

# **KIRKLEES METROPOLITAN COUNCIL INVESTMENT & REGENERATION SERVICE**

## **DEVELOPMENT MANAGEMENT**

**Town and Country Planning Act 1990 (as amended)**

**DELEGATED DECISION TO DETERMINE APPLICATIONS FOR  
DEMOLITION OF BUILDINGS – Town and Country Planning (General  
Permitted Development ) Order 2015 (amended) – Class B, Part 11 of  
Schedule 2.**

Reference No:	<b>2023/N /91335/W</b>
Site Address:	Highways Offices, Flint Street, Fartown, Huddersfield, HD1 6LG
Description:	Prior notification for demolition of office buildings
Recommending Officer:	Teresa Harlow

**DECISION – PRIOR APPROVAL NOT REQUIRED**

**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.**

Kevin Walton

***AUTHORISED OFFICER***

**Date: 30-Jun-2023**

## **Officer Report**

### **Site Description**

Flint Street Highway Offices.

The site, which is located at the junction of Flint Street with Alder Street, comprises a number of interconnected and detached buildings, mainly of one and two storeys in height which comprise offices and workshops/stores. The buildings are currently in use and are accessed by pedestrian and vehicular traffic from Flint Street itself.

Part of the Bradley/Deighton Greenway runs along the north of the site. There is a restaurant and residential properties fronting Bradford Road to the west of the site, another Council depot and commercial property to the south, The Railway public house to the south west. Across Alder Street are Hillhouse sidings and residential properties which are at a much higher ground level than the application site.

The site is not within a conservation area, nor is it within close proximity to any listed buildings.

### **Description of Proposal**

The applicant seeks determination for whether prior approval is required for the method of demolition of the existing building complex as well as means of restoring the site.

### **History of Negotiations/Amendments Received**

An additional nocturnal bat survey was submitted, together with further information regarding the method of demolition (through tender documents).

### **Relevant Planning History**

None, to this application.

### **Representations/Publicity**

The Local Planning Authority did not publicise the Prior Notification application, as the duty lies with the applicant to advertise their intention to demolish the building. A photo of a site notice at the site has been provided by the applicant's agent.

The site notice was posted on 3rd May 2023. It is considered that the Prior Notification application met the conditions of Schedule 2, Part 11, Class B.2 (b) of the Town and Country Planning (General Permitted Development) Order 2015, with regard to publicising the application and the applicant's contact details.

No representations have been received.

## **Consultation Responses**

KC Environmental Health: comment on dust suppression measures and the need for a future planning application on the site to be accompanied by contaminated land reports, due to potential historic seepage of diesel within the site. No specific concerns or conditions raised regarding this demolition notification.

KC Ecology: *Following on from my initial comments, an updated bat survey report has been submitted with the application. The survey found that two common pipistrelle bat day roosts have been confirmed from Building 5 in the Flint Street compound. The proposed demolition works will result in the destruction of the roosts and consequently the site will either need to be registered on the Bat Mitigation Class Licence or Earned Recognition licences, or an European Protected Species mitigation licence will need to be obtained for the scheme.*

*As detailed within section 6.3 of the submitted report, proposed roost mitigation comprises new bat boxes, to be installed either on retained buildings to the south of Flint Street, or on new telegraph poles at the northern end of the surveyed site. The submitted mitigation measures are considered appropriate to ensure the species survival in the area and as detailed within the submitted report, the works are to proceed under the appropriate bat licence, detailed above.*

*Given the above, I have no objection to this application, as the proposed mitigation measures will ensure the continuation of the bat population in the local area. As such, the proposed scheme is able to come forward in line with national and local planning policies pertinent to biodiversity*

## **Relevant Planning Policy and Guidance**

The Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) ["GPDO"].

## **Appraisal**

### General Principle

An application has been submitted for determination as to whether prior approval for the method of demolition and/or restoration of the site is necessary and is required to be determined under Class B of Part 11, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 ["GPDO"]. This requires a site notice to be displayed on or near the land for not less than 21 days.

Class B of Part 11, Schedule 2 of the GPDO gives Permitted Development rights for demolition that has obtained prior approval. An Application for Prior Notification of Proposed Demolition triggers a 28-day process in which the Local Planning Authority has to determine whether or not formal approval is needed for the works. If so, then details of the method of the demolition and means of restoring the site need to be approved.

Part B.2 of Part 11 of Schedule 2 of the GPDO makes it clear that such prior approval is not needed for demolition that is considered to be 'excluded demolition'. 'Excluded demolition' is defined at Para B.3 (GPDO) to mean 'any development on land which is the subject of a planning permission, for the redevelopment of the land'.

There are no current extant planning consents relating to the existing buildings. Therefore, the development set out in the prior notification application does not fall into the category of 'excluded demolition'. Furthermore, the development is not considered to be 'urgently necessary in the interests of health and safety'

Where demolition is not 'excluded development' or 'urgently necessary', the applicant is required to apply to the Local Planning Authority (LPA) for the determination as to whether prior approval of the LPA is required as to the method of demolition and any proposed restoration of the site.

The bat surveys and general principles regarding the methods of demolition submitted alongside the application sets out the demolition process. Evidence of a site notice being posted around the site has been provided as part of this application.

#### Method of demolition and site restoration

The submitted pre-tender documents outline that the principles of demolition and restoration will be as follows:

#### **Demolition Works**

*The demolition and site clearance works will involve:*

- 1. Site set-up including welfare and securing site boundary. Allow for safety signage and fencing as appropriate to site boundary. Delineate the site from the adjoining cycle way to the north of the site. Access to site to be controlled through existing main entrance off Flint Street. Refer to Drawing No. S03. (site set up plan)*
- 2. Remove vegetation, trees, street furniture, redundant drainage, external plant, sheds, kerbs, raised foundations, plant beds, fencing, parapet walling, stairs, ramps, railings, rubbish etc. from site. Refer to Drawing No. SE02. (site plan)*
- 3. Remove all asbestos containing materials as identified in survey report and scope.*
- 4. Allow for external asbestos analyst to confirm asbestos removal has been completed.*
- 5. Remove all fixtures and fittings including loose furniture and any other rubbish*

*internally from main building, outbuildings and containers.*

*6. Introduce signage, closure signage to block-off Flint Street, Alder Street and*

*cobbled street to the west of the site. Erect scaffolding as required to elevations of building fronting onto Flint Street, Alder Street and cobbled street. Maintain for duration of works. Closure notices have been applied for already with Kirklees Council. Refer to Drawing No. SE03.*

*7. Protect all underground and overhead services crossing site. Disconnect all services serving site to be disconnected at site boundary. Street Lighting Unit to relocate lighting columns affected by the works.*

*8. Remove diesel tanks in basement. Cut-off drainage runs at site boundary.*

*9. Carefully demolish main building, outbuildings and containers down to ground*

*level. Retain existing foundations, external hardstanding areas and internal groundbearing concrete floor slabs. Allow for concrete haunching to demolished external and internal walls. Refer to Drawing No. SE02. Allow for following measures:*

*a. Inform local residents and businesses of impending works.*

*b. Control dust and noise through dust suppression measures such as introducing water jets.*

*10. Retain and reduce existing stone boundary walls to outbuildings and allow for*

*strengthening and tying-in works as specified. Introduce stone copings to top of reduced walls. Refer to Drawing No. SE08. (outbuilding wall strengthening details)*

*11. Allow for propping/temporary support to external walls to above and below ground level.*

*12. Remove any suspended timber floors including floor supports/sleeper walls below.*

*13. Allow for crushing of appropriate demolition material to form 6F2. Allow for testing as required. Allow for imported material as required for backfilling works. Remove remaining demolition material to appropriate tip.*

*14. Drill holes in all basement floor slabs and courtyard area to allow for groundwater to drain out.*

*15. Backfill all basement and courtyard areas with engineered compacted layers*

*in accordance with Specification of Highway Works. Test for compaction. Refer to Drawings Nos. SE04-SE07. (SE06-SE07 provide details of where engineered backfilling would take place on the site).*

*16. Introduce new palisade fencing to elevations fronting onto Flint Street including lockable gates. Refer to Drawings Nos. SE04-SE07. (and separate planning application for fence erected)*

*17. Allow for making good tarmac and hardstanding areas on completion of works*

*especially at interfaces of existing demolished buildings.*

*18. Remove site set-up including scaffolding.*

*19. Undertake topographical survey of site.*

*20. Clean and tidy site.*

*The works are currently being tendered under a design and build contract and*

*tenderers are being encouraged to visit site prior to submitting their tenders. All risks associated with the works have been highlighted in the attached CDM Pre-Construction Information Pack. The appointed contractor will then provide a Construction Health and Safety Plan which will include method statements and risk assessments to undertake the necessary works.*

The principles set out in the pre-tender documents provide adequate details, for this prior notification, of the general methods of demolition and site restoration. Although no comments were sought from Highway Services, of note, the building complex is contained within an expansive and surfaced open yard with significant and safe access for vehicles and parking.

The application was initially accompanied by bat surveys that found 2 common pipistrelle bat day roosts within Building 5 in the Flint Street compound. The proposed demolition works will result in the destruction of the roosts and consequently the site will either need to be registered on the Bat Mitigation Class Licence or Earned Recognition licences, or an European Protected Species mitigation licence will need to be obtained for the scheme.

As detailed within section 6.3 of the submitted report, proposed roost mitigation comprises new bat boxes, to be installed either on retained buildings to the south of Flint Street, or on new telegraph poles at the northern end of the surveyed site. The submitted mitigation measures are considered appropriate to ensure the species survival in the area and as detailed within the submitted report, the works are to proceed under the appropriate bat licence, detailed above. A note will be imposed requiring such restorative measures to take place.

Given the above, the method of demolition is considered to be acceptable,

In terms of the restoration of the site, this would result in the floor slabs being retained and the pre-tender document measures 14-20 being undertaken. These would be sufficient to leave the site in a 'clean and tidy' condition prior to any future development.

## **Conclusion**

It is recommended that prior approval for the demolition of the existing buildings is granted.

**Recommendation: APPROVE – Prior Approval Not Required**

**Decision Authorisation - Delegated Powers****Application Number:** 2023/91335**Officer Recommendation:** Approve

The development shall be carried out in accordance with the recommendations section (section 6.3 and 6.4) of the Bat Survey by Middleton Bell Ecology (reference: MBE/BAT/2023/023/03 dated 19<sup>th</sup> June 2023).

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Application Form	-	-	9 <sup>th</sup> May 2023
Location Plan			9 <sup>th</sup> May 2023
Demolition and Backfilled Areas	SE01		11 <sup>th</sup> May 2023
Site Plan	SE02	-	1 <sup>st</sup> June 2023
Site Set-Up Plan	SE03	-	1 <sup>st</sup> June 2023
Site Finishes Plan	SE04	-	1 <sup>st</sup> June 2023
Existing Sections	SE05	-	1 <sup>st</sup> June 2023
Site Finishes Plan	SE06		1 <sup>st</sup> June 2023
Proposed Sections	SE07		1 <sup>st</sup> June 2023
Outbuilding Wall Strengthening Details	SE08		1 <sup>st</sup> June 2023
Bat Survey	MBE/BAT/2023/023/03 dated 19 <sup>th</sup> June 2023		19 <sup>th</sup> June 2023
Draft Outline of demolition strategy	PROJECT NO: CLA550265		1 <sup>st</sup> June 2023
Pre-Construction Information Pack with Appendices	PROJECT NO: CLA550265		1 <sup>st</sup> June 2023
Further Information regarding design and procurement	Email dated 10 <sup>th</sup> May 2023		10 <sup>th</sup> May 2023

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Additional information on the methods of demolition and site restoration and bats was sought and received during the course of the application.

**Report Dated:** 30.6.2023

