

# 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:	2024/62/90494/W
Site Address:	17, Ashfield Road, Birkby, Huddersfield, HD2 2XG
Description:	Change of use of existing garage to business use (within a Conservation Area)
Recommending Officer:	Lucy Taylor

#### **DECISION – CONDITIONAL FULL PERMISSION**

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation contained in the District-Wide Planning Committee Agenda and Update dated 11 July 2024 and the Committee Decision Authorisation annexed below in respect of the above matter.

Julia Steadman

***AUTHORISED OFFICER***

**Date:** 12/07/2024

**Decision Authorisation:** Committee Decision

**Committee:** District-Wide Planning Committee

**Date of Committee:** 11<sup>th</sup> July 2024

**Application Number:** 2024/90494

**Officer 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.

**Committee Decision:** As per above, along with the additional condition (relating to hours of use) included in the update.

### **Summary of Committee Decision**

At the committee meeting of 11<sup>th</sup> July, members resolved to approve the application subject to the following conditions:

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
7. restrict hours of use to 8am to 8pm Monday to Friday and 8am to 3pm on Saturdays (included in the update)

It is therefore recommended that the decision be issued on the basis of the following conditions:

### **Conditions and Reasons**

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

**Reason:** For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP13, LP21, LP22,

LP24, LP30, LP35, LP51 & LP52 of the Kirklees Local Plan and Chapters 2, 4, 6, 7, 9, 12, 14,15 & 16 of the National Planning Policy Framework.

2. The detached structure as annotated 'garage' on the submitted block plan, shall be used for no purpose other than as a beauty salon and/or incidental use to No. 17 Ashfield Road, Birkby, Huddersfield, HD2 2XG.

**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.

3. The beauty salon is restricted to operate solely from the detached structure as annotated 'garage' on the submitted block plan. The beauty salon shall not operate within any other buildings / structures within the curtilage of the site, including the dwellinghouse of 17 Ashfield Road.

**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.

4. The use of the detached structure as annotated 'garage' on the submitted block plan as a beauty salon shall be undertaken solely by permanent residents at 17 Ashfield Road, Birkby, Huddersfield, HD2 2XG 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.

5. 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 and with 15 minutes between each appointment.

**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.

6. Noise from amplified and non-amplified music from within the outbuilding hereby approved shall be controlled so as to be inaudible at nearby residential premises. Inaudibility being defined as:

- If the LAeq (1 min) (of the music etc. noise) is not greater than the LA90 (of the background with no music etc. noise); and
- If the L10 (5min) (of the music etc. noise) is not greater than the L90 (of the background with no music etc. noise) in each 1/3rd octave band between 40Hz and 160Hz.

**Reason:** To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity, to comply with policies LP24 and LP52 of the Kirklees Local Plan and policies within Chapters 12 and 15 of the National Planning Policy Framework.

7. The detached structure as annotated 'garage' on the submitted block plan, shall not be open to customers outside the hours of:

8am to 8pm Monday to Friday

8am to 3pm Saturdays

And at no time on Sundays or Public 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 Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

#### Plans and Specifications Schedule: -

Plan Type	Reference	Version	Date Received
Location Plan	-	-	27.02.24
Floor Plan	-	-	08.03.24
Block Plan	-	-	08.03.24
Planning Statement	-	-	08.03.24

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 Planning 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. Following initial consultation, 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.

**Report Dated:**

12.07.24