

# **Kirklees Local Plan Examination**

## **Schedule of proposed site allocation modifications in relation to heritage impact matters**

**May2018**

Planning Policy Group  
Investment and Regeneration Service  
Kirklees Council  
PO Box B93  
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Huddersfield  
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This schedule contains proposed revisions to site allocations affected by heritage constraints following the Local Plan Examination in Public (EIP) Stage 4 hearings. These proposed modifications reflect the council's current position on these sites after further assessment of evidence relating to the historic environment and additional oral evidence provided by the council, Historic England and third parties during the Local Plan Examination in Public hearings.

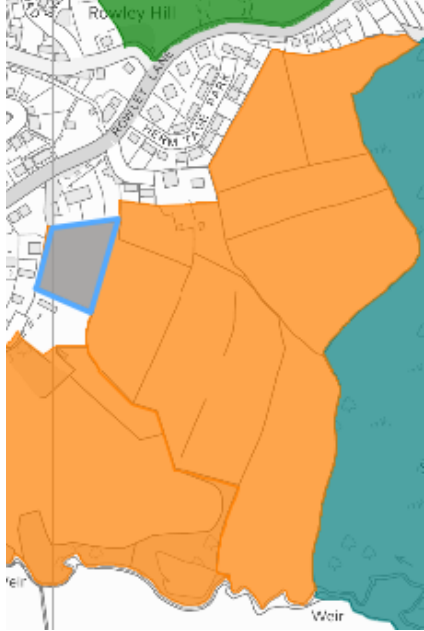
The modifications proposed in this document have been provided to assist with establishing an up-to-date position statement for Kirklees Council and Historic England as requested by the Planning Inspector.

The proposed modifications have not been subject to sustainability appraisal testing or public consultation. Should it be necessary to make any of the modifications these will be added to the full schedule of modifications to the Local Plan which will be made available for comment and subject to sustainability appraisal/habitat regulations assessment at a later stage of the Examination in Public, subject to the delegated powers agreed by the council's Cabinet.

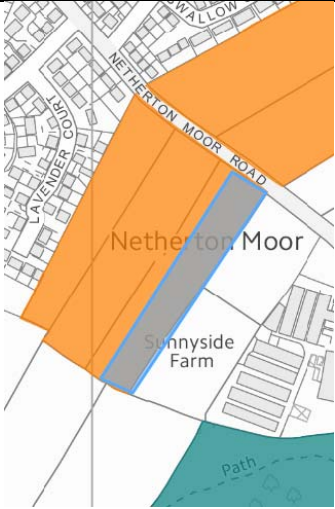
**Matter 30 – Huddersfield Housing Allocations: Green Belt sites**


Action no.	Para/table/box	Council’s Proposed Change (Tracked change)	Reason for change	HE comment on proposed change [Suggested amendments are shown in red]	Council’s Final proposed change
36	H2730a Site box	<p>Insert text into constraints section:</p> <ul style="list-style-type: none"> <li>• <i>The site lies close to a Grade II Listed Building</i></li> <li>• <i>Public rights of way run across this site</i></li> <li>• <i>The trees alongside the public footpath are protected by a TPO</i></li> </ul> <p>Insert the following text into the other site specific considerations box:</p> <p><i>“Proposals will identify an appropriate layout, scale, appearance and materials of the proposed residential development, taking into account the evidence presented in the Council’s Heritage Impact Assessment or any updated Heritage Impact Assessment submitted by the applicant as part of the planning application process.”</i></p> <p><i>“In order to safeguard the setting of the Grade II Listed Building known as Crow Trees, no development shall take place on the field/area marked as moderate significance in Councils HIA to</i></p>	To insert mitigation to protect the setting of Crow Trees, views and historic features.	<p>Historic England supports the proposed changes.</p> <p>These reflect the suggested amendments put forward by Historic England at the Examination.</p> <p>However, the first Paragraph would benefit from a small amendment to better articulate what any prospective developer would be expected to achieve. It is suggested that</p>	Council agree with additional HE text.

Action no.	Para/table/box	Council's Proposed Change (Tracked change)	Reason for change	HE comment on proposed change [Suggested amendments are shown in red]	Council's Final proposed change
		<p><i>the west of the public footpath that runs across the site”</i></p> <p><i>The public footpath, the historic field boundary and the trees protected by TPOs to the south of Crow Trees shall be retained as part of any development proposals. “</i></p> <p>0.57 ha not to be developed to the south of Crow Trees – see extract below:</p>		<p>this Paragraph is amended as follows:-</p> <p><i>“Proposals will identify an appropriate layout, scale, appearance and materials of the proposed residential development to minimise harm to the setting of the Listed Building, taking into account . . .”</i></p>	

Action no.	Para/table/box	Council's Proposed Change (Tracked change)	Reason for change	HE comment on proposed change [Suggested amendments are shown in red]	Council's Final proposed change
					
56	H102 site text	<p>Insert text into constraints section:</p> <ul style="list-style-type: none"> <li><i>The site lies near to Honley Conservation Area</i></li> </ul> <p>Insert the following text into the other site specific considerations box:</p>	Modification to be made to safeguard the setting of the conservation area.	With one small amendment, we would support the proposed amendments to the Site Text.	Council agree with additional HE text.

Action no.	Para/table/box	Council's Proposed Change (Tracked change)	Reason for change	HE comment on proposed change [Suggested amendments are shown in red]	Council's Final proposed change
		<p><i>“Proposals will identify an appropriate layout, scale, appearance and materials of the proposed residential development, taking into account the evidence presented in the Council’s Heritage Impact Assessment or any updated Heritage Impact Assessment submitted by the applicant as part of the planning application process.”</i></p> <p><i>“In order to preserve the setting of Honley Conservation Area, a landscaped buffer shall be provided to the south eastern boundary of the site.”</i></p> <p>No specific area of buffer agreed at the moment but the general area relates:</p>		<p>In order to explain more clearly the intentions of the first Paragraph, it is suggested that it is amended as follows:-</p> <p><i>“Proposals will identify an appropriate layout, scale, appearance and materials of the proposed residential development to minimise the impact on views from Honley Conservation Area, taking into</i></p>	

Action no.	Para/table/box	Council's Proposed Change (Tracked change)	Reason for change	HE comment on proposed change [Suggested amendments are shown in red]	Council's Final proposed change
				<i>account the evidence presented ... ”</i>	
56	H660 site text box	<p>Insert text into constraints section:</p> <ul style="list-style-type: none"> <li><i>The site lies near to Honley Conservation Area</i></li> </ul> <p>Insert the following text into the other site specific considerations box:</p> <p><i>“Proposals will identify an appropriate layout, scale, appearance and materials of the proposed residential development, taking into account the evidence presented in the Council’s Heritage Impact</i></p>	Modification to be made to safeguard the setting of the conservation area.	<p>With one small amendment, we would support the proposed amendments to the Site Text.</p> <p>In order to explain more clearly the intentions of the first Paragraph, it</p>	Council agree with additional HE text.

Action no.	Para/table/box	Council's Proposed Change (Tracked change)	Reason for change	HE comment on proposed change [Suggested amendments are shown in red]	Council's Final proposed change
		<p><i>Assessment or any updated Heritage Impact Assessment submitted by the applicant as part of the planning application process.”</i></p> <p><i>“In order to preserve the setting of Honley Conservation Area, a landscaped buffer shall be provided to the south eastern boundary of the site.”</i></p> 		<p>is suggested that it is amended as follows:-</p> <p><i>“Proposals will identify an appropriate layout, scale, appearance and materials of the proposed residential development to minimise the impact on views from Honley Conservation Area, taking into account the evidence presented ... ”</i></p>	



Action no.	Para/table/box	Council's Proposed Change (Tracked change)	Reason for change	HE comment on proposed change [Suggested amendments are shown in red]	Council's Final proposed change
49/50	H1747 / H351	<p><i>Amend site specific considerations box for both H1747 and H351 to state: "Proposals will identify an appropriate layout, scale, appearance and materials of the proposed residential development, taking into account the evidence presented in the Council's Heritage Impact Assessment or any updated Heritage Impact Assessment submitted by the applicant as part of the planning application process".</i></p> <p><i>"The layout of the site in proximity to Shepherd's Thorn Lane and Shepherds Thorn Farm should safeguard the setting of the listed building. The original building of Shepherds Thorn Farm should be retained and reused as part of any development proposals where possible."</i></p>	Modification to be made to safeguard the setting of the listed building as set out in a HIA.	<p>We welcome the amendment relating to the retention and reuse the Listed Building at Shepherd's Thorn Farm. However, the Listed Building forms part of a group of historic farm buildings. As such the other buildings in this group contribute to the appreciation and provide a historic context for the Listed Barn.</p> <p>As we made clear in the response to the Inspector, the development of</p>	Council disagree with HE additional text and retain the original proposed change.

Action no.	Para/table/box	Council's Proposed Change (Tracked change)	Reason for change	HE comment on proposed change [Suggested amendments are shown in red]	Council's Final proposed change
				<p>this site provides an opportunity to actually enhance what is, at present, a rather poor setting for this building. Therefore, merely 'safeguarding' the setting will bring no benefits to the Listed Building.</p> <p>The reference to Shepherd Thorn Lane is somewhat vague and it is unclear what any prospective developer would be required to do.</p> <p>We set out in our response to the Inspector, some suggested</p>	

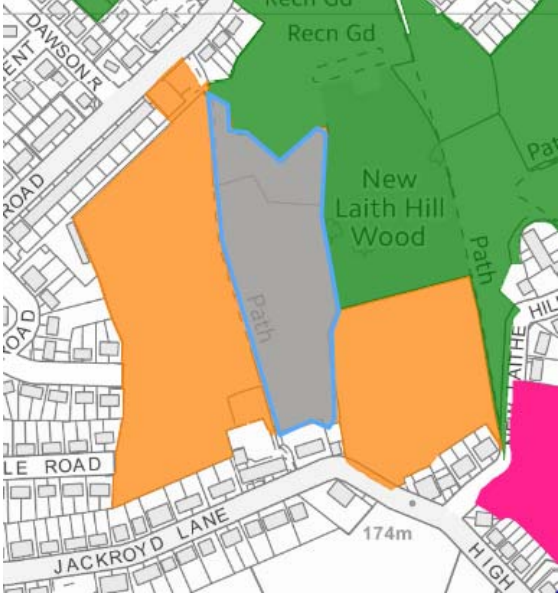
Action no.	Para/table/box	Council's Proposed Change (Tracked change)	Reason for change	HE comment on proposed change [Suggested amendments are shown in red]	Council's Final proposed change
				<p>revisions. Whilst we felt that these clearly articulated what would be required, we would be prepared to compromise with the following:-</p> <p><i>““The layout of the site in proximity to Shepherd’s Thorn Lane and Shepherds Thorn Farm should retain the rural approach to the farm and provide a more appropriate setting for the listed building. Development proposals should</i></p>	

Action no.	Para/table/box	Council's Proposed Change (Tracked change)	Reason for change	HE comment on proposed change [Suggested amendments are shown in red]	Council's Final proposed change
				<i>retain and reuse the original farm buildings at Shepherds Thorn Farm."</i>	

#### Matter 31 – Huddersfield Housing Allocations: Non-Green Belt sites

Action no.	Para/table/box	Council's Proposed Change (Tracked change)	Reason for change	HE comment on proposed change [Suggested amendments are shown in red]	Council's Final proposed change
64	H101 Site box	<p>Insert text into constraints section:</p> <ul style="list-style-type: none"> <li><i>A public right of way runs across this site</i></li> </ul> <p>Insert the following text into the other site specific considerations box:</p> <p><i>"The public footpath shall be retained as part of any development proposals. "</i></p> <p>Site specific consideration to be added:</p>	To insert mitigation to protect the setting of Castle Hill, views and historic features.	The proposed reduction in the extent of the site is insufficient to overcome the concerns expressed by Historic England at the Examination and we would wish to see the	Council disagree with HE additional change and retain the original proposed change.

Action no.	Para/table/box	Council's Proposed Change (Tracked change)	Reason for change	HE comment on proposed change [Suggested amendments are shown in red]	Council's Final proposed change
		<p><i>“Proposals will identify an appropriate layout, scale, appearance and materials of the proposed residential development, taking into account the evidence presented in the Council’s Heritage Impact Assessment or any updated Heritage Impact Assessment submitted by the applicant as part of the planning application process.”</i></p> <p><i>“The central portion of the site to the east of the footpath marked as moderate significance in the Councils HIA to remain open to maintain the visual link with the setting of Castle Hill”</i></p> <p>Amend net area to account for moderate significance, amend capacity to 104 dwellings (2.98ha). (see indicative extract below)</p>		easternmost housing area deleted.	

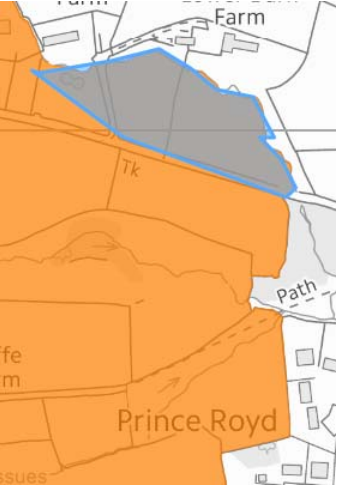
Action no.	Para/table/box	Council's Proposed Change (Tracked change)	Reason for change	HE comment on proposed change [Suggested amendments are shown in red]	Council's Final proposed change
					
65	H706 site box	<p>Reduction in capacity in the context the area of high significance is netted off. PP already granted to south of listed buildings potential to reduce some capacity on areas of land not yet received PP adjacent to listed buildings.</p> <p>Amend net area to 11.39ha Amend capacity to 243</p> <p>Insert text into constraints section</p>	To insert mitigation to protect the setting of Middle Burn Farm and Lower Burn Farm, views and historic features.	The constraints section needs a slight amendment to refer to the fact that there are, in fact, two Listed Buildings to the north of this site. It is suggested that	Council agree with additional HE text.

Action no.	Para/table/box	Council's Proposed Change (Tracked change)	Reason for change	HE comment on proposed change [Suggested amendments are shown in red]	Council's Final proposed change
		<ul style="list-style-type: none"> <li>• <i>A grade II listed building lies to the north of the site</i></li> </ul> <p>Site specific consideration to be added:</p> <p><i>“Proposals will identify an appropriate layout, scale, appearance and materials of the proposed residential development, taking into account the evidence presented in the Council’s Heritage Impact Assessment or any updated Heritage Impact Assessment submitted by the applicant as part of the planning application process.”</i></p> <p><i>“In order to safeguard the setting of the Grade II Listed Buildings known as Middle Burn Farm and Lower Burn Farm, no development shall take place on the field/area marked as high significance in Councils HIA to the south of the listed buildings.”</i></p> <p><i>Explanation</i></p> <p><b>Gross site area: 16.8Ha</b></p>		<p>this constraint is amended as follows:-</p> <p><i>“Two Grade II listed buildings lie to the north of the site”</i></p> <p>Subject to the small amendment set out below, we support the additional site specific considerations. These reflect the suggested amendments put forward by Historic England at the Examination.</p>	

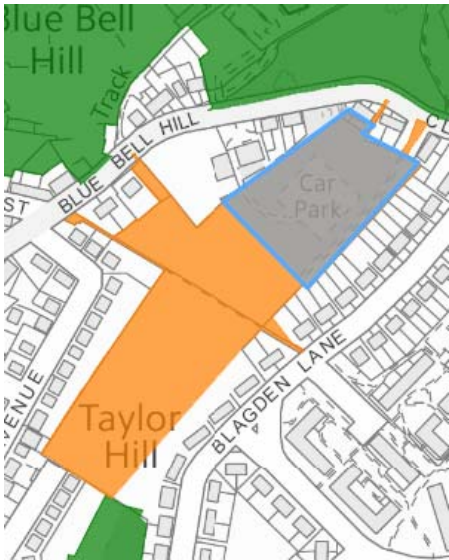
Action no.	Para/table/box	Council's Proposed Change (Tracked change)	Reason for change	HE comment on proposed change [Suggested amendments are shown in red]	Council's Final proposed change
		<p><b>The net developable area for this site is: 11.39Ha (5.41Ha netted off)</b></p> <p>To get to this figure, netted off:</p> <ol style="list-style-type: none"> <li>1) Existing residential properties/curtilages = 0.37</li> <li>2) Areas of TPO = 2.54</li> <li>3) BAP habitats and 10m stand off from becks (some of this land is already covered by the TPO's) = 0.66Ha remaining</li> <li>4) Area of high significance, excluding areas of high significance that are subject to a planning application (2016/90073 &amp; 2016/90524) = 1.21</li> <li>5) Roads = 0.63</li> </ol> <p><b>The indicative capacity for this site is: 243</b></p> <p>To get to this figure included:</p> <ol style="list-style-type: none"> <li>1) 2017/90180 = 95 dwellings (7.84Ha)</li> <li>2) 2016/90073 = 4 dwellings (0.72Ha)</li> <li>3) 2016/90524 = 3 dwellings (0.20Ha)</li> <li>4) 2018/90776 = 10 dwellings (0.39Ha)</li> <li>5) Areas with no planning permission (1.98Ha net) = 69 dwellings</li> <li>6) Remainder of O/A 2014/93039 (1.88Ha gross) (1.23Ha net) = 43 dwellings</li> </ol>		<p>In order to explain more clearly the intentions of the first Paragraph, it is suggested that it is amended as follows:-</p> <p><i>“Proposals will identify an appropriate layout, scale, appearance and materials of the proposed residential development to minimise harm to the setting of the Listed Buildings, taking into account..”</i></p> <p>However, the map does not</p>	



Action no.	Para/table/box	Council's Proposed Change (Tracked change)	Reason for change	HE comment on proposed change [Suggested amendments are shown in red]	Council's Final proposed change
		<p>7) 2018/90151 (0.55Ha gross) as no capacity is given = 19 dwellings</p> <p><b>Phasing:</b> Below is the planning history to help with the phasing.</p> <p>2014/93039 - Outline application for residential development (190 units) - S106 Outline Permission 27 Aug 2015</p> <p>2016/90073 - Outline application for erection of residential development (4 dwellings) - S106 Outline Permission 22 Aug 2016</p> <p>2016/90524 - Outline application for erection of three dwellings (Within the curtilage of a Listed Building) - No decision</p> <p>2017/90180 - Erection of 95 dwellings with access from Yew Tree Road and Burn Road - S106 Full Permission 20 Oct 2017 This has been implemented</p> <p>2018/90151 - Outline application for erection of residential development (no capacity) - No decision The capacity on this at 35 per ha is: 19 dwellings (0.55Ha)</p>		<p>reflect the extent of the area identified as being of 'high significance' in the Heritage Impact Assessment.</p>	

Action no.	Para/table/box	Council's Proposed Change (Tracked change)	Reason for change	HE comment on proposed change [Suggested amendments are shown in red]	Council's Final proposed change
		<p>2018/90776 - Outline application for erection of up to 10 dwellings - No decision</p> <p>The remainder of the site should be phased towards the end of the plan period, as in most cases we don't know ownership details and some of it might not be deliverable.</p> 			

Action no.	Para/table/box	Council's Proposed Change (Tracked change)	Reason for change	HE comment on proposed change [Suggested amendments are shown in red]	Council's Final proposed change
84	H623 site box	Delete site allocation	To protect the setting of Warren House Farm, views and historic features.	We support the deletion of this site	Agreed position
86	H1811 site box	<p>Insert text into constraints section</p> <ul style="list-style-type: none"> <li>• <i>A grade II listed building lies to the north of the site</i></li> </ul> <p>Site specific consideration to be added:</p> <p><i>“Proposals will identify an appropriate layout, scale, appearance and materials of the proposed residential development, taking into account the evidence presented in the Council’s Heritage Impact Assessment or any updated Heritage Impact Assessment submitted by the applicant as part of the planning application process.”</i></p> <p><i>“In order to safeguard the setting of the Grade II Listed Buildings known as Taylor Hill working mens club, no development shall take place on the area marked as</i></p>	To insert mitigation to protect the setting of Taylor Hill working mens club, views and historic features.	<p>We support the proposed textural changes regarding the Listed Building.</p> <p>However, the first Paragraph of the site specific comments would benefit from an amendment to more clearly explain the design requirements along the following lines:-</p> <p><i>“Proposals will identify an appropriate</i></p>	Council agree with additional HE text.

Action no.	Para/table/box	Council's Proposed Change (Tracked change)	Reason for change	HE comment on proposed change [Suggested amendments are shown in red]	Council's Final proposed change
		<p><i>moderate significance in Councils HIA to the south east of the listed buildings."</i></p> <p>Amend net area to account for moderate significance, amend capacity to 57 dwellings (1.63ha). (see indicative extract below)</p> 		<p><i>layout, scale, appearance and materials of the proposed residential development to minimise harm to the setting of the Listed Building, taking into account the evidence ..."</i></p>	
89	H1728a site box	DELETE ALLOCATION	To safeguard the setting of Castle Hill.	We support the deletion of this site	Agreed position

Matter 32 – Huddersfield Mixed Use Allocations

Action no.	Para/table/box	Council's Proposed Change (Tracked change)	Reason for change	HE comment on proposed change [Suggested amendments are shown in red]	Council's Final proposed change
98	MX1906	<p>Insert text into constraints section:</p> <ul style="list-style-type: none"> <li>Grade II* listed building within the site</li> </ul> <p>Insert the following text into the other site specific considerations box:</p> <p><i>“Proposals will identify an appropriate layout, scale, appearance and materials of the proposed residential development, taking into account the evidence presented in the Council’s Heritage Impact Assessment or any updated Heritage Impact Assessment submitted by the applicant as part of the planning application process.”</i></p> <p><i>“The site shall be developed with measures to conserve and protect the setting of the Grade II* former Infirmary building within the site. “</i></p>	To insert mitigation to protect the setting of the former Infirmary building and statue, views and historic features.	<p>There is no Heritage Impact Assessment for this site on the Examination website.</p> <p>A key consideration for any redevelopment proposals for this site is how the existing buildings are reused. This is not addressed in any of the proposed amendments.</p> <p>There is also a Grade II Listed of King Edward VII outside the former Infirmary to which</p>	<p>Council agree with all additional HE text subject to:</p> <p>Site specific considerations:-</p> <p><i>“Development proposals will be required to retain and reuse the Grade II* former Infirmary buildings where possible. Any new buildings or other structures should conserve these elements</i></p>

Action no.	Para/table/box	Council's Proposed Change (Tracked change)	Reason for change	HE comment on proposed change [Suggested amendments are shown in red]	Council's Final proposed change
				<p>no reference is made.</p> <p>It is suggested that the following amendments are made to the Policy wording:-</p> <p>Constraints:-</p> <p><i>“The former Infirmary buildings are Grade II* listed. There is also a Grade II Listed statue within the site”</i></p> <p>Site specific considerations:-</p> <p><i>“Development proposals will be required to retain</i></p>	<p><i>which contribute to the significance of the Listed Buildings on this site and the character of the Conservation Area”</i></p>

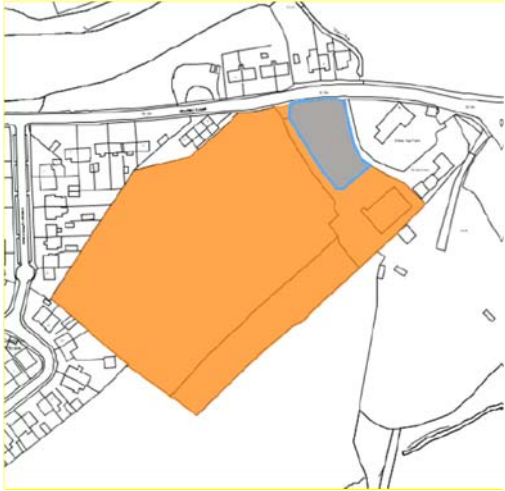
Action no.	Para/table/box	Council's Proposed Change (Tracked change)	Reason for change	HE comment on proposed change [Suggested amendments are shown in red]	Council's Final proposed change
				<p><i>and reuse the Grade II* former Infirmary buildings. Any new buildings or other structures should conserve these elements which contribute to the significance of the Listed Buildings on this site and the character of the Conservation Area"</i></p> <p><i>Proposals will identify an appropriate layout, scale, appearance and materials of the proposed residential development to conserve those</i></p>	

Action no.	Para/table/box	Council's Proposed Change (Tracked change)	Reason for change	HE comment on proposed change [Suggested amendments are shown in red]	Council's Final proposed change
				<i>elements which contribute to the significance of the heritage assets on this site, taking into account the updated Heritage Impact Assessment submitted by the applicant as part of the planning application process."</i>	



**Matter 34 – Dewsbury and Mirfield Housing Allocations: Green Belt sites**

Action no.	Para/table/box	Council’s Proposed Change (Tracked change)	Reason for change	HE comment on proposed change [Suggested amendments are shown in red]	Council’s Final proposed change
119	H40 Site box	<p>Insert the following text into the other site specific considerations box:</p> <p><i>“Proposals will identify an appropriate layout, scale, appearance and materials of the proposed residential development, taking into account the evidence presented in the Council’s Heritage Impact Assessment or any updated Heritage Impact Assessment submitted by the applicant as part of the planning application process”.</i></p> <p><i>“In order to safeguard the setting of the Grade II Listed Building known as Sheep Ings Farmhouse, no development shall take place on the field/area marked as high significance in councils HIA to the east of the track running south from granny lane across the site.”</i></p> <p>The gross site area 2.23ha reduced by 0.11ha for flood zone 3 = 2.12ha (74 dwellings) has been further <u>modified</u> to reduce the site area by an additional 0.1ha to account for the HIA high significance resulting in a net area of 2.02ha (<b>70 dwellings</b>)</p>	To insert mitigation to protect the setting of Sheep Ings Farmhouse.	<p>We support the proposed textual changes regarding the Listed Building.</p> <p>However, the first Paragraph of the site specific comments would benefit from an amendment to more clearly explain the design requirements along the following lines:-</p> <p><i>“Proposals will identify an appropriate layout, scale, appearance and materials of the</i></p>	Council agree with additional HE text.

Action no.	Para/table/box	Council's Proposed Change (Tracked change)	Reason for change	HE comment on proposed change [Suggested amendments are shown in red]	Council's Final proposed change
				<p><i>proposed residential development to minimise harm to the setting of the Listed Building, taking into account ...”</i></p>	

**Matter 35 – Dewsbury and Mirfield employment, housing and mixed use allocations: urban sites (non-Green Belt)**

Action no.	Para/table/box	Council's Proposed Change (Tracked change)	Reason for change	HE comment on proposed change [Suggested amendments are shown in red]	Council's Final proposed change
151	H95 site text	<p>Insert the following text into the other site specific considerations box:</p> <p><i>“Proposals will identify an appropriate layout, scale, appearance and materials of the proposed residential development, taking into account the evidence presented in the Council’s Heritage Impact Assessment or any updated Heritage Impact Assessment submitted by the applicant as part of the planning application process”.</i></p> <p><i>“In order to preserve the setting of the Grade II Listed Buildings of Thornhill Hall and Thornhill Cottages, no access shall be formed to the allocation site via Combs Lane unless adequate justification is provided through the submission of a Heritage Impact Assessment in accordance with PLP 35”</i></p>	To insert mitigation to protect the setting of Thornhill Hall and Thornhill Cottages	For the reasons given at the Examination, Historic England oppose the allocation of this site	Council disagree with HE additional change and retain the original proposed change.

Matter 37 – Batley and Spen Housing Allocations: Green Belt and non-green belt sites

Action no.	Para/table/box	Council’s Proposed Change (Tracked change)	Reason for change	HE comment on proposed change [Suggested amendments are shown in red]	Council’s Final proposed change
183	H761	<p>Amend other site specific considerations to include:</p> <p><u>“Any development in an area of moderate significance as identified in the council’s Heritage Impact Assessment needs to be in keeping with the scale, height, massing and alignment of the historic building in the vicinity with particular attention paid to the immediate setting of the heritage asset. The design should seek to make use of traditional or sympathetic building materials and techniques and the proposed use of the buildings should respect the traditional character of the setting of the adjacent listed building.”</u></p> <p><u>“There should be a sensitive approach to existing views to ensure that development preserves and enhances the setting of Birstall Old Hall.”</u></p>	To provide clarification in relation to mitigation measures.	<p>The Constraints need a number of changes to address some factual errors - that there is only one Listed Building whose significance could be affected by the development of this area and that part of the site lies within a Conservation Area.</p> <p>It is suggested that the fourth bullet-point is amended to read:-</p> <p><i>“The site is close to a Grade II* Listed</i></p>	<p>The Council agrees to amending reference to one listed building.</p> <p>Council agree with additional HE text to be added to the fourth bullet point: <i>“The site is close to a Grade II* Listed Building and part of the Site lies within the Birstall Conservation Area”</i></p>


Action no.	Para/table/box	Council's Proposed Change (Tracked change)	Reason for change	HE comment on proposed change [Suggested amendments are shown in red]	Council's Final proposed change
				<p><i>Building and part of the Site lies within the Birstall Conservation Area"</i></p> <p>Whilst we support the recognition of the need to ensure that the setting of the Grade II* Listed Building is safeguarded, as proposed these amendments do not clearly set out the measures needed to ensure that the significance of Birstall Old Hall is conserved.</p> <p>It is suggested that the change is modified along the following lines:-</p>	<p>Council disagree with additional HE text to replace the existing other site specific considerations and considers that the proposed change as outlined in column three should be retained.</p>

Action no.	Para/table/box	Council's Proposed Change (Tracked change)	Reason for change	HE comment on proposed change [Suggested amendments are shown in red]	Council's Final proposed change
				<p>Delete the proposed Site Specific Considerations and replace with:-</p> <p><i>"In order to safeguard the setting of the Grade II* Listed Building known as Birstall Old Hall, no development shall take place on the field marked as 'moderate significance' in the Council's HIA to the north-east of the Listed Building.</i></p> <p><i>"Proposals will identify an appropriate layout, scale, appearance</i></p>	

Action no.	Para/table/box	Council's Proposed Change (Tracked change)	Reason for change	HE comment on proposed change [Suggested amendments are shown in red]	Council's Final proposed change
				<p><i>and materials of the proposed residential development to minimise harm to the setting of the Listed Building and to the character of the Conservation Area, taking into account the evidence presented in the Council's Heritage Impact Assessment or any updated Heritage Impact Assessment submitted by the applicant as part of the planning application process".</i></p>	

Action no.	Para/table/box	Council's Proposed Change (Tracked change)	Reason for change	HE comment on proposed change [Suggested amendments are shown in red]	Council's Final proposed change
				The area to the east of Birstall Old Hall identified in the Heritage Impact Assessment as being of 'moderate significance' should also be shown on a map as an area to remain open.	
168	H508 other site specific considerations	<p>Amend other site specific considerations to include reference to:</p> <p><u><i>"The site can be accessed through the area of land identified as of high significance within the council's Heritage Impact Assessment. There should be a sensitive approach to the design of the access in order to minimise harm to the area of high significance. The remainder of the area of high significance should be left "open" for community uses."</i></u></p> <p><u><i>"The area adjacent to the historic asset requires retention in order to create a buffer zone between the allocated site and Whitechapel Church."</i></u></p>	<p>To insert mitigation measures to protect the setting of Whitechapel Church.</p> <p>See council note (appendix 1)</p>	<p>As Historic England stated in its response on the 30 April, we disagree with the Council on the extent of the around the Grade II Listed Church which should remain free of development.</p> <p>However, we broadly support the suggested changes to the Policy</p>	<p>Council agree with additional HE text: <u><i>"character of this area and the setting of the Church"</i></u>.</p> <p>Council disagree with additional HE text in relation to no development on the field adjacent to the</p>



Action no.	Para/table/box	Council's Proposed Change (Tracked change)	Reason for change	HE comment on proposed change [Suggested amendments are shown in red]	Council's Final proposed change
		<p><i><u>“There should be a sensitive approach to building orientation, massing, height, density and layout on the site in order to minimise harm to the significance of the Church and its setting, taking into account the evidence presented in the Council’s Heritage Impact Assessment or any updated Heritage Impact Assessment submitted by the applicant as part of the planning application process.”</u></i></p>  <p>KEY:  <span style="color: red;">■</span> Heritage Asset  <span style="color: lightcoral;">■</span> Considerable significance  <span style="color: orange;">■</span> High Significance  <span style="color: blue;">■</span> Moderate Significance  <span style="color: green;">■</span> Slight Significance</p> <p>Figure 7 - Site Plan showing areas of significance</p>		<p>wording, but would suggest a few amendments to better articulate their intentions;-</p> <p><i><u>“The site can be accessed through the area of land identified as of high significance within the council’s Heritage Impact Assessment. There should be a sensitive approach to the design of the access in order to minimise harm to the character of this area and the setting of the Church. The remainder of the area of high significance should</u></i></p>	<p>church as it considers the proposed modification outlined in column 3 should be retained.</p>

Action no.	Para/table/box	Council's Proposed Change (Tracked change)	Reason for change	HE comment on proposed change [Suggested amendments are shown in red]	Council's Final proposed change
				<i>be left "open" for community uses."</i>  <i>"In order to safeguard the setting of the Grade II Listed Whitechapel Church, no development shall take place on the field adjacent to the churchyard"</i>	
168	H508 Indicative capacity	Amend indicative site capacity to: " <u>138 dwellings</u> "	To reflect mitigation measures to protect the setting of Whitechapel Church.		N/A
186	H783	The council considers that there is no justification to locate the open space requirement in the proposed area. The chapel was designed for two faiths, in line with many other chapels in Kirklees; due to non-conformist faith. This is the reason for the separation of the the chapels. They were not designed for views through – see figure 2 of the council's	N/A	For the reasons set out in our Statement to the Examination, we disagree with the Council on this point	The council has produced an open space assessment of this site (as requested by the Inspector). Subject to the

Action no.	Para/table/box	Council's Proposed Change (Tracked change)	Reason for change	HE comment on proposed change [Suggested amendments are shown in red]	Council's Final proposed change
		heritage impact assessment. A cluster of trees at the end of the path, obscure views when looking beyond the chapel. There is therefore, no justification for open space to be used as a mitigation measure to protect views.			<p>Inspector's conclusions on the assessment, the council propose to delete this allocation and designate the site as an urban green space by extending UGS1056.</p> <p><b><u>Please see Action 186.</u></b></p> <p>If the Inspector considers the site should be retained for housing, the council maintains its position on the</p>


Action no.	Para/table/box	Council's Proposed Change (Tracked change)	Reason for change	HE comment on proposed change [Suggested amendments are shown in red]	Council's Final proposed change
					location of the open space and disagrees with HE proposals.
170	H198 Other site specific considerations	Amend the other site specific considerations to read:  <u><i>"The setting of the footpath should be preserved or enhanced by development."</i></u>  <u><i>"There should be a sensitive approach to building orientation, massing, height, density, and layout on the site in order to minimise harm to Thornbush farm to preserve existing views towards and from Thornbush Farmhouse and Barn."</i></u>	To provide clarification on mitigation measures to address heritage issues in relation to the site in line with Council's Heritage Impact Assessment.  See council note (appendix 2).	As Historic England stated in its response on the 30 April, we disagree with the Council on the extent of the around the Grade II Listed Farmhouse which should remain free of development.  However, we support the suggested changes to the Policy wording	HE and the Council disagree on the extent of the area to be protected around Thornbush Farmhouse.  The Council and HE agree on proposed modifications.
161	H442 Other site specific considerations	Amend the other site specific considerations box to read:  <u><i>"A buffer to be provided to the south-east of the existing stone wall along Roberttown Lane to</i></u>	To insert mitigation measures to protect the setting of Old Hall Farmhouse, views and historic	The only difference between The Council and Historic England relates to whether or not the	Council and HE agree on the proposed modifications with the

Action no.	Para/table/box	Council's Proposed Change (Tracked change)	Reason for change	HE comment on proposed change [Suggested amendments are shown in red]	Council's Final proposed change
		<p><u>retain the rural setting to Old Hall Farmhouse and to provide a visual break in the site frontage along Roberttown Lane.</u></p> <p><u>"There should be a sensitive approach to building orientation, massing height, density and layout on the site in order to minimise harm to the significance of the Listed Building at Old Hall Farmhouse and to preserve existing views."</u></p> <p><u>"The existing stone wall along the Roberttown frontage shall be retained where possible."</u></p> <p><u>The public footpaths on site shall be retained. Development on those fields adjoining Roberttown Road shall provide a green buffer alongside the public right of way which runs from Stanley Road to Roberttown Road to retain views towards the Listed Building.</u></p> <p><u>The design and layout shall incorporate the existing field boundaries within the allocated site and seek to minimise any loss of these features.</u></p>	<p>features following further consultation with Historic England.</p> <p>See council note (appendix 3).</p>	<p>first Criterion should include a specific distance.</p> <p>Whilst Historic England would prefer a figure which will clearly assist users of the Plan determine how they should react to any development proposals, we would be willing to compromise with the following:-</p> <p><u>"A <b>substantial</b> buffer to be provided to the south-east of the Wall along Roberttown Lane</u></p>	<p>exception of the insertion of substantial. The proposed modifications should be retained as in column three.</p> <p><u>Please see Action 161 Statement of Common Ground between the council and WYG.</u></p>
161	H442 Indicative capacity	Amend indicative site capacity to: <u>"230"</u>	To reflect mitigation measures to protect		N/A

Action no.	Para/table/box	Council's Proposed Change (Tracked change)	Reason for change	HE comment on proposed change [Suggested amendments are shown in red]	Council's Final proposed change
			historic features and views outlined above and the importance of the buffer.		
174	H591 Other site specific considerations	Amend other site specific considerations to read:  <u><i>"There should be a sensitive approach to the design and landscaping of the site in order to maintain the agricultural character of Ferrands Lane".</i></u>	To provide clarification on mitigation measures to retain the agricultural character of Ferrands Lane.  See council note (appendix 4).	This was not a site to which Historic England submitted any representations	N/A
	H2537	Amend Constraints to include:  Public right of way crosses the site and borders the site to the east (maintain integrity of the Public footpath (part of Luddite Trail))	To provide consistency in referencing PROW.	This was not a site to which Historic England submitted any representations	N/A
	H2667	Amend other site specific considerations to include:  <i>"The original buildings, walls and railings of the former Gomersal Primary School shall be</i>	To provide clarification in relation to the existing buildings and features on site.	We support these proposed Changes which reflect the suggestions put forward by Historic	Agreed position


Action no.	Para/table/box	Council's Proposed Change (Tracked change)	Reason for change	HE comment on proposed change [Suggested amendments are shown in red]	Council's Final proposed change
		<p><i>retained and reused as part of any development proposals where possible."</i></p> <p><i>"Boundary wall and access to the footpath at the rear of the church to be retained as part of the scheme"</i></p>		England at the Examination	

**KIRKLEES RURAL SUB-AREA**

Action no.	Para/table/box	Council's Proposed Change (Tracked change)	Reason for change	HE comment on proposed change [Suggested amendments are shown in red]	Council's Final proposed change
211	H763	<p>Most of the area of moderate significance removed in the north of site including the trees but some land in the west near the listed building can be kept open through a standard layout</p> <p>Remove 0.1ha from developable area (now 0.72ha) (shown approximately in blue below) and state reason as retention of trees in north-eastern part of the site in close proximity to listed buildings Amend capacity from 28 dwellings to 25 dwellings:</p> 	Modification needed to ensure mitigation measures in HIA are set out in the plan.	Although not exactly what Historic England proposed, the changes are broadly in accord with the suggested amendments put forward by Historic England at the examination.	Agreed position



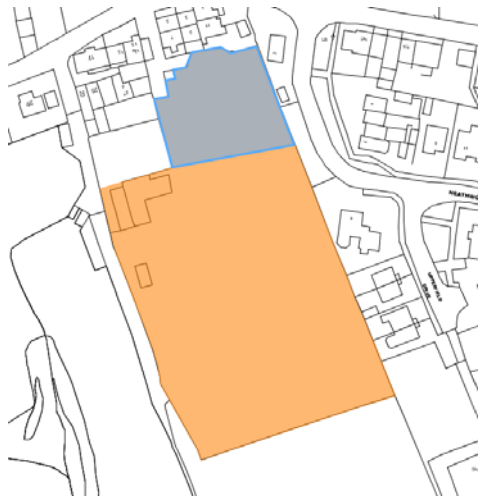
Action no.	Para/table/box	Council's Proposed Change (Tracked change)	Reason for change	HE comment on proposed change [Suggested amendments are shown in red]	Council's Final proposed change
		<p>Add to other site specific considerations:</p> <ul style="list-style-type: none"> <li>• <i>"The existing tree belt along the site's northern boundary shall be retained to safeguard the setting of the Listed Buildings on Manchester Road"</i></li> <li>• <i>"The layout of the site along Hollins Row should safeguard the setting and views towards Providence Baptist Chapel"</i></li> </ul>			
213 / 214	H2649	<p><b>Part of the moderate significance has been netted off – this is at a higher level than the remainder of the site</b></p> <p>Amend developable area to 0.82ha to take into account the change in levels on this site and the impact on the adjacent conservation area and amend the site capacity from 35 dwellings to 28 dwellings.</p>	To insert mitigation to protect the setting of the conservation area and listed building.	For the reasons put forward at the Examination, the proposed change would not be sufficient to address the concerns put forward by Historic England.	Council disagree with HE proposal to delete this site. Retain the original proposed change.

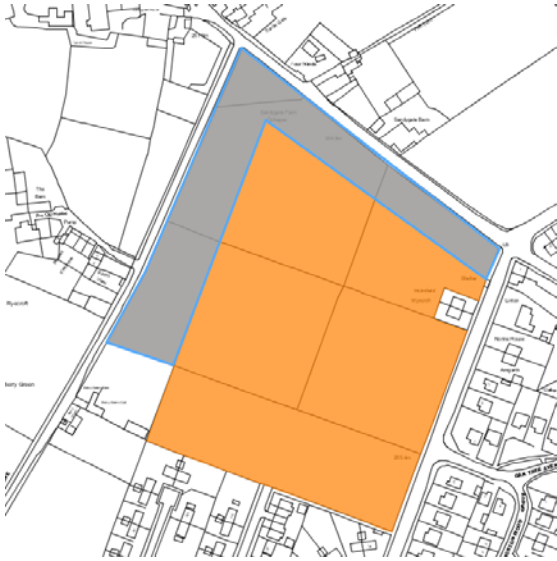
Action no.	Para/table/box	Council's Proposed Change (Tracked change)	Reason for change	HE comment on proposed change [Suggested amendments are shown in red]	Council's Final proposed change
		 <p>Add the following to Constraints:</p> <ul style="list-style-type: none"> <li>• <i>“Site is within a Conservation Area”</i></li> <li>• <i>“Site is close to a listed building”</i></li> </ul> <p>Add to Other site specific considerations:  <i>“The former fire station building shall be retained and reused as part of any development proposals, unless adequate justification is provided for their loss, in accordance with PLP7 and PLP24”</i></p>			
224 / 225	H768	<p>Add the following to Constraints:</p> <ul style="list-style-type: none"> <li>• <i>“Site is adjacent to a Conservation Area”</i></li> <li>• <i>“Site is close to listed buildings”</i></li> </ul>	To insert mitigation to protect the setting of the	Although not exactly what Historic England proposed, the	Agreed position

Action no.	Para/table/box	Council's Proposed Change (Tracked change)	Reason for change	HE comment on proposed change [Suggested amendments are shown in red]	Council's Final proposed change
		<p>Add to Other site specific considerations:</p> <ul style="list-style-type: none"> <li>• <i>"The layout of the central part of the site should safeguard the setting and views towards the eastern elevation of the Church of St Aiden"</i></li> <li>• <i>"The trees along the site's western boundary shall be retained in order to safeguard the character of the adjacent Conservation Area."</i></li> </ul>	conservation area and listed building.	changes are broadly in accord with the suggested amendments put forward by Historic England at the examination.	
236	H584	<p>Add the following to Constraints:</p> <ul style="list-style-type: none"> <li>• <i>"Protected trees along the northern boundary of this site"</i></li> </ul> <p>Add the following to Other site specific considerations:</p> <ul style="list-style-type: none"> <li>• <i>"The layout of the site in the north-western corner should safeguard the setting of the Grade II Listed Building."</i></li> </ul> <p>No site capacity implications – the open areas can be retained within the site layout as shown by information submitted by the site promoter</p>	To insert mitigation to protect the setting of the listed building.	Although not exactly what Historic England proposed, the changes are broadly in accord with the suggested amendments put forward by Historic England at the examination.	Agreed position
237	H664	Add the following to Other site specific considerations:	To insert mitigation to protect the setting	As Historic England made clear in its	Council disagree with HE comment

Action no.	Para/table/box	Council's Proposed Change (Tracked change)	Reason for change	HE comment on proposed change [Suggested amendments are shown in red]	Council's Final proposed change
		<p><i>“Proposals will identify an appropriate layout, scale, appearance and materials of the proposed residential development, taking into account the evidence presented in the Council’s Heritage Impact Assessment or any updated Heritage Impact Assessment submitted by the applicant as part of the planning application process.”</i></p> <p><i>In order to safeguard the setting of this Listed Building, no development should take place to the west of Clitheroe Farmhouse</i></p> <p>No site capacity implications – the area to the west of the farm has already been removed from the developable area.</p>	<p>of the listed building.</p>	<p>submission to the examination, we disagree with the Council on the extent of the area to the east of the Grade II Listed Farmhouse which should remain free of development. It is Historic England’s view that the extent of this area should be more clearly articulated.</p> <p>However, we support the suggested changes to the Policy wording</p>	<p>about the extent of land to the east of the farmhouse and retain the original proposed change, subject to insertion of HE additional text: <i>development in order to minimise harm to the significance of the Listed Building,</i></p>


Action no.	Para/table/box	Council's Proposed Change (Tracked change)	Reason for change	HE comment on proposed change [Suggested amendments are shown in red]	Council's Final proposed change
				<p>subject to the following amendment:-</p> <p><i>“Proposals will identify an appropriate layout, scale, appearance and materials of the proposed residential development in order to minimise harm to the significance of the Listed Building, taking into account ...”</i></p>	
229 / 230	H738	<p><b>Area of considerable significance netted off (in the north of the site)</b></p> <p>Amend developable area to 0.64ha – reason is to avoid built development in the northern part of the site near</p>	To insert mitigation to protect the setting of the conservation area	For the reasons put forward at the Examination, Historic England considers that this allocation	Council disagree with HE proposal and retain the original


Action no.	Para/table/box	Council's Proposed Change (Tracked change)	Reason for change	HE comment on proposed change [Suggested amendments are shown in red]	Council's Final proposed change
		<p>the listed buildings, and amend site capacity from 27 dwellings to 22 dwellings</p> <p>Add the following to other site specific considerations: "The layout of the northern part of the site should safeguard the setting and views towards the listed weavers houses"</p> 	and listed building.	should be deleted.	proposed change.
248 / 249	H597	<b>Area removed is within the area of moderate significance</b>	To insert mitigation to	For the reasons put forward at	Council disagree with

Action no.	Para/table/box	Council's Proposed Change (Tracked change)	Reason for change	HE comment on proposed change [Suggested amendments are shown in red]	Council's Final proposed change
		<p>Amend developable area to 3.04ha – reason is to safeguard the setting of listed buildings and important viewpoints along the northern and western edges of this site and amend site capacity from 141 dwellings to 106 dwellings</p>  <p>Add to Other site specific considerations:</p>	protect the setting of the listed building.	the Examination, Historic England considers that the developable area of Site H597 is reduced in extent to simply the field immediately adjacent to the existing housing on Moorlands	HE proposal and retain the original proposed change

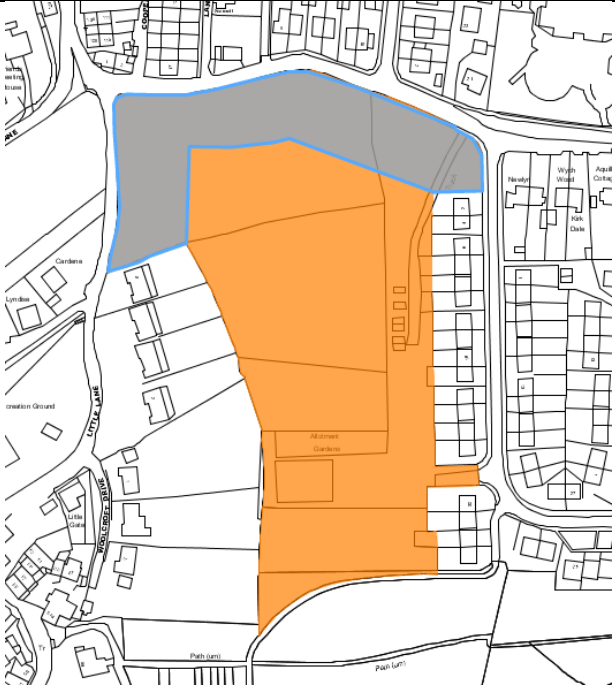
Action no.	Para/table/box	Council's Proposed Change (Tracked change)	Reason for change	HE comment on proposed change [Suggested amendments are shown in red]	Council's Final proposed change
		<ul style="list-style-type: none"> <li>The layout of this site should safeguard the setting of listed buildings by avoiding development immediately adjacent to Sandy Gate and close to Ryecroft Lane</li> <li>The existing walls within the site shall be retained and reused as part of any development proposals, unless adequate justification is provided for their loss, in accordance with PLP7 and PLP24The loss of interior and exterior walls should be minimised where practicable</li> </ul>			
251 / 252	H1774	<p><b>Area of high significance removed from developable area</b></p> <p>Amend developable area to 0.91ha – reason is to safeguard the setting of the conservation area and amend site capacity from 42 dwellings to 31 dwellings</p>	Modification to amend net area and site capacity to reflect heritage constraints.	For the reason put forward at the Examination, Historic England considers that this allocation should be deleted.	Council disagree with the HE proposal and retain the original proposed change



Action no.	Para/table/box	Council's Proposed Change (Tracked change)	Reason for change	HE comment on proposed change [Suggested amendments are shown in red]	Council's Final proposed change
		 <p data-bbox="568 1027 1285 1098">Proposed modification to site constraints (from council MIQ response):</p> <ul data-bbox="618 1107 1227 1182" style="list-style-type: none"> <li>• <i>“Site is close to within a conservation area”</i></li> <li>• <i>“Site is close to listed buildings”</i></li> </ul>			
253	H715	<p data-bbox="568 1230 1285 1337"><b>Part of moderate significance is removed from the developable area which now follows the line of the back gardens on Wesley Avenue</b></p>	Modification to policy text to retain area of	We support this proposed change.	Agreed position

Action no.	Para/table/box	Council's Proposed Change (Tracked change)	Reason for change	HE comment on proposed change [Suggested amendments are shown in red]	Council's Final proposed change
		<p>Amend developable area to 1.09 – reason is due to the steep nature of this part of the site and to preserve the setting of the conservation area and amend site capacity from 43 dwellings to 38 dwellings</p> 	open land as shown in HIA.		
254 / 255	H730	<p><b>Modification to policy text to retain area of high/moderate significance as open space and walls/trees to be retained.</b></p> <p>Amend developable area to 1.53ha to retain area of slight significance and amend capacity from 74 dwellings to 53 dwellings.</p>	Modification to policy text to retain area of high/moderate significance.	For the reason put forward at the Examination, Historic England considers that this allocation should be deleted.	Council disagree with additional HE proposal and retain the original proposed change

Action no.	Para/table/box	Council's Proposed Change (Tracked change)	Reason for change	HE comment on proposed change [Suggested amendments are shown in red]	Council's Final proposed change
		<p>Add the following to constraints in the site box:</p> <ul style="list-style-type: none"> <li>• <i>“TPOs, Protected trees on the northern and north-western boundaries of this site</i></li> <li>• <i>Listed building”</i></li> </ul> <p>Add the following to reports required:</p> <ul style="list-style-type: none"> <li>• <i>“drainage report”</i></li> </ul>			

Action no.	Para/table/box	Council's Proposed Change (Tracked change)	Reason for change	HE comment on proposed change [Suggested amendments are shown in red]	Council's Final proposed change
					
262	SL2187 – Robert Lane / Bill Lane, Wooldale	Delete SL2187	Site does not meet the NPPF definition of safeguarded land.	This is an important open space at the entrance to the Wooldale Conservation	Agreed position

Action no.	Para/table/box	Council's Proposed Change (Tracked change)	Reason for change	HE comment on proposed change [Suggested amendments are shown in red]	Council's Final proposed change
				Area and contributes to the setting of the adjacent Grade II Listed Methodist Chapel. Consequently, we support the deletion of this site as Safeguarded Land.	
263	MX1912a – Dobroyd Mills	Add to other site specific information: <i>“The original mill buildings shall be retained and reused as part of any development proposals, unless adequate justification is provided for their loss, in accordance with PLP7 and PLP24.”</i>	Modification to refer to retention of the mill building subject to caveat.	This was not a site to which Historic England submitted any representations	N/A
268	MDGB2134	Add to other site specific information: <i>“Non-designated heritage assets shall be retained and reused as part of any development proposals, unless adequate justification is provided for their loss, in accordance with PLP7 and PLP24.”</i>	Modification to refer to retention of the mill building subject to caveat.	This was not a site to which Historic England submitted any representations	N/A

Action no.	Para/table/box	Council's Proposed Change (Tracked change)	Reason for change	HE comment on proposed change [Suggested amendments are shown in red]	Council's Final proposed change
25	E2333a	Add to other site specific information: <i>"Development proposals will be required to take a sensitive approach to building orientation, height, massing, materials, colour and screening in order to preserve the wider setting of the Registered Historic Park and Garden at Bretton Hall and the village of Clayton West. Development should be integrated into the surrounding landscape to mitigate against the visual and landscape character effects of development and to ensure that public benefits are delivered in the most sustainable and appropriate way possible."</i>	To set out clearly the measures necessary to ensure that this site is delivered in a manner consistent with the conservation of the elements which contribute to the significance of the Registered Historic Park and Garden at Bretton Hall.	As Historic England made clear at the Examination, we considered that it had not been adequately demonstrated that the development of this area would not harm elements which contribute to the significance of the Registered Historic Park and Garden at Bretton Hall.  Consequently, it is considered that, in addition to the proposed change (which	Council agree with additional HE text subject to: <i>"Development proposals will be required to demonstrate that they <u>minimise the visual impact</u> <del>would not be visible from within the Registered Historic Park and Garden at Bretton Hall. Buildings of a height likely to be visible from the designed landscape will</del></i>

Action no.	Para/table/box	Council's Proposed Change (Tracked change)	Reason for change	HE comment on proposed change [Suggested amendments are shown in red]	Council's Final proposed change
				<p>we would endorse), the following additional Site specific consideration is also included in the Plan:-</p> <p><i>“Development proposals will be required to demonstrate that they would not be visible from within the Registered Historic Park and Garden at Bretton Hall. Buildings of a height likely to be visible from the designed landscape will be</i></p>	<p><i>be required to provide clear and convincing justification why such buildings need to be constructed in that location”.</i></p>

Action no.	Para/table/box	Council's Proposed Change (Tracked change)	Reason for change	HE comment on proposed change [Suggested amendments are shown in red]	Council's Final proposed change
				<i>required to provide clear and convincing justification why such buildings need to be constructed in that location".</i>	



**Kirklees Council**

**Matter 37 H508 Land to the west of Whitechapel Middle School, Whitechapel Road, Cleckheaton**

1.1 This note forms a response to the Inspector's request at the Matter 37 hearings on 22<sup>nd</sup> March for clarification on the following issues:

- a) clarification on position to area of moderate significance and clarification of the areas of the site to be retained as open land/buffer to protect setting of the church and any mitigation measures to be included in the plan
- b) the impact of any built form and the access road through the area of high significance and how this could be mitigated
- c) clarification of the proposed modification in relation to mitigation measures to protect setting of the church.

**Open land/buffers**

1.2 Following further consideration of the area of high significance as identified in LE73 (the council's Heritage Impact Assessment), the council has reconsidered its position and considers that this area should be kept open and retained for community uses with provision for access (The area of high significance is identified on the plan below).

1.3 The council considers that the moderate area identified on the plan below should also be kept open and could form part of the public open space contribution. As outlined at the examination, the boundary wall of the churchyard is important when viewed from the footpath within the site. Whilst the churchyard forms its own enclosure, this does not mean that the internal view should be disregarded.

**Impact of access road and mitigation measures**

1.4 Due to the amount of housing to be delivered off this access it is difficult to propose mitigation measures to reduce the harm in the area identified as high significance. This may be however achieved by removing footways either side of the access (divorcing them by putting a green service strip between), keeping street lighting to a minimum and reducing road signage. This is the harm that needs to be balanced against the public benefit as required under para 134 of the NPPF.

## Proposed Modifications

1.5 The council proposes the following modifications to address the concerns of Historic England:

1. Amend the site capacity to read:

138 dwellings

2. Insert additional text in the site box under other site specific considerations to read:

"The site can be accessed through the area of land identified as of high significance within the council's Heritage Impact Assessment. There should be a sensitive approach to the design of the access in order to minimise harm to the area of high significance. The remainder of the area of high significance should be left "open" for community uses."

3. Insert additional text in the site box under other site specific considerations to read:

"The area adjacent to the historic asset requires retention in order to create a buffer zone between the allocated site and Whitechapel Church."






4. Amend other site specific considerations to include reference to:

"There should be a sensitive approach to building orientation, massing, height, density and layout on the site in order to minimise harm to the significance of the Church and its setting, taking into account the evidence presented in the Council's Heritage Impact Assessment or any updated Heritage Impact Assessment submitted by the applicant as part of the planning application process."

**Map of the areas the council proposes should be protected from development**



**KEY:**

-  Heritage Asset
-  Considerable significance
-  High Significance
-  Moderate Significance
-  Slight Significance

**Figure 7 - Site Plan showing areas of significance**

 **Areas to be retained as open (see Proposed Modifications)**

**Kirklees Council**

**Matter 37 H198 Second Avenue, Liversedge – response to Historic England**

- 1.1 This note forms a response to Historic England’s proposed modifications for H198 on which responses were invited by the Inspector by 30<sup>th</sup> April 2018.
- 1.2 Historic England has identified two options to deal with its concerns in relation to Thornbush Farm. Firstly, to amend the boundary of the allocation as identified below and secondly, as an alternative to insert the following text into the Local Plan site text box:

*“A 50 metre wide buffer shall be retained along the southern end of this site between Windy Bank Lane and Hawthorn Lodge to safeguard the setting of the Listed farm building”.*



Proposed Modification for amended allocation boundary by Historic England

- 1.3 The council re-affirms its position made at the examination, that there is no justification for removing part of the allocation. Thornbush Farm is separated from the allocation by open land and as such the agricultural setting is maintained to the west, east, north and south. Policy PLP35 provides the policy framework to ensure that proposals maintain and reinforce local distinctiveness and conserve the

significance of designated and non-designated heritage assets. Notwithstanding this, the council proposes the following modification to the plan to provide greater clarity in the consideration of any future planning applications:

**Proposed Modification:**

Insert additional text to the other site specific consideration box to read:

*“There should be a sensitive approach to building orientation, massing, height, density, and layout on the site in order to minimise harm to Thornbush farm to preserve existing views towards and from Thornbush Farmhouse and Barn.”*

- 1.4 At the examination, there was a discussion about the inclusion of text within the local plan to refer to the setting of the footpath. The council propose an additional modification to read:

**Proposed Modification**

Insert additional text to the other site specific consideration box to read:

*“The setting of the footpath should be preserved or enhanced by development”.*

**Kirklees Council**

**Matter 37 H422 Land between Richmond Park Avenue and Sunnyside Avenue, Roberttown**

- 1.1 This note forms a response to Historic England's proposed modifications on H442 on which responses were invited by the Inspector by 20<sup>th</sup> April 2018.
- 1.2 The council outlined at the Examination hearings on 22<sup>nd</sup> March 2018 the following Proposed Modifications. These were subsequently shared with Historic England for comment:

**Proposed Modifications**

1. A green buffer to be provided along Roberttown Lane to retain an unbuilt setting to Old Hall Farmhouse and to provide a visual break in the site frontage along Roberttown Lane.
  2. There should be a sensitive approach to building orientation, massing height, density and layout on the site in order to minimise harm to the significance of the Listed Building at Old Hall Farmhouse and to preserve existing views.
  3. Retain the footpath and the field boundaries within the allocated site whilst allowing for access to be achieved.
  4. To reduce the capacity of the site to 230 dwellings.
- 1.3 Historic England considered that Proposed Modification 1 should be amended to read:
- The existing stone wall along the Roberttown frontage shall be retained. A green buffer of at least 30 metres to be provided to the south-east of the wall to retain the rural setting to Old Hall Farmhouse and to provide a visual break in the site frontage along Roberttown Lane.*
- 1.4 The council would support the amended text for the first sentence with the addition of the words where possible at the end of the first sentence as access to the site would be from Roberttown Lane. With regard to the second sentence, the council considers that green should be deleted as there are elements of open development such as the provision of a service road which can be accommodated within the buffer which would not impact on a rural setting. Further, the council does not support the inclusion of: "of at least 30 metres" as it is considered that this is too prescriptive to be included within the Local Plan and would not allow for the

consideration of a range of mitigation measures to be considered at the design stage of the planning application process. Policy PLP35 is considered the most appropriate mechanism to secure mitigation measures with the council's Heritage Impact Assessment taken into account at the time a planning application is being determined. It does however, accept amending Proposed Modification from to retain an unbuilt to "retain a rural". Addition text on the location of the buffer would also seek to clarify the site box text.

The council's Proposed Modification would therefore read:

"A buffer to be provided to the south-east of the Wall along Roberttown Lane to retain the rural setting to Old Hall Farmhouse and to provide a visual break in the site frontage along Roberttown Lane."

"The existing stone wall along the Roberttown frontage shall be retained where possible."

1.5 At the Examination hearings on 26<sup>th</sup> April 2018, the council outlined it would consider a reduced capacity for the site of 210 dwellings to recognise the importance of the buffer in relation to the protection of the historic asset. The council's has had a further meeting with the site promoter (4<sup>th</sup> May 2018) to discuss a revised masterplan for the site based on the issues raised by Historic England and the council's proposed mitigation measures. Both the council and the site promoter are confident, based on the revised masterplan that 230 dwellings could be achieved on site and accordingly consider that the capacity should be identified as 230 dwellings.

1.5 Historic England has made no comment on Proposed Modification 2 outlined in 1.2 of this note. The council does not propose any further amendments to this modification and consider it should be retained as a Proposed Modification.

1.6 Historic England' proposed the following rewording of Proposed Modification 3 to read:

The public footpath shall be retained. Development on those fields adjoining Roberttown Road shall provide a green buffer alongside the public right of way to retain views towards the Listed Building.

The design and layout shall incorporate the existing field boundaries within the allocated site and seek to minimise any loss of these features.

1.7 The council consider that there should be further clarification to identify that there are two footpaths on site and that the green buffer relates to the footpath which runs from Stanley Road to Robberttown Lane.

The council would support the wording outlined in paragraph 1.6 with the further amendments:

*The public footpaths on site shall be retained. Development on those fields adjoining Roberttown Road shall provide a green buffer alongside the public right of way which runs from Stanley Road to Roberttown Road to retain views towards the Listed Building.*

*The design and layout shall incorporate the existing field boundaries within the allocated site and seek to minimise any loss of these features.*



## Kirklees Council

### Matter 37 H591 Land to the west of Cliffe Mount, Ferrand Lane, Gomersal

#### Council Response to Inspector's request for a note on:

- 1.1 This note forms a response to the Inspector's request at the matter 37 hearings on 22<sup>nd</sup> March for clarification on mitigation measures in relation to historic assets. Clarification was sought on the following issues:
- a) clarification on the mitigation measures required to retain the continued agricultural character of Ferrands Lane;
  - b) clarification on whether any mitigation measures are required to protect the listed buildings/conservation area in the north-eastern corner of the site from the proposed allocation.

#### Ferrands Lane

- 1.2 Measures to retain the agricultural character of Ferrands Lane could include supplementing tree planting, keeping hedgerows and landscaping. Policy PLP35 provides the framework to address these issues. As part of a future planning application, consideration could be given to removing permitted development right to prevent further structures and fencing along the rear boundary of the site. The council considers that it is too prescriptive to include text within the Local Plan on this issue and the best time to consider this is at the development management stage.
- 1.3 However, additional text could be included within the Local Plan to provide clarity:

#### Proposed Modification

Insert text within the other site specific considerations box to read:

*"There should be a sensitive approach to the design and landscaping of the site in order to maintain the agricultural character of Ferrands Lane"*.

#### Impact on listed buildings/conservation area

- 1.4 The council reaffirms its position that it supports the findings of the site promoter's heritage impact assessment (HIA) that the proposed development will not have an impact on the adjacent conservation area or the listed buildings.
- 1.5 The impact on the conservation area is set out at section 6 where paragraph 6.2 states:

*“The analysis shows that the conservation area derives much of its character from its historic buildings, rather than from its spatial qualities or its relationship with the wider landscape. It is therefore, somewhat enclosed and inward looking, and its qualities tend to be appreciated at close quarters and do not involve a wider context.”*

1.6 Section 7 of the HIA states:

*The proposed development site is physically and visually remote from the majority of the conservation area, particularly due to the presence of the intervening ridge and modern housing, and even where the two areas come into close proximity the impact will be negligible. The conclusion of the analysis is therefore, that the development of the proposed site for housing will have no detrimental impact on the conservation area, or on any of the listed buildings within the area.”*

1.7 The Site box contains reference to the site is close to a listed building. Any development proposals will be assessed in the light of PLP35 Historic Environment and PLP24 which would consider the impact of proposals on heritage assets and the conservation area.

**Matter 38 H761 Land adjacent, Raikes Lane, Birstall**

**Council Response to Inspector's request for a note on:**

1. Council to seek clarification from Historic England that Birstall Old Hall is the only listed building of concern with this site
  2. Clarification whether mitigation measures are required to protect the area of moderate significance in accordance with paragraph 6.2 of the council's Heritage Impact Assessment
  3. Clarification whether mitigation measures are required to reduce the impact of the access road through the area of moderate significance
- 1.1 Historic England confirmed that Birstall Old Hall was the only listed building of concern with the site.

**Proposed Modifications**

- 1.2 Amend other site specific considerations to include:  
*"Any development in an area of moderate significance as identified in the council's Heritage Impact Assessment needs to be in keeping with the scale, height, massing and alignment of the historic buildings in the vicinity with particular attention paid to the immediate setting of the heritage asset. The design should seek to make use of traditional or sympathetic building materials and techniques and the proposed use of the buildings should respect the traditional character of the setting of the adjacent listed building."*

*"There should be a sensitive approach to existing views to ensure that development preserves and enhances the setting of Birstall Old Hall."*