

DESIGN & ACCESS STATEMENT

DESCRIPTION: DEMOLITION OF EXISTING AND CONSTRUCTION OF D1 PLACE OF WORSHIP WITHIN CONSERVATION AREA

SITE ADDRESS: CORNER OF NOWELL ST AND WEST PARK ST, DEWSBURY



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Image 01: Aerial view of the site

.INTRODUCTION

This planning application proposes the construction of a place of worship at Nowell Street, Dewsbury.

Masjid Talha Trust is an organisation which promotes peace, cohesion, education and civic engagement, working on both local and wider charitable projects. Established in 2011, Masjid Talha has been used as a place of worship for over 5 years. Adapted from a Church annex at 10

Oxford Road, the Trust now runs evening classes and a place of worship for over 100 congregants.

Despite its success, the Trust carried out an appraisal of its activities concluding that the current premises were substandard and in need of immediate improvement. 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. A comprehensive design has been prepared for a new-build development. This a prayer hall, with classroom accommodation and ancillary facilities for ablution, plant, storage, and bereavement.

The Trust has received overwhelming support in its public consultation. Over 500 residents have signed a petition in support of the development. A large proportion of the local community are attendees.

The local community has identified the application site as an ideal place to build new premises as it is within walking distance for the community it serves, can be tailored to meet the needs of everyone in the community including the elderly, children and the disabled and can provide adequate parking provision.

The proposal seeks to enhance an existing use through provision of essential ancillary spaces, additional parking, upgraded access, and recreation space.

This statement demonstrates how the proposal will contribute positively to the local and wider community in terms of its scale, mass, appearance, use and design.



Image 02: View of the site from the North

.USE

The charitable Trust currently runs classes for children and congregation facilities for prayer from the adapted building at 10 Oxford Road. Historically, the building hosted a church and was later adapted for use by the Trust.

While the existing property provides a gross floor area of 600sqm, it does not have any parking provision and has large rooms, 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 unsuitable as a library. The building is inefficient. The general condition of the building is deteriorating and in need of enhancement.

Having carried out an appraisal, The Trust identified that the most effective way to address the aforementioned issues was through a comprehensive new-build, incorporating the neighbouring land. It therefore acquired the land with the intention of developing it to provide a safe, secure, healthy, suitable environment for its activities, with adequate parking provision.

The proposed site is currently undeveloped, disused land, covered with overgrown bushes and planting having been neglected for decades. Due to this, it has also been subjected to fly tipping and has become unsightly. In 2014 it received planning consent for a 4 storey private dwelling.

The 2011 Census notes 35.14% of Dewsbury residents as Muslim. A large proportion of residents within the immediate areas of Oxford Road, West Park Street, and Infirmary Road identify as Muslim, and as such, require facilities for congregation and education, an aspiration supported by both local and national planning policy.

The proposal involves 2 sections for the 2 primary uses of the facility. To the north is an extensive car park providing 29 parking spaces. The

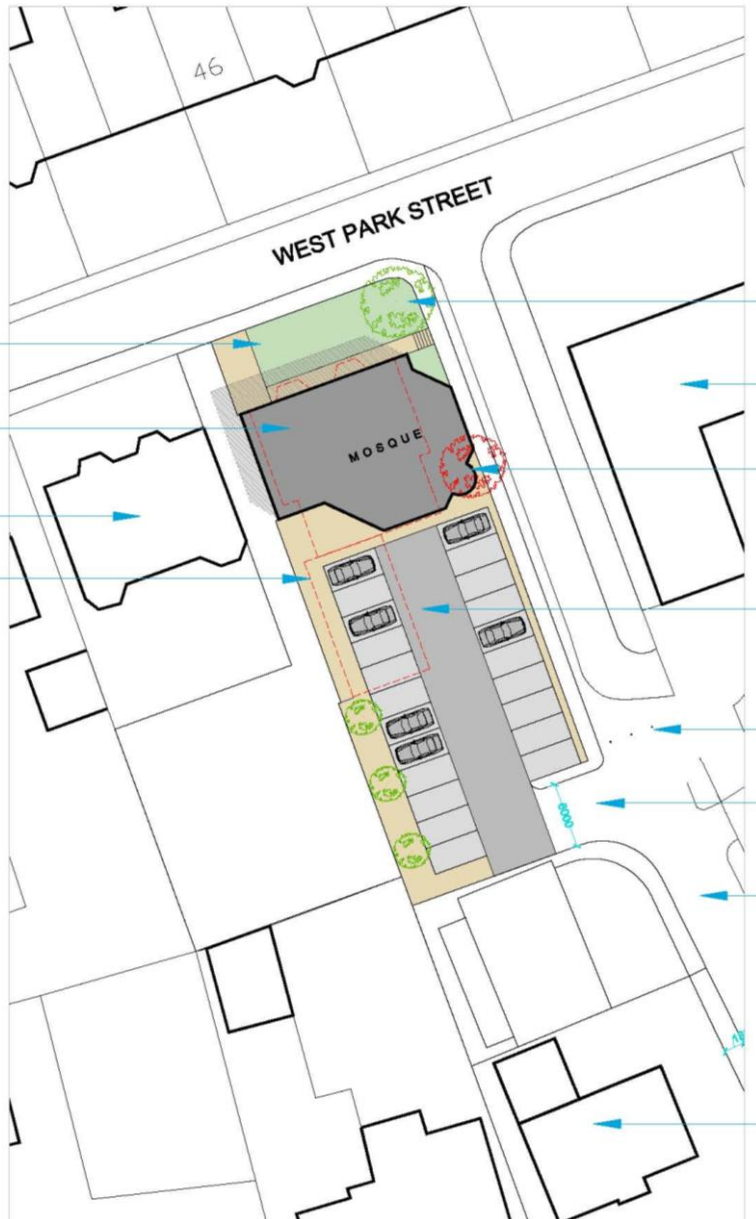
congregation hall is adjacent to this. The connected classroom block and ancillary spaces are located to the west.

The proposed building provides an impressive worship hall for congregational prayers, which is energy efficient and suited to its use in terms of its access, orientation and size. It provides both male and female worship space, a key ethos for the Trust. These are key requirements for the facility which cannot currently be made available.

This will allow for all the activities of the existing property at 10 Oxford Road to be transferred to the New Building. The existing hall will be demolished, making way for increased and improved off-street parking, with the original Victorian period building converted to a single dwelling (separate planning consent granted).

The proposal will bring a disused, overgrown, unsightly plot of land into use as a vibrant, active community asset, fulfilling the needs of the local community and enhancing the visual amenity of the surrounding area in doing so.

Image 03: Site Plan (NTS)



.AMOUNT

The gross site area is **2080** sqm
the footprint of the existing Mosque and Madrassa is **332** sqm, with a total gross floor area of **600** sqm
The exiting prayer hall is **170** sqm.
The proposed building footprint is 233 sqm

.DESIGN

The design of the proposal is complementary to the scale, character, mass, height, and appearance of existing buildings around the site. Careful attention has been given to the design to character of the original buildings in the area. The scale is therefore carefully considered. The primary elevation is of natural coursed stone, with a natural slate roof. This combination makes the proposal a subtle intervention, avoiding detracting from the street scene, and respectful of the character of the conservation area. With careful selection of materials and conscious design of spaces around the site, the development adds value to an otherwise deteriorating heritage asset.

The location and orientation of the proposal has been carefully considered. Following extensive discussions with Kirklees Council, a previous application was withdrawn, in an effort to overcome concerns over the impact of the development on the conservation area.

The new proposals have addressed these concerns, and having been coordinated with the Planning department, each issue has been resolved.

Please refer to the accompanying Heritage Statement.

■ PLANNING POLICY

Planning Policy has been carefully examined in the National Planning Policy Framework (NPPF 2012). The policy position is very supportive, promoting economic growth through the creation of jobs and bringing vacant land into viable use,

This section sets out the legislative framework and planning policies which provide the context in which this application should be considered. The following policies and plans are relevant for this application:

National Planning Policy Framework

The National Planning Policy Framework (NPPF) sets out the governments planning policy for England and how these are expected to be applied. Paragraph 69 of the NPPF states that;

"The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Local planning authorities should create a shared vision with communities of the residential environment and facilities they wish to see."

Paragraph 70 of the NPPF highlights that;

"To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;"

The NPPF requires local authorities to deliver social, recreational, cultural facilities and services the community requires by making planning decisions that plan positively for the provision of community facilities such as meeting places, cultural buildings and places of worship.

The proposed building will form a place of worship and will also be used as a place where the local Muslim community can congregate, hold meetings and socialise. Therefore, it is considered that the proposal will meet the aims of the NPPF as highlighted in Paragraphs 69 and 70 in so far as it will facilitate social interaction and will play a pivotal role in creating a healthy and inclusive community and provide a facility that the community wish to see.

Local Planning Policy Guidance – Saved Policies

In determining the principle of the development Policy C2 of the Kirklees Unitary Development Plan (UDP) provides criteria by which out of centre community facilities, such as the one proposed, are required to be assessed. Policy C2 states that;

"IN CIRCUMSTANCES WHERE IT IS CLEARLY IN THE INTEREST OF THOSE WHO WILL BE SERVED, COMMUNITY FACILITIES WILL BE PERMITTED IN LOCATIONS SEPARATE FROM EXISTING CENTRES PROVIDED THAT:

- i THE DEVELOPMENT CAN BE ACCOMMODATED WITHOUT CAUSING DISTURBANCE TO THE SURROUNDING NEIGHBOURHOOD; AND
- ii THERE WILL BE NO DETRIMENT TO HIGHWAY SAFETY."

Policy C2 requires new community facility that are separate from existing centres to be considered in relation to the needs of the community it is intended to serve. Policy C2 also emphasizes that proposed new community facilities should be accommodated without giving rise to problems of disturbance for occupiers of adjacent premises or prejudicing highway safety.

The need for the proposed community facility that is situated in residential area and that is within walking distance for the community stems from the unique way in which the Muslim Community worships. Muslims are required to prayer in a congregation five times a day at different hours of the day therefore by having a facility in walking distance makes it easy for the Muslim community to fulfil this religious obligation. The local centres of Dewsbury and Batley are located some distance away from the locality

and can only be reached by car or public transport. As some of the prayer times are held when public transport is not in operation, this means that the community facility, if located in the town centre, will not be accessible to those people who do not have a car. It is also impractical for people to travel to and from the town centre five times a day and therefore providing the community facility in the town centre will not meet the needs of the community.

It is also considered that the D1 and D2 use of the site is compatible with the residential area and there has been such a use present on the adjacent site for a number of years without there being any conflict with local residents. In fact there is overwhelming support for the proposed building from the community. Moreover, Kirklees M.C. have in the past accepted such use in out of centre locations.

In relation to the impact of the proposal on the neighbouring residential amenity and on highway safety, these issues have been discussed further on in the report. On the whole it is considered that the number of parking spaces provided is a massive upgrade to the existing provision and meets the Council's parking standards set out in the UDP and it is considered that the impact of the proposed use is no more detrimental to neighbouring residential amenity than the adjacent mosque.

The application site is not subject to any particular allocation or notion on the UDP Proposal Plan nor is it subject to any specific policies within the plan. Therefore, the principle of the proposed change of use has also been considered against the Policy D2 of the Kirklees UDP.

D2 PLANNING PERMISSION FOR THE DEVELOPMENT (INCLUDING CHANGE OF USE) OF LAND AND BUILDINGS WITHOUT NOTATION ON THE PROPOSALS MAP, AND NOT SUBJECT TO SPECIFIC POLICIES IN THE PLAN, WILL BE GRANTED PROVIDED THAT PROPOSALS DO NOT PREJUDICE:

i THE IMPLEMENTATION OF PROPOSALS IN THE PLAN;

ii THE AVOIDANCE OF OVER-DEVELOPMENT;

iii THE CONSERVATION OF ENERGY;

iv HIGHWAY SAFETY;

v RESIDENTIAL AMENITY;

vi VISUAL AMENITY;

vii THE CHARACTER OF THE SURROUNDINGS;

viii WILDLIFE INTERESTS; AND

ix THE EFFICIENT OPERATION OF EXISTING AND PLANNED INFRASTRUCTURE.

In so far as the new building is concerned there are a number of subject areas highlighted in policy D2 which are of concern to this application, these will be discussed in full in the further on in the report. On the whole, it is considered that the proposed building will not prejudice any of the specific material planning consideration listed in Policy D2.

Design and Impact on the Character of the Conservation Area

Sections 72 and 66 of the (Listed Buildings and Conservation Areas) Act 1990 (LBCA Act) identifies the general duty with respect to any buildings or other land located within a Conservation Area. Parliament requires the decision-maker to give considerable importance and weight to the preservation or enhancement of the character or appearance of a Conservation Area. Moreover, in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

In relation to design and impact on the character of the Conservation Area the NPPF states that;

"The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Achieving sustainable development"

(Paragraph 56)

"It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes"

(Paragraph 57)

"Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions."

(Paragraph 64)

"Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably."

(Paragraph 137)

Relevant Saved UDP Policies

In so far as the design of the building and the impact on the character of Conservation Area is concerned Policy D2 (already been highlighted in the

report) as well as the following saved UDP policies are relevant and have been considered in the design process.

BE1 ALL DEVELOPMENT SHOULD BE OF GOOD QUALITY DESIGN SUCH THAT IT CONTRIBUTES TO A BUILT ENVIRONMENT WHICH:

i CREATES OR RETAINS A SENSE OF LOCAL IDENTITY;

ii IS VISUALLY ATTRACTIVE;

iii PROMOTES SAFETY, INCLUDING CRIME PREVENTION AND REDUCTION OF HAZARDS TO HIGHWAY USERS;

iv PROMOTES A HEALTHY ENVIRONMENT, INCLUDING SPACE AND LANDSCAPING ABOUT BUILDINGS AND AVOIDANCE OF EXPOSURE TO EXCESSIVE NOISE OR POLLUTION;

V. IS ENERGY EFFICIENT IN TERMS OF BUILDING DESIGN AND ORIENTATION AND CONDUCIVE TO ENERGY EFFICIENT MODES OF TRAVEL, IN PARTICULAR WALKING, CYCLING AND USE OF PUBLIC TRANSPORT.

BE2 NEW DEVELOPMENT SHOULD BE DESIGNED SO THAT:

i IT IS IN KEEPING WITH ANY SURROUNDING DEVELOPMENT IN RESPECT OF DESIGN, MATERIALS, SCALE, DENSITY, LAYOUT, BUILDING HEIGHT OR MASS;

ii THE TOPOGRAPHY OF THE SITE (PARTICULARLY CHANGES IN LEVEL) IS TAKEN INTO ACCOUNT;

iii SATISFACTORY ACCESS TO EXISTING HIGHWAYS CAN BE ACHIEVED; AND

iv EXISTING AND PROPOSED LANDSCAPE FEATURES (INCLUDING TREES) ARE INCORPORATED AS AN INTEGRAL PART OF THE PROPOSAL.

BE5 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.

BE6 DEVELOPMENT ON INFILL SITES WILL NOT NORMALLY BE PERMITTED WHEN IT WOULD ADVERSELY AFFECT THE CHARACTER OR APPEARANCE OF A CONSERVATION AREA.

BE11 NEW DEVELOPMENT SHOULD BE CONSTRUCTED IN NATURAL STONE OF A SIMILAR COLOUR AND TEXTURE TO THAT PREVAILING IN THE AREA WHERE THE PROPOSAL IS LOCATED:

i IN AREAS WITHIN WHICH STONE HAS BEEN THE PREDOMINANT MATERIAL OF CONSTRUCTION;

ii WITHIN CONSERVATION AREAS; AND

iii WITHIN TOWN AND LOCAL CENTRES.

The building has been designed taking into account its sensitive location within the Conservation Area and taking into consideration the relevant National and Local Planning Guidance highlight above.

The Conservation Area is made up of Victorian vernacular building which are of design that is typical of that period. Consideration has also been given to the approved building on the site to which the permission is still extant and therefore carries weight as a material planning consideration.

The form, scale and shape of the main element of the building are similar to the neighbouring dwellings on the street and is similar to the extent approval. The architectural detailing proposed on the building such as the pitched roof, the simple square shape of the building, larger window openings, are all features that are found on Victorian style buildings in the area and allows the building to tie in with character of the Conservation Area.

Noting the level changes on the street and the fact that dwellings appear to step up as the land raises east to the west, the proposed building will be

set lower than the adjacent higher level dwelling to the west so that it fits in more naturally with the building pattern in area. Therefore, it is considered that the scale, design and massing of the main three storey element of the proposed building will tie in with the character of the Conservation Area and will comply with Policies BE1, BE2, BE5 of the UDP and the guidance contained within the NPPF.

The proposal will be built using materials that a similar to the neighbouring dwellings, this will further ensure that the proposal ties in within its context in compliance will Policy BE11.

Spaces between buildings are an important characteristic of the Conservation Area and it is considered that the gap maintained from the adjacent dwelling will ensure that the special character of the area is not harmed and that the proposed infill development will not appear as an overdevelopment of the site. The proposal will therefore comply with Policy BE6 of the UDP.

The car park will also be well screened by boundary treatment and will not be particularly visible from public view. Therefore, the proposed car park will not have an adverse impact on the character of the Conservation Area.

Weight should also be attached to the current state of the site which is an eyesore on the street scene and has a negative impact on the character of the area. It is considered that the proposal will clean up the site and ensure its future up keep. Therefore, it is considered that the proposal will improve the character of the Conservation Area.

The criteria of Policies BE1 and BE2 which relates to highway safety and noise will be addressed further on in the report. Policy BE1 also requires developments to promote safety. The building has been designed so that the place of worship and the children's classrooms as well as the main access and exit points are separated in a manner which is not possible in the existing building. Therefore, the proposed building will promote safety

by creating a safe and secure environment from the local community to worship and fulfil all other social and educational needs.

On the whole it is considered that the proposal will preserve the character of the Conservation Area and therefore the proposal complies with all relevant local and national planning policy guidance.

Potential Disturbance to Local Residence

In terms of disturbance to local residents by way of noise, UDP Policies C2 and BE1 which have already been highlighted in the report, have been taken into account.

In terms of the impact of building upon neighbouring residential amenity by way of over-shadowing, dominance and overlooking, consideration should be given to the extant 2014 permission for a dwelling to be built on the site which is a fallback position that carries weight as a material planning consideration.

The basic form and scale of the main three storey element of the building are broadly similar to the extant approval and the prominent windows are also in a similar position on the building. Therefore, it is considered that the main three storey element of the building will not harm neighbouring residential amenity by way of over-shadowing, dominance or by way of overlooking particularly the neighbouring dwelling to the west which is the closest property to the site.

The proposed building will be set at an adequate distance from all other dwellings so as not to cause harm by way of over-shadowing or dominance.

Consideration has also been given to the impact on neighbouring residential amenity by way of noise from movement of people and vehicles coming and going to and from the site and from the use of the site itself. In those respects, it is considered that the proposed use will not cause

significant noise disturbance or at least not exceed the levels that the local residence currently experience from the existing mosque.

For most parts of the day the building will be closed only opening during prayer times and during times when classrooms are in operation. During prayer time the congregational prayers will be conducted fairly quietly and the noise from the site will be minimal. The levels of people coming and going during prayer times will also not be insignificant and the noise that will be generated will be mainly by people walking to the site. The main entrance is set below basement level of the adjacent dwelling away from the habitable rooms so as to minimise noise from coming and going as much as possible. For similar reasons, the car park has also been located at this level.

There will be increased activity on the site when the classrooms are in operation for education purposes. The noise would mainly be from coming and going i.e. from parents dropping children off and when picking them up. It is considered that this will occur for a small period of the day i.e. 15min before classes start and 15min after classes finish. Moreover, it is anticipated that the vast majority of the children that attend the mosque will arrive on foot which will not generate significant levels of noise.

In balancing the impact of the proposed use of the site, consideration has to be given to the existing lawful use of the site which is used in a similar manner as the proposed building. The adjacent site has been operating as a mosque and education establishment for a number of years with no highway safety or noise disturbance issues being reported. The intention of the local community is to move all key religious and educational activities from the adjacent mosque to the proposed new building. It is not anticipated that the proposed premises would result in a significant increase in the number of people using the facility when compared to the existing mosque. This is because the proposal will simply provide a more spacious and enhanced environment to carry the existing activities of the mosque. Therefore, it is felt that noise levels from the site will not be significantly above that which the local residents are already accustomed to from the mosque.

Impact on Highway Safety

In terms highway safety, UDP Policies C2, D2, BE1 and BE2, which have already been highlighted in the report and Policy T10 have been taken into account.

T10 NEW DEVELOPMENT WILL NOT NORMALLY BE PERMITTED IF IT WILL CREATE OR MATERIALLY ADD TO HIGHWAY SAFETY OR ENVIRONMENTAL PROBLEMS OR, IN THE CASE OF DEVELOPMENT WHICH WILL ATTRACT OR GENERATE A SIGNIFICANT NUMBER OF JOURNEYS, IF IT CANNOT BE SERVED ADEQUATELY BY THE EXISTING HIGHWAY NETWORK AND BY PUBLIC TRANSPORT. PROPOSALS WILL BE EXPECTED TO INCORPORATE APPROPRIATE HIGHWAY INFRASTRUCTURE DESIGNED TO MEET RELEVANT SAFETY STANDARDS AND TO COMPLEMENT THE APPEARANCE OF THE DEVELOPMENT.

The proposal will provide floor space for the D1 and D2 uses. The majority the students and members of the public who use the community facility on a daily basis live in close proximity to the site. Therefore, it is considered that the majority of the people using the site are likely to walk, as they do currently.

The occasional off street parking demand that may arise will be catered for in the car park. The car park will provide 29 parking spaces, which will more than adequately meet the needs of the proposed prayer room and education establishment and the parking numbers accord with the Council's parking standards set out in the UDP.

The access road leading to the car park will be widened and upgraded and surfaced, so as to allow two-way passage of cars. It is also considered widened access road will improve vehicle access into the adjacent flat development.

Weight should also be given to the fact that the existing mosque does not benefit from any properly surfaced off street parking provisions and therefore all visitors that arrive in cars have to park on the highway. As the activities that currently take place in the existing mosque are to be transferred to the proposed building, the vehicle traffic generated by the

mosque will be able to utilise the parking area and thereby improve highway safety in the locality.

Overall, it is considered that the scheme offers improvement in so far as the highway safety on the nearby roads is concerned and will not raise highway safety concerns. Therefore the proposal complies with all relevant local and national planning policy guidance.



Image 04: Impression of proposal from Oxford Road



Image 05: Aerial illustration from the south east

CONCLUSION

The report has outlined how the existing place of worship at Nowell Street, Dewsbury, is not suitable in desperate need of enhancement. This parcel of land is currently unsightly and subjected to fly-tipping and neglect.

It has been demonstrated in this report that the principle of the proposed development is acceptable and is supported by all relevant local and national planning policy. It is also considered that the proposal will enhance the character of the conservation area, neighbouring residential amenity, highway safety or visual amenity.

Having regard to the above, it is hoped that the application is viewed favourably.