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:	2017/62/92958/W
Site Address:	Baitul Tauhid Mosque, Spaines Road, Fartown, Huddersfield, HD2 2SD
Description:	Alteration and extension to community and recreation centre and mosque with ancillary residential accommodation, car parking, landscaping and revised boundary treatment including demolition of existing outbuilding
Recommending Officer:	Nick Hirst

DECISION – Conditional Full Permission

I hereby authorise the approval of this application for the reasons set out in the agenda of the Strategic Planning Committee dated 30/11/17 and recommendation annexed below in respect of the above matter.

David Wordsworth

AUTHORISED OFFICER

Date: 19-Dec-2017

Decision Authorisation – Committee Decision

Committee:	Kirklees Strategic Committee
Date of Committee:	30.11.2017
Application Number:	2017/92958
Officer Recommendation:	DELEGATE approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions including those contained within this report.
Committee Decision:	In line with officer recommendation

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 BE1 and BE2 of the Kirklees Unitary Development Plan, PLP24 of the Kirklees Publication Draft Local Plan and Chapter 7 of the National Planning Policy Framework.

3. Prior to development commencing an additional Bat Survey shall be undertaken and used to inform a Mitigation and Monitoring Strategy for Bats. The Bat Surveys shall determine the nature of the bat roosts in the existing structures (including species, numbers of individuals, type and conservation status of the roosts, and climatic conditions within the roosts). The Mitigation and Monitoring Strategy for Bats shall be designed to mitigate any and all impacts to bats that may be identified in light of the additional Bat Survey information. Both the Bat Survey and Mitigation and Monitoring Strategy for Bats shall be submitted to the Local Planning Authority in writing, and the approved details fully implemented prior to development commencing, unless agreed otherwise in writing by the Local Planning Authority.
Reason: This is a pre-commencement condition to ensure that the status of bats is fully understood and that an appropriate mitigation strategy is delivered to ensure the favourable conservation status of bats is maintained. This is so

as to accord with policy PLP30 of the Kirklees Publication Draft Local Plan, Chapter 11 of the National Planning Policy Framework and all legislative requirements, i.e. the Wildlife and Countryside Act 1981 (as amended) or the Conservation of Habitats and Species Regulations 2017.

4. Prior to development commencing a scheme of intrusive site investigations/gas monitoring shall be submitted to, and approved in writing by, the Local Planning Authority.
Reason: To identify and remove unacceptable risks to human health and the environment with regard to historic coal mining legacy and in accordance with guidance contained within Policy G6 of the Kirklees Unitary Development Plan, PLP53 of the Kirklees Publication Draft Local Plan and the National Planning Policy Framework. This is a pre-commencement condition so as to ensure that appropriate measures are incorporated into the development at the relevant stage.

5. Site investigation works shall be carried out in accordance with conclusion contained within the submitted report approved pursuant to condition 4 before development commences.
Reason: To identify and remove unacceptable risks to human health and the environment with regard to historic coal mining legacy and in accordance with guidance contained within Policy G6 of the Kirklees Unitary Development Plan, PLP53 of the Kirklees Publication Draft Local Plan and the National Planning Policy Framework. This is a pre-commencement condition so as to ensure that appropriate measures are incorporated into the development at the relevant stage.

6. A report of findings arising from the intrusive site investigation works pursuant to condition 5 shall be submitted to and approved in writing before development commences. The report shall include a scheme of remedial works for the shallow coal workings together with a timetable for the implementation and completion of the approved remediation measures.
Reason: To identify and remove unacceptable risks to human health and the environment with regard to historic coal mining legacy and in accordance with guidance contained within Policy G6 of the Kirklees Unitary Development Plan, PLP53 of the Kirklees Publication Draft Local Plan and the National Planning Policy Framework. This is a pre-commencement condition so as to ensure that appropriate measures are incorporated into the development at the relevant stage.

7. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 6. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Coal Mining Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all works on site (save for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the

site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.
Reason: To identify and remove unacceptable risks to human health and the environment with regard to historic coal mining legacy and in accordance with guidance contained within Policy G6 of the Kirklees Unitary Development Plan, PLP53 of the Kirklees Publication Draft Local Plan and the National Planning Policy Framework.

8. Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the whole site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.
Reason: To identify and remove unacceptable risks to human health and the environment with regard to historic coal mining legacy and in accordance with guidance contained within Policy G6 of the Kirklees Unitary Development Plan, PLP53 of the Kirklees Publication Draft Local Plan and the National Planning Policy Framework.

9. No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balance works and off-site works, has been submitted to and approved by the Local Planning Authority. Any discharge to public sewer shall be subject to a maximum rate of discharge of three litres per second. Furthermore, unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.
Reason: To ensure the provision of adequate and sustainable systems of drainage in the interests of amenity, environmental well-being and to accord with PLP28 of the Kirklees Publication Draft Local Plan and Chapter 10 of the National Planning Policy Framework.

10. Prior to their use, details of all the external facing materials shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of the decorative mesh feature. The development shall be completed using the approved materials, prior to the hereby approved building being brought into use.
Reason: In the interests of the visual amenity and to accord with Policies BE1 and BE2 of the Kirklees Unitary Development Plan, PLP24 of the Kirklees Publication Draft Local Plan and Chapter 7 of the National Planning Policy Framework.

11. Before works to construct the hereby approved building's superstructure are commenced a report containing the proposed crime prevention measures shall be submitted to, and approved by, the Local Planning Authority. The identified measures shall be implemented before the building is brought into use and shall thereafter be retained.
Reason: In the interest of crime prevention and mitigation, so as to comply with Policy BE1 of the Kirklees Unitary Development Plan, PLP24 of the

Kirklees Publication Draft Local Plan and Paragraphs 58, 69 and 164 of the National Planning Policy Framework.

12. Before works to construct the hereby approved building's superstructure are commenced, details of how surface water will be drained from the site through the construction phase shall be submitted to and agreed in writing with the Local Planning Authority.
Reason: To ensure the risk of flooding does not increase during the construction phase and to limit the siltation of any on site surface water features, so as to accord with PLP28 of the Kirklees Publication Draft Local Plan and Chapter 10 of the National Planning Policy Framework.

13. Prior to the hereby approved development being brought into use details of additional bicycle parking spaces shall be submitted to, and approved in writing by, the Local Planning Authority. The thereafter approved details shall be implemented prior to the development being brought into use, and shall be thereafter retained.
Reason: The proposed level of bicycle parking is substandard for the scale of the development, with additional bicycle parking being required to support an appropriate level of sustainable transport options as part of the Council's sustainability objectives, in accordance with Policies T1, T17, T19 of the Kirklees Unitary Development Plan, PLP20, PLP21 and PLP22 of the Kirklees Publication Draft Local Plan and Chapter 4 of the National Planning Policy Framework.

14. The hereby approved development shall not be brought into use until the car park has been laid and marked out into bays as shown on plan ref.317-002-1006 Rev.D and shall thereafter be retained.
Reason: In the interests of the safe and efficient use of the highway network, in accordance with Policy T10 of the Kirklees Unitary Development Plan and PLP21 of the Kirklees Publication Draft Local Plan.

15. The hereby approved development shall not be brought into use until sight lines of 2.0m x 30.0m at the site frontage have been cleared of all obstructions to visibility exceeding 1m in height. Thereafter no obstructions which exceed 1.0m in height above the adjacent highway shall be planted or erected within the sight lines along the site frontage.
Reason: In the interests of the safe and efficient use of the highway network, in accordance with Policy T10 of the Kirklees Unitary Development Plan and PLP21 of the Kirklees Publication Draft Local Plan.

16. Three electric vehicle charging points (for six cars), as shown on plan ref 317-002-1006 Rev.D, shall be installed and brought into use prior to the hereby approved development being brought into use. The electric vehicle charging points shall thereafter be retained.
Reason: To accord with the guidance contained in PLP51 of the Kirklees Publication Draft Local Plan and Chapters 4 and 11 of the National Planning Policy Framework.

17. Prior to the hereby approved development being brought into use a Landscape and Ecological Design strategy shall be submitted in writing to the Local Planning Authority. The strategy shall include the following details:

- Explore and present opportunities for ecological and landscaping enhancement based on site conditions.
- Provide details of means of ecological and landscape enhancement onsite.
- Persons responsible for implementing the works.
- Details of initial aftercare and long-term maintenance.
- Details for monitoring and remedial measures, including replacement of any trees, shrub or planting that fails or becomes diseased within the first five years from completion.

The approved proposals and recommendations of the Landscape and Ecological Design strategy shall be implemented in accordance with the approved details prior to the approved development being brought into use' unless otherwise agreed in writing by the Local Planning Authority. All approved features shall be retained in that manner thereafter.
Reason: In the interest of preserving and enhancing local ecological value and visual amenity, so as to accord with Policies BE1 and EP11 of the Kirklees Unitary Development Plan, Policies PLP24, PLP30 and PLP32 of the Kirklees Publication Draft Local Plan and Chapters 7 and 11 of the National Planning Policy Framework.

18. Prior to the hereby approved building being brought into use a Lighting Strategy which indicates the measures to be taken for the control of any glare or stray light arising from the operation of artificial lighting shall be submitted to and approved in writing by the Local Planning Authority. The development's lighting shall be installed in accordance with the measures so approved and thereafter the artificial lighting shall be operated in accordance with the approved scheme.
Reason: In the interest of preventing a harmful impact upon local ecological value, in accordance with Policy PLP30 of the Kirklees Publication Draft Local Plan and Chapter 11 of the National Planning Policy Framework.

19. Prior to the hereby approved development being brought into use details of the adoption and maintenance of all drainage features shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a perpetual maintenance schedule for the drainage features. The drainage features shall thereafter be operated in accordance with the approved maintenance schedule.
Reason: To ensure that the scheme to disposal of surface water operates at its full potential throughout the development's lifetime, so as to accord with PLP28 of the Kirklees Publication Draft Local Plan and Chapter 10 of the National Planning Policy Framework.

20. Surface water run-off from the car park shall pass through an oil, petrol and grit interceptor/separator, the details of which shall be submitted to the Local Planning Authority prior to the hereby approved development being

brought into use unless otherwise agreed in writing with the Local Planning Authority. The approved and implemented interceptor/separator shall thereafter be retained.
Reason: To prevent pollution of the aquatic environment and to protect the public sewer network, in accordance with Policies PLP28 and Chapter 10 of the National Planning Policy Framework.

21. The site shall be developed with separate systems of drainage for foul and surface water on and off site.
Reason: To ensure the provision of adequate and sustainable systems of drainage in the interests of amenity, environmental well-being and to accord with Chapter 10 of the National Planning Policy Framework.

22. The hereby approved ancillary residential apartment, as shown on plan ref 317-002-1007 Rev.D, shall be occupied by the cleric of the mosque to which this application relates, or a dependant of such a person residing with him/her or a widow/widower of such a person.
Reason: The site is Urban Greenspace where residential development is inappropriate, however, subject to the occupation by the mosque's cleric the dwelling would be considered ancillary to the site's community use. This is to comply with D3 of the Kirklees Unitary Development Plan, PLP61 of the Kirklees Publication Draft Local Plan and Chapter 8 of the National Planning Policy Framework.

23. No activities other than prayer shall take place on the premises outside the hours of 8:00am and 12:00 midnight unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interest of amenity of nearby residents, while allowing the operational flexibility of the end users, in accordance with Policy EP4 of the Kirklees Unitary Development Plan, PLP24 and PLP52 of the Kirklees Publication Draft Local Plan and Paragraph 17 and Chapters 8 and 11 of the National Planning Policy Framework.

24. This permission does not authorise the installation or use of external loudspeakers for the purpose of call to prayer.
Reason: For the avoidance of doubt as to what is being permitted and in the interest of residential amenity, so as to comply with Policy EP4 of the Kirklees Unitary Development Plan, PLP24 and PLP52 of the Kirklees Publication Draft Local Plan and Paragraph 17 and Chapters 8 and 11 of the National Planning Policy Framework.

Note: Pursuant to condition 3 it is advised discussions taken place on the required mitigation and monitoring with K.C. Ecology. K.C. Ecology can be contacted on 01484 221000 and asking for Tom Stephenson.

Note: Prior to any works taking place on site which may impact on local bats a licence issued by Natural England, pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010, authorising the specified activity/development must be obtained– unless a statement in writing from the relevant licensing body is obtained clarifying that it does not

consider that the specified activity/development will require a licence. The appropriate licence is necessary to ensure the proposed works do not result in a criminal offence under the Wildlife and Countryside Act 1981 (as amended) or the Conservation of Habitats and Species Regulations 2017.

Note: Pursuant to condition 11 your attention is drawn to the consultation response provided by the Policy Architectural Liaison Officer. The consultation response can be accessed using the following link;

http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017/92958

Alternatively the Policy Architectural Liaison Officer can be contacted on 01484 221000 and by asking for Gerald Gallagher.

Note: Please note that the granting of planning permission does not override any private rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership.

Note: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

Monday to Friday: 0730 – 1830
Saturday: 0800 – 1300
With no working Sundays or Public Holidays

In some cases, different site specific hours of operation may be appropriate.

Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	317-002-1001	Rev.A	31.08.2017
Existing Block Plan	317-002-1002		31.08.2017
Existing Floor Plans	317-002-1003	Rev.A	02.11.2017
Existing Elevations	317-002-1004		31.08.2017
Existing Site Sections	317-002-1005		31.08.2017
Proposed Block Plan	317-002-1006	Rev.D	20.11.2017
Proposed Floor Plans	317-002-1007	Rev.D	20.11.2017
Proposed Elevations	317-002-1008	Rev.D	20.11.2017
Proposed Elevations	317-002-1009	Rev.B	20.11.2017

Plan Type	Reference	Version	Date Received
Proposed Grouped Plans and Elevations	317-002-1010	Rev.D	20.11.2017
Proposed Grouped Plans and Elevations	317-002-1011	Rev.B	20.11.2017
Proposed Elevations	317-002-1012	Rev.D	20.11.2017
Proposed Drainage Layout	317-002-1013		31.08.2017
Supporting Information	Planning Statement		31.08.2017
Supporting Information	Design and Access Statement		31.08.2017
Supporting Information	Bat Survey		14.11.2017
Supporting Information	Phase 1 Habitat Survey Report		31.08.2017
Supporting Information	Phase 1 Study (1 of 2) – Contaminated Land		31.08.2017
Supporting Information	Phase 1 Study (2 of 2) – Contaminated Land		31.08.2017
Supporting Information	Arboricultural Report and Arboricultural Impact Assessment		31.08.2017
Supporting Information	Drainage Strategy		31.08.2017
Supporting Information	Transport Assessment		31.08.2017
Supporting Information	Travel Plan		31.08.2017

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 2015 and otherwise actively engaged with the applicant in dealing with the application.

Discussions took place between the case officer and applicant to expand on specific details of the proposal. The required information was provided. During the course of the application the applicant requested to amend the plans of their own volition, to wish officers did not object. Thereafter officers were supportive of the proposal and recommended approval to members of Kirklees Strategic Planning Committee on the 30th of November, 2017, where members resolved to approve the application.

Report Dated: 15.12.2017