

Consultation Response from KC, Conservation & Design**2023/92634 St Marys Rc Church, Upton Street, Carlinghow, Batley, WF17 8PH****Listed Building Consent for Demolition of buildings and erection of residential development
(Listed Building within a Conservation Area)****Date Responded: 12.4.2024****Responding Officer: Sue Brooks****Responding Ref: BHS 4/15**

This response should be read in conjunction with the associated planning application 2023/92633.

Context

The proposal site is within the curtilage of the Grade II listed St Mary's RC Church and is situated within the Cross Bank Batley Conservation Area. The former school building is attached to the church by a link and is listed, and the former nunnery is a curtilage listed detached building.

The school building is constructed of pitch faced stone with prominent gables and is simple in design with typical detailing of a C19 school building including carved door heads reading 'Girls' and 'Boys' over their respective entrances. The blue slate pitched roof covering extends through the building phases. This building can be glimpsed from some aspects through gaps in the surrounding buildings and is fully visible from Upton Street and the junction with North Bank Road and is a distinctive structure. It was built in phases, with the earliest section on Upton Street dating to 1868, and the larger building range to the south-east built in 1898. The group of buildings itself is prominent in the urban landscape and is highly visible from public vantage points, particularly from the cemetery.

The nunnery is a detached house dating to 1876 and constructed in coursed stonework with symmetrical proportions and ashlar window surrounds with simple detailing, ashlar quoins and stone gutter corbels, and a hipped stone slate roof. This building has interest as part of the group but the later extensions to the rear have no significance.

To the south of this building were previously a terrace of back to backs which were demolished in the late C20, and within the site to the rear (east) of the nunnery was a mid-20th century school building which was demolished in around 2021 due to its unsafe condition.

On the opposite side of North Bank Road to the south is Batley Cemetery, a site of high heritage value and a significant space within the conservation area. Within the cemetery are the Grade II listed cemetery chapel and cemetery lodge which are both clearly visible from the proposal site. Adjacent to the site to the west is St Mary's Catholic Primary School, a late C20 school with no heritage significance which makes a negative contribution to the conservation area.

To the east are a small number of residential properties. Those dating to the C19 make a positive contribution to the conservation area by their traditional Victorian character and materials, along with some houses dating to the late C20. One of these is 11a and 11b North Bank Road, a simple gabled two storey building directly adjacent to the proposal site and highly visible from the junction of North Bank Road and Cemetery Road. This modern building makes a slight negative contribution to the conservation area by its design, particularly the eaves overhang and fenestration. However, the predominant character of the area is traditional construction with natural stone walling and blue slate roofs.

Background

In 2014 Listed Building Consent (2014/91709) and Planning Permission (2014/91713) were refused for the demolition of the former school and nunnery and clearance of the site, with an outline application withdrawn in 2018, so the neglect of the site is long term. The condition statement

submitted within this application was produced in 2014 and states that the nunnery had been vacant for two years. The lack of long-term maintenance and previous applications for demolition indicate that there has been no intention of retaining this building for a long time.

Assessment

The application proposes the partial demolition of the school building, complete demolition of the nunnery and the erection of a residential development on the site, along with the provision of car parking for the church.

Although neither the school building or nunnery building are likely to merit individual listing, they have some architectural and historic interest and make a positive contribution to the site and the character of the wider conservation area, illustrating the Catholic history of this part of Batley and its people. However, the school building, nunnery and land to the south of the church have been neglected in the long term and have become derelict, resulting in a site which is now an eyesore that makes a negative contribution to the character of the conservation area. It must be noted that paragraph 202 of the NPPF states that where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.

The heritage impact statement states that the former school which is attached to the Grade II listed St Mary's Church is not curtilage listed but also suggests that it may be listed by attachment. Given the ownership and historic association with the Catholic church, we consider the building to be included in the listing, although with a lower level of significance than the church. It concludes that the school buildings and nunnery are unlisted, but with local significance as part of the group and townscape value within Upton Street, while the 1898 school extension is of low significance with no long-term viable use. If clarity is required on the extent of listing, this can be assessed through Historic England's [enhanced advisory services](#).

It also states that the demolition of the 1898 school extension is proposed, with the retention of the former school and nunnery buildings as they are of a scale which may allow re-use in the future. The application, however, proposes the demolition of both the nunnery and the school extension.

Demolition of nunnery

We are disappointed that this building has been neglected to such an extent that demolition may be the only viable option. Deliberate neglect is not a consideration when determining applications and we would expect it to be incorporated into the scheme as recommended during negotiations in previous applications. No viability assessment has been submitted to justify its demolition against the alternative option of conversion into a dwelling. As the demolition is not identified in the heritage impact statement, the level of harm has not been assessed and insufficient public benefits have been provided. We are therefore unable to support this part of the application.

We recommend that the original part of the nunnery is incorporated into the development.

School building

The conversion of the original 1868 school building is welcomed. This is the earliest phase of the building and retains some interesting architectural details including the former entrances, and it contributes to the character of Upton Street in context with the church and nunnery.

The level of detail submitted with the application is limited, with no existing and proposed floor plans or elevations of this building, so further information needs to be provided to enable us to assess this part of the application. Details need to include the conversion including door and window details, making good of the external elements following demolition of the extension, and internal and external alterations. We would recommend that the Boy's entrance is incorporated into this conversion. Where

external walls are made good following demolition, reclaimed stone should be used from the demolished parts of the building.

The 1898 extension has been allowed to deteriorate for many years and is in a derelict state, and its demolition is proposed. The heritage impact statement considers the demolition of the school extension to be acceptable, with the public benefits of its removal enhancing the setting of the listed church and removing a possible source of decay and damage. This extension has some interest as a late 19th century school building, with external architectural detailing including narrow gables with dormers, ridge details and the Boy's entrance. Enhancing the setting of the church would be welcomed, however the construction of new dwellings on the site could offset this enhancement by obscuring the church from the south, unless their design is very carefully considered in context with it.

Demolition of the extension would be regrettable, and we do not feel that it has been fully justified. On balance, if it can be demonstrated that restoring this building is not viable, we would be able to accept its demolition to prioritise the restoration and conversion of 1868 school building and nunnery, subject to the careful design of the new dwellings.

New development

We have no objections to the principle of development on the site subject to the demolition of the school extension being fully justified. However, we have concerns about the design and layout of the proposed new development, along with the loss of the former nunnery. The site is located directly opposite Batley Cemetery and the southern boundary is in a highly prominent location, visible from some distance away across the cemetery. It is important that the design of any new dwellings preserves and enhances the character of the conservation area (LP35 and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990), and also the setting of the historic buildings within the site (Section 72(1)). LP24 requires the form, scale, layout and details of all development to respect and enhance the character of the townscape, heritage assets and landscape. The heritage impact statement has not assessed the impact of the proposed new development on the setting of the listed buildings or the character of the conservation area.

Our main concerns are summarised below:

- Design – we would recommend that the design is revisited in line with the requirements of the policies above. References could be taken from the existing buildings on the site, with the use of natural stone and blue slate, and perhaps with architectural detailing reminiscent of the school extension, including small dormers or gables. The design of the Upton Street elevations appear secondary and we would recommend that the nunnery is retained, with the potential for new dwellings adjacent to this in place on the former houses on the site.
- External masonry - the proposed buff brick with brick detailing is not characteristic of the conservation area, and we would recommend natural coursed stone is specified with traditional detailing.
- Timber doors – these are acceptable subject to design – this can be a condition.
- Roofs - artificial grey slates are specified in the application form, whereas the design document refers to a blue tinted roof covering and a copper finish. Blue slate would be more characteristic of the site and wider conservation area and existing buildings on the site.
- UPVC windows - The Design document states that the window types aim to establish a sense of visual continuity, ensuring that the new residences harmoniously blend with the architectural heritage of the area, and it references design details and elements that are not shown on the proposed drawings or specified in the application form. We do not consider the proposed window design to respect the local context and would recommend that timber windows are specified in a traditional design, taking references from local characteristics.

- Bin stores and parking spaces to the front of the properties – these should be located to the rear so that the more attractive elevations face the cemetery. We would suggest that coursed natural stone from the demolition (if justified) is used for low boundary walls on the south and west boundaries to reflect the local character.
- The Climate Change Statement specifies solar panels on the roofs of all properties. No details have been submitted and the south pitches are highly prominent, facing the cemetery, and therefore this should be omitted.

Conclusion

The Conservation and Design Team has concerns about the proposed development on heritage and design grounds particularly with regards to our statutory duties under sections 16 (2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, policies LP24 and LP35 of the Local Plan and paragraphs 200, 202, 203, 205, 206, 207, 208, 210, 212 and 213 of the NPPF (20 December 2023).

We have concerns in terms of the extent of demolition and the design of the proposed new dwellings. A condition survey has been submitted to show the state of the curtilage listed nunnery, which has been neglected for many years.

The Design and Access Statement states 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.’ In terms of enhancing a neglected site we agree that this is a public benefit, and we accept that terraced housing is characteristic of the area and is acceptable in principle, however we are concerned about the extent of demolition and do not feel that the materials and layout of the proposed dwellings are appropriate for the context of the site.

It concludes 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.’ We do not agree with this statement.

The demolition of the nunnery would lead to substantial harm to this building by its total loss, with the partial demolition of the school building leading to less than substantial harm to this building. Given the level of significance of these buildings, the harm to the significance of the site overall would be less than substantial. We do not feel that clear and convincing justification has been submitted for the extent of demolition, with insufficient public benefits provided to outweigh the level of harm. This harm must be clearly justified, with public benefits submitted to outweigh it, and mitigation to minimise the harm as far as possible, including a well-designed development which is sensitive to the character of the site and preserves or enhances the character of the conservation area.

In conclusion, the Conservation and Design Team **objects** to this proposal.