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UNITED KINGDOM

8th July 2026

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 18 ATTACHED TO PERMISSION REF. 2025/70/91401/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 18 (Verification Statement) attached to planning permission reference 2025/70/91401/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 form and fee; and
- Verification Statement (ref. 25092/CR/002)

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. 2025/70/91401/E) 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.

Registered Office: Stantec UK Limited | Buckingham Court, Kingsmead Business Park, Frederick Place, London Road, High Wycombe HP11 1JU | Registered in England No. 01188070

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The Applicant has discharged all pre-commencement and pre-occupation conditions attached to planning permission 2025/70/91401/E that concern Unit 1 and 2, with the exception of Condition 18.

Condition 18 requires a signed statement of declaration prepared by a suitably competent person, to confirm the site is, or has been made safe and stable for the approved development.

This application looks to discharge condition 18 related to application 2025/70/91401/E.

Verification Statement

Condition 18 states:

"Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity."

To support the discharge of this condition and address the comments raised by consultees in the previous application (ref. 2025/70/91401/E), the Applicant's consultants have prepared a Verification Report. This report confirms that Unit 1 is constructed over the retained basement and foundations of the former Frankie & Benny's and Chiquitos buildings, which remain in situ approximately 1.6m below the proposed finished floor level, thereby the new structure was installed by avoiding unnecessary disturbance of the underlying ground. The proposed units (1 and 3) are single-storey structures with a reduced footprint and lower foundation loads compared to the previous development. In addition, no evidence of historical mine workings was identified within the footprint of Units 1 and 3 during construction. Hence, the report confirms that the design and construction of the development were undertaken in accordance with the site investigation information prepared at design stage, and that the Site is suitable for its intended use and safe for occupation.

We, therefore, request that Condition 18 is discharged in full.

Summary

In summary, all comments made by consultees as part of application 2025/70/91401/E have been addressed through this submission.

In order to confirm the discharge of condition 18, a verification report has been issued by SDS Design Engineers which provides the information requested by the Council to ensure the Site can be safely occupied. The information provided should permit the discharge of Condition 18 in a timely manner.

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