

MATTER 40 – COLNE VALLEY ALLOCATIONS

Site H763 – land north-west of Gordon Street, Slaithwaite

Issue - Are the proposed housing, mixed use and safeguarded land allocations in the Colne Valley justified, effective, developable/deliverable and in line with national policy?

1 Introduction

- 1.1 The allocation of Site H763 for residential development as currently proposed 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 boundary of the Slaithwaite Town Centre Conservation Area and there are a number of Listed Buildings to the north and west of this site. The loss of this site and its subsequent development could harm elements which contribute to their significance.
- 1.3 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 designated heritage assets in its vicinity. This has identified that parts of Site H763 contribute to the setting of these assets and concludes that their development would be likely to cause harm to elements which contribute to their significance. However, the Heritage Impact Assessment 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 these designated heritage assets.

1.4 As a result, the extent of the area that is proposed for developed coupled with the lack of any specific measures within the Plan to ensure that any development will take place in a manner consistent with the conservation of the Listed Buildings and this part of the Conservation Area could result in a form development which would harm elements which contribute to their significance.

1.5 Consequently, the allocation of H763 for 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.

1.6 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 e) 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 (LE99) be specified in the Plan?

- 2.1 The Heritage Impact Assessment has provided an excellent summary of the historic development of this area, it has identified the elements which contribute to the significance of the various designated heritage assets in its vicinity and has set out a good evaluation of the contribution which this site makes to their setting. It considers that parts of Site H763 do contribute to the significance of these assets and that their loss and subsequent development could harm their setting.
- 2.2 However, it is unclear how the Heritage Impact Assessment envisages that this harm might be effectively removed or reduced. It considers that it is important to “*maintain the rural setting*” of the part of the site adjacent to the Baptist Church. However, does not specify how “*careful design of housing*” might achieve this nor is it evident how large any buffer zone might need to be (if provided at all). In the case of the Methodist Church, it considers that “*housing be brought back a reasonable distance from the boundary*” without specifying how large a “reasonable distance” might be.
- 2.3 On the basis that the Heritage Impact Assessment 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 designated heritage assets in its vicinity coupled with the lack of any specific measures within the Plan to ensure that any development will take place in a manner consistent with their conservation this allocation is, at present, Unsound.

3 Conclusions

- 3.1 The Heritage Impact Assessment has identified that parts of Site H763 contribute to the significance of a number of heritage assets in its vicinity. The loss of these areas, therefore, would be likely to result in harm to the significance of these assets. However, it is not clear from the Heritage Impact Assessment how that harm might be effectively mitigated. Consequently, the development of the Site H763 as currently proposed would be likely to result in harm to the setting of the adjacent Listed Buildings. In terms of NPPF Paragraph 134, this is

likely to constitute less than substantial harm to their significance. 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 Change

4.1 It is recommended that:-

- (a) The Heritage Impact Assessment is amended to specifically set out the mitigation measures necessary to ensure that the development of site H763 takes place in a manner consistent with the conservation of the Baptist Church and the Methodist Church.
- (b) The Recommendations of the Heritage Impact Assessment are securely tied into the Local Plan