



Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2021/62/93687/W

To: Saghir Hussain,
Create It Studio Architects
Universal Square
Devonshire Street North
Manchester
M12 6JH

For: DAWAT-E-ISLAMI

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:-

CHANGE OF USE FROM NURSERY (USE CLASS E) TO EDUCATION AND PUBLIC WORSHIP OR RELIGIOUS INSTRUCTION (USE CLASS F1) , INTERNAL AND EXTERNAL ALTERATIONS, INSTALLATION OF REAR DISABLED ACCESS RAMP (LISTED BUILDING WITHIN A CONSERVATION AREA)

At: 75, NEW NORTH ROAD, EDGERTON, HUDDERSFIELD, HD1 5ND

In accordance with the plan(s) and applications submitted to the Council on 30-Sep-2021, subject to the condition(s) specified hereunder:-

1. 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 to accord with Policies LP1, LP2, LP7, LP19, LP20, LP21, LP22, LP24, LP30, LP35, LP48, LP51, LP52 and LP53 of the Kirklees Local Plan, Kirklees Highway Design Guide and Policies within Chapters 2, 4, 8, 9, 12, 14, 15 and 16 of the National Planning Policy Framework

2. The development hereby permitted shall not take place at any time except between the hours of 07:00 and 20:00

Reason: In the interests of the amenity of the occupiers of nearby properties to accord with Policies LP24 and LP52 of the Kirklees Local Plan and Policies within Chapters 12 and 15 of the National Planning Policy Framework.

3. At no time shall there be any more than up to 40 users, of the development hereby approved, present at the site.

Reason: In the interests of access and highway safety and the amenity of the occupiers of nearby properties to accord with Policies LP21, LP22, LP24 and LP52 of the Kirklees Local Plan and Policies within Chapters 9, 12 and 15 of the National Planning Policy Framework

4. The operation of any sound amplification equipment shall not take place within or be used in connection with the development hereby approved.

Reason: In the interests of the residential amenity of neighboring occupiers to accord with Policies LP24 and LP52 of the Kirklees Local Plan and Paragraph 185 of the National Planning Policy Framework.

5. Within one month of the date of this permission, a scheme which details noise mitigation measures to be undertaken to the building shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be based upon the mitigation measures detailed within section 7 of the submitted Noise Assessment (dated 25th January 2022 produced by Howell Acoustics). Within one month of the issuing of the written approval of the scheme by the Local Planning Authority the approved scheme shall be completed and thereafter retained.

Reason: In the interests of the residential amenity of neighbouring occupiers and to preserve the significance of the Grade II listed building, the conservation area and nearby Grade II listed buildings to accord with Policies LP24, LP35 and LP52 of the Kirklees Local Plan and Policies within Chapters 15 and 16 of the National Planning Policy Framework.

6. Within one month of the date of this permission a noise management scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall detail measures that will be taken to ensure that excessive noise does not arise from users of the site including actions that will be taken if users fail to observe the required control measures. Within one month of the issuing of the written approval of the scheme by the Local Planning Authority the approved scheme shall be completed and thereafter retained.

Reason: To ensure that the proposed use does not give rise to the loss of amenity to nearby residential properties, by reason of noise or disturbance at unsociable hours, to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

7. Within three months of the date of this permission the electric vehicle charging facilities detailed within submitted drawings A1359(02)001REVF & A1359(02)007 shall be installed and thereafter retained.

Reason: In the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, to comply with the aims and objectives of Policies LP20, LP24, LP47 and LP51 of the Kirklees Local Plan and Policies in Chapters 2, 9 and 14 of the National Planning Policy Framework.

8. Within one month of the date of this permission, and notwithstanding the details displayed on the submitted plans, a schedule of works to be undertaken to the building shall be submitted to and approved in writing by the Local Planning Authority. The submitted schedule of works shall include: details of all rainwater goods; materials of construction to be used for the door widening works; materials of construction and colour finish of the new rear external door; and details of the design, location and fixings of the CCTV system. Within one month of the issuing of the written approval of the scheme by the Local Planning Authority the approved scheme shall be completed and thereafter retained.

Reason: In the interests of visual amenity and preserving the significance of the Grade II listed building, the Conservation Area and nearby Grade II listed buildings to accord with Policies LP24 and LP35 of the Kirklees Local Plan, Policies within Chapters 12 and 16 of the National Planning Policy Framework and The Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990.

9. Within one month of the date of this permission, and notwithstanding the details displayed on the submitted plans, full design details of the bin and cycle storage structures shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include elevational drawings detailing the height and design, materials of construction and colour finish of the bin and cycle storage structures. Within one month of the issuing of the written approval of the scheme by the Local Planning Authority the approved scheme shall be completed and thereafter retained.

Reason: In the interests of ensuring the appropriate treatment of refuse and preserving the significance of the Grade II listed building, the Conservation Area and the nearby Grade II listed building to accord with Policies LP24, LP35 and LP43 of the Kirklees Local Plan, Policies within Chapters 12 and 16 of the National Planning Policy Framework and The Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990.

10. Within one month of the date of this permission, and notwithstanding the details displayed on the submitted plans, a scheme relating to marking out and surfacing of areas to be used by vehicles and pedestrians shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall detail the surfacing materials of construction and associated surface water drainage arrangements and method to demark parking areas. Within one month of the issuing of the written approval of the scheme by the Local Planning Authority the approved scheme shall be completed and thereafter retained.

Reason: In the interests of highways safety and preserving the significance of the Grade II listed building, the Conservation Area and the nearby Grade II listed building to accord with Policies LP21, LP22, LP24 and LP35 of the Kirklees Local Plan, Policies within Chapters 9, 12 and 16 of the National Planning Policy Framework and The Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990.

11. Within one month of the date of this permission, and notwithstanding the details displayed on the submitted plans, a scheme relating to measures to minimise the risk of crime and meet the specific security needs of the application site and the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of windows, doors, locking standards, measures to restrict access to ground floor windows and CCTV including location, orientation, and type of camera, recording quality, image storage and frames per second. Within one month of the issuing of the written approval of the scheme by the Local Planning Authority the approved scheme shall be completed and thereafter retained.

Reason: To ensure suitable safety / security measures are installed which preserve the significance of the Grade II listed building, the Conservation Area and the nearby Grade II listed building to accord with Policies LP24 and LP35 of the Kirklees Local Plan, Policies within Chapters 8, 12 and 16 of the National Planning Policy Framework, in pursuance of the Council's duty under Section 17 of the Crime and Disorder Act 1998 and The Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990.

12. Within one month of the date of this permission a scheme detailing all artificial lighting for external areas shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall detail the design, materials and location of all lighting as well as its level of illumination. Within one month of the issuing of the written approval of the scheme by the Local Planning Authority the approved scheme shall be completed and thereafter retained.

Reason: To ensure suitable safety / security measures are installed which preserve the significance of the Grade II listed building, the Conservation Area and the nearby Grade II listed building to accord with Policies LP24 and LP35 of the Kirklees Local Plan, Policies within Chapters 8, 12 and 16 of the National Planning Policy Framework, in pursuance of the Council's duty under Section 17 of the Crime and Disorder Act 1998 and The Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

Plan / Document Type	Reference	Version	Date Received
Location Plan	A1359(02)001	Rev F	31st January 2022
Electric Vehicle Charging	A1359(02)007	-	16th November
Trics traffic data dated 18th April 2022	238-22-2		19th April 2022
Heritage Statement dated July 2021			20th September 2021
Planning Statement and Design and Access Statement dated September 2021			20th September 2021
Proposed Lower Ground and Ground Floor Plan	A1359(02)002	Rev D	31st January 2022
Proposed First Floor and Loft Plans	A1359(02)003	Rev D	31st January 2022
Proposed East and North Elevations	A1359(02)004	Rev D	31st January 2022
Proposed West and South Elevations	A1359(02)005	Rev D	31st January 2022
Proposed Bike and Bin Store	A1359(02)006	Rev A	31st January 2022
Existing West and South Elevations Plan	A1359(01)005		20th September 2021
Existing East and North Elevations Plan	A1359(01)004		20th September 2021
Existing first Floor and Loft Plan	A1359(01)003		20th September 2021
Existing Lower Ground and Ground Floor Plan	A1359(01)002		20th September 2021
Existing Site Plan and Location Plan	A1359(01)001		20th September 2021
Transport Statement	238-21-1		20th September 2021

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Amendments and additional information were sought to address concerns raised by the Council's Conservation and Environmental Health Teams in relation to the impact of the development upon a Grade II listed building, the Conservation Area and the residential amenity of neighbouring occupiers. This information was later submitted addressing the concerns of the Local Planning Authority.

Development within a Coal Mining Area

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity at the surface or shallow depth. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of new development taking place.

It is recommended that information outlining how former mining activities may affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), is submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

Building Regulations Approval is required for most work involving building operations and/or structural alterations. It is the applicant's responsibility to find out if the work permitted by this planning permission needs approval under the Building Regulations, and if necessary to submit an application. If you are not the applicant can you please ensure the applicant is aware of this requirement. Contact Building Control on Tel No: (01484) 221550 for more information.

It is the applicant's responsibility to find out whether any works approved by this planning permission, which involve excavating or working near public highway and any highway structures including retaining walls, will require written approval from the Council's Highways Structures Section. Please contact the Highways Structures Section on Tel No. 01484-221000 Ext 74199 for further advice on this matter.

Details Reserved by Condition

- This permission has been granted subject to conditions. Some of the conditions may require you to submit further details. These conditions normally contain the wording "submitted to and approved in writing by the Local Planning Authority".
- You can apply online for approval of these details at the Planning Portals website at www.planningportal.gov.uk. Alternatively the forms and supporting guidance for submitting an application can be found online at www.kirklees.gov.uk/planning.
- This Authority recognises the need to ensure that you are able to develop the site as effectively and flexibly as possible. However, at the same time it must ensure that development is in accordance with the terms of the planning conditions and legal agreement and the expectations of elected members and local residents set through the decision process.
- You should note the triggers for compliance with the conditions of this planning permission. This Authority is committed to processing applications to discharge conditions in a timely manner. It is important to ensure that submissions are made as far in advance of the trigger to allow time for adequate consultation, discussion and in some circumstances publicity.
- It is important that applications to discharge conditions are accompanied by sufficient information to enable this Authority and its consultees to fully consider and determine the proposals. Whilst officers will endeavour to negotiate solutions, failure to provide a comprehensive submission may result in delay and refusal of the application.
- If you commence work without discharging conditions you are at risk of enforcement action and invalidating your permission if the planning condition is a pre commencement condition.

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 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 relating to the same or substantially the same land and development as in your application and if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within:
 - i) 28 days of the date of service of the enforcement notice, or
 - ii) within the specified period, starting on 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: 28-Jun-2022

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 planning applications and decisions' and by searching for application number 2021/62/93687/W.

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

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

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

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