

**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:	2024/62/90976/E
Site Address:	Jamia Al Saeed Mosque, 160, Bromley Street, Hanging Heaton, Batley, WF17 6LB
Description:	Change of use from Mosque to remote taxi booking office and Mosque
Recommending Officer:	Elenya Jackson

DECISION – Conditional Full 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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 23 July 2024

OFFICER REPORT

Site Description

Jamia Al Saeed Mosque, 160, Bromley Street, Hanging Heaton, Batley, WF17 6LB is a large stone built detached building which is currently in use as a mosque with associated offices.

The site is located within a residential street scene; however, there is a large expanse of hard surfacing surrounding the site.

Description of Proposal

The applicant is seeking permission to change to use of the building from a mosque into a taxi booking office. From reading the design and access statement submitted to support the application, officers understand that the change of use would relate to an office within the building. As such, the building would have a mixed use as a result of the proposal.

Relevant Planning History

There are no previous permissions on site.

Representations

The application was advertised by neighbour letters which expired on 3/06/2024.

Four representations were received which raised the following concerns:

- Noise
- Parking
- Increased Traffic
- Loss of privacy
- Inaccurate site photos given to officers

Consultation Responses

KC Highways DM: Informal consultation undertaken on 12/06/2024.

KC Environmental Health: Informal consultation undertaken on 13/06/2024

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 27th February 2019).

The site is unallocated on the Kirklees Local Plan Proposals Map

On 12th 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
- **LP 21** – Highway safety and access
- **LP 22** – Parking
- **LP 24** - Design

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 6th 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.

- LP 1 – Achieving sustainable development
- LP 2 – Place shaping
- LP7 – Efficient and effective use of land
- LP 21 – Highway safety
- LP 22 - Parking
- LP 24 – Design
- LP 30 – Biodiversity
- LP 48 – Loss of Community Facilities
- LP 53 – Contaminated and Unstable Land

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Negotiations
- 7) Conditions
- 8) Conclusion

1 – Principle of development:

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. This policy stipulates proposals that accord with policies in the KLP will be approved without delay, unless material considerations indicate otherwise. Policy LP24 of the KLP is the overarching policy in relation to the design of all proposals, requiring them to respect the appearance and character of the existing development in the surrounding area as well as to protect the amenity of the future and neighbouring occupiers, to promote highway safety and sustainability.

Policy LP2 of the Kirklees local Plan states that:

“All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the local plan, in order to protect and enhance the qualities which contribute to the character of these places, ...”

The development proposal seeks to alter a community facility. Local Plan Policy LP48 is particularly relevant in this situation and outlines the general principles for assessing community facility developments. These are as follows:

“Community facilities should be provided in accessible locations where they can minimise the need to travel or they can be made accessible by walking, cycling and public transport. This will normally be in town, district or local centres”

The following supporting text also provides commentary as to how the council will determine community facility developments/planning applications:

“Proposals will be supported for development that protects, retains or enhances provision, quality or accessibility of existing community, education, leisure and cultural facilities that meets the needs of all members of the community..”

The proposal is to change the use of the property from an office to a private vehicle hire taxi office; however, the proposal will constitute only a partial change of use with the predominant use being retained as the mosque. The submitted plans indicate that part of an existing office will be set aside for the taxi office use, with an existing employee operating it on a part time basis.

It is considered that the principle of the development is acceptable and the proposals impact on the visual amenity, future and neighbouring occupiers, highway safety and sustainability shall be assessed below.

2 – Impact on visual amenity

Policy LP24 of the Kirklees Local Plan, consistent with chapter 12 of the NPPF, states that the form, scale, layout and details of all development respects and enhances the character of the townscape.

Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

Local Plan Policy LP24 states that all proposals should promote good design by ensuring the following:

‘the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape’ and that ‘extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers’.

As no changes are proposed externally to the site, it is considered that the proposals would be in accordance with Local Plan Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

3 – Impact on residential amenity:

Policy LP24 of the Kirklees Local Plan requires of developments, a good standard of amenity for future occupants and neighbouring occupiers, as well as a minimising of the impact on residential amenity of future and neighbouring occupiers.

The property would not require any external alterations to be converted.

The proposal would not adjoin any neighbouring properties and would not require any physical alterations. As there are no external alterations to the

elevations no concerns would be raised regarding overlooking overshadowing/loss of light.

KC Environmental Health have been consulted on the application and have not raised any concerns regarding noise.

The proposal would be operated by existing members of staff associated with the mosque.

The design and access statement highlights that vehicles would be kept at the home address of employed individuals and bookings would be taken via an unmanned computer system which can be accessed remotely. The site currently has three part time members of staff which would be retained if the building received planning permission.

Overall, it has been considered that the proposal would have an acceptable impact on residential amenity and would be compliant with the aims of Policy LP24 (c) of the KLP.

4 – Impact on highway safety:

KC Highways DM have been informally consulted as part of this application. It has been clarified in the design and access statement that the proposal would not increase traffic at the site as vehicles will be kept at the employees' home addresses.

Taking into account the existing use of the site, HDM would have no objections subject to conditions which prevent the vicinity of the site being used in conjunction with the proposed use.

As such, subject to conditions, the scheme would not represent any additional harm in terms of highway safety and as such complies with Policy LP22 of the Kirklees Local Plan.

5– Other matters:

Carbon Budget

The proposal is a small scale development. 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.

The proposal is for a material change of use of an existing unit. Further conditions attendant to the climate change agenda are on balance not considered necessary in this instance in light of the six tests of planning conditions set out in National Planning Practice Guidance (NPPG).

6 – Representations:

- Noise

Officer response: The proposal is for the change of use of an office within an existing building. The office is to be operated by an individual who currently works at the site, can be accessed remotely and the details within the design and access statement show that the vehicles associated with the business will not be kept at the property. It is considered that subject to conditions, there would be no significant additional noise concerns.

- Parking

Officer response: The details within the design and access statement show that the vehicles associated with the business will not be kept at the property. Conditions are also proposed restricting vehicles associated with the site.

- Increased Traffic

Officer response: The details within the design and access statement show that the vehicles associated with the business will not be kept at the property. Conditions are also proposed restricting vehicles associated with the site. It is considered that the proposal would not significantly increase the amount of traffic above the existing uses.

- Loss of privacy

Officer response: The proposal is for the conversion of an existing office into a taxi booking office. It is considered that no additional harm in the form of overlooking, loss of light or overbearing would occur.

- Inaccurate site photos given to officers

Officer response: A site visit has been undertaken by officers to determine this application to form an officer view.

7 – Negotiations:

No negotiations were required.

8 – Proposed conditions

Along with the standard timescale condition, which is a requirement of Section 91 of the Town and Country Planning Act 1990 and development to be carried out in accordance with the plans.

No vehicles in association with the business shall call at the premises in accordance with the details submitted.

9 – Conclusion:

This application to change the use to form a private hire vehicle office 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 proposed alteration is 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: 2024/90976

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. No taxi, mini-cab or any other private hire vehicle associated with the development including freelance drivers operating through the operators of the premises shall call at or within the vicinity of the site for any purposes, including waiting, taking orders or instructions, depositing or collecting clients, making payments, for taking refreshments or any other purpose.

Reason: In the interest of highway safety in accordance with Policies LP21 and LP22 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

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.

Plans and specifications schedule: -

Plan Type	Reference	Date Received
Proposed Plans and Elevations	24.2757.01A	19/04/2024
Design and Access statement		19/04/2024

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.

Officers amended the description of the proposal during the application to refer to the existing use of the site being retained.