

28th November 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 CONDITION 8 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 Condition 8 (Drainage Design Scheme) 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:

- Proposed Surface Water Drainage Layout (drawing no. 16209-2000)
- Proposed Foul Drainage Layout (drawing no. 16209-2001)
- Proposed Surface Water Exceedance Plan (drawing no. 16209-2002)
- Proposed Surface Water Manhole Schedule (drawing no. 16209-2200)
- Proposed Foul Manhole Schedule (drawing no. 16209-2201)
- Typical Details (drawing no. 16209-2400)
- Proposed Detail on Hydro-brake Manhole SWMH7.0 (drawing no. 16209-2401)
- Surface Water Hydraulic Model (reference: 16209-251124-SW HYDRA)
- Drawing Issue Register (reference: 16209-251126)
- Operation and Maintenance Requirements for Attenuation Storage Tanks (reference: Tank – SuDS Maintenance)
- Operation and Maintenance Requirements for Flow Control Chambers and Devices (reference: Flow Control Chamber – SuDS Maintenance)
- Operation and Maintenance Requirements for Piped Drainage Systems including manholes and gullies (reference: Piped Drainage Systems – SuDS Maintenance)

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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 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 drive-thru 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 was granted on 18th 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. Conditions 3, 4, 6 and 8 were not discharged. The Officers Report concluded that further information was required to satisfy statutory consultees in order to discharge the remaining condition.

Following the decision for the application 2025/92187, the Applicant submitted a second discharge of conditions application containing additional information in relation to conditions 3, 4 and 6 which formed conditions in relation to land contamination. These conditions have since been discharged (ref. 2025/93030).

Condition 8 requires additional information because consultees believed that drainage calculations in relation to the attenuation storage tank, details for the oil separator and details for the manhole used at the attenuation tank were incorrect. Furthermore, consultees required further details on the strategy for the inspection and maintenance for the attenuation tank, the flow control device, gullies and surface water drainage pipework. Whilst attempts have been made to discuss these further information requirements with officers at the Council, our request has been refused.

This application looks to discharge condition 8 related to application 2024/70/93522/E.

Ground Conditions

Condition 8 states:

“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

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such approved drainage scheme has been provided on the site to serve the development or each agreed phasing of the development and retained thereafter.”

To support the discharge of the above condition and to address the comments made by consultees in the previous application (ref. 2025/92187) the Applicant's consultants have prepared the drawings and documents mentioned on Page 1 and submitted alongside this application.

We, therefore, request that Condition 8 is discharged in full.

Summary

In summary, all comments made by consultees as part of application 2025/92187 have been addressed through this submission.

In order to confirm the discharge of condition 8, a series of updated drawings have been issued by Waterco Datrys, which responds to the objection of Condition Discharge, raised in relation to the provision of incorrect drawings and insufficient maintenance information. The response, in summary amends the calculation, replaces devices and provides sufficient information on the maintenance of drainage related instruments. Accordingly, the clarification provided should permit the discharge Condition 8 in a timely manner.

On that basis, it is considered that a Design Drainage Scheme (Condition 8) is 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