

# Public Document Pack



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Wednesday 27 August 2025

## Notice of Meeting

Dear Member

### **District-Wide Planning Committee**

The **District-Wide Planning Committee** will meet in the **Council Chamber - Town Hall, Huddersfield** at **1.00 pm** on **Thursday 4 September 2025**.

(A coach will depart the Town Hall, at 11.30am to undertake Site Visits. The consideration of Planning Applications will commence at 1.00 pm in Huddersfield Town Hall.)

This meeting will be webcast live and will be available to view via the Council's website.

The items which will be discussed are described in the agenda and there are reports attached which give more details.

A handwritten signature in cursive script, appearing to read 'S Lawton'.

**Samantha Lawton**

**Service Director – Legal, Governance and Commissioning**

Kirklees Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform the Chair/Clerk of their intentions prior to the meeting.

## **District-Wide Planning Committee:-**

### **Member**

Councillor Sheikh Ullah (Chair)  
Councillor Donna Bellamy  
Councillor Paola Antonia Davies  
Councillor Eric Firth  
Councillor Zahid Kahut  
Councillor Susan Lee-Richards  
Councillor Tony McGrath  
Councillor Paul Moore  
Councillor Mohan Sokhal

When a Member of the District-Wide Planning Committee cannot attend the meeting, a member of the Substitutes Panel (below) may attend in their place in accordance with the provision of Council Procedure Rule 35(7).

### **Substitutes Panel**

#### **Conservative**

B Armer  
D Hall  
J Taylor  
C Holt  
M Thompson

#### **Green**

K Allison  
A Cooper

#### **Labour**

M Ahmed  
J Homewood  
B Addy  
M Crook  
J Rylah  
A Sewell  
H McCarthy

#### **Liberal**

**Democrat**  
A Munro  
A Pinnock  
C Burke  
J Lawson  
D Longstaff  
A Marchington  
A Robinson  
A Smith

#### **Community Alliance**

C Scott  
A Zaman  
A Anwar

#### **Kirklees Community Independents**

JD Lawson  
A Arshad

# Agenda

## Reports or Explanatory Notes Attached

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**Pages**

**1: Membership of the Committee**

To receive any apologies for absence, or details of substitutions to Committee membership.

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**2: Minutes of the Previous Meeting**

1 - 2

To approve the Minutes of the Meeting of the Committee held on 10 July 2025.

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**3: Declaration of Interests and Lobbying**

3 - 4

Committee Members will advise (i) if there are any items on the Agenda upon which they have been lobbied and/or (ii) if there are any items on the Agenda in which they have a Disposable Pecuniary Interest, which would prevent them from participating in any discussion or vote on an item, or any other interests.

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**4: Admission of the Public**

Most agenda items will be considered in public session, however, it shall be advised whether the Committee will consider any matters in private, by virtue of the reports containing information which falls within a category of exempt information as contained at Schedule 12A of the Local Government Act 1972.

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**5: Public Question Time**

To receive any public questions.

In accordance with Council Procedure Rule 11, the period for the asking and answering of public questions shall not exceed 15 minutes.

Any questions must be submitted in writing at least three clear working days in advance of the meeting.

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## **6: Deputations / Petitions**

The Committee will receive any petitions and/or deputations from members of the public. A deputation is where up to five people can attend the meeting and make a presentation on some particular issue of concern.

A member of the public can also submit a petition at the meeting relating to a matter on which the body has powers and responsibilities.

In accordance with Council Procedure Rule 10, Members of the Public must submit a deputation in writing, at least three clear working days in advance of the meeting and shall subsequently be notified if the deputation shall be heard. A maximum of four deputations shall be heard at any one meeting.

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## **7: Site Visit - Application No: 2025/90116**

Change of use from class C3 (dwellinghouse) to mixed use dwellinghouse and class E(f) (childminders), and single storey rear extension and raised decking at 42 Birmingham Lane, Meltham, Holmfirth.

Ward affected: Holme Valley North

Contact: Danielle Cooper, Planning Services

(Estimated time of arrival at site – 11.45am)

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## **8: Planning Applications**

5 - 6

The Planning Committee will consider the attached schedule of Planning Application.

Please note that any members of the public who wish to speak at the meeting must register to speak by 5.00pm (for phone requests) or 11:59pm (for email requests) on Monday 1 September 2025.

To register, please email [governance.planning@kirklees.gov.uk](mailto:governance.planning@kirklees.gov.uk) or phone Andrea Woodside on 01484 221000 (ext 74993).

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**9: Planning Application - Application No: 2025/90116**

7 - 22

Change of use from class C3 (dwellinghouse) to mixed use dwellinghouse and class E(f) (childminders), and single storey rear extension and raised decking at 42 Birmingham Lane, Meltham, Holmfirth.

Ward affected: Holme Valley North

Contact: Danielle Cooper, Planning Services

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### **Planning Update**

An update providing information on further matters raised after the publication of this agenda will be added to the web agenda (online) the day prior to the meeting.

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Contact Officer: Andrea Woodside

## KIRKLEES COUNCIL

### DISTRICT-WIDE PLANNING COMMITTEE

**Thursday 10th July 2025**

Present: Councillor Sheikh Ullah (Chair)  
Councillor Paola Antonia Davies  
Councillor Eric Firth  
Councillor Susan Lee-Richards  
Councillor Tony McGrath  
Councillor Paul Moore  
Councillor Mohan Sokhal

Apologies: Councillor Donna Bellamy

**1 Membership of the Committee**

Apologies for absence were received on behalf of Councillor Bellamy.

**2 Minutes of the Previous Meeting**

**RESOLVED** – That the Minutes of the Meeting held on 13 March 2025 be approved as a correct record.

**3 Declaration of Interests and Lobbying**

There were no declarations of interest or lobbying.

**4 Admission of the Public**

It was noted that all agenda items would be considered in public session.

**5 Public Question Time**

No questions were asked.

**6 Deputations / Petitions**

No deputations or petitions were received.

**7 Site Visit - Application No: 2023/92023**

Site visit undertaken.

**8 Planning Application - Application No: 2023/92023**

The Committee gave consideration to Application 2023/92023 – Change of use from general industry B2 to storage and distribution B8 Z A Enterprises Ltd at 4 Marsh Gardens, Honley.

Under the provisions of Council Procedure Rule 36(3), the Sub-Committee received a representation from Councillor Bellamy (local member).

## District-Wide Planning Committee - 10 July 2025

Under the provisions of Council Procedure Rule 37, the Sub-Committee received a representation from Mrs J Woodage (local resident).

### RESOLVED –

- 1) That authority be delegated to the Head of Planning and Development to approve the application, issue the decision notice and complete the list of conditions including matters relating to;
  - Development to be undertaken in accordance with the submitted details.
  - Restriction that the use is storage and distribution and any offices are ancillary to that use.
  - Hours of use are not permitted for customers, deliveries and dispatches outside the hours of: 0800hrs to 1800hrs Monday to Saturday 1000hrs to 1600hrs Sunday and Bank Holidays.
  - Noise Management Plan shall be submitted to, and approved by, the Local Planning Authority.
  - No vehicle shall access the site in association with the use hereby approved that exceeds 3500kg.
  - There shall be no external storage within the area outlined in red upon drawing (100)01 titled 'Site Plan'.
  - All vehicular parking and turning areas shown on submitted plan titled 'Srigid & sdv vehicle tracking and parking' (ref: 0001revA) be marked out, provided and thereafter retained.
  
- 2) That an additional condition regarding vehicle movement be included to ensure the development has an acceptable impact upon the residential amenity of neighbouring occupiers, and in the interests of highway safety, and that the applicant be required to monitor the number of deliveries / collections, vehicle numbers per day, with a method of recording of vehicle movements at the site and storing of a log of movements which can be inspected by the LPA upon request.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

For: Councillors Davies, Firth, Lee-Richards, McGrath, Moore, Sokhal and Ullah (7 votes)

Against: (no votes)

# KIRKLEES COUNCIL

## DECLARATION OF INTERESTS AND LOBBYING

District Wide Planning Committee

**Name of Councillor**

Item in which you have an interest	Type of interest (eg a disclosable pecuniary interest or an "Other Interest")	Does the nature of the interest require you to withdraw from the meeting while the item in which you have an interest is under consideration? [Y/N]	Brief description of your interest

**LOBBYING**

Date	Application/Page No.	Lobbied By (Name of person)	Applicant	Objector	Supporter	Action taken / Advice given

Signed: ..... Dated: .....

## NOTES

### Disclosable Pecuniary Interests

If you have any of the following pecuniary interests, they are your disclosable pecuniary interests under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Any employment, office, trade, profession, or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.

Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.

Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority -

- under which goods or services are to be provided or works are to be executed; and
- which has not been fully discharged.

Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.

Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.

Any tenancy where (to your knowledge) - the landlord is your council or authority; and the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -

(a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and

(b) either -

the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

### Lobbying

If you are approached by any Member of the public in respect of an application on the agenda you must declare that you have been lobbied. A declaration of lobbying does not affect your ability to participate in the consideration or determination of the application.

**In respect of the consideration of all the planning applications on this agenda the following information applies:**

## **PLANNING POLICY**

The statutory development plan is the starting point in the consideration of planning applications for the development or use of land unless material considerations indicate otherwise (Section 38(6) Planning and Compulsory Purchase Act 2004).

The statutory Development Plan for Kirklees is the Local Plan (adopted 27<sup>th</sup> February 2019) and the Holme Valley Neighbourhood Development Plan (adopted 8<sup>th</sup> December 2021).

### **National Policy/ Guidelines**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20<sup>th</sup> December 2023 the Planning Practice Guidance Suite (PPGS) first launched 6<sup>th</sup> 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.

## **REPRESENTATIONS**

Cabinet agreed the Development Management Charter in July 2015. This sets out how people and organisations will be enabled and encouraged to be involved in the development management process relating to planning applications.

The applications have been publicised by way of press notice, site notice and neighbour letters (as appropriate) in accordance with the Development Management Charter and in full accordance with the requirements of regulation, statute and national guidance.

## **EQUALITY ISSUES**

The Council has a general duty under section 149 Equality Act 2010 to have due regard to eliminating conduct that is prohibited by the Act, advancing equality of opportunity and fostering good relations between people who share a protected characteristic and people who do not share that characteristic. The relevant protected characteristics are:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

In the event that a specific development proposal has particular equality implications, the report will detail how the duty to have “due regard” to them has been discharged.

## **HUMAN RIGHTS**

The Council has had regard to the Human Rights Act 1998, and in particular:-

- Article 8 - Right to respect for private and family life.
- Article 1 of the First Protocol - Right to peaceful enjoyment of property and possessions.

The Council considers that the recommendations within the reports are in accordance with the law, proportionate and both necessary to protect the rights and freedoms of others and in the public interest.

## **PLANNING CONDITIONS AND OBLIGATIONS**

Paragraph 55 of The National Planning Policy Framework (NPPF) requires that Local Planning Authorities consider whether otherwise unacceptable development could be made acceptable through the use of planning condition or obligations.

The Community Infrastructure Levy Regulations 2010 (as amended) stipulates that planning obligations (also known as section 106 agreements – of the Town and Country Planning Act 1990) should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

The NPPF and further guidance in the PPGS, launched on 6th March 2014, require that planning conditions should only be imposed where they meet a series of key tests; these are in summary:

1. necessary;
2. relevant to planning and;
3. to the development to be permitted;
4. enforceable;
5. precise and;
6. reasonable in all other respects

**Recommendations made with respect to the applications brought before the Planning Committee have been made in accordance with the above requirements.**

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## Report of the Head of Planning and Development

### DISTRICT-WIDE PLANNING COMMITTEE

Date: 04-Sep-2025

**Subject: Planning Application 2025/90116 Change of use from class C3 (dwellinghouse) to mixed use dwellinghouse and class E(f) (childminders), and single storey rear extension and raised decking. 42, Birmingham Lane, Meltham, Holmfirth, HD9 5LH**

#### APPLICANT

M Taylor, Sticks & Stones

#### DATE VALID

16-Jan-2025

#### TARGET DATE

13-Mar-2025

#### EXTENSION EXPIRY DATE

21-Aug-2025

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Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

[Public speaking at committee link](#)

#### LOCATION PLAN



Map not to scale – for identification purposes only

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**Electoral wards affected: Holme Valley North**

**Ward Councillors consulted: No**

**Public or private: Public**

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**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.

**1.0 INTRODUCTION:**

- 1.1 This application is brought to the District Wide Planning Committee at the request of Councillor Bellamy, due to concern of the scale of the operation, particularly in relation to potential impacts on residential amenity such as noise, parking, and general activity levels at the site.
- 1.2 The Chair of the Sub-Committee has confirmed that the reasons for the referral to the committee by Councillor Donna Bellamy are valid having regard to the Councillor's Protocol for Planning Committees

**2.0 SITE AND SURROUNDINGS:**

- 2.1 42 Birmingham Lane is a semi-detached two storey property. The dwelling has a generous sized rear garden area which is bound by hedging. An outbuilding is located within the rear garden area. Hardstanding is situated to the front of the property to accommodate onsite parking. The site is situated within a residential street with properties of a similar scale and design. Meltham Moor Primary School is located adjacent the application site to the west.

**3.0 PROPOSAL:**

- 3.1 The application is seeking permission for the change of use from class C3 (dwellinghouse) to mixed use dwellinghouse and class E(f) (childminders), and single storey rear extension and raised decking. The application has been submitted retrospectively having been subject to enforcement investigations.
- 3.2 The childminders commenced in 2022 and operates during the hours of:
- 07:30am – 17:30pm Monday to Friday.

4 Employees work at the property.

A maximum of 9 children will be cared for at the property at any one time.

4 rooms as indicated on the floor plans submitted are used for the day nursery, including the living room, dining room, sunroom and bedroom 2 at first floor. The rear garden area would also be used.

The site would provide 3 on-site parking spaces.

The ground floor side wall as indicated on plan has been acoustically insulated.

Outside of these hours, the properties' main function will be a private family dwellinghouse.

- 3.3 The retrospective single storey rear extension has a projection of 3m and width of 8.4m. The overall height of the building will be 5m and eaves of 3.8m. The rear extension is set in from the shared party wall by 0.2m. The rear extension has been constructed from matching brickwork with a sloped tiled roof form. The raised decking will project off of the single storey rear extension by 3m and have a width of 5.3m. The decking is raised off the ground by 1.3m. The decking is set in from the shared side boundary by 1.2m.

#### **4.0 RELEVANT PLANNING HISTORY (including enforcement history):**

##### 4.1 Enforcement cases:

COMP/24/0158 - Alleged unauthorised business use (childminding) – Live enforcement case the subject of this planning application.

COMP/22/0436 - Alleged unauthorised extension to the rear – Breach not expedient. Contained within the description of this retrospective planning application.

#### **5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):**

- 5.1 The case officer requested the following additional information to assist the assessment of the planning application as a result of KC Highway and KC Environmental Health's consultee comments:

- A Noise Assessment.
- Written evidence to demonstrate that the airborne sound insulation performance of the party floors/walls/ceiling of the development is of a minimum of 53dB  $D_{nTw} + C_{tr}$ . If it cannot be demonstrated that the aforementioned airborne sound insulation performance has been achieved, a scheme incorporating further measures to achieve the sound insulation performance will need to be submitted.
- A Noise Management Plan.
- A Drop-Off/Pick-Up Booking Management Plan.

The agent submitted the requested information which has been reviewed by the case officer and the relevant consultees and is considered acceptable on noise pollution and highway grounds.

- 5.2 The applicant did request for the maximum number of children to be cared for to be 14. However, as the building is a modest size semi-detached property, whereby most of the ground floor is the mainly used area for the ancillary use of the childminder business during the day, the case officer considered a maximum number of 14 children to be cared for, to be excessive given the context of the site, and will result in over intensification the property. As such the case officer informed the agent and applicant that the maximum number of children allowed on site is 9.

- 5.3 Following discussion with the agent regarding the unauthorised single storey rear extension and raised decking area, the applicant was advised to include these structures within this current planning application to regularise the works. The application was therefore readvertised via site notice.

## **6.0 PLANNING POLICY:**

- 6.1 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 27<sup>th</sup> February 2019).

### Kirklees Local Plan (2019):

- 6.2 **LP1** Achieving Sustainable Development  
**LP2** Place Shaping  
**LP21** Highway and Access  
**LP22** Parking  
**LP24** Design  
**LP26** Renewable and low carbon energy  
**LP30** Biodiversity and Geodiversity  
**LP48** Community facilities  
**LP51** Protection and improvement of local air quality  
**LP52** Protection and Improvement of Environmental Quality

### Supplementary Planning Guidance / Documents:

- 6.3 House Extensions and Alterations (adopted 2021)  
Kirklees Highway Design Guide (adopted November 2019)  
The Biodiversity Net Gain Technical Advice Note

### National Planning Guidance:

- 6.4 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2024, the Planning Practice Guidance Suite (PPGS) first launched 6<sup>th</sup> March 2014 together with Circulars, Ministerial Statements and associated technical guidance.
- 6.5 The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.
- Chapter 2 – Achieving sustainable development
  - Chapter 8 – Promoting healthy and safe communities
  - Chapter 9 – Promoting sustainable transport
  - Chapter 12 – Achieving well-designed and beautiful places
  - Chapter 15 – Conserving and enhancing the natural environment

## **7.0 PUBLIC/LOCAL RESPONSE:**

- 7.1 As a result of the application including the single storey rear extension and raised decking within the planning proposal, the application was readvertised by site notice on the 11<sup>th</sup> July 2025. Final publicity expired on 1<sup>st</sup> August 2025.

7.2 83 representations were received, 5 in objection and 78 as comments in support. They raised the following comments:

### *Objections*

- No consideration of the Party Wall Act 1996
- Noise pollution from operating of childminders
- Loss of privacy/overlooking
- Overshadowing
- Over dominance
- Rear extension and decking require planning permission
- Submitted Noise Impact Assessment is insufficient
- On-site parking not sufficient to support the use of residential property
- Operation of the childminders resulting in increased volume of traffic and safety issues to children crossing to the school at peak times
- Previous planning application for similar uses (2020/93873) have been refused due to increased noise pollution and the impact this would have on residential amenity of nearby occupants.
- Large volume of representations submitted are not material planning considerations
- Concern of who the representations have come from
- No consideration to residents when single storey rear extension was constructed
- Single storey rear extension has no sound insulation to mitigate noise from the business
- Significant number of children attending the childminders which increases noise pollution
- Concern of applicant and customers behaviour towards neighbouring residents which is impacting on health of residents

### *Support*

- Closure of the childminders will have a negative impact on the customers/surrounding community
- Location of the childminders is ideal, located adjacent to a primary school

- Location of childminders has environmental benefit as customers can walk to the property and car journeys are short.
- There is a lack of childminders within the area
- The childminders satisfy the statutory requirements for provision of sufficient childcare.
- Hours of operation are not unsociable
- There is staggered drop off and pick up times ensuring parking is available
- Concern of other childminders being refused planning permission if this application is not supported.
- Local childcare services eases stress on road infrastructure and emissions at peak times, as well as supports the local economy.
- Closure of business would result in loss of employment of workers and local residents having to find alternative childcare.
- Noise level of the childminders is low
- The business has no negative impact to the locality or residents and independent consultations have proven this in regard to noise pollution.
- Loss of childminders will result in loss of children's early development
- Childminders provide jobs to the local economy
- The loss of the childminders will result in negative impacts of climate change
- Many customers walk to the property which reduces traffic in the area
- The generated traffic and footfall of the childminders is far less than the adjacent school.

7.3 Meltham Town Council: The Committee want to note the application and ask Kirklees if the extension exceeds permitted development and for them to check their policy on loss of amenity from Ref: LP52 of their Local Plan.

7.4 These comments will be addressed in section 16.0 of this report.

## **8.0 CONSULTATION RESPONSES:**

### 8.1 KC Environmental Health:

No objection subject to conditions re operation of the childminders in accordance with the submitted Noise Impact Assessment, and hours of operation

### KC Highways:

No objection subject to the submitted Doorstep Drop Off/Collection Policy to be conditioned.

## 9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Residential amenity
- Highway issues
- Climate Change
- Ecology
- Representations

## 10.0 APPRAISAL

### Principle of Development

- 10.1 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 the NPPF. This policy stipulates proposals that accord with policies in the KLP will be approved without delay, unless material considerations indicate otherwise. Policy LP24 of the KLP is the overarching policy in relation to the design of all proposals, requiring them to respect the appearance and character of the existing development in the surrounding area as well as to protect the amenity of the future and neighbouring occupiers, to promote highway safety and sustainability. These considerations, along with others, are addressed in the following sections in this report.
- 10.2 Policy LP48 of the Kirklees Local Plan details that community facilities should be provided in accessible locations where they can minimise the need to travel or they can be made accessible by walking, cycling and public transport.
- 10.3 Paragraph 85 of the NPPF states that ‘significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.’
- 10.4 The application is seeking retrospective planning permission for the change of use from class C3 (dwellinghouse) to mixed use dwellinghouse and class E(f) (childminders), and single storey rear extension and raised decking.
- 10.5 In terms of extending and making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with the House Extensions and Alterations SPD and Chapter 12 of the NPPF, regarding design. In this case, the principle of the single storey rear extension and decking is considered acceptable and will be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety.
- 10.6 The proposal is to also change the use of the dwellinghouse (Class C3) to a mixed use dwellinghouse (Class C3) and a day nursery (Class E) for up to 9 children.
- 10.7 The Local Planning Authority (LPA) consider this partial change of use, which would operate during normal working hours, to support a modest childminding business which is run by the occupant of the dwelling, to be acceptable in principle. This is due to the fact that the proposed change will support a small business which provides a service to local residents, therefore supporting the local economy as well as minimising travel of customers needing to search further afield for other childcare services, complying with policy LP48 of the Kirklees Local Plan and guidance contained within the NPPF.

- 10.8 Outside of normal working hours of: 07:30am – 17:30pm Monday to Friday, the properties' main function will be a private family dwellinghouse and as such the proposed partial change of use is not considered to be significantly materially different to the existing dwellinghouse.
- 10.9 In respect of the above, the proposed partial change of use is considered acceptable although a more detailed assessment of the proposal's design and its impact on the surrounding environment, assessed against Policy LP24 of the Kirklees Local Plan amongst other Policies, is undertaken below.

#### Visual Amenity Issues

- 10.10 Policy LP24 of the Kirklees Local Plan, consistent with chapter 12 of the NPPF, states that the form, scale, layout and details of all development respects and enhances the character of the townscape.
- 10.11 Key Design Principle 1 of the House Extensions & Alterations supplementary planning document (SPD) (HEASPD) states that extensions and alterations to residential properties should be in keeping with the appearance, scale, design and local character of the area and the street scene. Furthermore, Key Design Principle 2 of the HEASPD goes on to state that extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and details.
- 10.12 The proposal is for the erection of a single storey rear extension and raised decking to the rear.
- 10.13 The retrospective single storey rear extension has a projection of 3m and width of 8.4m. The overall height of the extension will be 5m and eaves of 3.8m. The rear extension is set in from the shared party wall with No. 44 Birmingham Lane by 0.2m. It is noted that the overall height of the rear extension is relatively tall, being 1m above what can be constructed under permitted development. However, as the extension is single storey in height and has a modest projection of 3m, it is considered that the overall scale of the rear extension is acceptable and will appear as a subservient addition to the main property in this instance. The rear extension has also been constructed from matching brickwork with a sloped tiled roof form which ensures it keeps in character and appearance with that of the main dwelling. As such the overall design and scale of the proposed single storey rear extension is acceptable.
- 10.14 The raised decking will project off of the single storey rear extension by 3m and have a width of 5.3m. The decking is raised off the ground by 1.3m. The rear decking area is considered to be associated with general domestic structures and paraphernalia within rear garden areas and as such it is not considered to raise any harm to visual amenity of the site or host property.
- 10.15 It is therefore considered that the proposed development is acceptable in terms of its size and scale, and all proposed materials and detailing considered acceptable. For these reasons the proposal is considered acceptable and does not harm the design or character of the host property or wider street scene and is therefore compliant with principle 1 & 2 of the HEASPD, policy LP24 of the Kirklees Local Plan and guidance set out within the NPPF.

## Residential Amenity

- 10.16 Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers. The House Extensions and Alterations SPD goes into further detail with respect to Key Design Principle 3 on privacy, Key Design Principle 5 on overshadowing/loss of light, Key Design Principle 6 on preventing overbearing impact and Key Principle 7 for outdoor space.

### *Overbearing/overshadowing*

- 10.17 The proposed single storey rear extension is situated next to the shared side boundary with No. 44 Birmingham Lane. The overall height of the extension is 5m, featuring a sloped roof form. It is noted that the extension is relatively tall, exceeding the recommended height of 4m as set out within the House Extension and Alterations SPD. However, as the extension has a modest projection of 3m, it is not considered that the overall scale and size of the extension will result in significant overbearing harm to the residential amenity of No. 44. It is also considered that whilst there may be some overshadowing impact during midday, as the extension has a modest projection and is single storey in height, any impact of overshadowing will not be detrimental to warrant a refusal. It is also noted that Kirklees Council Enforcement Officers have also investigated the single storey rear extension and did not consider the breach of planning permission to be expedient (COMP/22/0436).
- 10.18 The proposed single storey rear extension is set in from the shared side boundary with No. 40 Birmingham Lane by 1.6m, and as such this separation distance ensures the extension will have no adverse overbearing or overshadowing impact to No. 44's rear residential amenity space.
- 10.19 The proposed single storey rear extension is set in from the rear boundary by 8.7m and as such raises no concern to overbearing or overshadowing impact to No. 103 Slaithwaite Road rear amenity space.
- 10.20 Given the height and in set in of the raised rear decking area, there are no overbearing or over dominant concerns.

### *Overlooking*

- 10.21 The proposed rear fenestrations of the single storey rear extension will face directly into the hosts own rear garden area and is screened by hedging. As such there are no concerns to loss of privacy in this regard.
- 10.22 The proposed decking area is raised from ground level by 1.3m. As the rear decking is set in from the shared side boundary with No. 44 Birmingham Lane by 1.2m and mature hedging is sited in-between acting as a screen, it is not considered that the perception of overlooking will result in unacceptable levels of loss of privacy to this neighbouring property and is therefore acceptable. It is also noted that a 1.3m screen is situated along the north side boundary of the decking to help mitigate overlooking impact.

- 10.23 The decking is set in from the shared side boundary with No. 40 Birmingham Lane by 3.6m and will be largely screened by the existing garage. As such given the separation distance and garage acting as mitigation, there are no concerns to loss of privacy to No. 40's rear garden area.
- 10.24 As the decking retains a 6.3m separation distance to the rear boundary of the site, which is screen be mature hedging, the LPA has no concern to the loss of privacy of No. 103 Slaithwaite Road.

#### Noise

- 10.25 LP52 of the Kirklees Local Plan states that: "Proposals which have the potential to increase pollution from noise, vibration, light, dust, odour, shadow flicker, chemicals and other forms of pollution or to increase pollution to soil or where environmentally sensitive development would be subject to significant levels of pollution, 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 it does not reduce the quality of life and well-being of people to an unacceptable level or have unacceptable impacts on the environment."
- 10.26 The LPA does consider that the proposed use of day nursery for up to 9 children with 4 employees has the potential to result in a material intensification in terms of nuisance including noise, or other pollution that could pose a nuisance to nearby occupants, in particular to the adjoining semi-detached property at No. 44 Birmingham Lane, No. 40 Birmingham Lane and No. 103 Slaithwaite Road.
- 10.27 The childminders operates during the hours of:
- 07:30am – 17:30pm Monday to Friday.
  - 4 Employees work at the property.
  - A maximum of 9 children will be cared for at the property at any one time.
  - 4 rooms as indicated on the floor plans submitted are used for the day nursery, including the living room, dining room, sunroom and bedroom 2 at first floor. The rear garden and decking area would also be used.
- 10.28 The applicant has submitted a Noise Assessment authored by RP Acoustics dated 14 May 2025 Ref NA/1371/25/436 V1.0 which assesses the noise from the proposal and also includes a Noise Management Plan. The report describes the site setting, identifying the immediate neighbourhood and identifies the potential sources of noise associated with the proposed use. Evidence has also been provided to show that the party wall sound insulation as shown on the proposed floor plans meets with our requirement of 53dB DnTw + Ctr in order to protect the amenity of the adjoining neighbouring property (No. 44 Birmingham Lane). This report has been reviewed by KC Environmental Health who provided the following response:

*The noise survey considers the operational noise of the childminders and a comment is made in para 5.3.2 of the noise survey stating that the applicant requested the co-operation of the neighbouring property in order to conduct sound insulation testing, however no response was*

*received and so the level of sound insulation has been predicted based upon typical construction materials. Based upon this along with the performance of the additional works, the report determines the level to be  $\geq 53\text{dB DnTw} + \text{Ctr}$  which meets with KC Environmental Health's requirements.*

*The submitted noise survey was undertaken between circa. 1100hrs and 1430hrs on Wednesday the 23<sup>rd</sup> of April 2025 to capture typical daytime activities whereby eight children were being minded at the time of the survey. The noise survey also considers the drop off and collection activities in relation to the school and road traffic. The noise survey proceeds to consider the use of the external amenity space to the rear describing the solid vertical barrier between the neighbouring properties. Based upon the measured levels, it predicts the level of noise to the external seating area of no. 44 and determines no specific measures are required which is the closest neighbouring residential property to the site.*

*The Noise Management Plan within the noise survey (appendix 3) outlines the control measures to minimise the impact of noise breakout from the child-minding business on local noise sensitive receptors which is considered acceptable.*

- 10.29 Having reviewed the submitted noise survey, KC Environmental Health consider the report to be acceptable and request that the maximum number of children allowed at the property to be conditioned, along with the hours of operation as stated within the planning statement and noise survey, and the childminders use to operate in accordance with the details set out within the noise survey and noise management plan. These details will be conditioned as such. It is also considered necessary to condition the number of staff present on site at any one time to be 4 as stated within the submitted planning statement.
- 10.30 As the noise survey was conducted based off of 8 children at the time and the planning statement submitted states that the maximum number of children being cared for is 9, the Local Planning Authority will restrict the maximum number of children being cared for at the site to be 9.
- 10.31 Subject to conditions, these would ensure that the development would accord with Policies LP24 and LP52 in terms of residential amenity.

#### Highway issues

- 10.32 Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF relate to access and highway safety and are considered to be relevant to the consideration of this application.
- 10.33 KC Highways Development Management have been consulted as part of this application.

*Single storey rear extension and raised decking*

- 10.34 The proposed single storey rear extension and raised decking does not intensify the residential use of the property and as such raises no concern to generating additional traffic.

#### *Childminding Business*

- 10.35 As the site is opposite a primary school, it is expected that Birmingham Lane will experience additional congestion and parking demand during school drop-off and pick-up times.
- 10.36 The proposed site layout drawing shows three off-street parking spaces to the front which would be suitable for the numbers of staff employed at the site. Based off of the submitted planning statement, KC Highways consider that an average of 8 children be hosted at the premises during a standard day and it is expected that any drop-off and pick-up parking will be done from on-street outside the premises where there are no TRO parking restrictions. This would generate approximately 8 trips on the highway during the peak hours if every child is dropped off by car, it is also noted that some trips may be linked trips as older children are dropped off at the school at the same time.
- 10.37 The agent has submitted a dropping off and collection policy document and management plan which details that all drop-off and pick-ups are managed and staggered to ensure no overlaps are created that would cause excess traffic parking demand on the street. KC Highways have requested for these documents to be conditioned as this will ensure a maximum number of 9 children coming to the property will not have a severe impact on the operation or efficiency of the local highway network.
- 10.38 As such, subject to the above condition, it is concluded that the scheme would not represent any significant impact in terms of highway safety, complying with Policies LP21 and LP22 of the Kirklees Local Plan.

#### Climate Change

- 10.39 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.
- 10.40 The proposal is for a partial change of use of an existing unit. Given the nature of the proposal the LPA do not consider it necessary further conditions attendant to the climate change agenda to be implemented.

#### Ecology

- 10.41 In terms of Biodiversity Net Gain as set out by the statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). As the development is retrospective, there is no required for BNG to be provided in respect of the aforementioned legislation as set out by The Biodiversity Gain Requirements (Exemptions) Regulations 2024.

## Representations

10.42 As a result of the application including the single storey rear extension and raised decking within the planning proposal, the application was readvertised by site notice on the 11<sup>th</sup> July 2025. Final publicity expired on 1<sup>st</sup> August 2025.

10.43 83 representations were received, 5 in objection and 78 as comments in support. They raised the following comments:

10.44 It has been considered whether the objections brought forward would have a material weight to the decision for planning permission.

### 10.45 *Objections*

- No consideration of the Party Wall Act 1996

*Officer comment: The proposed single storey rear extension can be constructed along the shared site boundary and any issues with the party wall are private civil matter. It is however noted that the extension is set in from the shared side boundary with No. 40 Birmingham Lane by approx. 0.2m.*

- Noise pollution from operating of childminders
- Significant number of children attending the childminders which increases noise pollution
- Single storey rear extension has no sound insulation to mitigate noise from childminders

*Officer comment: The agent has submitted a Noise Impact Assessment and a Noise Management Plan which has been reviewed by KC Environmental Health. No objections were raised in regard to the impact of noise. It is also noted that in the event that planning permission be approved, conditions are recommended to be imposed to restrict the hours of use of the childminders as well to limit the number of children allowed at the property to 9. It is not considered necessary for the single storey rear extension to be sound insulated as the submitted Noise Impact Assessment and Management Plan has demonstrated that noise is not of detriment to neighbouring properties.*

- Submitted noise impact assessment is in sufficient

*Officer comment: The submitted Noise Impact Assessment and the detail contained within has been reviewed by KC Environmental Health and is considered acceptable as submitted. As such, the Local Planning Authority therefore accept the detail provided to ensure a fair assessment is made in relation to noise.*

- Previous planning application for similar uses (2020/62/93873) have been refused due to increased noise pollution and the impact this would have on residential amenity of nearby occupants.

*Officer comment: This comment is noted; however each planning application is assessed on its own planning merits. It is also noted that a Noise Impact Assessment and a Noise Management Plan has been submitted and reviewed by KC Environmental Health. No objections were raised in regards to the impact of noise. It is also noted that in the event that planning permission be approved, conditions are recommended to be imposed to restrict the hours of use of the childminders as well a limit the number of children allowed at the property to 9.*

- Loss of privacy/overlooking

*Officer comment: As the decking is set in from the side and rear shared boundaries of the site, along with existing boundary treatment acting as mitigation, it is not considered that the raised decking area will result in unacceptable levels of overlooking.*

- Overshadowing & Over dominance

*Officer comment: The impact of overshadowing and overdominance has been assessed within section 12 of this report. Whilst it is noted that the extension is tall, as it is still single storey in height and has a modest projection of 3m, the Local Planning Authority consider the proposed rear extension acceptable, and it will not result in significant detrimental overbearing or overshadowing impact to warrant a refusal.*

- Rear extension and decking require planning permission

*Officer comment: The applicant was advised to include the single storey rear extension decking within this full planning application. Revised plans were received, and the application was readvertised accordingly.*

- On-site parking not sufficient to support the use of residential property
- Operation of the childminders resulting in increased volume of traffic and safety issues to children crossing to the school at peak times

*Officer comment: 3 on site parking spaces can be provided to the front of the property. There is also available on street parking outside of the application site where there are no Traffic Regulation Orders in relation to parking restrictions. A dropping off and collection policy document and management plan has been submitted which details that all drop-off and pick-ups are managed and staggered to ensure no overlaps are created that would cause excess traffic parking demand on the street. KC Highways have been consulted on these documents and raised no objections. However, in the event that planning permission be approved, it is recommended that these documents be conditioned to be adhered to. As such the childminders use is not considered to have a severe impact on the operation or efficiency of the local highway network or result in public safety concerns.*

- Large amount of representations submitted are not material planning considerations

*Officer comment: This comment it noted, and the case officer is aware that a number of support representations received were emotive. Only material planning considerations as set out within the appraisal of this report have been considered.*

- Concern of who the representations have come from

*Officer comment: This comment is noted, however the Local Planning Authority has no control of knowing exactly who and where the representations have come from.*

- No consideration to residents when single storey rear extension was constructed

*Officer comment: This comment is noted and has been included in the description of the development and assessed accordingly.*

- Concern of applicant and customers behaviour towards neighbouring residents which is impacting on health of residents

*Officer comment: This comment is noted, however it is not a material planning consideration.*

### *Support*

- Closure of the childminders will have a negative impact on the customers/surrounding community
- Location of the childminders is ideal, located adjacent to a primary school
- Location of childminders has environmental benefit as customers can walk to the property and car journeys are short.
- There is a lack of childminders within the area
- The childminders satisfies the statutory requirements for provision of sufficient childcare.
- Hours of operation are not unsociable
- There is staggered drop off and pick up times ensuring parking is available
- Concern of other childminders being refused planning permission if this application is not supported.
- Local childcare services eases stress on road infrastructure and emissions at peak times, as well as supports the local economy.
- Closure of business would result in loss of employment of workers and local residents having to find alternative childcare.
- Noise level of the childminders is low
- The business has no negative impact to the locality or residents and independent consultations have proven this in regard to noise pollution.
- Loss of childminders will result in loss of children's early development
- Childminders provides jobs to the local economy
- The loss of the childminders will result in negative impacts of climate change
- Many customers walk to the property which reduces traffic in the area

- The generated traffic and footfall of the childminders is far less than the adjacent school.

*Officer comment: The submitted support comments are noted.*

10.46 Meltham Town Council: The Town Council want to note the application and ask Kirklees if the extension exceeds permitted development and for them to check their policy on loss of amenity from Ref: LP52 of their Local Plan.

*Officer comment: This comment is noted and the proposed single storey rear extension has been included in the application description and assessed as part of this planning application.*

## **11.0 CONCLUSION**

11.1 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.

11.2 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the proposed development would constitute sustainable development and is therefore recommended for approval.

## **12.0 CONDITIONS**

1. Standard timeframe condition regarding implementation.
2. Development to be in accordance with plans.
3. Hours of use.
4. Restrict the maximum number of children to 9.
5. Restrict maximum number of staff to 4.
6. Operate in accordance with the noise survey and noise management plan.
7. Operate in accordance with the Drop off/Pick up management plan.

### **Background Papers:**

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2025/90116>

Certificate of Ownership – Certificate A signed