

## MATTER 40 - COLNE VALLEY ALLOCATIONS

### H2649 – land south-west of Victoria Terrace, Marsden

Issue - 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 H2649 for residential development as currently proposed in the Submission Draft 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. Paragraph 138 explains that the loss of a building or other element which makes a positive contribution to the significance of a Conservation Area should be treated as resulting in harm to that area.

1.3 This site lies within the Marsden Conservation Area. At present, the extent of the area 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 Marsden Conservation Area, could result in a form development which would harm elements which contribute to its significance.

1.4 Consequently, the allocation of the entirety of Site H2649 for residential development 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 An allocation which would be likely to result in harm to the significance of a Conservation Area would also be contrary to S72 of the general duty under the Town & Country Planning (Listed Building & Conservation Areas) Act, 1991. It would also be contrary to national policy guidance as set out in the NPPF. As a result, this allocation does 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].
- Conserve an open area which makes a positive contribution to the character of a Conservation Area [NPPF Paragraph 138].
- Provide clear and convincing justification for the harm that it would cause to the historic environment [NPPF, Paragraph 134].

## 2 The Heritage Impact Assessment [Doc.LE96]

2.1 On the whole, we would broadly support the methodology that has been used for the Heritage Impact Assessment of this site, particularly the use of an approach which seeks to identify the relative importance of the various parts of this site to the significance of the heritage assets in its vicinity. Whilst the Heritage Impact Assessment has set out a very good evaluation of the historical development of the settlement, of its townscape character, and of many of the elements which contribute to the significance of the Conservation Area and the buildings within it, we consider that it has failed to properly articulate the

contribution which the eastern part of this undeveloped site makes to the significance of Conservation Area and that, as a result, it has underplayed the harm that its loss and eventual development might have upon the area's special architectural or historic interest.

### 3 The Contribution which Site H1774 makes to the character of the Conservation Area.

3.1 The Marsden Conservation Area was designated in 1974. As the Heritage Impact Assessment notes, in 2007, a number of amendments were made to its boundary including a southern extension which included the playing field at Fall Lane (original used by mill workers and considered to illustrate the importance of the social aspects of industrialisation) and the terracing associated with Bank Bottom Mill. This additional area also included the Old Fire Station (identified in the Conservation Area Appraisal [Doc. LE62] as a key unlisted building in the Conservation Area and reputedly one of the first fire stations in the country) and the remainder of this allocated site.

3.2 Paragraph 5.1 of the Heritage Impact Assessment states that "*the allocated land is a brownfield site which has formerly been developed*". This is not correct. Whilst, until the middle of the twentieth Century, the western half of this site was occupied by a gas works, there is no evidence that the remainder of Site H2649 has ever had development upon it. Indeed, as Marsden grew throughout the nineteenth and twentieth centuries, the eastern part of this site has remained as an informal open space in the heart of the settlement. This open area has had a long historic association as a route for workers between the Marsden Foundry (that used to be on the southern side of Carrs Road) and the New Inn public house on Manchester Road (a Grade II Listed Building) Whilst, the Foundry may have been replaced by modern residential blocks, nonetheless, this has not reduced the historic importance of this public footpath - a route which is still clearly regularly used by the local community - or its contribution to the significance of the Listed Building.

3.3 From Carrs Road, there are views looking northwards across this area to the New Inn and Huck Hill and, from its junction with Peel Street, across to the tower of the Grade II Listed St Bartholomew's Church (which is identified as being one of the key focal buildings in the Conservation Area). There are also views from The Park, opposite, across this site towards the moors to the west. The Conservation

Area Appraisal notes the importance of the dramatic surrounding landscape to the character of Marsden and the strong sense of enclosure that it provides.

- 3.4 The eastern half of the allocated site, therefore, makes an important contribution to the historic interest and character of this part of the Conservation Area. The loss of this undeveloped site at the heart of the settlement, the radical change to the character of the historic footpath link across it, and the loss of several important views across the site would cause harm to a number of elements which contribute to the significance of the Conservation Area.
- 3.5 Contrary to the conclusions in the Heritage Impact Assessment, it is difficult to comprehend how any housing on the eastern half of Site H2649 could be successfully developed in a manner which would not harm the character of this part of the Conservation Area.
- 3.6 For the remainder of the Site, the Heritage Impact Assessment puts forward a number of mitigation measures including the retention of the historic former fire station building. If these measures are necessary to ensure that the development of this site takes place in a manner consistent with the duties under the Planning Acts and national policy guidance, then they need to be securely and effectively tied into the Local Plan. Without such connectivity, the Plan cannot demonstrate that the development of this allocated site is likely to contribute towards the delivery of the positive strategy for the historic environment that is required by NPPF Paragraph 126. At the moment, none of these recommendations are securely tied into the Policy framework of the Local Plan.
- 3.7 It is not sufficient to rely on the general Policy for the historic environment that is set out in Part 1 of the Plan to ensure that the development of the western part of this area is delivered in a manner which will safeguard those elements which contribute to the significance of the heritage assets nearby. In order to ensure that the development of this Allocation takes place in a manner which will deliver sustainable development in terms of the conservation of the historic environment, the Recommendations of the Heritage Impact Assessment need to be specifically referred to in Part 2 of the Plan. Such an approach would help to provide certainty to both potential developers and local communities about precisely what will, and will not, be permitted on this site and help ensure that it is developed in a sustainable manner

#### 4 The current allocation within the Kirklees UDP

- 4.1 The Kirklees UDP identifies this site for Business Development. Whilst, in 1995 it might have been considered appropriate to Allocate this site for this purpose, twenty-three years later, it is not acceptable to simply roll forward this allocation without some re-evaluation about whether or not it would still be likely to deliver sustainable development or be consistent with current national planning guidance.
- 4.2 It is quite apparent that the development of the eastern part of Site H2649 will not deliver sustainable development in terms of protecting and enhancing the historic environment. As such, its development would be in conflict with the Government's Core Planning Principle that heritage assets should be conserved in a manner appropriate to their significance. Consequently, Historic England considers that this would warrant not only the deletion of this former allocation but also the reallocation this part of the site as 'Urban Greenspace'.

#### 5 Conclusions

- 5.1 The Heritage Impact Assessment has failed to properly articulate the contribution which the eastern half of this undeveloped site makes to the significance of Conservation Area and that, as a result, it has underplayed the harm that its loss and eventual development might have upon its special architectural or historic interest.
- 5.2 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.
- 5.3 For the remainder of the site, the Heritage Impact Assessment has put forward a number of Recommendations to reduce the harm upon the historic

environment. However, none of these are firmly or securely tied into the Local Plan.

## 5 Suggested Change

### 5.1 As a result, it is recommended that:-

- (a) Site H2649 is reduced in size to only include the site of the former gas works (the area identified as being of 'Slight Significance' on Figure 5 of the Heritage Impact Assessment).
- (b) The eastern part of Site H2649 is identified as Urban Greenspace.
- (c) The recommendations of the Heritage Impact Assessment regarding the western part of Site H2649 are securely tied into the Policy framework of the Local Plan.
- (d) The amount of housing specified in Part 2 of the Local Plan for Site H12649 is amended accordingly