

Hearing Statement – Barratt Homes – Matter 37 – Site Ref. H508

Matter 37 – Batley and Spen housing allocations: Green Belt releases

Issue – Are the proposed Green Belt release housing allocations in the Batley and Spen Sub-Area justified, effective, developable/deliverable and consistent with national policy?

***Site Ref. H508 – Land West of Whitechapel Middle School, Whitechapel Road, Cleckheaton
(170 Dwellings)***

INTRODUCTION

- 1.1 We write on behalf of our client Barratt Homes to provide their hearing statement to Matter 37 of the Kirklees Local Plan Examination in Public.
- 1.2 Barratt Homes want a sound Local Plan to be in place. They believe that this is paramount in achieving the Borough's housing and economic objectives. Particularly given that Kirklees Council is a Green Belt authority.
- 1.3 Barratt Homes believe that the Council's approach to identifying site allocations and green belt release is soundly based in respect of the majority of the proposed housing allocations.
- 1.4 With specific regard to Barratt Homes' land interest at Cleckheaton (Ref. H508) this statement responds directly to each of the Inspector's questions.

QUESTION A) SUITABILITY, PROPOSED POLICY REQUIREMENTS & MITIGATION MEASURES

- 2.1 The site is approximately 4.4 hectares in size and presently consists of a grass field which is currently unmanaged. The site is located in Flood Risk Zone 1. The site is contained on all sides by existing development and strong defensible boundaries.
- 2.2 The proposed site allocation boundary surrounds Whitechapel Church, which is located on the southern edge of the site. Residential properties are located to the south and east of the site. Whitechapel Church of England Primary School is also located adjacent to the site's eastern boundary. The site's northern boundary consists of substantial mature trees and landscaping, with the playing pitches of the Primary School located beyond. To the west of the site is the M62 motorway.
- 2.3 The main settlement area of Cleckheaton provides the wider development context of the site. Cleckheaton contains predominantly residential areas with pockets of commercial, community and recreational uses associated with the services and facilities that the settlement provides.
- 2.4 In respect of the site's sustainability, it is located within walking and cycling distance of a number of services and facilities available within the surrounding area of the site and within the settlement area of Cleckheaton. There are good pedestrian and cycle connections within the vicinity of the site which provide access to a large number of local amenities. As identified above, Whitechapel Church of England Primary School and Whitechapel Church are located adjacent to the site. There are also a number of bus stops located within walking distance of the site located along Whitechapel Road.

- 2.5 The answers provided below to the Inspector's remaining questions in respect of this site will identify the technical work that has already been and is currently being undertaken. The results of which will be used to ensure that the development proposals for the site will be suitable in respect of the site's neighbouring land uses and the character of the immediate settlement area within vicinity of the site.
- 2.6 With regards to the proposed policy criteria attached to the allocation, Barratt Homes submitted a pre-application enquiry to Kirklees Council on the 22nd August 2017. The aim of this process is to seek to collaboratively prepare a planning application with Kirklees Council.
- 2.7 An Indicative Draft Planning Layout was submitted alongside the pre-application request. The Draft Planning Layout is enclosed with this statement.
- 2.8 Barratt Homes held a pre-application meeting with officers of Kirklees Council on Friday 6th October 2017. At the meeting the initial technical work that had been undertaken to underpin the Draft Planning Layout was discussed. At the meeting both parties discussed all of the key planning matters associated with the site's development, some of which are not listed in the proposed draft policy attached to the site, as these are matters that can be dealt with through the Development Management process.
- 2.9 Importantly, at the meeting the additional technical reports required to support a future planning application were agreed, along with potential amendments to the initial Draft Planning Layout in order to alleviate matters raised by the technical officers of the Council. These are summarised below.
- 2.10 Barratt Homes' initial response to the key parameters identified in the draft policy requirement for the site and the latest position following pre-application discussions with the Council are as follows: -
- **Public Right of Way (PROW) Crosses the Site** – The enclosed initial draft planning layout initially sought to divert the current Public Right of Way through the site and along the new proposed roads and footpaths. With a connection point being provided at the site's northern extremity. Following the pre-application meeting it was agreed that Barratt Homes would undertake Air Quality and Noise Impact Assessments with immediate effect. The results of these assessment will likely lead to an increased stand-off/buffer from the M62. It was agreed that this stand-off area could then be utilised to deliver a linear park along the western boundary of the site. The space could be wide enough to deliver children's play facilities including the potential for a trim trail. The linear park route would also incorporate the existing PROW to provide a sympathetic connection through the scheme to the site's northern boundary, to retain the site's existing boundary PROW connection to the north of the site. Pedestrian connections will also be provided through the proposed public open space to connect to the adjacent Primary School and the bus stops located along Whitechapel Road.
 - **Noise Source Near the Site** – The proposed draft planning layout has been designed to take into account the proximity of the M62. Following detailed assessments, it is envisaged that a stand-off/buffer area will be provided on the site's western boundary (as explained above). In addition, properties located alongside the western boundary have been designed to "front on" to ensure the amenity of residential properties and their gardens are safeguarded. These design aspects, when considered alongside the separation distances proposed, will also help to alleviate Air Quality concerns. The planning application will be accompanied by a Noise Report and Air Quality Report. Any mitigation measures recommended in the reports will be adhered to by the development proposals.

- **Site Affected by Hazardous Installations** – There are no known installations that would impede the delivery of the proposed draft planning layout. The planning application will be accompanied by a Ground Investigation and Utilities Report (if deemed necessary) to demonstrate that the development of the site is not precluded by Hazardous Installations.
- **Site is Close to a Listed Building** – The proposals will be designed to respect the setting of the listed building located adjacent to the site. With a sufficient stand-off being proposed adjacent to the property. A Heritage Statement will be submitted alongside the planning application to demonstrate how the development proposals will be designed to ensure that they do not harm the setting of the listed building. Barratt Homes believe that the site's areas of heritage value create an opportunity to deliver a sensitively designed residential development that reflects the character of the area through the location and design of areas of public open space. The development will be required to respect of the setting of Whitechapel Church and it is currently proposed to do so through the provision of areas of public open space located to the west of the building. Barratt Homes' response to Heritage matters is discussed in further detail below in response to the Inspector's specific question on this matter. We will not repeat the full conclusions of this work here for brevity.
- **Part/All of the site is within a High-Risk Coal Referral Area** – Barratt Homes have a great level of experience in developing sites located within such areas. The future planning application will be accompanied by a Coal Mining Suitability Risk Assessment, which will identify any remedial work needed to ensure the stability of the site.

- 2.11 A number of other technical areas were discussed at the pre-application meeting, including Air Quality, Highways, Drainage and Ground Investigation work. We can confirm that Barratt Homes have commenced work on these reports and will discuss the conclusions of this work with Kirklees Council as part of the ongoing pre-application process.
- 2.12 Barratt Homes acknowledge that changes will need to be made to the initially submitted Draft Planning Layout that is enclosed with this statement. They are committed to working alongside Kirklees Council to ensure that a high quality, sensitive, residential development can be delivered at the site.
- 2.13 On account of the evidence presented in this statement, in accordance with Footnote 11 of Paragraph 47 of the National Planning Policy Framework, we believe that the site can be considered as a ***Deliverable*** residential development site as Site Ref.H508 is situated in a **suitable** and highly sustainable location in respect of existing settlement form and there are no technical or environmental (built and natural) constraints that would preclude the development of the site. The site is **available** now as it is under the control of a national house builder who is actively seeking to secure planning permission for the residential development of the site. The site can also be considered **achievable** as our clients can deliver new homes on the site within the next 5 years.

QUESTION B) INDICTIVE DWELLING CAPACITY

- 3.1 Barratt Homes supports the site's proposed indicative dwelling capacity. They believe it provides flexibility to enable the delivery of the appropriate mix of new homes at the site should housing market needs change between now and the adoption of the Local Plan.
- 3.2 The enclosed initial Draft Planning Layout includes the following details: -
- The development of 160 new homes.

- The proposals will seek to deliver 20% affordable homes on site.
- The current proposed housing mix of 2, 3 and 4-bedroom homes which seeks to meet the needs of first time buyers through to families.
- The development will deliver policy compliant areas of public open space which have been designed to integrate with existing designated areas of Urban Greenspace located adjacent to Whitechapel Road.
- The proposals will be accessed from Whitechapel Road.
- Substantial areas of landscape planting will be provided in key locations of the site. With the existing tree belt located on the southern and northern boundary of the site being retained.

3.3 As stated above in response to Question A), Barratt Homes are in the process of working closely with Kirklees Council to respond to technical matters associated with the site's future development. This will likely lead to amendments to the initial Draft Planning Layout in respect of areas of public open space.

3.4 However, the initial Draft Planning Layout already includes large areas of public open space within the proposals, which will be re-distributed appropriately to respond to Air Quality, Noise and Heritage matters associated with the site's development.

3.5 The potential to re-distribute existing proposed areas of public open space located within the draft proposals, alongside the potential to re-consider the proposed housing mix at a point closer to the adoption of the Local Plan, will ensure that Barratt Homes can deliver a residential development of approximately 170 homes at the site taking account of the site's constraints and the provision of necessary infrastructure.

QUESTION C) PHASING AND DELIVERABILITY

4.1 As identified above, Barratt Homes submitted a pre-application enquiry to Kirklees Council in August 2017 and an initial pre-application meeting followed in October 2017.

4.2 The technical work that has been undertaken at this point and which is currently being undertaken is detailed in our response to Question A above. The Heritage Assessment work associated with the site's potential development is discussed in further detail below in response to the Inspector's specific question on this matter. It is anticipated that the background technical work associated with the site's development will be completed within the next 6 months.

4.3 Barratt Homes will share the results of the full suite of technical reports with officers of Kirklees Council as part of the pre-application process. Utilising the results of this work, Barratt Homes will seek to amend the development proposals accordingly.

4.4 On account of the site's size, an Environmental Impact Assessment Screening Request was also submitted to the Council on the 22nd January 2018. It is anticipated that an Environmental Impact Assessment will not be required, especially when considering the proposed mitigation that will be delivered as part of the proposals.

4.5 With regards to infrastructure delivery, Barratt Homes will deliver the agreed highways and drainage infrastructure associated with the site's development. In respect of Community Infrastructure, the development of Site Ref.H508 will deliver Community Infrastructure Levy (CIL) payments towards the necessary improvements/development of local education facilities.

CIL payments will also be provided to improve/deliver types of public open space (sport and recreation) that are not being proposed within Site Ref.H508.

- 4.6 With regards to anticipated delivery timescales, due to the site’s location within the Green Belt we envisage that a planning application for the proposed development could be submitted to the Council by early 2019, following the predicted adoption of the Local Plan in late 2018.
- 4.7 Taking into account the proposed application submission date, it is currently envisaged that first dwelling completions on the site will take place in the monitoring year 2019/20. Other than the delivery of the site’s initial access infrastructure there are no other major infrastructure works that need to take place prior to the commencement of delivery of new homes on the site.
- 4.8 Accordingly, the development will commence within a year of the submission of the planning application. Due to the site’s size there would be one development/selling outlet delivering new homes at the site. It is therefore anticipated that the development will deliver a yield of at least 35 homes annum, with the potential to increase this output after year 1.
- 4.9 The table below provides the site’s cumulative dwelling delivery projection per annum. Should output exceed 35 dwellings per annum the site would be completed earlier than 2024.

Year	No. of Homes Cumulatively
2018/2019	0
2019/2020	20
2020/2021	55
2021/2022	90
2022/2023	125
2023/2024	170

- 4.10 The development proposals can therefore make a significant contribution to meeting the objectively assessed housing needs of the District and the Council’s ongoing 5-year housing land supply requirements. In particular, it is anticipated that the development proposals could be entirely completed within the first five years following the adoption of the Local Plan.
- 4.11 On account of the evidence provided in response to Questions A, B & C, Site Ref.H508 represents a truly deliverable residential development site that can provide up to 170 homes to contribute to the District’s housing land requirements by 2023/2024.

QUESTION D) GREEN BELT & LANDSCAPE IMPACT

5.1 We consider the site to represent one of the most self-contained Green Belt releases being proposed in the Kirklees Local Plan. With regards to the site’s current location within the Kirklees Green Belt we provide below an assessment of the site against the five Green Belt purposes identified in Paragraph 80 of the National Planning Policy Framework.

- ***The development of the site would not result in unrestricted urban sprawl: -***

The site is located immediately to the north and is contiguous with the existing built-up area of Cleckheaton. As identified above in response to Question A), the proposed site allocation boundary surrounds Whitechapel Church, which is located on the southern edge of the site. Residential properties are located to the south and east of the site. Whitechapel Church of England Primary School is also located on site’s eastern

boundary. The site's northern boundary consists of substantial mature trees and landscaping, with the playing pitches of the Primary School located beyond. To the west of the site is the M62 motorway.

The enclosed initial Draft Planning Layout (which as explained above is due to be amended) proposes strong new planted woodland boundaries to the west of the site and the retention of the existing substantial landscaping located on the site's northern and southern boundaries. Providing a future strong defensible Green Belt boundary containing the settlement and acting as a barrier to further expansion.

The development of the site would therefore not result in unrestricted urban sprawl; the existing and proposed strong defined boundaries will control development on the site and limit future growth of Cleckheaton.

- ***The development of the site would not result in the merging of adjacent settlements: -***

Development on this site would not result in the settlement of Cleckheaton merging with any neighbouring settlements. The existing settlement area of Cleckheaton surrounds the site's northern, eastern and southern boundaries. The nearest settlement to the west of the site is Scholes, situated beyond the M62 motorway. However, the development would not visually close this gap between the two settlements as a clear open gap (with intervening tree cover) would still exist to the west of the M62 motorway. The proposed development of the site would also offer additional screening and would therefore serve to increase the perception of the gap between the settlements.

- ***The site does not assist in safeguarding the countryside from encroachment: -***

No part of the site is defined by Kirklees Council as forming part of an Area of Special Landscape Value and the landscape character of the site can be considered to be transitional urban fringe land. As a consequence, the site relates more to the urban edge to which it is adjoined rather than the open countryside, which means that it does not correctly serve a purpose of reducing encroachment. The site also benefits from a number of existing strong defensible boundaries as described above.

The site does not perform an important role in safeguarding the countryside from encroachment. The site's existing boundaries form a limit to development and the development of the site has the potential to strengthen the site's existing boundaries. The proposed development of the site will also retain the PROW which currently runs through it.

- ***The proposed development of the site will have no detrimental effect on the setting and special character of historic features: -***

The development will be required to respect of the setting of Whitechapel Church and it is currently proposed to do so through the provision of areas of public open space located to the west of the building. Barratt Homes' response to Heritage matters is discussed in further detail below in response to the Inspector's specific question on this matter. We will not repeat the full conclusions of this work here for brevity.

- The fifth purpose of Green Belt (***to assist in urban regeneration, by encouraging the recycling of derelict and other urban land***) is a general purpose which will not be adversely affected by the site rather than any other being removed from the Green Belt.
- 5.2 The enclosed nature of the site and the potential to enhance the site's existing boundaries means that a new permanent Green Belt boundary would be readily provided. The loss of the site from Green Belt would therefore not cause overall harm to the purposes of the Green Belt for the reasons identified above.
- 5.3 We believe that the need to meet the District's Objectively Assessed Housing Needs are exceptional circumstances for the release of Site Ref.H508 from the Green Belt. Especially as it is our view that the Council will not be able to demonstrate a 5-year supply of deliverable residential development sites within the first 5 years of the Local Plan without the release of Green Belt sites for new homes.
- 5.4 With specific regards to Site Ref.H508, the evidence presented establishes that the site is one of the least sensitive proposed Green Belt releases in the Local Plan, due to its self-contained nature and as it does not fulfil the five purposes of including land within the Green Belt. Furthermore, the proposed development can importantly enhance the site's already well defined, robust, boundaries in perpetuity to provide long term permanence to the Green Belt in this location of the District.
- 5.5 As identified above, it is anticipated that the development proposals will deliver up to 170 homes (and be completed) within the first five years following the adoption of the Local Plan. A pre-application enquiry has been submitted to Kirklees Council and as such a planning application will be submitted at the earliest opportunity.

INSPECTOR'S SITE-SPECIFIC QUESTION – IMPACT ON HERITAGE ASSETS

- 6.1 Pegasus Group have been instructed to assess the impact of the proposed development on the heritage assets located within proximity of the site and to identify potential measures of mitigation to address any impact identified. Pegasus Group's Heritage Appraisal is enclosed with this statement. A summary of the document's conclusions is provided here.
- 6.2 The enclosed Heritage Appraisal makes reference to the Heritage Impact Assessment (HIA) prepared in 2015 by Farrell & Clark on behalf of Kirklees Council as part of the evidence base for this site when it was put forward for allocation in the Kirklees Local Plan.
- 6.3 The appraisal identified three Listed Buildings within the vicinity of the asset but only one of these, the grade II Listed Whitechapel Church was considered as having potential to experience impact from the development of the proposed site. The appraisal identifies that the proposed site contributes little towards the significance of the asset, with different areas of the proposed site contributing to the significance to varying degrees.
- 6.4 The change in character of the proposed development site from rough grazing to residential will change the setting of the asset. The change in the rough grazing fields to the north of the asset will result in less than substantial harm, considered to be at a negligible level. The change in the rough grazing field to the west of the asset has the potential to cause less than substantial harm at the lower end of the scale. It is considered that this harm could be alleviated and reduced by sensitive design which maintains a view of the church from the west, giving a sense of the original approach.

- 6.5 The appraisal has identified that there are no major constraints which would preclude the successful implementation of the allocation and development of the site from the heritage perspective. There are sensitivities within the allocation, in the western area, however it is considered that an intelligent design, responsive to the setting of Whitechapel Church would allow this area to be successfully incorporated into the proposed development.
- 6.6 On account of the enclosed evidence, Barratt Homes believe that the impact of the development proposals on the heritage assets located within proximity of the site have been assessed and can be adequately addressed through the delivery of the proposed mitigation measures identified in Pegasus Group's enclosed Heritage Appraisal.
- 6.7 It is our view that the identified mitigation measures should not be specifically identified in the site-specific policy attached to the proposed allocation of the site, in order to ensure that sufficient flexibility is allowed to provide for collaborative discussions through the Development Management process.

Heritage Appraisal: Land off Whitechapel Road, Cleckheaton

REF: LG/P18-0086

DATE: January 2018

1. INTRODUCTION

- 1.1 A heritage appraisal has been commissioned by Barratt Homes & David Wilson Homes Yorkshire West to provide heritage information to support the promotion of land off Whitechapel Road, Cleckheaton, also known as site H508 within the Kirklees Local Plan (Figure 1). This document has been prepared in response to questions raised by the Inspector which will be addressed within the hearing sessions taking place as part of the Local Plan adoption process.
- 1.2 This document makes reference to the Heritage Impact Assessment (HIA) prepared in 2015 by Farrell & Clark on behalf of Kirklees Council as part of the evidence base for this site when it was put forward for allocation in the Kirklees Local Plan.
- 1.3 The site is located directly to the northwest of Whitechapel Road in Cleckheaton, covering land to the west of Whitechapel Middle School, southeast of the M62.
- 1.4 This appraisal will identify the heritage assets that have the potential to experience change from the development of the site allocation.

2. LEGISLATION AND PLANNING POLICY

Legislation

- 2.1 Legislation relating to the built historic environment is primarily set out within the Planning (Listed Buildings and Conservation Areas) Act 1990 which provides statutory protection for Listed Buildings, and their settings, and Conservation Areas.
- 2.2 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that: *"In considering whether to grant planning permission [or permission in principle] 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".*
- 2.3 In the 2014 Court of Appeal judgement in relation to the Barnwell Manor case,¹ Sullivan LJ held that: *"Parliament in enacting section 66(1) did intend that the desirability of preserving the settings of listed buildings should not simply be given careful consideration by the decision-maker for the purpose of deciding whether there would be some harm, but should be given "considerable importance and weight" when the decision-maker carries out the balancing exercise."*

¹ East Northamptonshire District Council v SSCLG (2015) EWCA Civ 137

2.4 Recent judgement in the Court of Appeal² ('Mordue') has clarified that, with regards to the setting of Listed Buildings, where the principles of the NPPF are applied, this is in keeping with the requirements of the 1990 Act.

National Planning Policy

2.1 National policy and guidance is set out in the Government's National Planning Policy Framework (NPPF) published in March 2012. The NPPF needs to be read as a whole, and is intended to promote the concept of delivering sustainable development.

2.2 The NPPF sets out 12 no. core planning principles for delivering sustainable development. For the purposes of this Appraisal, particular regard should be had to the tenth core principle, which identifies at paragraph 17 of the NPPF that planning should "*conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations*".

2.3 Heritage Assets are defined in Annex 2 of the NPPF as: "*A building, monument, site, place, area or landscape meriting consideration in planning decisions, because of its heritage interest. Heritage assets include designated heritage assets and assets identified by the Local Planning Authority (including Local Listing)*".

2.4 The NPPF goes on to define a Designated Heritage Asset as: "*World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under relevant legislation*".

2.5 Significance is defined as: "*The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting*".

2.6 Section 12 of the NPPF relates to 'Conserving and enhancing the historic environment' and states at paragraph 126 that: "*Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment,29 including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. In developing this strategy, local planning authorities should take into account:*

- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- *the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;*
- *the desirability of new development making a positive contribution to local character and distinctiveness; and*

² Jones v Mordue Anor (2015) EWCA Civ 1243

- *opportunities to draw on the contribution made by the historic environment to the character of a place."*

2.7 Paragraph 129 states that: "*Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal*".

2.8 With regard to the impact of proposals on the significance of a heritage asset, paragraph 132 is relevant and reads as follows: "*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. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alterations or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites should be wholly exceptional*".

2.9 In the context of the above, it should be noted that paragraph 133 reads as follows: "*Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss or all of the following apply:*

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

2.10 Paragraph 134 goes on to state: "*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"*

Current Local Planning Policy

2.11 Planning applications within Kirklees are considered under the 2007 'saved' policies of the Kirklees Unitary Development Plan. Policy BE3, which addressed applications for planning permission which would affect the setting of a Listed Building, was not

saved. Planning applications within Kirklees affecting Listed Buildings should therefore be considered under paragraphs 132 – 134 of the NPPF and Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Emerging Local Planning Policy

2.12 The 2016 Publication Draft of the Kirklees Local Plan was submitted to the Secretary of State for Communities and Local Government for consideration in April 2017. Policy PLP 35 Historic Environment states:

- 1) *Development proposals affecting a designated heritage asset (or an archaeological site of national importance) should conserve those elements which contribute to its significance. Harm to such elements will be permitted only where this is outweighed by the public benefits of the proposal. Substantial harm or total loss to the significance of a designated heritage asset (or an archaeological site of national importance) will be permitted only in exceptional circumstances.*
- 2) *Development proposals affecting archaeological sites of less than national importance should conserve those elements which contribute to their significance in line with the importance of the remains. In those cases where development affecting such sites is acceptable in principle, mitigation of damage will be ensured through preservation of the remains in situ as a preferred solution. When in situ preservation is not justified, the developer will be required to make adequate provision for excavation and recording before or during development. Proposals which would remove, harm or undermine the significance of a non-designated heritage asset, or its contribution to the character of a place are permitted only where the public benefits of the development would outweigh their harm.*
- 3) *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:*
 - a) *ensure that proposals maintain and reinforce local distinctiveness and conserve the significance of designated and non-designated heritage assets;*
 - b) *ensure that proposals within Conservation Areas conserve those elements which have been identified as contributing to their significance in the relevant Conservation Area Appraisals;*
 - c) *secure a sustainable future for heritage assets at risk and those associated with the local textile industry, historic farm buildings, places of worship and civic and institutional buildings constructed on the back of the wealth created by the textile industry as expressions of local civic pride and identity;*
 - d) *identify opportunities, including use of new technologies, to mitigate, and adapt to, the effects of climate change in ways that do not harm the significance of heritage assets and, where conflict is unavoidable, to balance the public benefit of climate change mitigation measures with the harm caused to the heritage assets' significance;*

e) *accommodate innovative design where this does not prejudice the significance of heritage assets;*

f) *preserve the setting of Castle Hill where appropriate and proposals which detrimentally impact on the setting of Castle Hill will not be permitted.*

3. SITE VISIT

- 3.1 A site visit was carried out on 16th January 2017 to view the site and the surrounds. The site comprises 4.4ha of rough grazing land. It is bounded by the M62 to the northwest, a field boundary to the north, the boundary of Whitechapel Middle School to the east and by Whitechapel Road and the boundary of the graveyard of Whitechapel Church to the south. The buildings of The Priory public house are not included in the site boundary.
- 3.2 The land is divided into smaller fields, but these are temporary fences, erected to manage the horses noted on site rather than officially mapped field boundaries. The site was accessed via a public footpath to the west of The Priory public house. The site varies in height. The south and west areas of the proposed development are at the same height as Whitechapel road to the south, however the site then dips to the north and east. the public footpath runs around the western edge of the site upon the elevated section which has the appearance of an artificial embankment, most probably associated with the construction of the M62 in the 1970s.
- 3.3 The site is currently in use as rough grazing land for horses. There are a few trees within the site but nothing of archaeological interest was noted. The M62 to the northwest of the site is a very prominent presence when moving around the site. The moving traffic and associated infrastructure makes this a visible feature in views across the site, but also it introduces a noise element to the landscape. There are views back towards Whitechapel Church, however there are a number of mature trees around the edge of the graveyard boundary that, even in the winter when the trees were without foliage made clear views of the church difficult. The spire of the church is not a particularly prominent feature.
- 3.4 Views across the site to the church also contained the large, modern buildings of Whitechapel Middle School, with glimpsed views to the modern housing development beyond Whitechapel Road.



Plate 1 View west across western portion of site



Plate 2 View northwest from public footpath just north of public house – M62 overhead gantry signs visible



Plate 3 View east from public footpath north of public house. Note buildings of Whitechapel Middle School in centre of picture



Plate 4 View north from public footpath looking along northwestern boundary of the site



Plate 5 View northeast across the site – note the change in level



Plate 6 View south from within the site towards Whitechapel Church and the rear of The Priory public House.

4. SITE HISTORY

PEGASUS GROUP www.pegasuspg.co.uk laura.garcia@pegasusgroup.co.uk

Birmingham | Bracknell | Bristol | Cambridge | Cirencester | East Midlands | Leeds | Liverpool | London | Manchester

 **PLANNING**  **DESIGN**  **ENVIRONMENT**  **ECONOMICS**

- 4.1 The mapped history of the site has shown that it has historically been used as agricultural land. The 1854 Ordnance Survey map shows the site divided into a number of small fields, with the church and pub both extant. The church and pub are located within a rural setting, equidistant between the settlements of Scholes and Cleckheaton. Whitechapel Road can be seen running from west to east. The road runs towards the church before turning 90 degrees south, then 90 degrees east, running along the boundary of the graveyard. Whitechapel Road runs up to the boundary wall, then the line of the path continues on the same alignment as if the road continued on. The road also has a small area leading to the north, towards the Brown Cow public house and in this junction area, a set of stocks are also labelled.
- 4.2 No major change occurs within the proposed site until the 1970 Ordnance Survey maps which show the construction of the M62 which has cut across the landscape, removing all internal field boundaries within the site and introducing a large piece of transport infrastructure into the area. The 1970s maps also show the establishment and construction of Whitechapel Middle School to the northwest of the church.

5. DESIGNATED ASSETS

- 5.1 There are no Registered Parks and Gardens, Registered Battlefields, Scheduled Monuments or World Heritage Sites within or in the vicinity of the site allocation. The designated assets considered below are referenced in the text with their National Heritage List reference number and shown on Figure 2.
- 5.2 There are no Listed Buildings located within the site boundary. There are three grade II Listed Buildings within the vicinity of the site boundary.
- 1184647 – grade II Listed Whitechapel Church – 20m south of the site boundary;
 - 1268151 – grade II Listed Cleckheaton Library – 0.5km southeast of the site boundary; and
 - 1135413 – grade II Listed Chapel at Cleckheaton Cemetery – 0.57km to south east of site boundary
- 5.3 It is assessed that only the grade II Listed Whitechapel Church has the potential to experience any impact from the proposed development. The other two listed assets are located within the centre of Cleckheaton, with their setting formed by the town itself. There is no relationship, historic or visual with the proposed site.
- 5.4 Located 20m to the south of the proposed site is the grade II listed Whitechapel Church (NHLE Ref: 1184647). This church is located on the site of the original 12th century church. A later chapel was built here in 1706, with the current church constructed in 1821. The church was restored in 1887-8 by W. H. Howarth and further restoration has taken place in the 1930s and most recently in 2004-2007 when the upper levels of the tower were removed and restored. The graveyard contains a number of graves which pre-date the current building.
- 5.5 The significance of this asset is primarily derived from its architectural and historic value. It is a good example of the Gothic revival style and the survival of a number of chest tombs which pre-date the current church lends evidence of earlier

architectural styles and provides historic and aesthetic value. The significance of this asset also lies in its historic value in the evidence of the earlier churches in this location and the association with the settlements and residents of the communities of Scholes and Cleckheaton. The association with these two areas provides information on the growth and spread of population in the late 19th and early 20th centuries.

- 5.6 The setting of this asset is formed by its surrounding graveyard and surrounding boundary wall. This gives the asset a definite edge. These elements make a major contribution to the significance of the asset, adding to the historic value by providing evidence of the land boundary and the community associated with the church, and buried within the graveyard. It adds to the architectural value by providing an aesthetic location for the church. Once within the boundary wall, due to the tree planting along the edges of the boundary, there is a real sense of enclosure, even when visited in winter when the trees were not in leaf. It is noted in the HIA that the church once had a much more open aspect, however the late 19th century maps of the church depict trees around the boundary indicating that this was intentional and not simply the result of poor tree management. Therefore there was always intended to be a separation between the formal graveyard area and the surrounding agricultural land.
- 5.7 The landscape surrounding the asset forms part of the wider setting but varies in the degree to which it contributes to the significance of the asset. The modern housing to the south of the asset does not contribute to the significance of the asset. The rough grazing fields to the north provides a limited contribution to the significance through aesthetic value, however this is limited by the M62 forming a hard boundary to the north. This contribution is limited further by the presence of Whitechapel Middle School which has is a large and modern presence in close proximity to the asset.
- 5.8 The area of open land to the west of the church contributes a minor amount to the significance of the asset. The view east towards the church from this western aspect looks towards the principal façade of the church, with the original boundary wall, mounting steps and graveyard forming the foreground of the view. In addition, the late 19th century Ordnance Survey maps shows that the alignment of Whitechapel Road originally led up to the western boundary wall of the church before turning as a dog-leg south then east to follow the line of the boundary wall around the graveyard. This road was not aligned on the church but was aligned on the footpath through the graveyard running towards the church. However, the 1907 Ordnance Survey map shows that the alignment of Whitechapel Road had changed to avoid the dog-leg around the graveyard. The road had shifted to create a straight line to the southwest corner of the graveyard rather than meeting the western wall, then dog-legging south then east. The importance of this approach has therefore been reduced, as it has not been an element of the for the majority of the lifetime of the church. Therefore, the contribution this field makes to the significance of the asset can be considered as minor.
- 5.9 It should also be noted that not all of this western field contributes the same amount to the significance of the asset. The southern portion of this western field contains the best available views of the principal façade of the church. The construction of the M62 to the west had the effect of cutting across the western field and reducing the contribution made by the northern portion of this area.
- 5.10 The remainder of the site forms agricultural land which once has an historical association with the asset, but as the asset is a church, rather than a farmhouse, the

contribution made by this setting contributes to the aesthetic value only. There is no functional relationship. The views across the proposed development site from within the graveyard and boundary church now have the M62 and its associated infrastructure as a backdrop. The sense of an isolated, rural church has been removed by the construction of the motorway and the construction of the housing to the east and south.

- 5.11 The 2016 Heritage Impact Assessment discusses the setting of the church in terms of its immediate setting and its extended setting. The immediate setting is formed by the graveyard and area encompassed by the boundary wall and is said to make a positive contribution to the heritage asset. The HIA goes on to describe the “extended setting” of the church as the general landscape surrounding the asset. Within this section, it notes that the area to the north of the asset has some historic value but this has been “*substantially diminished*” by the construction of the M62. It concludes that the extended setting provides a limited contribution to the heritage asset. Within the discussion of the extended setting, the HIA does not mention the area to the west of the church, however when discussing the potential effect of proposed development upon the asset, this area is identified as being significant to the historic setting of the church and recommends that the loss of this land will result in substantial harm to the asset. This appraisal does not agree with this conclusion.
- 5.12 The change in character of the proposed development site from rough grazing to residential will change the setting of the asset. The change in the rough grazing fields to the north of the asset will result in less than substantial harm, considered to be at a negligible level. The change in the rough grazing field to the west of the asset has the potential to cause less than substantial harm at the lower end of the scale. It is considered that this harm could be alleviated through mitigation in the form of sensitive design which maintains a view of the church from the west, along the original road alignment, giving a sense of the original approach.

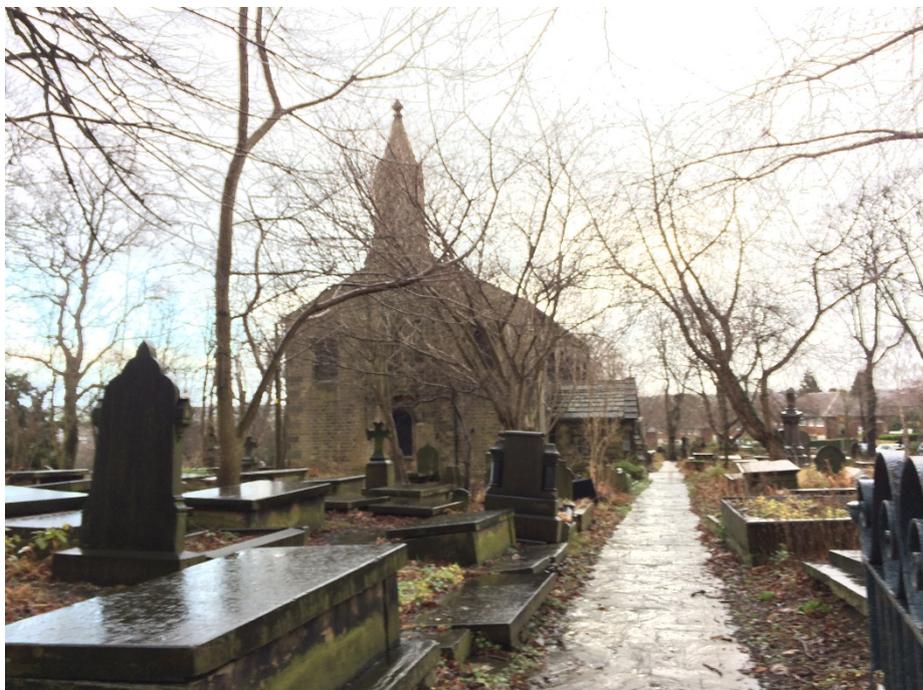


Plate 7 View of Whitechapel Church from entrance in western boundary wall



Plate 8 View east from church boundary wall



Plate 9 View west out of footpath from church



Plate 10 View north from within graveyard



Plate 11 View northeast towards Whitechapel Middle School from within graveyard

6. NON-DESIGNATED ASSETS

- 6.1 The public house of The Priory located directly south of the proposed site boundary is not a listed building. It is shown on the 1854 Ordnance Survey map, labelled as the Brown Cow. It is labelled as the Brown Cow or the Old Brown cow until the 1970s. the public house has been extended and altered, as can be seen on the progression

of historic Ordnance Survey maps, though does hold some intrinsic interest as together with the church, would have once formed a hub for the local community. The significance of this asset is held mainly in its historic value. It has some architectural value though it has seen alteration and extensions throughout its lifetime. It provides information on the local public house vernacular and provides evidence of the growth of the population of the local community but also the rise in building to support working populations, for example the pub would have served the workers of the nearby chemical works as well as the congregation of the church.

- 6.2 The setting of this asset is formed by the church which lends credence to the idea that historically this area was a hub for the community to gather from the settlements at Scholes and Cleckheaton. The setting is also formed by the rough grazing fields to the north but this does not add to the significance of the building. It is the church which contributes to the significance of this asset and the physical and historical relationship between these two.
- 6.3 The proposed development will not cause any harm to the non-designated asset of The Priory public house.
- 6.4 No Class 1 (Scheduled Monuments) or Class 2 (Sites of Special Archaeological Value – regionally/nationally important) Archaeological Sites, as identified on the Unitary Development Plan Proposals Map, are located within the allocation site. Directly to the south is a Class 2 Archaeological site which covers the areas of the graveyard surrounding Whitechapel Church. The boundary of the site is the boundary wall of the graveyard. The proposed allocation does not extend into this area and no direct impacts are anticipated.

7. RESPONSE TO THE INSPECTORS QUESTIONS

- 7.1 The Inspectors Questions concerning H508 were:
 - 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 (LE73) be specified in the Plan?
- 7.2 In answer to the first question, this appraisal, including site visit and the Heritage Impact Assessment have identified and adequately assessed the impact of the proposal on the heritage assets. This is shown by the acknowledgement that there is an area of higher significance to the west of the listed church which needs to be considered in emerging masterplans. It is considered by this appraisal that although this area contributes to the significance of the asset, there is scope for sensitive development within this location.
- 7.3 It is the opinion of this appraisal that the measures suggested in the HIA should not be specified within the Plan. The HIA has concluded that the area of land to the west within the allocation is of high significance, contributing to the setting of the asset and states that loss of this open land would cause substantial harm to the asset. To have this statement crystallised within the HIA would effectively mean that none of the area identified on Figure 7, in section 5 of the HIA would be capable of accommodating development, or at the very least it would mean that progressing development proposals in this area would be extremely difficult. It is the opinion of

this appraisal that although this western area does contribute towards the significance of the asset, it is an area which is capable of accommodating change and still preserving the elements which contribute to the significance of the asset.

8. CONCLUSIONS

- 8.1 This Heritage Appraisal has assessed the potential impact of development within the allocated site H508, land off Whitechapel Road upon the significance of heritage assets within the vicinity of the area. The appraisal identified three Listed Buildings within the vicinity of the asset but only one of these, the grade II Listed Whitechapel Church was considered as having potential to experience impact from the development of the proposed site.
- 8.2 The appraisal has identified that the proposed site contributes a little towards the significance of the asset, with different areas of the proposed site contributing to the significance to varying degrees.
- 8.3 There is the potential that the development of the northern parcel of the development site will cause less than substantial harm, at a negligible level. There is the potential that development of the western portion of the proposed site, in the area along the alignment of the former road has the potential to cause less than substantial harm at the lowest end of the scale. It is the opinion of this assessment that it is only this area of the western portion of the site which contributes in a minor way to the significance of the asset. The remainder of the western area has been compromised by the construction of the M62 and is degraded rough grazing land, contributing in a negligible way to the significance of the asset.
- 8.4 The appraisal has identified that there are no major constraints which would preclude the successful implementation of the allocation and development of the site from the heritage perspective.
- 8.5 There are sensitivities within the allocation, in the western area along the original alignment of the road where the church would have once been approached from. It is this area which contributes in a minor way to the significance of the asset. It is considered that mitigation can be achieved for any identified harm through an intelligent and sensitive design which is responsive to the setting of Whitechapel Church. This mitigation and the masterplan proposals would also respond to the identified area of slightly higher significance along the original approach.



Legend



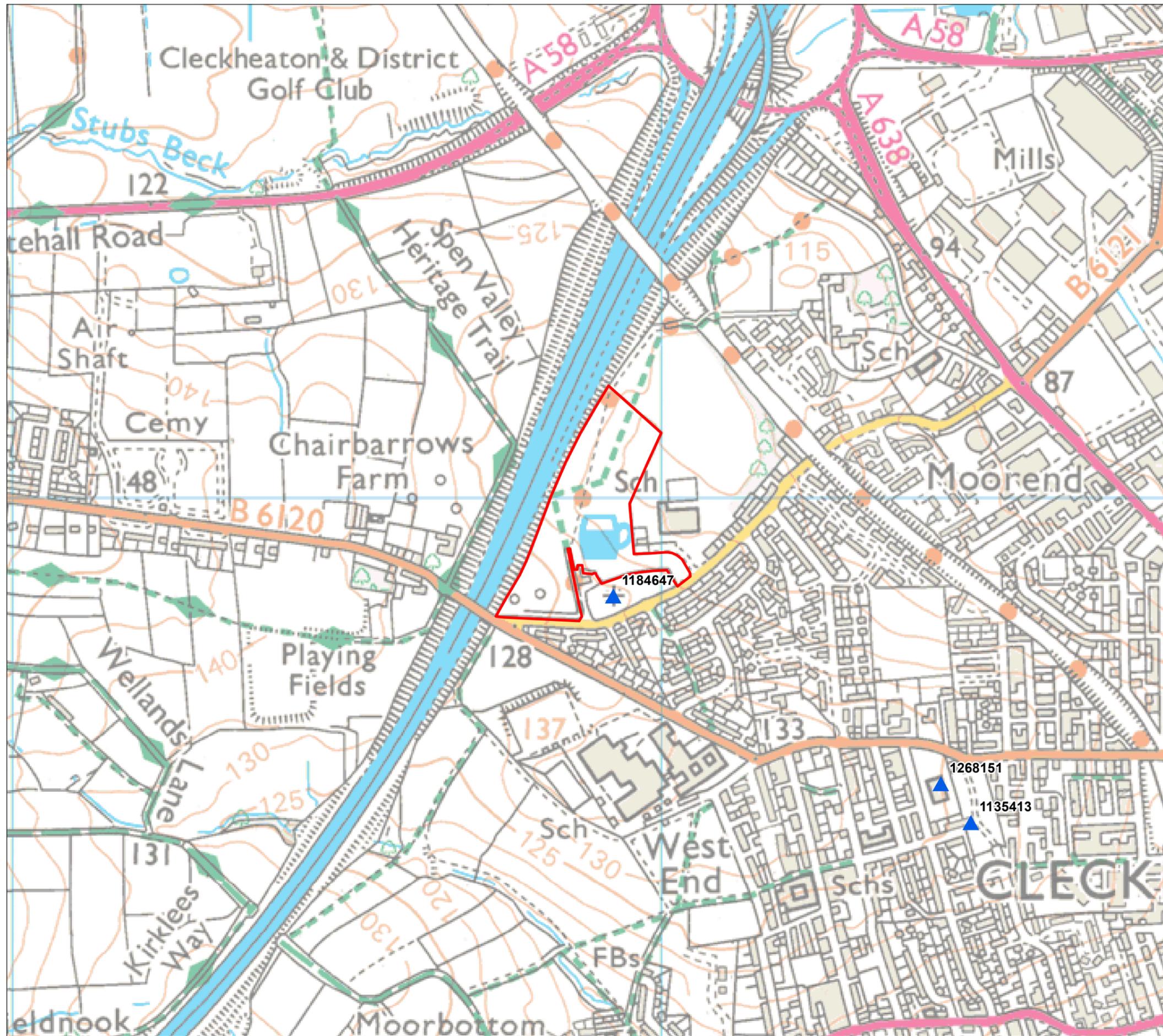
Revisions:
First Issue- 18/01/2018 DL

Figure 1: Site location plan

Land adjacent to Whitechapel Road,
Cleckheaton, Kirklees

Client: Barrat & David Wilson Homes
 DRWG No: **P18-0086.1** Sheet No: - REV:-
 Drawn by: DL Approved by: LG
 Date: 18/01/2018
 Scale: 1:3,000 @ A3





Legend

- Site
- ▲ Grade II Listed Building

Revisions:
First Issue- 18/01/2018 DL

Figure 2: Designated heritage assets in the vicinity of the allocation site

Land adjacent to Whitechapel Road, Cleckheaton, Kirklees

Client: Barrat & David Wilson Homes
 DRWG No: **P18-0086.2** Sheet No: - REV:-
 Drawn by: DL Approved by: LG
 Date: 18/01/2018
 Scale: 1:6,000 @ A3





Type	Parking	Storey	Bed	Sq Ft	No	Total Sq Ft	
6754st	PS	2/20/4P	662	4	3632		
67End	PS	2/20/4P	662	18	10884		
69st	PS	2/20/4P	787	1	787		
69End	PS	2/20/4P	787	6	4722		
Washington	End	PS	2/20/4P	614	4	2456	
Roseberry	End	PS	2/20/4P	679	4	2716	
Roseberry	Mid	PS	2/20/4P	679	2	1358	
Folkstone	End	PS	2/20/4P	830	10	8300	
Marlstone	End	PS	2/20/4P	820	11	9020	
Ennendale	End	PS	2/20/4P	917	3	2751	
Norbury	End	PS	2/5/36/4P	1107	13	14391	
Norbury	Mid	PS	2/5/36/4P	1107	8	8856	
Brentford	End	PS	3/20/4P	1162	3	3486	
Woodcote	End	PS	2/5/48/7P	1217	6	7302	
Buchanan	Det	PS	2/36/4P	875	6	5250	
Ennendale	Det	PS	2/36/4P	917	9	8253	
Chewett	Det	PS	2/36/4P	920	11	10120	
Woodmere	Det	PS	2/48/4P	1070	10	10700	
Kingly	Det	PS	2/48/4P	1080	8	8640	
Piper	Det	PS	2/48/7P	1121	8	8968	
Almery	Det	PS	2/48/4P	1225	9	11025	
Rudigh	Det	PS	2/48/4P	1317	6	7902	
					150	148341	

	m ²	Acres	Hectares	Sq Ft Per Acre	17660
Net Area	34094	8.4	3.4		
Road	5185				
PS	3525	0.8169	0.3535		
				m ² Per Dwelling	32

