

Public Document Pack



**Service Director – Legal, Governance and
Commissioning**

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Wednesday 3 July 2024

Notice of Meeting

Dear Member

District-Wide Planning Committee

The **District-Wide Planning Committee** will meet in the **Council Chamber - Town Hall, Huddersfield** at **1.00 pm** on **Thursday 11 July 2024**.

(A coach will depart the Town Hall, at 11.20am to undertake Site Visits. The consideration of Planning Applications will commence at 1.00 pm in the Council Chamber).

This meeting will be webcast live and will be available to view via the Council's website.

The items which will be discussed are described in the agenda and there are reports attached which give more details.

A handwritten signature in cursive script, appearing to read "S Lawton".

Samnatha Lawton

Service Director – Legal, Governance and Commissioning

Kirklees Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform the Chair/Clerk of their intentions prior to the meeting.

The District-Wide Planning Committee Members are:-

Member

Councillor Sheikh Ullah (Chair)
Councillor Donna Bellamy
Councillor Paola Antonia Davies
Councillor Eric Firth
Councillor Zahid Kahut
Councillor Susan Lee-Richards
Councillor Tony McGrath
Councillor Paul Moore
Councillor Mohan Sokhal

When a Member of the District-Wide Planning Committee cannot attend the meeting, a member of the Substitutes Panel (below) may attend in their place in accordance with the provision of Council Procedure Rule 35(7).

Substitutes Panel

Conservative	Green	Labour	Liberal Democrat	Community Alliance	Kirklees Community Independents
B Armer	K Allison	B Addy	C Burke		A Anwar
D Hall	A Cooper	M Ahmed	J Lawson		A Arshad
C Holt		M Crook	D Longstaff		JD Lawson
J Taylor		J Homewood	A Marchington		
		J Rylah	A Munro		
		A Sewell	A Pinnock		
		H McCarthy	A Robinson		
			A Smith		

Agenda

Reports or Explanatory Notes Attached

Pages

1: Membership of the Committee

To receive any apologies for absence, or details of substitutions to Committee membership.

2: Minutes of the Previous Meeting

1 - 4

To approve the Minutes of the Meeting of the Committee held on 9 May 2024.

3: Declaration of Interests and Lobbying

5 - 6

Committee Members will advise (i) if there are any items on the Agenda upon which they have been lobbied and/or (ii) if there are any items on the Agenda in which they have a Disposable Pecuniary Interest, which would prevent them from participating in any discussion or vote on an item, or any other interests.

4: Admission of the Public

Most agenda items will be considered in public session, however, it shall be advised whether the Committee will consider any matters in private, by virtue of the reports containing information which falls within a category of exempt information as contained at Schedule 12A of the Local Government Act 1972.

5: Public Question Time

To receive any public questions.

In accordance with Council Procedure Rule 11, a maximum of fifteen minutes will be allocated to Public Question Time.

Any questions must be submitted in writing at least three clear working days in advance of the meeting.

6: Deputations / Petitions

The Committee will receive any petitions and/or deputations from members of the public. A deputation is where up to five people can attend the meeting and make a presentation on some particular issue of concern.

A member of the public can also submit a petition at the meeting relating to a matter on which the body has powers and responsibilities.

In accordance with Council Procedure Rule 10, Members of the Public must submit a deputation in writing, at least three clear working days in advance of the meeting and shall subsequently be notified if the deputation shall be heard. A maximum of four deputations shall be heard at any one meeting.

7: Site Visit - Planning Application No: 2024/90494

Change of use of existing garage to business use (within a Conservation Area) at 17 Ashfield Road, Birkby, Huddersfield.

Contact: Lucy Taylor, Planning Services

Ward affected: Greenhead

Estimated time of arrival at site: 11.30am

8: Planning Applications

7 - 8

The Planning Committee will consider the attached Planning Application.

Please note that any members of the public who wish to speak at the meeting must register to speak by 5.00pm (for phone requests) or 11:59pm (for email requests) on Monday 8 July 2024,

To register, please email governance.planning@kirklees.gov.uk or phone 01484 221000 (ext 74993) Andrea Woodside.

9: Planning Application - Application No: 2024/90494

9 - 24

Change of use of existing garage to business use (within a Conservation Area) at 17 Ashfield Road, Birkby, Huddersfield.

Contact: Lucy Taylor, Planning Services

Ward affected: Greenhead

Planning Update

An update report providing further information on matters raised after the publication of the agenda will be added to the online agenda prior to the meeting.

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Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

DISTRICT-WIDE PLANNING COMMITTEE

Thursday 9th May 2024

Present: Councillor Sheikh Ullah (Chair)
Councillor Donna Bellamy
Councillor Eric Firth
Councillor James Homewood
Councillor John Lawson
Councillor Tony McGrath
Councillor Imran Safdar
Councillor Mohan Sokhal

1 Membership of the Committee

Councillor J Lawson substituted for Councillor Marchington.

The Labour Group position, previously allocated to Mussarat Pervaiz, was vacant.

2 Minutes of the Previous Meeting

RESOLVED – That the Minutes of the previous meeting held on 21 March 2024 be approved as a correct record.

3 Declaration of Interests and Lobbying

Councillors Bellamy, E Firth, Homewood, Sokhal and Ullah advised that they had been lobbied on Application 2022/92210.

4 Admission of the Public

It was noted that all agenda items would be considered in public session.

5 Public Question Time

No questions were asked.

6 Deputations / Petitions

No deputations or petitions were received.

7 Site Visit - Application No: 2022/92210

Site visit undertaken.

8 Planning Application - Application No: 2022/92210

The Committee gave consideration to Application 2022/92210 – Outline application for erection of residential development (5 dwellings) at land to rear of 5 and 7 Oakes Lane, Brockholes, Holmfirth.

Under the provisions of Council Procedure Rule 36(3), the Committee received a representation from Councillor Greaves.

District-Wide Planning Committee - 9 May 2024

Under the provisions of Council Procedure Rule 37, the Committee received a representation from Nick Willock (applicant's agent).

RESOLVED -

1) That authority be delegated to the Head of Planning and Development to approve the application, issue the decision notice and complete the list of conditions including matters relating to;

- 1-4. Standard outline conditions relating to submission of reserved matter(s) and timeframes)
5. Development to be in full accordance with plans and specifications.
6. External facing and roofing Materials to be submitted and inspected for approval (including retaining wall)
7. Reserved matter "landscape" to include details of existing and proposed ground levels in the rear garden of Plot 1 (residential amenity)
8. Reserved matter "landscape" to include full details of the height, materials, and position of all boundary treatments to be erected
9. Access to be formed in accordance with details shown on site plan and cleared of all obstructions before being brought into use
10. Design and construction details for all new retaining walls adjacent to the proposed/ existing highway and the PROW together with any modifications the existing retaining wall supporting Oakes Lane (Pre-Commencement condition)
11. A scheme detailing the proposed internal estate roads to be submitted to and approved in writing by the Local Planning Authority
12. Schedule of the means of access to the site for construction traffic (including measures to prevent conflict arising between construction traffic and users of the PROW) shall be submitted to and approved in writing by the Local Planning Authority
13. Details of cycle storage facilities for each dwelling to be submitted and approved
14. Waste storage and collection points to be provided prior to occupation and retained - details of bin enclosure or screening to be provided; notwithstanding the details on the approved plans, each shall accommodate three bins
15. Access and turning head to be provided before occupation and thereafter retained
16. Scheme detailing foul, surface water and land drainage, (outfall design, balancing works, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision, and maintenance plan) - this is a pre-commencement condition
17. A scheme detailing a replacement trash screen for the ordinary watercourse located on site, prior to its enclosed section, and maintenance plan - this is a pre-commencement condition.
18. Notwithstanding the details on the approved plan 2021/076/10, the reserved matter landscaping shall incorporate measures to restore PROW HOL/32/50 to its definitive minimum width of 1.2m along its full length where adjacent to the site and shall include details of all new or replacement boundary treatments and of any additional hard surfacing and edging required and a timetable for the implementation of the measures to restore PROW HOL/32/50 to its definitive minimum width.

District-Wide Planning Committee - 9 May 2024

2) That authority be delegated to the Head of Planning and Development to secure a S106 Agreement to cover (i) the establishment of a management company and management plan to ensure that future maintenance of surface water drainage infrastructure is carried out in a satisfactory manner and (ii) future management and maintenance of semi natural open space within the site.

3) That, pursuant to (2) above, in circumstances where the S106 Agreement has not been completed within three months of this decision, the Head of Planning and Development shall be authorised to consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured, and would therefore be permitted to determine the Application and impose appropriate reasons for refusal under delegated powers.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

For: Councillors E Firth, Homewood, Sokhal and Ullah (4 votes)

Against: Councillors Bellamy, J Lawson, McGrath and Safdar (4 votes)

Under the provisions of Council Procedure Rule 24(2) the application was determined by the Chair's casting vote.

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KIRKLEES COUNCIL

DECLARATION OF INTERESTS AND LOBBYING

District Wide Planning Committee

Name of Councillor

Item in which you have an interest	Type of interest (eg a disclosable pecuniary interest or an "Other Interest")	Does the nature of the interest require you to withdraw from the meeting while the item in which you have an interest is under consideration? [Y/N]	Brief description of your interest

LOBBYING

Date	Application/Page No.	Lobbied By (Name of person)	Applicant	Objector	Supporter	Action taken / Advice given

Signed: Dated:

NOTES

Disclosable Pecuniary Interests

If you have any of the following pecuniary interests, they are your disclosable pecuniary interests under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Any employment, office, trade, profession, or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.

Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.

Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority -

- under which goods or services are to be provided or works are to be executed; and
- which has not been fully discharged.

Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.

Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.

Any tenancy where (to your knowledge) - the landlord is your council or authority; and the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -

(a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and

(b) either -

the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Lobbying

If you are approached by any Member of the public in respect of an application on the agenda you must declare that you have been lobbied. A declaration of lobbying does not affect your ability to participate in the consideration or determination of the application.

In respect of the consideration of all the planning applications on this agenda the following information applies:

PLANNING POLICY

The statutory development plan is the starting point in the consideration of planning applications for the development or use of land unless material considerations indicate otherwise (Section 38(6) Planning and Compulsory Purchase Act 2004).

The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019) and the Holme Valley Neighbourhood Development Plan (adopted 8th December 2021).

National Policy/ Guidelines

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.

REPRESENTATIONS

Cabinet agreed the Development Management Charter in July 2015. This sets out how people and organisations will be enabled and encouraged to be involved in the development management process relating to planning applications.

The applications have been publicised by way of press notice, site notice and neighbour letters (as appropriate) in accordance with the Development Management Charter and in full accordance with the requirements of regulation, statute and national guidance.

EQUALITY ISSUES

The Council has a general duty under section 149 Equality Act 2010 to have due regard to eliminating conduct that is prohibited by the Act, advancing equality of opportunity and fostering good relations between people who share a protected characteristic and people who do not share that characteristic. The relevant protected characteristics are:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

In the event that a specific development proposal has particular equality implications, the report will detail how the duty to have “due regard” to them has been discharged.

HUMAN RIGHTS

The Council has had regard to the Human Rights Act 1998, and in particular:-

- Article 8 - Right to respect for private and family life.
- Article 1 of the First Protocol - Right to peaceful enjoyment of property and possessions.

The Council considers that the recommendations within the reports are in accordance with the law, proportionate and both necessary to protect the rights and freedoms of others and in the public interest.

PLANNING CONDITIONS AND OBLIGATIONS

Paragraph 55 of The National Planning Policy Framework (NPPF) requires that Local Planning Authorities consider whether otherwise unacceptable development could be made acceptable through the use of planning condition or obligations.

The Community Infrastructure Levy Regulations 2010 (as amended) stipulates that planning obligations (also known as section 106 agreements – of the Town and Country Planning Act 1990) should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

The NPPF and further guidance in the PPGS, launched on 6th March 2014, require that planning conditions should only be imposed where they meet a series of key tests; these are in summary:

1. necessary;
2. relevant to planning and;
3. to the development to be permitted;
4. enforceable;
5. precise and;
6. reasonable in all other respects

Recommendations made with respect to the applications brought before the Planning Committee have been made in accordance with the above requirements.

Report of the Head of Planning and Development

DISTRICT-WIDE PLANNING COMMITTEE

Date: 11-Jul-2024

Subject: Planning Application 2024/90494 Change of use of existing garage to business use (within a Conservation Area) 17, Ashfield Road, Birkby, Huddersfield, HD2 2XG

APPLICANT

R Conroy

DATE VALID

08-Mar-2024

TARGET DATE

03-May-2024

EXTENSION EXPIRY DATE

03-Jul-2024

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

[Public speaking at committee link](#)

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Greenhead

Ward Councillors consulted: YES

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 application is brought to committee at the request of Ward Cllr Mohan Sokhal, for the following reasons:

- There is limited parking for residents' visitors due to the Huddersfield Hospital using it as an overflow car park and school traffic from St Patrick's.
- To allow consideration of the impact of the development upon the conservation area and residential amenity of neighbouring occupiers.

1.2 The Chair of the District Wide Committee has confirmed that Cllr Sokhal's reasons for the referral to the committee are valid having regard to the Councillor's Protocol for Planning Committees.

2.0 SITE AND SURROUNDINGS:

2.1 The host property is a two-storey semi-detached property. The dwelling is between two highways and takes access from both Ashfield Road and Oakfield Road. Ashfield Road runs to the front of the property

2.2 To the rear of the property is a large garden, with a detached garage at the end of the garden. The detached garage can be accessed from Oakfield Road, with hard surfacing to the frontage of the garage adjacent to this highway.

2.3 The immediate locality is predominantly residential in character, with a variety of property types. Oakfield Tennis and Bowling Club is located to the east of the property. Huddersfield Hospital is located approximately 87 metres to the south. St Patricks Catholic Primary Academy is located approximately 360 metres from the site.

2.4 The application site is located within the Birkby Conservation Area.

3.0 PROPOSAL:

- 3.1 The applicant is seeking planning permission for the change of use of an existing garage at 17 Ashfield Road to business use.
- 3.2 This would comprise of a 12m² beauty room in addition to a W.C and garden storage area. The beauty room and W.C are accessed from the eastern elevation of the garage (elevation facing the host dwellinghouse). Part of the building is used as a garden storage area and accessed through the garage doors to the western elevation of the building, facing towards Oakfield Road.
- 3.3 The applicant seeks permission to operate 8am-8pm Monday to Friday and 8am-3pm Saturdays. The use would operate on an appointment basis with no more than one appointment present at site at any one time and with no overlapping of appointments.
- 3.4 The parking arrangements would remain as existing, with two tandem parking spaces on the driveway. There is also a bus stop in close proximity to the site, along Birkby Hall Road.
- 3.5 No external alterations are proposed.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 No relevant planning history at the application site.
- 4.2 Relevant enforcement history:

At the application site:

COMP/23/0499 – Change of use to a mixed-use dwelling and beauty salon.

To neighbouring properties:

No. 15 Ashfield Road - COMP/23/0735 – Alleged unauthorised outbuilding and change of use to beauty salon.

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

- 5.1 During the course of the application, the applicant submitted a Planning Statement to accompany the application. This Planning Statement included information regarding the number of employees, beauty treatments, shift patterns, hours of opening and customer appointments.
- 5.2 The planning statement confirms the following:
- Resident and resident's daughter, who both live at No. 17 Ashfield Road, work in the beauty salon.
 - Resident works between 2 to 10 hours per week and, due to the nature of treatments provided, most client appointments are between 1 and 2.5 hours.

- Resident's daughter works 30 hours per week and, due to the nature of treatments provided, her appointments are between 1 and 2.5 hours.
- Operate on an appointment only basis with at least 15 minutes between clients as do not have a waiting room.
- Have an average of 6 clients per day.
- Working hours vary between:
 - 8am to 8pm Monday to Friday
 - 8am to 3pm on Saturday
 - Closed on Sundays

5.3 The statement sets out that these are maximum hours; generally, the applicant's daughter does not work Mondays or Fridays and may not work until 8pm for up to two or three days of the week and is usually finished by 6pm.

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).

6.2 The application site is located within the Birkby Conservation Area.

6.3 The site falls in an area with a known presence of bats and within an area identified by the Coal Authority as being at low risk of ground movement as a result of former mining activity.

6.4 Kirklees Local Plan (2019):

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP13 – Town Centre Uses
- LP21 – Highway Safety
- LP22 – Parking Provision
- LP24 – Design
- LP30 – Biodiversity & Geodiversity
- LP35 – Historic Environment
- LP51 – Protection and Improvement of Local Air Quality
- LP52 – Protection and Improvement of Environmental Quality

6.5 Supplementary Planning Guidance/Document:

- Kirklees Council's Highways Design Guide SPD (2019)

6.6 National Planning Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2023, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

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

- **Chapter 2** – Achieving Sustainable Development
- **Chapter 4** – Decision-Making
- **Chapter 6** – Building a Strong, Competitive Economy
- **Chapter 7** – Ensuring the vitality of town centres
- **Chapter 12** – Achieving Well-Designed Places
- **Chapter 15** – Conserving and Enhancing the Natural Environment
- **Chapter 16** – Conserving and Enhancing the Historic Environment

6.8 Legislation:

- The Town & Country Planning Act 1990 (as amended).
- The Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
- The Planning & Compulsory Purchase Act 2004
- The Conservation of Habitats and Species Regulations 2017

7.0 **PUBLIC/LOCAL RESPONSE:**

7.1 The application was publicised in accordance with statutory publicity requirements, via neighbour notification letters, a site notice and press advert.

7.2 The case officer erected a site notice up on the lamppost closest to the garage, along Oakfield Road. Neighbour notification letters were sent to all properties directly neighbouring the site.

7.3 Final publicity date expired: 21st April 2024.

7.4 In response to publicity, two objections were received. The concerns raised within these representations are summarised as follows:

- Cul-de-sac already experiences increased traffic and the addition of a beauty business would further exacerbate the congestion and safety hazards in neighbourhood.
- The anticipated parking demands of the beauty business would likely aggravate the existing parking problems in cul-de-sac. With limited parking spaces available, cars could block driveways, obstruct access routes, and create inconvenience.
- Increased traffic and parking congestion could hinder the timely access of emergency services. Any delay due to traffic congestion could jeopardize the safety and well-being of residents.

- Development could introduce additional safety risks to neighbourhood. Cars turning into driveways may pose dangers to children and pedestrians, and increased foot traffic could lead to overcrowded sidewalks and pedestrian pathways.
- The continuous flow of clients cars as well as taxis throughout the day and into the evening disrupts the tranquillity of neighbourhood.
- The unauthorised use of the road for parking not only contributes to congestion but also raises concerns regarding compliance with local regulations and the impact on the residential character of the area.
- Security implications of introducing a new business that may attract a large number of customer and increase foot traffic in the area.
- Anti social behaviour and criminal activity has occurred since the use took place.

7.5 In response to publicity, four supporting comments were received. The comments raised within these supporting documents are summarised as follows:

- My understanding is that the garage (that is already on Oakfield Road) will not be altered in anyway – it will look just the same. Therefore, the character of the diverse street will not change. If anything, suspect the building will be improved and/or kept tidy and in a good repair.
- To ourselves and anyone passing by there is no evidence of a business, only a garage from the roadside and garden huts from the other side.
- I understand there are concerns about additional traffic on the street, difficulties parking and access for emergency vehicles. However, this will not be a problem at the end of the street where the garage is. There is off road parking in front of the garage for potential clients of the business, as well as plenty of available parking on the road. Any problem for emergency vehicles access is at the entrance to the street (not near the garage) where residents themselves park on the road. The proposal will not cause any extra problems here – if there are problems they already exist.
- Don't think there will be sufficient extra traffic to the street to be of concern.
- Never been inconvenienced by additional vehicles causing a problem on Oakfield Road where garage and drive are located. Aware that many local people walk or come by public transport.
- Confirm that the small business that has been run to the rear of this property has been an asset to the local community.
- Were not aware of the existing operation until we were informed. This is a measure of the minimal pedestrian and vehicular activity generated in the street.

- With the modest level of activity and the nature of clientele attracted to such a business, idea that an increased security threat is created seems improbable.

7.6 Ward Councillor Mohan Sokhal has commented on the scheme and requested that the application be determined by the Huddersfield District Wide Committee for the reasons outlined in paragraph 1.2 of this report.

8.0 CONSULTATION RESPONSES:

8.1 Below is a summary of the consultee responses. Where appropriate, these are expanded on in the main assessment.

KC Conservation and Design – no comments to offer.

KC Environmental Health – do not consider there to be any significant environmental health impacts with this development and no objections to permission being granted for this development.

KC Highways Development Management – Advises that, as there are two employees there is considered to be sufficient off-street parking available to customers and that as the business is run on an appointment only basis they have no objection to these proposals.

KC Planning Policy – Provides advice in relation to requirements of a sequential test.

9.0 MAIN ISSUES:

- Principle of development
- Impact on visual amenity and historic environment
- Impact on residential amenity
- Impact on highway safety
- Other matters
- Representations

10.0 APPRAISAL:

Principle of Development:

10.1 Chapter 7 of the NPPF is relevant in the consideration of this application and seeks to ensure that town centres can grow and diversify in a way which can allow a response to changes in the retail and leisure industries and allow for a suitable mix of uses. Policy LP1 of the Kirklees Local Plan 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 NPPF. Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

- 10.2 The proposal is to change the use of the building to a beauty salon. The Use Classes Order has been updated in 2021 and whilst previously, there was some ambiguity over the use as a beauty salon whereby the use was considered to be a sui generis use, the updated Use Classes Order now includes Class E, specifically E(c)(iii) which covers the provision of *“other appropriate services in a commercial, business or service locality.”*
- 10.3 Policy LP13 of the Kirklees Local Plan and Chapters 6 and 7 of the NPPF are of relevance as this would be considered as a main town centre use. The site is approximately 825m away from the nearest defined centre at Birkby Local Centre as designated in the Kirklees Local Plan and, as such, the location would not be considered as within or at the edge of a local centre location.
- 10.4 Officers note the request for the submission of a sequential test by KC Planning Policy within their consultation response. However, although the proposal is for a town centre use outside of a defined centre, in this instance, it is considered other considerations dictate that the Local Planning Authority is able to determine this application in the absence of a sequential test. It is noted that the applicant submitted a Planning Statement in response to the consultation from KC Planning Policy, this included information regarding the number of employees, beauty treatments, shift patterns, hours of opening and customer appointments.
- 10.5 The beauty salon is within the curtilage of the existing dwelling, operated by the occupiers of the dwelling and of a small scale. Given the nature of the operation, being a mixed-use site of residential and beauty salon, as well as the size of the overall site, it is unlikely a comparable and sequentially preferable town centre location would be available.
- 10.6 In this case given the use would be in connection with the existing dwelling and as such the whole site would constitute a mixed-use site, it is considered that it would not be reasonable of the LPA to insist upon disaggregating the residential / beauty salon uses across multiple locations. The nature and scale of the use is not considered to be of such significance that it would lead to harm of the viability and vitality of Local Centres subject to conditions the permitted use be restricted to that as applied for (beauty salon) and that the beauty salon use is undertaken in by an occupier of the dwelling which is within the application site (no.17).
- 10.7 Therefore, in this instance, it is considered unreasonable for the Local Planning Authority to require a sequential assessment of alternative sites and it is concluded that material considerations are present in this case which allow for the Local Planning Authority to determine this case, having regard to Policy LP13.
- 10.8 Weight is afforded paragraph 85 of chapter 6 of the NPPF which states that planning decisions should help create the conditions in which businesses can invest, expand and adapt and the nature of the development, insofar as it would operate in conjunction with the residential use of the site.

10.9 In this case, the principle of development is considered to be acceptable, and the development concluded to accord with Policies LP1 and LP2 of the Kirklees Local Plan. On the basis of the inclusion of the recommended conditions the development is considered acceptable having regard to policy LP13 of the Kirklees Local Plan and the policies within Chapters 6 and 7 of the National Planning Policy Framework.

Visual Amenity and Historic Environment

10.10 The NPPF offers guidance relating to design in chapter 12 (achieving well designed and beautiful places) whereby paragraph 131 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.”*

10.11 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.

10.12 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...”*

10.13 Due to the site’s location within the Conservation Area, paragraph 201 of the NPPF is relevant, which requires that the Local Planning Authority identify and assess the particular significance of any heritage assets affected and take this into account when considering the impact of the proposal on the heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation any aspect of the proposal.

10.14 Section 72 of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character of appearance of Conservation Areas. This is echoed within policy LP35 of the Kirklees Local Plan and Chapter 16 of the NPPF. Policy LP35 of the Kirklees Local Plan states that: *“development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm.”*

10.15 As part of the determination of this application, a formal consultation was undertaken with KC Conservation and Design, who noted that there are no physical changes indicated to the building and whilst noting the use of the building they consider that there is no impact to the Conservation Area.

- 10.16 Whilst there are no external alterations proposed to the building, altering the use has potential to affect the character of the area. In this instance though, the use is not considered to lead to harm to the Conservation Area given the small-scale nature of operations proposed at the beauty salon, with the application form and planning statement confirming a maximum of two employees, who are occupants of 17 Ashfield Road, operating on an appointment basis with 15 minutes between clients.
- 10.17 Upon any grant of approval, officers consider it reasonable to impose conditions regarding the operation of the business. This would include a condition regarding the staff of the beauty salon being limited to the permanent residents of no.17 Ashfield Road, the hours of operation, that there is no noise from amplified and non-amplified music and the operation of the business on an appointment only basis.
- 10.18 With the inclusion of the aforementioned conditions, it is considered that the change of use would cause no harm in terms of the special character of the Conservation or its setting. Furthermore, the proposal is not considered to have a significant impact upon the visual amenities of the locality given it relates to use of an existing building. As such it is considered that subject to conditions the proposal would comply with policies LP24 and LP35 of the Kirklees Local Plan and the policies within Chapter 12 and 16 of the NPPF.

Residential Amenity

- 10.19 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.”*
- 10.20 Policy LP52 states that proposals which have the potential to increase pollution from, amongst other things, noise must include suitable and sustainable mitigation measures to protect the quality of life and well-being of people.
- 10.21 Further to this, Paragraph 135 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. Paragraph 191 states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health by (amongst other things) mitigating and reducing to a minimum potential adverse impact resulting from noise.
- 10.22 The garage is located on the adopted highway of Oakfield Road, with other detached garage structures immediately neighbouring the site to both sides. The detached garage at No. 17 is separated from the dwellinghouses of No.'s 15 and 19 Ashfield Road by approximately 30 metres. No. 17's detached garage is located approximately 9 metres from the dwellinghouse No. 12 Oakfield Road to its south and from the dwellinghouse of No. 24 Oakfield Road to its north by approximately 20 metres. The detached garage is separated from the dwellinghouses opposite by over 20 metres.

- 10.23 Although a beauty salon, is not, by its very nature, a noisy use, to protect the amenity of nearby sensitive receptors from noise generated by customers arriving and departing, conditions would be imposed to restrict the hours of opening and to restrict the number of customers on the site at any one time. This would prevent noise and disturbance resulting from visitors associated with the beauty salon use at unsocial hours. In addition, a condition restricting the use of noise amplification equipment within the building used as a beauty salon is also recommended.
- 10.24 Although the proposed use as a beauty salon has the potential to give rise to odours, the scale of the proposed business and the nature of treatments to be undertaken at the site is such that it is considered it would not lead to significant levels of odour arising. It is noted that no objection has been raised by the Council's Environmental Health Team.
- 10.25 Therefore, with the inclusion of the aforementioned conditions the change of use would comply with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapter 12 and 15 of the NPPF. This is because, the change of use, under the imposed conditions, would cause no detriment to the occupiers of dwellings located in close proximity, most importantly with an application of this nature, cause no detriment in terms of noise disturbance.

Highway Safety

- 10.26 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 Highways Design Guide SPD, which seeks to ensure acceptable levels of off-street parking, is also relevant.
- 10.27 As part of the determination of this application, a formal consultation was undertaken with KC Highways Development Management. The Highways Team note that there are two parking spaces to the front of the garage, accessed off Oakfield Road.
- 10.28 They further note that the applicants set out that the garage and parking spaces are unused and that they park on Ashfield Road to the front of their property. Having regard to the response of the Highways Team it is considered that the use of the existing driveway of 17 Ashfield Road by customers of the beauty salon would not jeopardize the safety and well-being of residents or introduce any additional safety risks.
- 10.29 This conclusion is drawn on the basis the use of the driveway by customers would be no different to the use of the driveway by residents of No. 17 Ashfield Road, whereby vehicle movements would be the same to / from the driveway despite the operator of the vehicle.
- 10.30 Whilst officers note the presence of Oakfield Tennis and Bowling Club opposite the front of the site, the scale of the development is not considered to result in detriment to highway safety, especially when the applicants current parking arrangements are taken into consideration and having regard to the response of the Council's Highways Team.

- 10.31 In terms of the location of The Huddersfield Hospital, officers note that a large car park is available within the Hospital site. Whilst this car park appears to be 'permit holders only' and therefore, more likely for staff, on-street parking is available directly outside of the hospital on the highways of Birkby Hall Road and Birkby Lodge Road. Officers also note that the hospital is a private hospital which operates on an appointment basis.
- 10.32 With regard to the location of St Patricks Catholic Primary Academy, this has an on-site car park, most likely for staff, and vast availability of on-street parking significantly closer to the school than the highway of Oakfield Road where this development is proposed, including unrestricted parking along George Avenue, which is directly next to the same, and Birkby Hall Road. Furthermore, vehicular movements associated with the school that sees increased on street parking are likely to be for short periods in the AM and PM and it is considered the impact of the development the subject of this application is not of such significance when considered in conjunction with the increased on-street parking demand generated by the nearby school.
- 10.33 Given that the proposed beauty salon is to operate on an appointment only basis (with no waiting room) for one customer at a time, that there are just two employees who are both occupants of 17 Ashfield Road and that there is off-street parking available to customers, as well as good public transport links, Highways Development Management raised no objection to the proposals from a highway's safety perspective.
- 10.34 Conditions would be imposed upon the grant of approval, to ensure that the businesses operate on an appointment only basis and that the operation of the business is restricted to employees who are permanent occupiers of No. 17 Ashfield Road.
- 10.35 On the basis of the above, subject to the inclusion of the recommended conditions, the proposal is considered to comply with Policies LP21 and LP22 of the Kirklees Local Plan.

Other Matters

Climate Change:

- 10.36 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 predates 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.

10.37 Considering the small-scale of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. It would provide a local facility that nearby residents could access without the use of a car and is in an area where there are good public transport links. The proposed development is concluded to therefore comply with Chapter 14 of the NPPF and Policy LP51 of the Kirklees Local Plan.

Bats:

10.38 Chapter 15 of the NPPF relates to conserving and enhancing the Natural Environment.

10.39 Policy LP30 of the Kirklees Local Plan echoes the NPPF in respect of biodiversity. Policy LP30 outlines that development proposals should minimise impact on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist.

10.40 In this instance, the application site is located within an area with a known presence of bats, a 'bat alert area' on the Council's mapping system. However, the proposal does not involve any external alterations to the existing detached garage structure at 17 Ashfield Road. Therefore, the proposal presents a very low likelihood of disrupting roosting bats, if any were to be present.

10.41 Even so, as a cautionary measure, in the event of any grant of permission a note would be added to the decision notice, stating that if bats are found development shall cease and the advice of a licensed bat worked sought. This is to accord with the aims of Chapter 15 of the NPPF.

Coal Legacy:

10.42 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 180 and 189 of the National Planning Policy Framework.

Representations

10.43 The representations received are addressed as follows:

- Cul-de-sac already experiences increased traffic and the addition of a beauty business would further exacerbate the congestion and safety hazards in neighbourhood.

This is addressed within paragraphs 10.26 – 10.35 of the report.

- The anticipated parking demands of the beauty business would likely aggravate the existing parking problems in cul-de-sac. With limited parking spaces available, cars could block driveways, obstruct access routes, and create inconvenience.

This is addressed within paragraphs 10.26 – 10.35 of the report.

- Increased traffic and parking congestion could hinder the timely access of emergency services. Any delay due to traffic congestion could jeopardize the safety and well-being of residents.

This is addressed within paragraphs 10.26 – 10.35 of the report.

- Development could introduce additional safety risks to neighbourhood. Cars turning into driveways may pose dangers to children and pedestrians, and increased foot traffic could lead to overcrowded sidewalks and pedestrian pathways.

This is addressed within paragraphs 10.26 – 10.35 of the report.

- The continuous flow of client's cars as well as taxis throughout the day and into the evening disrupts the tranquillity of neighbourhood.

This is addressed within paragraphs 10.26 – 10.35 of the report.

- The unauthorised use of the road for parking not only contributes to congestion but also raises concerns regarding compliance with local regulations and the impact on the residential character of the area.

This is addressed within paragraphs 10.26 – 10.35 of the report.

- Security implications of introducing a new business that may attract a large number of customer and increase foot traffic in the area. Anti-social behaviour and criminal activity has occurred since the use took place.

It is considered that this is a consideration which can be afforded minimal weight in the determination of this application. It is considered that the potential for users of the site to engage in such activity is weighed against the potential for users of the site to lead to an increase in natural surveillance of the street / wider locality and refusal on the basis of potential security implications arising could not be substantiated in this case.

10.44 The points raised in support are noted and taken into account in the report.

11.0 CONCLUSION

11.1 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.

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

1. Plans list
2. Use of the building annotated 'Garage' to be as a beauty salon only and no other use falling within Class E of the Town and Country Planning (use classes order) 1987 (as amended).
3. Use of the site for beauty salon use to be restricted to the garage building only (and not including the host dwelling).
4. Staff of beauty salon to be by occupier(s) of no.17 only.
5. Use shall operate on an appointment basis and that there shall be no more than 1 appointment present at any one time.
6. No use of noise amplification equipment

Background Papers:

Application Details:

[Planning application details | Kirklees Council](#)

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/90494>

Certificate of Ownership: Certificate A signed 15th February 2024.

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