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:	**2022/62/93861/W**
Site Address:	217, Keldregate, Deighton, Huddersfield, HD2 1LF
Description:	Conversion of garage to dog groomers and associated works
Recommending Officer:	Laura Yeadon

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.

John Holmes

AUTHORISED OFFICER

Date: 5th April 2023

Officer Report

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022%2f93861

Site Description

217 Keldregate is a semi-detached property located within a sloping site which rises from north to south. The property is constructed from red brick and render with a concrete tiled roof. Garden area located to the front and rear. Also to the rear is a single storey pre-fabricated garage which is accessed off a private vehicular access from Keldregate which provides access to the garages for a number of properties within the street scene.

Description of Proposal

The application is for the conversion of the garage to a dog groomers and associated works. At the time of the site visit, no works had commenced on site.

The garage is a depth of 5.9 metres and a width of 3 metres and is single storey in height.

There are no proposed alterations to the garage building itself. Internal works are proposed to remodel the internal layout. These works fall outside the definition of development for which permission is required, although an indicative layout plan has been submitted as part of the application.

The business is proposed to operate as follows:

- The business model would be a dog groomers
- One member of staff – occupier of host property
- Maximum of 2 dogs from the same household
- 1 dog (or 2 dogs from same household) per 2 hours
- Operating hours of 09:30-17:30 Monday to Friday
- No operating on a weekend
- Customers will be dropping off and picking up – no extended waiting
- One entrance and exit for customers

History of negotiations/amendments

No negotiations have taken place with the applicant/agent due to the application being acceptable in its submitted format.

Relevant Planning History

None

Representations

We are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters.

Final publicity date expired 10th January – no representations received

Consultation Responses

K.C. Environmental Health – Initially requested a Noise Mitigation Scheme however following receipt of the confirmation about the operation of the business which was part of the initial submission, the information is accepted as a Noise Management Plan and it is requested that this is conditioned appropriately

K.C. Highways Development Management – informal discussions – no material loss of parking – arrivals and departures should be managed via a booking system to monitor traffic movement – condition accordingly.

Policy

The site is without notation on the Kirklees Local Plan.

Kirklees Local Plan:

- **LP 1**– Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways safety
- **LP 22** - Parking
- **LP 24** – Design
- **LP 51** – Protection and Improvement of Local Air Quality
- **LP 52** – Protection and improvement of environmental quality

Supplementary Planning Documents:

- Highways Design Guide SPD

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 21st July 2021, 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 6 – Building a strong competitive economy
- Chapter 7 – Ensuring the vitality of town centres
- Chapter 12 – Achieving well-designed places
- Chapter 13 – Protecting Green Belt land
- Chapter 14 – Meeting the challenge of climate change, flooding & coastal change.
- Chapter 15 – Conserving and enhancing the natural environment

Legislation

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).

Assessment

The following matters are considered in the assessment below –

1) Principle of development
1) Impact on visual amenity
2) Impact on residential amenity
3) Impact on highway safety
4) Other matters
5) Representations
6) Conclusion

1 – Principle of development:

The site is without notation on the Kirklees Local Plan. Policy LP1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. LP1 goes on further to stating that:

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

Policy LP2 of the Kirklees Local Plan sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan.

Town Centre Uses

The proposal seeks to convert the existing residential garage to a dog groomers. A dog grooming operation is considered to be a main town centre use and is located approximately 540 metres from the Keldregate Local

Centre and is therefore considered to be an out-of-town centre. Relevant policies on the Local Plan and NPPF need to be considered.

Paragraph 86 of the NPPF and Part B of Policy LP13 of the Local Plan requires a sequential test to be submitted when main town centre uses are located in out-of-town locations.

In this instance, the application has been submitted with a covering letter. The details indicate the reason why this location has been chosen and also that only one member of staff would be employed with the hours of operation limited to Monday to Friday. The information also details the equipment required to operate from the existing garage. As the appointment system allows for 2 hours per dog with a maximum of 2 dogs from one household, there would be limited movement to and from the premises.

Given the circumstances of the proposal it is not considered necessary for the applicant to provide a sequential assessment as the applicant has demonstrated that the operation of the business is small in scale and requires function to work from home. However, to protect the long-term viability of nearby Local Centres, it is considered appropriate to restrict the permission to the occupier of No 217 Keldregate as any operation from a third party would potentially raise issues outside of the business model proposed and under assessment. Without such an appropriately worded condition there is potential that the use could remove opportunities for a business to operate in a town or local centre and most likely increase activity to and from the site.

Subject to condition it is considered that, in this case, it can be stated that the principle of development is acceptable subject to an assessment of impacts on visual and residential amenity and highway safety.

2 – Impact on visual amenity:

Policy LP24 of Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design.

The impact of the proposal on visual amenity is considered to be acceptable. There are no proposed alterations to the external appearance of the garage structure and therefore no further impact. There would be no further loss of amenity space for the property over and above the existing arrangement and therefore no further impact on the host dwelling, street scene of character of the area.

It is therefore considered that the proposal is acceptable from a visual amenity perspective and complies with Policy LP24 of the Kirklees Local Plan and policies within Chapter 12 of the National Planning Policy Framework.

3 – Impact on residential amenity:

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers.

Environmental Health Officers were formally consulted as part of the application process and initially requested a Noise Mitigation Report to be submitted. However, following receipt of the additional information supplied with the submission, Officer's find the details satisfactory and acceptable in terms of the limited impact from noise to neighbouring residential properties. An appropriate condition in terms of the information submitted will be attached to the decision notice to ensure that the proposal operates as set out in the submission to ensure noise levels are kept to a minimum.

Despite the garage being located in a predominantly residential area and in close proximity to neighbouring properties, considering the way the business would operate along with its small-scale nature, subject to the condition the proposal would operate as set out in 'The Proposal' section of this report it is considered that the proposed development is acceptable from a residential amenity perspective.

In terms of the garage itself, as this is an existing structure and a typical building within the street scene it is not considered to cause significant harm in terms of overlooking or by being overbearing. Given the scale of the development, associated odours are not considered to result in a harmful impact upon residential amenity.

In all, subject to conditions, the proposal is considered to be acceptable from a residential amenity perspective and would comply with Policies LP24 and LP52 of the Kirklees Local Plan and policies within Chapter 12 of the National Planning Policy Framework.

4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide seeks to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

In this case discussions have taken place with Highway Officers and subject that a condition be attached to the decision notice stating that arrivals and departures should be managed via a booking system to manage traffic movements to and from the building, the consider the proposal to be acceptable.

Whilst converting the garage would result in the loss of a parking space, there is sufficient space on the existing driveway for occupiers of the host property to utilise 2.no spaces and on-street parking is available. As such, subject to condition restricting the operation to that set out in 'The Proposal' section of

this report the proposal is considered acceptable in terms of highway safety and parking provision.

5 – Other matters:

Climate Change - Principle 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency. Principle 9 goes on to highlight that the use of innovative construction materials and techniques, including reclaimed and recycled materials should be used where possible. Furthermore, Principles 10 and 11 request that extensions and alterations consider the use of renewable energy and designing water retention into the proposals.

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.

Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development.

Biodiversity – Chapter 15 of the NPPF relates to conserving and enhancing the Natural Environment. Paragraph 179 of the NPPF outlines that decisions should promote the protection and recovery of priority species and identify and pursue opportunities for securing net gains for biodiversity. Paragraph 180 goes on to note that if significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Policy LP30 of the Kirklees Local Plan echoes the NPPF in respect of biodiversity. Policy LP30 outlines that development proposals should minimise impacts on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist. Further to this, Principle 12 of the House Extensions and Alterations SPD states that: *"Extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity"*

The proposal would not result in any alterations to the roof of the existing dwelling and the site is not within a bat alert zone on the Councils GIS system and the garage building is a relatively low height therefore the potential for

bats is considered unlikely. Thus, it is considered that harm to protected species from the development is unlikely. In terms of net gains, it is considered that it would not be proportionate to request these for a development of this scale.

Coal legacy – The site is located within the Coal Authority's "Development Low Risk Area". There is no statutory requirement to consult the Coal Authority regarding development within the "Development Low Risk Area", instead an informative note can be appended to the decision notice which constitutes the deemed consultation response. The application site falls within an area at low risk of ground movement as a result of past mining activities as determined by the Coal Authority. As such it is considered that it is unnecessary in this case to require a survey of land stability to be carried out with regard to previous mining activity which may have taken place within the locality. It is recommended that the Coal Authority's standing advice is provided with any grant of approval. As such it is considered that the proposal is acceptable with regard to ground stability in accordance with paragraphs 174 and 183 of the National Planning Policy Framework.

6 – Representations:

None

7 – 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: 2022/93861

Officer Recommendation: Approve

Conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.
Reason: Pursuant to the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. 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 with Policies LP1, LP2, LP21, LP22, LP24 and LP51 of the Kirklees Local Plan and to accord with Policies within Chapters 2, 6, 7, 12, 13, 14 and 15 of the National Planning Policy Framework.

3. The development hereby permitted shall not take place at any time except between the hours of 09:30-17:30 Monday to Friday and at no time on Saturday, Sundays and/or bank holidays.
Reason: In the interests of the protection of the amenity of nearby occupiers, to protect highway safety and to accord with Policies LP21, LP24 and LP52 of the Kirklees Local Plan and Policies in Chapter 15 of the National Planning Policy Framework.

4. The operation of the business shall be carried out in complete accordance with the information submitted on the covering letter submitted with the application and received on 28th November 2022.
Reason: In the interests of the protection of the amenity of nearby occupiers, to protect highway safety and to accord with Policies LP21, LP24 and LP52 of the Kirklees Local Plan and Policies in Chapter 15 of the National Planning Policy Framework.

5. The use hereby permitted shall be on an appointment only basis with only one customer in attendance at the site at any one time.
Reason: In the interests of the protection of the amenity of nearby occupiers, to protect highway safety and to accord with Policies LP21, LP24 and LP52 of the Kirklees Local Plan and Policies in Chapter 15 of the National Planning Policy Framework.

6. The hereby approved dog groomers shall only be operated by an occupier of no. 217 Keldregate, Deighton, Huddersfield, HD2 1LF.
Reason: In the interests of the protection of the amenity of nearby occupiers, to protect highway safety and to accord with Policies LP21, 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**
Location plan	217 Block Plan		28th November 2022
Block plan	217 Block Plan		28th November 2022
Proposed floor plan			29th November 2022

Plan Type	Reference	Version	Date Received
Covering letter			29th November 2022

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.

The Case Officer did not undertake any negotiations with the applicant due to the application being acceptable in its submitted format.

Report Dated: 5th April 2023

Coal – low