

**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:	2024/62/91038/E
Site Address:	17, Lynfield Drive, Hightown, Liversedge, WF15 8HH
Description:	Change of use of garage to hair salon
Recommending Officer:	Nina Sayers

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 25 June 2024

Officer Report

Site Description

17 Lynfield Drive, Hightown, Liversedge, WF15 8HH

The application relates to an existing residential dwelling which has recently been extended to the rear and side. The site has hardstanding to the front to allow for parking provision and there is an external access to the garage to which this application relates.

The site is unallocated on the Kirklees Local Plan. The site is set within a residential area and is not located within a Conservation Area.

Description of Proposal

The applicant is seeking permission for the change of use of a garage to hair salon.

The proposal would not include any external works but internally the existing garage/storage area has already been converted into a salon. The proposal would benefit from the existing parking provision to the front of the dwelling which would be accessed via Lynfield Drive.

History of Negotiations

Through the course of the application, some additional information was requested regarding the proposed use and its operation. The applicant also contacted officers throughout the process to let them know that they intend to erect a fence to mitigate any overlooking harm. Officers requested this to be demonstrated on a plan.

Relevant Planning History

2022/93264 Erection of rear extension, garage extension, rear dormer extension and formation of parking to front. Conditional full permission

Consultation

No consultation was considered necessary.

Representations

The application was advertised by neighbour notification letters, and online. Final publicity expired on 30th May 2024. 2 representations were received, both in objection. These have been summarised as follows:

- Congestion and highway safety
- Additional parking
- Drainage concerns – history of issues
- Loss of privacy
- Affect value of neighbouring property

These comments will be discussed in section 6 the report.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be 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 (2019).

Kirklees Local Plan (KLP):

- LP 1 – Achieving sustainable development
- LP 2 – Place shaping
- LP 3 – Location of new development
- LP 21 – Highway safety and access
- LP 22 – Parking
- LP 28 – Drainage
- LP 51 – Protection and improvement of local air quality
- LP 52 – Protection and improvement of environmental quality
- LP 53 – Contaminated and unstable land

Supplementary Planning Documents (SPD):

Kirklees Council has adopted (as of 29th June 2021) supplementary planning documents for guidance on house building, house extensions and open space, to be used alongside existing SPDs previously adopted. They are now being considered in the assessment of planning applications, with full weight attached. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene.

- Biodiversity Net Gain Technical Advice Note
- Highways Design Guide

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th December 2023, 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 6- Building a strong, competitive economy.
- Chapter 9 – Promoting sustainable transport.
- Chapter 12 Achieving well designed and beautiful places.
- Chapter 15 - Conserving and enhancing the natural environment.

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development

- 2) Impact on visual amenity
- 3) Impact on residential amenity
- 4) Highway safety
- 5) Other matters
- 6) Representations
- 7) Conclusion

1. Principle of Development

NPPF paragraph 12 and LP1 outlines a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation. The dimensions of sustainable development will be considered throughout this proposal. The site is without notation on the KLP Policies Map.

Policy LP2 states that: 'All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the local plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement'.

Chapter 11 of the NPPF requires that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improvement the environment and ensure safe and healthy living conditions. As well as this, Local Planning Authorities have the responsibility to help create the conditions, in which businesses can invest, expand, and adapt. It follows that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

The application is for the change of use of a garage to a salon which would be considered a main town centre use as defined in the Kirklees Local Plan and NPPF. The application site is located ~1.3km from the nearest defined centre which is Cleckheaton.

Paragraph 91 of the NPPF states "Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan." Similarly, Policy LP13 of the Kirklees Local Plan outlines the requirements for a sequential test.

The applicant has submitted a planning statement alongside their application which outlines that the proposed development would be operating on an appointment only basis, specifically for friends and family. There would be a 30-minute interval between patients. It also outlines that the reason the applicant has chosen to start up a business in their property is because of the environmental impact of travelling to work and how they believe it will be beneficial to their mental wellbeing.

Whilst a sequential test would normally be required for a development of this nature, the proposed salon is small in scale and is marketed towards friends and family rather than members of the public. The proposed beauty salon is to be erected within the curtilage of the existing domestic dwelling, operated by the occupier and would be small in scale. In turn, creating a mixed-use site where the beauty salon is read in conjunction with the residential dwelling. Furthermore, the scale of development is such that it is unlikely a town centre location would be a viable alternative. It is considered that the submitted detail allows for the Local Planning Authority to determine this case, having regard to Policy LP13.

Should approval be recommended, officers would be conditioning that the salon is not severed from the host dwelling and that it must be operated by the occupant of 17 Lynfield Drive.

In this instance, the submitted information is sufficient for officers to assess the application against LP13 and paragraphs 91 and 94 of the NPPF. As such, in the broadest form, subject to conditions, the principle of development of this site is considered acceptable in accordance with Local Plan Policies LP1 and LP2. However, the development must now be assessed against all material considerations.

1. Impact on Visual Amenity

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed and beautiful places) provides a principal consideration concerning design which states: “The creation of high-quality, beautiful and sustainable 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, heritage assets and landscape...”.

The proposed development would not include any external alterations so no harm is considered to be caused to the visual amenity of the host dwelling or wider street scene as a result of the proposal. Having taken the above into account, it is considered the proposed development would not cause any significant harm to the visual amenity or historic character, complying with Policy LP24 of the Kirklees Local Plan and the aims of chapter 12 of the National Planning Policy Framework.

2. Impact on Residential Amenity

Local Plan Policy LP24 states that proposal should ‘minimise impact on residential amenity of future and neighbouring occupiers’. Further to this,

Chapter 12 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

The proposed development would not include any external alterations so no additional overbearing or overshadowing harm is considered to be caused to residential amenity as a result of the proposed development, over and above the existing arrangements on site.

It is noted that representation raised concerns regarding overlooking harm as a result of customers visiting the property. The customers would access the salon to the north of the existing dwelling and it is noted that there are openings in the southern elevation of no.15 Lynfield Drive. Officers have taken into consideration the significant change in land levels between the application site and neighbouring property and therefore it is any visitors would be set below the adjacent openings. Notwithstanding this, the applicant has been in contact in response to the representation received and has outlined that they would be erecting a fence along the northern boundary of the site to mitigate any potential overlooking harm. This is a welcomed addition and officers requested this is demonstrated on a plan so it can be secured by condition. Therefore, no significant overlooking harm is considered to be caused to the neighbouring occupants as a result of the proposal.

Due to the size and scale of the proposed development, and as it would be located in the former garage which is set to the rear of the house, no significant additional noise is considered to be caused as a result of the proposal and therefore no additional harm is considered to be cause to the amenity of the occupiers of 17 Lynfield Drive or the neighbouring property. A condition would be added restricting the opening hours should approval be recommended.

Taking the above into consideration, the proposed development is considered to not cause significant harm to the amenity of neighbouring occupiers and as such would not have an adverse and detrimental impact on residential amenity and the health and wellbeing of the occupiers. Complying with LP24, LP51 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

3. Impact on Highway Safety

Turning to highway safety, Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact to highway safety and provide sufficient parking. Chapter 9 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The Highway Design Guide SPD is also relevant.

The application is for the change of use of the existing garage to a salon. It must be noted that the salon is not currently used for vehicle parking and under application 2022/93264 this was to be converted to storage. Therefore, there would not be a loss of parking provision as a result of the proposal.

17 Lynfield Drive is a three-bedroom dwelling with three off-street parking spaces to the front. Only two parking spaces are required for a three-bedroom dwelling which allows for one vehicle parking space for customers of the salon. Within the submitted planning statement, the applicant has outlined that the proposed salon would accommodate one client at a time and there would be a 30 minute interval between each appointment. Therefore, there would only be one client at the salon at any given time so one vehicle parking space is considered acceptable in this instance.

These details would be secured by condition to ensure there would be no harm caused to the safety or efficiency of the highway as a result of the proposal. As such, the proposal is considered acceptable from a highway safety perspective, thus complying with LP21, LP22 and LP24 of the Kirklees Local Plan and Chapter 9 of the NPPF as well as the aims of the Highways Design Guide SPD.

4. Other Matters

Drainage

Concerns have been raised in representation regarding historic drainage issues and the impact of the proposal on drainage. The application site is within Flood Zone 1 and given the nature and scale of the development, no specific measures are required in this instance. The applicant has also been in contact to clarify that they have been in contact with Yorkshire Water who have confirmed the pipe network is in good working order. This is considered sufficient for the purposes of planning and officers have no further concerns.

Contaminated land

The proposed development would not involve any groundworks and therefore no additional measures are required in terms of land contamination. As such the proposal complies with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 190 of the National Planning Policy Framework.

5. Representations

2 representations were received in response to the publicity of this application, both in objection. These have been summarised as follows:

- Congestion and highway safety
- Additional parking

Officer response: These are material planning considerations which have been carefully considered in the highway safety section of this report.

- Drainage concerns – history of issues

Officer response: This has been addressed by officers in the other matters section of this report.

- Loss of privacy

Officer response: This is a material planning consideration which has been carefully considered in the residential amenity section of this report.

- Affect value of neighbouring property

Officer response: This is not a material planning consideration and therefore no further comment will be made.

6. 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, national planning policy framework and other material considerations. It is considered that the development would constitute sustainable development and would not harm caused to residential amenity and highway safety.

Recommendation:

Approval

Decision Authorisation - Delegated Powers

Application Number: 2024/91038

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 91 of the Town and Country Planning Act 1990.

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 LP7, LP20, LP21, LP22, LP24, LP28, LP30, LP33, LP51, LP52 and LP53 of the Kirklees Local Plan, the adopted Housebuilders SPD and Chapters 5, 8, 9, 11, 12, 14 and 15 of the National Planning Policy Framework.

3. The salon hereby approved shall be undertaken solely by permanent residents at 17 Lynfield Drive, Hightown, Liversedge, WF15 8HH and shall at no time be sold, rented or served to be a separate independent business.

Reason: In the interests of highway safety, residential amenity and the viability of local centres to accord with Policies LP13, LP21, LP24 & LP52 of the Kirklees Local Plan and guidance contained within Chapters 7 and 12 of the National Planning Policy Framework.

4. The use hereby permitted shall not be open to customers outside the hours of:

- 09:00 to 17:00 Monday to Friday, and
- 09:00 to 13:00 Saturday

There shall be no deliveries to, or dispatches from the premises outside these hours. No deliveries shall take place on Sundays or Bank Holidays.

Reason: To ensure that the proposed use does not give rise to the loss of amenity to nearby residential properties, by reason of noise or disturbance at unsociable hours, to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

5. The area annotated as 'salon area' on the hereby approved Proposed Ground Floor Layout (ref: 2024/17-LYN-WF15 8HH Rev.0) shall be used for no purpose other than as a salon and/or incidental use to 17 Lynfield Drive, Hightown, Liversedge, WF15 8HH.

Reason: To ensure the development does not cause noise and disturbance to neighbouring properties in the interest of amenity, to preserve the vitality and viability of town centres, in the interests of highway safety to comply with Policies LP13, LP21, LP24 and LP52 of the Kirklees Local Plan and policies within Chapters 7, 12 and 15 of the National Planning Policy Framework.

6. The use hereby permitted shall be operated on a pre-arranged appointment basis only, with no more than one appointment present/attending at any time.

Reason: To ensure that the proposed use does not give rise to the loss of amenity to nearby residential properties, by reason of noise or disturbance at unsociable hours, to accord with the Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

7. Prior to the development being brought into use, a 2 metre high fence, as demonstrated by the dotted line along the northern boundary of the site on the hereby approved plan “2024/17-LYN-WF15 8HH Rev.1”, shall be erected and thereafter retained.

Reason: To ensure that the proposed use does not give rise to the loss of amenity to nearby residential properties by way of overlooking, to accord with the Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

NOTE: Please note that the granting of planning permission does not override any private rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

- 07.30 and 18.30 hours Mondays to Fridays.
- 08.00 and 13.00hours, Saturdays.
- With no working Sundays or Public Holidays.

In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan			23/04/2024
Existing and Proposed Ground Floor Layout	2024/17-LYN-WF15 8HH	1	20/06/2024
Planning Statement			23/04/2024

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. Some additional information was requested regarding the proposed use and its operation. The applicant also contacted officers throughout the process to let them know that they intend to erect a fence to mitigate any overlooking harm. Officers requested this to be demonstrated on a plan.

Report Dated: 21/06/2024