Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2023/62/91715/E

To: Ayub Bapu
Naz Design
33, Southern Parade
Preston
PR1 4NH

For: AYUB BAPU, NAZ DESIGN

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:-

DEMOLITION OF EXISTING MOSQUE AND ERECTION OF MOSQUE AND EDUCATION CENTRE

At: MOHADDIS E AZAM EDUCATION CENTRE AND MASJID E MADANI, 225C, RAVENSHOUSE ROAD, DEWSBURY MOOR, DEWSBURY, WF13 3QU

In accordance with the plan(s) and applications submitted to the Council on 23-Jun-2023, subject to the condition(s) specified hereunder:-

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 to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP21 and LP24 of the Kirklees Local Plan as well as the aims of the National Planning Policy Framework.

3. Samples of all facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority before development commences on the superstructure of the building hereby approved, and the development shall be constructed of the approved materials.
Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan as well as the aims of Chapter 12 of the National Planning Policy Framework**.**

4. Noise from any Azan shall be effectively controlled so that:

a) Any calls made before 0800 hours or after 2000 hours shall not be audible beyond the boundary of the site;
b) The Azan shall not be audible at any property more than 4 times each day;
c) Each Azan shall not exceed 4 minutes in duration;
d) The sound level from the Azan shall not be more than 70 dB LAeq(t)(Fast) when measured 3 metres from any elevation of any dwelling or 50 metres from the loudspeaker, whichever is the closer;
e) If necessary, a compressor shall be fitted to the amplifier circuit so that the above-mentioned level off 70dB(A) cannot be exceeded, even if the microphone volume is increased.

Reason: To protect the amenity of occupiers of adjacent residential properties, in accordance with Policies LP24 and LP52 of the Kirklees Local Plan as well as the aims of Chapters 12 and 15 of the National Planning Policy Framework.

5. Notwithstanding the submitted details, before the installation of any external artificial lighting commences a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme should include the following information:

a) The proposed hours of operation of the lighting;
b) The location and specification of all of the luminaires;
c) The proposed design level of maintained average horizontal illuminance for the areas that need to be illuminated;
d) The predicted vertical illuminance that will be caused by the proposed lighting when measured at windows of any properties in the vicinity;
e) The measures that will be taken to minimise or eliminate glare and stray light arising from the use of the lighting that is caused beyond the boundary of the site;
f) The methods of switching and controlling the lighting so that it is only operated at the permitted times and at times when it is required.

The external artificial lighting shall be installed and operated thereafter in accordance with the approved scheme.
Reason: To safeguard the amenities of the occupiers of nearby properties and promote sustainable development in accordance with Chapters 2 and 15 of the National Planning Policy Framework.

6. The development shall not be brought into use until a Car Park Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Car Park Management Plan shall include details of:

i. Liaison member of staff and contact details
ii. Car park attendant/s
iii. Mechanism for review of the Car Park Management Plan

The development shall thereafter be operated in accordance with the approved Car Park Management Plan.
Reason: To ensure the site can be made safe and accessible and in the interests of highway safety, to ensure pedestrian safety and in the interests of residential amenity, in accordance with Policy LP 21 of the Kirklees Local Plan.

7. Notwithstanding the submitted details, prior to construction commencing, a schedule of the means of access to the site for construction traffic shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include the point of access for construction traffic, details of the times of use of the access, the numbers and size of vehicles expected to access the site, the routing of construction traffic to and from the site, construction workers and delivery parking facilities, the location of materials storage and site facilities, the use of traffic management/banksman for large deliveries and the provision, use and retention of adequate wheel washing facilities within the site and the means of removal of mud and debris from the highway/footway. Unless otherwise agreed in writing by the Local Planning Authority, all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.
Reason: This is a pre-commencement condition to ensure that adequate arrangements are in place at an appropriate time for construction traffic, in accordance with Policy LP21 of the Kirklees Local Plan.

8. Groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.
Reason: This is a pre-commencement condition to ensure that land contamination issues are investigated and mitigated at an appropriate time in order to ensure the safe occupation of the site, in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework

9. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 8. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination (including shallow coal) not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, 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. 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: This is a pre-commencement condition to ensure that land contamination issues are investigated and mitigated at an appropriate time in order to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework.

10. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Verification Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for (that part of) the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures 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 paragraph nos. 183 and 184 of the National Planning Policy Framework.

11. No development shall commence (excluding demolition and site clearance) until remedial stabilisation works to address land instability arising from coal mining legacy have been carried out in full in order to ensure that the site is made safe and stable for the development proposed. The remedial works shall be carried out in accordance with authoritative UK guidance.
Reason: This is a pre-commencement condition to ensure that coal mining legacy issues are investigated and mitigated at an appropriate time in order to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework.

12. Prior to the occupation of the development, a signed statement or declaration prepared by a suitably competent person confirming that the site has been made safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the completion of the remedial works and any mitigatory measures necessary to address the risks posed by past coal mining activity.
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework.

13. Prior to the occupation of the development, one Standard Electric Vehicle Charging Point for every 10 parking spaces shall be provided for charging electric vehicles and other ultra-low emission vehicles within the car park shown on plan ref AIB/01 – Parking Layout (dated September 2021). The charging points installed shall be retained thereafter.
Reason: To meet the Council's carbon emission target and to accord with Policies LP24 and LP52 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

NOTE All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021. Reports must be prepared in accordance with the following guidance:
 Land Contamination Risk Management (LCRM)
 BS 10175:2011+ A2:2017 *Investigation of Potentially Contaminated Sites. Code of Practice*
 Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group.

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre-commencement condition.

NOTE The proposed design levels of illuminance should be shown to be appropriate for the intended use by reference to appropriate guidance. Generally, to minimise problems of glare and stray light from external artificial lighting it should be installed and maintained in accordance with *the "Guidance Note 01/21 for the Reduction of Obtrusive Light"* by the Institution of Lighting Professionals: 2021 www.theilp.org.uk. The predicted levels of stray light must not exceed the recommended maximum levels given in Table 2 of this guidance for the corresponding Environmental Zone (i.e. E0 to E4).

NOTE No construction related noise shall be audible beyond the site boundary outside the hours of:

07.30 to 18.30 hours, Mondays to Fridays
08.00 to 13.00 hours, Saturdays

With no construction related noise audible beyond the site boundary on Sundays or Public Holidays.

NOTE Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Site and Location Plans	AIB/06		23.06.2023
Proposed Ground Floor Plan	AIB/01		23.04.2024
Proposed First Floor Plan	AIB/02		23.04.2024
Proposed Roofspace/Second Floor	AIB/03		23.04.2024
Proposed Front Elevation	AIB/04		23.04.2024
Proposed Rear Elevation	AIB/05		23.04.2024
Proposed Side Elevation	AIB/06		23.04.2024
Proposed Side Elevation	AIB/10		23.06.2023
Proposed Roof Plan	AIB/07		23.04.2024
Section through the site	AIB/09		23.04.2024
Parking Survey – Technical Note	P2041		18.09.2024
Transport Statement		December 2023	19.12.2023
Proposed Parking Layout	AIB/01		23.06.2023
Phase I Desk Study Report	R-C0302-02	March 2021 P02	23.06.2023
Rotary Borehole Site Investigation Report	G21219	June 2021	23.06.2023
Ground Gas Risk Assessment			23.06.2023
Coal Mining Risk Assessment	R-C0302-01	March 2021 P01	23.06.2023
Climate Change Statement			23.06.2023
Planning Statement			23.06.2023
Lighting Scheme			23.06.2023
Construction Management Plan		December 2023	19.12.2023

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.

Through the course of the application, the applicant was requested to provide additional information in relation to the amount and nature of the accommodation proposed and resultant trip generation. A Transport Statement and Construction Traffic Management Plan, in addition to a parking survey were submitted, and assessed by KC Highways DM.

Following concerns raised by officers relating to the extent of accommodation proposed, amended floor plans were requested and received. The amendments primarily related to the first floor accommodation which, as originally submitted, included the provision of 3 classrooms and 3 ladies rooms. Officers considered that this would amount to an intensification in use of the site over and above that which had been approved as part of the previous application. The amended first floor plan shows this accommodation to be replaced by a conference room, meeting room and ancillary accommodation. The applicant has confirmed that the education centre would operate in the subdivided part of the prayer hall on the ground floor.

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.**

Development within a Coal Mining Area

DEVELOPMENT HIGH RISK AREA - INFORMATIVE NOTE

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

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

Digital Infrastructure: Fibre To The Property (FTTP)

Access to affordable and reliable broadband is necessary for Kirklees' residents, businesses, and visitors to take advantage of the growing digital economy and 'digital by default' services. Fibre optic cables direct to a property (FTTP) is the most reliable way of delivering high speed broadband connectivity and allows for gigabit internet speeds. Access to high quality digital infrastructure provides the foundations for, amongst other things:

- Economic prosperity – workforces that are digitally-literate enables business to thrive.
- Digital literacy – digital literacy and skills increase employability and people can exploit the internet for transactional, social, entertainment and learning purposes.
- New services – digital delivery can lower costs and provide innovative public and health services more conveniently.

It is therefore advised that digital infrastructure, including FTTP, and its benefits for the development be considered from the earliest feasible stage. Methods include working with Internet Service Providers to install digital infrastructure alongside other utilities or providing pre-infrastructure allowing for speeder installation at a later date.

Note: The provision of fibre infrastructure is often available from certain telecommunications providers free of charge for development over a certain scale, provided that sufficient notice is given. Notice periods are typically at least 12 months prior to first occupation. In some cases, providers may request a contribution from the developer.

Note: Where no telecommunications provider has been secured to provide fibre infrastructure by the time of highway construction, it is advised that additional dedicated telecommunications ducting is incorporated alongside other utilities to enable the efficient and cost effective provision of fibre infrastructure in the future.

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/appeal-planning-decision. 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: 04-Nov-2024

Signed:

David Shepherd
Executive Director for Place

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 2023/62/91715/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: Kirklees Council
Planning and Development Service
PO Box 1720
Huddersfield
HD1 9EL
