

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No: 2020/62/90282/W
Site Address: 1, Cliffe End Road, Quarmby, Huddersfield, HD3 4FF
Description: Erection of outbuilding for dog grooming business
Recommending Officer: Alice Huxley

DECISION – Conditional full permission

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Teresa Harlow

AUTHORISED OFFICER

Date: 17-Mar-2020

Officer Report

Site Description

1, Cliffe End Road, Quarmby, Huddersfield.

1 Cliffe End Road is a semi-detached dwelling constructed from stone at ground floor level and pebble dash render at first floor level. Whilst on site it was noted that the outbuilding had been constructed which coincides with the application form that states the work was completed on 22/09/2019. Site boundaries consist of predominantly timber fencing and stone walling, and driveway access is taken directly from Cliffe End Road.

Description of Proposal

Erection of outbuilding for dog grooming business.

The outbuilding is located in the south of the site adjacent to the shared boundary with no.3 Cliffe End Road and has dimensions of approximately w: 2.65 x l: 6.8 x h: 2.46 and is constructed from stone with a rubber membrane flat roof. Other materials in construction consist of golden oak upvc windows and doors to match the host property.

History of negotiations/amendments received

No amendments were sought in this instance.

Relevant Planning History

COMP/19/0313 – Alleged unauthorised erection of a building for dog grooming – *ongoing investigation*.

2016/94109 – Erection of conservatory and porch – *conditional full permission*.

Representations

Final publicity date Expires:

Neighbour letters expire 29th February 2020; site notice expires on 9th March 2020.

As a result of the above publicity, one objection was received expressing concerns regarding matters of highway safety. The objector states that Cliffe End Road is already very difficult to drive along given that it is a busy two-way narrow residential road therefore the dog grooming business intensifies the need for on-street parking.

Officer comment: This has been assessed in depth below in the 'impact on highway safety' section of the report.

Parish/Town Council comments:

Not applicable.

Consultation Responses

Enforcement – noted, compliance team await outcome of application.

Highways Development Management – no objections.

Environmental Health – no objections.

Policy

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 (LP):

- **LP 1 – Achieving sustainable development**
- **LP 2 – Place shaping**
- **LP 21 – Highway Safety and Access**
- **LP 22 – Parking**
- **LP 24 – Design**
- **LP 30 – Biodiversity and Geodiversity**
- **LP52 – Protection and Improvement of Environmental Quality**

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 19th February 2019, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 2 – Achieving sustainable development**
- **Chapter 12 – Achieving well-designed places**
- **Chapter 14 – Meeting the challenge of climate change, flooding and coastal change**
- **Chapter 15 – Conserving and enhancing the natural environment**

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development

- 1) Impact on visual amenity (including any heritage considerations)
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters – e.g. trees/ecology (e.g. bats)
- 5) Representations
- 6) Conclusion

Principle of development:

The site is without notation on the Kirklees Local Plan. Chapter 2 of the NPPF states that:

‘Planning policies and decisions should play an active role in guiding development towards sustainable solutions...’

Chapter 2 of the NPPF goes on to further state that objectives should:

‘support strong, vibrant and healthy communities, providing the supply of housing required to meet the needs of present and future generations; and by fostering a well-designed and safe built environment...’

In line with the NPPF, policy LP1 of the Kirklees Local Plan declares that:

‘...the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.’

LP1 goes further and states:

‘The council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.’

In this instance, it can be stated that the principle of development of this application is acceptable; and as a result, is subject to the assessment of impacts on visual and residential amenity, as well as highway safety and any other impacts that may arise.

Impact on visual amenity:

The NPPF offers guidance relating to design in chapter 12 (achieving well designed places) whereby 124 provides a principal consideration concerning design which states:

‘124. The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.’

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:

‘a. the form, scale, layout and details of all development respects and enhances the character of the townscape..’

In terms of visual amenity, the outbuilding is small in scale with a flat roof and set back approximately 8 metres from the highway, and so does not project forward of the neighbouring property at 3 Cliffe end Road. therefore is considered not to form an overly prominent feature of the street scene. Although it fills most of the ‘back’ garden as no. 1 is a corner property there is a substantial amenity area retained to the front of the building. Furthermore, the materials used in construction harmonise well with the host property as well as neighbouring dwellings which also ensures visual amenity is protected.

For the reasons set out above, the proposal is considered to comply with LP24 of the Kirklees Local Plan and therefore is acceptable.

Impact on residential amenity:

Section B and C of LP24 states that alterations to existing buildings should:

‘...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers’.

In regards to the outbuilding itself, it can be understood from looking at K.C Mapping System and the application form that the outbuilding has replaced a former detached garage with a similar footprint and dimension. This along with the outbuilding’s small scale suggests that the relationship between the applicant site and neighbouring dwellings will not be dramatically changed as minimal concerns have been raised in regards to overbearing and overshadowing. In terms of overlooking, the outbuilding does not incorporate any windows in the side or rear elevation that face out onto the neighbouring dwellings and the front elevation incorporates a single door that serves as access to the building therefore minimal concerns have been raised in terms of overlooking out onto opposite properties.

The proposed use of the outbuilding is for a business purpose: dog grooming. Information submitted with the application states the business would operate between 9am-4pm Monday to Friday and 8am-1pm on Saturdays. This would equate to 3-4 dogs a day on an appointment only basis. The client drops the dog off and leaves it with the applicant. There is a 15 min gap between appointments. The applicant also arranges to pick up and drop off dogs. Some people walk. There would be no employees, the business owner lives on site. Given the low-key nature of the business, and provided it continues

to be operated on this basis and within the hours of use specified it is unlikely to result in a material loss of amenity to nearby occupants. The principal matter would be if there was dog barking but given the nature of the operation and the number of dogs within the building at any one time this is unlikely to become problematical.

Impact on highway safety:

Highways Development Management were informally consulted and from the information provided by the applicant, it appears that only one dog will be groomed at any one time and that the appointments will be staggered to leave a 15 minute gap between each customer. As such, only one additional vehicle may be attending the property at any given time. As the opening hours are out of peak times and most likely when the majority of people are at work, Highways DM has no wish to raise concern about the negligible increase in vehicle movements. For these reasons, there are minimal concerns regarding matters of highway safety in accordance with LP21 and LP22.

Other matters:

Climate Change

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Policy LP24 (d) of the Kirklees Local Plan emphasises that *'proposals should promote good design by ensuring...high levels of sustainability, to a degree proportionate to the proposal through...considering the use of innovative construction materials...'*

In this instance, the application is for the erection of an outbuilding for dog grooming business that is constructed from stone. Stone is considered to be an eco-friendly building material that is durable and completely recyclable. This, along with the use of upvc windows and doors would help ensure that the proposed development is well sealed and lasting, and as such would potentially reduce the resource use in the building.

For the reasons above, the proposal is considered to comply with LP24 (d) of the Local Plan.

Biodiversity

It is recognised that the site is located within a bat alert area. However the development would not affect any existing roof structures and the existing dwelling appears to be well sealed and unlikely to have any bat roost potential therefore any potential impact on bats is considered to be acceptable.

Environmental Health

K.C Environmental Health were informally consulted and given the small scale of the business and the operating hours confirmed by the applicant, there are no concerns raised and as such it is not considered necessary to seek to condition control of the noise.

Conclusion:

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. 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.

Recommendation

Approve

Decision Authorisation - Delegated Powers

Application Number: 2020/90282

Officer Recommendation: Approve

Conditions and Reasons

1. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord Policy LP24 of the Kirklees Local Plan.

2. The use hereby permitted shall not be open to customers and no activities shall take place in connection with the business outside the hours of 09:30 to 16:00 Monday to Friday, 9:00 to 14:00 on Saturdays, and no openings on Sundays or Bank Holidays.

Reason: In the interests of the protection of the amenity of nearby occupiers from noise and disturbance an unsocial hours and to accord with Policies LP24 and LP52 of the Kirklees Local Plan and Policies in Chapter 15 of the National Planning Policy Framework.

3. The use hereby permitted shall only operate on an 'appointments only' based system.

Reason: In the interests of the protection of the amenity of nearby occupiers from undue noise and disturbance and to accord with Policies LP24 and LP52 of the Kirklees Local Plan and Policies in Chapter 15 of the National Planning Policy Framework.

4. The dog grooming studio hereby approved shall only be operated by a permanent resident of 1 Cliffe End Road, Quarmby.

Reason: In the interest of highway safety to ensure that sufficient parking is provided for the host property and approved use and in the interests of the protection of residential amenity to ensure that occupiers of no.1 are not adversely affected by the operation of the proposal and to accord with Policies LP21, LP22 LP24 and LP52 of the Kirklees Local Plan and Policies in Chapter 15 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Grouped Plans and Elevations	-	1	13/02/2020

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning

Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. There was no reason to contact the agent or applicant as the details were acceptable as submitted.

Report Dated: 17/03/2020