

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 /92052/W
Site Address:	30, Lightridge Road, Fixby, Huddersfield, HD2 2HF
Description:	Prior notification for demolition of vacant dwelling and garage
Recommending Officer:	Katie Chew

DECISION – PRIOR APPROVAL GRANTED

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: 21-Aug-2024

Officer Report

Site Description:

30, Lightridge Road, Fixby, Huddersfield, HD2 2HF

The application site relates to a large detached two-storey stone built dwelling set within a large residential curtilage, with vehicular access to the rear, taken from Lightridge Road.

To the east of the application site is Fixby Primary School, with residential dwellings located to the north, south and west.

The application site is not located within a Conservation Area and there are no Listed Buildings within the immediate vicinity of the site.

Description of Proposal:

The application seeks determination for whether prior approval is required for the demolition of vacant dwelling and garage.

These buildings are highlighted in red on the submitted Location Plan drawing no. (EX)001 Rev A.

History of negotiations/amendments received

Following receipt of comments from the Council's Ecology Officer, a Bat Survey has been requested to be undertaken prior to determination of this prior notification.

Relevant Planning History

There is no relevant planning history at the site or at adjacent sites.

Consultation Responses

KC Ecology Unit – Comments received 14th August 2024. The Ecology Officer requests the submission of a Bat Survey prior to determination of this prior notification application.

KC Environmental Health – Comments received 29th July 2024. No objections subject to the imposition of an informative which relates to the hours of construction related noise.

KC Building Control – Comments received 29th July 2024. A full set of working plans and specifications would be required to make any formal comments however, it must be noted that the client and or contractor may choose an "Approved Inspector" for their Building Control requirements to provide building regulation compliance checking services in a similar way to the department.

Parish/Town Council

N/A.

Local Ward Members

None.

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 the 19th July 2024 and expired on the 9th August 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 has been received; comments are summarised below.

- The existing house including its age, style and materials, makes a positive contribution to the character and appearance of the area.

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

- The building has been on this site prior to the majority of the buildings in the vicinity and is of historic significance to the local area.

Officer note: Noted.

- The building does not appear to be structurally unsound.

Officer note: Noted. However, a building does not need to be structurally unsound for an applicant to apply to demolish it under the prior notification procedure.

- Biodiversity on site would be significantly affected.

Officer note: Noted. The Council's Ecology Officer has been consulted on the application; their comments can be found under the consultation responses section of this report.

- In the interests of sustainability, the building would be better retained, refurbished and upgraded rather than demolished, which would assist with Kirklees Overall emission reduction target to achieve Net Zero by 2038.

Officer note: Noted.

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 (as amended). 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 demolition and means of restoring the site needs 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 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 development 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 within 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.

Evidence of several site notices being erected around the site have also provided as part of this application.

Bats

Given the comments and requests received from the Council's Ecology Officer in respect of bats, 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 14th August 2024 that prior approval of the method of demolition and site restoration was required.

A Bat Scoping Survey dated 11th October 2023, by John Gardener was received 14th August 2024. The survey considers the building as being of low bat roost potential as it lacks features that are often associated with bats and their roosts. The works are to be carried out during the winter months when bats are least likely to be present. A method statement detailing the actions required to avoid harm or injury to bats has been supplied and should be included in any permissions in regard to this development. Should it not be possible to undertake the roof strip during the winter period, then a single activity survey during the optimal survey period should be carried out prior to any works commencing and a report will be submitted confirming that this has been done, advising if there were any results which would impact the application. If bats were found during an activity survey, then the application may be subject to a European Protected Species Mitigation Licence before works commence.

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

Method of Demolition

The submitted application form and email from Mr. Jake Hincliffe (agent) dated 23rd July 2024, outlines that the proposed method of demolition includes mechanical and manual demolition and on-site dismantling due to the stonework that is to be reclaimed from the site.

Noise is to be controlled by controlling work to normal restricted working hours, using noise reducing generators and noise compliant plant and machinery. There is to be no excessive noise activities and dust suppression will be onsite for larger demolition tasks via means of continuous water mist. Wheel washing will also be provided on site.

Restoration of the Site

Within the submitted application forms, the applicant outlines that no restoration of the site is proposed. However, within an email received from Mr. Jake Hinchliffe (agent) on the 23rd July 2024, they state that soft landscaped areas are to be left as existing, with the detached house and garage being demolished down to slab level, foundations are to be removed and existing grounds would be levelled until further works can commence on site. Spoil is to be removed from site with grabs collection which will be carried out off of the public highway. Crushed stone will be retained on site in one heap no taller than 3 metres, and reclaimed stone will be safely stored on site for future reuse.

Officers note that the applicant has submitted a full planning application at the site for the proposed demolition of existing dwelling and garage and erection of 3 detached dwellings and detached gym associated with one dwelling, with associated highways, landscaping and external works. Whilst this application is pending a decision, it does show the applicants willingness to develop the site in the future.

Conclusion

The submission is acceptable.

Recommendation: Approve.

Decision Authorisation: Delegated Decision

Application Number: 2024/92052

Officer Recommendation: Approve.

Prior Approval Granted.

NOTE: 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.

NOTE: 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.

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.

Plans and Specifications Schedule:

Plan Type	Reference	Web ID	Date Received
Location Plan	(EX)001	A	22 nd July 2024
Demolition Statement – Supporting Information	-	-	22 nd July 2024
Bat Scoping Survey – Supporting Information	-	-	14 th August 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, a Bat Survey has been requested to be undertaken prior to determination of this prior notification.

Report Dated:

20th August 2024.