

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:	2024/44/93088/E
Site Address:	Dewsbury Bus Station, Aldams Road, Dewsbury, WF12 8AR
Description:	Discharge of details reserved by conditions 5, 6, 7 (drainage), 10 (construction environment management plan), 11 (Phase II site investigation), 15 (security), 16 (landscape) and 18 (EV charging) of previous permission 2023/92141 for refurbishment and improvement of Dewsbury Bus Station including hard and soft landscaping works
Recommending Officer:	William Simcock

DECISION – Discharge of Condition – Approve

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.

Nicholas Hirst

AUTHORISED OFFICER

Date: 22-Jan-2026

January 2026 Update Report

Application: 2024/93088

Site: Dewsbury Bus Station, Aldams Road, Dewsbury, WF12 8AR

Proposal: Discharge of details reserved by conditions 5, 6, 7 (drainage), 10 (construction environment management plan), 11 (Phase II site investigation), 15 (security), 16 (landscape) and 18 (EV charging) of previous permission 2023/92141 for refurbishment and improvement of Dewsbury Bus Station including hard and soft landscaping works.

Overview

An interim decision letter to this DOC application was issued 10/03/2025. This letter confirmed that the details submitted pursuant to conditions 5, 6 (drainage), 10 (construction environment management plan), 15 (security) and 18 (EV charging) could be approved, but that condition 7 (public sewerage infrastructure), 11 (phase II site investigation) and 16 (landscape) could not be approved at that stage.

This subsequent assessment therefore relates to conditions 7, 11 and 16 only.

Assessment

Condition 7 (Public sewerage infrastructure)

7. No construction works in the relevant area(s) of the site shall commence until measures to protect the public sewerage infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times.

Reason: *In the interest of public health and maintaining the public sewer network as required by Policy LP28 of the Kirklees Local Plan*

The information originally submitted, entitled Dewsbury Bus Station – Application 2023/62/92141/E – Condition 07 – Drainage” resulted in objections by Yorkshire Water, as detailed in their consultation response dated 12/02/2025, over claimed inaccuracies and insufficient information concerning the presence of sewers on site.

In response, a document entitled Build Over Exchange of Letters Agreement, reference: X114299 / BOE-2025-206 has been submitted by the applicant, in which Yorkshire Water confirm conditional agreement to allow the sewer on site to be built over. Yorkshire Water have subsequently confirmed (consultation dated 16/01/2026), based on these updated details, that they have no outstanding objections to the discharge of condition 7.

It is considered that the Build Over Exchange of Letters Agreement provides sufficient evidence that the public sewerage infrastructure will be adequately protected during development and that future access for repair and maintenance will be achievable. The submitted information is therefore considered acceptable and is recommended for approval. As Condition 7 has no ongoing requirements, it may be discharged in full.

Condition 11 (Phase II site investigation)

11. No groundworks/material operation, as defined in section 56(4)(a) (b) (c) (d) and (e) of the Town & Country Planning Act 1990 (other than operations required for a site investigation report or those categorised under 56(4)(aa) shall commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the Local Planning Authority.

Reason: *To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework. The requirement of this pre-commencement condition is due to the need to make the site safe for occupation by future employees.*

As part of the original assessment, K.C. Environmental Health advised (in their consultation responses dated 21/11/2024 and 20/12/2024) that inadequate details had been provided to allow a full assessment to be made.

In response to these concerns, a Hazardous Gas Risk Assessment by Calabrian (01/07/2025, reference 7246/017/RJH/rjh) has been submitted. The letter states that three additional hazardous gas monitoring wells were installed in June 2025. These have been monitored along with BH101 from the original site investigation. BH102 was not accessible at the time of the additional monitoring. Calabrian explain that “several periods of falling atmospheric pressure although given the atmosphere trends during 2025 none were taken whilst pressure was less than 1000mb.” Calabrian also provide additional commentary on pressure trends and depleted oxygen, maintaining the previous conclusion of a CS1 characterisation for the site.

KC Environmental Health have viewed the submitted Hazardous Gas Risk Assessment and, in their consultation response dated 09/09/2025, advise that the report fully addresses the concerns that KC Environmental Health officers previously raised.

The proposed details are considered adequate and are recommended for approval. As the condition has no ongoing requirements, it is recommended to be discharged in full.

Condition 16 (Landscape)

16. Prior to the commencement of external works, full details of all hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. These works shall include:

- (a) Means of enclosure around the site, including gates;*
- (b) Materials to be used for all hard surfaced areas;*
- (c) Soft landscape works to include planting plans; plant schedules noting species, plant sizes and proposed numbers/densities where appropriate;*
- (d) an implementation, management and maintenance programme including full details for management of newly establishing trees, shrubs, wildflower seed (and re-sowing) including, but not limited to, a watering regime, monitoring of stakes and ties, formative pruning and replacement of failed or damaged specimens and beds including those within Green Rooves;*
- (e) The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this 5 year period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species unless the Local Planning Authority gives written consent to any variation. All hard and soft landscape works shall be carried out in accordance with the approved details.*

The approved details shall be implemented prior to units G.18, G.20 and G.21 (as indicated on document 'Proposed GA Plan' reference DBS-JSAZZ-ZZ-DR-A-02811) being brought into first permanent use and shall be so retained thereafter.

Reason: *To enhance and conserve the visual amenity of the historic built environment as well as the natural environment in accordance with Policies LP24, LP30, LP32, LP35 and LP63 of the Kirklees Local Plan as well as Chapters 12 and 15 of the National Planning Policy Framework.*

The following has been submitted:

- General Arrangement, reference DBS-EUS-Z0-SL-DR-L-00001 P01
- Landscape Planting Plan, reference DBS-ECS-Z0-SL-DR-L-00002/00003 P01
- Maintenance Schedule reference DBS-ECS-Z0-SL-DR-L-00008 P01 (all of the above by ECUS)
- Green roof maintenance schedule by SkyGarden

The scheme includes full details of means of enclosure, materials, soft landscaping works (species and number of specimens) and an implementation and maintenance programme covering all the items listed in part (d) of the condition.

The original assessment stated that approval could not be granted in respect of this condition since the views of KC Landscape had not been obtained. Since

the issuing of the original decision letter, KC Landscape have commented (response dated 27/03/25). They made the following comments:

- (i) The area indicated in clip above [the north-eastern part of the site] is no longer included in the landscaping scheme. The area indicated is now being handled by Kirklees Council. Please revise the layout to omit this area.
- (ii) Could we request that any replacement planting required during the 5-year period stated is approved by the authority prior to replacement, particularly ornamental plants.
- (iii) Planting plans are largely acceptable.
- (iv) Hedges are a feature the local authority can support due to the maintenance commitment it would require. Please omit this from your scheme, unless being managed by private management company for the lifetime of the development,
- (v) Please provide details of long-term management of green roof.

In response to point (i), Planning Officers do not accept that the landscaping scheme should be revised to exclude certain parts of the site solely on the grounds that these areas are being managed by Kirklees Council, or any party other than the developer. The condition applies to the whole site and is still enforceable regardless of how future responsibility for maintenance is apportioned. Therefore, a landscaping scheme for the entire site must be submitted to discharge the condition.

In response to point (ii), officers note that the original condition does not contain any provision that replacement planting is approved by the Local Planning Authority, and a discharge of conditions application does not provide the opportunity to apply new conditions. The matter is suitably addressed via part (e) of the condition.

Subsequent comments by KC Landscape (17/12/25) confirm that the proposed maintenance schedule provides suitable maintenance arrangements for the proposed hedges and green roof (points iv-v).

In conclusion, it is considered that the proposed details are sufficient to fulfil the initial purpose of the condition, and they are hereby recommended for approval.

Notwithstanding the above, the condition has an ongoing requirement which prevents full discharge currently. A note of the ongoing requirement is recommended to be included on the decision notice.

Recommendation: Approve details

Report Dated: 22/02/2026

Proposed Letter Text

This letter covers the approval of Condition 7 (Public sewerage infrastructure), Condition 11 (Phase II site investigation), and Condition 16 (Landscape).

Please see the letter dated 10/03/2025 in relation to the approval other conditions.

Condition 7 (Public sewerage infrastructure)

You have submitted a document entitled Build Over Exchange of Letters Agreement, reference: X114299 / BOE-2025-206, in which Yorkshire Water confirm conditional agreement to allow the sewer on site to be built over.

The submitted information is therefore considered acceptable for the purposes of this condition and is approved. Condition 7 is hereby discharged.

Condition 11 (Phase II site investigation)

You have submitted the following information pursuant to condition 11:

- Hazardous Gas Risk Assessment by Calabrian (01/07/2025, reference 7246/017/RJH/rjh)

The proposed details are hereby approved and condition 11 is discharged.

Condition 16 (Landscape)

The following has been submitted:

- General Arrangement, reference DBS-EUS-Z0-SL-DR-L-00001 P01
- Landscape Planting Plan, reference DBS-ECS-Z0-SL-DR-L-00002/00003 P01
- Maintenance Schedule reference DBS-ECS-Z0-SL-DR-L-00008 P01 (all of the above by ECUS)
- Green roof maintenance schedule by SkyGarden

It is considered that the proposed details are sufficient to fulfil the purposes of the condition and are hereby approved.

Notwithstanding the above, you are reminded that condition 16 has the following ongoing requirements which must be adhered to, to ensure continued compliance with the condition:

The approved details shall be implemented prior to units G.18, G.20 and G.21 (as indicated on document 'Proposed GA Plan' reference DBS-JSAZZ-ZZ-DR-A-02811) being brought into first permanent use and shall be so retained thereafter.