



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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2020/70/94269/E

To: Hasan Dadibhai,
KUFIC
Suite 24
Batley Business Park
Technology Drive
Batley
WF17 6ER

For: A Vania

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 11. (ADOPTABLE STANDARD ROAD) ON PREVIOUS PERMISSION NO. 2017/91139 FOR ERECTION OF PLACE OF WORSHIP AND ASSOCIATED CAR PARK AND LANDSCAPE WORKS (WITHIN A CONSERVATION AREA)

At: 10, OXFORD ROAD, DEWSBURY, WF13 4JT

In accordance with the plan(s) and applications submitted to the Council on 18-Dec-2020 [together with those plans and application(s) submitted to the Council on 31-Mar-2017 and incorporated into planning permission ref no. 2017/62/91139/E granted on appeal on 28-Mar-2019] and subject to the condition(s) specified hereunder:-

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan 16012-D01-C; floor plans 16012-D03-D; site elevations 16012-D06-D; Mosque elevations 16012-D04- D; Site plan 16012-D02-C; floor plans including prayer spaces 16012-D03- D.

Reason: To accord with the development hereby approved and to accord with Policies LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

2. The landscaping shall be carried out in accordance with the approved scheme and retained thereafter. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting seasons following the occupation of the building or the completion of the development, whichever is sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of conserving and enhancing the natural environment and thus to accord with Policy LP33 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

3. The building hereby permitted shall not be occupied until the windows in the east elevation have been fitted with obscured glazing (minimum grade 4) and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing shall be retained thereafter.

Reason: In the interests of residential amenity and as to accord with Policy LP24 of the Kirklees Local Plan.

4. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Groundworks in the affected area shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority, no part of the site shall be brought into use until such time as the 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 ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

5. Calls from the Azan shall only be made between the hours of 0800 and 2000 hours. The Azan should not be audible at any property more than 4 times Appeal each day. Each Azan should not exceed 4 minutes in length. The sound level of the Azan should not be more than 70 dB (A) (Fast) within 3 metres from any elevation of any dwelling or 50 metres from the loudspeaker, whichever is the closer. If this sound level cannot be achieved, a compressor should be fitted to the amplifier circuit to that the level of 70 dB(A) cannot be exceeded, even if the microphone volume is increased.

Reason: To ensure noise and disturbance levels from the site do not have a detrimental impact on the residential amenity of neighbouring occupiers and to accord with Policy LP24 of the Kirklees Local Plan.

6. The use of the site shall be limited to 100 worshippers on the site at any one time.

Reason: To ensure that the activity on the site does not cause detrimental harm on the residential amenity of neighbouring occupiers nor cause highway safety concerns and to accord with Policies LP21, LP22 and LP24 of the Kirklees Local Plan and chapter 12 of the National Planning Policy Framework.

7. The development shall not commence until the hedge fronting 10 Oxford Road has been removed and the area thereafter maintained clear of any planting and/or structure.

Reason: To ensure that the access to the development hereby approved is acceptable regarding highway safety and accords with Policy LP21 of the Kirklees Local Plan.

8. The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

The statement outlines:

- The timing and routing of construction traffic.
- The parking of vehicles of site operatives and visitors;
- Loading and unloading of plant and materials;
- Storage of plant and materials used in constructing the development;
- Delivery, demolition and construction working hours;

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: To ensure that the development is constructed with no detrimental harm to highway safety or the residential amenity of neighbouring occupiers and accord with Policies LP21 and LP24 of the Kirklees Local Plan.

9. The development hereby approved shall operate in accordance with the approved Travel Plan that has been submitted to and approved in writing by the local planning authority.

Reason: To ensure that the activities on the site do not have a detrimental impact on highway safety and to accord with Policies LP21 and LP22 of the Kirklees Local Plan.

10. Before the development is brought in to use, Nowell Street shall be constructed, surfaced and drained in accordance with plans 19005-S01-A (Site Plan) and 19005-S02-A (Construction Details) unless otherwise approved in writing by the Local Planning Authority. The highway shall be maintained thereafter by the owner of associated development.

Reason: To ensure the access road is constructed to a good standard and maintained to that standard for the lifespan of the development in the interest of highway safety and, to accord with Policies LP21 and LP22 of the Kirklees Local Plan

11. The development shall be carried out in accordance with the approved details for the external facing materials.

Reason: In the interest of visual amenity and the conservation area setting and to accord with Policies LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

12. No activities, other than prayer, shall take place on the premises outside the hours of 0800 and 2200 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure disturbance from the site does not have a detrimental impact on the residential amenity of neighbouring occupiers and to accord with Policy LP24 of the Kirklees Local Plan.

13. The provision for charging electric vehicles and other ultra-low emission vehicles shall be provided as approved in writing by the Local Planning Authority. The buildings and parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational. Charging points installed shall be retained thereafter.

Reason: To accord with the guidance within Policy LP52 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

14. Development shall accord with the ecological design strategy (EDS) has been submitted to and approved in writing by the Local Planning Authority. All features shall be retained in that manner thereafter. The EDS included details of the following:

- Purpose and conservation objectives for the proposed ecological works, in relation to site potential and constraints.
- Location (shown on appropriate scale plans) of specific make and model, or design, of bat and/or bird boxes to be installed integral to the new structure.
- Planting schedule and planting plan showing the inclusion of native species of plant to be included within/at the boundary of the application area, and how this achieves the stated purpose.

Reason: To ensure that the development does not cause ecological harm and to accord with Policies LP24 and LP30 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan		1	21/12/2020
Proposed Site / Block Layout	19005-S01-A Site Plan	1	14/12/2020
Supp Info - General	19005-S02-A Construction Details	1	14/12/2020

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 has, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. No amendments were sought. However, the Local Authority worked closely with the Agent to ensure the necessary details were provided.

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.

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

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/planning-inspectorate>. 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: 22-Feb-2021

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 2020/70/94269/E .

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: Planning Services
Investment and Regeneration
PO Box B93
Civic Centre III
Off Market Street
Huddersfield
HD1 2JR
