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**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

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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**

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**Electoral wards affected: Greenhead**

**Ward Councillors consulted: YES**

**Public or private: Public**

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**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 12m<sup>2</sup> 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 27<sup>th</sup> 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: 21<sup>st</sup> 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 15<sup>th</sup> February 2024.