

**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 /91956/E
Site Address:	Castle Hall Academy, Richard Thorpe Avenue, Mirfield, WF14 9PH
Description:	Prior notification for demolition of school building
Recommending Officer:	Elenya Jackson

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: 08-Aug-2024

Officer Report

Site Description

2024/91956 – Castle Hall Academy, Richard Thorpe Avenue, Mirfield, WF14 9PH

The application site relates to the pavilion building/changing room which is located to the rear of the school building.

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 the pavilion building located to the north of Castle Hall Academy, this is highlighted green on the submitted location plan.

History of negotiations/amendments received

No additional information was requested as the site is not located in a Bat Alert layer on Kompass.

Relevant Planning History

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 11th July 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

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

- Environmental Health – No objections. Advised construction controls by condition or informative.
- Ecology – No comments received.

- Building Control – Section 81 has already been provided to the applicant.

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

The site is not within a bat alert layer on the councils GIS system and as such a bat survey has not been requested.

Environmental Health

There is potential for noise and environmental effects from the demolition of the building complex. Kirklees Council Environmental Health recommended condition/informative on working times and Council powers as compatible with the aims of public interest.

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.

The applicant has not clarified the methodology of demolition although given the small scale of the building it is not considered the demolition would result in any significant impacts upon the amenity of nearby residential buildings.

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: 2024/91956

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 demolition of the building highlighted green on the location plan shall be carried out in accordance with the approved information.

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 not located within the Kirklees Bat Alert Layer; however, 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:-

Plan Type	Reference	Version	Date Received
Location Plan. (Building highlighted green)			11/07/2024

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. No further information was requested