

WHITECHAPEL ROAD,
CLECKHEATON

HERITAGE ASSESSMENT

PREPARED BY PEGASUS GROUP
ON BEHALF OF BARRATT HOMES

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DESIGN | **ENVIRONMENT** | **PLANNING** | **ECONOMICS** | **HERITAGE**

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HERITAGE DESK-BASED ASSESSMENT

LAND OFF WHITECHAPEL ROAD, CLECKHEATON

ON BEHALF OF: BARRATT AND DAVID WILSON HOMES WEST YORKSHIRE

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Summary

This Heritage Desk-based Assessment has been prepared to support the application for residential development and ancillary features at the site off Whitechapel Road, Cleckheaton.

This assessment has shown that there are no recorded heritage assets within the site boundary with the exception of the posited route of Roman road 712. There is evidence for Roman activity within the study area in the form of further traces of the Roman road and a possible coin hoard found in the 18th century.

There is no evidence for medieval activity from within the site boundary, however located in close proximity to the south of the site is the grade II listed Whitechapel Church. Although the church itself dates to the 19th century, it is located on the site of an earlier chapel possibly dating to the 12th century or earlier.

Early mapping of the site from the 19th century onwards shows the site as agricultural fields with no structures depicted. The internal field boundaries shown on the 19th-century mapping have been completely removed today and there is no legibility of the historic field pattern. This is due to the construction of the M62 to the northwest of the proposed site in the 1970s.

This site has been allocated for housing within the Kirklees Local Plan. Therefore, it has been agreed in principle that this site is suitable for housing development. This assessment has shown that the layout put forward for this site is sensitive to and recognises the heritage

sensitivities of this site.

The proposed development will represent a change in the surroundings of the church. There is some development proposed in the areas which contribute more to the significance of the asset however, these additions have been carefully designed to ensure they do not cause significant harm to the significance of the heritage asset.

The proposed development will represent a change in the surroundings of the church, from rough grazing to residential. Those areas which contribute more to the significance of the asset will remain largely free from built form and where these are proposed, they have been sensitively designed to ensure that these would not cause any further harm to the significance of the asset. Therefore, the significance of the Whitechapel Church will experience a very low level of harm from the proposed development. This is a clearly less than substantial harm.

1. Introduction

- 1.1 Pegasus Planning Group have been commissioned by Barratt Homes & David Wilson Homes Yorkshire West to carry out a heritage assessment of the proposed residential development at Whitechapel Road, Cleckheaton as shown on the Site Location Plan provided at Figure 1.
- 1.2 The proposed site is located to the north of Whitechapel Road in Cleckheaton. The site is irregular in shape comprising 4.4ha of rough grazing land. It is bordered by the M62 on its northwestern edge; a field boundary to the north; the boundary of Whitechapel Middle School to the east; and by Whitechapel Road, and the graveyard boundary of the grade II listed Whitechapel Church and the buildings of The Priory public house to the south. As noted, the grade II listed Whitechapel Church is located south of the of the site boundary, set within its own graveyard, separated from the site boundary. Within a 1km search buffer around the site boundary are seven grade II Listed Buildings, including Whitechapel Church. There are no Scheduled Monuments, Registered Parks and Gardens or Registered Battlefields within this search area.
- 1.3 The proposed development is for residential dwellings over an area of 3.33ha together with associated public open space and

ancillary infrastructure and landscaping proposals.

- 1.4 This heritage assessment provides information with regards to the significance of the historic environment within and in proximity to the site in order to fulfil the requirement given in paragraph 189 of the Government's National Planning Policy Framework (the NPPF¹) which requires:

“an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.”

- 1.5 In order to inform an assessment of the acceptability of the scheme in relation to impacts to the historic environment, following paragraphs 193 to 197 of the NPPF, any harm to the historic environment resulting from the proposed development is also described, including impacts to significance through changes to setting.
- 1.6 As required by paragraph 189 of the NPPF, the detail and assessment in this Report is considered to be *“proportionate to the asset's importance”*.
- 1.7 The proposed site has been allocated for housing within the Kirklees Local Plan. As part of the process of allocation, the proposed site was subject to scrutiny by an Inspector at

¹ NPPF, DCLG, 2019

Examination in Public.

2. Methodology

2.1 The aims of this Heritage Assessment are to assess the significance of the heritage resource within the site, to assess the contribution that the site makes to the heritage significance of the identified heritage assets, and to identify any harm or benefit to them which may result from the implementation of the development proposals, along with the level of any harm caused if relevant. This assessment considers the archaeological resource, built heritage and the historic landscape.

Sources

2.2 The following key sources have been consulted as part of this assessment:

- **The National Heritage List for England for information on designated heritage assets;**
- **The West Yorkshire Historic Environment Record (HER) for information on the recorded heritage resource and previous archaeological works;**
- **AMIE data obtained from Historic England on non-designated assets;**
- **Online sources including aerial photographs and satellite imagery.**

2.3 For digital data sets, information was sourced for a 250m study area. Information gathered is discussed within the text where it is of relevance to the potential heritage resource of the site. A

gazetteer of recorded sites and findspots is included as Appendix 1 and maps illustrating the resource and study area are included at the end of this report.

2.4 Designated heritage assets in the wider area were assessed as deemed appropriate (see Section 7).

2.5 Historic cartographic sources and aerial photographs were reviewed for the site, and beyond this where professional judgement deemed necessary.

2.6 A site visit was carried out to visually assess the site, and the heritage assets within the vicinity to identify their setting and the contribution this made to the assets' significance.

Assessment of significance

2.7 In the NPPF, heritage 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. For World Heritage Sites, the cultural value described within each site’s Statement of

Outstanding Universal Value forms part of its significance²

2.8 Historic England’s Historic Environment Good Practice advice in Planning Note 2: Managing Significance in Decision Taking in the Historic Environment³ (henceforth referred to as ‘GPA 2: Managing Significance’) gives advice on the assessment of significance as part of the application process. It advises understanding the nature, extent, and level of significance of a heritage asset. In order to do this, GPA 2: Managing Significance also advocates considering the four types of heritage value an asset may hold, as identified in Historic England’s Conservation Principles⁴; **evidential, historical, aesthetic and communal**. These essentially cover the heritage ‘interests’ given in the glossary of the NPPF, which comprise archaeological, architectural, artistic and historic interest.

2.9 *Conservation Principles* provides further information on the heritage values it identifies:

Evidential value: the potential of a place to yield evidence about past human activity. This value is derived from physical remains, such as archaeological remains, and genetic lines.

Historical value: the ways in which past people, events and aspects of life can be connected through a place to the present - it tends to be illustrative or associative. Illustrative value is

the perception of a place as a link between past and present people and depends on visibility. It has the power to aid interpretation of the past through making connections with and providing insights into past communities and their activities through shared experience of a place. By contrast, associative value need not necessarily be legible at an asset, but gives a particular resonance through association with a notable family, person, event or movement.

Aesthetic value: the ways in which people draw sensory and intellectual stimulation from a place. Aesthetic values can be the result of conscious design or fortuitous outcome or a combination of the two aspects. The latter can result from the enhancement of the appearance of a place through the passage of time.

Communal value: the meanings of a place for the people who relate to it, or for whom it figures in their collective experience or memory. This can be through widely acknowledged commemorative or symbolic value that reflects the meaning of the place, or through more informal social value as a source of identity, distinctiveness, social interaction and coherence. Spiritual value may also be part of communal value.

2.10 Significance results from a combination of any, some or all of the values described above.

2.11 Listed Buildings and Conservation Areas are generally

² NPPF, MHCLG, 2019

³ Historic England, 2015, *Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision Taking in the Historic Environment*

⁴ English Heritage 2008 *Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment*

designated for their special architectural and historic interest. Scheduling is predominantly, although not exclusively, associated with archaeological interest.

Setting and significance

2.12 As defined in the NPPF:

“Significance derives not only from a heritage asset’s physical presence, but also from its setting.”⁵

2.13 Setting is defined as:

“The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.”⁶

2.14 Therefore, setting can contribute to, affect an appreciation of significance or be neutral with regards to heritage values.

Assessing change through alteration to setting

2.15 How setting might contribute to these values has been assessed within this report with reference to Historic Environment Good Practice Advice in Planning Note 3 (Second Edition): The Setting of Heritage Assets⁷ (henceforth referred to as GPA 3: The

Setting of Heritage Assets), particularly the checklist given on page 11. This advocates the clear articulation of ‘what matters and why’.

2.16 In *GPA 3: The Setting of Heritage Assets*, a stepped approach is recommended, of which Step 1 is to identify which heritage assets and their settings are affected. Step 2 is to assess ‘whether, how and to what degree settings make a contribution to the significance of the heritage asset(s) or allow significance to be appreciated’. The guidance includes a (non-exhaustive) check-list of elements of the physical surroundings of an asset that might be considered when undertaking the assessment including, among other things: topography, other heritage assets, green space, functional relationships and degree of change over time. It also lists points associated with the experience of the asset which might be considered, including: views, intentional intervisibility, tranquillity, sense of enclosure, accessibility, rarity and land use.

2.17 Step 3 is to assess the effect of the proposed development on the significance of the asset(s). Step 4 is to explore ways to ‘maximise enhancement and minimise harm’. Step 5 is to ‘make and document the decision and monitor outcomes’.

2.18 Descriptions of significance will naturally anticipate the ways in which impacts will be considered. Hence descriptions of the

⁵ NPPF Annex 2, MHCLG, 2019

⁶ Ibid

⁷ Historic England, 2017, Historic Environment Good Practice Advice in Planning Note 3 (Second Edition): The Setting of Heritage Assets

significance of Conservation Areas will make reference to their special interest and character and appearance, and the significance of Listed Buildings will be discussed with reference to the building, its setting and any features of special architectural or historic interest which it possesses.

Levels of significance

2.19 In accordance with the levels of significance articulated in the NPPF, three levels of significance are identified:

- **Designated heritage assets of the highest significance**, as identified in paragraph 194 of the NPPF comprising Grade I and II* Listed buildings, Grade I and II* Registered Parks and Gardens, Scheduled Monuments, Protected Wreck Sites, World Heritage Sites and Registered Battlefields (and also including some Conservation Areas) and non-designated heritage assets of archaeological interest which are demonstrably of equivalent significance to Scheduled Monuments, as identified in footnote 63 of the NPPF;
- **Designated heritage assets of less than the highest significance**, as identified in paragraph 194 of the NPPF, comprising Grade II Listed buildings and Grade II Registered Parks and Gardens (and also some Conservation Areas); and
- **Non-designated heritage assets.** Non-designated heritage assets are defined within the Government's Planning Practice Guidance as "*buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree*

*of significance meriting consideration in planning decisions, but which do not meet the criteria for designated heritage assets*⁸".

2.20 Additionally, it is of course possible that sites, buildings or areas have **no heritage significance**.

Assessment of harm

2.21 Assessment of any harm will be articulated in terms of the policy and law that the proposed development will be assessed against, such as whether a proposed development preserves or enhances the character or appearance of a Conservation Area, and articulating the scale of any harm in order to inform a balanced judgement/weighting exercise as required by the NPPF.

2.22 In order to relate to key policy, the following levels of harm may potentially be identified:

- **Substantial harm or total loss. It has been clarified in a High Court Judgement of 2013⁹ that this would be harm that would 'have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced'; and**
- **Less than substantial harm. Harm of a lesser level than that defined above.**

2.23 It is also possible that development proposals will cause **no harm or preserve** the significance of heritage assets. A High

⁸ MHCLG, Planning Practice Guidance, paragraph: 039 (ID: 18a-039-20190723, Revision date: 23.07.2019)

⁹ EWHC 2847, R DCLG and Nuon UK Ltd v. Bedford Borough Council

Court Judgement of 2014 is relevant to this¹⁰. This concluded that with regard to preserving the setting of a Listed building or preserving the character and appearance of a Conservation Area, 'preserving' means doing 'no harm'.

- 2.24 Preservation does not mean no change; it specifically means no harm. *GPA 2: Managing Significance* states that "*Change to heritage assets is inevitable but it is only harmful when significance is damaged*". Thus, change is accepted in Historic England's guidance as part of the evolution of the landscape and environment. It is whether such change is neutral, harmful or beneficial to the significance of an asset that matters.
- 2.25 As part of this, setting may be a key consideration. For an evaluation of any harm to significance through changes to setting, this assessment follows the methodology given in *GPA 3: The Setting of Heritage Assets*, described above. Again, fundamental to the methodology set out in this document is stating 'what matters and why'. Of particular relevance is the checklist given on page 13 of *GPA 3: The Setting of Heritage Assets*.
- 2.26 It should be noted that this key document states that:

"setting is not itself a heritage asset, nor a heritage designation"¹¹

- 2.27 Hence any impacts are described in terms of how they affect the significance of a heritage asset, and heritage values that contribute to this significance, through changes to setting.
- 2.28 With regards to changes in setting, *GPA 3: The Setting of Heritage Assets* states that "conserving or enhancing heritage assets by taking their settings into account need not prevent change".
- 2.29 Additionally, it is also important to note that, as clarified in the Court of Appeal¹², whilst the statutory duty requires that special regard should be paid to the desirability of not harming the setting of a Listed Building, that cannot mean that any harm, however minor, would necessarily require planning permission to be refused.

Benefits

- 2.30 Proposed development may also result in benefits to heritage assets, and these are articulated in terms of how they enhance the heritage values and hence the significance of the assets concerned.

¹⁰ EWHC 1895, R (Forge Field Society, Barraud and Rees) v. Sevenoaks DC, West Kent Housing Association and Viscount De L'Isle

¹¹ Historic England, 2017, *Historic Environment Good Practice Advice in Planning Note 3 (Second Edition): The Setting of Heritage Assets*

¹² *Palmer v Herefordshire Council & Anor* [2016] EWCA Civ 1061 (4th November 2016)

3. Planning Policy Framework

3.1 This section of the Statement sets out the legislation and planning policy considerations and guidance contained within both national and local planning guidance which specifically relate to the application site, with a focus on those policies relating to the protection of the historic environment.

Legislation

3.2 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 Conservation Areas.

3.3 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.”

3.4 In the 2014 Court of Appeal judgement in relation to the Barnwell Manor case¹³, 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.”

3.5 A judgement in the Court of Appeal¹⁴ (‘Mordue’) has clarified that, with regards to the setting of Listed Buildings, where the principles of the NPPF are applied (in particular paragraph 134 of the previous draft of the NPPF, the requirements of which are now given in paragraph 196 of the revised NPPF, see below), this is in keeping with the requirements of the 1990 Act.

3.6 Notwithstanding the statutory presumption set out within the Planning (Listed Buildings and Conservations Area) Act 1990, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise.

National Policy Guidance

[The National Planning Policy Framework \(February 2019\)](#)

¹³ East Northamptonshire District Council v SSCLG (2015) EWCA Civ 137

¹⁴ Jones v Mordue Anor (2015) EWCA Civ 1243

- 3.1 National policy and guidance is set out in the Government's National Planning Policy Framework (NPPF) published in February 2019. This replaced and updated the previous National Planning Policy Framework of July 2018. The NPPF needs to be read as a whole and is intended to promote the concept of delivering sustainable development.
- 3.2 The NPPF sets out the Government's economic, environmental and social planning policies for England. Taken together, these policies articulate the Government's vision of sustainable development, which should be interpreted and applied locally to meet local aspirations. The NPPF continues to recognise that the planning system is plan-led and that therefore Local Plans, incorporating Neighbourhood Plans, where relevant, are the starting point for the determination of any planning application, including those which relate to the historic environment.
- 3.3 The overarching policy change applicable to the proposed development is the presumption in favour of sustainable development. This presumption in favour of sustainable development (the 'presumption') sets out the tone of the Government's overall stance and operates with and through the other policies of the NPPF. Its purpose is to send a strong signal to all those involved in the planning process about the need to plan positively for appropriate new development; so that both plan making and development management are proactive and driven by a search for opportunities to deliver sustainable development, rather than barriers. Conserving historic assets in a manner appropriate to their significance forms part of this

drive towards sustainable development.

- 3.4 The purpose of the planning system is to contribute to the achievement of sustainable development and the NPPF sets out three 'objectives' to facilitate sustainable development: an economic objective, a social objective, and an environmental objective. The presumption is key to delivering these ambitions, by creating a positive pro-development framework which is underpinned by the wider economic, environmental and social provisions of the NPPF. The presumption is set out in full at paragraph 11 of the NPPF and reads as follows:

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

For plan-making this means that:

- a) plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;**
- b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or****

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

For decision-taking this means:

- c) approving development proposals that accord with and up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date granting permission unless:
 - i. the application policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

3.5 However, it is important to note that footnote 6 of the NPPF applies in relation to the final bullet of paragraph 11. This provides a context for paragraph 11 and reads as follows:

"The policies referred to are those in this Framework (rather than those in development

plans) relating to: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63); and areas at risk of flooding or coastal change." (our emphasis)

3.6 The NPPF continues to recognise that the planning system is plan-led and that therefore, Local Plans, incorporating Neighbourhood Plans, where relevant, are the starting point for the determination of any planning application.

3.7 Heritage Assets are defined in Annex 2 of the NPPF as:

"A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the Local Planning Authority (including Local Listing)"

3.8 The NPPF goes on to define a Designated Heritage Asset as a:

"World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated

**under relevant legislation¹⁵” (our emphasis)
[Underline relevant assets]**

3.9 As set out above, significance is also defined as:

“The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting. For World Heritage Sites, the cultural value described within each site’s Statement of Outstanding Universal Value forms part of its significance¹⁶”

3.10 Section 16 of the NPPF relates to ‘Conserving and enhancing the historic environment’ and states at paragraph 190 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 into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal”

3.11 Paragraph 192 goes on to state that:

“In determining planning applications, local planning authorities should take account of:

- a) **the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;**
- b) **the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and**
- c) **the desirability of new development making a positive contribution to local character and distinctiveness”**

3.12 With regard to the impact of proposals on the significance of a heritage asset, paragraphs 193 and 194 are relevant and read 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

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

¹⁵ NPPF Annex 2, DCLG, 2019

¹⁶ IBID

- a) **grade II listed buildings, or grade II registered parks or gardens, should be exceptional;**
- b) **assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional"**

3.13 Section b) of the above describing assets of the highest significance also includes footnote 63 of NPPF, which states that non-designated heritage assets of archaeological interest which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.

3.14 In the context of the above, it should be noted that paragraph 195 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 total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) **the nature of the heritage asset prevents all reasonable uses of the site; and**
- b) **no viable use of the heritage asset itself can be found in the medium term**

through appropriate marketing that will enable its conservation; and

- c) **conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and**
- d) **the harm or loss is outweighed by the benefit of bringing the site back into use"**

3.15 Paragraph 196 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, where appropriate, securing its optimum viable use"

3.16 The NPPF also provides specific guidance in relation to development within Conservation Areas, stating at paragraph 200 that:

"Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably."

3.17 Paragraph 201 goes on to recognise that *"not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance"* and with regard to the potential

harm from a proposed development states:

“Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 195 or less than substantial harm under paragraph 196, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole” (our emphasis)

3.18 With regards to non-designated heritage assets, paragraph 197 of NPPF states that:

“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”

3.19 Non-designated assets of archaeological interest which are demonstrably of equivalent significance to a scheduled monument will be subject to the policies for designated heritage assets.

National Planning Guidance

¹⁷ MHCLG, Planning Practice Guidance, paragraph 007 (ID: 18a-007-20190723 revision date 23.07.2019)

3.20 The then Department for Communities and Local Government (now the Ministry for Housing, Communities and Local Government (MHCLG)) launched the planning practice web-based resource in March 2014, accompanied by a ministerial statement which confirmed that a number of previous planning practice guidance documents were cancelled.

3.21 This also introduced the national Planning Practice Guidance (PPG) which comprised a full and consolidated review of planning practice guidance documents to be read alongside the NPPF.

3.22 The PPG has a discrete section on the subject of the ‘*Historic Environment*’ which confirms that the consideration of ‘significance’ in decision taking is important and states:

“Heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals¹⁷”

3.23 In terms of assessment of substantial harm, the PPG confirms that whether a proposal causes substantial harm will be a judgement for the individual decision taker having regard to the individual circumstances and the policy set out within the NPPF.

It goes on to state:

“In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset’s significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting¹⁸.

While the impact of total destruction is obvious, partial destruction is likely to have a considerable impact but, depending on the circumstances, it may still be less than substantial harm or conceivably not harmful at all, for example, when removing later inappropriate additions to historic buildings which harm their significance. Similarly, works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm” (our emphasis)

Local Planning Policy

3.24 Planning applications within Cleckheaton are currently considered against the policy and guidance set out within the Kirklees Local Plan which was adopted on 27th February 2019.

¹⁸ MHCLG, Planning Practice Guidance, paragraph 018 (ID: 18a-018-20190723 revision date 23.07.2019)

3.25 Policy relating to heritage are contained within PLP35. This states:

“1. Development proposals affecting a designated heritage asset (or an archaeological site of national importance) 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:

- **The nature of the heritage asset prevents all reasonable uses of the site;**
- **No viable use of the heritage asset itself can be found in the medium terms through appropriate marketing that will enable its conservation;**
- **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. Proposals which would remove, harm or undermine the significance of a non-designated heritage asset, or its contribution to the character of a place will be permitted only where the benefits of the development outweigh the harm having regard to the scale of the harm and the significance of the heritage asset. In the cases of developments affecting

archaeological sites of less than national importance where development affecting such sites is acceptable in principle, mitigation of damage will be ensured through the 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.

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:

- a) ensure that proposals maintain and reinforce local distinctiveness and conserve the significance of designated and non-designated heritage assets"**

Local Plan Policies with regards to the NPPF and the 1990 Act.

- 3.26 With regard to Local Plan policies, paragraph 213 of NPPF states that:

"existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in

the plan to the policies in the Framework, the greater the weight that may be given)."

- 3.27 It is considered that the Kirklees Local Plan, though adopted in February 2019, after the publication of the NPPF, has elements of the Local Plan policy for heritage (PLP35) which are out of step with the requirements of NPPF. Although the local plan policy correctly sets out the balancing exercise to be applied to developments which have the potential to cause substantial harm to designated heritage assets, there is no provision in the policy text for the balancing exercise to be applied by the decision maker to developments which could result in less than substantial harm to designated heritage assets. Therefore it is not wholly compliant with NPPF.

- 3.28 The weight to be given to policy is a matter for the decision maker. However Paragraph 213 of NPPF should be taken into account. This states:

"However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."¹⁹

¹⁹ NPPF 2019. Para 213. Annex 1

4. Site Description, Location and Planning History

- 4.1 The site comprises 4.5ha 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.
- 4.2 The site is currently used for the grazing of horses and is formed by roughly four or five fields. The field boundaries within the site are formed from temporary fences mainly designed to keep in the horses. Comparisons of historic mapping to the modern ground conditions and aerial photography show that the field boundaries that exist today bear no relation at all to the historic field boundaries within this site. Therefore, there is no trace of the historic field pattern and landscape.
- 4.3 There is a public footpath to the west of The Priory public house which crosses the site, moving northwards and running parallel to the M62. 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.

- 4.4 To the south of the site boundary is the residential development of Cleckheaton which extends to the southern edge of Whitechapel Road. The Whitechapel Middle School is located directly northeast of the site boundary and the M62 forms the northwestern boundary for the site. There is little sense of isolation, or rural surroundings in this area, which is enclosed on all sides by development.



Plate 1 View west across western portion of the site across area of "high significance" as identified in the Council's Heritage Impact Assessment.



Plate 2 View northwest from public footpath north of The Priory public House looking towards M62



Plate 3 View east from public footpath by The Priory looking towards Whitechapel Middle School. Also view on right side of picture of the area of "moderate significance" as identified by the Council's HIA



Plate 4 View across northern portion of the proposed site, towards M62 and with the level change



Plate 5 View across northern portion of site showing the level of topographical change



Plate 6 View south towards the rear of the Priory public house and Whitechapel Church.



Plate 7 View southeast from the public footpath looking along area of land within "moderate significance" area north of church that the proposed layout will retain

Planning History

- 4.5 As stated above, the proposed site has been allocated for residential development as part of the Kirklees Local Plan. As part of this process, the proposed site has been subject to scrutiny over a sustained period and has been assessed by a Planning Inspector who has deemed this site as suitable and appropriate for development.
- 4.6 As part of this process, the Council commissioned a Heritage

Impact Assessment²⁰ for this site which divided the proposed site into areas of significance according to the level to which it was perceived to contribute to the significance of the grade II listed Whitechapel Church through setting. This document

identified that the area to the west of the church was an area of high significance and the area to the immediately north and east of the church, an area of moderate significance.

²⁰ Farrell & Clark Architects. 2015. *Heritage Impact Assessment: Land adjacent to Whitechapel Road, Cleckheaton. H508.*

5. The Historic Environment

5.1 This section provides a review of the recorded heritage resource within the site and its vicinity in order to identify any extant heritage assets within the site and to assess the potential for below-ground archaeological remains. Designated heritage assets and HER records are illustrated on Figure 1. Designated heritage assets are referenced using their seven-digit NHLE number, HER and AMIE records are referenced with their own reference number. A gazetteer of heritage data is included as Appendix 1.

Designated Heritage Assets

5.2 There are no designated assets located within the site boundary. Located to the south of the site boundary is the grade II listed Whitechapel Church (NHLE: 1184647). There are two further grade II listed buildings located approximately 500m to the southeast of the site, the Cleckheaton Library and the Chapel at Cleckheaton Cemetery.

5.3 Designated heritage assets in the vicinity of the site are considered in further detail in the *Setting Assessment* section below.

Previous Archaeological Works

5.4 A small number of archaeological fieldwork events have taken place within the 250m study area, but none of these lie within

the study area. The archaeological events consist of:

- **7705 – Watching brief along the Spen Valley Phase 2 Wastewater Pipeline. Watching brief along the length of a sewer pipeline running between North Bierly Wastewater Treatment Plant and Mitchell Laithes. No significant archaeological deposits were recovered.**
- **629747 & 629744 – Snelsins Farm. Excavation in 1965 to identify a possible Roman fort at Snelsins Farm. No evidence was recovered.**
- **629742 – Turnsteads. No further information available.**

Topography and geology

5.5 The proposed site varies in its topography. The site is at its highest at the western extent, with a height of 126m AoD, and along the M62. The site drops down towards the east and northeast to a height of 117m AoD.

5.6 There is no recorded superficial geology within the proposed site. The bedrock geology of the site is formed by Pennine Lower Coal Measures - Sandstone to the southwest and Pennine Lower Coal Measures – Mudstone, Siltstone and Sandstone to the

northern portion of the proposed site.²¹

Prehistoric (pre-43 AD) to Roman (43AD – 410))

- 5.7 There are no records of prehistoric activity within the site boundary or the study area.
- 5.8 There are a number of records dating from the Roman period located within the study area. The possible route of a Roman road 712 (**3518/1326352**) is shown as running through the site. It is also noted as being destroyed by modern development. It is likely that the construction of the M62 with the associated required earthworks will have removed deposits associated with this asset. The line of this possible Roman road is recorded in two further places within the study area (**3519, 3543**).
- 5.9 There is the record of a coin hoard located to the south of the site (**1835/49223**) found in Heaton Fields in the early 18th century. The hoard consisted of a number of coins and possible building foundations though due to the antiquarian nature of this record, the details are vague. The location of the hoard is now the playing fields of Whitcliffe Mount School and no further evidence of Roman activity was found when the fields were levelled in 1947.
- 5.10 The potential for the recovery of prehistoric archaeology within the proposed site is low to negligible. The potential for the

recovery of Roman archaeology within the site is low, particularly given the amount of disturbance the area has seen from the construction of the M62 and the school to the north of the site boundary.

Early medieval (410 AD – 1066) and Medieval (1066 – 1539)

- 5.11 There is no recorded evidence of Cleckheaton from the early medieval period and it is not recorded within Domesday. However, there is evidence that there was a chapel located in the site of the later Whitechapel church dating from the Norman period. The current Whitechapel Church contains a carved font dating from around 1130AD which is thought to be evidence that the church was extant from at least this date. All that survives of the 12th century font is the base, but this is decorated with carved figures, typical of the time including a Sheela-na-gig, though this is thought to have been a later alteration of existing carved figures.
- 5.12 The continued use of the Whitechapel Church site as a place of worship is further evidenced by the artefact of a medieval cross slab grave cover (**8068**) located within the graveyard.
- 5.13 It is likely that the proposed development was used for agricultural purposes during this period. The potential for the recovery of medieval archaeology in the proposed site is low.

²¹ <https://www.bgs.ac.uk/discoveringGeology/geologyOfBritain/viewer.html>

Post-medieval (1540 – 1800) and Modern (1801 – present)

- 5.14 The post-medieval period also sees the rebuilding of the church at Whitechapel, firstly in 1706 and again in 1821. The church was extensively restored in 1877-88. The church at Whitechapel was a Chapel of Ease for Birstall and located in between the settlements of Scholes and Cleckheaton. The original church is shown in a drawing of 1773²² where it is shown as a low building with no height difference between the nave and chancel with straight headed windows in the Gothic style with a small projecting tower, possibly a bellcote. The building appears to be whitewashed which perhaps gave the building its name.
- 5.15 The earliest mapping that shows the site in detail is the 1848 tithe map (figure 2) which demonstrates that the church was located away from the settlement core of Cleckheaton which was located to the east. The road leading from Cleckheaton to Scholes is shown running to the south of the church and the public house, then called The Brown Cow is shown to the north of the church, indicating that this was a hub for the community to meet and socialise.
- 5.16 By the time the 1848 tithe map had been produced, Whitechapel Church had been rebuilt on a larger scale, resulting from the increased population in the surrounding area. This results from the increasing industrialisation of the area including the

establishment of a textile mill on Whitcliffe Road (**945208**) and the presence of the Mirfield to Low Moor Railway built in 1848 by the Lancashire and Yorkshire Railway (**1373579**). The line of this railway can be seen on the 1848 tithe map located to the northeast of the proposed site. The whole line has now been closed and dismantled, except for short sections.

- 5.17 The 1848 tithe map shows the difference in the field pattern within the proposed development. The line of Whitechapel Road, running to the south of the proposed development is on a different alignment than today. The road runs west to east, running to the north of the current alignment. The road reaches the current entrance in the boundary wall of Whitechapel Church, then dog-legs, turning 90 degrees south then 90 degrees east to run around the boundary wall of the church before continuing east. The field pattern within the site is entirely different from the current field pattern. There are no remnants or trace of the historic field pattern within the site due to the construction of the M62.
- 5.18 The 1854 Ordnance Survey map shows the site divided into a number of small fields, with the church and pub both extant. The situation is similar to the tithe mapping however a set of stocks are labelled next to the church.
- 5.19 The subsequent mapping shows the continuing and gradual expansion of Cleckheaton. One record on the HER is the site of

²² <https://www.crsbi.ac.uk/site/4771/>

the Whitcliffe Mount School (**7755**) constructed in 1909-10 by William Henry Thorpe. The mapping shows that by the early 20th century, Whitechapel Church was no longer located in an area surrounded by rural, agricultural fields. There are houses located to the east of the church and by the 1908 Ordnance Survey map, the alignment of Whitechapel Road has changed. It no longer runs to the boundary wall of the church but instead runs on an angle from the west to east, meeting up with the southwest corner of the boundary wall, reflecting the current alignment of the road.

- 5.20 There are some minor field boundary changes, or additions of field boundaries within the proposed site on the subsequent mapping but no major change occurs within the proposed site until the 1970 Ordnance Survey maps which show the construction of the M62 to the northwest of the proposed site. This road cut across the landscape and the construction of the road necessitated the removal of all internal field boundaries within the site and introduced a large piece of transport infrastructure into the area. The 1970s maps also show the establishment and construction of Whitechapel Middle School to

the northeast of the church.

- 5.21 Both of these elements, along with the expansion of Cleckheaton abutting the southern side of Whitechapel Road had the effect of bringing noise, movement and habitation in close proximity to Whitechapel Church. By the beginning decades of the 20th century, and with the rise in industrialisation, the nature and purpose of Whitechapel Church changed. It was no longer a church between settlements, required as a chapel of ease to Birstall, it was a church at the heart of a community. This has been reinforced by the fact that the church is now part of the Cleckheaton benefice and joined with the parish of St. Luke's.

Unknown

- 5.22 There is one record from the AMIE which is of an unknown date. This is the record of a Roman fort at Snelsins Farm (**49226**). This was identified as a possible fort from earthwork evidence but fieldwork in the 1960s found no evidence on this and it is now thought to be a mis-identification of a geological feature.

6. Setting Assessment

- 6.1 Step 1 of the methodology recommended by the Historic England guidance *GPA 3: The Setting of Heritage Assets* (see *Methodology* above) is to identify which heritage assets might be affected by a proposed development.
- 6.2 Development proposals may adversely impact heritage assets where they remove a feature which contributes to the significance of a heritage asset or where they interfere with an element of a heritage asset's setting which contributes to its significance, such as interrupting a key relationship or a designed view.
- 6.3 Consideration was made as to whether any of the heritage assets present within or beyond the 250m study area include the site as part of their setting, and therefore may potentially be affected by the proposed development.
- 6.4 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 1.
- 6.5 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**

6.6 It is assessed that only the grade II Listed Whitechapel Church has the potential to experience any change 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.

Whitechapel Church

6.7 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.

- 6.8 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 asset has historic associations with the grave of the niece of Patrick Bronte located within the graveyard and a 12th century font onto which is carved a Sheela-na-gig, one of only two such carvings in West Yorkshire.
- 6.9 The significance of this asset also lies in its historic value in the evidence of the earlier churches in this location, with reuse of the same site for worship over a number of centuries and the association with the settlements and residents of the communities of Scholes and Cleckheaton and Birstall. The association with these two areas provides information on the growth and spread of population in the late 19th and early 20th centuries. This historic value is enhanced by the
- 6.10 The immediate setting of this asset is formed by its surrounding graveyard and surrounding boundary wall. This gives the asset a definite edge and a confined boundary, within which the elements which contribute the most to the significance of the asset are located. These elements add to the historic value by providing evidence of the land boundary and the community associated with the church, and buried within the graveyard, including grave slabs which pre-date the current church, adding to its historic interest. It adds to the architectural value by providing a designed setting for the church, with the boundary

wall contemporary with 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 are not in leaf. It is noted in the Council's Heritage Impact Assessment 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 self-seeding trees and poor management. Therefore there was always intended to be a separation between the formal graveyard area and the surrounding agricultural land.

- 6.11 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 makes a neutral contribution to the significance. The rough grazing fields to the north provides a limited contribution to the significance through historic interest, 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 is a large and modern presence in close proximity to the asset.
- 6.12 The area of 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. However this view is obscured by trees which are to be retained

as part of the proposed development. In full summer leaf, these trees will almost entirely block the views of the church from this western aspect.

- 6.13 The late 19th century Ordnance Survey maps show that the alignment of Whitechapel Road originally led up to the western boundary wall of the church before turning as a dog-leg 90 degrees south then 90 degrees 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. This area contributes a minor amount of aesthetic value to the asset, but has no deliberate designed or intentional views remaining towards the asset. The area does not contribute towards the understanding of the historic value of the asset, or its purpose as a chapel of ease. Therefore, the contribution this field makes to the significance of the asset can be considered as minor.
- 6.14 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 only

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.

- 6.15 The area to the north and east of the church, immediately beyond the graveyard boundary wall makes a minor contribution to the significance of the asset. The area to the north which makes the minor contribution to the significance extends to the west to the Priory public house but does not extend beyond the northern boundary of the Priory public house. This area offers the opportunity for a view of the churchyard boundary wall with views of the church within the graveyard. The tree cover around the edge of the boundary wall filters these views and will block views of the church itself when in summer leaf. This area does allow the church and its yard to be appreciated within an open context.
- 6.16 The remainder of the site and the wider setting is formed of agricultural land which has no real association with the church. However, as the asset is a church, rather than a farmhouse, there is no functional, or associative relationship. The land within the site was not within the same ownership as the surrounding land as depicted on the tithe map and there is no association today. The views across the proposed development site from within the graveyard and boundary church, where available now have the M62 and its associated infrastructure as a backdrop. Any sense of rurality has been removed by the construction of the motorway and the construction of the

housing to the east and south. In addition, the church itself has changed in character and function in the last century, no longer being required as a chapel of ease to serve distant communities, but rather being absorbed into the other parishes within Cleckheaton and becoming part of the community as the settlement of Cleckheaton expanded.

- 6.17 The layout of the proposed scheme is discussed in more detail below. The layout concentrates the built form into the areas which either do not contribute or make a negligible contribution to the significance of the asset. The layout and house type in these areas are considerate of the heritage sensitivities and have been designed to ensure a low density of housing, materials sympathetic to the local area and the heritage asset. The layout also shows that the areas which contribute slightly to the significance of the asset, that is the area to the immediate areas north and east of the churchyard boundary wall have been kept largely free from upstanding built form. A minor amount of development has been proposed into a small portion of this area, but the nature, scale and type of development has been carefully considered through onsite reconnaissance and consideration of the significance of the asset.
- 6.18 The area to the west of the church has some built form proposed within the area which contributes slightly more to the significance of the asset. This iteration of the layout has been carefully scrutinized, involving onsite meetings and analysis of how this area contributes to the significance of the asset. It was considered that the line of buildings proposed are in a location

which still allows the primary view of the asset to be maintained, in as much as it is actually extant considering the screening of the existing tree cover. It was also considered that the movement of the line of buildings slightly further south would not compromise the aesthetic contribution made by this western parcel. In addition, the line of building proposed provides a more accurate reflection of the historic road layout, focused on the entrance in the boundary wall to the churchyard. This has resulted in a form of development within these areas which will not affect the significance of the asset or the ability to understand the historic and architectural value of the asset.

- 6.19 Therefore, it is considered that the proposed development will cause some harm, but at a very low lowest level, to the significance of the asset. This is considered to be clearly less than substantial.
- 6.20 The very low level of harm comes in the slight reduction in the aesthetic contribution made by the proposed development through the change from rough grazing to residential. The very low level also comes in the slight reduction in the aesthetic contribution made by the small areas of the western area and north area proposed to be subject to some built form.



Plate 8 Whitechapel Church viewed from entrance path looking east



Plate 9 View west from entrance path to church looking towards area of "high significance" which extends beyond the picture to the right



Plate 10 View north from northern boundary wall of graveyard of Whitechapel Church showing area of "moderate significance"



Plate 11 View northwest looking from northern boundary wall of churchyard over area of "moderate significance"



Plate 12 View across graveyard and the boundary wall demonstrating the surroundings of the church and the enclosed feeling of being within the churchyard even in winter foliage

Non-designated Assets

6.21 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.

6.22 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.

6.23 The proposed development will not cause any harm to the non-designated asset of The Priory public house.

7. Discussion

The Proposed Development

- 7.1 The layout of the proposed development has been through an iterative design process. It has been prepared in collaboration with and following discussions with the conservation team at Kirklees Council. The layout has been designed to respond to and respect the elements of the setting of the grade II listed Whitechapel Church which contribute to its significance. The sensitivities of this site are well understood and the proposed layout has taken these into account.
- 7.2 When allocating this site, the Inspector set out site specific considerations to be taken into account when developing this site. These included:

“The site can be accessed through the area of land identified as of high significance within the council’s Heritage Impact Assessment. There should be a sensitive approach to the design of the access in order to minimise harm to the character of this area and the setting of the church. The remainder of the area of high significance should be left “open” for community uses.

The area of moderate significance as defined in the council’s HIA should be retained as open land.

There should be a sensitive approach to building orientation, massing, height, density

and layout on the site in order to minimise harm to the significance of the Church and its setting, taking into account the evidence presented in the council’s Heritage Impact Assessment or any updated Heritage Impact Assessment submitted by the applicant as part of the planning application process.”

- 7.3 The HIA prepared for the Council in 2015 identified areas of the site which were considered to be of Moderate Significance and of High Significance meaning these are areas which contribute to the significance of the asset and change within these areas has the potential to cause some level of harm to the significance of the asset.
- 7.4 It is acknowledged that Council’s HIA identified the area to the west of the church as being of high significance. However, it has been demonstrated through analysis of historic mapping that the re-routing of the road layout around the church that this area of open ground is not contemporary with the church. There are very few views of the church from this area to the west given the existing tree planting which partially blocks views in winter and will almost entirely block views when the trees are in full leaf.
- 7.5 The Council’s HIA identifies that the areas to the north and east of the church, bounding the graveyard boundary wall is of moderate significance in its contribution to the significance of the Whitechapel Church. It is considered however that the area of moderate significance as identified within the HIA is very large, with an arbitrary boundary between the moderate area

and the slight significance area which is identified in the northern portion of the site.

7.6 The proposed layout has some built form just overlapping into the area of high significance as identified in the Council's HIA, the area to the west of the church. The placement of a very limited amount of built form in this area has come after careful consideration and scrutiny, including onsite assessment of the proposals and an analysis of how this western area contributes to the significance of the asset. It has been established that this western area contributes to the aesthetic value of the asset and to a lesser extent, the historic value. The Council's HIA identifies a fairly large area to the west of the church as being in this high significance category, however in the northern part of the area, there are no views of the church at all, and the area is currently rough grazing land. This northern part of the area simply does not contribute in the same way as the southern part of this area. The proposed development extends southwards to a point which is more reflective of the historic layout of the area, prior to the realignment of Whitechapel Road. The proposed layout respects the aspects of this western areas which contribute to the significance of the asset. It provides space within which to appreciate what views of the church are available, including the views of the boundary wall and the mounting steps. This area also provides the space to understand the relationship between the church and its surroundings, including the important relationship with Whitechapel Road, beside which this church has always been situated.

7.7 The proposed layout introduces a handful of houses into the area of moderate significance to the north and east of the church, but these have been pushed back to the very limit of the area of moderate significance, with the rest of the area kept as open space with a footpath proposed to encourage connectivity with the surrounding area and to allow an appreciation of the church and churchyard in an open context. The proposed buildings in this area do not compromise the ability to stand at the public footpath, north of The Priory and view the church, the boundary wall and the graveyard of Whitechapel Church as one entity, contained within its own setting. The layout retains a buffer between the graveyard boundary wall and the built form of the proposed development. As such, the historic value of the asset and the understanding of its purpose and function will not be lessened and the ability to gain an understanding of its former open field context will also be retained. It is these elements which contribute to the significance of the asset and it has been shown that the proposed development will preserve these, in spite of the buildings slightly encroaching into the moderate area of significance.

7.8 Therefore, it is considered that the minimal encroachment into the areas of moderate and high significance as identified from the Council's HIA do not cause a significance level of additional harm to the significance of Whitechapel Church.

7.9 The proposed development represents a design which has carefully considered the heritage sensitivities of the site and interprets the Inspector's site specific requirements in a way

which is respectful to the significance of the heritage assets.

8. Conclusions

- 8.1 This assessment has shown that there is a low potential for buried archaeology within the site. The site has been on the fringes of settlement and likely utilised for agricultural purposes throughout its history. The site experienced significant change in terms of internal field boundaries and historic legibility in the 1970s with the construction of the M62 which cut through the landscape, creating the northwestern boundary of the site and necessitating level changes within the site and the removal of field boundaries.
- 8.2 There is a grade II Listed Building, Whitechapel Church built in 1821 and restored in 1877-8 located 20m south of the proposed development. The church is set within its own grounds, surrounded by a graveyard with a boundary wall surrounding it. This forms the immediate setting of the church and once within the churchyard, there is a sense of enclosure offered by the surrounding tree vegetation.
- 8.3 The proposed site forms part of the setting of the church, but not all of the proposed site contributes the same amount to the significance of the asset. The significance is formed primarily by its historic and architectural value as a good example of Gothic architecture and being located on the site of earlier chapels, dating to at least the 12th century.
- 8.4 The proposed development will represent a change in the

surroundings of the church. There is some development proposed in the areas which contribute more to the significance of the asset however, these additions have been carefully designed to ensure they do not add to the very low harm caused by the change of character within the setting of the heritage asset.

- 8.5 Therefore, the significance of the Whitechapel Church will experience a very low level of harm, considered to be de minimis from the proposed development. This is a clearly less than substantial harm.

9. Sources

Cartographic Sources

1848	Tithe Map
1854	OS 1:10,560
1894	OS 1:2,500
1907	OS 1:2,500
1922	OS 1:2,500
1957-58	OS partial plan 1:1,250

1969	OS partial plan 1:2,500
1976	OS 1:10,000
1988-1991	OS 1:10,000

Farrell & Clark Architects. 2015. *Heritage Impact Assessment: Land adjacent to Whitechapel Road, Cleckheaton. H508.*

<https://www.bgs.ac.uk/discoveringGeology/geologyOfBritain/viewer.html>

Appendix 1: Gazetteer of Historic Environment Record and AMIE Data

Heritage Data

PRN/AMIE	Period	Name	Description	Grid sq.	Easting	Northing
1835/49223	Roman	Roman Coins, Heaton Fields	Several Roman coins including issues of Septimius Severus (A.D. 193-211) and Pertinax (A.D. 193,) (found as hoard? ; also building foundations of an unspecified nature. Found prior to 1712 on high ground called Stunsteads in Heaton Fields. The area is now covered by the playing fields of Whitcliffe Mount School, nor further finds found when the fields were levelled in 1947.	SE	17940	25550
3518/1326352	Roman	Roman Road 712, Cleckheaton/Hunsworth	Possible line of Roman Road 712 from SE 1775 2563 to SE 1875 2640. It runs along a visible terraceway. Adjacent to known area of Roman occupation (PRN 1835). Destroyed by modern development.	SE	18470	26220
3519	Roman	Roman Road 712, Cleckheaton/Hunsworth	Possible line of Roman Road 712 from SE 1775 2563 to SE 1880 2638. The line follows visible terraceway. Adjacent to known area of Roman occupation (PRN 1835.) Destroyed by modern development.	SE	18490	26180
3543	Roman	Roman Road 712	Possible line of Roman Road 712 from SE 1745 2530 to SE 1775 2563. Partially coincident with a footpath. A photograph of the footpath taken in July 2001 shows the possible aggar of road (KK, 2002). Adjacent to known area of Roman occupation (PRN1835.)	SE	17460	25330

8068	Medieval	Medieval Cross Slab Grave Cover	A single medieval cross slab grave cover was found in the White Chapel, a chapel of ease to Birstall (PRN 3157). The grave cover consists of a rectangular slab of coarse brown sandstone. The cross has expanded arms and a central disk carved in relief within a sunken circle. The slab probably dates to the 12th century	SE	17920	25840
7755	Early Modern	Whitcliffe Mount School, Turnsteads Avenue, Cleckheaton	Secondary and technical school, 1909-10, by William Henry Thorp of Leeds. Constructed of coursed sandstone 'bricks' with ashlar dressings including plinth, slate roof, tall chimneystacks. Features a 2-storey principal range with single-storey rear ranges and later extensions.	SE	18071	25585
0/945208	Early Modern	Textile Mill Whitcliffe Road	A late 19th to early 20th century textile mill at Whitcliffe Road, Cleckheaton. The site consisted of three principal buildings: a two-storey spinning mill with vents in the roof, a six-bay weaving shed, offices and an integrated stone chimney. The site	SE	18153	25588
0/1373579	Early Modern	Mirfield and Low Moor Railway	The Mirfield to Low Moor Railway was originally projected by the West Riding Union railway in 1846, but was built by the Lancashire and Yorkshire Railway in 1848. The whole line has been closed and dismantled except for a short section between Low Moor and Oakenshaw.			
0/49226	Unknown		Alleged Roman fort (probably a field boundary). A possible bank and ditch was mis-identified as a Roman fort. Excavations carried out at Snelsins Farm found no evidence of Roman activity. The ditches appear to be natural faults in the bedrock	SE	18230	26340

7705	Modern	Watching Brief Spen Valley Phase 2 Wastewater Pipeline	An archaeological watching brief was undertaken by Northern Archaeological Associates Ltd. on behalf of Yorkshire Water in advance of and during construction of a sewer pipeline running between North Bierly Wastewater Treatment Works and Mitchell Laites. No significant archaeological deposits were recovered. A possible wartime bunker was identified, but this had been razed and the interior backfilled with rubble.	SE	21942	22884
629747	Modern	Snelsins Farm	Excavation in 1965 to try and find evidence of a Roman fort. Nothing was found.			
629742	Modern	Turnsteads	No information available - excavation			
629744	Modern	Snelsins Farm	Excavation in 1965 to try and find evidence of a Roman fort. Nothing was found.			

Appendix 2: Designation Descriptions



Historic England

Whitechapel Church, Cleckheaton

 [1 contribution](#)

Overview

Heritage Category: Listed Building

Grade: II

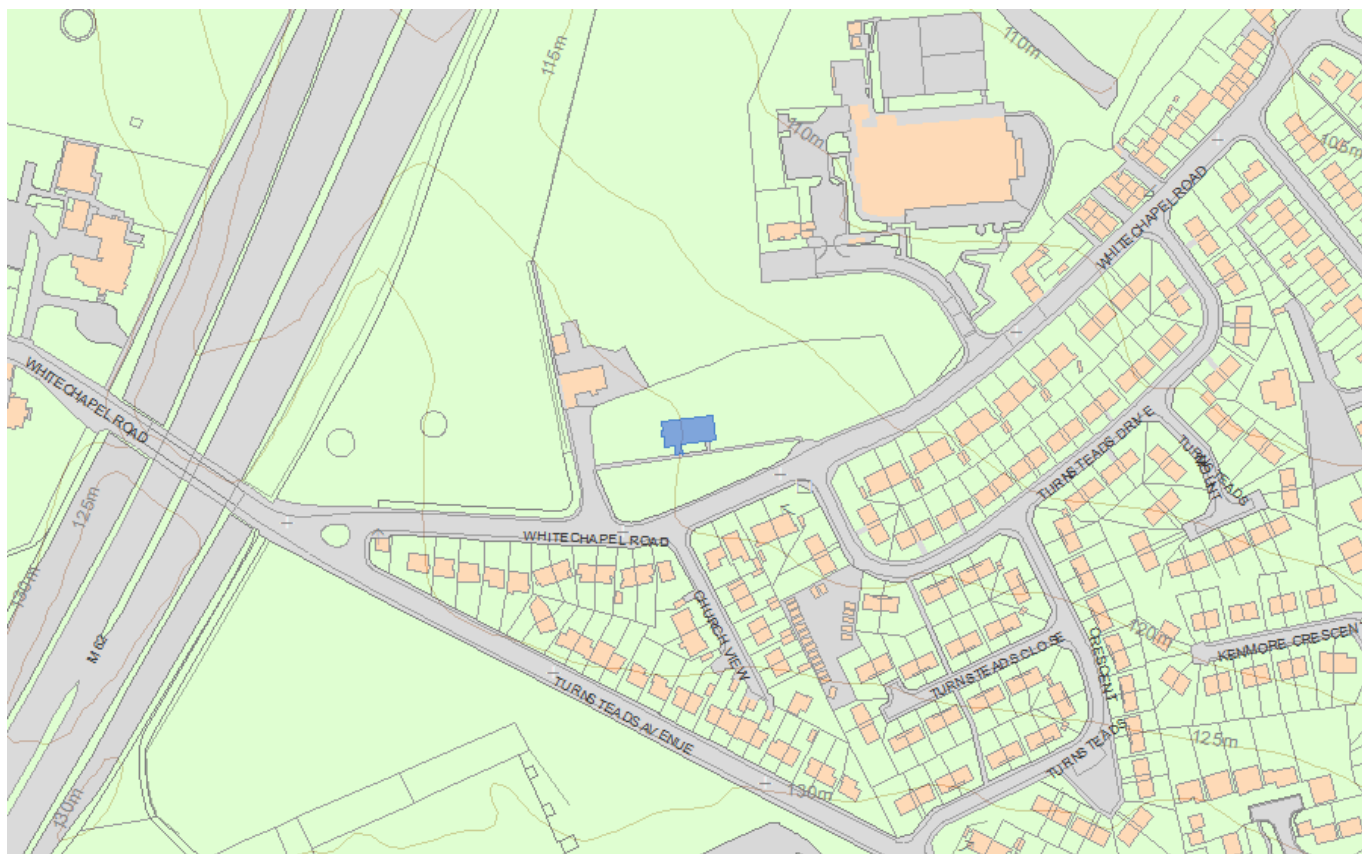
List Entry Number: 1184647

Date first listed: 13-Jan-1984

Date of most recent amendment: 27-Sep-2013

Statutory Address: Whitechapel Church, Whitechapel Road, Cleckheaton

Map



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The above map is for quick reference purposes only and may not be to scale. For a copy of the full scale map, please see the attached PDF - [1184647.pdf](#) [↗](#)

The PDF will be generated from our live systems and may take a few minutes to download depending on how busy our servers are. We apologise for this delay.

This copy shows the entry on 18-Jan-2019 at 09:54:19.

Location

Statutory Address: Whitechapel Church, Whitechapel Road, Cleckheaton

The building or site itself may lie within the boundary of more than one authority.

District: Kirklees (Metropolitan Authority)

Parish: Non Civil Parish

National Grid Reference: SE 17926 25850

Summary

Anglican church of 1821, restored in 1887-8 by W.H. Howorth of Cleckheaton with further work in 1930s and 2004-7.

Reasons for Designation

Whitechapel Church, Cleckheaton, is listed at Grade II for the following principal reasons:

- * Date: the church, on the site of earlier chapels, pre-dates the Victorian period and contains several fragments of the earlier buildings on the site;
- * Architecture: the style of the building is a modest Gothic Revival, but has added interest in a corbelled tower at the western end with bell-chamber and restored spire. The exterior is largely unaltered apart from the addition of a south porch of 1923 that commemorates the fallen of the First World War;
- * Fittings: fittings of interest include a substantial carved Norman font, a sun-dial of 1606, several fragments of earlier fabric, a gallery of 1821 and an oak chancel screen and altar of 1924.

History

The church was constructed in 1821 on the site of earlier chapels dating to c.1130 (a Norman font survives) and 1706. The church was restored in 1877-88 by W.H. Howorth of Cleckheaton, at which time the original box pews, three decker pulpit and north-south alignment was replaced with the current arrangement. The south porch was added as a War Memorial after the First World War in 1923. The roof was renewed in 1934, along with other improvements, to create the current barrel vault shape; previously the church had a flat ceiling. A new organ was installed in 1963, with its pipes occupying part of the gallery.

At the time of listing, the upper levels of the tower, above the bellcote, had been removed because of instability. Restoration work from 2004 to 2007 replaced the upper levels to the same pattern as the original of 1821, including the reintroduction of the original finial of the tower.

Details

MATERIALS: the building is constructed of hammer dressed stone with quoins and a stone slate roof.

PLAN: the church has a nave and chancel under a single roof, aligned east-west. At the west end is a bell cote and there is a south porch.

EXTERIOR: the nave and chancel are not differentiated externally. A low plinth runs round the base of the building. The east end has a three-light pointed arch window with simple tracery, hood mould and shield stops. Above the window is a small blocked opening and a stone cross surmounts the gable end. The north side of the church has six two-light pointed arch windows with Y tracery and hood moulds. The south side also has six similar windows, and an arched doorway approached up three steps between the fifth and sixth windows. Above the doorway is a sun-dial of 1606 and a decorative stone shield, with another shield close by. The second window on the south side is partially obscured by a porch which has a pitched roof, corbelled eaves, diagonal buttresses and a pointed arch opening to the front with hood mould. There are two-light round-arched windows to either side, beneath a squared hood mould. The west end has a central tower, corbelled out on two brackets at first floor level and octagonal above the roof line. There is a single ground floor window in the base of the tower and another above the corbel brackets, with an oculus above. There are smaller windows to either side at a higher level. A little above the roof line is the restored bell chamber with louvred openings and a short spire above with an original finial.

INTERIOR: the chancel and nave are defined by a carved oak chancel screen dating from 1924 which crosses between the fourth and fifth windows. The carved oak altar is of the same period. The organ, of 1963, is to the left of the altar while to the right is an enclosed kitchen area. An oak pulpit stands in the north-east corner of the nave and dates to 1911. The nave has timber pews arranged with a central aisle and two side aisles, and an open area to the rear beneath the gallery. The gallery is supported on two steel columns and has a panelled timber front. To the rear of the gallery is access to the bell-ringing chamber where the 'Ellacombe' system allows one person to play all eight bells from a single panel. Only the central part of the gallery is open, the rest being occupied by organ pipes. At the rear of the nave is a restored Norman stone font on a later base. It is cylindrical and decorated with intersecting arches, abstract shapes and faces with cable moulding at the top. All but the two easternmost windows have stained glass dating from the late C19 and early C20, with most dedicated to individual families.

SUBSIDIARY ITEMS: the graveyard contains a number of chest tombs and other substantial memorials, some pre-dating the current building. It contains the headstone of a niece of Patrick Brontë.

This List entry has been amended to add the source for War Memorials Register. This source was not used in the compilation of this List entry but is added here as a guide for further reading, 20 July 2017.

Legacy

The contents of this record have been generated from a legacy data system.

Legacy System number: 341083

Legacy System: LBS

Sources

Books and journals

Pevsner, N, Radcliffe, E, The Buildings of England: Yorkshire: The West Riding, (1967)

Websites

War Memorials Register, accessed 20 July 2017 from

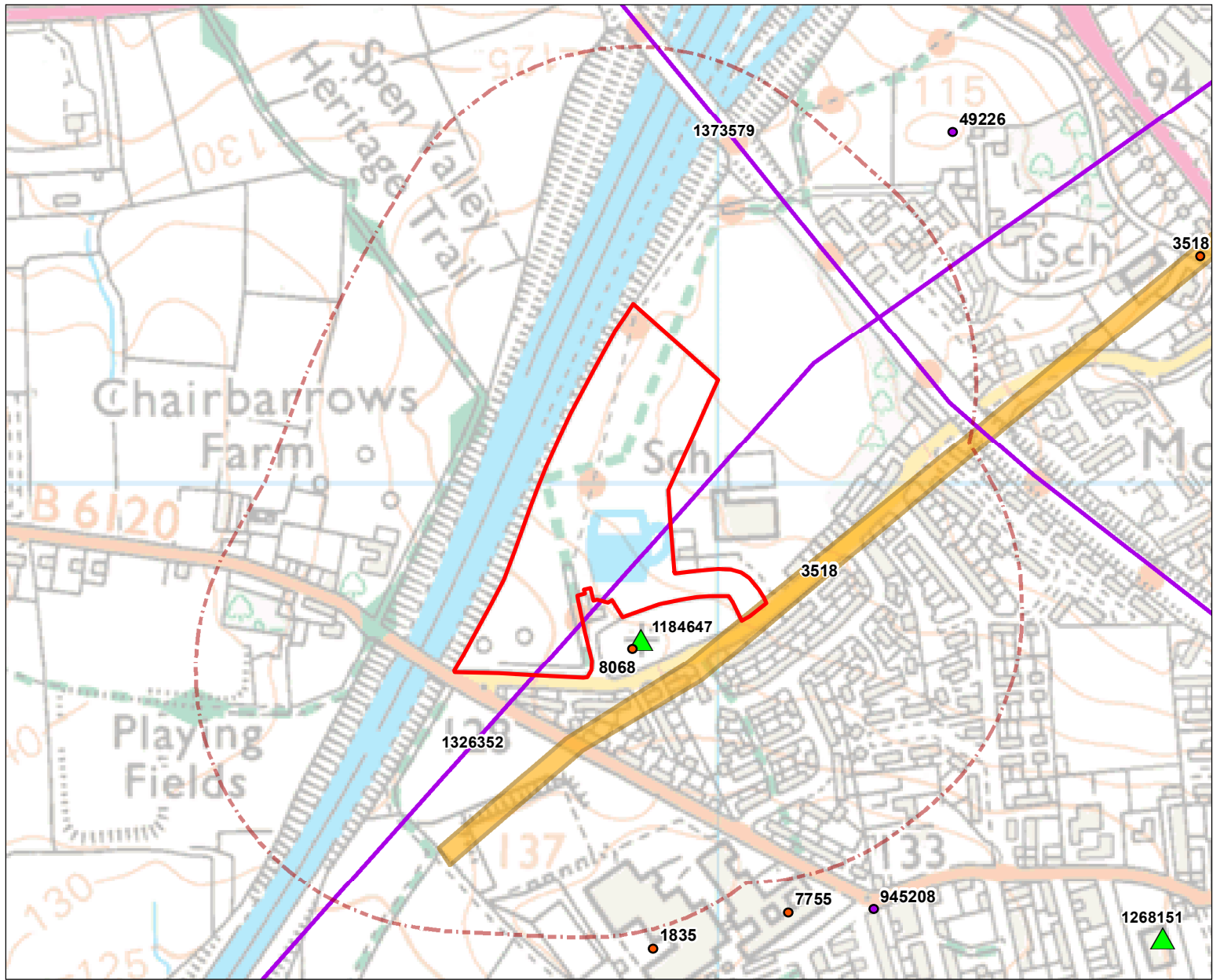
<http://www.iwm.org.uk/memorials/item/memorial/72765> 

Legal

This building is listed under the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended for its special architectural or historic interest.

End of official listing

Figures



KEY

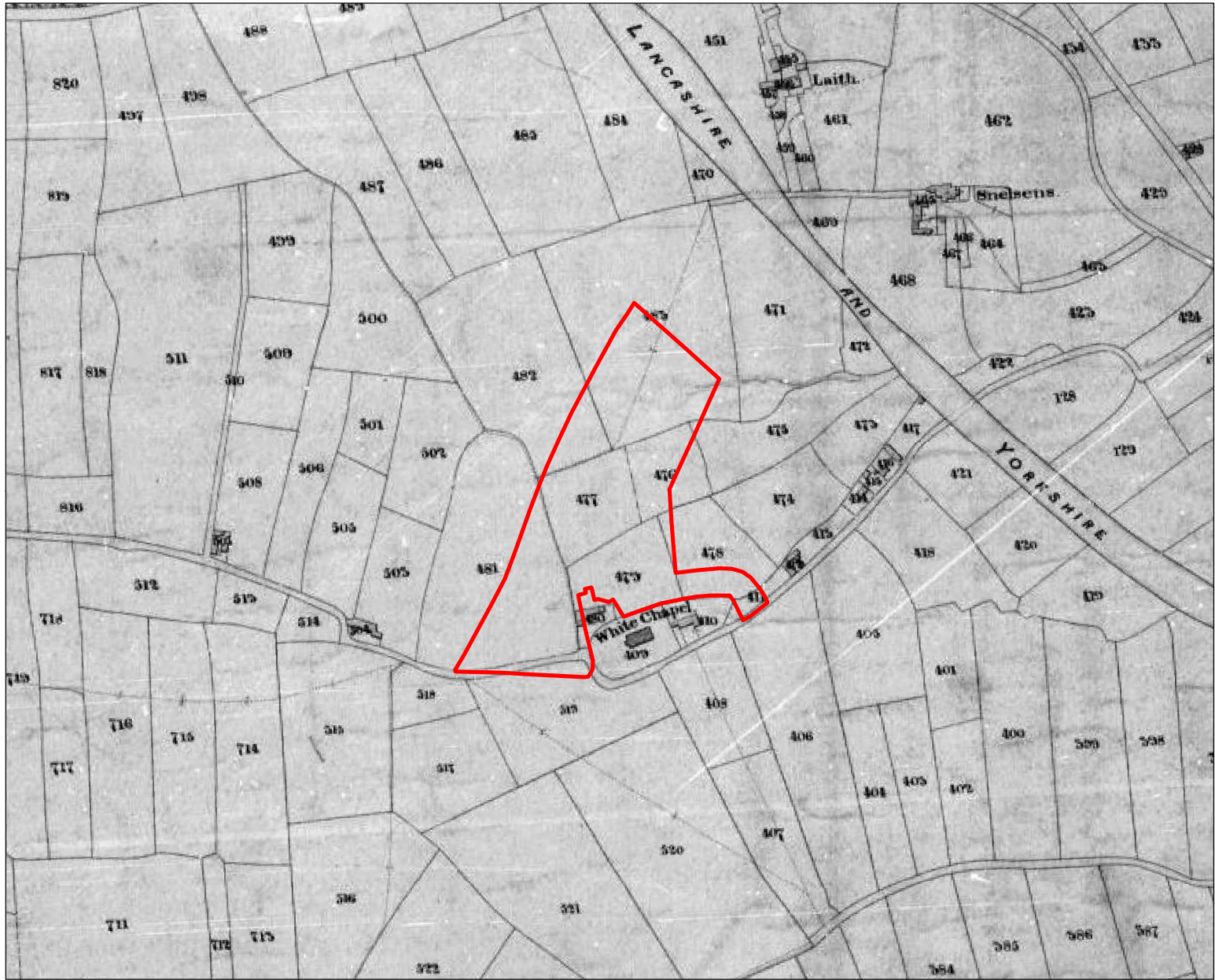
- Site
- Study Area
- Listed Buildings grade:**
- ▲ II*
- ▲ II
- HER 'Monument' point
- HER 'Monument' region
- AMIE 'Monument' line
- AMIE 'Monument' point

Revisions:
 First Issue- 27/03/2019 RGO
 Second Issue - 04/11/2019 RGO

Figure 1: Heritage Data
 Whitechapel Road,
 Cleckheaton

Client: Barratt Homes
 DRWG No: P18-0086 Sheet No: - REV: -
 Drawn by: RGO Approved by: LG
 Date: 04/11/2019
 Scale: 1:5,750 @ A3





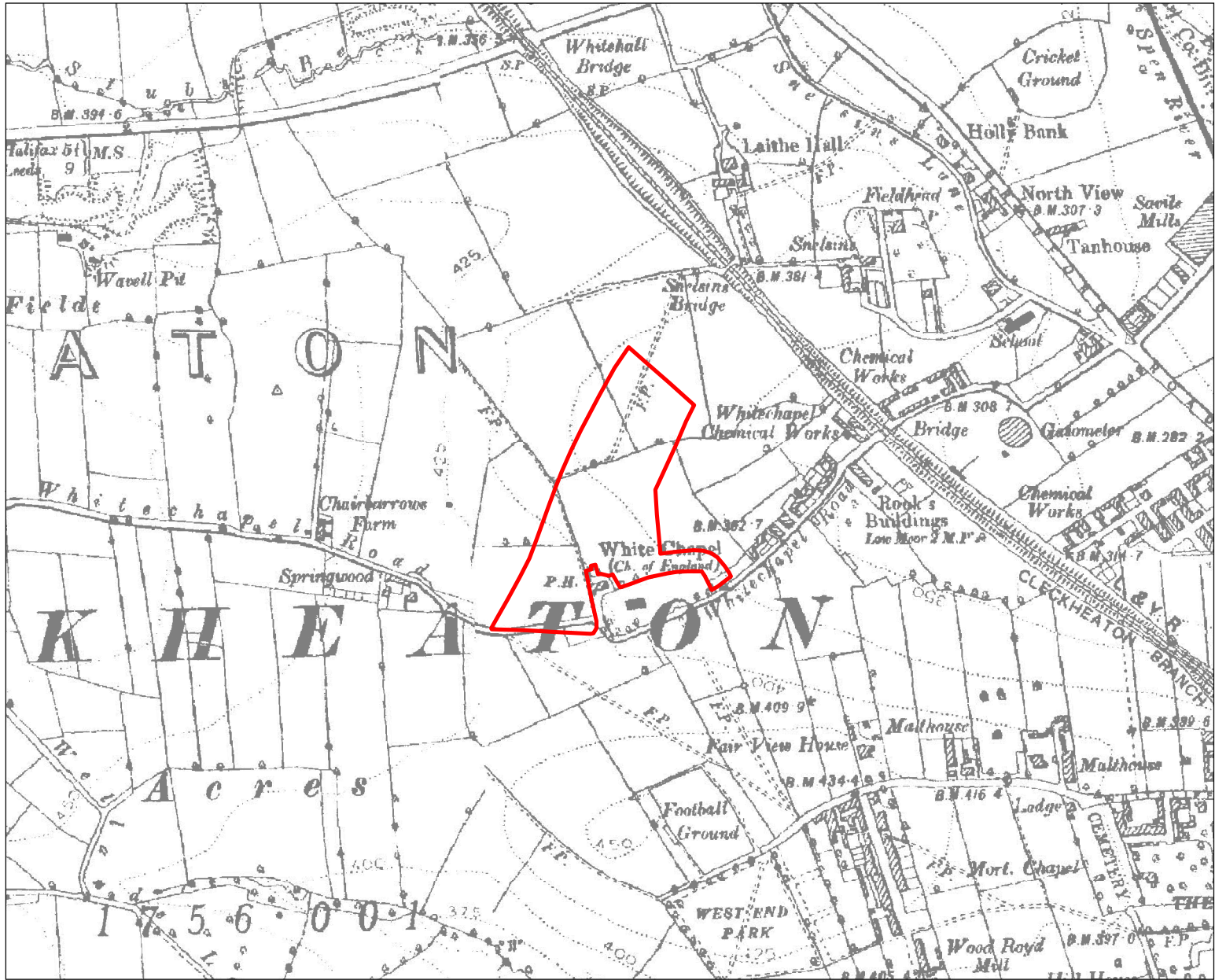
KEY
 Site

Revisions:
 First Issue - 27/03/2019 RGO
 Second Issue - 04/11/2019 RGO

**Figure 2: Cleckheaton
 Tithe Map 1848
 Whitechapel Road,
 Cleckheaton**

Client: Barratt Homes
 DRWG No: **P18-0086** Sheet No: - REV: -
 Drawn by: RGO Approved by: LG
 Date: 04/11/2019
 Scale: 1:5,750 @ A3 **Pegasus**
 Group





KEY
 Site

Revisions:
 First Issue- 27/03/2019 RGO
 Second Issue 04/11/2019 RGO

Figure 3: Ordnance Survey Map of 1894 Whitechapel Road, Cleckheaton

Client: Barratt Homes
 DRWG No: P18-0086 Sheet No: - REV: -
 Drawn by: RGO Approved by: LG
 Date: 04/11/2019
 Scale: 1:7,500 @ A3





KEY
 Site

Revisions:
 First Issue- 27/03/2019 RGO
 Second Issue - 04/11/2019 RGO

Figure 4: Ordnance Survey Map of 1938
 Whitechapel Road, Cleckheaton

Client: Barratt Homes
 DRWG No: P18-0086 Sheet No: - REV: -
 Drawn by: RGO Approved by: LG
 Date: 04/11/2019
 Scale: 1:7,500 @ A3



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