



DESK BASED ARCHAEOLOGICAL ASSESSMENT

ADDENDUM

JANUARY 2024



GILLESPIES



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Desk-based Archaeological Assessment.

On behalf of Kirklees Council

Date: 25 January 2024 | Pegasus Ref: P24-O164_ROO2v1_HT_SB_LG_

Author: Simon Britt IHBC MRPTI and Laura Garcia MCIfA



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1. Introduction

- 1.1. Pegasus Group have been commissioned by Kirklees Council to prepare a Desk-based Archaeology Assessment to consider the proposed to consider the proposed changes to the Phase 1 of permitted and consented¹ Kirklees Cultural Heart Masterplan, pertaining to the proposed library and food hall within the Grade II Listed Queensgate Market, Huddersfield as shown on the Site Location Plan provided at Plate 1.



Plate 1: Site Location Plan

Proposed Development

- 1.2. The site covers an area approximately 1.1 ha of Huddersfield Town Centre and includes the Grade II Listed Building – Queensgate Market. Within 250m of the site boundary are 155 Listed Buildings and 1 Conservation Area.
- 1.3. This Desk-based Archaeology Assessment provides information with regards to the significance of the archaeological resource to fulfil the requirement given in paragraph 200 of the Government's National Planning Policy Framework (the NPPF) which requires:

"...an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting".²

¹ See Planning Application Ref: 2022/48/93248/W and Listed Building Consent Ref: 2022/65/93235/W),

² Department for Levelling Up, Housing and Communities (DLUHC), National Planning Policy Framework (NPPF) (London, December 2023), para. 200.

- 1.4. In order to inform an assessment of the acceptability of the scheme in relation to impacts on the archaeological resource, following paragraphs 205 to 209 of the NPPF, any harm resulting from the proposed development is also described.
- 1.5. As required by paragraph 200 of the NPPF, the detail and assessment in this Report is considered to be "*proportionate to the assets' importance*".³ The significance and impact on the Listed Building in and around the application site and heritage assets in its vicinity are discussed further in the:
- Built Heritage Impact Assessment & Setting Assessment (Pegasus Group, January 2024)
 - Heritage Statement: Volume 5 – Queensgate Market Hall (Fielden Clegg Bradley Studios, March 2022); and
 - Heritage Statement: Volume 6 – Heritage Impact Assessment (Fielden Clegg Bradley Studios, September 2022).

³ DLUHC, NPPF, para. 194.

2. Site Description and Planning History

Site Description

- 2.1. The site covers an area of approximately c1.1ha and comprises the Grade II Listed Queensgate Market and its immediate surrounds.
- 2.2. In addition to the buildings there are an extensive network of service tunnels, predominantly below the Piazza, servicing the surrounding area and most notably the Piazza shopping centre to the north and the market.
- 2.3. The site includes areas of open space, separating existing buildings. The open space is generally characterised with hard landscaping and limited street furniture and landscaping in terms of treatment within the public realm.
- 2.4. The site is within the setting of the Grade II Listed Library and Art Gallery; the Grade II Listed Town Hall; and the Grade II Listed St Paul's Hall and forms part of the 1960s and 1970s shopping precinct to its north. The multi-storey car park that occupied the site to its south has been demolished and is currently awaiting redevelopment.

Planning History

- 2.5. The proposed site has been subject to numerous planning applications. Of relevance to heritage are the following:

Queensgate Market

- 2022/48/93248/W Planning Permission for–Demolition of existing Piazza shopping centre; part removal of Queensgate Market; demolition/retention of service tunnels; redevelopment of the site to form new public realm space (including public park and gardens, play areas, public square/outdoor event space); refurbishment and change of use of existing Queensgate Market Hall into food hall (Use Class E (b) sale of food and drink for consumption, mostly, on the premises); refurbishment and extension of existing library and art gallery building to form museum (Use Class F.1); change of use of part existing market hall building and extension to form public library (Use Class F.1); erection of indoor event venue incorporating multi-storey car park below (Sui-Generis); erection of public gallery building (Class F.1); associated infrastructure on land and buildings at Queensgate Market, Huddersfield Library and Art Gallery, and Piazza (and The Shambles) Shopping Centre (part Listed Building/part within a Conservation Area)– Approved 21st July 2023.
- 2022/65/93235/West – Listed Building Consent for – Listed Building Consent for demolition, alteration, refurbishment and extension to create library, Food Hall and public realm– Approved 21st July 2023.
- 2020/93736 – Prior Approval for demolition of car park – Approved 8th December 2020.

Numerous Listed Building Consent applications for shopfront alterations, internal alterations and associated works.

3. Methodology

3.1. The aims of this Report are to assess the significance of the heritage (archaeological) resource within the site/study area, and to identify any harm or benefit to it which may result from the implementation of the development proposals, along with the level of any harm caused, if relevant.

3.2. This assessment considers archaeology only.

Sources

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

- The National Heritage List for England (NHLE) for information relating to designated heritage assets;
- The West Yorkshire Archaeology Advisory Service (WYASS) Historic Environment Record (HER) for information relating to recorded built heritage assets;
- Historic maps held by the West Yorkshire Archive Service, those available online from The Genealogist and Promap websites;
- Previous published and grey literature reports relating to the development and town planning of the Application Site and environs; and
- Historical photographs held by the West Yorkshire Archaeology Advisory Service, and historic satellite imagery available on Google Earth.

Site Visit

3.1. Site visits was undertaken by Heritage Consultants⁴ from Pegasus Group throughout 2021 and in August 2022, during which the site and its surrounds were assessed. Selected heritage assets were assessed from publicly accessible areas.

Assessment Methodology

3.2. Full details of the assessment methodology used in the preparation of this Report are provided within **Appendix 1**.

⁴ By the authors of this report.

4. Planning Policy Framework

Legislation

- 4.1. Legislation relating to the built historic environment is primarily set out within the *Planning (Listed Buildings and Conservation Areas) Act 1990*, which provides statutory protection for Listed Buildings and their settings and Conservation Areas.⁵
- 4.1. Scheduled Monuments are protected by the provisions of the *Ancient Monuments and Archaeological Areas Act 1979* which relates to nationally important archaeological sites.⁶ Whilst works to Scheduled Monuments are subject to a high level of protection; it is important to note that there is no duty within the 1979 Act to have regard to the desirability of preservation of the setting of a Scheduled Monument.
- 4.2. In addition to the statutory obligations set out within the aforementioned Act, Section 38(6) of the *Planning and Compulsory Purchase Act 2004* requires that all planning applications, including those for Listed Building Consent, are determined in accordance with the Development Plan unless material considerations indicate otherwise.⁷

National Planning Policy Guidance

- 4.3. National Planning Policy guidance relating to the historic environment is provided within Section 16 of the Government's *National Planning Policy Framework (NPPF)*, an updated version of which was published in December 2023. The *NPPF* is also supplemented by the national *Planning Policy Guidance (PPG)* which comprises a full and consolidated review of planning practice guidance documents to be read alongside the *NPPF* and which contains a section related to the Historic Environment.⁸
- 4.4. Full details of the relevant national policy guidance is provided within **Appendix 2**.

The Development Plan

- 4.5. Planning applications within Huddersfield are currently considered against the policy and guidance set out within the *Kirklees Local Plan Strategy and Policies* (adopted 27th February 2019).

Details of the policy specifically relevant to the application proposals are provided within **Appendix 3**.

⁵ UK Public General Acts, Planning (Listed Buildings and Conservation Areas) Act 1990.

⁶ UK Public General Acts, *Ancient Monuments and Archaeological Areas Act 1979*.

⁷ UK Public General Acts, Planning and Compulsory Purchase Act 2004, Section 38(6).

⁸ Department for Levelling Up, Housing and Communities (DLUHC), *Planning Practice Guidance: Historic Environment (PPG)* (revised edition, 23rd July 2019), <https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment>.

5. The Historic Environment

- 5.1. This section provides a review of the heritage assets and recorded archaeology resource within the site and its vicinity in order to identify and assess the potential for below-ground archaeological remains.
- 5.2. Designated heritage assets are referenced using their seven-digit NHLE number, HER 'event' numbers have the prefix EWY and HER 'monument' numbers have the prefix MWY. It is noted that a number of the HER records in the gazetteer and shown on Figure 2 are also listed buildings – and thus duplicate the designated asset data.
- 5.3. A gazetteer of relevant heritage data is included as **Appendix 3**. Designated heritage assets and HER records and all designated assets and HER Records and Events are illustrated on Figures 1 – 3 in **Appendix 5**.

Previous Archaeological Works

- 5.4. A small number of archaeological events are recorded within the WYHER within the study area, however none of these have taken place within the Site. Several of the events are building recording prior to the redevelopment or demolition of buildings, with a further small number of events being field visits to observe works being undertaken at heritage assets.
- 5.5. There are six records of intrusive fieldwork events or watching briefs within the study area. Again, none of these were undertaken within the site boundary:
- EWY4671 – Watching brief, 1983 – Church of St Peter, Kirkgate – no human remains or features of archaeological significance encountered;
 - EWY4672 – Watching brief, 1984 – Church of St. Peter, Kirkgate – revealed disturbed burials and building debris;
 - EWY6322 – Evaluation in 1988 – Venn Street – Two trenches out of six found archaeological deposits including a stone flag lined pit with preserved organic remains and 14th century pottery. Also identified was a pit with post-medieval pottery associated with a shallow linear feature;
 - EWY6289 – Watching brief, 2000 – land at Kirkgate, Venn Street – no archaeology observed;
 - EWY7280 – Evaluation and excavation, 2006 – St. Peter's Church, Kirkgate – 24 skeletons and significant quantity of disarticulated bone were recovered in grave plots with post-med pottery.;
 - EWY6098 – Excavation, 1999 – Land off Venn Street, Kirkgate – following evaluation EWT6322 – excavation identified two phases of activity of late medieval and post-medieval date. The stone flag pit was identified again and was associated with gullies indicating a possible industrial purpose for this feature; and
 - EWY7760 – Evaluation at excavation, 1999 – Low Street – cellars from late 18th century buildings were identified but no further archaeological material.

- 5.6. The results of these works are discussed below, where relevant to the potential archaeological resource of the site.

Topography and Geology

- 5.7. The topography of the site is a gentle slope down to the east. The site slopes from approximately 90m aOD to its the west to approximately 80m aOD in the east.
- 5.8. The solid geology of the site is Middle Band Rock – Sandstone. The superficial geology of the site is formed of Head deposits of clay, sand, silt, and gravel.

Archaeological Baseline

Prehistoric (pre-43 AD)

- 5.9. There is no recorded evidence for prehistoric or Roman activity within or near the site.

Romano-British (AD 43 – 410) and Early Medieval (410-1066)

- 5.10. There is no recorded evidence for prehistoric or Roman activity within or near the site. The earliest recorded activity of interest is within the early medieval period of 410 – 1066. Huddersfield was recorded in the Domesday book of 1086 as *Odresfeld* indicating there was a settlement here prior to the Conquest. The land was owned by Godwin before and after the Norman conquest. The name of Huddersfield is derived from the Old English meaning 'open land of a man called *Hudraed*'.

Medieval (1066 – 1539)

- 5.11. There is evidence of medieval activity within proximity to the site, mainly deriving from fieldwork events that have taken place within the area (MWY20040). These fieldwork events have been used to identify the medieval core of Huddersfield (MWY3483) which is located to the north of the site, north of Kirkgate and adjacent to St. Peter's Church. An evaluation (EWY6322) and excavation (EWY6098) at Venn Street to the northeast of the site uncovered pits and other features containing medieval pottery from the 14th and 15th century, with later phases of activity identified from 17th century pottery. The excavation on this site uncovered evidence of a medieval building with a possible industrial function as shown by the existence of a large pit, 19m by 5m in plan and 1m deep with a flagged floor and associated gullies. It may have been used as a water source for a nearby mill as there does not seem to be evidence of tanning or textile manufacture in proximity to this site.

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

- 5.12. The post-medieval period saw the most significant change and growth within the site and its surrounds, a period which aligns with the pre-eminence of the Ramsden family as major Huddersfield landowners. There is ample evidence of this period still extant within the town and in proximity to the site.
- 5.13. It was the rise of the textile industry and the industrialisation of the process which led to the growth in size and wealth of Huddersfield. The wool industry was primarily small-scale and on a cottage industry basis until the 18th century when new mills were constructed in Chancery Lane and the construction of the Cloth Hall (MWY6926) in 1766 (now demolished) as a market hall. The emergence of an improved transport network with the construction of

canals also facilitated the increase in the scale of the textile industry. A branch canal was constructed between 1774 and 1780 by John Ramsden, 4th Baronet which linked Huddersfield with the Calder, allowing a substantial increase in the ability to trade goods.

- 5.14. It was this influx of wealth which spurred the rapid expansion of the settlement in the late 18th century which included workers cottages such as those at Wormald's Yard (MWY7322). The Ramsden estate continued to expand through new acquisitions, most notably through the 1786 enclosure award which allocated 286 out of 323 acres of local common land to Sir John Ramsden. This period witnessed the creation of King Street which originally linked to Apsley Basin via a road named The Shore (now demolished by the ring road development). The Basin formed the terminus for the branch canal, around which local boatbuilding and ropemaking industries subsequently emerged.

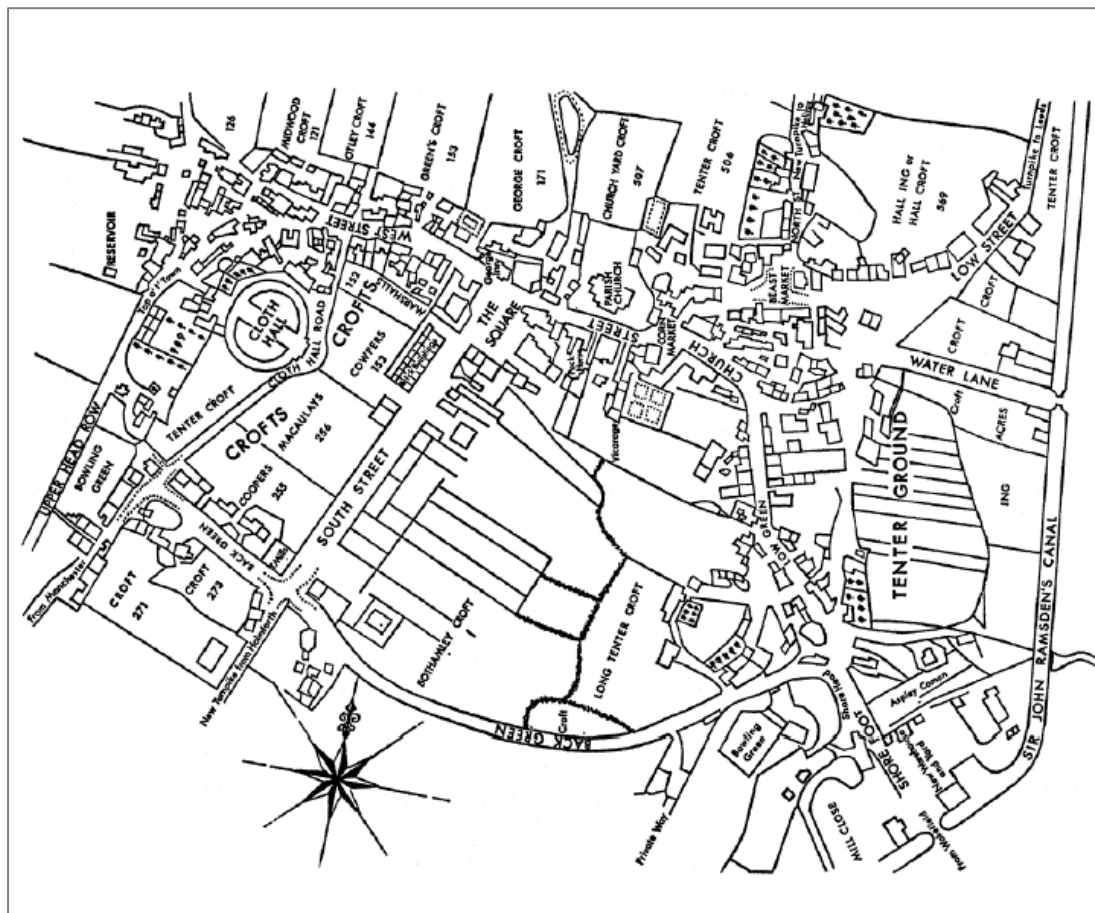


Plate 2: Map of Huddersfield, 1778.

- 5.15. Prior to the 19th-century the town centre was focused along the line of modern Westgate. The development of a new town centre for the growing textile town owes much of its layout and appearance to the local builder and engineer Joseph Kaye and the Ramsden Estate surveyor, George Loch in the 19th century. They laid out much of the sloping ground to the south of Westgate with new principal streets, including King Street, Queen Street and Cross Queen Street (Plate 3). Whilst these streets terminated with views of churches or the Cloth Hall (now demolished) (MWY6926), others, including, Ramsden Street, Princess Street and eastwards from King Street had views towards the surrounding countryside and hills.

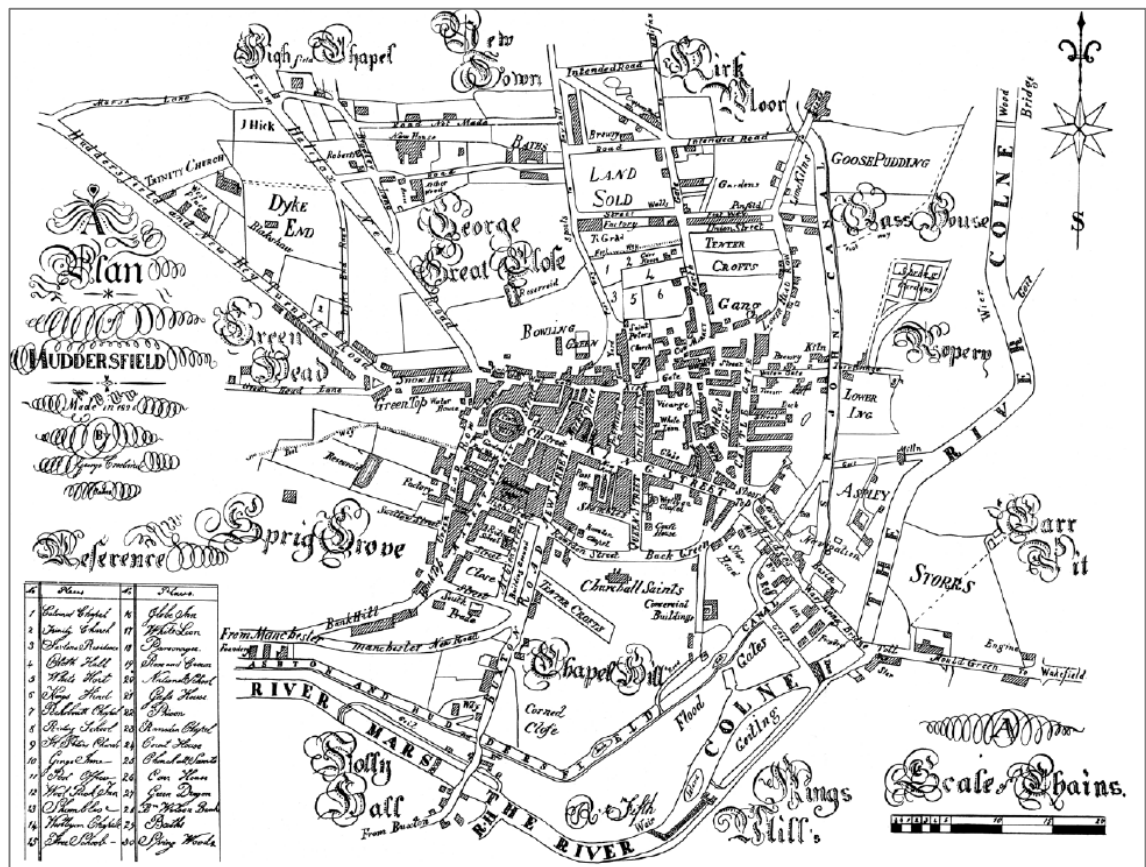


Plate 3: 'A Plan of Huddersfield', George Crossland, 1826.

- 5.16. Whilst the streets had already been laid out, the study area and immediate surrounds in the mid-19th-century was still more loosely developed than surrounding areas (Plate 4). The area north of Ramsden Street was divided into four blocks by Shambles Street, Swine Market and Bull and Mouth Lane. The 'New Market' that stretched between King Street and Swine Street is likely a reference to the market moving, this time from the market square that was further north. The market space included the shambles, which as expected, contained butcher shops and abattoirs. Swine Market is reference to the pig market that was held in this area. The market area is understood to have been used for fairs also. The area around the Congregational Chapel that stood on Ramsden Street was sparsely developed for many years after its opening in 1825.

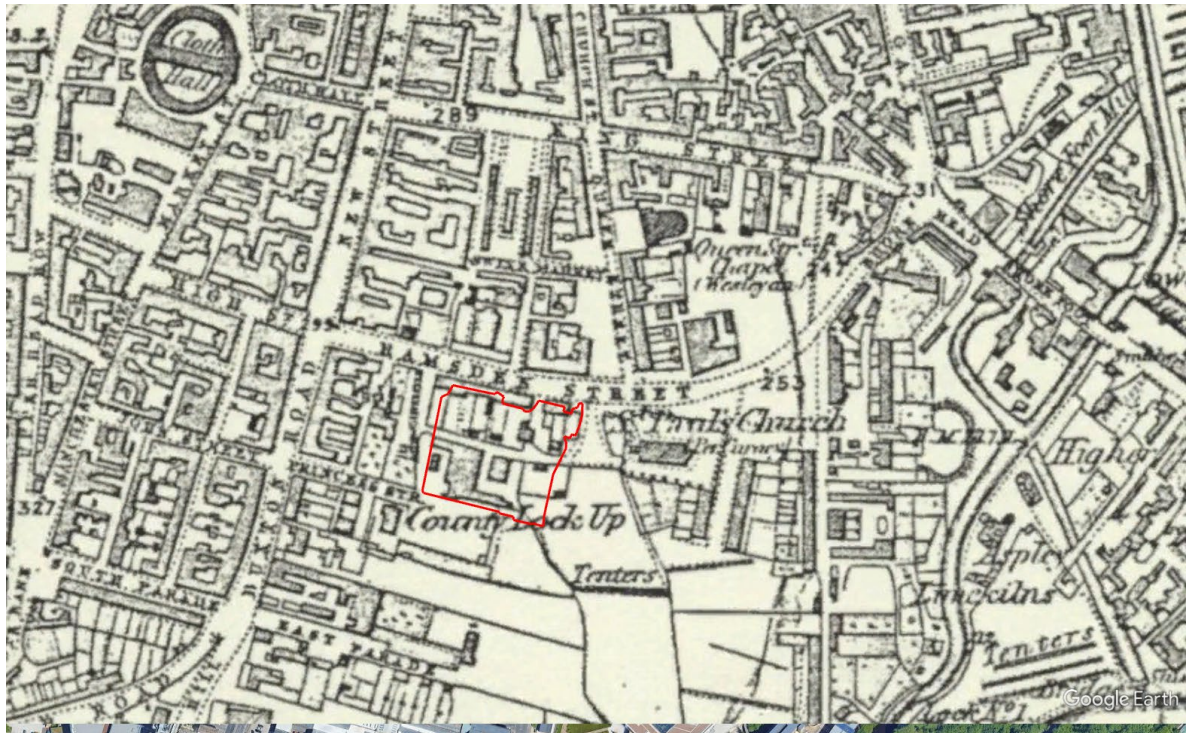


Plate 4: Ordnance Survey plan, 1854

5.17. The Chapel (Plate 5) was one of the largest buildings in the town at the time. To its rear was the police station, with yard, cells and watch house (closed in 1898). To the east of the Chapel was the Philosophical Hall, built in 1837, where meetings and concerts took place, and the Apollo Gymnasium which was built in 1847. The south side of Ramsden Street had recently been developed by the middle of the century but beyond were still open fields.



Plate 5: The Ramsden Street Congregational Chapel, courtesy of Museums and Galleries, Kirklees Borough Council.

5.18. The expansion of the town also resulted in construction of numerous commercial buildings including public houses such as the Albert (MWY1356) and the Royal Swan Public House (MWY8056).

5.19. In 1868 the Huddersfield Corporation was formed, superseding the Huddersfield Improvement Commissioners. The Corporation was the municipal borough administrative body.

- 5.20. By the 1890s the study area had been developed further, notably with a new market hall, built in 1880. Swine Street had been renamed to Victoria Street and a new lane from Bull and Mouth Street to Queen Street had been laid out.
- 5.21. The area was a mix of civic, commercial, and residential buildings, including public houses on Victoria Street (HER Ref: MWY1356), a Sunday School on Bull and Mouth Lane, a new covered Market Hall (built 1880) and the Theatre Royal (built 1881). The south side of Ramsden Street, including the application site still comprised houses, but by now the area behind and to the north of Princess Street had been developed mostly with commercial and industrial premises including the newly built Fire Station, and Union Offices (Plate 6 and Plate 7).



Plate 6: Goad Fire Insurance plan, 1887 shows building uses but only partially for the study area.



Plate 7: Ordnance Survey plan, 1893.

- 5.22. The most notable change in the area in the early years of the 20th century was the building of the new Picture Theatre on Ramsden Street in 1912. In 1920 the manor of Huddersfield, which had been in the ownership of the Ramsden family since 1599, was sold to the Huddersfield Corporation for £1.3m, making it one of the largest municipal landholdings, and it was not long afterwards that thoughts were given to the modernising and replanning of parts of the town centre.

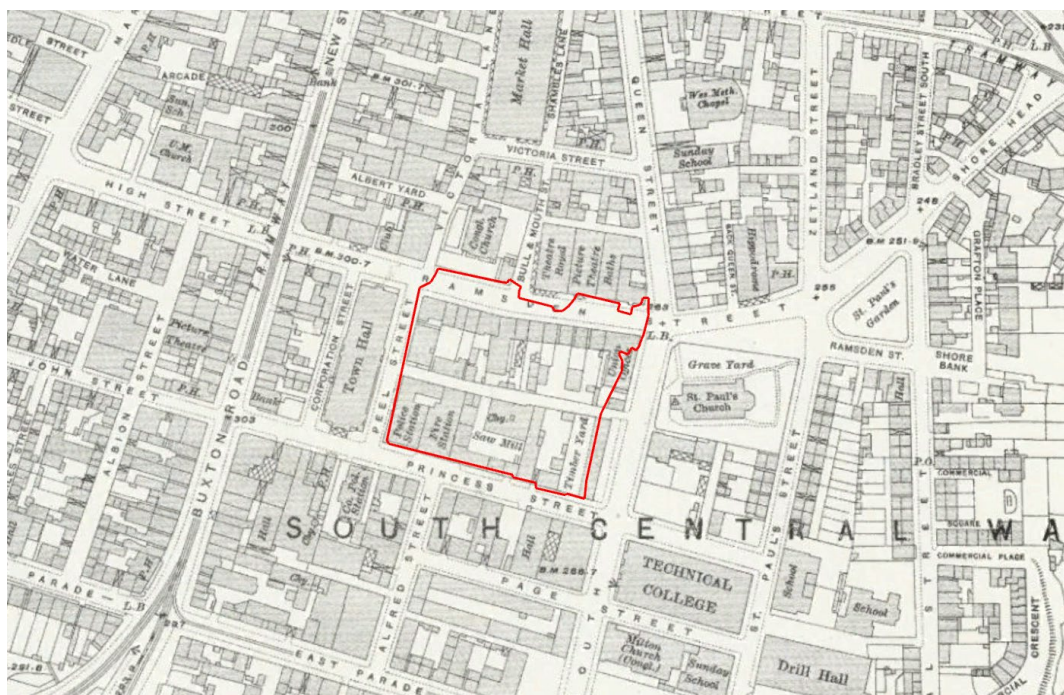


Plate 8: Ordnance Survey plan, 1918

- 5.23. In 1933 the Borough Engineer, W. Jagger produced a detailed scheme for a new range of municipal offices on Ramsden Street and a new fire station between Ramsden Street and Princess Street, on the site of the current Queensgate Market. The scheme was never built and only a year later the site on the north side of Ramsden Street was chosen for a new Library and Art Gallery (HER Ref: MWY6930). The library occupied the site of the Ramsden Street Chapel which was demolished in 1934 and was designed by E.H Ashburner, with classical style statues with a modernist influence flanking its entrance steps designed by James Woodford. The building was completed in 1940 but not fully in use until after the war in 1945.



Plate 10: Aerial view of the site and town centre in 1934. Source: Historic England, ref: EPW045317

- 5.24. At the time the library was built, the northern elevations were obscured by existing buildings, including the Bull and Mouth public house and thereby it did not respond architecturally to the street as successfully as the elevations to Victoria Lane, Bull and Mouth Street (now the access to the below ground service roads) and Ramsden Street. The architect appears to have been fully aware that there was scope for future redevelopment and the original drawings identify this area to the back of the library as being an area for a 'possible future extension'.



Plate 9: The Library and Art Gallery shortly after construction –courtesy of Museums and Galleries, Kirklees Borough Council

- 5.25. The Corporation were forward thinking during the Second World War and commissioned a Planning Consultant

(Longstreth Thompson) to plan for an improvement scheme for the central area of Huddersfield. This plan was widespread and was an attempt to address some of the traffic and parking issues. In relation to the study area, the proposals were for a new municipal complex including a new Town Hall, Council Chamber, Municipal Offices, Magistrates Court and Police Offices on land between Ramsden Street and Princess Street, again on the site of the current Queensgate Market (Plate 11). This new civic group had also been designed by E.H Ashburner and would have been likely to have been similar in style, character, and appearance to the newly built library. Sketch plans show that the entrance to the new Council Chamber would have been directly opposite the library entrance (Plate 12).

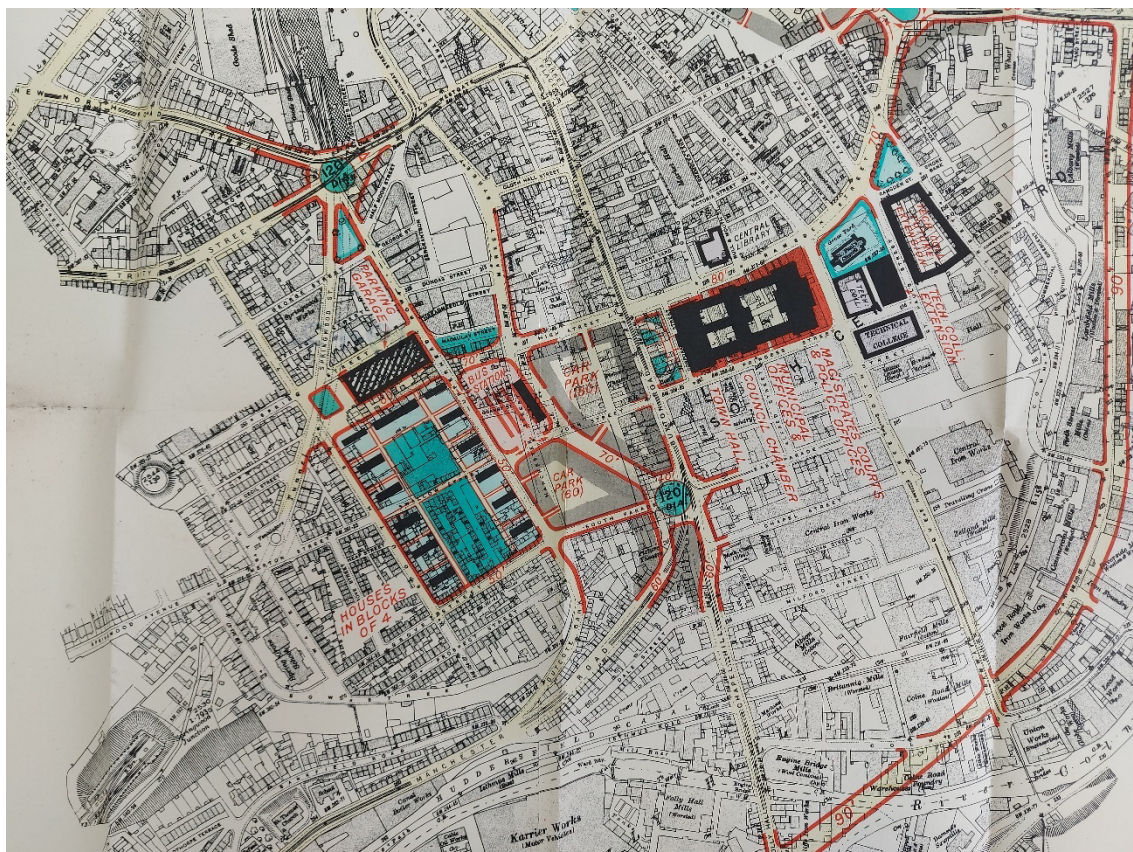


Plate 11: The improvement scheme for the central area drawn in 1942 – courtesy of Huddersfield Library.

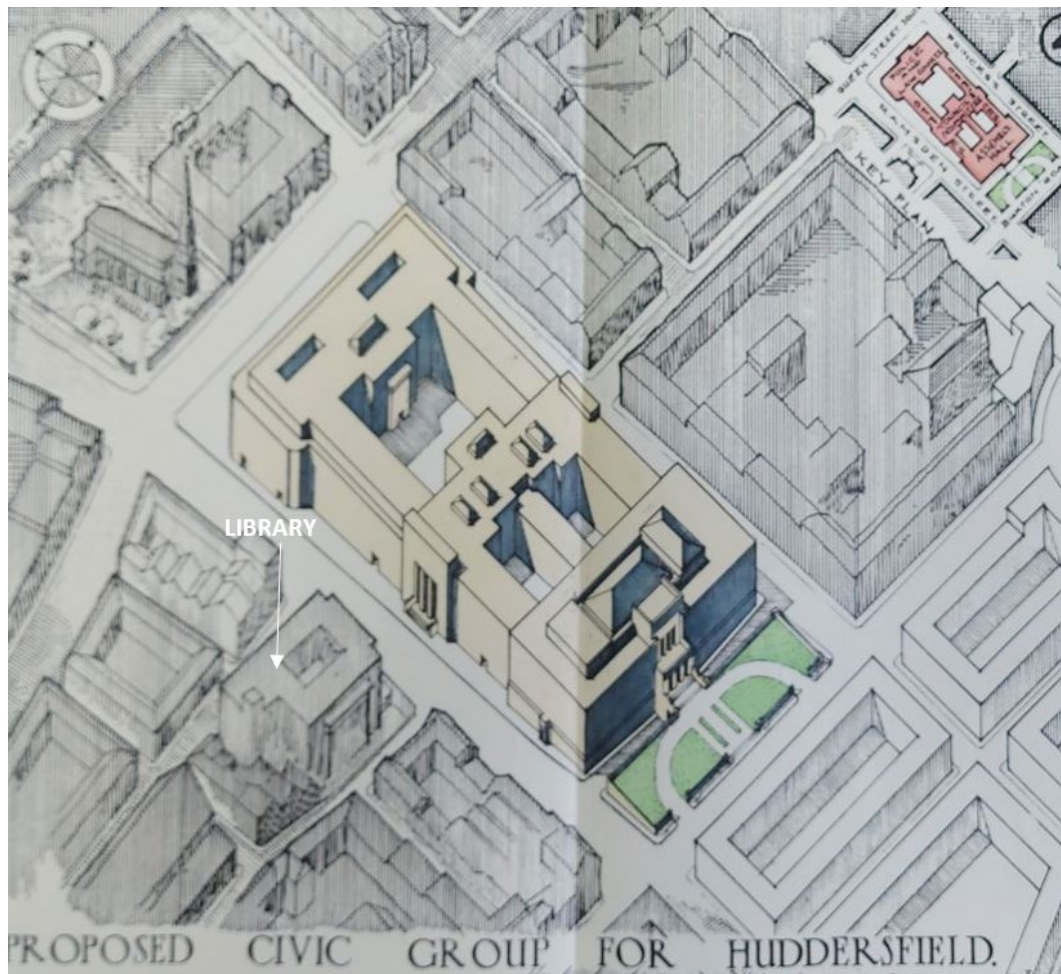


Plate 12: The Civic Group as designed by Ashburner – courtesy of Huddersfield Library.

- 5.26. The following year, 1943, local architect Clifford Hickson produced his scheme for the redevelopment of the central area, which included an outer ring road and boulevards with circuses. The site of the current Queensgate Market (HER Ref: MWY7312) was to be a Theatre Centre, whilst the Library and Art Gallery was to be flanked on either side with a new Museum and Civic Centre. The vision included a university where the Technical College was, which was loosely integrated with the central area, terminating views along Ramsden Street (Plate 13).



Plate 13: Scheme for the future development of the central area drawn in 1943- courtesy of Huddersfield Library.

- 5.27. Huddersfield town centre survived the Second World War largely unscathed and unlike many other towns and cities its post war redevelopment came about through desire to address the increasing problem of traffic which called for newly pedestrianised shopping areas, and better car parking and traffic management. In 1954 the central area was again the focus of the redevelopment plans and Borough Architect and Planning Officer, S.M Richmond, prepared plans for two areas with Area A being to the north of Buxton Road and the Town Hall, and Area B being to the south of the Town Hall and to the west of Ramsden Street (Plate 14). Once again, the proposed development area was the current Queensgate Market and multistorey car park (the latter was demolished in 2021). This area was again to be new Municipal Offices, Magistrates Courts, Police Station and Health Centre ranging from three to five storeys high.

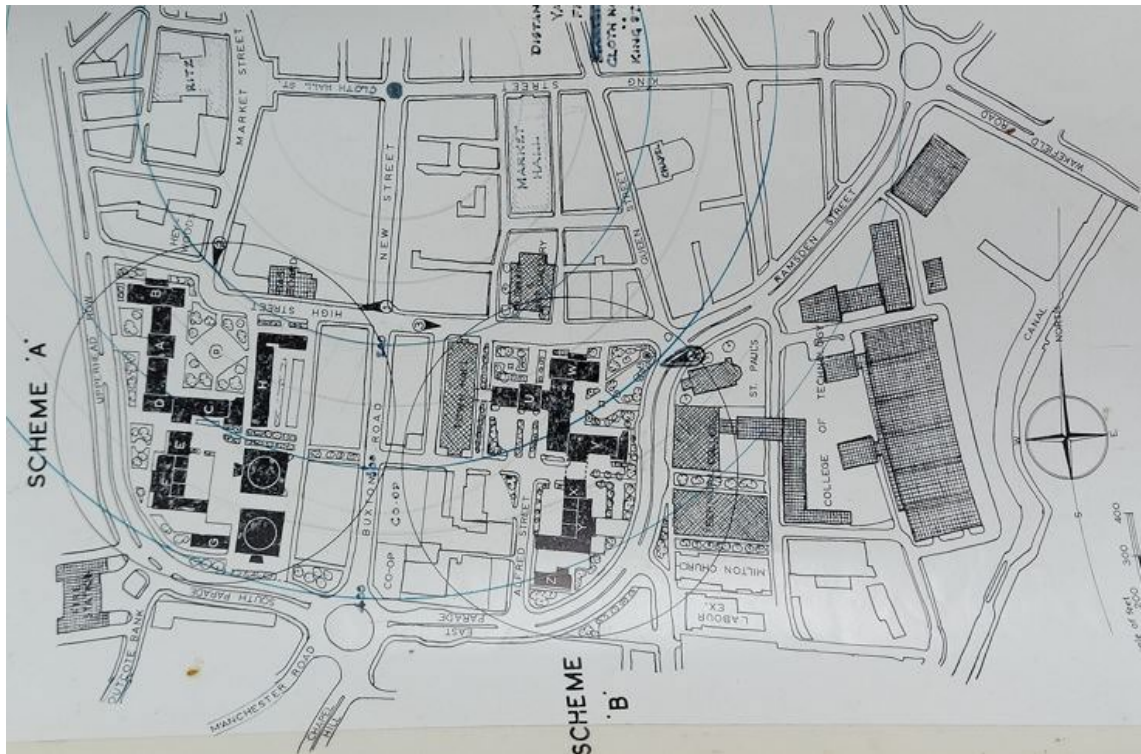


Plate 14: The central area development plan as shown in 1958 – courtesy of Huddersfield Library.

- 5.28. However, the site area owes its layout and appearance to Murrayfield, a development company set up in 1958, working with the architects J Seymour Harris Partnership. Murrayfield approached the Huddersfield Corporation in 1960 to discuss the redevelopment of the town centre. This ultimately resulted in the Corporation identifying an area much larger than first intended to be redeveloped. This now included the area bounded by Buxton Road, Princess, Alfred, Queen, Ramsden and King Street, but excluded the Town Hall and Library.

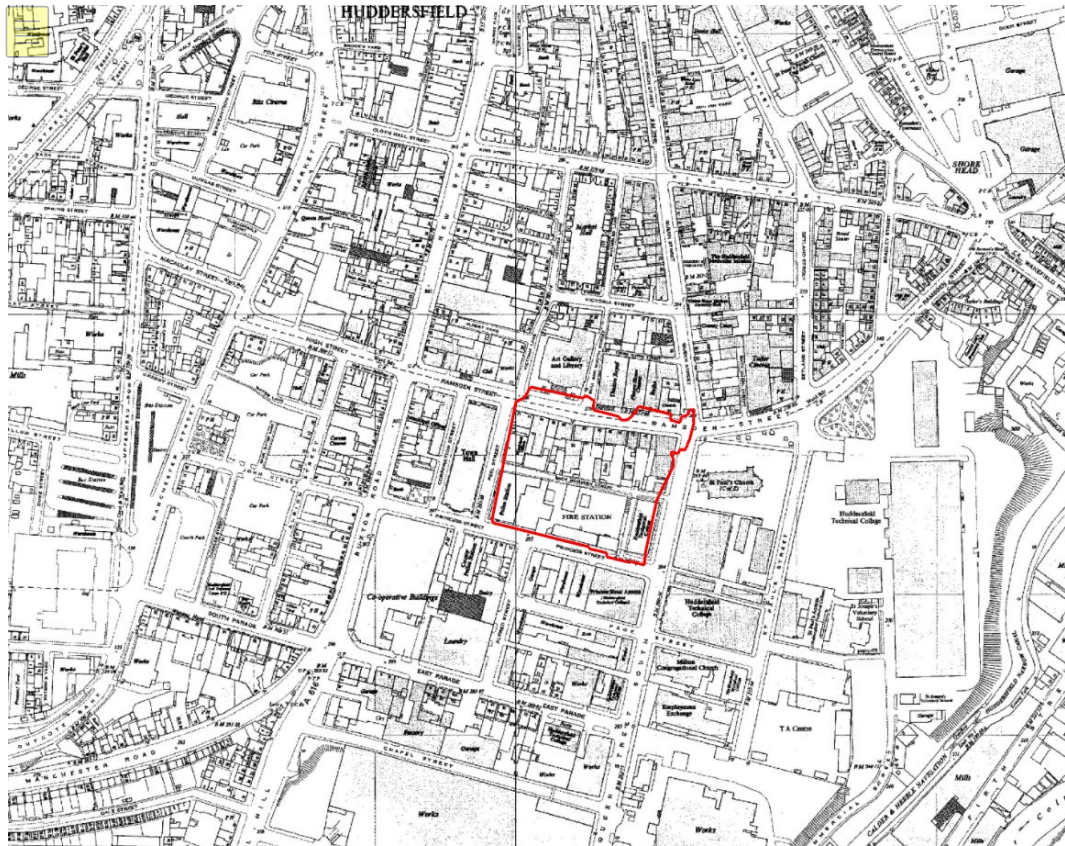


Plate 15: Ordnance Survey plan, 1960 – prior to the Murrayfield redevelopment.

5.29. The architects proposed a new retail scheme which was influenced by the design of American shopping and office developments and included purpose-built service areas and pedestrianization, but to a scale appropriate to the town (Plate 16). The scheme was built in four phases from 1966 to 1971.

- Phase I (started 1966): This was for a block of 19 shops, with offices above, on the east side of Buxton Road (outside of the study area). The units are serviced by an underground subway.
- Phase II (started 1966): This was the new market hall (Queensgate Market), car park and small shops, accessed by underground service subway.
- Phase III (started 1969): This was a new block for 26 shops on the site of the old market hall and again serviced from an underground subway (HER Ref: MWY20125)
- Phase IV (started 1971): This was for demolition of all buildings on the west side of Queen Street up to Bull and Mouth Street and Shambles Lane and the rebuilding with shops, and again serviced from an underground subway. This phase also included the demolition of buildings on the north and west side of the library and gallery to create the public open space to create a restful place for shoppers and to open up a view of the library (HER Ref: MWY20125)

- 5.30. The redevelopment was able to take advantage of the new ring road which had first been suggested in the 1950s but came to fruition in the 1960s under borough engineer Arthur Leslie Percy, allowing both easy access for deliveries and shoppers to the new multi-storey car park.



Plate 16: The phases of the Murrayfield Development – courtesy of Huddersfield Library.

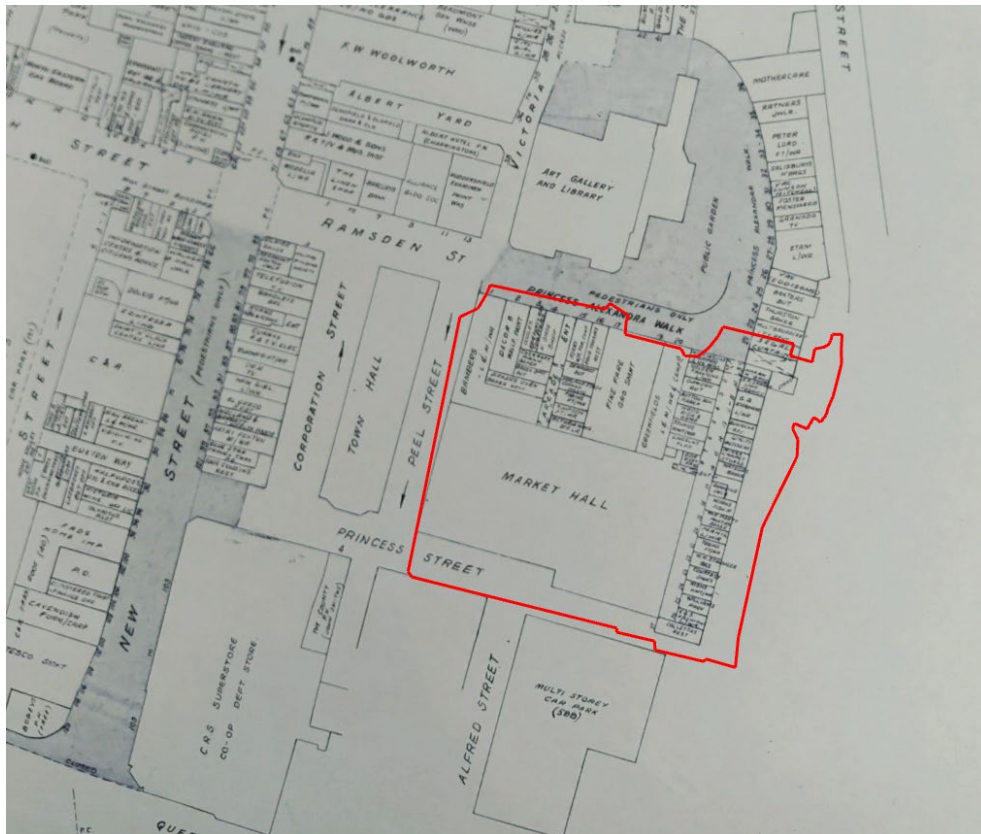


Plate 17: The Murrayfield Development with all Queensgate Market completed and occupied, as shown on the Goad plan, 1983.

- 5.31. This extensive redevelopment of Huddersfield in the 1960s and 1970s led to a substantial reordering of the street pattern that had evolved over the preceding 200 years. Consequently, the town witnessed the loss of several streets, effectively reducing the connectivity of the area with its surrounding townscape and significantly altering the form, levels and density of the urban grain. Within the specific area and surrounds of the development site, these included:
- Victoria Street (formerly Swine Street) which connected Victoria Lane to Queen Street.
 - Bull and Mouth Street which connected Ramsden Street to Victoria Street.
 - Cross Queen Street which connected Bull and Mouth Street to Queen Street.
 - Shambles Street, this connected Victoria Street to King Street, but has been retained as a covered shopping arcade.
 - South side of King Street.
 - West side of Queen Street.
 - East side of Victoria Lane.
 - Ramsden Street; Back Ramsden Street and Princess Street.



Plate 18: Left: Shambles Street from Victoria Street. Right: The Market Hall and shops on King Street. Source: Huddersfield Civic Society.



Plate 19: Left: Victoria Street and the Market Hall. Right: Bull and Mouth Street from Victoria Street, looking towards Ramsden Street, where Queensgate Market stands today. Source: Kirklees Image Archive.



Plate 20: Left: Shambles Street from Victoria Street. Right: The Market Hall and shops on King Street. Source: Kirklees Image Archive.



Plate 21: Queen Street looking towards King Street junction in 1910. Right: Queensgate from the junction with Ramsden Street, now Queensgate in 1964. Source: Kirklees Image Archive.

- 5.32. **An important fact in terms of the archaeological potential of the site is the redevelopment of the site in the 20th century was not only the demolition of the buildings and construction of new buildings but also the construction of a number of service tunnels below-ground level.** This redevelopment in the mid-20th century was wholesale, removing not only almost all the earlier buildings within the site boundary but reordering the street pattern, creating new streets and removing older ones in its surrounds. This change altered the character of this area, removing historic legibility.
- 5.33. The redevelopment of the site and surrounds during the 20th century and especially with the Murrayfield redevelopment of the 1960s and 70s witnessed the construction of a series of service tunnels and subways to facilitate service access to the shops above and access to the car-parking areas. In addition to the service tunnels, the buildings also had rooms

below-ground to provide further storage areas. The construction of the new development of the retail scheme required significant changes to ground-levels.

- 5.34. Beyond the Murrayfield scheme, other developments since the mid-20th century have continued to shape Huddersfield's urban fabric. Since the late-19th century, the Technical College (now the University of Huddersfield) has continued to expand beyond its original home in the Ramsden Building, with significant expansion of the campus taking place between the 1950s and 1970s. This expansion took place through acquisition of existing sites (such as the former Milton Congregational Church, Grade II) or through construction of new buildings. The Central Services Building by Manchester architects Hugh Wilson and Lewis Womersley, completed in 1977, is one such example that exists today and is representative of the general expansion of Polytechnic campuses seen nationally at the time.
- 5.35. Running parallel to these urban investment projects was the national move away from mechanised industries toward a service-based economy, which spelt the closure of several of the town's mill buildings. Some such as Firth Street Mills (mid-19th century, Grade II) have since been converted to new uses, however many were lost.
- 5.36. More recent developments since the 1970s, such as the Kingsgate Centre in 2002, continue to play a part in reshaping the urban fabric of Huddersfield, albeit to a lesser extent than the Murrayfield development, which marks one of the largest master planning schemes in the town's modern history.



Plate 22: The area in 2021 with the Library and Art Gallery with public gardens central to the area with the 1960/70s Murrayfield development surrounding.

6. Archaeological Potential

- 6.1. This section sets out the archaeological potential of the site, utilising historic mapping and available evidence from ground investigations.
- 6.2. The proposed site is located south of the medieval core of Huddersfield. Previous archaeological investigations to the north of the site boundary have identified evidence of medieval and post-medieval activity, for example the excavation at Venn Street (EWY6098) in 1999 which identified a pit (MWY20040) with an associated building of unknown function preserved beneath.
- 6.3. The proposed site, as mentioned, is south of the medieval and post-medieval core and is not likely to have seen much if any activity prior to this. Indeed, the area where the Ramsden Street Congregational Church was constructed was known as a favourite haunt for mushroom gatherers. As such, the potential for archaeology of these periods within the site boundary is low. As described above, the first mapped development of the site occurred in the 19th century and the Goad Fire Insurance Plan of 1887 shows that the whole site was occupied by buildings. The initial construction of these buildings would have caused below-ground disturbance within the area, though as stated the potential for any earlier deposits here is low. It is noted that none of the buildings within the site had basements and therefore there may not have been excessively deep disturbance in this phase of construction of buildings within the site, however this also means that when the buildings were demolished in the mid-20th century for the redevelopment, this makes it far more likely that the foundations were removed, rather than as is sometimes seen, the demolition rubble is pushed into the basement void and capped over for the new construction above.
- 6.4. The 1887 Goad Fire Insurance Plan provides an extremely high level of detail regarding the buildings and layout within the site in the late 19th century. The Goad plans provide information on the building material, the roof material, the height of the building, whether basements were present, the function, the type of walls, the number of windows, skylights and many additional features. For the site, the Goad Plan shows that the majority of the buildings were brick with tile roofs. Buildings were between 2 and 4 storeys and a mix of residential, commercial, civic and industrial.
- 6.5. The plan indicates that none of the buildings within the site boundary had a basement. Occasionally, and as demonstrated by other fieldwork events within Huddersfield centre (i.e., EWY1133) infilled basements of earlier buildings are located but there is no potential for this within the site.
- 6.6. The proposed site has undergone two major changes within the past two centuries. The first major change was the initial development of the site in the early 19th century when the city of Huddersfield was rapidly expanding beyond its medieval and post-medieval core to the north of the site. The proposed site was transformed within a century from an outlying rural area around the settlement to being firmly within the footprint of the town. The second major change was in the mid-20th century when the site was chosen as the location for a major city centre redevelopment when the Murrayfield Development Company approached the Huddersfield Corporation with ideas of renewing this area (discussed in detail above). The implementation of the Murrayfield development required the demolition of all of the buildings within the site and surrounds—with the library being the only exception. The grid of former streets within the site and surrounds was obliterated and the

area and surrounds required extensive regrading to allow the construction of the new buildings, including the piazza (MWY20125) and Queensgate Market. This can be seen in contemporary photographs taken during the construction which shows the dramatic regrading and levelling of the ground in this area and can be seen today for example to the immediate east of the library with the sunken garden area which lies in front of the row of shops within the piazza area.

- 6.7. An area of archaeological potential was highlighted by the LPA Archaeologist, in the area around the former Ramsden Street Congregational Church. This was a non-conformist chapel with no indication of burial grounds on any mapping of the area throughout its lifetime. The church began construction in 1824 and opened in 1825. The church was large, grand and set within the expanding centre of Huddersfield. The church was closed in 1933 and purchased with the view for demolition by the Huddersfield Corporation and the demolition began in 1936. There are no records of any burial ground in the grounds of this church. Analysis of historic mapping and historic photographs of the church do not provide any indications of burials in the grounds of the church. There is no record of interments within the church itself, though it is probable that if there were burials within the church, these would have been removed prior to demolition. However, any burials are unlikely to have been located within the application site or have survived the extent of excavation undertaken during the construction of the market hall.



Plate 23 Ramsden Street Congregation Church 1934 viewed from the corner of Bull & Mouth Street and Ramsden Street – note the level change.



Plate 24 View of Ramsden Street Congregational Church viewed from corner of Victoria Lane and Ramsden Street – note level change on western elevation (stairs down just out of shot) also not lack of room for burials externally.

- 6.8. During the preparation of assessments to support the previously approved planning application⁹, ground investigations were undertaken across the site to establish ground conditions. As part of this, ground investigations were undertaken in the vicinity of the Art Gallery and Library, the former site of the Ramsden Street Congregational Church. The LPA Archaeologist identified the potential for potentially unrecorded burials to be located in the vicinity of this former church and requested that the ground investigation test pits, boreholes or observation pits be monitored by an archaeologist to record any archaeological deposits or human remains which may be exposed. CFA Archaeology who undertook the monitoring works indicated that no human remains have been encountered and nothing of archaeological interest was identified in any of the test pits. It is assumed therefore that no archaeological deposits or made ground of interest was identified during these works.
- 6.9. The results of this monitoring, coupled with the mapping evidence which shows the entire redevelopment of the site in the mid-20th century with the market hall, and an extensive network of service tunnels in the wider vicinity, is likely to have removed any archaeological deposits of significance within the site and surrounds.
- 6.10. As noted, there is **very low potential** for archaeology from any period prior to the 19th century and the footprint of those buildings first constructed at the site are likely to have

⁹ Application Ref: 2022/48/93248/W

been removed and obscured through the wholesale demolition, clearance, and redevelopment of the site.

- 6.11. Furthermore, the Goad Fire Insurance Plan of 1887 indicates that the buildings on this site in the late 19th century were a mix of residential, commercial and some larger industrial. None of these buildings are particularly significant in terms of their function or type and none contained basements which might have survived later demolition and infill.
- 6.12. It is therefore concluded that there is a **low potential** for archaeology generally within the surrounding area, and no potential for archaeological remains of significance to have survived within the application site.

Appendix 1: Methodology

Assessment of significance

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 significance.”¹⁰

Historic England's *GPA:2* 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.¹¹

In order to do this, *GPA 2* also advocates considering the four types of heritage value an asset may hold, as identified in English Heritage's *Conservation Principles*.¹² These essentially cover the heritage ‘interests’ given in the glossaries of the *NPPF* and the *PPG* which are archaeological, architectural and artistic, and historic.¹³

The *PPG* provides further information on the interests it identifies:

- **Archaeological interest:** As defined in the Glossary to the National Planning Policy Framework, there will be archaeological interest in a heritage asset if it holds, or potentially holds, evidence of past human activity worthy of expert investigation at some point.
- **Architectural and artistic interest:** These are interests in the design and general aesthetics of a place. They can arise from conscious design or fortuitously from the way the heritage asset has evolved. More specifically, architectural interest is an interest in the art or science of the design, construction, craftsmanship and decoration of buildings and structures of all types. Artistic interest is an interest in other human creative skills, like sculpture.
- **Historic interest:** An interest in past lives and events (including pre-historic). Heritage assets can illustrate or be associated with them. Heritage assets with historic interest not only provide a material record of our nation’s history, but can also provide meaning for communities derived from their collective experience of a place and can symbolise wider values such as faith and cultural identity.¹⁴

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

¹⁰ DLUHC, *NPPF*, Annex 2.

¹¹ Historic England, *GPA:2*.

¹² Historic England, *Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment* (London, April 2008). These heritage values are identified as being ‘aesthetic’, ‘communal’, ‘historical’ and ‘evidential’, see *idem* pp. 28–32.

¹³ DLUHC, *NPPF*, Annex 2; DLUHC, *PPG*, paragraph 006, reference ID: 18a-006-20190723.

¹⁴ DLUHC, *PPG*, paragraph 006, reference ID: 18a-006-20190723.

Historic England guidance on assessing heritage significance, *HEAN:12*, advises using the terminology of the *NPPF* and *PPG*, and thus it is that terminology which is used in this Report.¹⁵

Listed Buildings and Conservation Areas are generally designated for their special architectural and historic interest. Scheduling is predominantly, although not exclusively, associated with archaeological interest.

Setting and significance

As defined in the *NPPF*:

“Significance derives not only from a heritage asset’s physical presence, but also from its setting.”¹⁶

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.”¹⁷

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

Assessing change through alteration to setting

How setting might contribute to these values has been assessed within this Report with reference to *GPA:3*, particularly the checklist given on page 11. This advocates the clear articulation of *“what matters and why”*.¹⁸

In *GPA:3*, 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) checklist 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 aspects associated with the experience of the asset which might be considered, including: views, intentional intervisibility, tranquillity, sense of enclosure, accessibility, rarity and land use.

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.

¹⁵ Historic England, *Statements of Heritage Significance: Analysing Significance in Heritage Assets*, *Historic England Advice Note 12* (Swindon, October 2019).

¹⁶ DLUHC, *NPPF*, Annex 2.

¹⁷ DLUHC, *NPPF*, Annex 2.

¹⁸ Historic England, *GPA:3*, pp. 8, 11.

A Court of Appeal judgement has confirmed that whilst issues of visibility are important when assessing setting, visibility does not necessarily confer a contribution to significance and factors other than visibility should also be considered, with Lindblom LJ stating at paragraphs 25 and 26 of the judgement (referring to an earlier Court of Appeal judgement):

Paragraph 25 – “But – again in the particular context of visual effects – I said that if “a proposed development is to affect the setting of a listed building there must be a distinct visual relationship of some kind between the two – a visual relationship which is more than remote or ephemeral, and which in some way bears on one’s experience of the listed building in its surrounding landscape or townscape” (paragraph 56)”.

Paragraph 26 – “This does not mean, however, that factors other than the visual and physical must be ignored when a decision-maker is considering the extent of a listed building’s setting. Generally, of course, the decision-maker will be concentrating on visual and physical considerations, as in Williams (see also, for example, the first instance judgment in R. (on the application of Miller) v North Yorkshire County Council [2009] EWHC 2172 (Admin), at paragraph 89). But it is clear from the relevant national policy and guidance to which I have referred, in particular the guidance in paragraph 18a-013-20140306 of the PPG, that the Government recognizes the potential relevance of other considerations – economic, social and historical. These other considerations may include, for example, “the historic relationship between places”. Historic England’s advice in GPA3 was broadly to the same effect.”¹⁹

Levels of significance

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

In accordance with the levels of significance articulated in the *NPPF* and the *PPG*, three levels of significance are identified:

- **Designated heritage assets of the highest significance**, as identified in paragraph 206 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 72 of the *NPPF*;²⁰
- **Designated heritage assets of less than the highest significance**, as identified in paragraph 206 of the *NPPF*, comprising Grade II Listed Buildings and Grade II Registered Parks and Gardens (and also some Conservation Areas);²¹ and
- **Non-designated heritage assets.** Non-designated heritage assets are defined within the *PPG* as “buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies

¹⁹ Catesby Estates Ltd. V. Steer [2018] EWCA Civ 1697, paras. 25 and 26.

²⁰ DLUHC, *NPPF*, para. 206 and fn. 72.

²¹ DLUHC, *NPPF*, para. 206.

as having a degree of significance meriting consideration in planning decisions, but which do not meet the criteria for designated heritage assets".²²

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

Assessment of harm

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.

In accordance with key policy, the following levels of harm may potentially be identified for designated heritage assets:

- **Substantial harm or total loss.** It has been clarified in a High Court Judgement of 2013 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"*,²³ and
- **Less than substantial harm.** Harm of a lesser level than that defined above.

With regards to these two categories, the PPG states:

"Within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated."²⁴

Hence, for example, harm that is less than substantial would be further described with reference to where it lies on that spectrum or scale of harm, for example low end, middle, and upper end of the less than substantial harm spectrum/scale.

With regards to non-designated heritage assets, there is no basis in policy for describing harm to them as substantial or less than substantial, rather the NPPF requires that the scale of any harm or loss is articulated whilst having regard to the significance of the asset. Harm to such assets is therefore articulated as a level of harm to their overall significance, using descriptors such as minor, moderate and major harm.

It is also possible that development proposals will cause no harm or preserve the significance of heritage assets. Here, a High Court Judgement of 2014 is relevant. 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"*.²⁵

Preservation does not mean no change, it specifically means no harm. GPA:2 states that *"Change to heritage assets is inevitable but it is only harmful when significance is damaged"*.²⁶ Thus, change is

²² DLUHC, PPG, paragraph 039, reference ID: 18a-039-20190723.

²³ Bedford Borough Council v Secretary of State for Communities and Local Government [2013] EWHC 2847 (Admin), para. 25.

²⁴ DLUHC, PPG, paragraph 018, reference ID: 18a-018-20190723.

²⁵ R (Forge Field Society) v Sevenoaks District Council [2014] EWHC 1895 (Admin).

²⁶ Historic England, GPA:2, p. 9.

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.

As part of this, setting may be a key consideration. When evaluating any harm to significance through changes to setting, this Report follows the methodology given in *GPA:3*, described above.

Fundamental to this methodology is a consideration of "*what matters and why*".²⁷ Of particular relevance is the checklist given on page 13 of *GPA:3*.²⁸

It should be noted that this key document also states:

"Setting is not itself a heritage asset, nor a heritage designation..."²⁹

Hence any impacts are described in terms of how they affect the significance of a heritage asset, and heritage interests that contribute to this significance, through changes to setting.

With regards to changes in setting, *GPA:3* states that:

"Conserving or enhancing heritage assets by taking their settings into account need not prevent change".³⁰

Additionally, 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. This point has been clarified in the Court of Appeal.³¹

Benefits

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

As detailed further in **Appendix3**, the *NPPF* (at Paragraphs 207 and 208) requires harm to a designated heritage asset to be weighed against the public benefits of the development proposals.³²

Recent High Court Decisions have confirmed that enhancement to the historic environment should be considered as a public benefit under the provisions of Paragraphs 207 to 209.³³

The *PPG* provides further clarity on what is meant by the term 'public benefit', including how these may be derived from enhancement to the historic environment ('heritage benefits'), as follows:

"Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy

²⁷ Historic England, *GPA:3*, p. 8.

²⁸ Historic England, *GPA:3*, p. 13.

²⁹ Historic England, *GPA:3*, p. 4.

³⁰ Historic England, *GPA 3*, p. 8.

³¹ *Palmer v Herefordshire Council & Anor* [2016] EWCA Civ 1061.

³² *DLUHC, NPPF*, paras. 207 and 208.

³³ Including – *Kay, R (on the application of) v Secretary of State for Housing Communities and Local Government & Anor* [2020] EWHC 2292 (Admin); *DLUHC, NPPF*, paras. 207 and 209.

Framework (paragraph 8). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.

Examples of heritage benefits may include:

- ***sustaining or enhancing the significance of a heritage asset and the contribution of its setting***
- ***reducing or removing risks to a heritage asset***
- ***securing the optimum viable use of a heritage asset in support of its long term conservation.***³⁴

Any "heritage benefits" arising from the proposed development, in line with the narrative above, will be clearly articulated in order for them to be taken into account by the decision maker.

³⁴ DLUHC, PPG, paragraph 020, reference ID: 18a-020-20190723.

Appendix 2: National Planning Policy Guidance

The National Planning Policy Framework (December 2023)

National policy and guidance is set out in the Government's *National Planning Policy Framework* (NPPF) published in December 2023. This replaced and updated the previous NPPF (September 2023). The NPPF needs to 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 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.

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.

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 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 and reads as follows:

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

For plan-making this means that:

- a. all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;***
- 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:

- a. **approving development proposals that accord with an up-to-date development plan without delay; or**
- b. **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.**³⁵

However, it is important to note that footnote 7 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 187) 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 72); and areas at risk of flooding or coastal change.”³⁶ (our emphasis)

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.

Heritage Assets are defined in 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).”³⁷

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

³⁵ DLUHC, NPPF, para. 11.

³⁶ DLUHC, NPPF, para. 11, fn. 7.

³⁷ DLUHC, NPPF, Annex 2.

“World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under relevant legislation.”³⁸

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 significance.”³⁹

Section 16 of the NPPF relates to ‘Conserving and enhancing the historic environment’ and states at paragraph 201 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.”⁴⁰

Paragraph 203 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.”⁴¹***

With regard to the impact of proposals on the significance of a heritage asset, paragraphs 205 and 206 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.”⁴²

³⁸ DLUHC, NPPF, Annex 2.

³⁹ DLUHC, NPPF, Annex 2.

⁴⁰ DLUHC, NPPF, para. 201.

⁴¹ DLUHC, NPPF, para. 203.

⁴² DLUHC, NPPF, para. 205.

“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:

- 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.”⁴³***

Section b) of paragraph 206, which describes assets of the highest significance, also includes footnote 72 of the 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.

In the context of the above, it should be noted that paragraph 207 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.”⁴⁴***

Paragraph 208 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.”⁴⁵

The NPPF also provides specific guidance in relation to development within Conservation Areas, stating at paragraph 212 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

⁴³ DLUHC, NPPF, para. 206.

⁴⁴ DLUHC, NPPF, para. 207.

⁴⁵ DLUHC, NPPF, para. 208.

setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.”⁴⁶

Paragraph 213 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 207 or less than substantial harm under paragraph 208, 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.”⁴⁷ (our emphasis)

With regards to non-designated heritage assets, paragraph 209 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.”⁴⁸

Overall, the NPPF confirms that the primary objective of development management is to foster the delivery of sustainable development, not to hinder or prevent it. Local Planning Authorities should approach development management decisions positively, looking for solutions rather than problems so that applications can be approved wherever it is practical to do so. Additionally, securing the optimum viable use of sites and achieving public benefits are also key material considerations for application proposals.

National Planning Practice Guidance

The then Department for Communities and Local Government (now the Department for Levelling Up, Housing and Communities (DLUHC)) 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.”⁴⁹

⁴⁶ DLUHC, NPPF, para 212.

⁴⁷ DLUHC, NPPF, para. 213.

⁴⁸ DLUHC, NPPF, para. 209.

⁴⁹ DLUHC, 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. 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.”⁵⁰ (our emphasis)

⁵⁰ DLUHC, PPG, paragraph 018, reference ID: 18a-018-20190723.

Appendix 3: Local Plan Policy

Applications for Planning Permission and Listed Building Consent within Huddersfield are currently considered against the policy and guidance set out within the Kirklees Local Plan Strategy and Policies (adopted 27th February 2019).

Policy LP35 relates to the Historic Environment and reads as follows:

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.
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 benefits of the development outweigh the harm having regard to the scale of the harm and the significance of the heritage asset. In the case 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 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 the need to:
 - a. ensure that proposals maintain and reinforce local distinctiveness and conserve the significance of designated and non-designated heritage assets;
 - b. ensure that proposals within Conservation Areas conserve those elements which contribute to their significance;
 - c. secure a sustainable future for heritage assets at risk and those associated with the local textile industry, historic farm buildings, places of worship and civic and institutional

buildings constructed on the back of the wealth created by the textile industry as expressions of local civic pride and identity;

- d. identify opportunities, including use of new technologies, to mitigate, and adapt to, the effects of climate change in ways that do not harm the significance of heritage assets and, where conflict is unavoidable, to balance the public benefit of climate change mitigation measures with the harm caused to the heritage assets' significance.
- e. accommodate innovative design where this does not prejudice the significance of heritage assets;
- f. preserve the setting of Castle Hill where appropriate and proposals which detrimentally impact on the setting of Castle Hill will not be permitted. .

Appendix 3: Gazetteer

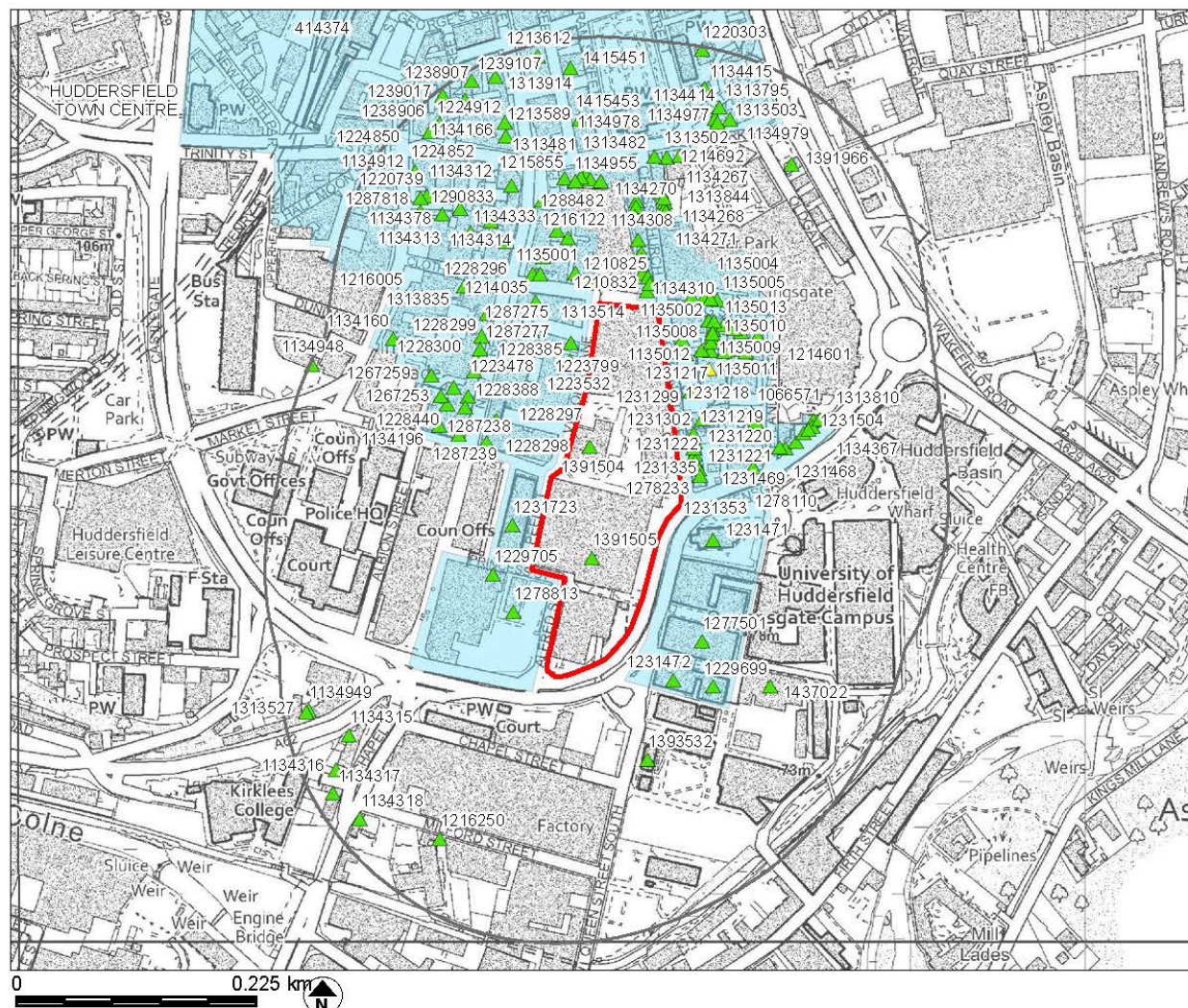
WYAS HER Records

MonUID	Name	Listed
MWY3483	Group record Huddersfield Medieval town	
MWY20040	Medieval flag-lined pit	
MWY7322	Wormalds Yard	
MWY10179	HSBC Bank, Cloth Hall Street, Huddersfield	
MWY1356	Albert, Victoria Lane, Huddersfield	
MWY5280	Kingsgate Centre, Huddersfield	
MWY6926	Huddersfield Cloth Hall (demolished)	
MWY8056	Royal Swan Public House, Westgate	
MWY20125	Piazza Shopping Centre, Huddersfield	
MWY11675	St Paul's Centre, Huddersfield	II
MWY11683	Arts Centre, Queen Street	II*
MWY11695	Juvenile Court, Princes Street	II
MWY11696	Milton Congregational Church, Queensgate	II
MWY5560	Market Cross, Huddersfield	II
MWY6117	Ramsden Building at the University of Huddersfield	II
MWY6857	13/15 Chancery Lane	II
MWY6862	Bath House at Thomas Broadbent and Sons Ltd. Foundry	II
MWY6927	Kirkgate Tenements (Tudor House, York House & Stewart House)	II
MWY6928	Goldthorpe's Yard, King Street	II
MWY6930	Huddersfield Library & Art Gallery	II
MWY7308	Former Huddersfield Co-operative Society Building, New Street	II
MWY7312	Queensgate Market, Huddersfield	II
MWY7326	The Old Court Brewhouse	II
MWY7330	Cottages at Hammonds' Yard	II
MWY872	Church of St Peter, Kirkgate, Huddersfield	II*
MWY9531	Waverley Chambers, Huddersfield	II

WYAS HER Events

EvUID	Name
EWY6807	Building Recording in 1999 at 83-97 King Street
EWY2026	Field Visit: Market Cross, Huddersfield
EWY2600	Field Visit: 13/15 Chancery Lane
EWY2612	Field Visit: Kirkgate Tenements (Tudor House, York House & Stewart House)
EWY2613	Field Visit: Goldthorpe's Yard, King Street, Wormalds' Yard and Hammond's Yard
EWY5393	Building recording in 2006 at 13/15 Chancery Lane
EWY5401	Building Survey in 2001 at Goldthorpe's Yard, King Street
EWY1133	Field Visit: Shorefoot Mill and Tail Goit
EWY4670	Building Recording, 2005 at Church of St Peter, Kirkgate, Huddersfield
EWY4671	Watching brief in 1983, Church of St Peter, Kirkgate, Huddersfield
EWY4672	Watching brief in 1984 at Church of St Peter, Kirkgate, Huddersfield
EWY5395	Building survey in 2015 at Bath House at Thomas Broadbent and Sons Ltd. Foundry
EWY621	Field Visit: Church of St Peter, Kirkgate, Huddersfield
EWY6322	Evaluation excavation in 1998 at Venn Street
EWY6289	Watching brief in 2000 at Kirkgate/Venn Street
EWY7280	Evaluation excavation in 2006 at St Peter's Church, Huddersfield
EWY6098	Excavation in 1999, Land off Venn Street, Kirkgate
EWY7760	Evaluation excavation in 1999 at Low Street east of St Peter's Church

Appendix 5: Figures



KEY

- Site
- 250m Buffer
- ▲ Grade II Listed Building
- ▲ Grade II* Listed Building
- Conservation Area

Revisions:
First Issue- 01/08/2022 DS

Figure 1: Designated Heritage Assets

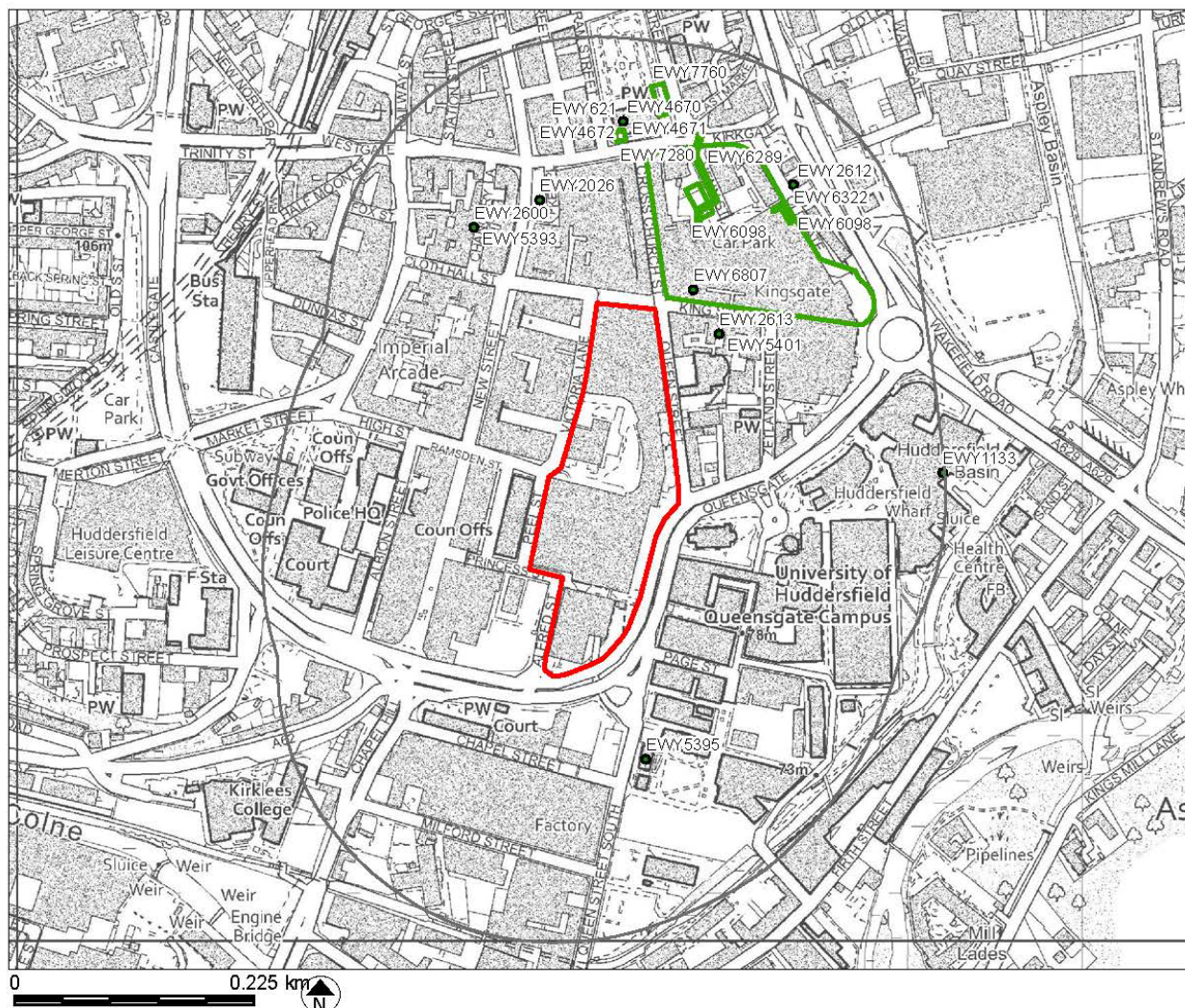
Kirklees - Cultural Heart

Client: Turner & Townsend
 DRWG No **P21-0731_1a** Sheet No: - REV:-
 Drawn by: DS Approved by: -
 Date: 01/08/2022
 Scale: 1:5,500 @A4



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KEY

- Site
- 250m Buffer
- HER Event Point
- HER Event Polygon

Revisions:
First Issue- 01/08/2022 DS

Figure 2: HER Events Kirklees - Cultural Heart

Client: Turner & Townsend
DRWG No P21-0731_2 Sheet No: - REV:-
Drawn by: DS Approved by: -
Date: 01/08/2022
Scale: 1:5,500 @A4



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Manchester
Queens House, Queen Street
T 0161 393 3399
Manchester@pegasusgroup.co.uk
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