



DESIGN AND ACCESS STATEMENT

**DEMOLITION OF FORMER SCHOOL
BUILDINGS AND NUNNERY AND
PROPOSED NEW RESIDENTIAL
DEVELOPMENT**

AT

ST MARY OF THE ANGELS CHURCH

NORTH BANK ROAD

BATLEY

WF17 8ES

JULY 2018

Introduction

This Design and Access Statement (DAS) has been prepared to support an outline planning application (means of access and layout only - all other matters reserved) for the demolition of buildings and a proposed residential new build re-development on land adjacent to North Bank Road, Batley, in the curtilage of St Mary of the Angels Church.

This DAS should be read in conjunction with the Heritage Impact Statement (HIS) and other documents that have also been provided to support this planning application.

Site summary

The site is located approximately 0.5km to the north-west of Batley town centre. To the north of the site is the main St Mary of the Angels Catholic Church and presbytery; to the west, situated on the far side of Upton Street, is St Mary's Catholic Primary School; to the south, across North Bank Road, is Batley Cemetery; and to the east are residential properties on Cemetery Road. The area is characterised as predominantly residential, with a number of community and commercial uses nearby.

The application site consists of the former main school building, a former nunnery, and a former school annex. The main school building and nunnery are dilapidated and in a state of serious disrepair, whilst the annex was practically destroyed by fire a number of years ago. The majority of the site has been covered by tarmac and security fencing which has blocked routes into and around the site.

The site is allocated as Urban Greenspace (UGS) in the development plan (as are all educational establishments in the district) and it lies on the very eastern edge of a large area of UGS that includes the adjacent primary school and Batley Cemetery. The site also lies within the Cross Bank Conservation Area (CBCA) and the former school building to be demolished is considered to be listed by virtue of its physical attachment to the main church.

Proposed scheme summary

The proposed scheme consists of the demolition of the former Old School building (the former St Mary's Catholic Primary School), the former Nunnery on Upton Street, and the fire-ravaged former Senior Boys Department building in the grounds of the school.

The proposed scheme consists of a residential re-development of the site with 14 new build dwellings served off North Bank Road (there will be no vehicular access from Upton Street to serve the residential development). A new car park to serve the Church is proposed to the north of the site, served from Upton Street (see Access below).

Pre-application discussions

Extensive discussions have been held with the LPA's Conservation and Design Team Leader over several years with regard to the principle of the re-development of this site and, in particular, the proposed demolition of designated heritage assets. These matters are discussed more comprehensively in the HIS but are referenced below.

National and local planning policies

National planning policy guidance is contained within the National Planning Policy Framework (NPPF) Revised (2018).

Paragraph 11 states that –

“Plans and decisions should apply a presumption in favour of sustainable development

*...For **decision-taking** this means:*

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁶; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

In Section 12 “Achieving well-Designed Places”, paragraph 56 states that –

“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”

Section 16 “Conserving and enhancing the historic environment” paragraph 189 states that –

“In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should

be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance".

Paragraph 189 goes on to state that –

"As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary".

Paragraphs 193 considers any "harm" to the designated heritage asset that may be considered to accrue due to the proposed development –

"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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."

"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"

Para 194 states -

"Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;"

Para 195 states -

"Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning au-

thorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and*
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
- d) the harm or loss is outweighed by the benefit of bringing the site back into use”.*

Para 198 states -

“Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.”

Local planning policy guidance is provided by the Kirklees Unitary Development Plan (UDP), which remains the development plan for the area until the adoption of the emerging Kirklees Local Plan.

As the site is located within UGS, Policy D4 is considered to be a primary policy consideration with regard to the principle of development. This policy states that -

THE CHANGE OF USE OR REDEVELOPMENT OF REDUNDANT BUILDINGS LOCATED WITHIN DESIGNATED URBAN GREENSPACE FOR PURPOSES NOT ASSOCIATED WITH OPEN LAND USES WILL NORMALLY BE PERMITTED PROVIDED THAT THE USE AND QUALITY OF THE ASSOCIATED OPEN LAND WILL BE SAFEGUARDED.

With regard to designated heritage assets, the only saved policy in the UDP is Policy BE5 which states that -

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.

Policies BE1 and BE2 relate to the design of buildings, and policy BE12 relates to space about buildings standards. Also of relevance are highway safety and car parking policies T10 and T19.

The most relevant draft PLP policies include the principle of development (PLP1, PLP2 and PLP3), urban green space (PLP61), highway safety (PLP21 and PLP22), design (PLP24) and environmental issues (PLP30, PLP31, and PLP51). However, it is contended that the current development plan remains the statutory development plan for the area and that consideration of the proposed scheme can be properly made using current UDP policies.

Principle of development

One of the overarching and central themes to the NPPF is the government's commitment to encouraging and achieving sustainable development and strong economic growth, and the crucial role and expectation that the planning system does everything it can to support this. The government expects that the planning system should operate to encourage, and not act as an impediment, to sustainable growth.

In order to deliver against these core planning requirements, the NPPF calls for Local Planning Authorities (LPAs) to draw up Local Plans which set out a clear economic vision and strategy for their area and which positively and proactively encourage sustainable growth.

The NPPF confirm that the purpose of the planning system is to contribute towards the achievement of sustainable development, and that sustainable development comprises three specific roles, namely economic, social and environmental. These roles should not be undertaken in isolation because they are mutually dependent, and the NPPF calls for economic, social and environmental gains to be sought jointly and simultaneously through the planning system.

The NPPF confirms that the sustainable development should be seen as a "golden thread" running through both plan making and decision taking. In order to achieve this, the same paragraph requires that LPAs approve proposals that accord with the development plan without delay, and that where the development plan is 'absent, silent, or relevant policies are "out of date" then permission should also be granted unless any adverse impacts of doing so "would significantly and demonstrably outweigh the benefits". The NPPF stresses that it is highly desirable that LPAs have an up-to-date Local Plan in place.

It should be noted that, even though the new Local Plan is at an advanced stage of preparation, it is likely that the adoption of this Plan may be at least six months away, and so whilst some weight can be given to draft policies within the Plan (for example, PLP61), the current develop-

ment plan remains the appropriate consideration in decision-making. As such, it is considered that the Council is still unable to demonstrate a five year land supply for housing and so any proposed residential development must carry significant weight.

With reference to development plan policies, it is considered that the proposed scheme meets the requirements of policy D4. The site is located on the very edge of a large swathe of UGS in this part of Batley, with the residential properties directly to the east being outside the UGS. The school site was probably included in the UDP as UGS because it meets the criteria for inclusion ie at the time that the UDP was prepared in the 1990's, it was an operational school with an open area of school grounds.

Para 2.13 of the UDP suggests that some areas of UGS that contain school premises set within "playing fields" may be appropriate for a change of use or redevelopment, provided that the area of the associated "open land" could be safeguarded or enhanced and that it will not "normally be appropriate to increase significantly the area covered by buildings or car parking".

In this instance, the school buildings and school grounds only consist of a relatively small area (0.36ha), and the "open" areas of the school grounds are primarily areas of hardstanding (former playgrounds and car parking) with very little "soft" landscaping or grass. Therefore, it is contended that the proposed development, whilst slightly increasing the amount of built form on the site (presuming that the indicative layout submitted with the application is acceptable to the LPA), will actually enhance, by virtue of a future comprehensive landscaping scheme, the open nature of the site and that the areas currently occupied by buildings and hard surfaces will not be increased significantly.

In addition, and with regard to Policy D3 of the UDP, it is held that there are significant public and community benefits attached to the proposed re-development of the site, particularly in relation to the positive impact on designated heritage assets; the provision of a new car park for the

Church to mitigate current car parking issues; and the re-use of a derelict eyesore site in this part of Batley.

Issues pertaining to designated heritage assets with regard to the relevant paras of the NPPF are fully considered in the supporting HIS. Policy B5 of the UDP is also discussed in greater detail in the HIS, which concludes that the proposed development will have a more positive impact on visual amenity and the character of the surroundings than current site conditions and that (subject to detail and reserved matters) and therefore the re-development of this site will preserve and enhance the CBCA.

The layout of the scheme complies with policy BE12 and, subject to materials and appearance etc at Reserved Matters stage, the proposed development is also held to meet policies BE1 and BE2. Car parking meets the requirements of policies T10 and T19.

In conclusion, and for reasons set out above, the principle of the proposed scheme is therefore considered to meet all relevant national and local planning policies.

Design

Amount

The net developable area of the site is 0.36ha.

It is proposed that the development provides for fourteen semi-detached residential units, each with two dedicated car parking spaces.

In addition, a 33 space car park for church use will be provided to the north of the site to ease current parking congestion associated with church services etc in the main Church curtilage (served off Cross bank Road). This new car park will be for the exclusive use of church-goers and will remain separate from the proposed residential development.

Layout

The layout of the residential units is arranged around an internal access road and served off North Bank Road. Each semi-detached property will have its own private outdoor amenity space and dedicated car parking spaces.

The proposed church car park will be served off Upton Street, with the parking spaces served off a central access road. There will be no access to the car park from North Bank Road and, equally, there will be no access to the proposed residential development from Upton Street.

Scale

This will form part of a Reserved Matters application.

Appearance

This will form part of a Reserved Matters application.

Landscaping

This will form part of a Reserved Matters application.

Access

Access to the residential element of the site will be from North Bank Road, which is a 30 mph residential road serving Batley Cemetery and a small number of residential properties further along the road. This road is a cul-de-sac with very little traffic, other than school traffic in the morning and afternoon - traffic to and from the school (plus car parking) is well-managed and the proposed access is held to have little or no impact on highway safety issues in this regard.

The location of the access has been chosen to be as far away as possible from the junction of North Bank Road with Upton Street (which is the access to the school) and, given the proposed number of units on the site, there will be little or no impact on the operation of the junction of North Bank Road with Cemetery Road, even at peak times.

The proposed church car park will ease congestion within the existing church car park (served from Cross Bank Road), which is limited in size and which has a difficult access and on-site manoeuvring space. The proposed car park will be served off Upton Street but will not be used when the school is open so as to avoid any further congestion or highway safety issues in this area. The car park will only be used in the evening and at weekends and the applicant is content to accept a condition to this effect.

Other material planning considerations

Flood risk - there is no risk of flooding on this site.

Ecology - preliminary investigations reveal no evidence of bats or bat roosts within the buildings.

Trees - no trees are affected by the proposed scheme.

Contaminated land - there is no evidence of land being contaminated.

Conclusion

For the reasons set out above, it is considered that the proposed development satisfies all relevant national and local planning policies in both principle and detail and is therefore capable of being approved subject to any necessary planning conditions.