
Report of the Head of Development and Master Planning

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 17-Oct-2019

Subject: Planning Application 2019/91346 Erection of detached dwelling with integral garage adj, The Hall, Liversedge Hall Lane, Liversedge, WF15 7DP

APPLICANT

Mr Franklyn

DATE VALID

18-Apr-2019

TARGET DATE

13-Jun-2019

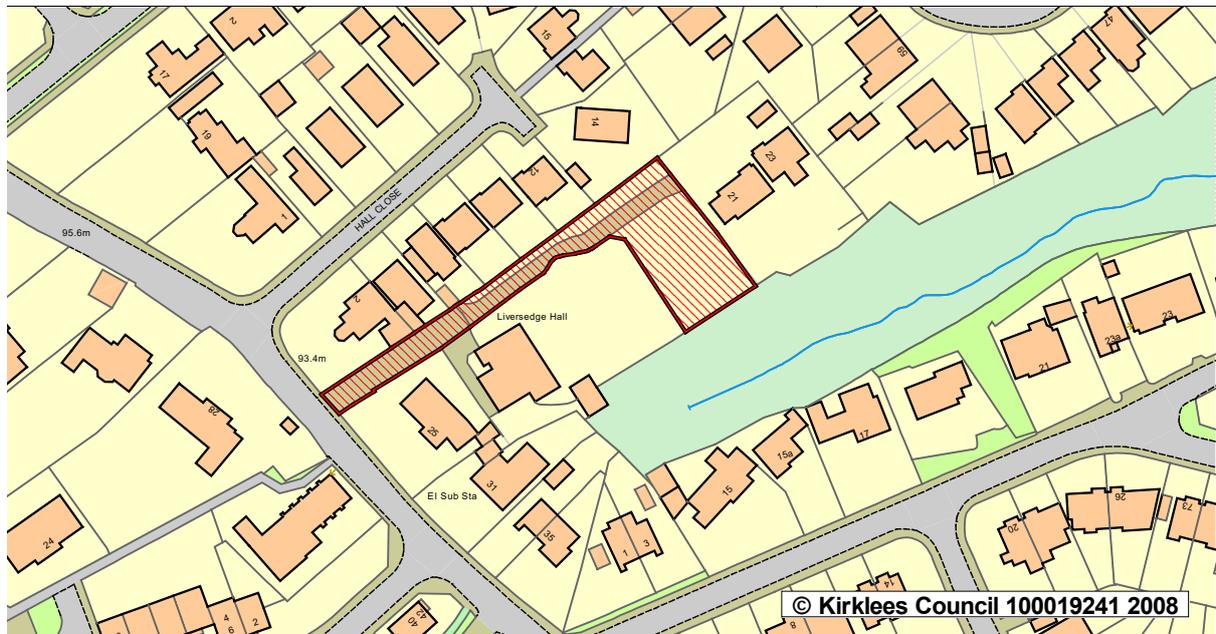
EXTENSION EXPIRY DATE

07-Aug-2019

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Heckmondwike

Yes

Ward Members consulted
(referred to in report)

RECOMMENDATION:

REFUSE

The proposed 4 bedroom detached house within the garden of Liversedge Hall would cause a high level of harm to the significance of the Grade II Listed Building. It would impact upon the aesthetic and historical value of the Hall by reason of its visibility from the Hall, result in the loss of soft landscaping and further reduce land associated with it since the proposed dwelling, together with the existing two dwellings developed in the garden area would leave it with only half of the gardens that it benefitted from when re-modelling took place in the late 19th Century, and a fragment of the land to which it was associated from the medieval period until the early 20th Century. The installation of a blue plaque to raise awareness of the history of the Hall has been proposed by the applicant and would be of a public benefit, albeit limited in nature when weighed against the high level of harm of the proposed house on the setting of the listed building. As such, the public heritage benefits are not outweighed by the high level of harm to the setting of Liversedge Hall and the principle of the proposed house is unacceptable, contrary to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies LP24 and LP35 of the Kirklees Local Plan, as well as chapters 12 and 16 (particularly paragraphs 194 and 196) of the National Planning Policy Framework.

1.0 INTRODUCTION:

1.1 This application is reported to the Heavy Woollen Planning Committee at the request of Councillor Viv Kendrick. The reason for the request is as follows:

"I would like to request that this application is heard at the HW Sub- Committee because of the exceptional circumstances, in that the additional dwelling is required to meet the needs of an elderly family member, because the Hall is not a building that is suited to the needs of an elderly frail person. This is to allow the family to provide care for this family member in close proximity, relieving additional pressures on health & social care services and enables the family to do what they want and need to do.

The exceptional circumstances, in my opinion, outweigh any impacts in relation to the setting of the listed building, visual and residential amenity, highway safety or wildlife or trees."

- 1.2 The Chair of Heavy Woollen Sub Committee has confirmed that Councillor Kendrick's reason for making this request is valid having regard to the Councillor Protocol for Planning Committees.
- 1.3 In addition to Cllr Kendrick's request, the application has received 14 representations following the public consultation period.

2.0 SITE AND SURROUNDINGS:

- 2.1 The site is identified as land adjacent to The Hall, Liversedge Hall Lane, Liversedge. The site is roughly rectangular, approximately 18.0m wide x 37m deep, and is currently a relatively level garden lawn associated with Liversedge Hall. It is accessed via a tarmacked driveway serving the Hall and two detached houses at 21 and 23, Liversedge Hall Lane.
- 2.2 To the north is a small residential cul-de-sac of detached dwellings and to the south is a strip of woodland. To the east are detached dwellings at 21 and 23, Liversedge Hall Lane with more housing beyond, and to the west is Liversedge Hall, and further housing.
- 2.3 The site is unallocated on the Kirklees Local Plan, although to the south is woodland protected by a Tree Preservation Order and allocated Urban Greenspace on the Kirklees Local Plan.
- 2.4 The site is within the setting of a listed Building (Liversedge Hall).

3.0 PROPOSAL:

- 3.1 The application is for the erection of one detached dwelling with integral garage.
- 3.2 It is a one and a half storey, 4 bedroom house with 2 bedrooms at ground floor and a further 2 bedrooms in the roof space. The eaves would be around 2.8m high and the ridge height would be approximately 6.8m. There would be dormer windows to habitable rooms in the north western and south eastern elevations, whilst the gable ends to the north eastern and south western elevations would be blank. There is a projecting element from the south eastern elevation providing additional space for living-room 2, and a small porch to the opposite elevation.
- 3.3 The external walls would be coursed natural stonework and the roof would be surfaced in stone slates. The windows would be aluminium framed glazing (coloured dark grey) and the garage door would be coloured dark grey.
- 3.4 The proposed dwelling includes an integral garage and two off drive parking spaces in front of the garage door.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 **2018/92724** – erection of detached dwelling with integral garage. Withdrawn.
<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2F92724>

1994/91360 – Outline application for erection of 2no dwellings. Conditional outline permission.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=94/91360>

1995/91780 – Reserved matters application for erection of 2 no detached, 2-storey houses with garages. Granted approval of reserved matters.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=95/91780>

1995/90226 – relocation of garage. Conditional full permission.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=95/90226>

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

5.1 During the course of the application, the red line boundary was reduced to omit the wooded area subject to the TPO and Urban Greenspace policy to the south.

5.2 Requested information to support special personal circumstances of the applicant.

6.0 PLANNING POLICY:

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is unallocated on the Kirklees Local Plan.

Kirklees Local Plan (2019):

- 6.2
- LP 1** – Presumption in favour of sustainable development
 - LP 2** – Place shaping
 - LP 11** – Housing mix and affordable housing
 - LP 21** – Highway safety and access
 - LP 22** – Parking
 - LP 24** – Design
 - LP 30** – Biodiversity and geodiversity
 - LP 33** – Trees
 - LP 35** – Historic Environment
 - LP 51** – Protection and improvement of local air quality
 - LP 52** – Protection and improvement of environmental quality
 - LP 53** – Contaminated and unstable land
 - LP 61** – Urban Greenspace

National Planning Policy Framework (NPPF):

- 6.3
- Chapter 5** - Delivering a sufficient supply of homes
 - Chapter 11** - Making effective use of land
 - Chapter 12** - Achieving well-designed places
 - Chapter 15** - Conserving and enhancing the natural environment
 - Chapter 16** - Conserving and enhancing the historic environment

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application has been advertised by neighbour notification letter, Press notice and site notice.
- 7.2 14 representations were received following the period of public consultation. A summary of the comments received is set out below:

Objections (1)

- Adverse impact upon residential amenities of occupiers of adjacent properties in terms of loss of privacy
- The previously withdrawn proposal was for a 7 bedroom house, the new building appears to have been greatly reduced, however it is still a large and extremely intrusive building.
- The proposed plans state (under the heading Trees & Hedges) that there are no trees adjacent to the development that might be a part of the local landscape character, however, they understand that these trees are subject to tree preservation orders.
- Ideally the garden should remain as it is, the sole remains of the grounds of an historic house, however a possible compromise would be a bungalow.
- The photographs displayed under the heading 'conservation / heritage assessment appear to have been taken from a far corner of the site and as such do not give a true picture of the proximity to neighbouring buildings

Support (13)

- The proposed detached dwelling is in keeping with The Hall and its history
- The plans show that there is ample distance between the proposed building and The Hall, and the neighbouring properties together with enough space for car parking.
- The proposal is very similar to other planning application nearby (Duxbury Hall, Roberttown).
- The need for bungalow type properties are increasing and those having disabled access are particularly sought after.
- The development will allow family to remain close for essential support.

8.0 CONSULTATION RESPONSES:

- 8.1 The following is a brief summary of consultee advice (more details are contained within the assessment section of the report, where appropriate):

8.2 Statutory Consultees:

K C Highways Development Management – No objection subject to a condition relating to areas to be surfaced and drained.

K C Environmental Health – No objections subject to a conditions relating to submission of phase 1, phase 2, contaminated land reports and assessments, and an electric vehicle charge point

The Coal Authority – No objection to current planning application, however direct to comments and recommendations contained with consultation response letter of 24th September 2018 in respect to 2018/92724 which remain valid and acceptable for the current proposal.

8.3 Non-statutory Consultees:

K C Conservation and Design – Object. It would cause a high level of harm to the significance of the listed building. It would also impact upon the historical value of the Hall by further reducing the land associated with it. Any harm to, or loss of, the significance of a designated heritage asset, should require clear and convincing justification. There would be a high level of harm, but the harm would be less than substantial harm.

The proposal should be refused unless a special case is made with regards to the applicant's personal circumstances that are considered to be exceptional, justified and outweigh the harm of the proposed development to the significance of the listed building.

K C Ecology – No objections subject to removal of PD rights and / or amending the red line boundary to exclude the TPO'd area.

K C Arboricultural officer – Request that the protected woodland is removed from the red line boundary and a clear demarcation between the garden/woodland areas are clearly annotated on the plans, along with proposed boundary treatment.

West Yorkshire Archaeology Advisory Service – No objection subject to an appropriate level of archaeological observation and recording to be carried out during development (an archaeological watching brief), secured by either of two suggested conditions.

They strongly advise that the developer be advised that a reasonable period of time for the execution of the necessary archaeological work must be allowed for within the overall site timetable.

9.0 MAIN ISSUES

- Principle of development
- Visual amenity / local character issues
- Residential amenity
- Highway issues
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

- 10.1 Policy LP1 of the Kirklees local Plan states that the Council will take a positive approach that reflects the presumptions in favour of sustainable development contained within the National Planning Policy Framework to secure development that improves the economic, social and environmental conditions in the area. Proposals that accord with policies in the Kirklees Local Plan (KLP) will be approved without delay, unless material considerations indicate otherwise.
- 10.2 The footprint of the proposed dwellinghouse and associated garden are on land that is unallocated on the KLP but within the setting of Liversedge Hall, a Grade II Listed Building, a heritage asset of national importance. These are material considerations.

Impact upon setting of heritage asset:

Policy context:

- 10.3 In terms of assessing the impact upon the setting of this grade II listed building heritage asset, the Council have a statutory duty under s.66 of the Planning (Listed Buildings and Conservation Area) Act 1990 to have special regard to the desirability of preserving a listed building or its setting, or any features of special architectural or historic interest which it possesses.
- 10.4 Chapter 16 of the NPPF, reflects and expands upon this. In paragraph 193 it requires that *'when considering the potential impact of a proposed development on the significance of a designated heritage asset, great weight should be given the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm to its significance'*.
- 10.5 In paragraphs 194 and 196 of the NPPF, it goes on to say that *'any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.'*
'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'.
- 10.6 Policies LP24 (design) and LP35 (historic environment) of the KLP are also relevant. Policy LP24 states that proposals should promote good design by ensuring (amongst other things) that the form, scale, layout and details of all development respects and enhances the character of heritage assets. Policy LP35 requires that proposals should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure they are appropriately conserved, to the extent warranted by their significance, also having regard to the wider benefits of development.

- 10.7 In this instance the application has been accompanied by a heritage statement prepared by a special heritage consultant who provides insight into the significance of Liversedge Hall and its setting. The Council's Conservation and Design experts have assessed the proposal. Both are referred to below.

History and development of Liversedge Hall:

- 10.8 Historical records indicate that there has been a dwelling on the site of Liversedge Hall since at least the 13th Century. Most notable associations have been with the de Liversege family (from which the Hall and township takes its name), and the Neville family which were one of the most powerful in late medieval England.
- 10.9 In the late 15th Century the building was a hall house facing in a southerly direction comprising a central hall and two cross wings to the east and west.
- 10.10 The 1854 OS map shows that Liversedge Hall was the centre of an agricultural estate surrounded by associated yards, agricultural buildings, orchard, woodlands and gardens. Beyond were associated fields.
- 10.11 By the late 19th Century the west wing of the Hall had been demolished and the building remodelled to face north east. But despite these extensive changes, works respected the historical development of the building. What survives to the present day is the east wing, staircase tower and part of the hall range.
- 10.12 Also by this time, the landscaping around the Hall was altering. New buildings were being constructed to the south east and south west, and an area of farmland and orchard was enclosed to form a garden to the north east of the Hall and this is the site of the proposed development.
- 10.13 By the early 20th Century the garden appears to have been extended to the north east, to take in a small field and this was developed with two houses in the late 20th Century. In between time, residential piecemeal development began to surround the Hall, and in 1967, Liversedge Hall was listed.

Significance of heritage assets affected

- 10.14 There is some difference of opinion on this between the author of the heritage impact assessment submitted with the application and that of the Council's Conservation and Design team. The former makes the point that historically the main façade of the building faced south and therefore formal gardens relating to it would have been on that side of the building, not the eastern side where it is currently. They continue that what is now the principal frontage, together with the garden which provides its setting, is probably less than 150 years old, articulating a Victorian residence, not the 17th Century and earlier gentry house that is cited in the List entry. They go on to say that to build a detached house in the garden to the east of the Hall is unlikely to uncover significant archaeological remains for the reasons above, and would in any case presumably be covered by a condition requiring an appropriate level of investigation.

- 10.15 West Yorkshire Archaeology and Advisory Service confirm that an archaeological watching brief is recommended and suggest two alternative conditions. This is on the basis that little is currently known of the Hall's context prior to the mid 19th Century and it is possible that the application site may contain evidence of both the medieval Neville manor and features associated with the gardens of the 16th century and later Liversedge Hall.
- 10.16 In the Council's Conservation and Design officer's opinion, Liversedge Hall has archaeological value for its potential to yield information about the form and layout of the late 15th Century Hall and earlier structures at the site. It also has high historical value for its association with the de Liversedge and Neville families, and as a good example of a high-status gentleman's residence of the 17th Century. It has some historical value as an example of a re-modelled Hall perhaps reflecting concerns in the late 19th Century about the loss of ancient buildings. It has high aesthetic value as a good example of a 17th Century gentleman's residence, which has been re-modelled in the late 19th Century, in keeping with the earlier design of the Hall.

Setting of the heritage assets affected

- 10.17 Here again there is a difference of opinion between the author of the heritage impact assessment and the Council's Conservation and Design team. The former's stance is that the setting of Liversedge Hall is now uncompromisingly suburban as a result of residential developments during the second half of the 20th century. It assesses views to and from the heritage asset and in summary concludes that distant views are to a great extent obscured by surrounding development.
- 10.18 The Conservation and Design team take the view that every Listed building is unique in its setting and that the remaining gardens to the east and woodland to the south east of Liversedge Hall are key components of its setting and make an important contribution to its significance. They point out that the Hall once had an extensive landscape setting as the centre of a working farm and that this has diminished to a critical degree in the 20th Century by piecemeal development, so all that remains is the present garden and woodland, which makes an important contribution to understanding its historical value.
- 10.19 They acknowledge that the current gardens were laid out as part of remodelling the Hall in the late 19th Century, however the Hall was redesigned to overlook the gardens and the gardens provide a space in which to appreciate the Hall.
- 10.20 They go on to say that little is currently known of the Halls context prior to the mid 19th century and it is possible that the application may contain evidence of both the medieval Neville manor and features associated with the gardens of the 16th Century Liversedge Hall. The gardens are therefore important for their evidential value.

Impact of the proposal on significance:

- 10.21 The Heritage Impact Assessment asserts that the proposed dwelling would essentially reduce the viewing distance between the Hall and the nearest house on the eastern side by approximately 15.0m, but this would not prevent viewers looking in a western direction to the Hall, appreciating the full extent and character of its east façade. In addition the impact of the proposed dwelling on the view from the Hall in an eastern direction would be reduced by the new dwelling being at a much lower level than the Hall, and its lower profile in relation to the nearer existing house.
- 10.22 The West Yorkshire Archaeological Advisory Service also comment that the proposed development may disturb and destroy important archaeological evidence of the medieval and later activity adjacent to the listed hall and a pre 16th century manor house.
- 10.23 In the opinion of officers, the proposed 4 bedroom detached house of one and a half storeys within the garden of Liversedge Hall would cause a high level of harm to the significance of the Listed Building. It would also impact upon the historical value of the Hall by further reducing land associated with it. The proposed dwelling, together with the existing two dwellings developed in the garden area would leave it with only half of the gardens that it benefitted from when re-modelling took place in the late 19th Century, and a fragment of the land to which it was associated from the medieval period until the early 20th Century. This impact could not be mitigated, except by the construction of a temporary building and this would not be a reasonable proposition.
- 10.24 The erection of the proposed dwelling would impact upon its aesthetic value by reason of its visibility from the Hall, the loss of soft landscaping and reducing the space in which to appreciate the Hall from the gardens.
- 10.25 The proposal may also disturb and destroy important archaeological evidence of the medieval and later activity adjacent to the Listed Building and a pre 16th Century manor house. This impact could however be mitigated by an appropriate level of archaeological observation and recording.
- 10.26 As stated in paragraph 194 of the NPPF, any harm to, or loss of, the significance of a designated heritage asset (including from development within its setting), should require clear and convincing justification. In this instance the stated reason for the development is to provide a new home for the Hall's elderly owner, to allow the family to provide care for this family member in close proximity. Whilst this is the case it is the principle of a house at the application site which is unacceptable due to its harm upon the setting of Liversedge Hall, and as such very limited weight is given to this reason for the development
- 10.27 It is also noted that the Heritage Impact Assessment also states that the proposal includes enhancement in the form of interpretation of the heritage asset for the benefit of the public. This is welcomed and would be of some limited public benefit to the historic environment, but would not outweigh the high level of harm to the setting of Liversedge Hall as a result of the proposed dwellings.

Summary:

- 10.28 To conclude, the proposed 4 bedroom detached house within the garden of Liversedge Hall would cause a high level of harm to the significance of the Grade II Listed Building. It would impact upon the aesthetic and historical value of the Hall by reason of its visibility from the Hall, result in the loss of soft landscaping and further reduce land associated with it since the proposed dwelling, together with the existing two dwellings developed in the garden area would leave it with only half of the gardens that it benefitted from when re-modelling took place in the late 19th Century, and a fragment of the land to which it was associated from the medieval period until the early 20th Century. The installation of a blue plaque to raise awareness of the history of the Hall has been proposed by the applicant and would be of a public benefit, albeit limited in nature when weighed against the high level of harm of the proposed house on the setting of the listed building. As such, the public heritage benefits are not outweighed by the high level of harm to the setting of Liversedge Hall and the principle of the proposed house is unacceptable, contrary to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies LP24 and LP35 of the Kirklees Local Plan, as well as chapters 12 and 16 (particularly paragraphs 194 and 196) of the NPPF.

Impact on visual amenity

- 10.29 Policy LP24 of the KLP states that good design should be at the core of all proposals. Proposals should incorporate good design by ensuring that the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape. This is supported by the National Planning Policy Framework (NPPF) which sets out that, amongst other things, decisions should ensure that developments are sympathetic to local characterwhile not preventing or discouraging appropriate innovation or change (para.127 of the NPPF).
- 10.30 In this instance it is considered that the design and appearance of the proposed house would be in keeping with the architectural style and materials of the existing houses on adjacent land to the east. However, due to its position in close proximity to the listed Liversedge Hall, and that it would reduce the land associated with the setting of Liversedge Hall, it is considered that the principle of the proposed development fails to respect and enhance the character of the heritage asset. As such, the proposal would fail to promote good design, contrary to policy LP24 (a) of the KLP and the aims of chapter 12 of the NPPF.

Residential Amenity

- 10.31 A core planning principle set out in the NPPF is that development should result in a good standard of amenity for all existing and future occupiers of land and buildings. Policy LP24 (b) of the KLP states that proposals should promote good design by ensuring that they provide a high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings.

- 10.32 The closest neighbouring dwelling which could be impacted by the proposed development is 21, Liversedge Hall Road, which is a 2-storey detached house to the east of the application site. Although it is on adjacent land also in the ownership of the applicant consideration should be given to any future occupants of the building should it be sold.
- 10.33 In terms of an overbearing or overshadowing impact, given that the ridge and eaves heights of the proposed house are significantly below that of this neighbouring property and there would be a separation distance of at least around 3.8m between closest facing elevations, it is considered that there would be relatively limited impact of this nature.
- 10.34 In terms of overlooking, both the facing gable elevations would be blank and whilst an element of the proposed building which projects to the rear would be to a living room and have windows in the side elevation, there would be a distance of around 9.0m to the mutual boundary with tall shrubs on the boundary.
- 10.35 In this context, it is considered that there would be very limited adverse impact upon the residential amenities of the occupiers of this neighbouring property.
- 10.36 The next nearest neighbouring property is at 14, Hall Close. It is a detached bungalow located to the north of the proposed house on slightly raised ground. The separation distance between the closest parts of each is approximately 21.5m, with access driveway (to 21 & 23, Liversedge Hall Lane) and border planting in between, together with what appears to be a dry stone wall on the mutual boundary. Given this separation distance, together with an indirect relationship between windows on each property, and that the application site is on lower ground, it is considered that there would be no material overshadowing effect and any overlooking impact would be at a significant distance and at an oblique angle.
- 10.37 In these circumstances it is also considered that there would be very limited adverse impact upon the residential amenities of the occupiers of this neighbouring property.
- 10.38 No. 12, Hall Close is a detached 2-storey house located to the north west of the application site. It is further away from the proposed building than the bungalow at no. 14, Hall Close, and again there would be no direct relationship between windows, with similar features and boundary treatment in between. As such, there would be no significant impact upon the residential amenities of the occupants of this neighbouring property.
- 10.39 No other neighbouring properties would be affected by the proposal.
- 10.40 Overall, it is considered that the proposal would provide high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings, and is compliant with policy LP24 of the KLP in regard to the amenity of future and neighbouring occupiers.

Highway issues

- 10.41 The proposed dwelling would be accessed from Liversedge Hall Road via a private driveway shared with three other houses. The proposed development consists of a four bedroom dwelling with single integral garage and additional off street parking likely to accommodate three vehicles.
- 10.42 These proposals are considered acceptable from a highways perspective, provided there is a condition attached relating to areas to be surfaced and drained, prior to the development being brought into use. As such, with the inclusion of such a condition should planning permission be granted, the proposal is compliant with policies LP21 and LP22 of the KLP.

Coal Mining legacy:

- 10.43 The application site falls within the defined high risk development area, therefore, within the application site and surrounding area there are coal mining features and hazards which would need to be considered. As required, the applicant submitted a Coal Mining Risk Assessment (dated August 2018) by jnpgroup consulting engineers. The report concludes that recorded coal workings were at sufficient depths to pose no risk of mining subsidence at the ground surface, and given that Liversedge Hall was built circa 1600, it is considered unlikely that coal has been mined at shallow depth beneath the site since that date, however the potential for near surface coal extraction prior to construction of the Hall cannot be discounted. Therefore they advise further site specific investigations to mitigate, or at least enable better estimation of the risks. Accordingly, appropriate recommendations are made that intrusive ground investigation works are considered necessary.
- 10.44 Following consultation with the Coal Authority, they confirm that they have no objection and refer back to a response to previously withdrawn application 2018/92724 which remain valid and applicable to the current proposal. In the previous response they recommended a condition for the results of the site investigations to be submitted to the Local Planning Authority to evidence that the site can be made safe and stable for the proposed development. This is acceptable and in accordance with Chapter 15 of the NPPF and policy LP 53 of the KLP.

Contaminated Land:

- 10.45 Chapter 15 of the NPPF and policy LP53 of the KLP require that proposals be assessed in light of available information relating to contamination of unstable land.
- 10.46 In this instance, the Council's Environmental Health officers have been consulted and commented that they have concerns that the garden levels may have been made up with ash and clinker. They also note the findings of the coal mining risk assessment that identified the potential for historic shallow mining at the site. They therefore recommend pre-commencement condition relating to submission of phase 1 and phase 2 site investigation reports

Air quality:

- 10.47 Chapter 15 of the NPPF and policy LP 51 of the KLP require local planning authorities to promote low carbon forms of transport. As such environmental health officers require that an electric vehicle charging point is installed at the proposed dwelling. Provided that this is applied, should planning permission be granted, the proposal would comply with policies LP21 and LP 51 of the KLP and the aims of chapter 15 of the NPPF.

Climate Change:

- 10.48 Chapter 12 of the Local Plan relates to climate change and states that: "Effective spatial planning is an important part of a successful response to climate changes as it can influence the delivery of appropriately sited green infrastructure and the emission of greenhouse gases. Planning can also help increase resilience to climate change impact through the location, mix and design of development". This is also reflected in the NPPF as a core land use planning principle. The NPPF emphasis that responding to climate change is central to the economic, social and environmental dimensions of sustainable development. This application has been assessed taking into account the requirements summarised and if planning permission were to be granted, the inclusion of electric vehicle charging point(s) would contribute positively to the aims of climate change.

Impact upon protected species (trees):

- 10.49 Chapter 15 of the NPPF and policies LP24 and LP33 of the KLP require the retention of valuable or important trees to maximise visual amenity and environmental benefits.
- 10.50 In this instance, the initially submitted scheme showed the red line boundary encompassing part of a strip of woodland to the south which is subject to Tree Preservation Order 51/93. The Council's Arboricultural officers have been consulted and raised concerns that this could diminish the woodland's value and reduce its long term viability.
- 10.51 Amended plans have been received which reduce the red line boundary by omitting the woodland, and the plans annotated to show boundary treatment including retaining existing 1200mm high stone wall between proposed garden and woodland. The proposal would therefore not threaten woodland of significant amenity and is compliant with policies LP24 and LP33 of the Kirklees Local Plan.

Impacts upon ecology:

- 10.52 Habitats within the woodland are identified as priority habitats on Natural England's deciduous woodland inventory. As such policy LP30 of the KLP is relevant. It states that proposals will be required to protect Habitats and Species of Principal Importance unless the benefits of the development clearly outweigh the importance of the biodiversity interest, in which case long term compensatory measures will need to be secured.

- 10.53 The Council's Ecologist has been consulted and suggests that the existing woodland TPO provides some protection to the priority habitat. However, to ensure protection, they also suggest removing permitted development rights and/or amending the red line boundary to exclude the TPO'd area. Subject to this, there are no objections.
- 10.54 The amended plans have been submitted during the course of the application which reduce the red line boundary by omitting the TPO'ed area. This would overcome the concerns relating to preventing harm to woodland that provides protection for priority habitat, and so complies with policy LP30 of the Kirklees Local Plan.

Representations

- 10.55 14 representations were received following the period of public consultation. In so much as the points have not been addressed above, officers respond as follows:

Objections (1)

Adverse impact upon residential amenities of occupiers of adjacent properties in terms of loss of privacy

Response: The impact of the proposed development on residential amenity of neighbouring dwellings is addressed fully in the above report and considered to be acceptable from officers.

The previously withdrawn proposal was for a 7 bedroom house, the new building appears to have been greatly reduced, however it is still a large and extremely intrusive building.

Response: The impact of the proposed development on visual amenity and the setting of Liversedge Hall listed building has been addressed fully in the above report and is considered, by officers, to be unacceptable.

The proposed plans state (under the heading Trees & Hedges) that there are no trees adjacent to the development that might be a part of the local landscape character, however, they understand that these trees are subject to tree preservation orders.

Response: The status of the woodland in relation to the proposed development has been fully addressed in the report above. The area of TPO trees has been requested to be removed from the red line boundary of the application site.

Ideally the garden should remain as it is, the sole remains of the grounds of an historic house, however a possible compromise would be a bungalow.

Response: Officers agree with this point and it is fully assessed in the above report.

The photographs displayed under the heading 'conservation / heritage assessment appear to have been taken from a far corner of the site and as such do not give a true picture of the proximity to neighbouring buildings.

Response: This is noted. It is recommended that councillors should visit the site prior to discussing the proposal at Planning Committee.

Support (13)

The proposed detached dwelling is in keeping with The Hall and its history

Response: The comment in support is noted and has been considered in the above report.

The plans show that there is ample distance between the proposed building and The Hall, and the neighbouring properties together with enough space for car parking.

Response: The comment in support is noted and has been considered in the above report.

The proposal is very similar to other planning application nearby (Duxbury Hall, Roberttown).

Response: Each application is assessed on its individual merits and have been fully assessed above.

The need for bungalow type properties are increasing and those having disabled access are particularly sought after.

Response: There are a mix of house types within the surrounding area.

The development will allow family to remain close for essential support.

Response: Noted however, the special circumstances put forward by the applicant are not considered to outweigh the harm to the setting of the designated heritage asset.

11.0 CONCLUSION

- 11.1 Taking all material considerations into account, for the reasons outlined above, the proposed 4 bedroom detached house within the garden of Liversedge Hall would cause a high level of harm to the significance of the Grade II Listed Building. It would impact upon the aesthetic and historical value of the Hall by reason of its visibility from the Hall, result in the loss of soft landscaping and further reduce land associated with it since the proposed dwelling, together with the existing two dwellings developed in the garden area would leave it with only half of the gardens that it benefitted from when re-modelling took place in the late 19th Century, and a fragment of the land to which it was associated from the medieval period until the early 20th Century. The installation of a blue plaque to raise awareness of the history of the Hall has been proposed by the applicant and would be of a public benefit, albeit limited in nature when weighed against the high level of harm of the proposed house on the setting of the listed building. As such, the public heritage benefits are not outweighed by the high level of harm to the setting of Liversedge Hall and the principle of the proposed house is unacceptable.

- 11.2 The NPPF has introduced the presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practise.
- 11.3 It is considered that the development proposals do not accord with the development plan and the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material considerations. The application is therefore recommended for refusal.

Background Papers:

Link to the application and history files: <https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f91346>

Certificate A signed and dated 17.4.2019

