Stantec UK Limited
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UNITED KINGDOM

28th October 2026

Project/File: 333100993.A5.NK

Kirklees Metropolitan Council

Planning Services
PO Box 1720
Huddersfield
HD1 9EL.

Dear Sir/Madam,

Reference: SECTION 73 OF THE TOWN AND COUNTRY PLANNING ACT 1990 APPLICATION TO VARY CONDITION 2 (PLANS) ATTACHED TO THE PREVIOUS PERMISSION 2025/70/91401/E FOR VARIATION CONDITION 2 (PLANS) FOR DEMOLITION OF EXISITING 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-FOOD TAKEAWAY SUI GENERIS USE); FORMATION OF HARD AND SOFT LANDSCAPING WORKS; MODIFICATIONS TO ACCESS AND ASSOCIATED WORKS.

PLANNING PORTAL REFERENCE: PP- 15233130

We have been instructed by our Client, Quickcater Ltd, to submit an application for a Minor Material Amendment under Section 73 of the Town and Country Planning Act 1990, to vary details in relation to landscaping and general site layout approved in relation to Planning Approval 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 documents:

- Application Forms;
- Application Fee;
- Site Layout Plan (ref. 0000/2024/G125 Rev.A);
- Soft Landscaping Plan (ref. 0000/2024/SLP);
- Unit 1 Working Drawing Ground Floor Plan (ref. 2024/84/WD01 Rev.C);
- Unit 1 Working Drawing External Elevations – Sheet 1 (ref. 2024/84/WD02 Rev.C);
- Unit 1 Working Drawing External Elevations – Sheet 2 (ref. 2024/84/WD03 Rev.C);
- Unit 1 Working Drawing Roof Plan (ref. 2024/84/WD04 Rev.B);
- Unit 1 Working Drawing Sections – Sheet 1 (ref. 2024/84/WD05 Rev.B);
- Unit 1 Working Drawing Sections – Sheet 2 (ref. 2024/84/WD06 Rev.A);
- Unit 1 Working Drawing Pergola Plan (ref. 2024/84/WD07 Rev.B);
- Unit 2 Working Drawing Ground Floor Plan (ref. 2024/84/G900 Rev.B);
- Unit 2 Working Sections – Sheet 1 (ref. 2024/84/G902 Rev.B);

- Unit 2 Working Sections – Sheet 2 (ref. 2024/84/G903 Rev.B);
- Unit 2 Working Roof Plan (ref. 2024/84/G904 Rev.A);
- Unit 2 Working Elevations – Sheet 1 (ref. 2024/84/G905 Rev.A);
- Unit 2 Working Elevations – Sheet 2 (ref. 2024/84/G906 Rev.A);
- Unit 3 Working Drawing Ground Floor Plan (ref. 2024/84/SBY01 Rev. A);
- Unit 3 Working Section (ref. 2024/84/SBY03 Rev. B);
- Unit 3 Working Roof Plan (ref. 2024/84/SBY04 Rev. A);
- Unit 3 Working Elevations – Sheet 1 (ref. 2024/84/SBY05 Rev.A);
- Swept Path Analysis Drawings – Estate Car (drawing no. 333100993/100/001);
- Swept Path Analysis Drawings – Large Refuse Vehicle (drawing no. 333100993/100/002); and
- Swept Path Analysis Drawings – 18t Rigid Van (drawing no. 333100993/100/003).

The planning application fee of £2,076 (plus service charge of £149) has been paid via the Planning Portal.

Background

Full 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"*

Subsequently, a S.73 application (ref. 2024/70/93522/E) was submitted which sought to vary Condition 2 to make minor amendments to the footprint and elevations of two of the approved units at the Site, alongside minor parking and internal layout amendments. This was approved on 21st February 2025.

A further S.73 application (ref. 2025/70/91401/E) was submitted to vary Condition 2 to make minor amendments to the soft landscaping plan. This application was approved on 18th August 2025.

This Section 73 application seeks a minor material amendment to the approved site layout, soft landscaping scheme, parking layout and building elevations pursuant to planning permission 2025/70/91401/E.

Proposed Amendments

Our Client is seeking to address minor-material amendments attached to the planning permission 2025/70/91401/E. An overview of the proposed changes is set out below:

- Unit 2 has been reconfigured and subsequently rotated by 5 degrees. Additionally, the drive-thru has been pulled closer to the building and the gabion baskets pushed back to accommodate the associated retaining wall without impacting the existing drainage infrastructure.
- Additional sheet piling has been installed at the drive-thru entrance for Unit 2 to accommodate the infrastructure mentioned above.
- Additional gabion baskets have been included for safety at the Unit 2 drive-thru pinch point.
- Additional sheet piling has been installed to the rear of Unit 3.
- The proposals have reconfigured the layout of the disabled parking spots and reduced one place, however, disabled parking spots within the development are still above the required threshold.

- Vehicles will be limited to circulating around the site via a one-way system.

A Section 96A (Non-Material Amendment) application was submitted to Kirklees Council on 2nd September 2026 to regularise the above amendments to the approved scheme. However, following discussions with the Council, it was confirmed that the proposed changes were not considered appropriate for determination under Section 96A and would instead need to be assessed through a Section 73 application as minor material amendments. Accordingly, the Section 96A application was withdrawn, and this Section 73 application has been prepared and submitted to seek approval for the proposed amendments and to regularise the development, which has had to depart from some of the details shown on the plans approved under planning permission ref. **2025/70/91401/E**.

The accompanying Swept Path Analysis drawings confirm that the proposed amendments do not give rise to any material issues in respect of vehicular access, manoeuvrability or circulation within the Site. The assessment demonstrates that service and refuse vehicles can safely navigate the development. Whilst larger vehicles (such as delivery and refuse vehicles) may marginally over-sail parking bays during certain turning movements. Deliveries and refuse collections are undertaken outside of the facility's operational hours, ensuring that the parking areas are available for manoeuvring when required. The delivery and refuse collection schedule is provided below for reference:

Starbucks (Refuse Collection)	**General Waste**	**Dry Mixed Recycling**	**Food Waste**
Monday	03:00 – 04:00	-	-
Wednesday	-	-	03:00 – 06:00
Thursday	03:00 – 04:00	03:00 – 06:00	-
KFC (Refuse Collection)	**General Waste**	**Dry Mixed Recycling**	**Food Waste**
Monday	03:00 – 04:00	04:00 – 06:00	-
Tuesday	03:00 – 04:00	-	-
Wednesday	-	04:00 – 06:00	04:00 – 06:00
Thursday	03:00 – 04:00	-	-
Friday	03:00 – 04:00	04:00 – 06:00	04:00 – 06:00

Starbucks	Deliveries
Monday – Sunday	06:00 – 08:00
KFC	**Deliveries**
Tuesday	06:00 – 08:00
Thursday	06:00 – 08:00
Saturday	06:00 – 08:00

The documents accompanying this application seek to supersede the plans previously approved under planning permission 2025/70/91401/E. The table below sets out the schedule of amended plans:

Submission document	Approved Document	Minor-Material Amendment (2026)
Site Layout Plan	0000/2024/P121 Rev C	0000/2024/G125 Rev.A
Soft Landscaping Plan	0000/2024/P122 Rev.B	0000/2024/SLP
Unit 1 External Elevation Plan for – Sheet 1	0000/2024/S212	2024/84/WD02 Rev.C
Unit 1 External Elevation Plan for – Sheet 2	0000/2024/S211	2024/84/WD03 Rev.C
Unit 1 Working Drawing Ground Floor Plan	0000/2024/S100	2024/84/WD01 Rev.C
Unit 1 Working Drawing Roof Plan	0000/2024/S110	2024/84/WD04 Rev.B
Unit 1 Working Drawing Sections – Sheet 1	0000/2024/S901	2024/84/WD05 Rev.B
Unit 1 Working Drawing Sections – Sheet 2	0000/2024/S900	2024/84/WD06 Rev.A
Unit 1 Working Drawing Pergola Plan	N/A	2024/84/WD07 Rev.B
Unit 2 External Elevation Plan	0000/2024/P211 Rev.A	2024/84/G905 Rev A 2024/84/G906 Rev A
Unit 2 Working Drawing Ground Floor Plan	0000/2024/P100 Rev.A	2024/84/G900 Rev.B
Unit 2 Working Sections	0000/2024/P900	2024/84/G902 Rev.B 2024/84/G903 Rev.B
Unit 2 Working Roof Plan	0000/2022/P110 Rev.B	2024/84/G904 Rev.A
Unit 3 External Elevation Plan	18587 THPW XX EL DR A 0132	2024/84/SBY05 Rev.A
Unit 3 Working Drawing Ground Floor Plan	18587 THPW XX 00 DR A 0130	2024/84/SBY01 Rev.A
Unit 3 Working Section	18587 THPW XX SX DR A 0133	2024/84/SBY03 Rev.B

Unit 3 Working Roof Plan	18587 THPW XX R1 DR A 0131	2024/84/SBY04 Rev.A
Vehicle Swept Path Analysis – Estate Car	333100986/100/003	333100986/100/001
Vehicle Swept Path Analysis Drawings – Refuse and Large Vehicle	333100986/100/002	333100993/100/002 333100993/100/003

Summary

I trust the Council has sufficient information to register and determine the enclosed Minor-Material Amendment application and look forward to receiving written confirmation of this shortly. In the meantime, if you require any additional information, please do not hesitate to contact me.

Yours faithfully

Nayal Khawaja MRTPI

Planner

on behalf of Stantec UK Ltd