

28<sup>th</sup> October 2025

Project/File: 333100993/A5/NK

**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 and 6 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 3 (Phase II Site Investigation), 4 (Remediation Strategy) and 6 (Verification Report) 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:

- Site Investigation Report by Crossfield Consulting ref. CCL03808.CW07 April 2025
- Addendum letter to the Site Investigation Report by Crossfield Consulting ref. CCL03808.046 October 2025

## **Background**

Planning permission (reference: 2023/62/93781/E) was granted on 29<sup>th</sup> 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 approved on 21<sup>st</sup> 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

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2024/70/93522/E to amend the approved landscaping scheme and was granted recently on the 18<sup>th</sup> of August 2025.

Most recently, the Applicant submitted an application (ref. 2025/92187) to discharge conditions 3, 4, 6, 8, 9, 11 and 17 of permission reference 2024/70/93522/E. Conditions 9 and 11 were discharged with condition 17 forming a compliance condition that did not require being discharged. Condition 8 was not discharged and the applicant looks to address this through a separate application. Conditions 3, 4 and 6 form conditions related to land contamination. The Officers Report concluded that further information was required to satisfy statutory consultees in order to discharge the remaining conditions.

Conditions 3, 4 and 6 require additional information as consultees believed that the Phase II Site Investigation Report by Crossfield Consulting (ref. CCL03808.CW07 April 2025) was not robust enough to discharge the conditions.

This application looks to discharge conditions 3, 4 and 6 related to application 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 an Addendum Letter by the Applicant's consultant to address the comments made by the LLFA.

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.”*

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. The supporting Addendum Letter submitted alongside this application explains the reasoning behind further remediation works on the Site not being required.

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*

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*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 which is commented on further in the Addendum Letter submitted alongside this application.

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.

### **Summary**

In summary, no remediation measures are necessary with regard to ground conditions. Remedial measures are identified for radon protection.

In order to confirm the discharge of conditions 3, 4 and 6, a formal response was issued by Crossfield Consulting, which responds to the objection of Condition Discharge, raised in relation to the ground gas risk assessment. The response, in summary states that the ground gas risk assessment is robust, realistic and supported by sufficient monitoring data. The site is appropriately classified as CS1, with built-in CS2 protection measures offering additional assurance. Accordingly, the clarification provided permits the discharge of the relevant planning conditions.

On that basis, it is considered that a Phase II Site Investigation (Condition 3), Remediation Strategy (Condition 4) and Remediation Verification Report (Condition 6) are satisfied.

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**

**Nayal Khawaja**  
Planner