

HERITAGE ASSESSMENT

ERECTION OF PLACE OF WORSHIP AT LAND AT THE CORNER OF NOWELL STREET & WEST PARK STREET, DEWSBURY



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App Ref: 2015/62/92627/E

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1.0 INTRODUCTION

- 1.1 This Heritage Statement is prepared by RR Planning Ltd on behalf of Masjid Talha to support a planning application to construct a new purpose built place of worship to replace the existing place of worship Nowell Street, Dewsbury. This statement should be read in conjunction with the applicant's Planning Statement.
- 1.2 This statement assesses the proposals in relation to the statutory duty set out in paragraph 128 of the National Planning Policy Framework (NPPF) which requires applicants to describe the significance of any heritage assets affected, including any contribution made by their setting. The NPPF however advises that the level of detail provided should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on their significance.
- 1.3 For the avoidance of doubt the application site is not statutorily or locally listed. The property is however located in the Northfields Conservation Area in Dewsbury. Previously application 2015/92627 was withdrawn following a recommendation for refusal at Planning committee in October 2016. Following discussion between the applicant and Kirklees Conservation and planning officers on 26th January 2017 it is acknowledged that the revised proposals have come a long way towards addressing officer concerns from the previous application.
- 1.4 Officer also acknowledge that –
- It is accepted that the land to the east of 7-9 West Park Street is untidy and does little to enhance the character of the conservation area and is in need of development; I am aware of a previous permission on this site. To the south of the site is a two storey flat roofed building, that equally makes no contribution*
- 1.5 The proposed mosque is to be located along the existing Victorian building line in compliance with officer recommendation and will mirror the plot size of the adjoining site at 7-9 West Park Street. To the rear will be a 29 space landscaped car park. It is the construction of the mosque on the land to the east of 7-9 West Park Street that is considered in the main in this conservation and heritage statement as this was the main issue of contention in the previous application.
- 1.6 As will be discussed in this Heritage Statement, the application site is considered as being an undeveloped piece of urban land which is of itself of little or no heritage value to the Northfields Conservation Area.

- 1.7 The following sections provide the context for the proposed development in terms of Site Description (Section 2), Planning History (Section 3) and Planning Policy as well as an assessment of the significance of the development within the Northfields Conservation Area (Section 4). Conclusions are drawn in Section 5.

2.0 SITE DESCRIPTION

The Site

- 2.1 The application site comprises an inverted L shaped piece of land which lies between No.7 West Park Street and an access track which links to Nowell Street. Part of the site is also located to the rear of 7 west Park Street. It is understood that the land may have originally formed part of the curtilage of 10 Oxford Road but for many years has been vacant and semi derelict and has historically been subject to fly tipping. There is a 400sqm square area of hardstanding at the southern base of the site which is currently used for car parking for the existing D1 place of worship at 10 Oxford Road.

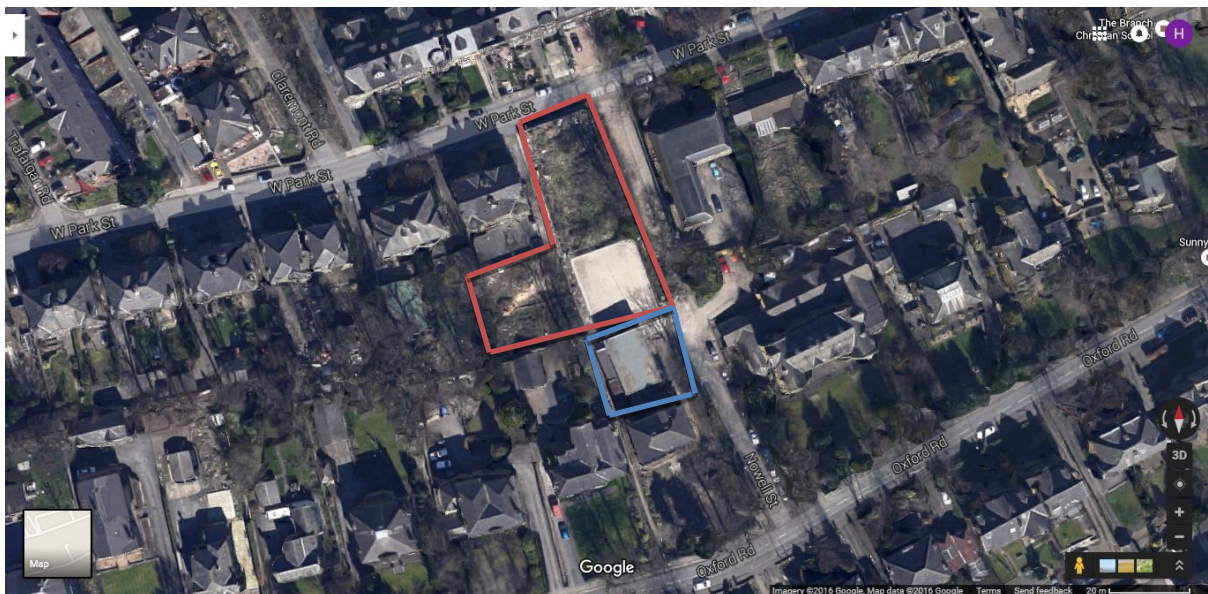


Figure 1: The Site



Figure 2: Google Street View from West Park Street – May 2015

- 2.2 The site itself is of little amenity value consisting of bramble bushes and other shrubs. There is a single mature sycamore tree that is subject to TPO. This tree has several nails in the stem but is reasonably formed with a fork at 5m. The last arboricultural survey undertaken at the site in March 2014 by JCA Arboricultural Consultants and submitted as part of planning approval Ref: 2011/62/92932/E for Erection of 1 dwelling with detached garage to rear, advised that the tree is in fair physiological and structural condition but is of only moderate amenity value and which requires pruning works for reasons of public safety and to enhance its long term health.
- 2.3 The site lies within the Northfields Conservation Area and the surrounding area is characterised by a mixture of large houses which are a combination of terraced and semi-detached properties. The application site and the land to the east is approximately level. West Park Street however rises more steeply from east to west from the application site such that the site is approximately 2 metres lower than the adjacent No 7-9 West Park Street to the west, which is a large semi-detached 2-3 storey Victorian villa on higher ground. There is modern 3 storey block of flats to the east. To the north is a pleasant Victorian Terrace with front gardens and an interesting feature of three bays extending above the eaves to form octagonal towers. The middle tower is directly opposite the application site whilst the eastern tower, three houses further away, is topped with a spire. As such, the proposed minaret which will be almost directly opposite the octagonal tower will not be out of keeping with the attractive character of the area. To the south of the application site is the existing flat roofed mosque which was formerly church and which is agreed does not positively enhance the character of the area. This building will be demolished.

3.0 PLANNING HISTORY

3.1 There is an extensive planning history record at the site as follows:

- 2011/92932 Erection of 1 (10 bedroom) dwelling with detached garage to rear (within a Conservation Area) Application approved.
- 2008/93703 Erection of 10 apartments and studios – Withdrawn
- 2007/91345 Erection of 10 no. flats with basement garaging – Refused
- 2005/93484 Erection of 4 no. dwellings – Refused
- 2005/93114 conservation area consent for demolition of activities hall land to rear of 10 Oxford Road, Dewsbury, WF13 4JT Refused
- 2005/92656 Demolition of disused hall, outline application for residential development (3 dwellings) (within a conservation area) Nowell Street 10 Oxford Road, Dewsbury, WF13 4JT Refused
- 2001/90608 Renewal of previous unimplemented permission for erection of 10 no. flats with basement garaging – Approved
- 1995/90733 Erection of 10 no. flats with basement garaging – Approved
- 1993/04301 Erection of 4 no. town houses – Refused

3.2 It is evident that whilst many applications have been submitted and development proposals approved, the site has remained undeveloped presumably because the site has never been economically viable to develop. Planning consent 2011/92932 for was only recently approved in 2014 having been submitted in 2011 and yet the site owner decided that it was not economically viable to develop the site and decided instead to sell to the mosque committee.

3.3 Other applications at the site have been variously refused for reasons such as on grounds of visual amenity, impact on Conservation Area, impact on residential amenity, highway safety, impact on protected trees and overlooking adjacent properties. In the circumstances the proposed scheme which is set back from adjacent properties and Oxford Road and which maintains the element of the vacant plot to the front of the site without impacting on protected trees is the most suitable and is the optimum viable option for redevelopment at the site.

4.0 PLANNING POLICY AND ASSESSMENT

National Planning Policy

4.1 The primary objective of the NPPF is to allow development that is sustainable to proceed, without delay. A presumption in favour of sustainable development is the basis for every plan and every decision. The NPPF sets out clearly what could make a proposed plan or development unsustainable. The NPPF is a material consideration in planning decisions.

4.2 In reference to design, local authorities are discouraged from using overly prescriptive design codes. Paragraph 60 of the NPPF provides clear guidance that: -

Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

4.3 Applicants are required to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail needs only to be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

4.4 Paragraph 129 of the NPPF sets out the assessment that a Local Planning Authority (LPA) should undertake when determining applications affecting heritage assets, and states:

'Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.'

4.5 When determining planning applications involving heritage assets Local Planning Authorities are advised to take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.

- 4.6 With regard to applications affecting designated heritage assets, Paragraph 132 states:

'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.'

- 4.7 As to conservation areas as heritage assets, the NPPF advises at paragraph 138 that 'not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance'. Rightly, it advises that the loss of a building or other element which makes a positive contribution to the significance of the conservation area should be treated as 'substantial harm'. In this case it is clearly apparent and already acknowledged by the council that the application site does not make a positive contribution to the conservation area. The application site is not listed nor is it mentioned as even a feature or focal point in the Northfields Conservation Area. Paragraph 134 of NPPF may therefore be engaged: -

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

- 4.8 Significance is defined as the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting. The council has already and on several occasions approved alternative development proposals at the application site as per Section 3 above. There is indeed an extant planning permission for a large 10 bedroom house at the application site which places at risk the sole protected tree at the site. As such the open nature of the site is not of significance in NPPF heritage policy terms to the setting of the conservation area. The Victorian pattern of development in the conservation area is predicated mainly by the fact that residential dwellings were built generally along the same building line but some public buildings were set apart, thus elevating their status. As per officer recommendations, it is proposed to erect the new mosque along the existing building line to maintain the Victorian pattern of development and to comply with officers expectation that –

"It would be more usual for a lower building that would be subservient to those around, to be located in such a position".

- 4.9 The redevelopment of the site will not affect the spaces and setting or grouping of buildings, in the Northfields Conservation Area. The grouping of buildings, especially the terrace at 28-58 West Park Street opposite will remain the same. On balance it is considered that setting the proposed mosque along the existing building line preserves the character of the area.
- 4.10 As per paragraph 7 of the NPPF 'public benefits' that follow from development can be anything that delivers economic, social or environmental progress but can also include heritage benefits such as –
- *sustaining or enhancing the significance of a heritage asset and the contribution of its setting*
 - *reducing or removing risks to a heritage asset*
 - *securing the optimum viable use of a heritage asset in support of its long term conservation*
- 4.11 As will be demonstrated further in this section the subject proposal certainly provides significant public benefit without harming the setting of the conservation area.

Local Plan Policy

- 4.12 The adopted development plan in force is the saved 1999 Kirklees Unitary Development Plan (UDP). Given the adopted UDP which is of 1999 vintage we are minded to take into account paragraphs 214 and 215 of the NPPF which states that for 12 months from the date of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework. But in other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'. The application site is located in a residential area in the Northfields Conservation Area. The UDP describes Northfields as –
- Late nineteenth century residential suburb of Dewsbury with many fine Victorian villas and terrace houses grouped along tree lined streets. Spire of St Marks Church is a focal point.*
- 4.13 Whilst the council places a high value on the quality of the District's built environment, it is acknowledged in the UDP that '*It is not necessary to preserve every detail of a conservation area*'. For the purposes of this report Policy BE5 deals with new development in conservation areas and states: -

PROPOSALS FOR NEW DEVELOPMENT WITHIN CONSERVATION AREAS, INCLUDING EXTENSIONS OR CHANGES OF USE TO EXISTING BUILDINGS, SHOULD RESPECT THE ARCHITECTURAL QUALITIES OF SURROUNDING BUILDINGS AND THEIR MATERIALS OF CONSTRUCTION, AND CONTRIBUTE TO THE PRESERVATION OR ENHANCEMENT OF THE CHARACTER OR APPEARANCE OF THE AREA.

- 4.14 Policy BE6 prohibits development on infill sites where it would adversely affect the character of conservation areas and Policy BE11 requires new development to be constructed in natural stone of a similar colour and texture to that prevailing in the area where the proposal is located. The NPPF takes precedence given the age of the plan though policies BE5 and BE6 are material considerations.

4.15 NORTHFIELDS CONSERVATION AREA CHARACTER AND IMPACT ASSESSMENT

- 4.16 The Northfields conservation area is situated mainly to the west of Halifax Road approximately one mile to the north west of Dewsbury town centre. The land rises steeply from 177 feet above sea level to 407 feet above sea level and covers an area of approximately 70 acres. Northfields was designated as a Conservation Area in July 1978. However our understanding is that the Conservation Area designation has not been reviewed since that time contrary to (Section 69(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990).

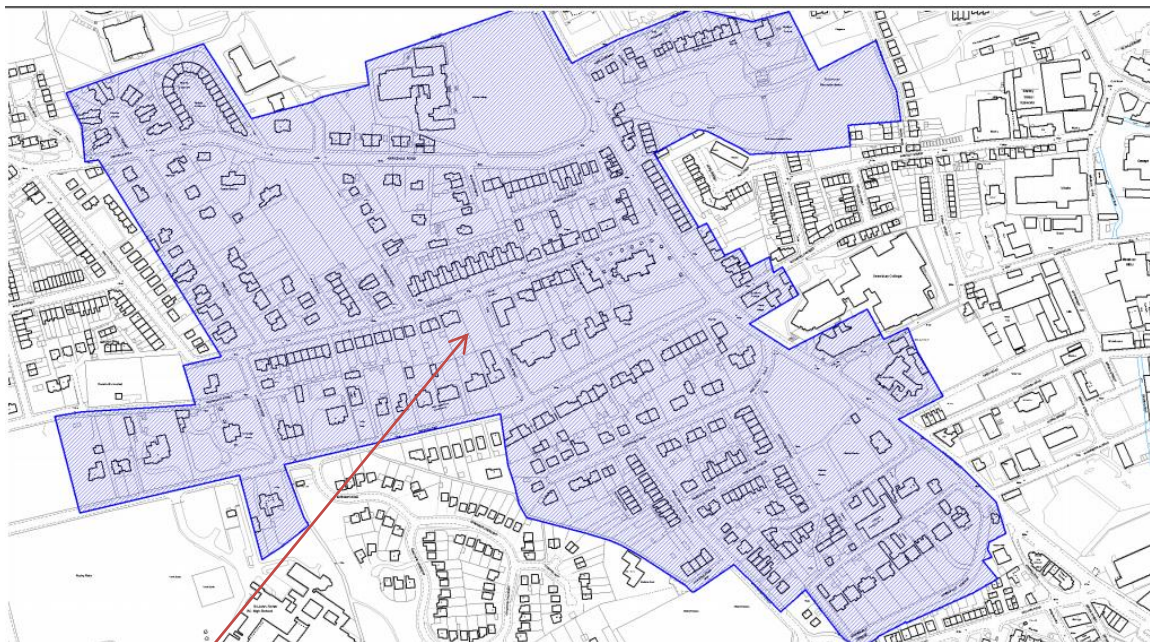


Figure 3: Northfields Conservation Area
The Site

- 4.17 Built as a residential suburb in the latter part of the 19th Century, the main land mark features in the area are Dewsbury Gospel Church (St Marks), the former Municipal Buildings (since converted to flats) and the Batley School of Art (former Dewsbury College). Prior to 1865 the land was mainly pastoral with few residential dwellings such as Ashfield House, Stonefield House and Springfield House.

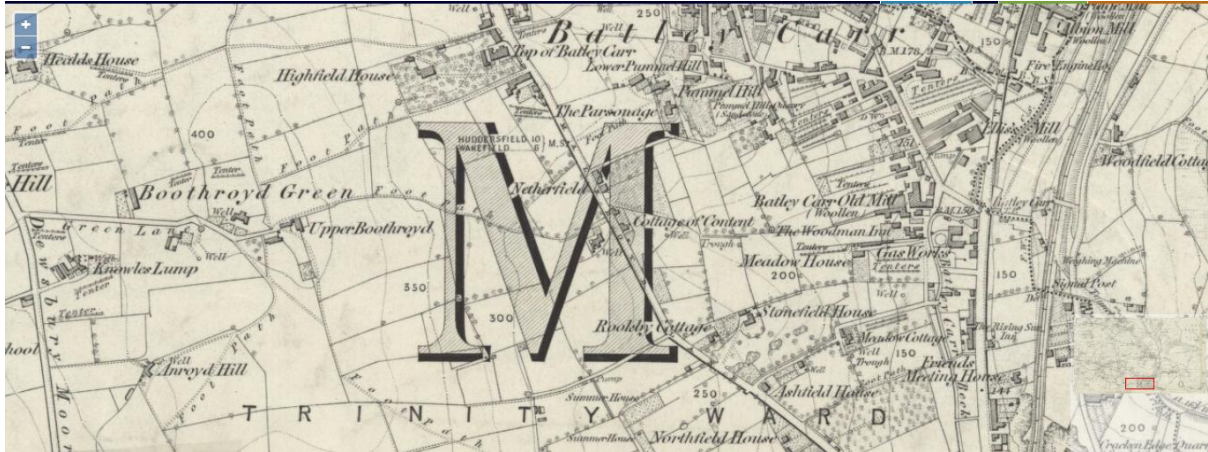


Figure 4: OS Yorkshire 232 (includes: Batley; Gomersal; Heckmondwike.) Published 1854

- 4.18 Figure 1 above shows the Northfields area in 1854. Halifax Road was then known as Malkroyd Lane. The area was mainly fields though a track heading west from Malkroyd Lane to Summer House (Towards bottom centre of the figure 1) would later become Oxford Road.

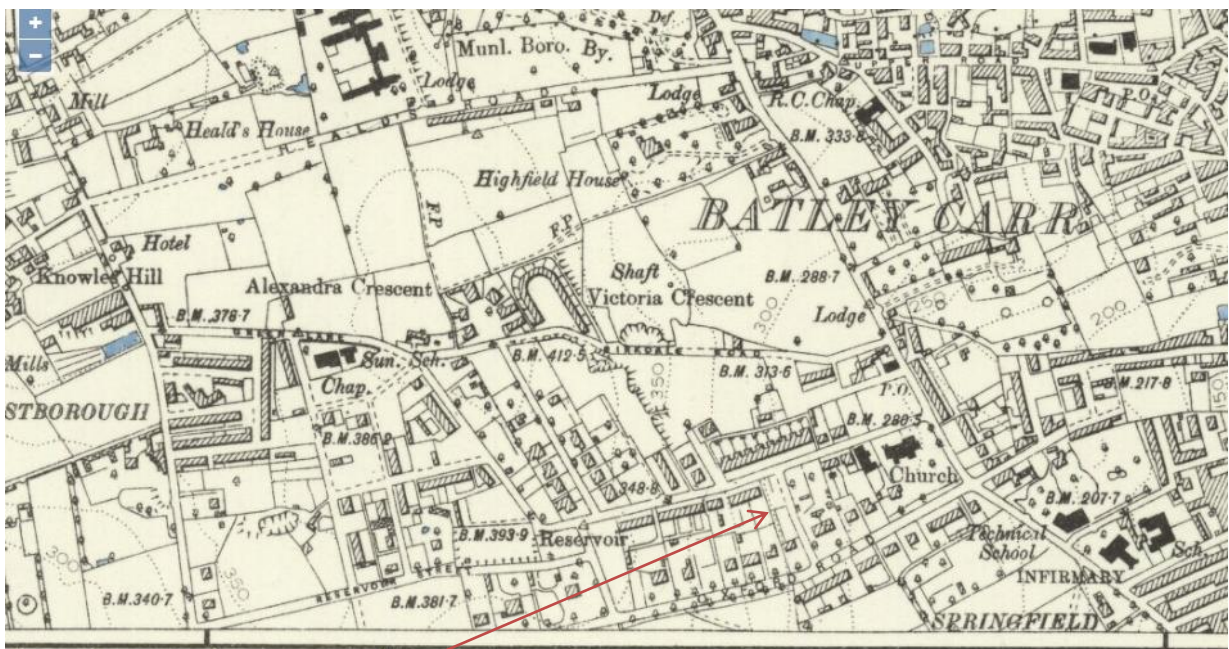


Figure 5: OS Yorkshire CCXXXII.SE (includes: Batley; Dewsbury; Morley.) Surveyed 1888 to 1892
Published 1895
The Site

- 4.19 The growth of the area can be traced back to 1865 when St Mark's church was completed. Following this, Claremont Road, Nos. 1-37 Oxford Road, 1-25 Birkdale Road, the Masonic Hall and Springfield Terrace were all completed by 1870 (See figure 5). By 1908 the area was more or less developed as we know it today (Figure 6).

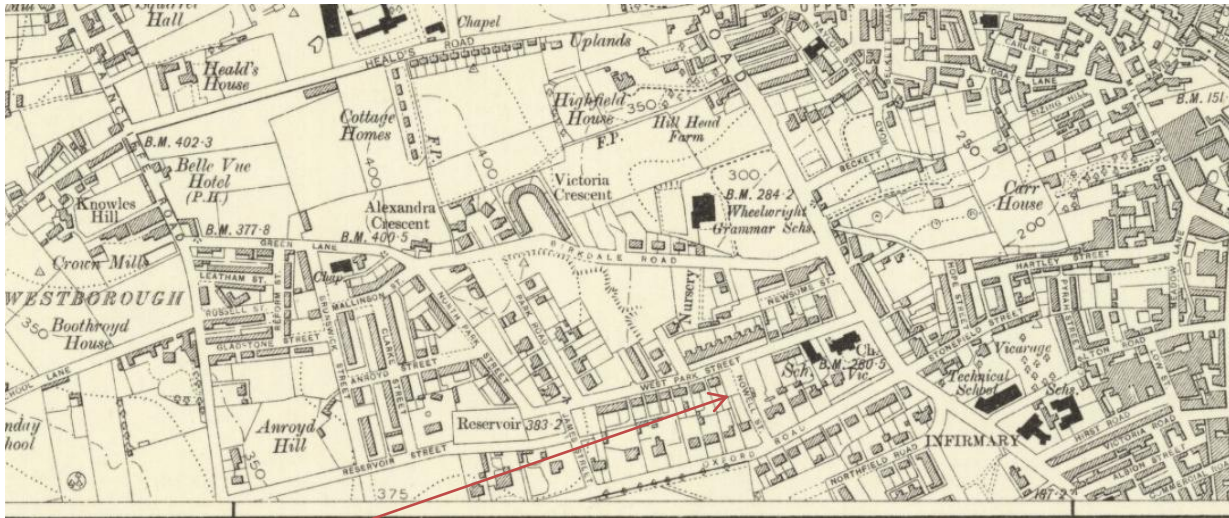


Figure 6: OS Yorkshire CCXXXII.SE (includes: Batley; Dewsbury; Morley.) – Published 1908
The Site

- 4.20 The special character of the area can be derived mainly from the consistent use of building materials which are coursed stone and natural slate. Stone boundary walls and gate pillars also feature prominently. This coupled with the groupings of various distinct parts of the Conservation Area and the uniformity of design and layout of the street pattern add to its pleasant appearance. For example, almost all the buildings are Victorian or Edwardian in design, be it detached, semi-detached or terraced. The street pattern is generally straight with streets set at right angles to each with the notable exception of Victoria Crescent and Alexandra Crescent.
- 4.21 Typically on West Park Street, dwellings are two stories in height with a third storey usually in the roof with dormer windows. Large gardens to the front and rear provide distance between adjacent and opposite dwellings across the street. Dwellings are set back from the road. Low boundary walls with hedges, shrubs or mature trees behind also add to the open and airy appearance of the streets. The subject proposal maintains this pattern of development.
- 4.22 What is notable from the historic maps provided above is that the application site has always been vacant and undeveloped. In essence it is an empty plot. However, the undeveloped nature of the plot does not in and of itself translate to it being an attractive or positive element of the conservation area. Rather, the undeveloped nature of the plot has for many decades now resulted in it being variously over

grown or used for fly tipping. National planning guidance advises that non-deliberate disrepair and damage to land to land in conservation areas, as is the case here is a material consideration in the decision making process for redevelopment. The fact is that there is one remaining mature tree on the site which has also resulted in the retaining stone boundary wall being damaged, and thereby further harming the appearance of the conservation area.



Figure 7: Eastern Boundary of the site from Nowell Street



Figure 8: View from West Park Street standing at the boundary wall

- 4.23 The site is also private land at present and not for the use of the general public. The site in its long established state of disuse has not provided any public benefit to the area. Neither are there any important focal features or views provided by the open nature of the site. Rather, it presents as an unkempt area of land that detracts from the character of the conservation area. It also exposes the public to a view of the existing 1960's style flat roofed former church which is a further negative feature in the conservation area.
- 4.24 Whilst the development pattern of residential dwellings may follow a distinct pattern of development set back from roads throughout the conservation area, it is also evident that landmark features or public buildings are all set further back within their plots and do not follow the same pattern of development as adjoining residential uses. For example, St Marks Church is set well within its plot almost centrally. Whilst it is accepted that this was one of the first buildings to be erected in the Northfields Conservation Area it is pertinent to observe that Victorian estate planners demonstrably did not follow the same pattern of development for residential dwellings in the area thereby elevating its status as an important landmark building and one where people could congregate. Similarly, the former Wheelwright Grammar School (Batley School of Art) is also set well back away from the road within its plot. As are the former Municipal buildings on Halifax Road.
- 4.25 The subject proposal is to develop a place of worship where people congregate and as such, to respect the traditional residential character of the area, a building following the development line of residential properties is considered appropriate in the Northfields Conservation Area. The portion of the site fronting Oxford Road has always been vacant and the subject development proposal would retain that original feature with a public building slightly set back from the main road. It is proposed to plant a mature tree on the north eastern corner of the plot as a replacement for the existing tree on site. Two more mature tree will also be planted along the eastern boundary of the site in order to maintain the traditional Victorian suburban character of the area. The application scheme will result in a currently unused and unkempt piece of urban land being brought back into beneficial use. The boundary wall fronting Nowell Street will be repaired and maintained and the natural surveillance arising from public use of the site will ensure that Nowell Street is also kept tidy and fly tipping is dissuaded. The open character of the site will be retained thereby preserving the original spacious Victorian suburban residential character of West Park Street.

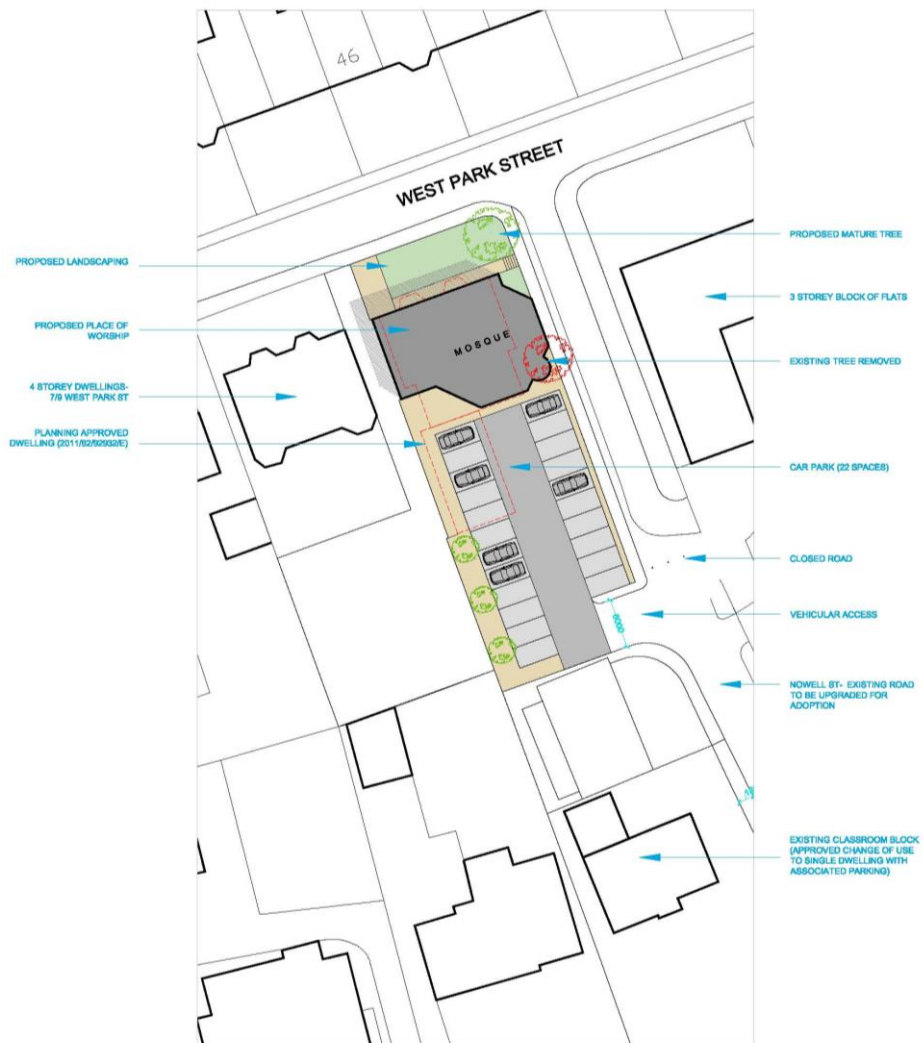


Figure 9: Proposed Scheme



Figure 10: Proposed West Park Street elevation

4.26 The design of the scheme has been developed along a framework of parameters, central to which is the historic significance of the conservation area. The primary consideration in terms of design is the visual impact along West Park Street, which presents a street scene rich in Victorian architectural styles. The proposal continues this style along the primary street scene (West Park Street) in terms of its scale, orientation, form and mass. The minaret in particular points to the octagonal Victorian tower opposite whilst reflecting how the demography of the local population has changed since the late Victorian period.

4.27 The materials specified for the development are in keeping with the historic character of the area. A natural slate roof and natural coursed stone walls have been specified together with distinct decorative stone heads and sills, characteristic of the area. In keeping with the original Victorian characteristics of buildings in the area, the proposal will appear as a 2 storey structure externally, typifying the local vernacular.

4.28 PUBLIC BENEFIT

4.29 As discussed at paragraph 4.10 *passim*, public benefits that follow from development can be anything that delivers economic, social or environmental progress but can also include heritage benefits such as –

- *sustaining or enhancing the significance of a heritage asset and the contribution of its setting*
- *reducing or removing risks to a heritage asset*
- *securing the optimum viable use of a heritage asset in support of its long term conservation*

4.30 Creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being is an identified public benefit in the NPPE.

4.31 The application site is located in Dewsbury West Ward, with a population of 20,620. The proportion of people who identify as Muslim is 47% (9,739) (Census 2011). The ward currently has nine mosques; the total capacity for these collectively is 4,395. However, only five of these mosques have provision for women. Established in 2011, Masjid Talha Trust has been providing prayer facilities and Islamic education to the community for the large part of a decade. It primarily serves the residents of Oxford Road, West Park Street, Northfield Road, Infirmary Road, and Chadwick Crescent. Having adapted the former Mormon Church annex at 10 Oxford Road, the Trust now successfully runs 5 evening classes and a place of congregation for over 100

congregants. However, the current premises were no longer able to accommodate its requirements. Aside from limited space, the classrooms run from a makeshift subdivided hall. This is overcrowded and provides an acoustic environment which is not suitable for learning and inefficient to heat. Alongside this, the internal spaces have deteriorated and suffer from roof leaks and damp, in immediate need of renovation in order to continue. While the existing property provides a gross floor area of 600sqm, it does not have any parking provision and has large rooms with very high ceilings, not suited to teaching. Classrooms are too noisy. There is also a distinct lack of sanitary provision with 1 Accessible WC serving the entire property. The office is too small and inadequate for administrative purposes, and doubles up as a library. The building is inefficient and costly to heat. There is no lift to serve students with disabilities in the education block. The general condition of the building is deteriorating.

- 4.32 This is significant under provision for the community as identified by the census data presented above. The wide disparity between the number of Muslims and the current provision means worshippers who would otherwise walk to their local centre, cannot be accommodated, and are forced to travel by vehicle to other centres, which are already congested. This causes significant traffic issues, particularly in times of peak use, leading to inconvenience to residents, and worryingly, negative impact upon community cohesion, a priority for the Local Authority.
- 4.33 A comprehensive design scheme has been prepared for a 3 storey new-build development. This incorporates both male and female prayer halls, with classroom accommodation and ancillary facilities for ablution, plant, storage, funerals and a library. Proper teaching space in the form of 8 classrooms will be provided.
- 4.32 The Trust has received overwhelming support in its public consultation. Over 200 residents have signed a petition in support of the development. A large proportion of the local community are attendees and also send their children to attend evening classes. Social public benefit in line with NPPF guidelines is unequivocally established. Indeed the social benefits of the proposal outweigh any perceived harm to the character of the conservation area. The application site is not a significant heritage asset in the Northfields Conservation Area and its contribution to the setting of the conservation area is minimal. It has remained undeveloped since the since the Northfields was originally developed yet has not contributed to the character or appearance of the area for many years. Planning officers and local residents alike have previously referred to the site as an eyesore in need of redevelopment and enhancement. It is accepted by the applicant and council officers that the remaining sycamore tree on site will have to be removed and that this

would in all likelihood be the same if the extant planning permission for a residential dwelling on site was implemented. However the applicants will plant more trees along the eastern boundary of the site. We understand that the applicants are happy for this to be conditioned as part of a planning approval.

5.0 CONCLUSIONS

- 5.1 This assessment identifies and assesses the significance of the Northfield Conservation Area heritage asset which have the potential to be affected by the subject development proposals. This process has been undertaken above and the associated impacts of the proposals considered.
- 5.2 The assessment has identified the setting of the land within the conservation area. It has also considered the wider setting of the heritage asset and noted that the contribution of the development land to the special character of the asset is minimal.
- 5.3 Taking into account the changes outlined above and in the applicant's Planning Statement and the associated impacts upon the setting of the area along with the public benefits associated with the regeneration of the site, the impact can be considered less than substantial when one considers the improvements to the setting, the regeneration and associated public benefits associated with the proposal. The subject application proposes a development that is of appropriate scale and is in-keeping with the general character of the area and as such preserves rather than harms the character of the conservation area as required under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.