

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended)

**DELEGATED DECISION TO DETERMINE APPLICATIONS FOR
CONSENT, AGREEMENT OR APPROVAL REQUIRED BY CONDITION**

Reference No:	2025/44/92256/E
Site Address:	Frankie And Bennys, Centre 27 Business Park, Bankwood Way, Birstall, Batley, WF17 9TB
Description:	Discharge of details reserved by condition 10 (drainage) on previous permission 2025/91401 for variation condition 2 (plans) on previous permission 2024/93522 for variation 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
Recommending Officer:	Nina Sayers

DECISION – Discharge of Condition 10 - Approved

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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 16-Oct-2025

Officer Report

Site Description

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Proposal – Discharge of details reserved by condition 10 (drainage) on previous permission 2025/91401 for variation condition 2 (plans) on previous permission 2024/93522 for variation 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.

Assessment

Condition 10 – Drainage Design Scheme

Condition 10 reads as follows:

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.

In support of the discharge of condition 10, the following has been submitted:

- Site Layout Plan – Temporary Surface Water Drainage Strategy During Construction Phase – Phase 1 Construction of Unit 1 and Unit 3 – 25092-SDS-ST-XX-DR-C-TEN-2015 Rev.T2

- Temporary Surface Water Drainage Strategy Construction Stage – 25092-SDS-XX-RP-C-0001 Rev.1

The application has been reviewed by the Lead Local Flood Authority (LLFA). The LLFA confirms the submitted information is sufficient for the purposes of discharging condition 10. Condition 10 can therefore be discharged. However, the applicant is reminded of the further stipulations of condition 10 as follows:

“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.”

Decision Notice Text

Condition 10 can be discharged.

Condition 10

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