

MATTER 37 - BATLEY AND SPEN HOUSING ALLOCATIONS: GREEN BELT RELEASES

H508 – Land west of Whitechapel Middle School, Cleckheaton

Issue - Are the proposed Green Belt release housing allocations in the Batley and Spen Sub-Area justified, effective, developable/deliverable and consistent with national policy?

1 Introduction

1.1 The allocation of Site H508 for residential development as currently proposed in the Submission Local Plan is not sound as it is neither justified nor is it consistent with either the emerging Policies in the Local Plan or with national policy guidance.

1.2 Paragraph 126 of the NPPF sets out a requirement for Local Plans to conserve heritage assets in a manner appropriate to their significance. When considering the impact of a proposed development upon the significance of a designated heritage asset, Paragraph 132 of the NPPF makes it clear that great weight should be given to the asset's conservation and explains that significance can be harmed by development within its setting. This site adjoins the churchyard of Whitechapel Church - a Grade II Listed Building. The loss of this site and its subsequent development could harm elements which contribute to the significance of this building.

1.3 Although a Heritage Impact Assessment has been produced to ascertain whether or not this site could be developed in a manner consistent with the conservation of this Listed Building, it has not correctly identified the the extent of the area which is necessary to be kept open in order to safeguard its setting and has not set out clearly or explicitly what measures would be necessary to reduce the potential harm which the development of this site might cause to Whitechapel Church.

1.4 Consequently, the allocation of Site H508 for residential development, as proposed in the Submission Local Plan, would be in conflict with the following aspects of the emerging Local Plan:-

- The Spatial Vision – in that it conflicts with the intention that development will take place in a sustainable way (balancing economic, social and environmental priorities), that the local character and distinctiveness of Kirklees and its places will be retained, or that the natural, built and historic environment will be maintained and enhanced through high quality, inclusive design
- Spatial Objective 8 - in that it will not protect or enhance the characteristics of the historic environment
- Policy PLP35 – in that it will not conserve elements which contribute to the significance of a designated heritage asset.

1.5 It would also be contrary to national policy guidance as set out in the NPPF insofar as it would not:-

- Help to deliver a “*positive strategy for the conservation and enjoyment of the historic environment*” as is required by NPPF Paragraph 126.
- Contribute to protecting or enhancing the historic environment. Therefore, it will not deliver sustainable development in terms of the conservation of the historic environment [NPPF Paragraph 7].
- Conserve heritage assets in a manner appropriate to their significance. Therefore it will runs contrary to one of the Government’s Core Planning Principles [NPPF Paragraph 17].
- Give great weight to the conservation of the area’s designated heritage assets [NPPF, Paragraph 132]
- Provide clear and convincing justification that the harm it would cause to the heritage assets is outweighed by the benefits [NPPF, Paragraph 134].

2 Response to the Inspector’s questions

Question i) Has the impact of the proposal on heritage assets been adequately assessed and addressed? Should protection and mitigation measures linked to the Heritage Impact Assessment (LE73) be specified in the Plan?

2.1 On the whole, we would broadly support the methodology that has been used for the Heritage Impact Assessment of this site. The Heritage Impact Assessment has set out a very good summary of the historical development of the land and has provided an excellent evaluation of the majority of the elements which contribute to the significance of this Grade II Listed Building.

- 2.2 The Heritage Impact Assessment considers that the area of Site H508 which makes the greatest contribution to the setting of Whitechapel Church lies to the west of the churchyard (LE73, Figure 7). We would concur with that evaluation and with the recommendation that this area of ‘High Sensitivity’ should remain undeveloped. We would also agree that the area to the north and east of the churchyard is of lesser importance and that, as a result it warrants being identified as being of ‘Moderate significance. However, we disagree with the extent of that area and it is unclear how the Heritage Impact Assessment envisages that the harm that would be caused to the setting of the church by development in the area identified as being of ‘Moderate Significance’ might be removed or reduced.
- 2.3 Whitechapel Church is a modest Gothic Revival building of 1821 (restored in 1887-8 and, again, in the 1930s) on the site of a number of earlier chapels dating from the twelfth Century (of which the Norman font still survives). Its churchyard contains a number of chest tombs and other substantial memorials. The church has strong Bronte connections with a Bronte family member buried in the churchyard and evidence that that Patrick Bronte carried out services while he was curate at Hartshead Church.
- 2.4 Whilst the landscape of this part of Cleckheaton may have changed considerably as a result of the construction of the M62 and the school to the north-west (and we would agree with Heritage Impact Assessment that this has substantially diminished what would have been the wider rural setting of this building), nevertheless, the southern part of the area coloured green on Figure 7 of the Heritage Impact Assessment as the last vestige of what was once an extensive rural setting, makes considerably more contribution to the significance of the church than has been indicated. A Public Footpath runs past the western edge of the churchyard, alongside the former Public House, and from this part of the site, it is one of the few locations where it is possible to gain an appreciation of the relationship between the church and the surrounding landscape. Residential development this close to the Listed Building would considerably harm one’s appreciation of the church in its wider landscape setting.
- 2.5 On the basis that the Heritage Impact Assessment has incorrectly identified the extent of the area that is of ‘Moderate Significance’, that that it has not set out clearly or explicitly what measures might be necessary to reduce the potential harm which this development might cause to the Listed Building, and that there is a complete lack of any specific measures within the Plan to ensure that any

development will take place in a manner consistent with the conservation of Whitechapel Church, this allocation is, at present, Unsound.

3 The current allocation within the Kirklees UDP

3.1 The Kirklees UDP identifies the majority of this site Green Belt. However, the south-eastern corner of the site was identified as Provisional Open Land. These are sites having “*identifiable value as open land*” but are also judged “*to be capable of development either now or when new infrastructure ...can be provided*” [Doc. LE1, Paragraph 2.15]. There appears to be some expectation that because of this UDP designation this site should automatically come forward as an Allocation in this Local Plan.

3.2 The UDP makes it clear that:-

“The reassessment of provisional open land will involve determining for each site whether in the prevailing circumstances there is a case for releasing some or all of the land for development, or whether it should be maintained as provisional open land until the next review of the plan. Reallocation of provisional open land as green belt or urban greenspace will occur only in exceptional circumstances.”

.... The review will follow the guidance in PPG2 concerning safeguarded land, so that, exceptionally, some land may be removed from the provisional open land designation because it is unfavourably located in terms of achieving sustainable development”. [Doc. LE1, Paragraph 2.16 to 2.17]

3.3 It is clear, therefore, that the allocation of Provisional Open Land for residential development is not automatic and that, in some exceptional circumstances, certain sites might be reallocated as Urban Greenspace. The development of that part of Site H508 which was identified as POS would result in considerable harm to an element which contributes to the significance of a designated heritage asset. As such the development of that area would not deliver sustainable development in terms of protecting and enhancing the historic environment, and conflicts with the Government’s Core Planning Principle that heritage assets should be conserved in a manner appropriate to their significance. Historic England would contend that and that this reassessment of the important of this site would constitute an “exceptional circumstance”

warranting reallocating the former Provisional Open Land as 'Urban Greenspace'.

4 Conclusions

- 4.1 The Heritage Impact Assessment it has not correctly identified the extent of the area which is necessary to be kept open in order to safeguard the setting of the Grade II Listed Whitechapel Church nor has it set out clearly or explicitly what measures would be necessary to reduce the potential harm which the development of this site might cause to that designated heritage asset.
- 4.2 In terms of NPPF Paragraph 134, this is likely to constitute less than substantial harm to the significance of this designated heritage asset. Whilst the degree of harm may be less than substantial, nevertheless, it would still be causing harm to a designated heritage asset. As such, therefore, it would not be delivering sustainable development in terms of protecting and enhancing the historic environment, it would conflict with one of the Government's Core Planning Principles (that heritage assets should be conserved in a manner appropriate to their significance), nor would it be likely to provide the positive strategy for the conservation of the historic environment that is required for Local Plans.

5 Suggested change

- 5.1 It is recommended that:-
- (a) The extent of the area identified as being of 'Moderate Significance' in the Heritage Impact Assessment is amended as shown on the map on Appendix A
 - (b) The developable area of Site H508 is amended to exclude all the revised area of 'Moderate Significance'

Appendix A – Suggested revised area of ‘Moderate Significance’ and extent of proposed developable area

