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:	**2024/N /90852/W**
Site Address:	Sycamore Grange, Sycamore Avenue, Golcar, Huddersfield, HD3 4ST
Description:	Prior notification for demolition of building
Recommending Officer:	Liz Chippendale

DECISION – DETAILS 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.

Kevin Walton

AUTHORISED OFFICER

Date: 26-Apr-2024

Officer Report

Site Description

The application site is a parcel of green space located between Oak Avenue and Sycamore Avenue, Golcar. The site slopes gently from West to East and holds a two 2 no storey buildings which are linked together centrally, currently used as a retirement living scheme for the over 55's. There is a small car park to the West of the building accessed via Oak Avenue. Enclosed amenity space for the residents is to the South.

Surrounding the building is open grass land with informal footpaths to the North leading to Byran Terrace; to the East and South East leading to Sycamore Avenue. To the North, East and West are semi-detached and terraced dwellings with single storey bungalows to the South.

Description of Proposal

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

History of Negotiations/Amendments Received

The applicant was formally advised on 26th March 2024 that prior approval was required. Prior approval is subject further details regarding the demolition management plan.

Relevant Planning History

No planning history recorded.

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. Photographs of a site notices at the site have been provided by the applicant's agent.

The site notice was posted on 19th March 2024. 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)(England) Order 2015 (as amended), with regard to publicising the application and the applicant's contact details.

No representations have been received.

Consultation Responses

KC Ecology: A Preliminary Roost Assessment (1914a) and Precautionary Working Method Statement (1914b) have been submitted with the application, which is welcomed.

The PRA details that the building at the site has low bat roost potential due to the presence of several potential bat roost features behind the roof verge throughout the building and went on to recommend a minimum of one dusk emergence bat survey (during the optimal survey period of May-August) prior to any works affecting the building, in accordance with current good practice guidelines.

However, during January 2024 and February 2024, the building has suffered repeated break-ins which has disturbed asbestos-containing-materials (ACMs) in the building which poses a health and safety risk, including to people entering the site in the future, by whatever means. Therefore, due to the health and safety risk associated with disturbed ACMs at the site, it is not acceptable from a health and safety point of view to wait until a Dusk Emergence Bat Survey can be undertaken during the optimal May-August survey period. Therefore, a Non-Licensed Bat Method Statement has been prepared, which details how a precautionary approach is to be adopted whilst dismantling those parts of the building identified as having 'low bat roost potential' without having undertaken the Dusk Emergence Bat Survey recommended in the original report.

The prepared Precautionary Method Statement should be strictly adhered to throughout the demolition to ensure that impacts to bats are sufficiently reduced.

If a bat or evidence of roosting bats are found during the works, contractors at the site must follow the protocols outlined in section 4.2 of the submitted Precautionary Working Method Statement.

KC Environmental Health: No objection subject to the approved demolition contractors method statement detailing a dust management plan and controlled hours of operation.

Relevant Planning Policy and Guidance

The Town and Country Planning (General Permitted Development) Order 2015 (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 (as amended) (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 building. 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.

Information provided on the application form 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. Furthermore, a Preliminary bat roost Assessment alongside a Precautionary working method statement for bats was submitted with the application.

The applicant was formally notified on 19th March 2024 that prior approval for the method of demolition and restoration of the site was required.

<u>Method of demolition</u>

The applicant advises that the contract for a demolition contractor has not yet been through the Council Tender process. The details submitted as part of the application will be contained within the tender brief which the successful demolition contractor will be required to follow.

The submission outlines that:

Secure temporary fencing will be erected around the site to form an exclusion zone.

Site fencing and hoarding will be erected to manufacturers specifications. Demolition will be expected to meet COSHH requirements as described by the Health and Safety Executive.

After the strip out of internal asbestos material and removal from site, the next phase of the work is expected to include the gradual mechanical demolition, the removal of materials and impact mitigation, in accordance with a detailed contractors' method statement which shall be agreed by the Council prior to any work commencing. This will also include measures to minimise any impacts on surrounding properties and residents.

Personal Protective Equipment will be provided by the contractor and any building surveys which may affect the demolition procedures and safe working will be issued to operatives prior to demolition works commencing.

This will include asbestos surveys/Reports and structural information. Any use of machinery should be used as accordance with the manufacturer. Safety goggles, helmets, noise protection, respiratory equipment, gloves etc.

The Contractor will ensure that all services will be disconnected prior to the demolition works starting on site.

As part of the proposed demolition work, specialist personnel will be monitoring identified areas of the building roofline for the potential emergence and presence of bats. A detailed method statement has been produced by Quants Environmental Limited [Precautionary Working Method Statement for Bats (Non-Licensed)- reference 1914b, dated 6 March 2024]. This document should be read in conjunction with this submission.

At the request of the Officer, the applicant's agent submitted additional information with regards to hours of operation of the site as follows:

As the demolition work will need to go through the tender period, the 'exact' operations times will be subject to the appointed contractor. However, a caveat will be included in the tender where the demolition contractor will need to adhere to specific working hours arrangements in view of the site location and its residential context.

The demolition operation hours shall be limited to:

07.30 to 18.30 hours Mondays to Fridays
08.00 to 13.00 hours, Saturdays

With no work taking place on Sundays or Public Holidays

A preliminary bat roost assessment by Quants Environmental (1914a January 2024) (MBE/BAT/2023/022/02) has been submitted alongside the application. This summarises that:

4.1 Bats

4.1.1.1 No evidence of bats was observed during the survey and the WYBG data search did not identify any bat records within 250 metres of the site. Based on the low to moderate background disturbance levels, low to moderate quality habitat for bats and

the presence of several potential bat roost features behind the roof verge throughout the building, it is concluded that the building has low bat roost potential.

Recommendations

4.1.1.2 *Due to the potential presence of bat roosts, prior to any works affecting the building at Sycamore Grange, it is recommended that a minimum of one dusk emergence bat survey should be undertaken during the optimal survey period of May-August. If a bat roost is found to be present, it may be necessary to undertake further survey work and to provide mitigation measures.*

4.1.1.3 *Depending on the results of the recommended surveys, it may be necessary to provide mitigation measures for bats (potentially including permanent provision of a 'bat loft' amongst other measures) and to obtain a European Protected Species Mitigation (EPSM) licence before development works commence.*

4.1.1.4 *An EPSM licence is required to allow an activity to occur that would otherwise be classed as unlawful i.e., damage/destruction and/or disturbance of a bat roost. Natural England can issue bat EPSM licences for this purpose on application and presentation of evidence-based mitigation. Before issuing a licence, Natural England will need to be satisfied that the following '3 tests' are met (this will include measures to minimise impacts on bats through design / mitigation / timings etc.):*

• That the action is for the purpose of preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature;

• That there is no satisfactory alternative; and

• That the action authorised will not be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range.

4.2 Nest Birds

4.2.1.1 *No bird nests were observed during the survey. Based on the nature of the building and its location, it is considered that there is low potential for birds to nest at the building, e.g. on the flat roof and/or in the gaps between roof verges and walls. Birds could also nest in shrubs within the site.*

Recommendation

4.2.1.2 *Any work affecting potential bird nesting sites (e.g. roof stripping / demolition) during the main bird nesting period of 1st March to 31st August must be mindful of the potential presence of active bird nests (all bird species). In the event that an active bird nest is found during the work, it must be retained in situ undisturbed until the nest is no longer in active use. A nest is classed as active when it contains eggs or chicks and when it is being built.*

Restoration of the site

The proposal is that the building will be removed from the site and the foundations shall be grubbed up and removed to leave a clean, developable site. The ground area will then be compacted and graded, and surface depressions shall be filled and graded with surrounding earth, to avoid any accidental falls. The site is expected to be graded with the site contours and leave a platform suitable for future development.

A contractor's Method Statement is expected to be provided to the Council as client to explain the detailed approach to ensure that the site is left in a safe, graded condition to ensure that public safety and amenity is protected. The Council will include all details as submitted with the prior notification application within the tender brief which the approved demolition contractor will be contracted to adhere to.

The details of restoration are considered acceptable.

The clearance of materials from the site would ensure that it is left in a clean and tidy condition in the interests of visual amenity and for the future development of the site.

Conclusion

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

Recommendation: APPROVE – Prior Approval Granted

Decision Authorisation - Delegated Powers
Application Number: 2024/90852
Officer Recommendation: Approve

Prior Approval Granted

NOTE: In order to protect bats that may be found in the building, the development shall be completed in accordance with the advice and directions contained in the Preliminary Bat Roost Assessment (by Quants Environmental dated January 2024 reference 1914a) and Precautionary Working Method Statement for Bats (Non-licensed) (by Quants Environmental dated March 2024 reference 1914b)

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application Form	-	-	26/03/2024
Location Plan	SG-BTP-00-LP-DR-A-3944_100	1	26/03/2024
Demolition Plan	SG-BTP-00-LP-DR-A-3944_100	1	26/03/2024
Precautionary Working Method Statement for Bats (Non-Licensed) by Quants Environmental March 2024	1914b	1	26/03/2024
Preliminary Bat Roost Assessment by Quants Environmental January 2024	1914a	2	26/03/2024
Photographs of Site Notices dated 19th March 2024	-	-	26/03/2024

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. The applicant was sent formal confirmation that prior approval was required.

Report Dated: 25/04/2024