

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 /91196/W
Site Address:	Huddersfield Gas Holder Site, Gas Works Street, Huddersfield, HD1 6AR
Description:	Prior notification for demolition of buildings
Recommending Officer:	Katie Chew

DECISION - DEMOLITION 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: 15-Jul-2024

Officer Report

Site Description

Huddersfield Gas Holder Site, Gas Works Street, Huddersfield, HD1 6AR

The buildings/structures proposed to be demolished relate to a former Column Guided Gas Storage Vessel, anti-freeze building and associated rail shed. The Column Guided Gas Storage Vessel is located in the centre of the gas works site with the ancillary buildings being located along the northern and southern boundaries of the site. The site is located between Gasworks Street and Grove Road.

The site is not located within a Conservation Area or in close proximity to any Listed Buildings.

Description of Proposal

The application seeks determination for whether prior approval is required for the Method of demolition of existing buildings as well as means of restoring the site. The above works does not include the provision of any land remediation and the site will remain as an operational site under the control of Northern Gas Networks for the pursuance of transportation of Natural Gas.

History of negotiations/amendments received

Following receipt of comments from the Council's Ecology Officer, an updated Bat Roost Assessment was submitted by the applicant's agent. Furthermore, following discussions with the agent it was agreed to remove the proposed demolition of the Gas Clubhouse from the proposals as this element of the scheme would not accord with the prior notification procedure, and that a full planning application would need to be submitted to deal with this building separately. The removal of this building from the application, resulted in revised plans being submitted during the course of the planning application to reflect this change. A Dust Management Plan was also submitted following receipt of comments from the Council's Environmental Health Officers.

Relevant Planning History

2014/91719 – Advertisement Consent for erection of 7 illuminated signs. Approved 16th July 2014.

2011/90983 – Erection of 2 new valet bay & MOT testing station. Approved 26th May 2011.

2010/92325 – Erection of valet building and alterations. Approved 28th October 2010.

2006/95099 – Outline application for redevelopment of land (including existing fabric warehouse) for retail use (Use Class A1) and/or leisure (Use Class D2) (alternative proposals) including associated car parking, landscaping, service yard, vehicle and pedestrian access, off site highway works, relocation of telecommunications tower and pedestrian footbridge. Withdrawn 18th December 2007.

2007/94438 – Outline application for erection of mixed-use development comprising retail (Use Class A1) and/or leisure (Use Class D2) (alternative proposals), offices (Use Class B1) and residential (Use Class C3) with associated access, landscaping, servicing, car parking, pedestrian link over canal and relocation of telecommunication towers. Approved 17th June 2014.

2000/91096 – Continuation of deemed hazardous substances consent no. 92/52/04972/B0 for fixed and piped distribution of natural gas. Deemed consent 31st August 2000.

98/93175 – Listed Building Consent for demolition of lean-to structures and change of use/extension/refurbishment of existing building to form food & drink (A3) unit. Withdrawn 24th March 2005.

97/92214 – Erection of single storey showroom building. Approved 26th August 1997.

95/91687 – Use of land to form 3 no. vehicle display parking spaces. Approved 9th August 1995.

94/90583 – Erection of car showroom with ancillary offices, workshops, storage and car parking and used car display areas. Approved 14th April 1994.

92/03367 – Use of land for sale of used cars/erection of sales kiosk and canopy. Approved 7th January 1993.

91/02568 – Outline application for industrial unit with offices. Approved 2nd July 1991.

90/07158 – Erection of warehouse, offices, workshop & display area. Approved 25th January 1991.

90/01775 – Warehouse with offices, workshop and display area. Approved 11th May 1990.

87/01805 – Erection of engineering works. Approved 18th September 1987.

Representations

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. Photos of the site notices around the site have been provided by the applicant's agent.

The site notices were posted on 26th April 2024 and expired 18th May 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.

1 objection and 1 general comment have been received; these are summarised below.

Objection

- The Gas Holder should be retained as it is an iconic structure. This structure should be listed as part of preserving English Heritage and Historical Engineering for its future protection.

Officer note: Noted. However, an assessment of the historic amenity of this structure cannot be undertaken within this report as this would fall outside the remit of this prior notification application.

- The journey along Gas Works Street is an important part of Huddersfield townscape/heritage and an important vista. This Gas Holder is the last one remaining on the site, no development on the site justifies its demolition.

Officer note: Noted.

- The original reason for this gas storage facility was to ensure supplies to the households and industry of the area. In this unknown political climate, a gas holder storage facility would be prudent to retain for future storage and gas supplies.

Officer note: Noted.

Comment

- Peregrine Falcons have nested on this structure in the past. Please ensure no nest is present prior to demolition.

Officer note: Noted. The Council's Ecology Officer has been consulted on the application and requests the submission of a Bat Roost Assessment alongside details of any impact the proposals may have on peregrine falcons nesting in the area. This is discussed in more detail within the biodiversity section of this report.

Consultation Responses

KC Building Control – Comments received 3rd May 2024. A Section 80 demolition notice has been submitted; the Section 81 counter notice has not

been issued presently. The department has a 6-week consultation period before this is issued. Officers have visited the site and note that the former Gas Clubhouse, off Gas Works Street appears externally to be in excellent condition from the evidence they could see. With regards to the Column Guided Storage Vessel Building Control are still awaiting confirmation on how this is to be taken down in a safe manner and if the HSE will need to be involved/informed as appropriate. Building Control Officers have no comments to make on the remaining buildings.

KC Ecology Unit – Comments received 21st May 2024. Requests the submission of a Bat Roost Assessment and details on whether there is any nesting Peregrine Falcons, as they have been known to have nests around the gas works site.

Officer note: Following receipt of the above comments, it was confirmed that a Bat Roost Assessment was submitted as part of the application. Nevertheless, upon reading over this document the Council's Ecologist sought clarification as to whether the additional surveys requested within the Bat Roost Assessment had been undertaken and again reiterated the need for details to be provided in respect of potential Peregrine Falcons nests.

Officer note: Following receipt of the above comments, the applicant sought to submit a Bat Roost Assessment. The Council's Ecologist reviewed this assessment and raised no objections subject to the imposition of a condition which related to a competent ecologist undertaking a careful and detailed check of the site for active birds' nests prior to the removal of the gas cylinder framework.

KC Environmental Health – Comments received 21st May 2024. No objections subject to conditions and informatives relating to contaminated land, dust management and imported materials.

Officer note: As outlined within the site restoration section of this report, it is not deemed reasonable or necessary to impose conditions in respect of land contamination or imported materials. The applicant's agent has also sought to submit a Dust Action Plan and Environmental Management Plans prior to a decision being made on the application. Environmental Health Officers confirm that these details are acceptable, and the recommended condition can be removed. However, they do request that informatives relating to Section 60 of the Control of Pollution Act 1974, Section 80 of the Environmental Protection Act 1990, and that works are carried out in accordance with the above documents, be imposed should permission be granted

Ward Members

Councillor Hawkins – An email was received from Councillor Enquiries on the 28th May 2024 outlining that Councillor Hawkins wished to draw Officers attention to comments made by their constituent which stated that *“As the building is a pub, a planning application is required to permit its demolition, as per the requirements of the General permitted development order. This would*

allow for the proper assessment of its loss in terms of community value. No such application has been made to the Council and as such I urge you to make planning officers aware of this”.

Officer note: Officers responded to Councillor Enquiries on the 28th May 2024, stating that Officers are aware of the situation and are in the process of discussing the removal of the Gas Clubhouse from the application proposals. The applicant will therefore be required to submit a full planning application separately for the proposed demolition of this aspect of the scheme. No further comments were received from Councillor Hawkins.

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 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 within 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 demolition is not considered to be 'relevant demolition' for the purposes of 196D of the Town and Country Planning Act 1990 as it is not located in a Conservation Area.

For the purposes of Article 3(10) of the Order the proposed works are not considered to fall in any category of Schedule 1 or 2 of the **Town and Country Planning (Environmental Impact Assessment) Regulations 2017** by reason of the site area and that the works relate to demolition rather than the provision of a new building, deposit or structure.

Information provided on the application form submitted alongside the application sets out the demolition process. Evidence of several site notices being erected around the site on the 26th April 2024 have also been provided as part of this application.

Given the comments and requests received from the Council's Ecology Officer in respect of bats and peregrine falcons, it is considered necessary in this case to require prior approval of the method of demolition and site restoration. The applicant was formally notified on the 21st May 2024 that prior approval of the method of demolition and site restoration was required.

Method of Demolition

The submitted documents outline that the principles of demolition will be as follows:

The submitted plans and information outline that the gas storage vessel has been previously decommissioned of natural gas and the buildings are of a disused and dilapidated state. Northern Gas Networks is one of four UK Gas Distribution Networks and all GDN's have agreed with the Regulator of OFGEM to dispose of their redundant asset portfolio to reduce unnecessary maintenance cost and remove any potential societal risks posed by its continued degradation.

The storage vessel tank is to be de-oiled (skimmed and removed via tankers for recycling), it will then be de-watered via a water treatment facility and pumped to sewer in agreement with Yorkshire Water and the EA via an approved Trade Effluent Discharge Consent. Sludge materials will then be removed and processed off site. The demolition will then be undertaken on the tank via demolition excavators with shear attachment and scrap metal removed from site to a recycling merchant. The framework will be removed via crane lifts and MEWP access oxy-propane cutting techniques. The buildings will be removed via hand and machine demolition.

It is not anticipated that there will be any spoil generated as part of the proposals, but the rubble produced will be chemically tested and placed in the void of the below ground dismantled holder as part of the backfill exercise.

Following this, demolition excavators will be used to demolish the tank, and manual and automated demolition will be used to take down the other buildings.

Restoration of the Site

The site is not proposed to be restored as it would be retaining its operational use for Northern Gas.

As the site is being retained as its existing use, it is considered this would be acceptable in this instance.

These details of restoration, given the small scale of the proposal and the wholly commercial area in which the buildings are sited, are considered acceptable.

Within the submitted application forms it is noted that there are no plans to remediate the site in any way however, once the below ground holder is dismantled and removed, a below ground void will be left with an estimated diameter of 66m and a height below ground of 13m. This void will be backfilled to ground level using recycled backfilled materials under CLA:RE and WRAP Protocols. This is considered to be sufficient and raises no concerns with regards to visual amenity of the site once the works have been completed.

Taking the above into consideration, it is not considered reasonable or necessary to require a condition in relation to the importation of materials to the site as suggested by the Council's Environmental Health team, as they would be covered by the CLA:RE and WRAP Protocols. In addition to this, ENVH Officers also requested conditions in respect of land contamination. Given the nature of the proposed site restoration it appears unreasonable to include these proposed conditions, further to this, any land contamination issues could be addressed as part of any future development of the site.

Conclusion

The submission is acceptable.

Recommendation:

Approve.

Decision Authorisation - Delegated Powers

Application Number: 2024/91196

Officer Recommendation: Approve

Prior Approval Granted.

NOTE: Prior to the removal of the gas cylinder framework, a competent ecologist should undertake a careful, detailed check of the site for active birds' nests (specifically for peregrine falcon) within 48 hours of demolition, and provide written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site.

NOTE: To safeguard the amenities of occupiers of nearby properties works shall be carried out in accordance with the submitted documents Huddersfield Dust Management Plan (ref: IMS OP 02-F007), dated and received 5th July 2024, Environmental Management Plan by Erith (ref: R11112 EMP), dated 4th July 2024, received 5th July 2024, and the Environmental Management Plan (ref: IMS OP 02 -F009), dated and received 5th July 2024 by Mone Bros.

NOTE: Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework. Reports must be prepared in accordance with the following guidance:

- *Land Contamination Risk Management (LCRM)*
- BS 10175:2011+ A2:2017 *Investigation of Potentially Contaminated Sites. Code of Practice*
- *Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020* by the Yorkshire and Lincolnshire Pollution Advisory Group.

Plans and specifications schedule:-

Plan Type	Reference	Web ID	Date Received
Location Plan	-	-	19 th June 2024
Huddersfield Site Details of Drainage and Waste Disposal	YLDZ/DRAIN/HD-1	E	29 th April 2024
Layout: Site: General Arrangement:	NOE-SITE-HUDDER-L-0100	B	20 th June 2024
Holder Site Survey Report – Supporting Information	-	-	29 th April 2024

Gas Holder Site Backfilling Lot 3 Holder Void Holders – Supporting Information			29 th April 2024
Aerial View – Supporting Information	-	-	20 th June 2024
Statement of Display of a Site Notice – Supporting Information	-	-	29 th April 2024
Building Demo Images (Photographs) – Supporting Information	-	-	20 th June 2024
Lamppost Site Notice Signs (Photographs) – Supporting Information	-	-	29 th April 2024
Preliminary Bat Roost Assessment – Supporting Information	23 0035	V1.0	31 st May 2024
Historical Plans and Information – Supporting Information	-	-	29 th April 2024
Bulk Earthworks for the Infilling of Gas Holder Tank Voids and Associated Structures – Supporting Information	-	-	29 th April 2024
Programme of Works – Supporting Information	-	002	27 th June 2024
Backfill Example (Photographs) – Supporting Information	-	-	29 th April 2024

Customer Letter – Supporting Information	JMJ-01/000131	-	29 th April 2024
Covering Letter – Supporting Information	01/000131	-	20 th June 2024
Environmental Management Plan – Supporting Information	IMS OP 02 – F009 – Environmental Management Plan – Rev2 Sept 2023	0	5 th July 2024
Dust Action Plan for Bulk Earthworks for the Infilling of Gas Holder Tank Void and Associated Structures, NGN Gas Holder Site, Gas Works Street, off Leeds Road, Huddersfield, HD1 6AF – Supporting Information	IMS OP 02 – F007 – MB Dust Action Plan – Rev 2 – Sept 2023	0	5 th July 2024
Environmental Management Plan – Supporting Information	R11112 EMP	03	5 th July 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 preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Following receipt of comments from the Council's Ecology Officer, an updated Bat Roost Assessment was submitted by the applicant's agent. Furthermore, following discussions with the agent it was agreed to remove the proposed demolition of the Gas Clubhouse from the proposals as this element of the scheme would not accord with the prior notification procedure, and that a full planning application would need to be submitted to deal with this building separately. The removal of this building from the application, resulted in revised plans being submitted during the course of the planning application to reflect this change. A Dust Management Plan was also submitted following receipt of comments from the Council's Environmental Health Officers.

Report Dated:

9th July 2024.