 4, 6, 8 and 17 cannot be discharged and must remain.

Conditions 3, 4 and 6 – Land Contamination

In support of the discharge of conditions 3, 4 and 6, the applicant has submitted:

- Site Investigation Report by Crossfield Consulting, ref: CCL03808.CW07, dated April 2025

The above information has been reviewed by KC Environmental Health (EH).

For the reasons details in the officer report, the details submitted are not sufficient to discharge conditions 3, 4 and 6. Conditions 3, 4, and 6 must therefore remain until further notice.

Condition 8 – Drainage Design Scheme

In support of the discharge of condition 8, the applicant has submitted:

- Proposed SW Drainage Layout – 16209-2000, Rev T01.
- Proposed SW Exceedance Plan – 16209-2003, Rev T01.
- Typical Details – 16209-2400, Rev T01.
- Hydraulic Calculations – 16209-250604
- Tank Maintenance Schedule
- Klargest Oil Separator data Sheet.

The above information has been reviewed by the LLFA who confirms that the proposed allowable discharge rate of 20.3l/s. and discharge point to the YW Surface Water sewer are accepted. However, they have the following comments:

- The hydraulic calculations indicate that the attenuation storage tank has a porosity of 1.0, however the tank is of a cellular type, and this figure is typically 0.95 to account for the structure of the crates within the tank. The porosity figure should be corrected and the calculations re-submitted.
- The oil separator appears to be draining both hardstanding and roof areas. It is common practice not to connect the roof drainage through the separator to avoid the flushing out of oils in heavy rainfall. The roof drainage from the buildings should therefore be connected to the outfall pipe between the separator and the flow control chamber
- The MH at the attenuation tank (SWMH7) should be of the silt trap type to reduce the risk of siltation within the tank.
- There is no indication how the attenuation tank can be accessed for inspection and maintenance. Please indicate how this tank will be maintained in the long term.
- The Maintenance Schedule on covers the tank, further details are therefore required for the maintenance of the flow control device, gullies, surface water drainage pipework, etc.

The developer will need to address the above comments with re-submitted details and, until the LLFA has reviewed these, Condition 8 cannot be discharged. Condition 8 must therefore remain.

Condition 9 – Drainage, Storm Events

In support of the discharge of condition 9, the applicant has submitted:

- Proposed SW Drainage Layout – 16209-2000, Rev T01.
- Proposed SW Exceedance Plan – 16209-2003, Rev T01.

- Typical Details – 16209-2400, Rev T01.
- Hydraulic Calculations – 16209-250604
- Tank Maintenance Schedule
- Klargestor Oil Separator data Sheet.

The above information has been reviewed by the LLFA. The submitted flood exceedance routing drawing is accepted by the LLFA; for this condition to be discharged, 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 the approved scheme shall be retained thereafter.

Condition 11 – Drainage, Surface Water

In support of the discharge of condition 11, the applicant has submitted:

- Proposed SW Drainage Layout – 16209-2000, Rev T01.
- Proposed SW Exceedance Plan – 16209-2003, Rev T01.
- Typical Details – 16209-2400, Rev T01.
- Hydraulic Calculations – 16209-250604
- Tank Maintenance Schedule
- Klargestor Oil Separator data Sheet.

The above information has been reviewed by the LLFA who confirms that the details provided are acceptable; therefore Condition 11 can be discharged.

Condition 17 – Coal Mining

In support of the discharge of condition 17, the applicant has submitted:

- Phase II Site Investigation Report – CCL03808.CW07

The Mining Remediation Authority have been consulted on the discharge of condition 17 however no comments have been received.

Condition 17 is a prescriptive planning condition that does not need to be discharged. It sets a required standard that must be adhered to. It does not require that any details be provided, to demonstrate compliance or otherwise. Condition 17 must therefore remain.

Yours faithfully

Mathias Franklin
Head of Planning and Development