

Kirklees Local plan Stage 4 hearings. MIQs

1) **Matter 37** – Batley and Spen housing allocations: Green Belt releases

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?

Site/question number: i) **H591 – land west of Cliffe Mount, Ferrand Lane, Gomersal**

Have the impact of the proposals on the historic environment been adequately assessed and appropriate mitigation measures put in place?

2) Kirklees states in part 2 of the Local Plan, Allocations and designations: H591, constraints :

“Site is close to a listed building.”

3) Site H591 is close to the western end of the Greater Gomersal Conservation area. The most significant building, only 50 metres from the northern side of the site, is Gomersal Methodist church 1827-28, Grade 2 listed, locally known as the Pork Pie Chapel due its curved frontage.

The church is at the top of Ferrand Lane on the right; to the left is the Old Manse. Behind the church, to the west is the graveyard with further church land behind. At present, mourners or visitors to the graveyard can stand with their backs to the chapel and have a vista of peaceful fields on three sides. Looking south west is site H591.



Wide angle view from the church yard showing the open aspect to the west. Ferrand Lane is just over the wall to the left

3) The proximity of the Conservation area to the site can be seen in **Appendix A: Map 1 : Tree Preservation Orders- Map display**. The Historic Conservation Area is shaded blue, tree preservation, purple. It can be seen that the most easterly green belt field of site H591 is opposite part of the church land in the conservation area.

4) In the Allocations and designations H591, Kirklees states, under **reports required:**

“Heritage impact assessment”

5) In November 2016, Historic England’s representation to the “Regulation 19 Consultation on the Publication Draft Kirklees Local Plan (November 2016) and October 2016 SA Report” raised concerns: “the Sustainability Appraisal had not adequately assessed the likely significant effects which the site allocations in the Local Plan might have upon the historic environment nor had it put forward appropriate mitigation measures to remove or reduce any harm to an acceptable level.”

6) In November 2016, in the Kirklees Council Statement of Pre-submission Consultation, Kirklees stated: **“ The site promoter has submitted an heritage impact assessment. The council is supportive of its conclusions “**

7) In Historic England’s statement for Matters, Issues and Questions M 21, it is stated “The Publication Draft proposed a large number Allocations whose eventual development appeared likely to harm elements which contribute to the significance of designated heritage assets in their vicinity. At the time the Plan was published, there had been no meaningful evaluation of what impact the development any of these sites might have upon those heritage assets. “

Historic England later continued: 1.1.5 Since Submission of the Plan, Heritage Impact Assessments have now been undertaken of all of all these sites.

8) In **November 2016 in the Kirklees Publication Draft Local Plan - Accepted Sites: Housing Batley and Spen H591** : Kirklees stated **“ A Heritage Impact Assessment has been submitted.”**

9) However, while the company used for other sites, on behalf of Kirklees Council, specifically for council assessments is Farrell and Clark Architects, the Impact Assessment for site H591 has been produced by Lindsay Cowle (Conservation Consultant) on behalf of the development company putting forward building proposals for the site. (KCS Development Ltd through Carter Jonas)

10 It does not seem that Kirklees Council is acting impartially if they are using material produced to support proposals from a property developer. Surely documents used by Kirklees should be independently produced to support their plan according to their own policies and those of the National Policy. They should not be relying on reports produced for a third party.

11) The Impact Assessment produced for the development company is readily available on the Local Plan website; the assessment mentions:

2.3..... West Lane: the latter leads to the Grade 2 Listed Methodist church of 1827-8 which terminates the conservation area: thereafter it becomes a small lane (Ferrand Lane) descending between fields to the Throstle's Nest farmstead. The proposed development site is on the south side of Ferrand Lane, on existing fields falling distinctly to the west and northwest.

It also states: On the south side of Ferrand Lane the conservation area boundary takes in the corner Victorian villa but not the houses beyond, which therefore prevent the two areas from meeting. The new development would therefore have no visual impact along this boundary.”

Also; “7.0 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. “

12) I would refute these comments:

13) i) The chapel, and the churchyard to the west, are on top of the ridge **as is the most easterly field of the proposed site** on ground which is more or less level, only sloping slightly. The fields do not begin “falling distinctly to the west and north west” until further down the lane.

14) ii) The proposed development is not physically and visually remote from **this part** of the conservation area it is just across Ferrand Lane, from the graveyard – a distance of some 5 metres.

15) iii) There is no “intervening ridge” at this part of the conservation area as both the graveyard and part of the proposed site are **on** the ridge.

View south west from Gomersal Methodist Church Graveyard across the top of Ferrand Lane to the eastern end of site H591



Houses in the distance can be glimpsed through the trees but the fields at the top end (east) of the site help to preserve the semi- rural setting of the church.

16) iv) Even though Ferrand Lane and site H591 “fall distinctly to the north and north west”, they also **change direction** to the north and north west so that any development would be in full view from the land at the western end of the conservation area.



View from the western end of the Methodist Church land. Ferrand Lane can be seen bending at an angle with site H591 beyond, clearly in view.

17) **The Hedgerow Regulations 1997** have various criteria to determine the importance of a hedgerow.

On site H591, as well as the hedges on either side of Ferrand Lane, there is a significant hedge opposite the conservation area, at a right angle to the lane. This hedge line (and Ferrand Lane itself) are interesting historically:

The hedgerow “is recorded in a document held at the relevant date at a Record Office as an integral part of a field system pre-dating the Inclosure Acts.”

- The plan (**Appendix B Map 2**), dated 1809 is from papers from the Sigston Estate. The Sigston Family were, by 1830, among the largest landowners in Gomersal.
- The plan shows Ferrand Lane and immediately to the south, fields 35 and 36.
- The hedge marks the boundary between the two fields.

The layout of the fields of the site goes back over two hundred years before the Inclosures act of 1845. The Sigston family and their relation to the Taylors of Red House are a significant part of the historical background of the beginnings of the textiles industry in Gomersal.

The position of the hedge line in 1809, still in place today, is related to the history of Gomersal. Although outside the Conservation Area, the fields are still a link to the very centre of it, as Sigston House is still standing, in the centre of the village.

18) I would conclude that the proposed new development **would** have a noticeable visual impact along the boundary of this part of the conservation area. It would intrude considerably into the semi - rural long distance view.

19) Groups of walkers regularly walk through the conservation area and down Ferrand Lane. They take in the frontage of the chapel and then, behind, the graveyard and rural aspect; the mature trees and hedgerows on all sides. The walk can be continued, down the lane, the fields on both sides maintaining the peaceful environment.



Walking down Ferrand Lane. Site H591 to the left

20) To quote from the Kirklees Publication Draft local plan, Strategy and Policies:

“Council's should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. “

21) This semi - rural area of Gomersal, very near to the Grade 2 listed church contributes to the significance of the designated heritage assets of the Conservation Area A large scale development of at least 135 houses so close to the Conservation Area would intrude and change the environment and the enjoyment of this part of Gomersal for future generations.

22) In the Impact assessment produced by Lindsay Cowle she states;

“3.14 Gomersall has been designated as a conservation area by Kirklees District Council, and a conservation area character appraisal is awaited.”

23) Kirklees has not produced a Character Appraisal for the conservation area, in line with the requirements of its own policies but has merely, of the existing assessment, been “supportive of its conclusions”.

24) In the Kirklees Pre submission Statements, November 2016, in response to the comments submitted concerning H591, Kirklees replied, in supporting the conclusions of the Heritage Impact Assessment:

“...and consider that in designing the final layout of the site, it will be important to ensure the ‘agricultural’ nature of the treatment to Ferrand Lane is maintained and supplemented. **It is proposed that additional text is included in the allocation box to reflect this.**”

25) There is nothing in the Proposed Modifications to the Local Plan concerning this.

26) Kirklees has not produced any options for mitigation or enhancement for site H591, merely a note at the end of Kirklees Publication Draft Local Plan - Accepted Sites: Housing Batley and Spen H591:

“There are no significant constraints with the site which cannot be mitigated against at the planning application stage.”

27) This suggests that a decision has already been made by Kirklees on this site instead of what I would think would be a more correct procedure - that of going through the consultations, hearing examinations, responses and possibly further assessments until a decision is made on the Plan as a whole. There should be no presupposition that the site will be developed.

28) Paragraph 126 of the NPPF requires Local Plans to set out a positive strategy for the conservation and enjoyment of the historic environment. In addition, the Council has a statutory duty under the provisions of S72 of the Planning (Listed Buildings and Conservation Areas) Act, 1990 to pay “special attention” to “the desirability of preserving or enhancing the character or appearance” of its Conservation Areas. The NPPF makes it clear that the significance of heritage assets, such as Conservation Areas, can be harmed through development within their **setting**.

29) The Kirklees “Conservation Area Maps and Appraisals 2017” site lists 60 Conservation areas in Kirklees. Eleven of those are in Batley and Spen and we are fortunate enough to have two in Gomersal. These areas should be treasured. It could be said that in the past there has been some unsympathetic development in Gomersal. Now that councils are more aware of the importance of preserving our heritage, these mistakes should not be compounded. It could be said that some of the fields need attention – fences need repairing and footpaths improving. These faults can be addressed but once the fields which enhance the conservation area are developed and covered with houses there can be no going back.

30) To conclude: Site/question number: i) H591 – land west of Cliffe Mount, Ferrand Lane, Gomersal

Have the impact of the proposals on the historic environment been adequately assessed and appropriate mitigation measures put in place?

I feel that the Green Belt site H591 adjacent to the Gomersal Conservation Area has not been adequately assessed by Kirklees Council to anticipate the impact on the historic environment the proposals could have; nor have any appropriate mitigating measures been put in place. The overall contribution to the **Conservation Area** of the site has not been taken into account. Kirklees has relied on assessments from a development company and has added nothing to the text boxes to

indicate mitigation measures for guidance, should there be any development proposals by any other party in the future. In this case, there is not an effective framework for the protection of the designated site which is robust.

In this case, I would conclude the plan is not sound.

Linda Smith. January 21st 2018



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Tree Preservation Orders - Map display

Near The Old Manse, Ferrand Lane, Gomersal, Cleckheaton, BD19 4DA

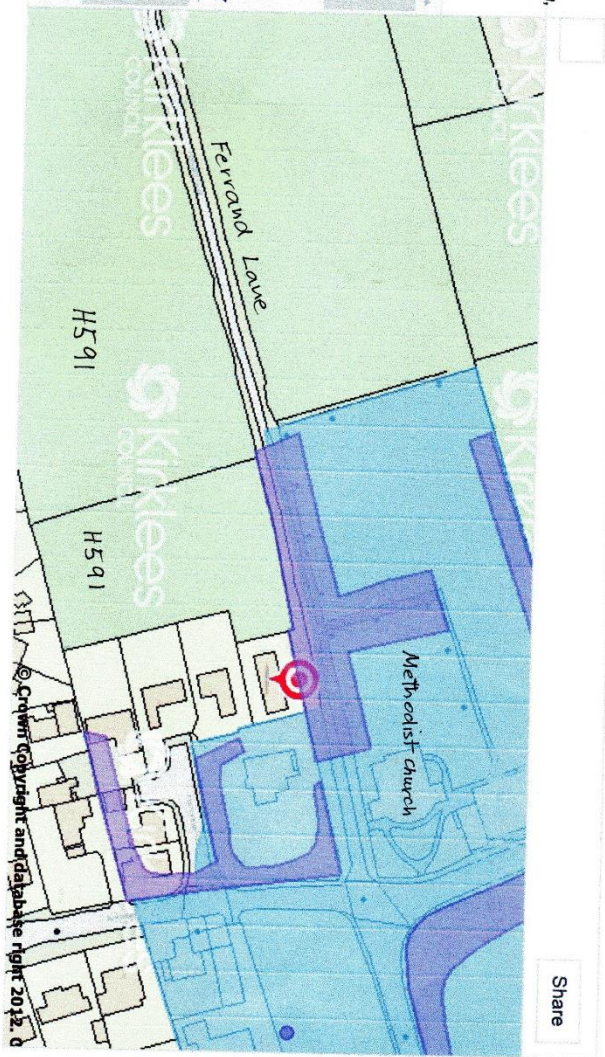
Map key Change address Disclaimer

-  Conservation Area
-  Protected tree or tree preservation area

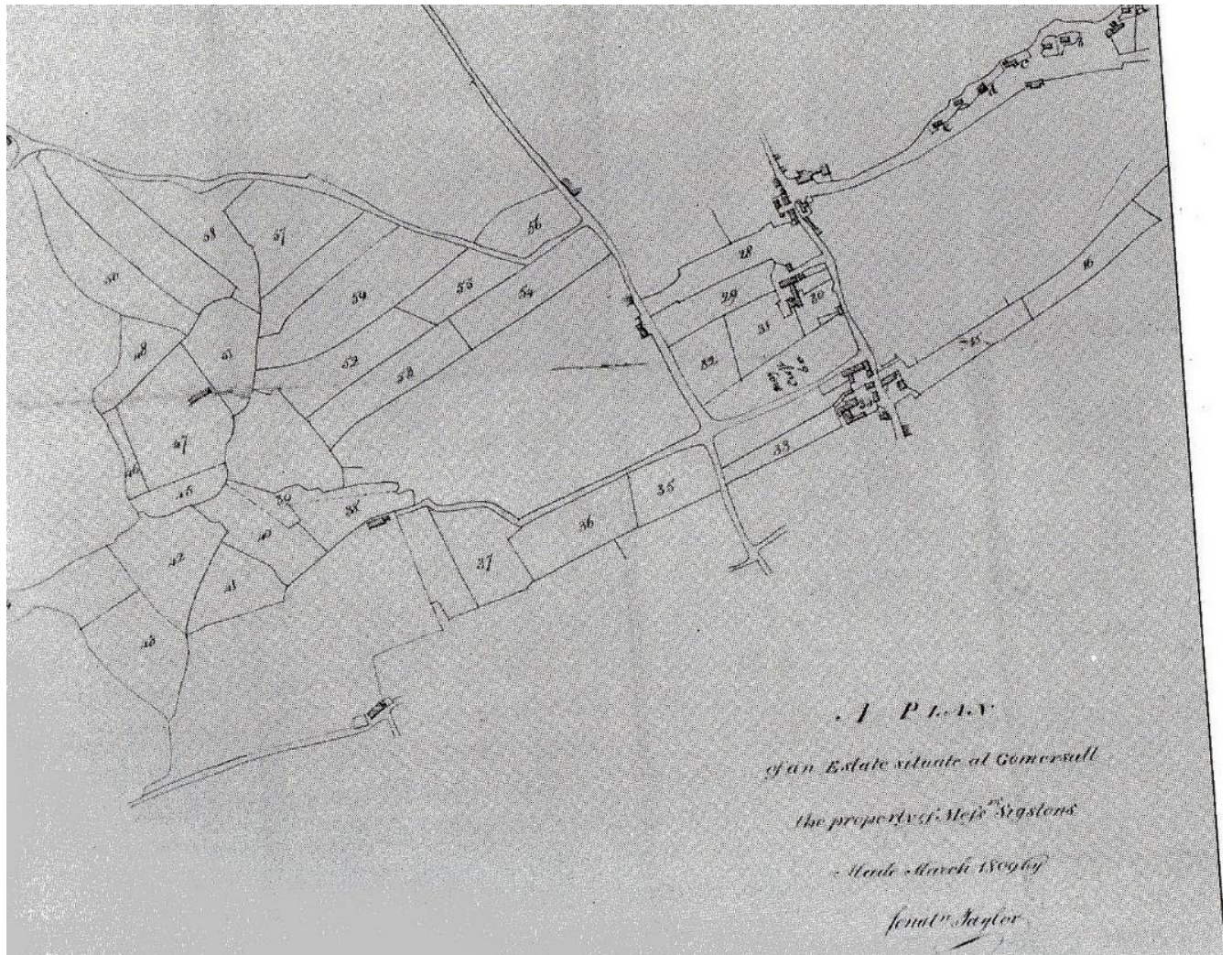
A tree or grouping of trees protected by a Tree Preservation Order and designated as an area, group or woodland in the order. An application is needed to carry out work to these trees

- Apply to work on trees (<http://www.kirklees.gov.uk/delta/trees-listing-and-conservation/work-on-trees.aspx>)

The Tree Preservation Orders and conservation areas shown are supplied for information purposes only. This is not the legal document



Appendix A: Map 1: Conservation Area



Appendix B: Map 2. From Gomersal A Window on the Past by Gillian Cookson and Neil A Cookson.

“Sigstons’ Estate in 1809. Latham Lane runs north-south; with Drub Lane and Ferrands Lane off to the west”