

**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:	2024/62/92405/W
Site Address:	Jamia Masjid Bilal, 245, Yews Hill Road, Lockwood, Huddersfield, HD4 5DE
Description:	Erection of external canopy
Recommending Officer:	Molly Storer

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: 21-OCT-2024

Officer Report

Site Description

Jamia Masjid Bilal is a mosque situated between Park Road (west) and Yews Hill Road (north) and a cobblestoned narrow road called Yews Lane (south) to form a triangular site. The site itself is on different topographical levels as from the east there is a decline in levels westwards and steeply southwards. It consists of a collection of grouped buildings of varying architectural styles constructed of natural stone and blue slate roof, surrounded by hard surfacing. The eastern corner has had its ground levels raised by a supporting wall halfway down Yews Lane to form a car parking triangular area, which offers access to the main building from the north elevation.

Jamia Masjid Bilal is a large two storey building which abuts the raised car parking area to present itself as one storey when viewed from Yews Hill Road and when viewed from Yews Lane, its full form is revealed. The porch facing Yews Lane has an elevated doorway with steps providing access into Jamia Masjid Bilal. To the west of the main building is a double jointed building half the width of the main building but two thirds the length, curving when it hits Yews Hill Road and following the road to the west corner. The double jointed building has a small upwards extension to support a white dome with green sides to distinguish the building as a mosque. In between the two major buildings is an infill development facing Yews Hill Road. The building also hosts a single storey extension on the southeastern corner of the main building which was approved under application 2020/93111.

Description of Proposal

Planning permission is sought for the erection of an external canopy.

The canopy would be located towards the southwest of the site and would boarder the existing retaining wall which separates the site from Park Road.

The canopy would measure 31m x 6.5m but will have a corner cut off where the building extends towards the northwest of the site.

It will be open sided and will be set above 12 steel columns at a height of 3.1m towards the south of the site and due to the topography of the site and the land sloping upwards from south to north, at the north of the site will be set 2.4m above the ground level.

The roof of the canopy will be constructed from steel box profile roofing sheets, to be coloured dark grey with a gable roof form.

History of negotiations/amendments received

None.

Relevant Planning History

2020/93111 - Erection of single storey extension - Conditional full permission

2002/93118 – Erection of Extension to Main Hall, New Ablutions and New Entrance (Modified Proposal) - Conditional full permission

2001/90688 – Erection of Extension to Main Hall, New Ablutions and New Entrance - Conditional full permission

93/00115 – Change of Use of Part of Mosque to 1 No Residential Unit - Conditional full permission

95/93217 – Erection of Porch (Modified Proposal) - Conditional full permission

95/91915 – Erection of Extensions to Mosque - Conditional full permission

Representations

We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters which expired on: 9th October 2024.

No representations have been received.

Consultation Responses

No consultees required.

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.

Kirklees Local Plan (LP):

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP21 – Highway Safety
- LP22 – Parking Provision
- LP24 – Design

- LP48 – Community Facilities
- LP51 – Protection and Improvement of Local Air Quality
- LP52 – Protection and Improvement of Environmental Quality

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, 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 planning consideration in determining applications.

- Chapter 2 – Achieving Sustainable Development
- Chapter 4 – Decision-Making
- 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

Legislation

- The Town & Country Planning Act 1990 (as amended).
- The Planning and Compulsory Purchase Act 2004.

Assessment

The following matters are considered in the assessment below –

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

1) Principle of Development

Chapter 2 of the NPPF introduces the presumption in favour of sustainable development, which is the focus of policy LP1 of the Kirklees Local Plan (KLP). This policy stipulates that 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. These considerations, along with others, are addressed in the following sections in this report.

Policy LP48 of the Kirklees Local Plan sets out that 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 development seeks works for a canopy to a mosque to provide shelter for members and visitors, which is considered to enhance the provision of the outdoor space making this area more usable for the facility in accordance with policy LP48.

In this case, the principal of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations.

2) Visual amenity

In terms of visual amenity, general design considerations are set out in Policy LP24 of the Local Plan and Chapter 12 of the NPPF, which seek to secure good design in all developments by ensuring that they respect and enhance the character of the townscape and protect amenity.

The canopy, although relatively large in comparison to the building, would be open sided and therefore would not result in any significant undue bulk/massing at the site. The use of dark grey steel cladding and gable ends will harmonise with the colour and design of the host building's roof.

The canopy would not be out of character with the area which consists of industrial buildings utilising a range of different materials and uses. It is also noted that the structure would not be largely visible from Yews Hill Road which consist of more residential dwellings where the structure could appear more out of place.

Therefore the steel structure, in light of the above the design of the proposal is considered to be acceptable and accord with Policy LP24 of the Local Plan.

3) Residential amenity

Section B and C of LP24 states that alterations to existing buildings should:

“...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers.”

Policy LP52 states that proposals which have the potential to increase pollution from, amongst other things, noise must include suitable and sustainable mitigation measures to protect the quality of life and well-being of people.

Further to this, Paragraph 135 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users. Paragraph 191 states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health by (amongst other things) mitigating and reducing to a minimum potential adverse impact resulting from noise.

The proposed canopy would be separated from the shared boundary with the closest residential property to the east, No. 235 Yews Hill Road by over 40 metres. Given this extent of separation and the nature of development, it is not considered that any undue impacts of overbearing or overshadowing will be created. With regards to residential properties to the north/northwest, these would be screened by the main building at the site and in any case would have a separation distance of over 25m, resulting in no significant overbearing/overshadowing impact. These separation distances are considered sufficient to mitigate any additional noise that may be created by members/visitors utilising this outdoor area.

To its south, there is brownfield land and beyond a car park accessed off Park Road. To the southwest bordering Park Road, 'Park Gear Works' a factory would have appropriate distance to the canopy to not be affected.

For these reasons, the proposed development is not considered to cause undue harm to the residential amenities of neighbouring properties. It is therefore considered that the proposed development complies with Chapter 12 of the NPPF and Policy LP24 of the Kirklees Local Plan.

4) Highways

Policies LP21 and LP22 of the Kirklees Local Plan relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highways Design Guide SPD, which seeks to ensure acceptable levels of off-street parking, is also relevant.

The proposed canopy is not considered to impact upon existing access to and from the site in conjunction with the adjoining highway, nor the number of parking spaces.

In turn, the scheme would appropriately accord with Chapter 9 of the NPPF and LP21 and LP22 of the Kirklees Local Plan.

5) Other matters

Climate Change –

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.

A Climate Change Statement was submitted as part of this application, which set out various mitigation measures.

Considering the small development proposed, it is considered that the proposal would not have an impact on climate change that needs any further mitigation to address the climate change emergency. The proposed development would therefore comply with Chapter 14 of the NPPF and Policy LP51 of the Kirklees Local Plan.

Ecology:

Chapter 15 of the National Planning Policy Framework is relevant, together with the Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

The application site lies within the bat alert layer on the Council's GIS system.

Given the principle of development been sought, a canopy, it is not considered that the proposed works would have the potential to disrupt any roosting bats at the site if they were to be present.

Biodiversity Net Gain is now mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) and therefore, developments must deliver a Biodiversity Net Gain of 10%, utilising the statutory Biodiversity Net Gain metric. However, this is subject to some exceptions, including development below a de minimis threshold. This application is considered to fall within the de minimis exception.

Notwithstanding this, as a cautionary measure, in the event of any grant of permission, a note is recommended to be attached to the decision notice, stating that if bats are found, development shall cease and the advice of a licensed bat worker sought. This is to accord with the aims of Chapter 15 of the NPPF.

6) Representations

No representations have been received.

Conclusion

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. This application has been assessed against relevant policies in the development plan and other material considerations.

It is considered that the development constitutes sustainable development and is therefore recommended for approval.

Recommendation - Approve

Decision Authorisation - Delegated Powers

Application Number: 2024/92405

Officer Recommendation: Approve

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: To ensure compliance with 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 specification 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 Policies LP1, LP2, LP21, LP22, LP23, LP24, LP48, LP51, LP52 of the Kirklees Local Plan and Chapters 2, 4, 12, 14 and 15 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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Proposed Plan and Site Plan	2469-0301-P02	-	27/08/2024
Existing elevations	2469-0102-P01	-	27/08/2024
Existing floor plans	2469-0101-P01	-	27/08/2024
Proposed elevations	2469-0302-P02	-	27/08/2024
Application form	-	-	27/08/2024
Climate change statement	-	-	27/08/2024

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 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. No amended plans were sought.

Report Dated:

22nd October

2024