

MATTER 38 – BATLEY AND SPEN EMPLOYMENT, HOUSING AND MIXED USE  
ALLOCATIONS: URBAN (NON-GREEN BELT) SITES

Site H783 – land adjacent Dale Lane, Heckmondwike

Issue - Are the proposed employment, housing and mixed-use allocations in the urban areas of Batley and Spen justified, effective, developable/ deliverable and in line with national policy?

1 Introduction

- 1.1 The allocation of Site H783 for residential development 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. Heckmondwike Cemetery Chapel to the south of this area is a Grade II Listed Building. The loss of this site and its subsequent development could harm elements which contribute to its significance.
- 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 under-valued the contribution which this site makes to the setting of the building 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 the Cemetery Chapel.

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1.4 Consequently, the allocation of Site H783 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]

## 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 (LE89) 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

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has provided an excellent evaluation of the majority of the elements which contribute to the significance of this Grade II Listed Building. However, we consider that it has undervalued the contribution which this undeveloped site makes to the setting of the Listed Building and, as a result, that it has underplayed the harm that the loss and eventual development of this site as allocated might have upon its significance.

- 2.2 Although in a very poor state of repair, there are views of this site through the archway between the two cemetery chapels on one of the main axial paths through this cemetery. Should the Chapel ever be repaired and the bushes and other foliage be properly managed, development immediately to the north of the Chapel would harm the view of this building from the main approach path through the cemetery.

### **3 Conclusions**

- 3.1 The development of the Site H783 as currently proposed in would result in harm to the setting of the Heckmondwike Cemetery Chapel – a Grade II Listed Building. 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.

### **4 Suggested Modifications**

#### **4.1 It is recommended that:-**

- (a) The developable area of Site H783 is reduced in size to remove the area immediately to the north of the Grade II Listed Building.

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- (b) The amount of housing specified in Part 2 of the Local Plan for Site H198 is amended accordingly