# 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: | **2026/N /92751/E** |
| Site Address: | Former Birkdale High School, Wheelwright Drive, Dewsbury, WF13 4JB |
| Description: | Prior notification for demolition of former school buildings |
| Recommending Officer: | John Holmes |

**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.**

Kirsty Nicholls

***AUTHORISED OFFICER***

**Date: 20-Nov-2026**

**DECISION LEVEL:**

**SCHEDULE 1**

This is a Schedule 1 Application. By virtue of Regulation 4, it must be dealt with under delegated powers

**OFFICER REPORT**

**SITE DESCRIPTION**

The site relates to the Former Birkdale High School, Wheelwright Drive, Dewsbury, WF13 4JB.

The site is adjacent to an area of urban green space as identified within the Kirklees Local Plan. The site is also within an area with a known presence of bats, and great crested newts.

**DESCRIPTION OF DEVELOPMENT**

The application seeks determination for whether prior approval is required for the method of demolition of the existing building complex as well as means of restoring the site in relation to the demolition of former school buildings.

As part of the application the following has been submitted.

- Application Form
- Letter dated 30th September (ref: 72909/01/CD/RBa/41605097v4)
- Proposed Site Sections Plan (ref: 722062-WCL-SGN-ZZ-DR-S-0402P3)
- Tree Constraints Plans (refs: 26654-Arb-01, 02, 03, 04, 05, 06 & 07).
- Existing Site Sections (ref: 722062-WCL-SGN-ZZ-DR-S-0401revP3)
- Site Plan showing demolition extents (ref: 722062-WCL-SGN-XX-DR-S-0101 revP4)
- Site Location Plan (ref: 722062-WCL-SGN-XX-DR-S-106revP1)

The submitted cover letter sets out the intended method of demolition, hours of demolition, disposal and details for restoration of the site.

**HISTORY OF NEGOTIATIONS/AMENDMENTS RECEIVED**

Notice was served (on 9/10/26) pursuant to Class B of Part 11 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) to allow for the submission of the following information:

- Submission of further information in relation to impact of the methods of demolition / restoration of the site upon protected species / wildlife / ecological impact. Specifically, the submission of a Construction Environmental Management Plan for Biodiversity, Biodiversity

Compensation and Enhancement Management Plan and Invasive species survey
- Highways Demolition Environmental Management Plan

Details were subsequently submitted, specifically the following:

- Preliminary Ecological Appraisal
- Bat survey dated 12th August 2026
- Email dated 2nd November

Within their email of 2nd November the applicant sets out the following:

> *'The application for prior approval has been submitted in accordance with Class B, Part 11 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.*
>
> *Part B.2, part (b) (i) states that "the developer must, before beginning the development, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the* ***method of demolition*** *and any* ***proposed restoration*** *of the site" [our emphasis].*
>
> *PPG outlines that "The statutory requirements relating to prior approval are much less prescriptive than those relating to planning applications. This is deliberate, as* ***prior approval is a light-touch process*** *which applies where the principle of the development has already been established. Where no specific procedure is provided in the General Permitted Development Order, local planning authorities have discretion as to what processes they put in place. It is important that a local planning authority* ***does not impose unnecessarily onerous requirements*** *on developers, and* ***does not seek to replicate the planning application system****." [our emphasis] (028 Reference ID: 13-028-20140306)*
>
> *It is therefore clear that the application can only be considered on the grounds of the proposed method of demolition and restoration of the site following demolition.*
>
> *Full details of the proposed method of demolition and proposed restoration have been provided within the submitted covering letter. Importantly, the demolition works will be undertaken by a suitably qualified specialist demolition contractor in accordance with the Construction (Design and Management) Regulations 2015, relevant health and safety legislation and an approved demolition methodology. In summary, soft strip and asbestos abatement works will be completed, following which the Main Building, Science Block, Link Bridge and Sports Hall Building will be demolished using appropriate mechanical demolition techniques, including specialist demolition plant. All works will be undertaken in accordance with appropriate legislation.*

*Following completion of the demolition works, the site will be restored to create a safe, stable and visually appropriate landform. Details of the proposed site grading are provided on Proposed General Site Sections (drawing no. 722062-WCL-SGN-ZZ-DR-S-0402, rev. P3) drawing.*

*A Preliminary Ecological Appraisal and Bat Survey has been submitted following a request from the council's ecology consultee. This has identified ecological constraints, invasive species (yellow azalea and wall contoneaster – the locations of which are shown on Figure 1) within mixed scrub habitat and appropriate mitigations. It is considered these surveys are more than sufficient to demonstrate that the proposed method of demolition and restoration will not have any unacceptable impacts on ecological features.*

*Accordingly, it is considered that a proportionate and appropriate level of information has been submitted to enable the Council to assess the proposals against the requirements of Class B, Part 11 of Schedule 2 to the GPDO.*

*Against this background, it is our view that the requests from KC Ecology and KC Highways for the submission of a Demolition Environmental Management Plan, Construction Environmental Management Plan for Biodiversity, Biodiversity Compensation and Enhancement Management Plan, and an Invasive Species Survey extend beyond the matters that are relevant to the determination of a prior approval application for demolition. These documents do not relate directly to the assessment of the method of demolition or the proposed restoration of the site and therefore fall outside the scope of the prior approval process. Indeed, many of the information requirements within these documents would be covered by other legislation. The application should therefore be determined having regard to the specific requirements of Class B, Part 11 of Schedule 2 to the GPDO, rather than against wider development plan policy considerations that would ordinarily apply to a full planning application as referred to by consultees.*

*It should also be noted that Kirklees Council is currently progressing the procurement process for the demolition works and it is anticipated that it will be a few weeks before a Contractor is appointed. Following appointment, we would expect a further period of approximately 3-4 weeks to be required for the preparation of the detailed contractor-led documents. Whilst ecological and highways matters are acknowledged, the level of detail now requested goes beyond what can reasonably be provided at this stage of a demolition prior approval application and extends into detailed contractor implementation matters that can only be developed following contractor appointment. Therefore, given the nature of the documents requested which would be prepared by the appointed contractor, it is not possible to provide the requested detail in advance of determination of the prior approval application.*

*Notwithstanding the above, the applicant wishes to emphasise that the requested details will be prepared by the appointed contractor and implemented as part of the demolition works, as required by relevant legislation and industry best practice.'*

## PLANNING HISTORY

Planning history for the site is considered of limited relevance in this case given the application seeks consent to demolish existing buildings.

## 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. 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) Order 2015, with regard to publicising the application and the applicant's contact details.

In this case one representation has been received raising the following summarised points:

- The once attractive buildings have been subject to vandalism and arson
- The proposals to leave the site in a safe, secure maintainable condition require assurance security following demolition will be strong and efficient.
- Measures to ensure prevention of fly tipping and trespass are required
- Vehicles associated with the works could affect the unadopted access road Wheelwright Drive, could potholes on this access be filled in following the works as a gesture of goodwill to neighbouring occupiers.

## CONSULTATIONS

KC Conservation: Within their response KC Conservation & Design set out that the buildings are not designated as listed buildings and are not located within a conservation area. Despite this, the main school building is of historic and architectural interest. The school was built in the early 1930s and is constructed on an unusual plan form with internal courtyards and a central hall. The building has a restrained interwar style, built in red brick with stone details. The main entrance frontage is of particular architectural interest with a classical portico with a large arched fanlight above. The school was built as the Wheelwright Grammar School for Girls using funds from the bequest of John Wheelwirght. John Wheelwright died in 1742; he was a wealthy landowner who left his entire estate to be spent on educating the poor children of Dewsbury. This architectural and associative and illustrative historic interest is considered to merit recognition of the main school building

as a non-designated heritage asset. The science block and sports hall are not of interest.
They go on to set out that National Planning Policy Framework Policy HE7(3) states that where a development proposal will result in the 'total loss of, the significance of a non-designated heritage asset, it should only be supported where the harm or loss is outweighed by the benefits of the proposal, They go on conclude that If demolition is permitted, then a scheme of historic building recording should be agreed and implemented prior to demolition of the main school building.

KC Ecology: Requested further detail submitted (detailed in the 'history of Negotiations' section of this report).

KC Highways: Recommend a Demolition Environmental Management Plan forms part of the submitted proposals

KC Trees: Confirms that the submitted tree protection plan for all retained trees sufficiently offers enough protection to all retained trees and they have no objection.

No consultations took place during the course of this application.

**Procedural Matters and Policy Context**

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ["GPDO"].

**Assessment**

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 buildings. 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. Initially the LPA served notice to require the submission of further information in relation to the impact of the development upon bats in respect of the method of demolition.

Method of demolition and site restoration

Following demolition, the site will be restored to a safe, stable and visually appropriate condition.

The restoration will include:

- Removing redundant structures and addressing foundations and underground voids.
- Reprofiling and regrading the land to create a coherent and manageable landform, generally with gradients no steeper than 1 in 3.
- Retaining suitable existing retaining walls.
- Reusing appropriate demolition materials as engineered fill.
- Removing remaining debris, temporary structures and obstructions.
- Undertaking a post-demolition topographical survey to confirm the completed ground levels.

The restored site is intended to be left safe, secure and suitable for future management, while retaining opportunities for materials to be reused in any future redevelopment.

In terms of the means of demolition, this would be undertaken by a suitably qualified specialist contractor in accordance with relevant health and safety legislation and the Construction (Design and Management) Regulations 2015. The main stages will be to secure the site and isolate existing services, review and improve boundary fencing and protection, maintain safe access along the existing public right of way, undertake internal soft stripping and asbestos removal, demolish the buildings using controlled mechanical demolition techniques, remove or treat below-ground structures and voids and manage demolition materials and restore the site.

Asbestos removal will be undertaken by appropriately licensed contractors before structural demolition begins. Areas affected by fire damage or which cannot be safely inspected will be treated as potentially asbestos-contaminated.

Proposed working hours are, Monday to Friday: 9am–5pm, Saturdays: 8am–1pm and no working on Sundays or Bank Holidays.

Having regard to the extent of detail which has been submitted, and forms part of this application, as well as the response of consultees, it is considered a proportionate level of detail has been provided in this case. Whilst additional information is requested, it is noted that any future redevelopment of the site would require such ecological surveys and assessments and it is considered to insist upon further details would not be a proportionate approach of the LPA in processing this application seeking consent to demolish the building via the prior approval application route.

The comments of consultees are noted, as it that of the applicant in relation to proportionate requirements. Furthermore, the buildings the subject of this application to be demolished are in a poor state of repair, it is considered that multiple vandalism acts / arson have left the building in a state which is such that there would be limited benefit to any undertaking of recording of the building. The heritage contribution of the building is considered to be limited, whilst having regard to the response of the Conservation Team, and it is considered that to insist upon a scheme of recording would not be a proportionate approach given that overall the loss of the building is accepted by the Conservation & Design Team in this case.

Similarly, the level of detail provided is considered to be satisfactory for a development proposal which relates solely to demolition, in this case, and to insist upon further detail relating to ecology / highways requests of consultees is not considered to be justified in this case particularly as any subsequent wider redevelopment of the site would need to address such matters they raise.

Therefore it is considered that on the basis of the submitted detail the means of demolition and proposed restoration of the site is concluded to be acceptable.

**Representations**

The representation received is repeated below for completeness and addressed as follows:

- The once attractive buildings have been subject to vandalism and arson
- The proposals to leave the site in a safe, secure maintainable condition require assurance security following demolition will be strong and efficient.
- Measures to ensure prevention of fly tipping and trespass are required
- Vehicles associated with the works could affect the unadopted access road Wheelwright Drive, could potholes on this access be filled in following the works as a gesture of goodwill to neighbouring occupiers.

***Officer response:*** *The subsequent security of the site is a matter which cannot be taken into account as part of an application seeking prior approval. However, it is considered the proposed means of restoration would likely improve the situation in terms of vandalism / the building / site acting as a draw for anti social behaviour.*

*Subsequent trespass / fly-tipping is a matter which is regulated by separate legislation and it would be unreasonable of the LPA to insist upon details of security measures as part of this application. However, it is recommended the applicant consider incorporating robust measures.*

*The impact of the development upon the current access is not a matter which can be controlled by the LPA as part of this application. Any subsequent impact would be a matter between the relevant land owner/s were damage to arise as a result of the demolition works.*

**Recommendation: APPROVE – Prior Approval Not Required**
**Decision Authorisation** – Delegated Powers
**Application number** – 2026/92751

I refer to your submission of details relative to demolition proposals as described above. The proposal as described is acceptable and, subject to all works being carried out in accordance with the description contained in the notification, the Council will not require the submission of further details. Prior approval is not, therefore, required and the works described may be carried out.

**Plans and specifications schedule:-**

| Plan Type | Reference | Version | Date Received |
|---|---|---|---|
| Site Location Plan | 722062-WCL-SGN-XX-DR-S-106 | Rev P1 | 30 September 2026 |
| Site Plan Showing Demolition Extents | 722062-WCL-SGN-XX-DR-S-0101 | Rev P4 | 30 September 2026 |
| Site Plan Showing Demolition Extents | 722062-WCL-SGN-XX-DR-S-0101 | Rev P4 | 30 September 2026 |
| Existing Site Sections | 722062-WCL-SGN-ZZ-DR-S-0401 | Rev P3 | 30 September 2026 |
| Proposed Site Sections Plan | 722062-WCL-SGN-ZZ-DR-S-0402 | RevP3 | 30 September 2026 |
| Tree Constraints Plan | 26654-Arb-01 | | 30 September 2026 |

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|---|---|---|---|
| Tree Constraints Plan | 26654-Arb-02 | | 30 September 2026 |
| Tree Constraints Plan | 26654-Arb-03 | | 30 September 2026 |
| Tree Constraints Plan | 26654-Arb-04 | | 30 September 2026 |
| Tree Constraints Plan | 26654-Arb-05 | | 30 September 2026 |
| Tree Constraints Plan | 26654-Arb-06 | | 30 September 2026 |
| Tree Constraints Plan | 26654-Arb-07 | | 30 September 2026 |
| Application Form | | | 30 September 2026 |
| Letter | 72909/01/CD/RBa/41605097v4 | | 30 September 2026 |