

# 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>2024/N /91314/W</b>
Site Address:	Almondbury High School, Fernside Avenue, Huddersfield, HD5 8PQ
Description:	Prior notification for demolition of all buildings on the former high school site including sporting facilities, swimming pool and pre school building
Recommending Officer:	Tom Hunt

### **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: 31-Jul-2024**

## Officer Report

### Site Description

2024/91314 – Almondbury High School, Fernside Avenue, Huddersfield, HD5 8PQ

The application site relates to the former Almondbury High School buildings, located south of Fernside Avenue within large grounds consisting of car parks, play courts and lawned areas. They are a variety of storeys high being in the main limited to 4 storeys with access off Fernside Avenue.

The site is not within a Conservation Area, nor is it within close proximity to any Listed Buildings.

### Description of Proposal

Prior notification for demolition of all buildings on the former high school site including sporting facilities, swimming pool and pre school building.

### History of negotiations/amendments received

Additional information was formally requested to assess impacts on bats, method of demolition and traffic impacts.

Following further assessment by a Team Leader, it was considered that impacts to bats were relevant to the assessment of the proposal as the remainder could be suitably controlled by health and safety regulations supported by legislation satisfactorily.

### Relevant Planning History

2024/20391            Pre application for school.  
*Advice issued.*  
**Officer note:** this relates to a potential replacement school following demolition of the buildings involved.

There remains other planning applications on site but none recent or directly relevant.

### 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. A photo of a site notice at the site has been provided by the applicant's agent.

The site notice was posted on 08<sup>th</sup> 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.

No representations have been received.

- Cllr Munro – enquired after contact details for decision maker to demolish the buildings. Officer requested the details which were unsupplied.

### **Consultation Responses**

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

- Trees – No objections.
- Environmental Health – No objections. Advised construction controls by condition or informatives.
- Ecology – No comments received.
- Highway Development Management – No comments received
- Building Control – No comments received

### **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 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.

Evidence of a site notice being posted around the site has been provided as part of this application.

### *Bats*

A Bat Survey Report by DeltaSimons (ref: 90653.563365. Issued August 2023) and a Preliminary Ecological Appraisal Technical Note (ref: 90653.553970. Issued February 2023) has been submitted. The Survey assessed the site and carried out dusk emergence and dawn return nocturnal surveys to identify signs of bats roosting. It identified that a bat roost was present on site in a building identified as B1 further identified within a submitted UK Habitat Plan in Figure 2 of the Survey.

It set out recommendations to manage this impact in section 6.0:

- Obtain European Protected Species Licence or Bat Low Impact Licence
- Follow a Precautionary Working Methodology – Building 2
- Post Development Enhancements including either two no. Schwegler 2FN bat box, or similar approved product, on mature trees for enhancement or two integrated bat features in the new school building, which will be subject to a separate planning application.

Officers acknowledge this Survey and acknowledge the development must be carried out in accordance with the report to secure protection to Bats as a protected species.

### *Trees*

There are trees surrounding the building complex and a 'Proposed Site Plan for Trees Retention and Removal. Drawing no. 22315-ALA-00-XX-DR-L-0029. Revision: P01' has been submitted alongside this application which relates to the whole of the site.

The Tree Officer reviewed the proposal and indicated that the majority of trees to be removed are category C trees of low quality. There are 4 category B trees to be removed which, although is not ideal, is tolerable due to their location and the potential for future development to mitigate the loss of said trees. No objection was made in this regard.

### *Environmental Health*

There is potential for noise and environmental effects from the demolition of the building complex. Kirklees Council Environmental Health recommended conditions to ensure that a Dust Mitigation Scheme be submitted to and agreed in writing with the Local Planning Authority for nearby properties, working times and a footnote on Council Powers with regard to noise and statutory nuisance impacts.

Officers concur with this assessment to add informatives on working times and Council powers as compatible with the aims of public interest. The Dust Mitigation Scheme is to be conditioned at this stage in order to protect nearby residents from undue nuisance from construction.

Under the prior approval process, the Local Planning Authority are unable to specifically condition any requirements although section 81 of the Building Act 1984 enables the Council to specify requirements as to the protection of public amenity. It is considered necessary to nevertheless add a note on the decision notice.

#### *Demolition Protection Methods*

The applicant has submitted a 'Site Plan for Demolition Stage and Fenceline. Drawing no. 22315-BWB-XX-XX-D-S-0053. Unamended' with a fenceline indicating how the site would be secured from unauthorised access and to provide protection from noise and dust.

#### *Restoration of the site*

The site is to be levelled in preparation for handover, and this is considered acceptable taking into account the visual amenity of the area and it is noted that the long term plan is for the site is for it to accommodate the new School.

#### **Conclusion**

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

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

## **Decision Authorisation - Delegated**

**Application Number:** 2024/91314

**Officer Recommendation:** Approve

**FOOTNOTE:** Section 80 of the Building Act 1984 requires notice of the demolition to be given to the Local Authority whereby the Local Authority may require methodology of demolition to be undertaken in a specified manner. In this instance it is recommended particular attention is given to dust management.

For further information regarding dust control, guidance can be found in the Institute of Air Quality Management (IAQM) document "*Guidance on the assessment of dust from demolition and construction*" Version 2.2 2024.

The development shall be carried out in accordance with the approved information including recommendations in section (section 6.0) of the Bat Survey Report by DeltaSimons (ref: 90653.563365. Issued August 2023). These shall be implemented and maintained throughout the demolition phase.

**FOOTNOTE:** No construction related noise shall be audible beyond the site boundary outside the hours of:

07.30 to 18.30 hours Mondays to Fridays

08.00 to 13.00 hours, Saturdays

With no construction related noise audible beyond the site boundary on Sundays or Public Holidays.

**FOOTNOTE:** 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.

**FOOTNOTE:** The site is located within the Kirklees Bat Alert Layer and there is an increased potential for roosting bats. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2017 (as amended) and Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site, development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan.	Drawing no. 22315-ALA-00- XX-DR-L-0028.	P01	09/05/2024
Covering Letter including site notices		Unamended	09/05/2024
Bat Survey Report	Bat Survey Report by DeltaSimons (ref: 90653.563365. Issued August 2023)	Unamended	17/06/2024
Preliminary Ecological Appraisal Technical Note	Preliminary Ecological Appraisal Technical Note (ref: 90653.553970. Issued February 2023)	Unamended	17/06/2024
Proposed Site Plan for Trees Retention and Removal.	Drawing no. 22315-ALA-00- XX-DR-L-0029.	P01	09/05/2024
Site Plan for Demolition Stage and Fenceline.	Drawing no. 22315-BWB-XX- XX-D-S-0053.	Unamended	09/05/2024
Illustrative Masterplan.	Drawing no. 22315-ALA-00- XX-DR-L-0026.	P01	09/05/2024

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. Additional information on bats was sought and received during the course of the application.

**Report Dated:**

26/07/2024