
Report of the Head of Development Management**HEAVY WOOLLEN PLANNING SUB-COMMITTEE****Date: 23-Feb-2017****Subject: Planning Application 2015/92174 Demolition of existing dwelling and erection of three storey extension and internal alterations to extend existing mosque****21-29, Warren Street, Saville Town, Dewsbury, WF12 9LU****APPLICANT**

M Ghuasia

DATE VALID

30-Sep-2015

TARGET DATE

25-Nov-2015

EXTENSION EXPIRY DATE

03-Mar-2017

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN

Map not to scale – for identification purposes only

Electoral Wards Affected: Dewsbury South

No

Ward Members consulted

RECOMMENDATION:

DELEGATE approval of the application to the Head of Development Management in order to complete the conditions listed in this report (and any added by the Committee) and to issue the decision notice.

1.0 INTRODUCTION:

- 1.1 The application relates to The Warren Street Mosque and the adjoining property no. 29 Warren Street. The application has been brought to Heavy Woollen Planning Sub-Committee due to the level of representation received.

2.0 SITE AND SURROUNDINGS:

- 2.1 The existing Warren Street Mosque incorporates nos.21-15 Warren Street and is part of a longer row of two storey terrace properties of stone construction. The mosque has a two storey extension to the rear of the building and a single storey to the front with a minaret.
- 2.2 The adjacent dwelling no.29, is a three storey detached property of traditional construction with a large gable feature to front and rear. It is set in relatively small grounds with gardens to front and rear and driveway to one side.
- 2.3 The surrounding area is mainly residential, made up of rows of terrace dwellings and occasional larger traditional property. There are also a number of educational buildings and places of worship in the area.

3.0 PROPOSAL:

- 3.1 The proposal is for the demolition of no. 29 Warren Street and the erection of an extension to the existing mosque. The extension would be three storeys having the same ridge height as the existing dwelling. It would extend across the full width of the plot and would follow the same building line to the front of the existing mosque. The single storey element to the front of the existing mosque would project across the front of the proposed extension. To the front there would be two large dormers in the roof.

- 3.2 The extension would provide an additional female prayer room at ground floor with 4 classrooms per floor on the first and second floor. There would also be additional toilet, ablution and shower facilities as well as internal alterations to the existing mosque.
- 3.3 The amended plan (received 25/01/17) shows 3 parking places and a bin store to the front of the building.
- 3.4 The extension would be constructed from natural stone and tiles to match the existing with uPVC doors and windows.
- 3.5 A supporting statement was submitted on 30/01/17 which gives details of the times of prayer and the number of attendees at prayer and at the madrassah; it also details the number of car journeys made.
- 3.6 Further supporting information in the form of a Travel Plan was submitted on 14/02/17. This gives numbers of attendees at the mosque and madrassah. The proposals also include a designated crossing zone for children and promotion of a car sharing scheme and alternative travel options.

4.0 RELEVANT PLANNING HISTORY:

2007/95026 Erection of Conservatory - Approved.

2002/94204 Change of use of 21 Warren Street to extend existing mosque and erection of 2 storey extension (modified proposal) - Approved.

2001/92412 Change of use of 21 Warren Street to extend existing mosque and erection of 2 storey extension - Approved.

87/05699 Erection of extension to mosque - Approved.

86/02776 Continued use of dwelling as mosque, madrassah and dwelling - Approved (23/25 Warren Street).

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 14/3/16. Concerns initially raised by the planning officer regarding the scale of the proposed extension to replace the dwelling. Amended plans were submitted but these did not address the main concerns. There was also a lack of any information in terms of the numbers of attendees.
- 5.2 7/09/16 Amended plans received to address concerns with the proposed front elevation. These amendments were still not acceptable.
- 5.3 25/01/17 final set of amended plans received.
- 5.4 30/01/17 Supporting Statement received in response to objections received from the Highways Development Management Officer.

5.5 14/02/17 Amended supporting statement received including a Travel Plan.

6.0 PLANNING POLICY:

6.1 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 Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was published for consultation on 7th November 2016 under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Council considers that, as at the date of publication, its Local Plan has limited weight in planning decisions. However, as the Local Plan progresses, it may be given increased weight in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. Pending the adoption of the Local Plan, the UDP (saved 2007) remains the statutory Development Plan for Kirklees.

The site is unallocated on the UDP proposals map.

6.2 Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

D2 - General Development policy.
BE1 – Design principles
BE2 – Quality of design
C1 – Community facilities
EP4 – Noise sensitive development.
H4 - change of use of dwellings.
T10 – Highway safety
T19 – Parking standards
G6 - contaminated land.

6.3 Supplementary Planning Guidance / Documents:

None relevant

6.4 National Planning Guidance:

Chapter 7 – Requiring good design
Chapter 8 – Promoting healthy communities
Chapter 11- Conserving and enhancing the natural environment.

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application was initially publicised by letters, site notice and newspaper advert. Amended plans were publicised on 20/12/16 and again in January 2017, with the final publicity expiring on 10/02/17.

- 7.2 Four (4) letters of objection were received to the original publicity along with a 35 signature petition.
- 7.3 Further four (4) letters and petition received (30 signatures) in response to the second round of publicity.
- 7.4 A summary of the issues raised are as follows:
- Traffic volumes.
 - Road safety. Difficult for pedestrians and children to cross the road.
 - Lack of parking.
 - Increase in pollution and littering.
 - Increase in noise.
 - Youngsters hanging around.
 - Proximity of the extension to the boundary of no. 1 Chapel Street.
 - Loss of light, privacy and increase in noise to no. 1 Chapel Street.
 - Creation of fire exit would infringe on privacy.
- 7.5 The petition is accompanied by a planning consultant's letter which states the following:
- The amended plans do not address the valid concerns raised by the residents.
 - The scale and massing remains the same and does not relate to that of neighbouring properties.
 - No off street parking provided.
 - The proposals do not address the highways issues.
 - The proposals are contrary to policies T10, BE2 and C2 of the UDP and chapter 7 of the NPPF.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Highways Development Management - Object to the proposals on the grounds of highway safety. There have been a number of accidents in the vicinity and the proposals would add to the problems.

Health & Safety Executive - It is considered unlikely that methane would migrate this distance in sufficient quantities to present a hazard. Having said this, it would be appropriate to attach a footnote to any permission informing the applicant of the detected methane levels.

8.2 Non-statutory:

K.C Flood Management and Drainage - No comments to make given the scale and nature of the development.

K.C. Strategic Waste - Land fill gas monitoring shows methane levels up to 7% v/v and carbon dioxide up to 5% v/v.

KC Environmental Health - No objection in principle. Require condition regarding unexpected contamination and footnote regarding construction noise.

Yorkshire Water - No comments received.

9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Residential amenity
- Landscape issues
- Housing issues
- Highway issues
- Drainage issues
- Planning obligations
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

- 10.1 The site is unallocated on the Unitary Development Plan proposals map and on such sites there is a presumption in favour of development providing that the proposals would not cause harm to highway safety, residential and visual amenity or any other relevant considerations.
- 10.2 These impacts will be considered in greater detail in the below assessment.
- 10.3 The existing building is a place of worship (Ghuasia Centre) and therefore an established community facility. Paragraph 70 of the NPPF states that planning policies and decisions should “ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable and retained for the benefit of the community”. The proposed extension would allow the facility to develop and as such the principle of development is acceptable providing the proposals do not prejudice highway safety, and visual and residential amenity.

Urban Design issues

- 10.4 The existing dwelling on the site is an attractive traditional, stone built property featuring steep gables with a natural slate roof. The other nearby dwellings are mainly smaller, stone built terrace dwellings, many of which have been unsympathetically extended.

- 10.5 In terms of the scale, the proposed extension would have a larger footprint than the existing dwelling but would retain the same ridge height and the same roof pitch to match the existing building. Whilst it is acknowledged this would result in an increase in the bulk of the development, this is not considered to be out of character in this area where other large extensions (albeit to residential properties) have been built. At the rear of the site the extension would be set back from the boundary where there would be a single storey element, with the 3 storey part of the extension being set back a further 2m.
- 10.6 The front elevation has been amended to improve the visual relationship with the existing building; this includes setting the single storey extension back slightly to reduce the linear appearance of this part of the development. Discussions also took place regarding the proposed dormers to the front. The resulting dormers are a compromise between small dormers which would not provide any usable space and 3 larger dormers which would have visually unbalanced the front elevation. The proposed 2 dormers would have a hipped-roof design and would be set down from the ridge but would be built flush with the front elevation.
- 10.7 When evaluating the design issues in relation to this proposal it is important to understand the context. This is an area where there is a high demand for community facilities with very little space available to provide them. It is also in an area which is unallocated on the UDP and whilst good design is important it is not necessarily the overriding factor and a balance must be achieved. As the NPPF states in paragraph 60 “planning decisions should not attempt to impose architectural styles or particular tastes... through unsubstantiated requirements to conform to certain development forms or styles”.
- 10.8 Whilst the extension would undoubtedly appear as a new and fairly prominent element in the streetscene, it is not considered, by officers, to be out of character with the surrounding development.
- 10.9 Overall therefore the proposed extensions would be acceptable in terms of visual amenity and in accordance with policies D2, BE1 and BE2 of the UDP and Chapter 7 of the NPPF.

Residential Amenity

- 10.10 The main properties to be affected by this development would be those to the rear of the site, the closest property being no. 1 Chapel Street. The dwelling which is currently on the application site has a rear elevation which faces over an access road serving the rear of these dwellings on Chapel Street and also faces over part of the rear garden. The proposed extension to the mosque would be set slightly further back on the site (closer to the access yard) and would have the same ridge height as the existing dwelling. As such there is likely to be some additional impact from the scale of the building on any properties to the rear to that already existing.

- 10.11 In terms of fenestration the proposed extension would feature windows serving the toilet facilities and a series of classroom windows. The classroom windows would only have a direct relationship with the rear access yard and therefore any overlooking would be limited. In comparison the existing dwelling features habitable room windows which have a more direct relationship with the rear of no.1 Chapel Street.
- 10.12 With regard to any disturbance from the new facilities and the uses, it is likely that there would be a slight increase in the noise from the mosque due to the proximity of the extension to residential properties. Whether this would result in significant harm to residential amenity needs to be assessed and in this respect, Environmental Health has been consulted regarding the proposals. They have not raised the issue of noise in their response. Given this it is considered that there is unlikely to be any additional adverse impact in terms of noise from the proposed extension.
- 10.13 The proposals are therefore considered to be in accordance with policies BE1, EP4 and C1 of the UDP, as well as chapter 11 of the NPPF with regard to residential amenity.

Landscape issues

- 10.14 The proposals provide very little in the way of space for any landscaping around the site, as such it is the view of officers that it would not be appropriate to require any landscaping details by condition.

Housing issues

- 10.15 The proposal involves the loss of one dwelling. Whilst Policy H4 of the UDP refers to the change of use of dwellings, the principles behind the policy would be relevant to the loss of this dwelling. The policy does state that, whilst the change of use of a dwelling would not normally be acceptable, the change to a community use would be appropriate.

Highway issues

- 10.16 The proposals involve a substantial increase to the floor area of the existing mosque. The extension would provide 8 classrooms and a female hall, none of which are indicated on the existing floor plans.
- 10.17 The amended plans indicate that there would be 3 parking places provided to the front of the building, however this is in an existing part of the mosque and there are none proposed on the site of the extension. The agent has stated that there would not be additional vehicle journeys as the attendees would be local and arrive on foot.
- 10.18 In their initial response, Highways Development Management (HDM) considered that the proposed extension would result in intensification of on-street parking and manoeuvring on this part of Warren Street which would be detrimental to both highway and pedestrian safety. In support of this objection

HDM has provided information of number of accidents which have occurred in the vicinity of the mosque. They advise that unless the applicants can demonstrate that this proposal would not result in a significant intensification in use, this application should be refused on highway safety grounds.

10.19 Further to these comments, additional information was submitted by the applicant who provided basic numbers of attendees and vehicle movements associated with the existing mosque. The amended Planning Statement submitted on 14/02/17 provided, in brief, the following information:

- A meeting took place on 26/01/17 to which all concerned residents were invited; The Travel Statement was amended accordingly.
- Maximum number of attendees at the mosque for prayers is currently 60 for evening prayer, 150 for Friday prayers and 80 children attending the Madrassah.
- The projected number remains unaltered for the prayers but increases to 100 children attending the Madressah.
- A drop off zone is proposed on Greenwood Street with children walking the remaining distance.
- The mosque will promote car sharing and encourage children and parents to walk to the mosque.

The applicant also maintains that the extension is purely to provide an improvement to the existing facilities and not to increase the number of attendees, although it is noted from the submitted information that there would be a projected increase from around 80 to 100 children attending the Madressah. HDM have considered this information further, and maintain their concerns regarding the proposals.

10.20 Taking a balanced view, which takes account of the existing use of the site, the surrounding area, the representations received, and the supporting information submitted during the course of the application, together with the proposals to work with the local community and Councillors to improve highway safety around Warren Street, officers are of the opinion that the proposals would enhance the existing facility at the site. In order to ensure that this remains the case, a condition is recommended to be imposed which restricts the number of attendees to those stated in the submitted Travel Plan and that the development is carried out in accordance with the aims and details submitted in the Travel Plan.

10.21 To conclude, and on balance, subject to the inclusion of recommended conditions, it is the assessment of the planning officer that the proposals would not materially add to highway safety implications and would accord with the aims of policies D2 and T10 of the UDP.

Drainage issues

10.22 K.C Flood Management and Drainage were consulted on the application, however given the scale and nature of the development they have no comments to make. Given that this is an extension to a building which would

replace an existing dwelling it is likely that any connections would be to the existing system. Building Control and Yorkshire Water would be the relevant bodies to regulate this. The proposal is considered to comply with the aims of chapter 10 of the NPPF.

Representations

10.23 In total 8 letters of objection have been received along with 2 petitions. The main issues raised are addressed by officers as follows:

1. Traffic volumes.
Response: *This has been addressed in the main report under Highways Issues.*
2. Road safety.
Response: *This has been addressed in the main report under Highways Issues.*
3. Lack of parking.
Response: *This has been addressed in the main report under Highways Issues.*
4. Increase in pollution and littering.
Response: *There is no evidence submitted which suggests that this would result from the development.*
5. Increase in noise.
Response: *This has been addressed in the main report under residential amenity.*
6. Youngsters hanging around.
Response: *There is no evidence submitted which suggests that this would result from the development.*
7. Proximity of the extension to the boundary of no. 1 Chapel Street.
Response: *This has been addressed in the main report under residential amenity.*
8. Loss of light, privacy and increase in noise to no. 1 Chapel Street.
Response: *This has been addressed in the main report under residential amenity.*
9. Creation of fire exit would infringe on privacy.
Response: *confirmation has been requested from the applicant that this would not be used as a general access. A condition can also be included restricting this to emergency exit only.*

10.24 The petition is accompanied by a planning consultant's letter which states the following:

- The amended plans do not address the valid concerns raised by the residents.
- The scale and massing remains the same and does not relate to that of neighbouring properties.
- No off street parking provided.
- The proposals do not address the highways issues.

- The proposals are contrary to policies T10, BE2 and C2 of the UDP and chapter 7 of the NPPF.

Response: *All of the above issues have been considered in the report.*

Planning obligations

10.25 None required.

Other Matters

10.26 *Landfill Gas* - The site is also close to an old land fill site as such there is the risk from land fill gas. The councils Environmental Strategic Waste officer was consulted on this and returned the latest landfill gas readings from the site. The Council's Minerals Health and Safety officer has commented that the methane levels recorded on the nearby tipped site following the most recent monitoring exercise fall within the lower explosive limit. However as the site is approximately 150 metres from the generation source it is considered unlikely that methane would migrate this distance in sufficient quantities to present a hazard. Nonetheless, it would be appropriate to attach a footnote to any permission informing the applicant of the detected methane levels.

10.27 There are no other matters considered relevant to the determination of this application.

11.0 CONCLUSION

11.1 The proposals are for a fairly large extension on a confined site, there would undoubtedly be some slight adverse impact on visual and residential amenity from the proposals. However this has to be weighed against the benefits of providing the community facility in this locality. There is clearly a functional need for this development in this area and it is the assessment of the officer that on balance, the proposals are acceptable with the inclusion of appropriate conditions.

11.2 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.

11.3 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.

12.0 CONDITIONS (Summary list – The full wording of conditions including any amendments/additions to be delegated to the Head of Development Management)

1. Time limit of 3 years for implementation of development.
2. Development to be carried out in accordance with approved plans.
3. Facing stone to match that used on the existing building.

4. Roof slate to match that used on the existing building.
5. Reporting of any unexpected land contamination.
6. Restriction of the use of the fire exit.
7. The development is carried out in accordance with the details and aims of the submitted Travel Plan.
8. The maximum number of attendees for evening prayer not to exceed 60 worshippers; The maximum number attendees for Friday prayer not to exceed 150 worshippers; The maximum number of children in the Madressah classrooms not to exceed 100 children at any one time; as set out in the submitted Travel Plan.

Background Papers:

Application and history files.

Application link:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2015%2f92174>

Certificate of Ownership – Certificate A signed on 6 July 2015.