

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:	2026/44/90441/W
Site Address:	Huddersfield Bus Station, Upperhead Row, Huddersfield, HD1 2JN
Description:	Discharge of details reserved by conditions 11 (bins), 15 (BEMP), 22 (Phase II Intrusive Site Investigation Report) on previous permission 2025/91604 for variation condition 2 (plans) on previous permission 2024/92302 for refurbishment comprising (phase 1): facade improvements including Henry Street entrance; replacement shop fronts; alterations to external bus apron; extension and alterations to existing barrier within the bus alighting lane adjacent to Henry Street; (phase 2): new entrance canopy; public realm improvements; cycle hub; facade improvements including replacement shop fronts
Recommending Officer:	Liz Chippendale

DECISION – Discharge of Condition – Split Decision

I hereby authorise the split decision of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Nick Hirst

AUTHORISED OFFICER

Date: 20-Jul-2026

Application: 2026/90441

Site: Huddersfield Bus Station, Upperhead Row, Huddersfield, HD1 2JN

Proposal: Discharge of details reserved conditions 11 (bins), 15 (BEMP), 22 (Phase II Intrusive Site Investigation Report) on previous permission 2025/91604 for Variation condition 2 (plans) on previous permission 2024/92302 for refurbishment comprising (phase 1): facade improvements including Henry Street entrance; replacement shop fronts; alterations to external bus apron; extension and alterations to existing barrier within the bus alighting lane adjacent to Henry Street; (phase 2): new entrance canopy; public realm improvements; cycle hub; facade improvements including replacement shop fronts

Public Representations

No representations were received.

Condition 11 (Bins)

Prior to development commencing on phase two, as shown on plan 202335-SGP ZZ-ZZ-DR-A-131105 Rev P01 Combined Phasing, details of suitable storage, bin presentation points and access for collection of wastes, including swept path analysis for a suitably sized refuse wagon, from the premises hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a timeframe for implementation. Thereafter the approved details shall be implemented in accordance with the approved details and shall be so retained thereafter.

Reason: *In the interests of amenity and highway safety and to meet the requirements set out in the Local Plan Policy LP24 part d(vi). This pre-commencement condition is necessary to ensure adequate plans are in place for the safe collection of waste from the site.*

The following details have been submitted:

- Bin store Design Ref: 202335-SGP-ZZ-ZZ-DR-A- 131306 Rev P04
- Email from applicant dated 23.04.2026 detailing the proposed bin storage in response to initial KC Waste comments.

Consultee response

KC Highways DM provided the following comments –

Part of the proposals are to formalise the existing bin storage located on the bus station forecourt on Upperhead Row with a wooden bin store that would remove the bins from open display in a prominent position on the pedestrianised area outside the bus station to enhance the street scene and bus station refurbishment.

It is noted that the location of the proposed bin store is within the adopted highway and is not included within the proposed stopping up zone underneath the new canopy. It is the Local Highway Authority's policy that formal bin storage should not take place within the adopted highway and because of this we would have submitted an objection to the proposals and requested that the condition should not be discharged.

However, consultation with senior managers within Kirklees Council and the Local Highway Authority indicated that the following summarised points should be noted;

- 1) Other alternative options were considered . . . those options have been rigorously pursued (as is the option to have them placed in the current location) . . . due to building safety concerns the location in the grassed area next to the ramp into car park is not considered appropriate. We have evidence to that effect.*
- 2) The bins have been in the current position for a significant period of time. No highway concerns have been raised in relation to these bins. Their current location is not presenting a "highway" risk to the highway user. There is no evidence of them being a danger, nuisance or an obstruction.*
- 3) The Council has chosen not to enforce.*

We would not wish to see a precedent set that will allow other developments within town centre locations to propose waste stores on the adopted highway in contravention to existing LHA policy. However, given the information presented above, for this specific instance only, we would, on balance, not wish to object to the discharge of condition 11 of 25/91604.

KC Waste – The following initial comments were received dated 23.04.2026:

The bin store only shows room for 4 bins, this is too small and needs to be larger to be able to accommodate 8 bins that are currently on the site. Given the information provided by the developer the WCA cannot agree to the Discharge of Condition 11 for the site until the bin store is made larger.

Following engagement between the applicant and K.C. Waste, confirmation of details from the applicant were submitted. As such, via email dated 24/04/2026, K.C. Waste confirmed the following:

I understand now where the 4 containers figure came from and that the other waste containers are to be dealt with by the Bus Station. Therefore, I am happy with the bin store holding the 4 containers as detailed in the latest plan.

Assessment

Although an objection was initially received from K.C. Highways DM and K.C. Waste, as the applicant provided details of alternative options been considered which were not acceptable for a number of reasons, the fact that the bins have been stored in this proposed position for a number of years and no highways concerns have been raised, Officers concur with the comments and final comments made K.C. Highways DM and K.C. Waste in that the details provided are sufficient for the requirements of condition 11. Therefore, the submitted details are recommended to be approved, with a note of the condition's ongoing requirement to be included on the decision notice.

Condition 15 (BEMP)

Prior to development commencing on phase two, as shown on plan202335-SGP ZZ-ZZ-DR-A-131105 Rev P01 Combined Phasing, a Biodiversity Enhancement and Management Plan (BEMP) shall be submitted to and approved in writing by the Local Planning Authority. The plan shall demonstrate how a minimum of 0.25 habitat units and 0.08 hedgerow units are to be achieved post-development, along with the enhancement measures for bats, birds and hedgehogs that are to be incorporated into the proposals, and include details of the following:

- a. Description and evaluation of features to be managed and enhanced;*
- b. details of the provision of a minimum of two bat boxes and one bird box, including the types proposed and their intended location (including height).*
- c. Extent and location/area of proposed enhancement works on appropriate scale maps and plans;*
- d. Ecological trends and constraints on site that might influence management;*
- e. Aims and Objectives of management;*
- 2*
- f. Appropriate management Actions for achieving Aims and Objectives;*
- g. An annual work programme (to cover an initial 5 year period capable of being rolled forward over a period of 30 years);*
- h. Details of the management body or organisation responsible for implementation of the BEMP;*
- i. Ongoing monitoring programme and remedial measures; and*
- j. The BEMP will be reviewed and updated every 5 years and implemented for a minimum of 30 years The BEMP shall include details of the legal and funding mechanisms by which the long-term implementation of the BEMP will be secured by the developer with the management body responsible for its delivery.*

The BEMP shall also set out (where the results from the monitoring show that the Aims and Objectives of the BEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved BEMP. The approved BEMP will be implemented in accordance with the approved details.

Reason: *In order to ensure the development provides ecological enhancement and creation measures sufficient to provide a biodiversity net gain in accordance with Policy LP30 of the Kirklees Local Plan and the National Planning Policy Framework. This pre commencement condition is necessary to ensure details relating to the required biodiversity net gain are devised and agreed at an appropriate stage of the development process.*

The following details have been submitted:

- 26164 HBS Phase 2 BNGA (Design stage) SBM-V1.0 – Biodiversity Net Gain Assessment (Design stage) Statutory Biodiversity Metric
- 26164 HBS Phase 2 BEMP-V1.0 – Biodiversity Enhancement Management Plan

Consultee response

KC Ecology comments dated 19/02/2026:

The BEMP has been reviewed. It is acceptable and in line with the requirements of the condition.

Condition 15 is met.

Assessment

An assessment is made on requirements a – j of condition 15 as follows:

- a. Description and evaluation of features to be managed and enhanced;*

Details as required are contained on page 7 of the submitted report.

- a. details of the provision of a minimum of two bat boxes and one bird box, including the types proposed and their intended location (including height).*

Details of bat and bird box installation is documented on pages 27 and 28 of the submitted report.

- b. Extent and location/area of proposed enhancement works on appropriate scale maps and plans;*

Biodiversity Enhancement plan included on page 32 of the submitted report which is considered to be acceptable.

- d. Ecological trends and constraints on site that might influence management;*

Ecological trends and constraints are documented on page 10 of the submitted report.

c. Aims and Objectives of management;

The aims and objectives of management are documented on page 7 of the submitted report.

d. Appropriate management Actions for achieving Aims and Objectives;

Management actions are documented on page 10 of the submitted document.

e. An annual work programme (to cover an initial 5 year period capable of being rolled forward over a period of 30 years);

An annual work programme is documented from page 13 of the submitted document.

f. Details of the management body or organisation responsible for implementation of the BEMP;

The Management body or organisation responsible is documented on page 10 of the submitted report.

g. Ongoing monitoring programme and remedial measures; and

The ongoing monitoring programme is documented from page 13 of the submitted document.

h. The BEMP will be reviewed and updated every 5 years and implemented for a minimum of 30 years The BEMP shall include details of the legal and funding mechanisms by which the long-term implementation of the BEMP will be secured by the developer with the management body responsible for its delivery.

The submitted document includes the required information as specified within the condition which is considered acceptable. Officers concur with the comments and assessment made by the KC Ecology in that the details provided are sufficient for the requirements of condition 15. Therefore, the submitted details are recommended to be approved, with a note of the condition's ongoing requirement to be included on the decision notice.

Condition 22 (Phase II)

Groundworks as approved for phase two as shown on plan 202335-SGP-ZZ-ZZ-DR A-131105 Rev P01 Combined Phasing (other than those required for a site investigation report) shall not commence until a supplementary Phase II Intrusive Site Investigation Report by a suitably

competent person 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. 189 and 190 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that a site investigation report identifying any potential risks to the development of future users is completed prior to work commencing on site.

The following details have been submitted:

- HBSC-BWB-XX-XX-T-G-0001-Ph2 – Phase II Intrusive site investigation report
- HBS-BWB-XX-XX-T-G-0012_GDR_P01 (Complete) – Phase II intrusive site investigation report
- C5244 – Factual report – Phase II Intrusive site investigation report
- 2026-90441_HuddersfieldBusStation_BWB EH Reponse

Consultee response

KC Environmental Health comments dated 19/05/2026:

We are informed fieldworks were undertaken between the 12th & 14th, and 17th & 18th June 2025. They included two windowless sample boreholes with rotary core and rotary open-hole follow-on, with, Installation of two monitoring standpipes. The report explains, a third borehole was not undertaken due to time constraints. Good practice guidance advises a minimum of 3 investigation points and 3 monitoring locations where a gas risk has been identified.

Strata conditions revealed; made ground including cobbles with bituminous binding, lower coal measures, coal and a void at location BH01, which the report considers indicates worked coal.

8 soil samples and 2 leachate samples were retrieved and sent for analysis. Asbestos was not detected. BH01 sample showed exceedances of several PAHs within made ground which has been attributed to the bituminous material present. We are informed site personal risk during construction will be mitigated using standard health and safety PPE, we require additional commentary in relation to future site users as the report author has assumed full hard landscaping. Plan number 221655-PEV-XX-00-DR-L-0301, shows at least 2 areas of soft landscaping. Thus the report has not considered these areas.

The gas monitoring to date is provided within the RGS factual report BH01 has two results on two dates, BH03 appears to have two inconclusive results as on the first visit the gas tap was open and on the second visit silt was present on the dip meter. In addition to the inadequate monitoring no visits were undertaken during periods of atmospheric pressure below 1000mb, worst case scenario has not been

demonstrated. The consultant should indicate within the report the relevance of gas monitoring in relation to the proposed development, i.e. are enclosed spaces part of the proposal. Good practice guidance must be followed and we anticipate full monitoring results and associated commentary in an updated report.

For the reasons given above we are unable to recommend the discharge of condition 22 at this time.

Assessment

Officers concur with the expert advice provided by KC Environmental Health that further details are required. Officers advise that a minimum of 3 investigation points and 3 monitoring locations where a gas risk has been identified should be submitted. At this stage only 2 investigation points are detailed.

The submitted detail advised that site personal risk during construction will be mitigated using standard health and safety PPE. However, additional commentary is required in relation to future site users as the report author has assumed full hard landscaping whereas Plan number 221655-PEV-XX-00-DR-L-0301, shows at least 2 areas of soft landscaping. The submitted report has not considered these areas within the assessment.

There is inadequate gas monitoring results submitted. In addition officers advise that no monitoring visits were undertaken during periods of atmospheric pressure below 1000mb, and therefore a worst case scenario has not been demonstrated. An updated report is required for submission which includes full monitoring and associate commentary.

It is noted that following the initial comments from KC Environmental Health, the applicant has submitted additional information to respond to the concerns raised. This is currently under review by officers and a response will be provided under separate cover.

Due to the reasons set out above, officers are unable to discharge condition 22 at this stage.

Summary

Conditions 11 (Bins) and 15 (BEMP) are recommended for discharge.

Additional information submitted for Condition 22 (Phase II) is currently under review by officers. Therefore, condition 22 is unable to be discharged at this stage and a response will be issued under separate cover.

Officer Recommendation: Split decision

Date: 17/07/2026

Recommended Decision notice text

Condition 11 (Bins)

The following details have been submitted pursuant to condition 11:

- Bin store Design Ref: 202335-SGP-ZZ-ZZ-DR-A- 131306 Rev P04

The details therein are acceptable for the purposes of satisfying condition 11 and are hereby approved. However, please be aware of the condition's ongoing requirement which must be adhered to, to ensure ongoing compliance:

Thereafter the approved details shall be implemented in accordance with the approved details and shall be so retained thereafter.

Condition 15 (BEMP)

The following details have been submitted pursuant to condition 15:

- 26164 HBS Phase 2 BNGA (Design stage) SBM-V1.0 – Biodiversity Net Gain Assessment (Design stage) Statutory Biodiversity Metric
- 26164 HBS Phase 2 BEMP-V1.0 – Biodiversity Enhancement Management Plan

The details therein are acceptable for the purposes of satisfying condition 15 and are hereby approved. However, please be aware of the condition's ongoing requirement which must be adhered to, to ensure ongoing compliance:

The approved BEMP will be implemented in accordance with the approved details.

Condition 22 (Phase II)

Following the initial comments received from KC Environmental Health, additional detail has submitted to respond to the concerns raised. This detail is currently under review by officers, and a response will be provided under separate cover.

For the avoidance of doubt, due to the reasons set out above, officers are unable to discharge condition 22 at this time.