
Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 26-Aug-2020

Subject: Planning Application 2020/91762 Retention of garden shed (Listed Building within a Conservation Area) Kirkburton Hall, Penistone Road, Kirkburton, Huddersfield, HD8 0PE

APPLICANT

Mr & Mrs Jones

DATE VALID

23-Jun-2020

TARGET DATE

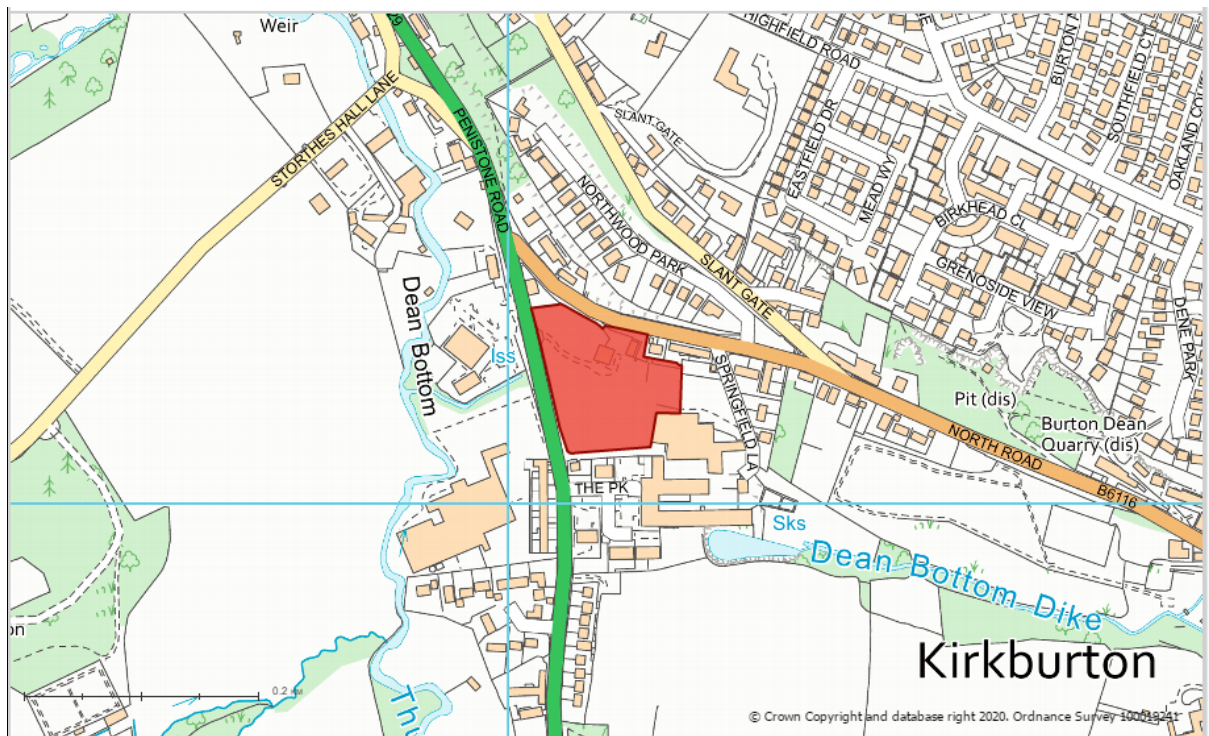
18-Aug-2020

EXTENSION EXPIRY DATE

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: Kirkburton

Ward Councillors consulted: No

Public or private: Public

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report

1.0 INTRODUCTION:

- 1.1 This is an application for full planning permission for the retention of a garden shed within the grounds of Kirkburton Hall, a Grade II listed building.
- 1.2 The application is reported to the Strategic Planning Committee due to the fact that the proposed development represents a departure from the Local Plan in relation to Policy LP61. The site is allocated as Urban Green Space.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site relates to the grounds of Kirkburton Hall which is a Grade II listed building (and a former manor house) in residential use. The building is detached and of a Georgian style.
- 2.2 The building is sited within large grounds and is surrounded by protected trees. Within the site there is also a former stable block and a garage.
- 2.3 Development surrounding the site is varied, with residential properties of a varied design and scale to the north. To the South of the site is Springfield Mills.
- 2.4 The site is allocated as Urban Green Space and is within the Kirkburton Conservation Area in the Kirklees Local Plan.

3.0 PROPOSAL:

- 3.1 Planning permission is sought for the retention of a garden shed to the southeast of the main Kirkburton Hall. The garden shed would be used for the storing of tools and garden equipment in association with the main dwelling.
- 3.2 The shed has already been erected on the site and is of a timber construction. The shed has windows in the eastern and western elevations and a door in the southern elevation.
- 3.3 The shed is 2.6m in overall height (1.7m to the eaves). The width of the shed is 3m and its length is approximately 3.6m.
- 3.4 The shed requires planning permission as it is within the curtilage of a listed building.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 2020/91362 – Work to trees TPO 70/92 within a conservation area GRANTED.
- 4.2 2014/93893 – Erection of detached garage (listed building within a conservation area) APPROVED.
- 4.3 2019/92603 – Refurbishment of Kirkburton Hall with associated soft landscaping APPROVED.

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

- 5.1 No amendments have been sought as the proposed development is acceptable in its current form.

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 27/02/2019).

6.2 Kirklees Local Plan (2019):

The following policies are considered relevant:

- LP1 – Achieving sustainable development
- LP21 – Highway safety
- LP22 – Parking provision
- LP24 – Design
- LP30 – Biodiversity and geodiversity
- LP33 – Trees
- LP35 – Historic environment
- LP51 – Local air quality
- LP61 – Urban green space

6.3 National Planning Policy Framework (NPPF):

- Chapter 8 – Promoting healthy and safe communities
- Chapter 12 – Ensuring good design
- Chapter 14 – Meeting the challenge of climate change, coastal change and flooding
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 No representations have been received.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

None

8.2 Non-statutory:

K.C Trees – No objection – shed is already built.

K.C Planning Policy (informal) – No objection to the proposed development but the proposal is a departure from the development plan.

K.C Ecology (informal) – No objection.

9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Residential amenity
- Landscape issues
- Housing issues
- Highway issues
- Drainage issues
- Planning obligations
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

10.1 The site is within the Kirkburton Conservation Area. Section 72 of the Listed Buildings and Conservation Areas Act (1990) requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the appearance or character of the Conservation Area. This is mirrored in Policy LP35 of the Kirklees Local Plan together with guidance in Chapter 16 of the National Planning Policy Framework.

10.2 As well as being within the Kirkburton Conservation Area, the site is also allocated as Urban Green Space and therefore consideration has to be given to Policy LP61 of the Kirklees Local Plan. The policy states that development which would result in the loss of urban green space will only be permitted where:

a. an assessment shows the open space is clearly no longer required to meet local needs for open space, sport or recreational facilities and does not make an important contribution in terms of visual amenity, landscape or biodiversity value; or

b. replacement open space, sport or recreation facilities which are equivalent or better in size and quality are provided elsewhere within an easily accessible location for existing and potential new users; or

c. the proposal is for an alternative open space, sport or recreation use that is needed to help address identified deficiencies and clearly outweighs the loss of the existing green space.

- 10.3 In this case, the proposal does not comply with the aims of a, b or c of Policy LP61 and therefore represents a departure from the Kirklees Local Plan. It is important for Members to note that paragraph 19.46 of the Local Plan states that some open spaces have been designated as Urban Green Space for purposes other than sport or recreation and may not have public access. These sites have been included for their important visual amenity, landscape and biodiversity benefits. In order to safeguard these sites, development proposals will not be permitted which would be harmful to these qualities or function of the urban green space. This is the case for Kirkburton Hall which is a private residence and is not accessible to members of the public.
- 10.4 In this case, whilst it is noted that the proposal does not comply with Policy LP61 in relation to development on Urban Green Space, given its small scale, as well as the fact that it is acceptable from a visual amenity and biodiversity perspective, the development itself is considered acceptable and the principle of development can be accepted subject to consideration of other relevant material planning considerations.

Urban design issues

- 10.5 The garden shed is located in an inconspicuous location and is not visible in any way from the street scene. The shed is small in scale and has an acceptable relationship with the main listed building which is located over 35m away. The shed is constructed from timber for its external walls which is considered to be an acceptable material in this heavily treed context. The scale and roof form of the shed is considered acceptable, and its design is functional and appropriate for its intended use. The shed has not harmed the character of the (conservation) area.
- 10.6 Officers are satisfied that the shed, which has already been built, has not harmed, and will not harm, the setting of the listed building or the character of the Kirkburton Conservation Area. The proposed development is considered compliant with Local Plan Policies LP24 and LP35 and Chapters 12 and 16 of the National Planning Policy Framework.

Residential Amenity

- 10.7 The shed's impact on residential amenity is considered acceptable. The garden shed is small in scale and is not located in close proximity to neighbouring dwellings or their garden areas. Considering this, there will be no overbearing impact. The building is to be used for the storing of garden equipment and will not be used for habitable purposes. There are therefore no overlooking or noise implications.

Highway issues

- 10.8 The shed's impact on highway safety is acceptable. Given the nature and scale of the building, there would be no highway safety implications. The proposed development would be ancillary to the residential use of the main Kirkburton Hall and would be accessed using the existing access at the site. The shed did not displace any parking area.
- 10.9 The proposal complies with Local Plan Policies LP21 and LP22 and Chapter 9 of the National Planning Policy Framework.

Representations

10.10 No representations have been received.

Other Matters

Ecology

10.11 The application site is in the bat alert layer on the council's mapping system and therefore consideration has been given to impacts on biodiversity. It is also important to note that the site is identified as having a high biodiversity value, which is partly the reason why the site is allocated as Urban Green Space.

10.12 The council's Biodiversity Officer has confirmed that, given the scale of the development, there would be no harm to biodiversity. There is no requirement for a biodiversity net gain given the scale and nature of the application.

10.13 It is considered that the development complies with LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

Protected Trees

10.14 There are protected trees around the perimeters of the site as well as within the site itself and for this reason consideration has been given to the impact of the development on the protected trees. Consultation with KC Trees has been undertaken and no objection to the proposal has been received in response. It is noted by officers that no trees would be affected by the shed that has already been built. No specific conditions are required and the proposed development complies with LP33 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

Climate Change

10.15 Chapter 14 of the NPPF relates to climate change and states that "Effective spatial planning is an important part of a successful response to climate change 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 emphasises that responding to climate change is central to economic, social and environmental dimensions of sustainable development.

10.16 In this case, given its small scale, the proposal would not result in climate change impacts that need mitigation in accordance with Policy LP51 (which states that development will be expected to demonstrate that it is not likely to result in, directly or indirectly, an increase in air pollution which would have an unacceptable impact on the natural and built environment) or other policies of the Local Plan.

11.0 CONCLUSION

- 11.1 To conclude, it is considered that, with the inclusion of the suggested conditions set out in section 12.0 below, the proposal would have an acceptable impact with regard to visual amenity, residential amenity and highway safety as discussed in the above report.
- 11.2 The NPPF has introduced a 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 practice.
- 11.3 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval

12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Planning and Development)

1. Development in accordance with the approved plans

Background Papers:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020/91762>

Certificate of Ownership – Certificate A signed and dated 12/06/2020