

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:	2024/62/92755/W
Site Address:	388, Bradley Road, Bradley, Huddersfield, HD2 1PU
Description:	Change of use of part of outbuilding to hairdressers
Recommending Officer:	Katie Chew

DECISION – CONDITIONAL FULL PERMISSION

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

John Holmes

AUTHORISED OFFICER

Date: 22th November 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 development

The application seeks planning permission for the change of use of part of outbuilding to hairdressers.

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:

- Hairdressing Area (40sqm)
- Snug area (19.2sqm)
- Bathroom (9.01sqm)
- Communal lobby (4.7sqm)
- Ancillary garden/storage (12.6sqm)

Internally a new dividing wall is to be constructed within the existing garden room to create a new lobby area and ancillary garden storage area.

As confirmed via email by the applicant's agent, the business is to operate with 1 employee (comprising of the self-employed applicant) and opening hours are proposed as below:

Monday: 10:00-18:00

Tuesday: 10:00-18:00

Wednesday: 10:00-18:00

Thursday: 10:00-18:00

Friday: 10:00-18:00

Saturday: 10:00-18:00

History of negotiations/amendments received

Amendments have been sought to include visitor parking to the front of the site and the submission of further information on how the site parking will operate. Confirmation was also received on the opening hours.

Relevant Planning History

2024/91977 – Change of use of part of outbuilding to hairdressers. Refused 12th September 2024. This application was refused as:

- 1. 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.*

2024/90817 – 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. Refused 12th June 2024. This application was refused as:

- 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.*

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). Application approved.

Representations

Final publicity date expires:

Neighbour Letters – Expired 8th November 2024.

5 objections have been received; comments are summarised below.

- This is the 6th planning application in 5 years.

Officer note: Noted, this application is assessed against the details submitted as part of this scheme, in light of previous decisions (detailed in the ‘Planning History’ section of this report).

- To allow a hairdressers to be built in this residential area is completely out of character and would cause more traffic and disruption to residents who live adjacent to the site.

Officer note: Noted. This is discussed in more detail within the visual amenity and highway safety sections of the report.

- There appears to be no significant changes from the previous plan that has been submitted and previously refused.

Officer note: Changes from previous applications are assessed within the assessment of this report, in light of whether the changes overcome the previous reason(s) for refusal.

- Adding a commercial property to a residential area could have significant impact on the value of adjacent houses in the future.

Officer note: Noted. In this case this is a matter that would fall outside the remit of planning as a consideration which is material to the determination of this case and therefore will not be assessed in any more detail within this Officer report.

- The proposals have been compared to a hairdressing business in Hightown, within a quiet cul-de-sac. The noise disturbance, size, location, road and car parking between the two is of no comparison.

Officer note: Noted. This application is assessed on the basis of the detail provided and its own merits.

- The proposed development would lead to an intensification of use 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 disturbance.

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

- The consideration of long-standing residents of Bradley Road must be taken into account when consenting to plans that will impact their home life on a daily basis.

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

- The hairdressers will be operating for at least 28 hours a week.

Officer note: Noted, this is taken into account within the assessment of this application.

- The applicant has stated on application 2023/92759 that they have built a drive to park over 20 cars. This is overwhelming and does not respect the character and landscape of the area and will impact on neighbouring properties amenity.

Officer note: Noted. However, the above application relates to alterations outside of the proposed hairdressing business. An assessment of the impacts arising from the proposed hairdressing business can be found within the highway safety and residential amenity sections of this report.

- Having up to 5 clients attending the hairdressers on some days as well as the residents of the dwelling who already have numerous vehicles coming and going continuously throughout the day will be a major disruption to neighbouring houses with the constant traffic of more vehicles coming and going all the time, It takes away from the character and setting of a quiet, private residential area which it has been for many years.

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

- It is important to consider the previous planning history at the site.

Officer note: Noted, this is taken into account within the assessment of this application.

- This area already has so many commercial properties adding more will only ruin the character of the houses of the area.

Officer note: Noted, the impact of the development upon the character of the locality is taken into account within the 'Visual Amenity' section of this report.

- KC Environmental Health Officer comments recommend a condition in respect of opening hours of the proposed use this is most confusing and misleading from someone who has concerns about the proposed opening hours on the application form.

Officer note: Noted. Whilst reference is made to the hours submitted within the application form, this was a typographical error and should not have been included within the comments. The proposed conditioning of the opening hours is in the interests of residential amenity, and to ensure that the proposed use does not operate at unsocial times. This is discussed in more detail within the residential amenity section of this report.

- Concerns in respect to pedestrian safety when exiting the site.

Officer note: Noted. The Council's Highways team have been consulted on the proposals and raised no concerns in respect to pedestrian safety. This is discussed in more detail in the 'Highway Safety' section of this report.

- Comments made by ADC Acoustics are confusing as he agrees that the plan has not changed in any way that would influence the noise impact at the site. Does he know the planning history of the site? The reference to Bradley Road being a road with almost no traffic and a car park for two cars is unbelievable.

Officer note: Noted, the content of the submitted detail, in light of responses received from consultees, is discussed in more length in the 'Residential Amenity' section of this report.

- The volume of traffic generated by both the new residence and the proposed business will increase the risk of congestion, noise, and disruption, severely affecting the quality of life for current residents.

Officer note: Noted. Residential amenity and highway safety are discussed in more detail further within the 'Assessment' section of this report.

- This area is designated as a residential zone, allowing a business to operate here will set a concerning precedent for further encroachments on the character of the neighbourhood.

Officer note: Noted. However, each application is based on its own merits and assessed as such.

1 comment has been received; comments are summarised below.

- Recently an application on a tiny cul de sac was approved for a supposedly small salon where the street has a very narrow quiet road. The salon is built in a garage of a semi-detached house running metres away for the residents next door. If this isn't classed as causing disruption noise and traffic on such a small street then how can a small salon running almost 50m away from the main residential homes at the bottom of a large garden with private drive leading to it, with its own off road parking cause such a disturbance.

Officer note: Noted.

- Bradley Road is already a very busy road with many commercial premises such as the farm shop, a school and private nursery with pickups and drop offs all hours of the day, there is also a whole business park and more such development on the road.

Officer note: Noted.

2 supporting comments have also been received; these are summarised below.

- Wholeheartedly support this planning applicant and believe it will enhance the area by bringing important facilities into use without significant detriment to the surrounding environment or community.
- After reviewing previously applications and the objections raised, it seems clear that there are no substantial grounds for opposition to this proposal.
- The development has the potential to bring the premises into positive use, benefiting not only the immediate area but also the wider community.
- Bradley Road is undergoing continuous regeneration, and the presence of multiple businesses along this route is a testament to its vibrancy and economic potential.
- While it is true that Bradley Road experiences a considerable amount of traffic, this application would not contribute to any additional congestion. The road serves as a main artery into and out of Huddersfield, hosting a well-established high school, a development park, a farm shop, and a petrol station, among other facilities. Therefore, increased traffic should be expected during peak hours, particularly on school days. However, during school holidays, we do see a natural reduction in traffic levels.
- In favour of this application as it is designed to be situated away from the main road, thus minimising any potential noise pollution.

- It seems apparent that the objectors to this application are not directly impacted, considering the premises in question are private.
- Given the level of activity already present on Bradley Road, it seems completely unfounded to reject this application on the grounds of noise, especially considering that the previous salon was situated on an even busier road and below an apartment, and noise was never an issue for neighbouring shops, tenants, and even the clients using her salon.
- The salon has been carefully designed to create a welcoming and professional environment and in alignment with conserving the natural environment and being respectful of her neighbours.
- There are trees and bushes on both sides of her premise allowing privacy to both neighbours and potential clients.

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 16th October 2024. No objections but recommend a condition restricting the hours of operation is imposed should planning permission be granted.

KC Highways Development Management – Comments received 12th November 2024. No objections subject to the submission of details of the waste storage and collection points and a condition relating to the surfacing and drainage of the proposed parking area.

Officer note: Whilst it is acknowledged that highway Officers have requested a condition which requires the hardstanding areas to be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens', as the site is already covered in hardstanding it is not considered reasonable or necessary for this condition to be imposed in the event of any grant of permission.

Local Ward Members

Councillor Amin – Contacted Officers via email on the 10th October 2024, stating that should Officers be minded to refuse the application that they request to refer to planning committee for a decision.

Councillor Homewood – Contacted Officers via email on the 27th October 2024, they requested an update on the application and to see whether any fundamental changes have been made within this current application that could mean a different outcome to the previously refused scheme.

Officers sought to update Cllr Homewood on the additional information and amended plans received, of which Cllr Homewood sought to ask some additional questions relating to monitoring and enforcement, capacity of the building to hold more customers, and a potential enforcement of a temporary permission.

Advice has been provided and the application progressed on the basis of the amended plans and additional information

Officer note: An email to both Councillors on the 13th November 2024, advising of the officer recommendation was sent. No response to that email has been received.

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 Planning 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

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 decisions 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.

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, Officers consider that a sequential test is required.

A commentary is provided within paragraph 5.8 of the submitted planning statement, which outlines that the proposal is considered ancillary to the dwelling house and therefore a sequential site assessment is not required and that there is appeal case law to confirm this.

Whilst Officers acknowledge the case law provided within the submitted planning statement, it is of note that each application is based on its own

merits, and in this instance the scale and size of the building (whether it is to be used in part by just one hairdresser or not), its location within a residential area, and providing visitor parking in close association with neighbouring properties does differ from the sites outline within the Planning Statement and is considered to be of a larger scale.

Whilst no further details have been provided within the submitted application in respect of a sequential test, Officers do acknowledge that under previously refused application 2024/91977 the applicant's agent did seek to submit via email on the 10th September 2024 a site assessment which outlined that in the nearest centre of Mirfield, there are no retail properties currently listed to let: [Commercial properties to rent in Mirfield | Rightmove](#) and that there are 2 properties listed for sale: [Commercial properties for sale in Mirfield | Rightmove](#) however, they are both deemed to be unsuitable for a sole-trader hairdresser insofar as they far exceed the floorspace required by the applicant's business model. Moreover, the sale price would render any hairdresser sole-trader completely unviable.

The applicant's agent went on to say that the sequential test guides main town centre uses towards centre locations first, then, if no centre locations are available, to edge of centre locations, and, if neither centre locations nor edge of centre locations are available, to out of centre locations, with preference for accessible sites which are well connected to the centre. They consider that this application is not seeking to create a town centre use but simply to operate ancillary to the dwelling-house. Nevertheless, it is clear that there are no suitable sites that would meet the 'availability, suitability and viability' tests as set out above once the Applicant's proposed business model is taken in to account of.

Whilst it is acknowledged that the above information was submitted under a separate application, as this application relates to the same site and same proposals Officers consider the above information to still be relevant within this assessment. The submitted information is deemed to be sufficient for Officers to assess this application against LP13. Should approval be recommended, Officers would require the uses are not disaggregated and that it must be operated by the occupant of 388, Bradley Road, Bradley, Huddersfield, HD2 1PU. As such, in the broadest sense, subject to conditions, the principle of development of this site is considered acceptable in accordance with Local Plan Policies LP1, LP2 and LP13 of the Kirklees Local Plan. However, the development must now be assessed against all material considerations.

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 hairdressing area, snug area, bathroom, communal lobby and an ancillary garden/storage room. As no external changes are proposed and that the application seeks 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 note that the applicant has submitted a letter from ADC Acoustics dated 19 September 2024 Ref ARR/C/3861.01 in support of the application. ENVH Officers state that this letter makes some points that are accepted, and as per their previous response under application 2024/90817, Officers have concerns about the proposed opening hours and would ask that a condition be applied to control these hours.

Officer note: Whilst reference is made to the hours submitted within the application form, this was a typographical error and should not have been included within the comments. ENVH Officers seek to condition the hours to the below, which is standard for these types of businesses:

- 0800hrs to 1800hrs Monday to Friday and
- 0900hrs to 1800hrs Saturdays.

However, Officers note the previous concerns in respect of the potential impact this new business could have on adjacent neighbours and therefore discussions were undertaken with the applicant/applicant's agent to agree on the below, lesser hours:

- 1000hrs to 1800hrs Monday to Saturday.

Following on from the previous refusal (2024/90917) the applicants have sought to resubmit the scheme to the Local Planning Authority, this submission now includes additional information within the planning statement and supporting technical note from ADC Acoustics. The technical note outlines that the expectation is up to 2 customers most days, and up to 4/5 on certain days, stating that the slamming of car doors and loud music is not typical behaviour and should not be considered normal. These behaviours should be no more likely here as in any residential street, and if these behaviours should occur, they could be easily managed by the operators of the hairdressers. Furthermore, any other background noise from such things as hairdryers or music within the hairdressers are normal internal noise sources which can be found in just about every residential setting and this should be no different to any domestic situation.

In addition to the above, Officers have undertaken further discussions with the applicant's agent which has led to the submission of a Management Plan. This plan sets out how the applicant seeks to operate the business without harm to those that live closest to the application site by managing client bookings and on-site parking requirements. The applicant is responsible for the ongoing implementation of this plan.

The management plan outlines the opening hours, that this will be an appointment-based system only with no walk ins allowed, only one client will be on site at any time and instructions will be sent to them on where to park, including a photograph of the customer parking spaces. Customers will be told to arrive punctually and to not arrive before the allocated timeslot to prevent any overlapping. Customer parking is to be provided to the front of the site (as indicated on the revised layout plan), with no customer parking at the rear of the property. This parking will ensure that customers do not park indiscriminately, such as mounting pavements, double parking, stopping on yellow lines etc.

These constitute a change in circumstances from the previous refusal whereby no management plan was set out and parking was indicated to be possible for the use to the rear of the property. On the basis of the revised scheme and the fact conditions can be placed upon any grant of permission to ensure the development is undertaken in accordance with the use as set out in the submitted detail, it is considered that the previous reason has been overcome by this submission.

Taking the above into account, it is considered that the submission of new and additional information is sufficient to overcome Officers previous concerns in respect of noise pollution and intensification of vehicles at the site. Conditions are to be imposed, as outlined above, to ensure that impacts on the residential amenity of adjacent neighbours is mitigated against, this is to accord with LP24 and LP52 of the Kirklees Local Plan and 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 part of the existing outbuilding to create a hairdressers with off-street parking provided for 2 vehicles within the front garden. Internal turning is available to enable vehicles to enter and leave the site in forward gear, this is deemed to be acceptable. Access is to be taken via the existing driveway off Bradley Road to the front of the host dwelling.

KC Highways Development Management have been formally consulted as part of this application they raise no objections subject to the provision of a bin collection/presentation point which should be located adjacent to the public highway. This must not obstruct the adopted highway or the access road.

Officer note: Whilst the above recommended condition is noted, it is considered that the existing bin storage and collection arrangements would suffice in relation to the additional wastes resulting from the development and that it would be unreasonable of the LPA to insist upon provision of a bin collection / presentation point.

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 a '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;*
- a. The proposal would not have either individually or cumulatively an unacceptable impact on protected species, designated sites of importance for biodiversity or heritage assets;*
- b. The statutory protection of any area would not be compromised by the development;*
- c. Any noise, odour, traffic or other impact of development is mitigated so as not to cause unacceptable detriment to local amenity;*
- d. Any significant adverse effects of the proposal are mitigated by wider environmental, social and economic benefits’.*

Whilst a Climate Change Statement has been submitted in support of this application, this statement provides no information in respect of how the proposals are to work positively with the Council’s Climate Change Agenda. Nevertheless, given the nature of this application which is for a simple change of use of an existing building, with minimal external alterations proposed, and 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, the proposed development is considered to comply with Policies LP24 and LP26 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

6 – Conclusion:

This application, following on from previous application at the site, is considered to have satisfactorily addressed the previous reasons for refusal such that it is considered that conditions can suitably control the development and that the previous reasons have been overcome by this application.

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 subject to conditions, the proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation: Approve subject to conditions.

Decision Authorisation – Delegated Powers

Application Number: 2023/92755

Officer Recommendation: Approve.

Conditions and Reasons:

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

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

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP3, LP7, LP13, LP21, LP22, LP24, LP26, LP51 and LP52 of the Kirklees Local Plan and Chapters 2, 4, 6, 7, 9, 11, 12, 14 and 15 of the National Planning Policy Framework.

3. The salon hereby approved shall be undertaken solely by permanent residents at 388 Bradley Road, Bradley, Huddersfield, HD2 1PU 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 and LP52 of the Kirklees Local Plan and Chapters 7, 12 and 15 of the National Planning Policy Framework.

4. The use hereby permitted shall not be open for business including deliveries to or dispatches from the premises, outside the hours of 10:00-18:00 Monday to Saturday. The use hereby permitted shall not take place on Sundays or Bank Holidays.

Reason: To ensure 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.

5. Customers visiting the site in relation to the hereby approved use shall only park to the front of no. 388 Bradley Road, Bradley, Huddersfield, HD2 1PU within the area annotated as 'Guest Parking' on approved Existing and Proposed Layout (ref: PDA 23-157-004 rev H), customers shall not park to the side or rear of the host dwelling at any time.

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

6. The area annotated as 'hairdressing area' on the hereby approved Existing and Proposed Layout (ref: PDA 23-157-004 rev H) shall be used for no purpose other than as a salon and/or incidental use in connection with no.388 Bradley Road, Bradley, Huddersfield, HD2 1PU.

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 Chapters 7, 12 and 15 of the National Planning Policy Framework.

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

Reason: To ensure that the proposed use does not give rise to the loss of amenity to nearby residential properties, by reason of noise or disturbance at unsociable hours, to accord with 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	Web ID	Date Received
Location Plan	PP-12894019v2	-	26 th September 2024
Existing and Proposed Layout	PDA 23-157-004	H	31 st October 2024
Appendix 1. Correspondence with LPA	-	-	1 st October 2024
Climate Change Statement – Supporting Information	-	-	1 st October 2024
Covering Letter –	-	-	26 th September

Supporting Information			2024
Noise Technical Note by ADC Acoustics) – Supporting Information	ARR/C/3861.01	-	3 rd October 2024
Planning Statement – Supporting Information	-	-	26 th September 2024
Management Plan – Supporting Information	-	-	31 st October 2024

Pursuant to article 35(2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority 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 have been sought to include visitor parking to the front of the site and the submission of further information on how the site parking will operate. Confirmation was also received on the opening hours.

Report Dated: 20th November 2024.