Consultation Response from KC, Policy
2023/92127 Church of the Holy Innocents, Vicarage Road, Dewsbury, WF12 9PD
Alterations to convert church to 2 dwellings, formation of residents car park, external amenity spaces and associated works (Listed Building)
Date Responded: **Responding Officer: AW** **Responding Ref:**

This application is seeking permission for alterations to convert a church to 2 dwellings, formation of resident's car park, external amenity spaces and associated works, at Church of the Holy Innocents, Vicarage Road, Dewsbury, WF12 9PD. According to the design and access statement submitted to support this application, Church of the Holy Innocents is currently a vacant building, and no longer operates as a church – however, it is still in the ownership of the Church of England. To note, the structure itself, the gates fronting Vicarage Road, and the sundial are Grade II listed. The application site is allocated as urban green space (UGS) in the adopted Kirklees Local Plan (part of site ref. UG206). As detailed in the urban green space technical paper, cemeteries and churchyards are deemed to merit designation as Urban Green Space based on their amenity, historic and cultural value.

The Local Plan was adopted on 27 February 2019. The Local Plan Strategy and Policies should be fully considered; however, the following response relates to specific Local Plan policies which are of particular relevance to the proposal, other policies that are not mentioned here may also apply.

Kirklees Local Plan.

<u>LP61 (Urban green space):</u>

The principle of converting the church building to form 2 dwellings would not be inconsistent with Policy LP61 as this itself would not result in a loss of green space. However, this scheme also proposes to form a residents car park in the southeastern corner of the application site, which would result in a loss of UGS. Local Plan Policy LP61 does not allow for development proposals which would result in the loss of urban green space unless specific exceptions can be met. The policy states that:

"Development proposals which would result in the loss of urban green space (as identified on the Policies Map) will only be permitted where:

a. an assessment shows the open space is clearly no longer required to meet local needs for open space, sport or recreational facilities and does not make an important contribution in terms of visual amenity, landscape or biodiversity value; or
b. replacement open space, sport or recreation facilities which are equivalent or better in size and quality are provided elsewhere within an easily accessible location for existing and potential new users; or
c. the proposal is for an alternative open space, sport or recreation use that is needed to help address identified deficiencies and clearly outweighs the loss of the existing green space.

The protection set out in this policy also applies to smaller valuable green spaces not identified on the Policies Map."

Given that the scheme is not to provide replacement open space provisions elsewhere, nor is the proposal for an alternative open space, sport or recreation use, criteria b & c are not applicable. In order to satisfy criterion a, the applicant must demonstrate that the UGS set to be lost through the formation of the resident's car park is no longer required to serve as a graveyard to meet burial needs. However, consideration must also be given in this case to the fact that the land proposed to accommodate the car park is of high biodiversity value – as it contains trees of TPO status, and constitutes part of the Kirklees

Wildlife Habitat Network. As such, if the land is no longer required to meet burial needs, an assessment still needs to be made to determine the contribution that the site makes in terms of its visual importance and biodiversity value as set out in the second part of LP61 criteria a. The Biodiversity Officers should be contacted for their views.

LP7 (Efficient and effective use of land and buildings):

Policy LP7 states that to ensure the best use of land and buildings, proposals should encourage the reuse or adaptation of vacant or underused properties. Converting this church into two dwellings would allow for the reuse of a vacant building, however careful consideration should be given to the fact that the structure, gates and sundial are Grade II listed. In accordance with **Policy LP35 (historic environment)**, development proposals affecting a designated heritage asset should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm, or all of the following are met:
a. the nature of the heritage asset prevents all reasonable uses of the site;
b. no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;
c. conservation by grant-funding or some form of 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.

Proposals should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure they are appropriately conserved, to the extent warranted by their significance, also having regard to the wider benefits of development. Consideration should be given to the need to ensure that proposals maintain and reinforce local distinctiveness and conserve the significance of designated heritage assets. Further comments and information should be sought from the conservation officer.

LP24 (Design):

In accordance with Policy LP24, good design should be at the core of all proposals in the district and should be considered at the outset of the development process. Proposals should promote good design by ensuring: (a) the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape, (h) development contributes towards enhancement of the natural environment, supports biodiversity and connects to and enhances ecological networks and green infrastructure, and (i) the retention of valuable or important trees and where appropriate the planting of new trees and other landscaping to maximise visual amenity and environmental benefits.

LP30 (Biodiversity & Geodiversity):

The Church of the Holy Innocents is encircled by Kirklees Wildlife Habitat Network (WHN). As stated in Policy LP30, the council will seek to protect and enhance the biodiversity and geodiversity of Kirklees, including the Kirklees WHN. To accord with the policy, development proposals will be required to safeguard and enhance the function and connectivity of the Kirklees WHN at a local and wider landscape-scale unless the loss of the site and its functional role within the network can be fully maintained or compensated for in the long term, and proposals should also establish additional ecological links to the Kirklees WHN where opportunities exist. As evident from the plans, the proposed residents parking area will directly impact an area of land within the WHN. Further comments should be sought from the biodiversity officer in relation to this.

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LP33 (Trees):

The submitted plans show that 3 TPO trees are to be removed as part of this development. As stated in Policy LP33, the Council will not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity. Proposals should normally retain any valuable or important trees where they make a contribution to public amenity, the distinctiveness of a specific location or contribute to the environment, including the Wildlife Habitat Network and green infrastructure networks. Proposals will need to comply with relevant national standards regarding the protection of trees in relation to design, demolition and construction. Where tree loss is deemed to be acceptable, developers will be required to submit a detailed mitigation scheme. Careful consideration should be given in this case to the fact the 3 TPO trees proposed to be removed to accommodate a residents car park, are within the Kirklees Wildlife Habitat Network. Further comments should be sought from a tree officer.

LP48 (Community facilities and services):

As stated by Policy LP48, proposals which involve the loss of valued community facilities such as shops, public houses and other facilities of value to the local community will only be permitted where it can be demonstrated that:
a. there is no longer a need for the facility and all options including the scope for alternative community uses have been considered; or
b. its current use is no longer viable; or
c. there is adequate alternative provision in the locality to serve the local community which is in an equally accessible location; or
d. an alternative facility of equivalent or better standard will be provided, either on-site or equally accessible; and
e. any assets listed on a Community Asset Register have satisfied the requirements under the relevant legislation.

In this case, information provided within the design and access statement reveals that the former use of the building as a church was proving to be no longer viable, meaning the loss of this community facility is permitted, given the scheme has satisfied criterion b.

Summary:

In order for this scheme to comply with policy LP61, the applicant must demonstrate that the UGS set to be lost through the formation of the resident's car park is no longer required to serve as a graveyard to meet burial needs, to satisfy criterion a. However, as mentioned, the visual importance and biodiversity value of the UGS site should also be considered. Further comments should be sought from the conservation, tree and biodiversity officers in relation to policies LP30, LP33 and LP35.