



April 2022

HERITAGE STATEMENT

On behalf of Cornerstone Telecommunications Infrastructure Limited

LBC application relating to the upgrade of an existing radio base station, comprising the removal of 3no. Ericsson radio system (ERSs) and replacement with 3no. ERSs, installation of 3no. additional ERSs, 3no. combiners and ancillary development thereto.

***Rooftop of KIRKE HOUSE, CHURCH STREET,
PADDOCK, HUDDERSFIELD, WEST YORKSHIRE, HD1
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1.0 INTRODUCTION

This Heritage Statement has been prepared in connection with the upgrading of the existing telecommunication radio base station to enable Telefonica UK Limited, providing new 5G services into the network as well as improved 2G/3G/4G coverage and capacity for the operator.

The site is located at Kirke House in Huddersfield, which is Grade II listed.



Figure 1: Showing Kirke House as a Grade II Listed Building (Source: Magic Map). Listed Building in red. Application site highlighted in blue.

This Heritage Statement provides information with regard to the significance of the built historic environment to fulfil the requirement given in paragraph 194 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.”

In order to inform an assessment of the acceptability of the scheme in relation to impacts to the built historic environment, following paragraphs 199 to 202 of the NPPF, any harm to the built historic environment resulting from the proposed development is also described, including impacts to significance through changes to setting.

As required by paragraph 194 of the NPPF, the detail and assessment in this report is considered to be *“proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on their significance.”*

¹ NPPF, MHCLG, 2021

2.0 METHODOLOGY

In order to relate to key policy, the following levels of harm may potentially be identified when assessing potential impacts of development on heritage assets, including harm resulting from a change in setting:

- **Substantial harm or total loss.** It has been clarified in a High Court Judgement of 2013² 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’*;
- **Less than substantial harm.** Harm of a lesser level than that defined above;
- **No harm** (preservation). A High Court Judgement of 2014³ is relevant to this, in which it was held 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’.

It is important to note that preservation does not mean ‘no change’; it specifically means ‘no harm’. Historic England’s *Historic Environment Good Practice in Planning Note 2: Managing Significance in Decision Taking in the Historic Environment* (referred to as GPA 2⁴) 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. The factor that matters is whether such change is neutral, harmful or beneficial to the significance of an asset.

² EWHC 2847, R DCLG and Nuon UK Ltd v. Bedford Borough Council

³ EWHC 1895, R (Forge Field Society, Barraud and Rees) v. Sevenoaks DC, West Kent Housing Association and Viscount De L’Isle

⁴ Historic England, *Historic Environment Good Practice in Planning Note 2: Managing Significance in Decision Taking in the Historic Environment* (Swindon, 2015).

3.0 PLANNING POLICY CONTEXT

The planning policy overall is set out in the accompanying Supplementary Information Statement. Policies of specific relevance to historic environment considerations are set out below.

3.1 Planning (Listed Buildings and Conservation Areas) Act 1990

Legislation relating to the 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.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

“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.”

Judgement in the Court of Appeal (‘Mordue’) has clarified that, with regards to the setting of listed buildings, where the principles of the NPPF are applied, the requirements of which are now given in paragraph 202 of the revised NPPF, this is in keeping with the requirements of the 1990 Act⁵.

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

“In the exercise, with respect to any buildings or other land in a conservation area... special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”

3.2 National Planning Policy Framework

National policy and guidance is set out in the Government’s National Planning Policy Framework (NPPF), published in July 2021. This replaced and updated the previous National Planning Policy Framework 2019. The NPPF should be read as a whole and is intended to promote the concept of delivering sustainable development.

The NPPF sets out the Government’s economic, environmental, and social planning policies for England. Taken together, these policies emphasise the Government’s vision of sustainable

⁵ Jones v Mordue [2015] EWCA Civ 1243

development, which should be interpreted and applied locally to meet local aspirations. The NPPF recognises that the planning system is plan-led and that Local Plans and, where relevant, Neighbourhood Plans, are the starting point for the determination of any planning application, including those which relate to the historic environment.

The overarching policy applicable to the proposed development is the presumption in favour of sustainable development. This 'presumption' sets out the tone of the Government's overall stance and operates with and through the other policies of the NPPF. 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 objectives, 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.

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)."

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 legislation.⁶"

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 significance."

Section 16 of the NPPF relates to 'Conserving and enhancing the historic environment'. Paragraph 195 states:

⁶ NPPF Annex 2, MHCLG, 2021.

“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.”

Paragraph 197 goes on to state that:

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

The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

The desirability of new development making a positive contribution to local character and distinctiveness.”

With regard to the impact of proposals on the significance of a heritage asset, paragraphs 193 and 194 are relevant and read as follows:

“199 – 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.”

“200 – 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:

Grade II listed buildings, or Grade II registered parks or gardens should be exceptional;

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.”*

In the context of the above, it should be noted that paragraph 201 reads as follows:

“Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh harm or loss, or all of the following apply:

The nature of the heritage asset prevents all reasonable uses of the site; and

No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and

Conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and

The harm of loss is outweighed by the benefit of bringing the site back into use.”

Paragraph 202 goes on to state 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.”

3.3 National Planning Guidance

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

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 proposals.”⁷

⁷ MHCLG, PPG, paragraph 007, reference ID: 18a-007-20190723

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 [emphasis added]. The harm may arise from works to the asset or from development within its setting.

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.”

3.4 Local Planning Policy

Applications are currently determined in line with the Kirklees Local Plan (February 2019). The supplementary information statement provides an overview of this however the relevant policy to heritage assets is below:

The Policy LP35 Historic environment

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:

- a. the nature of the heritage asset prevents all reasonable uses of the site;
- b. no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;
- c. conservation by grant-funding or some form of 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

4.0 THE SITE

The Site is located on the rooftop of Kirke House in Kirklees. The host building is Grade II Listed.

The site is located at Kirke House off Church Street. It is a Grade II listed building which currently supports 3 no. antennas that are wall mounted on poles, internal equipment and ancillary development thereto. To the east of the site is Paddock Lodge beyond which are residential properties. To the west is a mosque, to the south residential properties and to the north is a railway line beyond which are residential properties. There are numerous trees and hedgerows that surround the site.

4.1 Setting Assessment

Step 1 of the methodology recommended by the Historic England guidance *GPA 3: The Setting of Heritage Assets*⁸ is to identify which designated heritage assets might be affected by a proposed development.

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.

Consideration was therefore made as to whether any of the built heritage assets present within the surrounding area may include the Site as part of their setting which contributes to their overall heritage significance, and therefore may potentially be affected by the proposed scheme.

Initial consideration has concluded that the host building is the heritage asset which has the potential to be sensitive in regards to development proposal:

- Grade II Listed Kirke House

⁸ Historic England, *The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3* (2nd edition, Swindon, December 2017)

4.2 Grade II Listed Kirke House

The 919/33/365 CHURCH STREET 29-SEP-78 LONGWOOD (North side) KIRKE HOUSE
(Formerly listed as: CHURCH STREET LONGWOOD CHURCH OF ALL SAINTS)

II Commissioners' church of 1828 by J. Oates; chancel enlarged 1878-79 by J. Kirk.

MATERIALS: Coursed and dressed sandstone. Roofless nave, replacement chancel roof.

PLAN: Nave with south porch, west tower, lower chancel, south chapel.

EXTERIOR: In simple Gothic style. The 5-bay nave is buttressed and has large lancet windows. The porch, in the first bay, has diagonal buttresses and chamfered doorway. The 3-stage west tower has angle buttresses in the lower stages, clasping buttresses at the bell stage, and embattled parapet with corner pinnacles. It has pointed windows, including the belfry openings with louvres, and circular windows in the short middle stage. Round clock faces are above the belfry openings. The chancel was in Decorated style but the east window has been blocked, with modern domestic fenestration inserted.

INTERIOR: Not accessible at the time of survey (2009)

PRINCIPAL FIXTURES: Furnishings and fixtures are said to have been removed, according to the local authority.

HISTORY: Originally known as All Saints parish church and built in 1828 by John Oates (1793-1831), architect of Halifax. John Oates had a busy practice in the 1820s, during which he built several Gothic churches. His best-known secular works were Huddersfield Infirmary and Halifax Assembly and Concert Rooms. All Saints cost £2706, wholly funded under the auspices of the 1818 Church Building Act, which was passed in order to build new churches in growing industrial districts where the provision for Anglican worship was generally lacking. The chancel was enlarged in 1878-79 by John Kirk (1828-86), architect of Huddersfield. The church was declared redundant in 1984 and Kirk's chancel has since been converted to a house. John Oates is said to be buried in the graveyard.

SOURCES: Pevsner, N., *The Buildings of England: Yorkshire, West Riding* (1959), 271. Port, M H., *Six Hundred New Churches* (1961), 168-69.

REASONS FOR DESIGNATION: Kirke House (former church of All Saints), Longwood, Huddersfield, is designated at Grade II for the following principal reasons: * Despite the ruinous condition of the nave, the church represents the simple Gothic style of the early C19, with tall and

wide proportions to accommodate a gallery, of the kind grant-aided by the Church Commissioners for the building of churches in expanding towns, as was the case here in Huddersfield. * The extended chancel reflects the renewed focus on the liturgy that was an important element of the ecclesiological revival of the C19.

Therefore, the Grade II Listed Kirke House is considered a heritage asset of reasonable significance.

5.0 ASSESSMENT OF IMPACT

The application proposal relates to the upgrade of the existing telecommunications site located internally at Kirke House, Huddersfield. The scheme involves the removal of 3no. Ericsson radio system (ERSs) and replacement with 3no. ERSs, installation of 3no. additional ERSs, 3no. combiners and ancillary development thereto.

The additional plan has been provided that shows the fixings and locations of the upgrade.

5.1 Grade II Listed Kirke House

It is imperative to consider that the proposed equipment is located internally and will not have any effect on the exterior of the Grade II Listed Building or surrounding heritage assets.

As shown on the additional plan 3no. ERS are to be removed and replaced in the same locations. an additional 3no. ERS are to be located on ERS rails and will be located next to the replacement ERS's. The 3no. proposed combiners (the size of a shoebox) will be fixed to the internal wall via unistrut as the existing 4no. combiners which have already been considered acceptable by the Local Planning Authority.



Figure 2: Shows the Combiners and ERS's locations which is not accessible to the public.

Irrespective of this, the proposed telecommunications equipment is unlikely to alter the experience and appreciation of the heritage asset from within and will not detract from the historical presence. The proposed equipment will be located as close as possible to the existing that are to be upgraded and their proposed material will match that of the existing equipment.

As such, it is considered that the proposal will cause less than substantial harm to the significance of the Grade II Listed Kirke House.

SUMMARY CONCLUSIONS

In summary, the upgrade is not considered to result in a change that would impact upon the overall heritage significance of the host listed building. The proposals are thus in accordance with Section 66(1) of the Planning Act, Section 16 of the National Planning Policy Framework, and Policy LP35 of the Kirklees Local Plan.

It is considered that any harm would be negligible from the proposed upgrade and any harm would be considered less than substantial.

In this regard, Paragraph 202 of Section 16 of the National Planning Policy Framework states:

“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 proposal relates to the upgrade of the existing telecommunications site located internally at Kirke House. The upgrade will improve capacity on the 2G, 3G and 4G networks and will also introduce 5G coverage for Telefonica UK. It will also maintain and improve coverage for the Mobile Virtual Network Operator's (MVNOs) which use the Telefonica network which includes GiffGaff, Tesco Mobile, Sky Mobile, Talk Talk Mobile, and Lyca Mobile on the Telefonica network. Therefore, the proposal will not only provide a service for the operator but those who buy network space off them, which is at least 5 with Telefonica. Customers of all these networks will benefit from a more reliable network as a result of the proposal and will have access to the 5G network. Thus, the public benefits of the proposal are very significant, and as such, it is considered that the benefits of the proposal would outweigh the less than substantial harm to the significance of the host listed building. Further details of the extensive benefits provided by the 5G network can be found in the Supplementary Information document submitted as part of the planning application.

It is considered that there will be no substantial harm to, or loss of, any heritage assets as a result of the proposal.