

**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:	2024/62/90817/W
Site Address:	388, Bradley Road, Bradley, Huddersfield, HD2 1PU
Description:	Change of use of existing garden building to create mixed use hair salon to facilitate working from home and residential annex with formation of guest parking spaces
Recommending Officer:	Katie Chew

DECISION – REFUSED

I hereby authorise the refusal of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

John Holmes

AUTHORISED OFFICER

Date: 12th June 2024

Officer Report

Site Description

388, Bradley Road, Bradley, Huddersfield, HD2 1PU

The application site relates to a medium sized detached bungalow, although it is acknowledged that planning permission was previously granted at the site for the partial demolition of the existing dwelling and erection of replacement dwelling (app ref: 2023/92759). Garden/amenity spaces are provided to the rear, with off-street parking provided within the driveway to the front of the property. The application site is surrounded by residential dwellings to the east and west, with Bradley Park Golf Course & Driving Range located to the north and Pennine Business Park to the south.

The application site is not located within a Conservation Area or located in close proximity to any Listed Buildings.

Description of Proposal

The application seeks planning permission for the change of use of existing garden building to create mixed use hair salon to facilitate working from home and residential annex with formation of guest parking spaces.

The existing garden building is located at the bottom of the garden to the rear of no. 388 Bradley Road. The building is single storey in height and has a footprint of approximately 101.24sqm. The building is currently used as a garden room, game room, for storage, and has a bathroom.

The proposals seek to create a mixed-use building which will comprise of:

- Mixed Use Salon and summer room (40sqm)
- Guest/spare bedroom (approx. floor space of 19.2sqsm)
- Bathroom (9.01sqm)
- Communal lobby (4.7sqm)
- Ancillary and garden storage (12.6sqm)

Within the submitted Design and Access Statement the applicant states that the mixed-use space would revert back to a summer room when the business is not being used (out of hours). Whilst this statement outlines that a side window within the existing building is to be replaced with an external door to provide an external storage space this has not been reflected within the submitted plans and therefore this change has not been assessed within this report. Internally a new dividing wall is to be constructed within the existing garden room to create a new lobby area and ancillary and garden storage area.

The Design & Access Statement also goes on to outline how the business shall operate. It shall run on an appointment only basis ranging from 4-5

appointments per day within the hours of 8.30-17.30 Tuesday – Saturday. The business is to be run as a work from home model, as a sole trader with no employees proposed. No external advertising is proposed, to ensure the structure appears anonymous and part of the host dwelling.

History of negotiations/amendments received

Amendments were requested in respect of a revised site plan which clearly showed the previously approved works proposed to the host dwelling, approved under application ref: 2023/92759 (still extant), this is to ensure that the proposed change of use can be viewed within the context of the site as existing, and how it could be viewed in the future should the above planning permission be built out. In addition to this, within the submitted application forms and planning statement reference is made to a 2m high privacy screen however, it is not clear on plan where this screen is to go and what relationship it would have with adjacent neighbouring properties. Officers therefore requested this be clearly identified on plan and a section drawing included. However, the applicant's agent sought to remove the screen from the proposals as they considered the existing high hedge to be sufficient.

Relevant Planning History

2023/92759 – Partial demolition of existing dwelling and erection of replacement dwelling. Approved 30th January 2024.

2023/90325 – Erection of domestic outbuilding. Approved 25th April 2023.

2022/92168 – Partial demolition of existing dwelling and erection of replacement dwelling. Refused 13th December 2022.

Planning Enforcement

COMP/22/0557 – Alleged unauthorised structure (possible new dwelling).

Representations

Final publicity date expires:

Neighbour Letters – Expired 28th May 2024.

4 objections have been received; this is summarised below.

- There have been numerous plans in the short space of two years causing continuous disruption to the residents of Bradley Road.

Officer note: Noted.

- The original plan was for a garden room which is now wanting to be a commercial business.

Officer note: Noted.

- The proposals would be completely out of character with the area.

Officer note: Noted. This is discussed in more detail further into this report.

- Concerns in respect of noise pollution.

Officer note: Noted. The Council's Environmental Health team have been consulted on the proposals, their comments can be found under the consultation responses and residential amenity sections of this report.

- Within the submitted application forms the applicant states that there are no trees or hedges within the site or adjacent to the property, this is incorrect.

Officer note: Noted. However, the proposals (given that it is a change of use with no alterations proposed to the scale and size of the existing building) is not considered to impact upon any trees or hedges within or adjacent to the site.

- Concerns that it will be dangerous for people exiting from the previously approved porch door (2023/92759) into the path of customer vehicles visiting the hairdresser's business.

Officer note: Noted. The Council's Highways team have been consulted on the proposals, their comments can be found under the consultation responses and highways safety sections of this report.

- Previous application condition states no new door or window openings shall be constructed in either of the two side elevations of the large building at any time.

Officer note: Noted. However, no external changes are proposed within the submitted plans and therefore this condition is not relevant on this occasion.

- The site plan should show the approved site layout under application 2023/92759, this will show how difficult it would be for any proposed customers to park and turn around to exit from the proposed hairdressing business.

Officer note: Noted. Following discussions with the applicant's agent revised plans have been received which show the extant permission approved under application ref: 2023/92759.

- Previous planning application was passed provided that the outbuilding was not used to create ancillary living accommodation such as a bedroom, but this has not been followed.

Officer note: Noted. However from looking over the previously approved application (ref: 2023/90325) it was not assessed that permission would not be granted for ancillary living accommodation such as a bedroom, but that a further planning application would be required to be submitted to the Local Planning Authority should this be the case in future as this would result in a material change to the use of the outbuilding originally approved.

- Separation of existing overbearing garden room for neighbouring amenity is less than 1 metre away.

Officer note: Noted. However, the proposals under this application are for a change of use, as planning permission has already been granted for the garden room no changes to the overall size of the building are being sought within this application.

- Car parking for over 20 cars was stated by the applicant on the previous permission 2023/92759 and therefore a new turning area is highly unlikely.

Officer note: Noted. The Council's Highways Officers have been consulted on the proposals, their comments can be found under the consultation responses and highway safety sections of this report.

- Concerns in respect of surface water backup/flooding since the new paving has been erected for the new parking and turning area.

Officer note: Noted. As this constructed paving area is existing it does not form part of this application.

- Within the submitted application forms the applicant has stating that the hours of opening are not relevant to this proposal, however open hours are relevant to adjoining neighbours.

Officer note: Noted. This is discussed in more detail within the residential amenity section of this report.

- There is an established hairdressers down the road and a business park with units for commercial businesses.

Officer note: Noted.

- Bradley road is already a very busy road, and this will only add to further traffic in the area, and create possible parking issues for current residents and their families who wish to visit.

Officer note: Noted. The Council's Highways Team have been consulted on the proposals, their comments can be found under the consultation responses and highway safety section of this report.

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

Consultation Responses

KC Environmental Health – Comments received 29th April 2024. No objections subject to a condition relating to the hours of use.

KC Highways Development Management – Comments received 28th May 2024. No objections subject to conditions and informatives relating to surfacing and drainage of parking areas and waste storage and collection facilities.

Local Ward Members

None.

Parish/Town Council

N/A.

Planning Policy Background

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).

The application site is unallocated however, it is important to note that there is land located to the rear of the site which is allocated as Housing Land (ref: HS11).

Kirklees Local Plan (2019):

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP3 – Location of New Development
- LP7 – Efficient and Effective Use of Land
- LP13 – Town Centre Uses
- LP21 – Highways and Access
- LP22 – Parking
- LP24 – Design
- LP26 – Renewable Energy
- LP51 – Protection and Improvement of Local Air Quality
- LP52 – Protection and Improvement of Environmental Quality

Supplementary Planning Guidance/Documents:

- Kirklees Highways Design Guide (2019)

National Planning Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 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. Most specifically in this instance, the below chapters are of most relevance:

- 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 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change - Chapter 15 – Conserving and enhancing the natural environment

Assessment

Summary of Principal Planning Issues The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Scale, design and visual impact of the proposed development
- 3) Impact of the proposed development upon the privacy and amenity of neighbouring properties
- 4) Impact on highway safety
- 5) Other matters
- 6) Conclusion

1 – Principle of Development:

1.1 – Sustainable Development

Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in Chapter 2 of the National Planning Policy Framework.

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*”.

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

1.2 – Town Centre Uses

Chapter 7 of the NPPF relates to ensuring the vitality of town centres. It outlines that planning decision should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaption.

The NPPF goes on to say that Local Planning Authorities should apply a sequential test to planning applications which are for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available should out of centre locations be considered.

It states that if edge of centre or out of centre proposals are to be considered, preference should be given to accessible sites which are well connected to the town centre.

In this case, Policy LP13 of the Kirklees Local Plan is relevant and consistent with Government guidance contained within the NPPF stating that within Kirklees, main town centre uses shall be located within defined centres (principal centres, town centres, district centres and local centres), as shown on the Policies and Town Centre maps.

The proposal is to change the use of an existing domestic outbuilding to a mixed-use hair 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*.” In this case however it is considered 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 separating the residential / beauty salon uses could harm the viability and vitality of Local Centres and may not be in the interests of highway safety.

The application site is located approximately 1127m away from the nearest local centre, which is in Sheepridge, and as such, the location would not be considered as within or at the edge of a local centre. In this instance, a sequential test was required, of which it states that the nearest hairdresser is 2 miles away and should the site be relocated into the town centre it would

create issues with on-street parking restrictions for customers, it also notes that there is a lack of similar sized freehold businesses with off-street parking for sale within the Huddersfield town centre.

Whilst the above is acknowledged, it does not appear that the applicant has undertaken an assessment of units within local or district centres and has focused their search on just Huddersfield Town Centre. By opening up the search area, it is likely that a unit would be available which does not result in on-street parking restrictions and may be of a suitable size in a more appropriate location than the one which is proposed within this application. Even if such evidence was provided there would still be some concern that the introduction of this mixed-use hair salon in this primarily residential area could set a precedent for further proposals in this area which could result in a sporadic provision of services ancillary to host properties, to the detriment of adjacent local centres (Sheepridge and Copthorn Gardens/Keldergate).

In this case, the principle of development is not considered to be acceptable as sufficient sequential test evidence has not been submitted to the Council to demonstrate why preferable sites in adjacent local centres have not been considered. As the application fails to satisfy the sequential test it could adversely affect the viability or vitality of nearby local centres by introducing a main town centre in an out of centre residential area. Furthermore, the building subject to the proposed change of use is considered to be of a scale and size which is substantial, given its location within a residential area and is considered to result in an inappropriate addition in this location.

Whilst the above conclusion is acknowledged, for completeness an assessment has been undertaken below in respect of visual and residential amenity, highway safety and climate change.

2 – Impact on Visual Amenity

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed 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*”.

Paragraph 135 of the NPPF is also of relevance, in particular the following parts:-

‘b) Planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping

c) Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change’

Kirklees Local Plan Policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:

“a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...”

The application relates to a change of use from a domestic outbuilding to a mixed use building comprising of a salon, summer room, guest bedroom, bathroom, ancillary and garden storage area and communal lobby. As no external changes are proposed and that the application seeks to undertake a simple change of use to an existing building, any impacts arising with regards to visual amenity are deemed to be neutral.

Taking the above assessment into account, it is considered that the proposals would have a negligible impact on the character and appearance of the area and therefore would accord with Policies LP1, LP2 and LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

3 - Impact on Residential Amenity:

Sections B & C of the Kirklees Local Plan Policy LP24 which states that alterations to existing buildings should:

“Maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers’.

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 occupiers.

Neighbouring properties with the most potential to be impacted by the proposals are discussed below.

Impact on no. 390 Bradley Road

This neighbouring property is located to the west of the application site, approximately 29m away from the domestic outbuilding which is proposed to be changed to a mixed-use salon. As no changes are proposed externally to the existing building Officers have no concerns in respect of overlooking, overshadowing, or the proposals appearing overbearing in nature.

Impact on no. 386 Bradley Road

This neighbouring property is located to the east of the application site, approximately 23m away. As no changes are proposed externally to the

existing building Officers have no concerns in respect of overlooking, overshadowing, or the proposals appearing overbearing in nature.

Impact on Housing Allocation (HS11)

This housing allocation is located directly to the north of the application site and abuts the proposed mixed-use building. As no changes are proposed externally to the existing building Officers have no concerns in respect of overlooking, overshadowing, or the proposals appearing overbearing in nature.

Paragraph 191 of the NPPF, contained within Chapter 15, sets out that proposals should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development. Policy LP52 of the Kirklees Local Plan seeks to ensure that amongst other things, the impact from noise for new development is acceptable.

Policy LP52 is considered to be of relevance and sets out that development which has the potential to increase pollution from noise must be accompanied by evidence to show that the impacts have been evaluated and measures have been incorporated to prevent or reduce the pollution, so as to ensure that it does not reduce the quality of life and well-being of people to an unacceptable level.

Taking into consideration noise pollution at the site, the Council's Environmental Health officers were consulted and stated that the application concerns the use of the existing garden room as a daytime hair salon and that the submitted Design and Access Statement outlines that the business shall operate on appointment basis only, ranging from 4-5 appointments per day within the hours of (8.30 and 17.30) Tuesday to Saturday, and that the applicant will solely operate the salon. In order to control the potential loss of amenity by way of noise and disturbance Environmental Health Officers recommend a condition to secure the opening hours.

Notwithstanding the above assessments made by Officers, it is considered that the proposed change of use, if allowed, would result in an intensification of the site, which would include increased vehicle movements, guest parking / access directly adjacent to neighbouring properties amenity spaces, and an increase in noise and activity at the site, which is deemed to go above and beyond that which would be expected within a heavily residential area. There is the possibility of Officers conditioning the number of visitors allowed at the site per day however, this would be difficult to enforce given its nature and location to the rear of the host dwelling and the size of the building the subject of this application. In addition, Environmental Health's suggestion of securing the opening hours, is not considered to be sufficient on this occasion to ensure that the amenity of adjacent residential properties are not negatively impacted upon given the use would be at a level which is considered to impact in relation to daytime enjoyment of the residential premises of neighbouring occupiers.

In conclusion, taking the above into account it is considered that the proposals would result in significant and detrimental impacts on the amenity of neighbouring occupants as a result of increased levels of noise and activity, thus not complying with Policy LP24 and LP52 of the Kirklees Local Plan and policies within Chapters 12 and 15 of the National Planning Policy Framework.

4 - Impact on Highway Safety:

Turning to highway safety, Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The application seeks planning permission for the change of use of existing garden building to create mixed use hair salon to facilitate working from home and residential annex with formation of guest parking spaces. The proposals seek to provide home working for 1 employee (occupier of no. 388 Bradley Road), with 2 additional off-street parking spaces proposed for visiting customers. Access is to be taken via the existing driveway off Bradley Road to the front of the host dwelling.

The Council's Highways Officers were consulted on the proposals and noted that the parking provision proposed is acceptable and an internal turning already exists to allow vehicles to enter and exit the site in forward gear. Whilst no details are proposed in respect of bin storage and collection points, this can be secured via a condition. In addition to this, a further condition is recommended by Highways Officers in relation to surfacing and drainage of parking areas.

For the aforementioned reasons, it is concluded that the scheme would not represent any additional harm in terms of highway safety and as such complies with Local Plan Policies LP21 and LP22 and Chapter 9 of the NPPF.

5 - Other Matters:

Climate Change

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.

Furthermore, Local Plan Policy LP26 refers to renewable and low carbon energy and states that:

'renewable and low carbon energy proposals (excluding wind) will be supported and planning permission granted where the following criteria are met:

a. the proposal would not have an unacceptable impact on landscape character and visual appearance of the local area, including the urban environment;

b. the proposal would not have either individually or cumulatively an unacceptable impact on protected species, designated sites of importance for biodiversity or heritage assets;

c. the statutory protection of any area would not be compromised by the development;

d. any noise, odour, traffic or other impact of development is mitigated so as not to cause unacceptable detriment to local amenity;

e. any significant adverse effects of the proposal are mitigated by wider environmental, social and economic benefits'.

Given the nature of this application which is for a simple change of use of an existing building, with minimal external alterations proposed, no Climate Change Statement has been provided. It is considered that the proposals would provide for the re-use of an existing building which is recently constructed and therefore should have been built to a suitable standard.

Taking the above into account, the proposed development is therefore considered to comply with Policies LP24 and LP26 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

6 - Conclusion

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the proposed development would not constitute sustainable development and is therefore recommended for refusal.

The proposal is therefore considered to be contrary to policy LP2 which seeks to ensure all development proposals build on the strengths, opportunities and

help address challenges identified in the Local Plan, in order to protect and enhance the qualities which contribute to the character of these places.

Recommendation: Refuse.

Decision Authorisation – Delegated Powers

Application Number – 2024/90817

Officer Recommendation – Refuse.

Reason(s) for Refusal:

1. In accordance with LP13 of the Kirklees Local Plan and Chapter 7 of the National Planning Policy Framework, Local Planning Authorities must apply a sequential approach to Main Town Centre uses that are not in an existing centre. It is concluded that the application has failed to demonstrate that the proposal would not harm the viability and vitality of nearby Town Centres. To grant the proposal would be in breach of Policies LP2 and LP13 of the Kirklees Local Plan and Chapter 7 of the National Planning Policy Framework.
2. As a result of the increased vehicle movements, visitors to the site and associated noise and disturbance, in conjunction with the existing use of the site, the development would lead to an intensification of uses of the site that would have a harmful impact upon the residential amenity of the occupiers of adjacent residential properties by reason of noise and disruption contrary to Policies LP24 and LP52 of the Kirklees Local Plan, Chapters 12 and 15 of the National Planning Policy Framework.

Plans and Specifications Schedule:

Plan Type	Reference	Web ID	Date Received
Location Plan	PP-12894019v2	-	22 nd March 2024
Existing and Proposed Layout	PDA 23-157-004	C	29 th May 2024
Sequential Statement – Supporting Information	-	-	9 th April 2024
Design and Access Statement – Supporting	-	-	20 th March 2024

Information			
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Pursuant to article 35(2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority has, 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. Amendments were provided during the course of the application to provide clarity in relation to the development of the site in conjunction with other extant permissions.

Report Dated: 12th June 2024.