

**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:	<b>2024/62/90952/E</b>
Site Address:	Masjid Noor & Education Centre, Lees Hall Road, Thornhill Lees, Dewsbury, WF12 9HF
Description:	Erection of extensions and alterations
Recommending Officer:	Jennifer Booth

**DECISION – Full Conditional Permission**

**I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.**

Kirsty Nicholls

***AUTHORISED OFFICER***

**Date: 18-OCT-2024**

## **OFFICER REPORT**

### **Site Description**

The Masjid-E-Noor Education Centre on Lees Hall Road is a stone built building set back off the main road with a large car park. The building itself consists of 4 distinct elements: the main hall and lesser section to the side, a single storey extension part width to the rear and a more modern flat roofed extension to the front. There is also a detached outbuilding in the grounds to the front of the building.

There are terraced properties to the south and west of the site, a new housing development to the rear of the building and a modern row of townhouses to the east of the former chapel.

### **Description of Proposal**

The application is seeking planning permission for a two storey rear extension and first floor side extension.

The first floor side extension would have a width of 7.7m and a depth of 8.6m with a pitched roof form.

The two storey rear extension would project 5.8m from the original rear wall and would extend the full width of the building with a total width of 21.6m. The roof form would be a pitched roof with a valley between the original building and the rear extension

The walls would be constructed using stone with blue slate for the roof covering.

### **Relevant Planning History**

2002/90615– Formation of access ramp – Approved

2010/91863 – Conversion from church to 4 flats – Refused

2014/93706 - Erection of an internal first floor mezzanine, two entrances and fire escape, erection of ground floor extensions, alterations to the building and car park layout, and conversion of outbuilding to body wash room – Approved and work commenced on site

2016/92558 - Temporary Permission for the erection of single storey linked modular units - Refused

### **History of negotiations**

Kirklees Development Management Charter together with the National Planning Policy Framework and the DMPO 2015 encourages negotiation/engagement between Local Planning Authorities and agents/applicants, this is only within the scope of the application under consideration. Concerns were raised in terms of highways. Additional information has been supplied.

## **Representations**

The application was advertised by neighbour letters, which expired on 11/06/2024

As a result of the above publicity, one representation has been received. Concerns were raised in terms of highway safety and parking.

## **Consultation Responses**

Highways DM – on receipt of a Parking Survey and Traffic Impact Summary, no objections raised.

## **Policy**

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).

The site is UNALLOCATED on the Kirklees Local Plan Proposals Map

On 12<sup>th</sup> 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.

## **Kirklees Local Plan Policies**

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP21** – Highway safety
- **LP 22** – Parking
- **LP 24** - Design
- **LP 30** – Biodiversity

## **National Policies and Guidance:**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2023, and 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.

- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

## **Assessment**

### Principle of development:

The site is without notation on the Kirklees Local Plan (KLP). 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. In terms of extending and making alterations to a building, Policy LP24 of the KLP is relevant, in conjunction with Chapter 12 of the NPPF, regarding design. In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety.

The NPPF, Chapter 8, establishes a general principle in favour of supporting development which would enhance community facilities which assists in facilitate social interaction and create health, inclusive communities. This is mirrored by policy LP48 of the Kirklees Local Plan, which states proposals which enhance the provision of community facilities will be supported.

### Impact on community facilities:

The proposals are for enhancements and enlargement of an established mosque and educational facility. As the works would improve the existing facilities, the proposals are considered to be in line with Chapter 8 of the NPPF and LP48 of the Kirklees Local Plan.

### Impact on visual amenity:

The setting of the existing education centre, being a traditional stone building with ornate detailing, together with the diverse character of the surrounding residential and retail properties has been considered. The design of the extensions is considered to form a sympathetic relationship between the

traditional style of the former Methodist church and the neighbouring residential properties and would therefore be acceptable in terms of character. The scale is considered to form an acceptable addition in terms of size. The materials proposed include the use of stone for the walling with blue slate for the roof covering which would match the main building. In terms of appearance and visual amenity, the extensions and alterations are considered to be acceptable.

Having taken the above into account, the proposals would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout and (c) as the extension would form a subservient addition to the property in keeping with the existing building and the aims of chapter 12 of the National Planning Policy Framework.

#### Impact on residential amenity:

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 nearest properties to the site which would have the potential to be affected by the proposals would be 35-39 Providence Court and 100-102 Brewery Lane.

#### *Impact on 35-39 Providence Court*

The extension to the rear of the building is proposed to be no closer to the northern boundary with the properties on Brewery Lane and Providence Court. A separation distance of 20m would be retained between the building and the flats to the rear minimising the potential for any overshadowing, overbearing or overlooking.

#### *Impact on 100 – 102 Brewery Lane*

It is noted that the first floor extension and the rear extension would bring the built form closer to the neighbouring properties to the east. However, the rear wall of 100 Brewery Lane is a blank elevation and there would be no amenity space which would be adversely impacted by the rear extension. The first floor extension would partially align with the boundary of 102 Brewery Lane. However, the space between would not be reduced and the increase in height to provide the first floor is not substantial enough to result in any significant overshadowing, overbearing or loss of privacy.

Having considered the above factors, the proposals are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local

Plan (b) in terms of the amenities of neighbouring properties and Paragraph 135 (f) of the National Planning Policy Framework.

Impact on highway safety:

The site is a long established place of worship, formerly a methodist chapel and more recently a mosque and education centre with the main building situated on the north section of the site. The ground floor area is 340sqm and the first floor area is 124sqm. There is also a small building located on the east side of the site.

The main pedestrian access to the building is at the front on the south elevation, with the vehicular access located to the far south side of the site located centrally along the site frontage with Leeds Hall Road. The site access is around 7m in width and contains a sliding gate. The access consists of a dropped vehicular crossing. The access leads to an existing car park providing around 21 parking spaces which consists of a mix of bituminous and compacted stone.

Whilst the submitted travel plan states that the proposals comprise of the reconstruction of the building, the application form and submitted plans show extensions and alterations to the building to provide improved facilities for the local community with no intensification in terms of staff numbers of visitor numbers. The agent supplied a parking survey and traffic impact assessment in accordance with the request from Highways DM. This was deemed acceptable by Highways DM and no objections were raised.

The proposals are considered to demonstrate that the works proposed would not represent any additional harm in terms of highway safety and as such complies with Policies LP21 & LP22 of the Kirklees Local Plan.

Other matters:

*Biodiversity*

After a visual assessment of the building by the officer, it appears that the building is in good order, well-sealed and unlikely to have any significant bat roost potential. Notwithstanding this, in the event that planning permission is approved, it is recommended that a cautionary note should be added that if bats are found during the development, then work must cease immediately, and the advice of a licensed bat worker sought.

*Carbon Budget*

The proposal is a small scale development to an existing building. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.

There are no other matters for consideration.

Representations:

One representation has been received. Concerns were raised in terms of highway safety and parking. **Response:** *This is addressed in the 'Impact of highway safety' section of the above report.*

Negotiations:

None

Proposed conditions

Along with the standard timescale condition, which is a requirement of Section 91 of the Town and Country Planning Act 1990, it is considered appropriate to add the following conditions.

Accordance with the approved plans to ensure the development is carried out in line with the officer's assessment.

Matching materials to ensure that the extensions harmonise with the host building as using alternative materials would look out of place within the street scene.

Conclusion:

This application to extend and alter the Masjid E Noor has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposals are considered to be acceptable.

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.

As set out above, this application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

**Recommendation**

**Approve**

## **Decision Authorisation - Delegated Powers**

**Application Number:** 2024/90952

**Officer Recommendation:** Approve

### **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 Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. The external walls and roofing materials of the extension hereby approved shall in all respects match those used in the construction of the existing building.

**Reason:** In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and the aims of chapter 12 of the National Planning Policy Framework.

**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.

**NOTE:** The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

**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:

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

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 the works may be carried out.

Plans and specifications schedule: -

<b>Plan Type</b>	<b>Reference</b>	<b>Web ID</b>	<b>Date Received</b>
Location Plan	01	1037500	29/04/2024
Existing Site Plan	08	1037509	29/04/2024
Existing Floor Plans	02 Gf	1037501	29/04/2024
Existing Floor Plans	03 Ff	1037503	29/04/2024
Existing Elevations	06a	1037506	29/04/2024
Proposed Site Plans	09	1037510	29/04/2024
Proposed Floor Plans	04a Gf	1037504	29/04/2024
Proposed Floor Plans	05a Ff	1037505	29/04/2024
Proposed Elevations	07	1037507	29/04/2024
Design & Access Statement	-	1037511	29/04/2024
Climate Change Statement	-	1037515	29/04/2024
Highway Report	-	1037514	29/04/2024
Parking Survey & Traffic Impact Summary	-	1059000	23/09/2024

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.

Concerns were raised in terms of highways. Additional information has been supplied.

**Report Dated** 11/10/2024

