# KIRKLEES METROPOLITAN COUNCIL
# INVESTMENT & REGENERATION SERVICE

## DEVELOPMENT MANAGEMENT

**Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) – SECTION 16**

**DELEGATED DECISION TO DETERMINE APPLICATIONS FOR LISTED BUILDING CONSENT**

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| **Reference No:** | 2020/65/93801/W |
| **Site Address:** | King James School, St Helen's Gate, Almondbury, Huddersfield, HD4 6SG |
| **Description:** | Listed Building Consent for the erection of plaque (Within a Conservation Area) |
| **Recommending Officer:** | Craig McHugh |

**DECISION – Refuse Listed Building Consent**

**I hereby authorise the refusal of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.**

Nick Grimshaw

***AUTHORISED OFFICER***

**Date: 30-Sep-2021**

## Officer Report

## Site Description

King James's School was founded in 1609, the earliest buildings on the site no longer exist. The Entrance Block and Extensions to North and North West are listed grade II. The entrance was rebuilt between 1743 and 1746 and the extension to the north-west was built on the site of earlier buildings in 1848, the extension to the north was built around 1848.

The proposed works relate solely to the entrance block, which is two storey and constructed of hammer dressed stone, with quoins. It has a stone slate roof with three tall hammer dressed stone chimney stacks. The windows are mullioned with 8 pane fixed lights and casement. The doorway is to the left of the centre of the building and has stone surrounds. The entrance block faces east over a lawned garden area.

King James's School is located in Almondbury, off St Helen's Gate Road. The wider school site comprises buildings which were constructed over numerous decades in a mixture of architectural styles. Materials are prominently natural stone.

The site is located in the Green Belt and within the Almondbury Conservation Area. To the west of the built campus are associated playing pitches / facilities, with open country to the south and east. To the north is Almondbury centre. PROW Hud/146/10 runs along the site's northern boundary.

## Description of Proposal

Listed Building Consent for the erection of plaque (Within a Conservation Area)

## History of negotiations/amendments received

Further information on the proposed design of the blue plaque and on its subject was requested and provided. The applicant was encouraged to consider alternative means of heritage interpretation that would allow for contextual explanation of Rev Frank Marshall's role in the Rugby Split of 1895.

## Relevant Planning History

The property has an extensive planning history, but none is directly relevant to this application. No other individuals have been considered for commemoration at King James School with a blue plaque.

## Consultation Responses

Officer report has been compiled by the Conservation and Design Officer.

**Public/Members Response**

The application has been publicised with a site notice and a press notice. Three objections were received, which are summarised as follows:

Objection: The Rev Farnk Marshall should not be honoured with a blue plaque because he pursued a vendetta against working class rugby union players.

Objection: A blue plaque for the Rev Frank Marshall is not appropriate on the premises of a state funded school as he scorned the working classes.

Objection: The Rev Frank Marshall should not be commemorated with a blue plaque, his stance on payment of working class Rugby Union players caused considerable hardship

Date site notice expired: 11/12/2020

Publicity expiry date: 27/12/2020

**Policy**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

**Local Plan**

- LP35 Historic environment

**National Policies and Guidance:**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published February 2019, together with Circulars, Parliamentary Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 16 (Conserving and Enhancing the Historic Environment)

**Access considerations**

None

**Climate Change Emergency**

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

The proposed works would have no significant environmental impacts.

**Assessment**

***1. Significance of the affected heritage assets***

Paragraph 194 of the NPPF requires that applicants describe the significance of any heritage assets affected, including any contribution made by their setting, consult the historic environment record, use appropriate expertise where necessary and where there is known or potential archaeological interest, submit an appropriate desk-based assessment and, where necessary, a field evaluation.

The applicant has provided a heritage statement. The case officer has checked the Historic Environment Record. The requirements of paragraph 194 have been fulfilled.

Paragraph 195 of the NPPF requires that the Local Planning Authority identify and assess the particular significance of any heritage assets affected and take this into account when considering the impact of the proposal on a heritage asset.

King James School is one of the oldest schools in West Yorkshire, receiving its charter in 1608 and is pre-dated by Heath Grammar, Halifax (1585) and Queen Elizabeth Grammar School, Wakefield (1591). The school originated in the north-east corner of the present school site, the earliest remaining building (the entrance block) dates from the mid-18th century with mid-19th century additions, this part of the building is listed grade II. The school was expanded to the south in the late 19th century in an Old English Revival style by W Swinden Barber, an accomplished architect from Halifax whose work includes many listed churches. The 18th and 19th century buildings make a positive contribution to the character of the conservation area.

Further expansion took place to the west of the site in the 20th century. The 20th century buildings are of a utilitarian design and constructed of local stone. They make a neutral contribution to the character of the conservation area.

## *2. Principle of commemorating Rev Frank Marshall.*

Available policy and guidance

Kirklees has not adopted any planning policy or guidance on blue plaques or other means of public commemoration such as statues.

English Heritage issued guidance in its advisory role *Celebrating People & Place: Guidance on Commemorative Plaques & Place Schemes* (undated but seemingly issued c.2010), this remains the only national guidance on this subject. It aims to provide useful guidance with regards to all aspects of the work which goes into commemorative plaques. However, the guidance on who is to be commemorated and for what is generally held to be applicable to those *administering* the blue plaque scheme or funding the blue plaque if it is a single project, rather than the local planning authority.

The following advice is provided:

> The figures, events and historical associations named on plaques may or may not be positive; although the majority of plaques aim to be celebratory, others choose not to take a moral stance on the people, occurrences and practices of the past. It should be noted, however, that the general perception is that plaques seek to honour the subject to which they draw attention. As is reflected by the term 'commemorative plaque' and the name applied to a number of early plaques – 'memorial tablets' – they seek to commemorate and perpetuate the memory of people, events or associations, and bring an element of the past into the present and the future. For many, they work best when they give rise to interested curiosity or a smile, something unlikely to happen were a plaque to name a murderer, for instance. Sometimes, it may be relevant to mark a site where something tragic or unpleasant took place, but thought should always be given as to how this is best done, and whether or not a conventional plaque is appropriate.
>
> Along with other examples from across the country, English Heritage's selection criteria are provided as best practice examples, their criteria are as follows:
>
> i. There shall be reasonable grounds for believing that the subjects are regarded as eminent by a majority of members of their own profession or calling.
> ii. They shall have made some important positive contribution to human welfare or happiness.
> iii. They shall have had such exceptional and outstanding personalities that the well-informed passer-by immediately recognises their names.
>
> or They deserve national recognition.

> Under point iii, the first criterion refers to figures who could broadly be defined as popular, while the second takes into account figures who may have been of special significance, but whose names are not necessarily well known to the public at large. It therefore allows plaques to play a truly educational role by drawing attention to people such as inventors, pioneers and others who perhaps worked behind the scenes. It should also be noted that the English Heritage criteria require a subject to have made a positive contribution, ruling out the consideration of notorious criminals such as Dr Crippen (1862-1910).

With regards to obtaining listed building consent, the guidance advises that 'Key considerations will be a plaque's design, positioning and method of fixing.' Pre-application advice on the need for listed building consent is encouraged.

Recent public protests regarding the public commemoration of contested heritage in the United Kingdom and overseas, particularly in the United States, has prompted a re-examination of who is commemorated in the public realm, including in Kirklees, where a review of commemorative monuments and landmarks has been completed in accordance with the national debate.

In response to national events, in the 2021 revision of the National Planning Policy Framework a new policy paragraph was adopted at paragraph 198 as follows:

> In considering any applications to remove or alter a historic statue, plaque, memorial or monument (whether listed or not), local planning authorities should have regard to the importance of their retention in situ and, where appropriate, of explaining their historic and social context rather than removal.

National Planning Practice Guidance has not been updated to provide further guidance on interpreting this policy, or provide updated guidance on new commemorative plaques.

Historic England has however issued a *Checklist to Help Local Authorities Deal With Contested Heritage Listed Building Decisions*, this concerns proposals to remove or alter existing statues or monuments that commemorate individuals and history in the public realm that has become contested as the associated stories or meanings have become challenged. This states that:

> Our stance on historic statues and sites which have become contested is to retain and explain them; to provide thoughtful, long lasting and powerful reinterpretation that responds to their contested history and tells the full story. New responses can involve re-interpretation, added layers and installations, new artworks, displays and counter-memorials, as well as intangible interventions, such as education programmes. However the decision-making body in this situation is usually the local

planning authority, so this advice is designed to help those authorities to make a balanced decision. Proposals may of course also involve change such as the addition or replacement of an interpretative plaque on a statue. All such decisions need clear justification.

Although these recent changes to national planning policy do not relate to the installation of *new* commemorations, it is evident that persons or events commemorated are now subject of greater public scrutiny and are material planning considerations. It is also clear that contextual interpretation is advisable where heritage values are contested.

Reverend Frank Marshall

The Reverend Frank Marshall (1845-1906) was a Rugby Union referee, a prominent administrator in the game, rising to be President of the Yorkshire Rugby Union in 1890 and headmaster of Almonbury Grammar School from 1878 to 1896. He edited the definitive history of the early game *Football: the Rugby Union Game* (1892). His influence was such that the centenary history of the Rugby Football Union acclaimed him as *"one of the game's immortals"*.

As a muscular Christian, Marshall was a firm believer in the importance of rugby in "developing the physique, in influencing the character, and in improving the moral as well as the physical well being of the working man player" ('Payment for Broken Time at Rugby Football', *Athletic News Football Annual*, 1893). He was also a purist about the amateur status of Rugby Union. He wrote new rules, adopted by the Rugby Football Union, that sought to exclude all forms of payment and professionalism from the game. A key concern for working class players was the risk of injury or death, to which Marshall held the view that, *"if a man can't afford the leisure to play a game he must do without it"*.

Marshall helped to conduct more than twenty trials of clubs and players accused of professionalism leading to short term and permanent exclusions from the game for affected players, all of whom were working class players. The dispute between northern clubs in favour of professionalism and the RFU, in which Marshall had a prominent role, ultimately led to all the major northern clubs meeting at the George Hotel in Huddersfield on the 29th August 1895 and agreeing to hand in their letters of resignation from the RFU. The Northern Union was formed, later to become known as the Rugby Football League. Marshall became deeply unpopular with many people in Huddersfield. He found himself heckled at meetings, stoned by schoolboys, and, on one occasion, jostled at the railway station. The school suffered as wealthy manufacturers withdrew their boys from the school and so numbers fell. As a result, the Governors, who had long been concerned at the amount of time he spent on RFU affairs, discussed the situation with him and, as a result, he resigned as headmaster of Almondbury Grammar School.

***3. Assessment against the national Blue Plaque criteria.***

The Rev Frank Marshall had a significant association with King James's School, he was its headmaster for 18 years, lived in the building on which the plaque is proposed to be erected, and was responsible for the expansion of the school's fabric in his time there.

With regards to the criteria used by English Heritage for considering subjects for a blue plaque, sufficient evidence has been provided by the applicant to demonstrate that Rev Marshall is regarded as an eminent figure within the history of Rugby Union.

However, the criteria also advise that subjects shall have made some important *positive* contribution to human welfare or happiness. As the three objectors have highlighted in their representations, Rev Marshall was a divisive figure in his own day and unpopular in the town of Huddersfield and remains capable of provoking strong feelings today. The issue of professionalism in the game of Rugby Union during the 1880s and 1890s was a matter of intense debate. Marshall was an influential Rugby Union official, but he did not seek to resolve the issue of professionalism through positive actions such as seeking to find compromise, common ground and reconciliation. Instead, he took actions that caused hardship to others and drove them apart. Whether his actions were driven by prejudice towards working class people or by his adherence to the purity of amateurism in Rugby Union is debatable, but his words and actions would be out of place in contemporary society without contextual explanation. As national planning policy and guidance advise, contextual interpretation of controversial public figures is recommended, and blue plaques do not allow for that. They are generally regarded by the public as commemorating the lives of worthy individuals and do not offer sufficient space to contextualise contested heritage. The principle of commemorating Rev Frank Marshall with a blue plaque is therefore considered to conflict with the relevant criteria on erecting commemorative plaques included in the English Heritage guidance.

***4. Impact of the proposed alterations***

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the Local Planning Authority 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.

LP 35 of the Local Plan requires that proposals affecting a designated heritage asset should preserve or enhance the significance of the asset.

Paragraph 199 of the NPPF requires that 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.

The proposed works are to install a blue plaque commemorating the Reverend Francis Marshall who was headmaster of King James' School. Details of the design, size, method of fixing and approximate location of the plaque on the principal elevation of the listed building have been provided. The plaque would be located above the main entrance door, this would be a prominent location on the building when viewed from *within the gardens* adjacent to the entrance block. It would cause slight harm to the architectural interest of the listed building as a visual distraction and would obscure the historic interest of the building's 18th century origins. In terms of the NPPF's criteria the adverse direct and indirect heritage impact would result in less than substantial harm.

### *5. Applicant's Justification*

Paragraph 200 of the NPPF requires that the Local Planning Authority should require clear and convincing justification for any identified harm.

The plaque is sought in the applicant's words to: *"commemorate the Rev. Francis Marshall, having lived in the school house and been the Headmaster of the then Almondbury Grammar School from 1878 to 1896. He was instrumental in fighting for rugby to remain an amateur sport, which was a major cause of the 'great rugby split', which took place at The George Hotel, Huddersfield in 1895, leading to the formation of The Northern Rugby Union, later to be known as Rugby Football League"*.

Due to its size (which is the standard English Heritage approved blue plaques) it would only be readable from within the grounds of King James's School, which are not accessible to members of the public unless they are members of the school community. The nearest public footpath is 37m to east. Awareness of Rev Marshall's association with the school, would therefore be limited to the members of the school community. Alternative means, less harmful to the significance of the listed building, could be used to reach this audience. Therefore, the works are not considered to be justified as outweighing the perceived direct and indirect heritage impacts.

### *6. Weighing of harm against public benefits*

Paragraph 202 of the NPPF requires that 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.

The principal of commemorating Rev Frank Marshall with a blue plaque is not considered to meet the appropriate criteria, established by English Heritage in its guidance and therefore does not represent a public benefit. Although an

eminent figure within the history of Rugby Union, he was and remains a divisive figure. He is not widely regards as making a positive contribution to human welfare or happiness.

**Conclusion**

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act requires that the Local Planning Authority 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.

This application has been assessed against relevant policies in the development plan and other material considerations.

It is considered that the proposed erection of the prominently located plaque would have an adverse impact on the appreciation of the special architectural and historic interest of the listed building and therefore would not preserve or enhance the designated heritage asset contrary to the requirements of the Kirklees Local Plan Policy LP35. The adverse impacts of granting consent would significantly and demonstrably outweigh any public heritage benefits resulting from the change to the character and architectural significance of the building when assessed against paragraphs 199 and 202 of the NPPF, as well as the material considerations in particular Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act.

**Recommendation – REFUSE LISTED BUILDING CONSENT**

**Decision Authorisation - Delegated Powers**

**Application Number**: 2020/93801

**Officer Recommendation**: REFUSE LISTED BUILDING CONSENT

**Conditions and Reasons**

1. The proposed blue plaque would be located on a prominent location above the main entrance door on the front elevation of the listed building. This would cause less than substantial harm to its significance. The introduction of this intrusive feature would diminish, rather than preserve or enhance, its special architectural and historic interest. The application is, therefore, contrary to Sections 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy LP35 of the Local Plan. A clear and convincing justification has not been provided to demonstrate that the adverse direct and indirect impact on the listed building's significance, resulting from the alteration to the main entrance, would be outweighed by the proposal's heritage benefits. The plaque would not be readable from the public highway and alternative, more accessible and less harmful, means of raising awareness of the subject's association with the school are available. The application is therefore contrary to paragraphs 199 and 200 of the National Planning Policy Framework. Public benefits have not been demonstrated that would outweigh the less than substantial harm to the significance of the listed building. The principle of commemorating Rev Frank Marshall with a blue plaque is therefore considered to conflict with the relevant criteria on erecting commemorative plaques included in the English Heritage guidance and is not therefore a public benefit. The application is therefore contrary to paragraph 202 of the National Planning Policy Framework and Kirklees Local Plan Policy LP35.

Plans and specifications schedule:-

| Plan Type | Reference | Version | Date Received |
|---|---|---|---|
| Location Plan | | | 13/11/2020 |
| Heritage Statement | | | 13/11/2020 |
| Blue Plaque Illustration | | | 18/01/2021 |
| Supporting Information re Rev Frank Marshall | | | 18/01/2021 |

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

Further information on the proposed design of the blue plaque and on its subject was requested and provided.

The applicant was encouraged to consider alternative means of heritage interpretation that would allow for contextual explanation of Rev Frank Marshall's role in the Rugby Split of 1895.

**Report Dated:** 29/09/2021