

MATTER 44 – HOLME VALLEY SOUTH ALLOCATIONS

Site H715 – land west of Wesley Avenue, Netherthong

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

1 Introduction

- 1.1 The allocation of Site H715 for residential development as currently proposed is not sound as it is neither justified, effective, 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. This site lies adjoins the boundary of the Netherthong Conservation Area. The loss of this open area and its subsequent development could harm an element which contributes to its character.
- 1.3 At present, 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 this part of the Netherthong Conservation Area could result in a form of development which would harm elements which contribute to its significance.
- 1.4 Consequently, the allocation of Site H715 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 The Heritage Impact Assessment [Doc. LE82]

2.1 The Heritage Impact Assessment has identified the elements which contribute to the significance of this part of the Netherthong Conservation Area and has set out a good evaluation of the contribution which this particular site makes to its character. The document considers that the northern part of Site H715, where it adjoins the Conservation Area, contributes to its rural setting and considers that mitigation would be required to maintain this character should the site be developed.. We would concur with that evaluation. The mitigation measures suggested include:-

- retaining the boundary wall, landscaping and gradients of the northern boundary and
- setting the development back from the edge of the site.

2.2 Historic England considers that these measures would reduce the harm that this development would be likely to cause to the character of this part of the

Conservation Area . However, 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.

- 2.3 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 this site is delivered in a manner which will safeguard those elements which contribute to the significance of the this part of the Conservation Area. 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.

3 Conclusions

- 3.1 The development of the Site H715 as currently proposed in would result in the loss of an element which makes a positive contribution to the character of the Netherthong Conservation Area. 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.

3.2 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.

4 Recommendations

4.1 It is recommended that:-

- (a) The recommendations of the Heritage Impact Assessment are securely tied into the Policy framework of the Local Plan