

MATTER 31 - HUDDERSFIELD EMPLOYMENT AND HOUSING ALLOCATIONS: URBAN SITES (NON-GREEN BELT)

H101 – land north of Jackroyd Lane, Newsome

Issue - Issue – Are the proposed employment and housing allocations in the urban area of Huddersfield justified, effective, developable/deliverable and in line with national policy?

1 Introduction

1.1 Introduction

1.1.1 The allocation of Site H101 for residential development as currently proposed is not sound as it is neither justified nor is it consistent with either the emerging Policies in the Local Plan or with national policy guidance

1.1.2 Paragraph 126 of the NPPF sets out a requirement for Local Plans to conserve heritage assets in a manner appropriate to their significance. When considering the impact of a proposed development upon the significance of a designated heritage asset, Paragraph 132 of the NPPF makes it clear that great weight should be given to the asset’s conservation and explains that significance can be harmed by development within its setting. This site would result in the loss of an open area which has been identified as being important to the rural setting of the Scheduled Monument of Castle Hill.

1.1.3 Consequently, the allocation of Site H101 for residential development as proposed in the Submission Local Plan is considered to be in conflict with the following aspects of the emerging Local Plan:-

- The Spatial Vision – in that it conflicts with the intention that development will take place in a sustainable way (balancing economic, social and environmental priorities), that the local character and distinctiveness of Kirklees and its places will be retained, or that the natural, built and historic environment will be maintained and enhanced through high quality, inclusive design
- Spatial Objective 8 - in that it will not protect or enhance the characteristics of the historic environment

- Policy PLP35.f – in that it will not conserve the setting of Castle Hill and is likely to have a detrimental impact upon its setting

1.1.4 An allocation which would be likely to result in harm to the significance of such an important designated heritage asset (especially to one which the Government considers to be of the highest significance and to which the greatest weight should be given to its conservation), would also be contrary to the national policy guidance as set out in the NPPF. As a result, this allocation does not:-

- Help to deliver a “*positive strategy for the conservation and enjoyment of the historic environment*” as is required by NPPF Paragraph 126.
- Contribute to protecting or enhancing the historic environment. Therefore, it will not deliver sustainable development in terms of the conservation of the historic environment [NPPF Paragraph 7].
- Conserve heritage assets in a manner appropriate to their significance. Therefore it will runs contrary to one of the Government’s Core Planning Principles [NPPF Paragraph 17].
- Give great weight to the conservation of the area’s designated heritage assets [NPPF, Paragraph 132]
- Provide clear and convincing justification that the harm it would cause to the heritage assets is outweighed by the benefits [NPPF, Paragraph 134].

## 1.2 Castle Hill

1.2.1 As the Local Plan notes [Paragraphs 14.16 and 14.17] Castle Hill is one of the most distinctive and prominent landscape features in the region. It is visible from a wide area and is a familiar and valued landmark. Victoria Tower, which lies on the south-western end of the hill top, accentuates this dramatic location and has become a key feature of the area’s skyline. Castle Hill is a well-used recreational facility that serves Kirklees, in particularly Almondbury and Huddersfield. The visual connections between the site and the rural and urban areas around it are a fundamental aspect of its setting. Castle Hill is designated as a Scheduled Monument, with Victoria Tower designated as a Grade II Listed Building.

1.3 The castle hill Setting Study

1.3.1 In order to better understand the contribution which the area around the monument makes to its setting, the Council commissioned a Study to examine the extent to which the significance of Castle Hill is derived from its setting. That document, ‘*The Castle Hill Setting Study*’ [Doc. LE63] also examined current features which detract from this setting, outlined particularly sensitive aspects of the asset’s setting and identified future risks and issues related to the impact of further development in the surrounding area. The study built upon the ‘*Castle Hill Conservation Management Plan*’ (2006) [Doc. LE64] which identified the need for careful management of the setting of Castle Hill over the coming decades to ensure that the key characteristics and features of this setting are appropriately conserved, and that new developments are appropriate in terms of scale, mass and design. The Submission Plan makes it clear that development proposals will be expected to take into account the *Castle Hill Setting Study* when considering potential impacts on this designated heritage asset.

1.3.2 The *Castle Hill Setting Study* makes it clear that the extensive wide-ranging views from the hilltop across the surrounding landscape are a critical component of Castle Hill’s setting. It states:-

*“Views to and from the hilltop are the most important factor in the setting of the site, and are the most substantial factor in which Castle Hill’s significance can be derived from its setting. This aspect of the setting of the hilltop provides visual connections, from across the Kirklees area, to its historical significance as a prominent point of power and territorial control, as well as settlement, use and reuse”* [Doc. LE63, Paragraph 4.38]

1.3.3 It also considers that the character of the surrounding landscape is an important component of this element of Castle Hill’s significance:-

*“The character of the immediate surroundings of the landscape plays an important part in the contribution which this aspect of Castle Hill’s setting makes to its significance. As emphasised above, the rural ‘band’ of undeveloped farmland on the hillside between Newsome and the hilltop, and in the plateau and valley to the south and east, separate the hilltop from the urban development of Huddersfield”.* [Doc. LE63, Paragraph 3.18].

1.3.4 Bearing in mind the extent to which the overall significance of Castle Hill is derived from its setting, the *Castle Hill Setting Study* sets out a strategy for the

management of change in that area. In order to assist decision-making, it identifies a number of undeveloped areas around the monument which it considers make an important contribution to its significance [Doc. LE63, Figure 16]. Site H101 is identified as being one of those important areas. A development of the scale proposed for this Allocation would be classed as a 'Medium Sized Development'. The Study states:-

*“Development of this size and scale would almost certainly have a notable harmful impact on the setting and significance of Castle Hill if it was situated within the areas of important undeveloped land around the hill .... Even in locations adjacent to existing development there is a high risk that new medium sized development would intrude on and degrade the setting of the site”* [Doc. LE63, Paragraph 6.15]

## 2 Response to the Inspector's questions

2.1 Question i) Has the impact of the proposal on heritage assets been adequately assessed and addressed? Should protection and mitigation measures linked to the Heritage Impact Assessment (LE70) be specified in the Plan?

2.1.1 On the whole, we would broadly support the methodology that has been used in the Heritage Impact Assessment. However, we disagree with the evaluation of the degree to which this site is visible from Castle Hill and, therefore, consider that the assessment has underplayed the degree of harm that the loss of this site and its subsequent development might have upon the setting of the monument.

2.1.2 It must be borne in mind that the view from the top of Castle Hill is a dynamic view and the views change as one moves around the monument. Elements of the site which are not particularly visible from one vantage point, therefore, might actually be considerably more prominent when viewed from another location. This certainly appears to be the case for this site. Whilst it may well be true that parts of the extreme western part of this site are partially obscured by New Laith Wood and the existing housing to Jackroyd Lane, from the northern end of the monument, Site H101b and the north-eastern half of Site H101a are clearly visible, providing a green backdrop to the Victoria Hotel (on the junction of Jackroyd Lane and High Lane) and, over which, the terrace of dwellings fronting Newsome Road are clearly visible. This open area provides a visual link between the swathe of open countryside which runs, in a southerly direction, from the Victoria Hotel to the rugby ground and, over the woodland blocks

around New Laithe Hill Wood, to Stile Common to the north. The existing footpath and the trees which align it can be seen bisecting Site H101a. Therefore, it is not correct for the Heritage Impact Assessment to assert that the area to the west of the footpath is almost completely obscured by housing [Doc. LE70, Paragraph 4.7].

- 2.1.3 Consequently, the loss of Site H101b and a large proportion of the north-eastern of Site H101 would erode the open rural character of this area and that this would result in harm to the setting of the monument at Castle Hill.

## 2.2 The current allocation within the Kirklees UDP

- 2.2.1 The Kirklees UDP identifies this site as Provisional Open Land. These are sites which are defined as having “*identifiable value as open land*” but are also judged “*to be capable of development either now or when new infrastructure ...can be provided*” [Doc. LE1, Paragraph 2.15]. There appears to be some expectation that because of this UDP designation this site should automatically come forward as an Allocation in this Local Plan.

- 2.2.2 The UDP makes it clear that:-

*“The reassessment of provisional open land will involve determining for each site whether in the prevailing circumstances there is a case for releasing some or all of the land for development, or whether it should be maintained as provisional open land until the next review of the plan. Reallocation of provisional open land as green belt or urban greenspace will occur only in exceptional circumstances.”*

*.... The review will follow the guidance in PPG2 concerning safeguarded land, so that, exceptionally, some land may be removed from the provisional open land designation because it is unfavourably located in terms of achieving sustainable development”. [Doc. LE1, Paragraph 2.16 to 2.17]*

- 2.2.3 It is clear, therefore, that the allocation of areas identified as Provisional Open Land is not automatic and that, in some exceptional circumstances, certain sites might be reallocated as Urban Greenspace. Historic England would contend that the work that was undertaken to better-understand the significance of Castle Hill as part of the *Castle Hill Setting Study* has fundamentally changed the understanding of the importance of this area to the landscape setting of the

Monument and that this would constitute an “exceptional circumstance” warranting reallocating at least two-thirds of this site as Urban Greenspace.

### 3 Conclusions

- 3.1 The Heritage Impact Assessment has under-estimated the degree to which Site H101 is visible from Castle Hill, a Scheduled Monument and one of the most distinctive and prominent landscape features in the region. In terms of NPPF Paragraph 134, this is likely to constitute less than substantial harm to the significance of this designated heritage asset. Whilst the degree of harm may be less than substantial, nevertheless, it would still be causing harm to a designated heritage asset considered by the Government to be of the highest significance. As such, therefore, it would not be delivering sustainable development in terms of protecting and enhancing the historic environment, it would conflict with one of the Government’s Core Planning Principles (that heritage assets should be conserved in a manner appropriate to their significance), nor would it be likely to provide the positive strategy for the conservation of the historic environment that is required for Local Plans.

### 4 Suggested Change

#### 4.1 It is recommended that:-

- (a) The extent of the housing allocation on Site H101 is reduced in size to only include that area which could be developed without harming the rural setting of Castle Hill. The extent of this area is identified on the map at Appendix A.
- (b) The area excluded from the housing allocation is identified as Urban Greenspace
- (c) The amount of housing specified in Part 2 of the Local Plan for Site H101 is amended accordingly

APPENDIX A – SITE H101: MAP OF PROPOSED DEVELOPABLE AREA



Suggested extent of developable area