

MATTER 41- DENBY DALE ALLOCATIONS

Site H768 – land west of Willow Close, Skelmanthorpe

Issue - Are the proposed housing and safeguarded land allocations in Denby Dale justified, effective, developable/deliverable and consistent with national policy?

1 Introduction

- 1.1 The allocation of Site H768 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 churchyard of the Church of St Aidan, 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 part of 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 significance of this asset.
- 1.4 Consequently, the allocation of Site H768 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 mitigation measures linked to the Heritage Impact Assessment (LE88) be specified? Are there implications for indicative capacity?

2.1 The Heritage Impact Assessment has provided an excellent summary of the historic development of this area and of the majority of the elements which contribute to the significance of the Church of St Aidan. However, we consider that it has undervalued the contribution which this undeveloped site makes to the setting of this 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 From Willow Close, to the east of this allocation, one can obtain a clear view of the whole of the eastern elevation of the St Aidan's Church and, in winter through the trees, of part of its southern elevation. That part of the site immediately to the east of the Listed Building, therefore, does make a contribution to the significance of the Church. As the Heritage Impact Assessment notes, [Paragraph 4.18], there are very few places in the surrounding area where it is possible to obtain a view of the Church of St Aidan. Consequently, the view from Willow Close is given added importance and its loss and subsequent development would be likely to harm the setting and appreciation of this building.

3 Conclusions

- 3.1 The development of the Site H768 as currently proposed in would result in harm to the setting of the Church of St Aidan – 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 H768 is reduced in size to remove the area immediately to the east of the Grade II Listed Church of St Aidan
 - (b) The amount of housing specified in Part 2 of the Local Plan for Site H768 is amended accordingly