



**Town and Country Planning (Development Management Procedure) (England)
Order 2015**

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2023/70/90144/W

To: D Bangali
65, Dean Brook Road
Netherthong
Holmfirth
HD9 3UF

For: D Bangali

In pursuance of its powers under the above-mentioned Act and Order the KIRKLEES COUNCIL (hereinafter called "The Council") as Local Planning Authority hereby permits:-

VARIATION OF CONDITION 5 (NO. OF CHILDREN) AND 6 (USE OF PREMISES) ON PREVIOUS PERMISSION 2001/90921 FOR CHANGE OF USE FROM NURSING HOME TO CHILDRENS NURSERY WITH ASSOCIATED PARKING

At: ABC CHILDRENS DAY NURSERY, 193, NEWSOME ROAD SOUTH,
NEWSOME, HUDDERSFIELD, HD4 6JH

In accordance with the plan(s) and applications submitted to the Council on 16-Jan-2023 [together with those plans and application(s) submitted to the Council on 03-April-2002 and incorporated into planning permission 2001/62/W/90921 granted on 04-Sept-2001] and subject to the condition(s) specified hereunder:-

1. The areas shown for parking on the approved plan shall be kept clear of all obstructions to such use and shall not be used for the erection of garages.

Reason: In the interests of the free and safe use of the highway and to accord with Policy LP21 and LP22 of the Kirklees Local Plan and Chapters 9 and 12 of the NPPF.

2. No activity shall take place on the premises outside the hours of 08.00 and 19.00 Monday to Friday or at any time on Saturdays, Sundays (and Bank Holidays) unless otherwise agreed in writing by the Local Planning Authority

Reason: To safeguard the amenities of nearby residents and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the NPPF.

3. Unless otherwise agreed in writing by the Local Planning Authority no more than 62 children shall be accommodated on the site at any one time.

Reason: To safeguard the amenities of nearby residents and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the NPPF.

4. The premises shall be used as a Nursery and Out of School Class (Class E(f) 'Creche, day nursery or day centre (not including a residential use)' of the Schedule 2, Part A 'Commercial, Business and Service' to the Town and Country Planning (Use Classes) Order 1987 (as amended) and for no other purpose (including any other purpose in Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended)).

Reason: So as not to detract from the amenities of the adjoining residential properties arising from uses inappropriate within a residential area, in the interests of the free and safe use of the highway and to accord with Policies LP2, LP24, LP21 and LP22 of the Kirklees Local Plan and Chapter 9 and 12 of the NPPF.

NOTE This permission shall relate to the revised layout plans submitted on 2 August 2001.

NOTE Alterations to your proposal to improve access for people with disabilities may be eligible for grant aid. Please contact the Council's access officer for further information on 01484 223324.

NOTE Alterations to your proposal to improve access for people with disabilities may be eligible for support. Please contact the Council's Inclusion Support Offer team for further information on 01484 416440 or via <https://www.kirkleeslocaloffer.org.uk/iso/help-for-senco-s-and-education-professionals-the-inclusion-support-offer/>

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	Ref: TQRQM23016094830627.	Original	16/01/2023
Planning Application		Original	16/01/2023

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 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. The application was considered acceptable in its submitted format and no further information was sought from the applicant.

Development within a Coal Mining Area

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

Building Regulations Approval is required for most work involving building operations and/or structural alterations. It is the applicant's responsibility to find out if the work permitted by this planning permission needs approval under the Building Regulations, and if necessary to submit an application. If you are not the applicant can you please ensure the applicant is aware of this requirement. Contact Building Control on Telephone: (01484) 221550 for more information.

The application has been publicised by notice(s) in the vicinity of the site. It is respectfully requested that the notice(s) now be removed and responsibly disposed of to avoid harm to the appearance of the area

Appeals to the Secretary of State

- If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If an enforcement notice is served or has been served relating to the same or substantially the same land and development as in your application and if you want to appeal against the local planning authority's decision on your application, then you must do so within:
 - i) 28 days from the date of this notice where the enforcement notice has been served,
 - ii) 28 days of the date of service of the enforcement notice or,
 - iii) the specified period starting from the date of this notice,whichever period expires earlier.

- If you want to appeal against your Local Planning Authority's decision then you must do so within the specified period, starting on the date of this notice.
- The "specified period" is 12 weeks where the development relates to a "minor commercial application" as defined within the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), or 6 months in any other case.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/appeal-planning-decision>. Further information on the Planning Appeal process can be found online at the Planning Inspectorates website <https://www.gov.uk/government/organisations/planning-inspectorate>.
- You must use the correct Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the type of application that the appeal relates to so they can send you the appeal form you require.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

Please note, only the applicant possesses the right of appeal.

Purchase Notices

- If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

An important part of improving our service is to review your feedback on the way that we have dealt with your planning application(s). Please take a couple of minutes to email your comments to dc.admin@kirklees.gov.uk so that we can work on continually improving our customer service. Thank you.

Dated: 15-Mar-2023

Signed:



David Shepherd
Strategic Director Growth and Regeneration

Decision Documents

The decision notice indicates which documents relate to the decision. These documents can be viewed online at the Planning Services website at www.kirklees.gov.uk/planning, and by clicking on the 'search and view existing planning applications and decisions' and by searching for application number 2023/70/90144/W.

If a paper copy of the decision notice or decided plans are required please email dc.admin@kirklees.gov.uk or telephone 01484 414746 with the application number. There may be a charge for this service.

All communications should be sent to one of the following address:

E-mail: dc.admin@kirklees.gov.uk

Write to: Kirklees Council
Planning and Development Service
PO Box 1720
Huddersfield
HD1 9EL
