

# 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:	<b>2025/62/90116/W</b>
Site Address:	42, Birmingham Lane, Meltham, Holmfirth, HD9 5LH
Description:	Change of use from class C3 (dwellinghouse) to mixed use dwellinghouse and class E(f) (childminders), and single storey rear extension and raised decking.
Recommending Officer:	Danielle Cooper

#### **DECISION – Full Conditional Permission**

**I hereby authorise the approval of this application for the reasons set out in the 4<sup>th</sup> September 2025 Committee Report and recommendation annexed below in respect of the above matter as per the resolved decision of the District-Wide Planning Committee**

Kirsty Nicholls

***AUTHORISED OFFICER***

**Date:** 11-Sep-2025

**Decision Authorisation:** Committee Decision

**Committee:** District Committee

**Date of Committee:** 4<sup>th</sup> September 2025

**Application Number:** 2025/90116

**Officer Recommendation:** Approve

**Committee Decision:** Conditional Full Permission

### **Summary of Committee Decision**

At the meeting of 4<sup>th</sup> September 2025 members resolved to approve the application on the basis of the conditions recommended within the committee report. This included the hours of use, total number of employees, maximum number of children allowed, and for the use to operate in accordance with the noise survey and management plan, and the drop off/pick up management plan.

In coming to this conclusion, members concluded that the balance between the impact of the proposal upon residential amenity against the benefits of the proposal, as set out in the committee report at paragraphs 10.0 – 17.0, were acceptable and planning permission to be granted. This was resolved taking into account the representations made at the Committee both for and against the proposal.

Members of the Committee discussed the recommended conditions and agreed that they were reasonable and justified in order to ensure that the balance between supporting the business whilst respecting the amenity of surrounding properties was ensured.

Having regard to the resolution of the Committee to approve, subject to the recommended conditions, it is recommended the decision is issued subject to conditions listed below.

### **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 (as amended).

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 to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP22 and LP24, of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. The childminder use shall not be open for business outside the hours of 07:30 to 17:30 Monday to Friday.

**Reason:** To ensure that the proposed use(s) 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 aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

4. The capacity of the childminders is restricted to a maximum of 9 children at any one time.

**Reason:** To prevent undue noise and disturbance to neighbouring occupants and to ensure the safe and efficient flow of traffic on Birmingham Lane, in accordance with LP24, LP21 & LP22 of the Kirklees Local Plan.

5. The maximum number of staff is restricted to 4 at any one time.

**Reason:** To prevent undue noise and disturbance to neighbouring occupants and to ensure the safe and efficient flow of traffic on Birmingham Lane, in accordance with LP24, LP21 & LP22 of the Kirklees Local Plan.

6. The development hereby approved shall be operated in accordance with the Noise Management Plan specified within the Noise Assessment authored by RP Acoustics dated 14 May 2025 Ref NA/1371/25/436 V1.0.

**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 the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

7. The development shall operate in accordance with the Drop off/Pick Up Management Plan specified within the Dropping Off & Collection Policy document and the Management Plan letter, both received on the 09/06/2025.

**Reason:** To ensure the site can be made safe and accessible and in the interests of highway safety, to ensure pedestrian safety and in the interests of residential amenity, in accordance with LP21 & LP22 of the Kirklees Local Plan.

Plans and specifications schedules:-

#### **Plans / Documents submitted for application 2025/90116**

<b>Plan / document type</b>	<b>Reference</b>	<b>Version</b>	<b>Dated</b>
Location Plan	24/1106/01a		11/07/2025
Proposed Block Plan	24/1106/05		11/07/2025

Existing Elevations and Floor Plans	24/1106/03a		11/07/2025
Proposed Elevations and Floor Plans	24/1106/04		11/07/2025
Planning Statement			22/01/2025
Climate Change Statement			22/01/2025
Noise Impact Assessment	NA/1371/25/436 V1.0		21/05/2025
Management Plan Letter			09/06/2025
Dropping Off & Collection Policy Document			09/06/2025

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 2025 and otherwise actively engaged with the applicant in dealing with the application.

During the course of the application, the agent decided to include the unauthorised single storey rear extension and raised decking area within this live planning application to seek planning permission. The application was therefore readvertised via site notice.

The case officer requested the following additional information including a noise survey and a Drop-Off/Pick-Up Booking Management Plan to help assess the planning application as a result of KC Highway and KC Environmental Health's consultee comments. Additional documents were submitted and were deemed acceptable.

**Report Dated:**

5<sup>th</sup> September 2025

