

**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:	2024/44/93405/E
Site Address:	Dewsbury Bus Station, Aldams Road, Dewsbury, WF12 8AR
Description:	Discharge of conditions 19 (Protected Species) and 21 (Tree Protection) 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 Conditions 19 and 21 - Approved

**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.**

Kirsty Nicholls

AUTHORISED OFFICER

Date: 10-Jan-2025

Application: 2024/93405

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

This discharge of condition application relates to planning permission 2023/92141 for refurbishment and improvement of Dewsbury Bus Station including hard and soft landscaping works.

The applicant seeks to discharge conditions 19 (Protected Species) and 21 (Tree Protection) of previous permission 2023/92141 for refurbishment and improvement of Dewsbury Bus Station including hard and soft landscaping works:

Condition 19

19. No material operation (including demolition), as defined in section 56(4)(a) through to (e) of the Town & Country Planning Act 1990 shall commence until a protected species survey is submitted to and approved by the Local Planning Authority. The recommendations of the survey report shall be implemented/secured prior to any material operation commencing.

Reason: To ensure the ecology of the site is accounted for, with any impacts minimised, prior to development taking place, in accordance with the requirements of Policy LP30 of the Kirklees Local Plan

Condition 21

21. Prior to the commencement of development, a finalised Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS) for the purpose of mitigating construction and development effects to trees designated as T3, T5, T9, T10, T11, T12, T13, and T14 (Prelim Tree Protection Plan ref. 70077924-WSP-DR—ARB-001 – 00), shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and maintained throughout the construction period or development lifespan, where applicable.

Reason: To ensure high value trees are protected from the effects of development, in accordance with the requirements of Policy LP33 Trees of the Kirklees Local Plan.

Assessment

Condition 19 (protected species survey)

A Preliminary Ecological Appraisal (PEA) and Roost Assessment, 24120 V01, has been submitted. It makes the following recommendations:

- i. A feasibility stage Biodiversity Net Gain Assessment (BNGA) is undertaken prior to works commencing to assess the impacts of habitats to be lost as part of the proposed development;

- ii. One dusk emergence survey of B1 and B2 should be undertaken in the peak bat activity survey season (May to August inclusive);
- iii. Artificial lighting to be minimised during the construction process;
- iv. Nesting bird checks are undertaken by a suitably qualified ecologist if and where appropriate;
- v. It is recommended that a minimum of two externally fitted bat boxes (e.g. Beaumaris Woodstone Bat Box or similar) are installed onto the retained buildings. Bat boxes should be positioned at eaves level on south elevations in locations away from direct and indirect lighting, as far as possible.
- vi. It is recommended that the bus station building incorporates a minimum of two bird boxes positioned at a minimum height of 3 m and avoid a true south orientation where there is a risk of over-heating in direct sunlight, or are affixed to mature trees within the Site e.g., Schwegler bird boxes (e.g. 1B bird boxes or similar). At least one hedgehog house is recommended to be placed on-Site, ideally within areas of retained vegetation, out of view and with no access to the general public (and dogs).
- vii. At least one insect tower is recommended to be placed amongst the vegetation within areas of retained vegetation to provide enhancement for invertebrates post-development.

A Biodiversity Net Gain study would normally be undertaken at the application stage and not in the context of an application to discharge a condition. It will be difficult to ensure that the future BNG study is carried out to a high standard and appropriately acted upon, since it is not possible to impose further conditions on an approval of details application. It is considered however that the scope of the submitted PEA and the level of detail within it satisfies the wording of the condition and that the recommendations, if implemented, will ensure that harm to protected species is avoided.

B1 and B2 were found to contain potential bat roosting features. Normally, where there are reasonable grounds for suspecting that a building or other structure could host a bat roost, a bat survey is undertaken before determination as part of the initial application process, comprising an inspection followed by an emergence survey if potential for bat roosts is found to be more than negligible. Provided that recommendation (ii) is adhered to, however, the developer will be able to find out for certain whether bats are present or not, and if they are, the onus will then be on the developer to seek a protected species mitigation license.

It is therefore recommended that the submitted details are sufficient to discharge condition 19. The implementation or securing of the report's

recommendations prior to any material operation commencing will ensure compliance with the condition.

Condition 21 (tree protection plan and AMS)

An Arboricultural Report, Impact Assessment and Method Statement, ref 23651 V02, by Ecus, has been submitted.

It gives details of trees to be removed, pruning works, and measures to protect the trees in the event of works within the Root Protection Area. But it does not give details of replanting (numbers, species or location)

The Arboricultural Officer has examined the submitted documents and deems them to be acceptable for the purposes of the condition. Planting of new trees may be constrained by the limited space within the site. Tree planting, if feasible, can however be addressed under the remit of condition (16) which requires a full landscaping scheme.

It is considered that the submitted details referred to above are sufficient to discharge condition 21. Subject to the approved details being implemented and thereafter maintained throughout the construction period, this condition will be discharged.

Conclusion

Approval can be granted in respect of both conditions for which details has been applied, 19 and 21.

Report Dated:

03-Jan-2025
