
Report of the Head of Development Management

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 18-May-2017

Subject: Planning Application 2016/92558 Temporary Permission for the erection of single storey linked modular units Masjid-E-Noor Education Centre, Lees Hall Road, Thornhill Lees, Dewsbury, WF12 9HF

APPLICANT

Abdul Hakim, Masjid-E-Noor Education Centre

DATE VALID

27-Jul-2016

TARGET DATE

21-Sep-2016

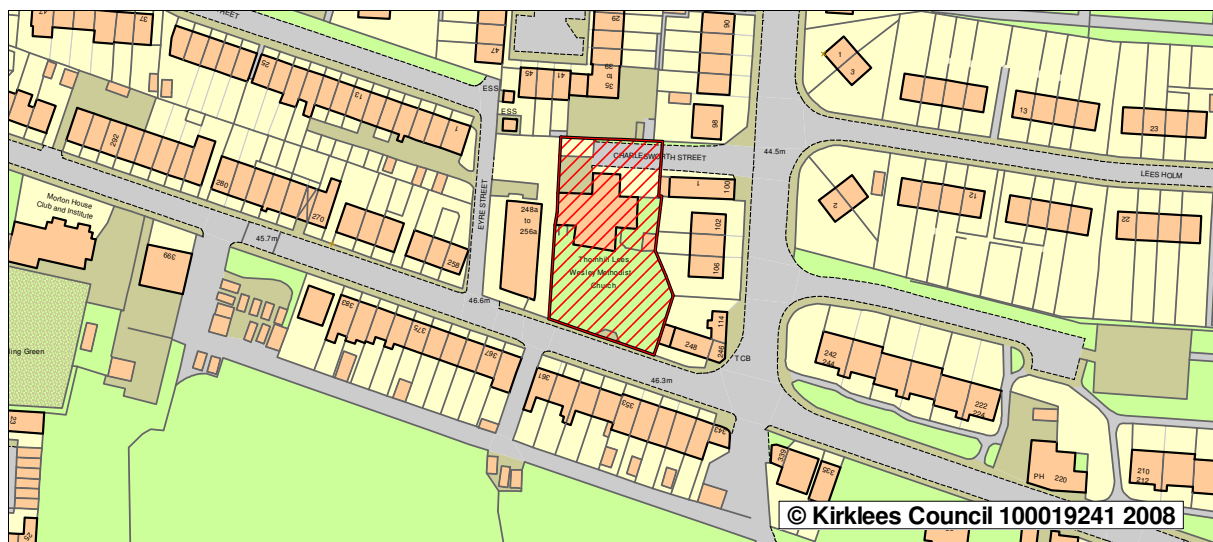
EXTENSION EXPIRY DATE

10-Apr-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: REFUSE

1. Insufficient information has been submitted to enable an assessment of the highway implications arising from the proposed development. No additional parking provision has been included within the proposals and as such the intensification is considered to represent a significant hazard in terms of highway safety. To permit the proposals would be contrary to policies D2, BE1, T10 and T19 of the Kirklees Unitary Development Plan and the aims of chapters 7 & 8 of the National Planning Policy Framework.

1.0 INTRODUCTION:

- 1.1 The application is brought to the Heavy Woollen Planning sub-Committee for determination in accordance with the Council's scheme of delegation at the request of Councillor Masood Ahmed for the following reason: *"I would like the members to consider the highway safety implications of the proposals. As the education centre is an existing community facility mainly used by the residents of Thornhill Lees, the requirement for the additional parking facilities could be considered to be overly burdensome."*
- 1.2 The Chair of the Sub-Committee has confirmed that Councillor Masood Ahmed's reason for making this request is valid having regard to the Councillor's Protocol for Planning Committees.
- 1.3 It is the opinion of officers that the proposed single storey modular units would represent an increase in the users of the facilities with no increase in the parking facilities for the centre. This would result in increased on-street parking to the detriment of highway safety. The proposal therefore would be contrary to Kirklees Unitary Development Plan Policy and the National Planning Policy Framework.

2.0 SITE AND SURROUNDINGS:

- 2.1 The Masjid-E-Noor Education Centre on Lees Hall Road is a stone built building, formerly a Methodist chapel, set back off the main road with a large car park. The building itself consists of 3 distinct elements, the main hall and lesser section to the side and a more modern flat roofed extension to the front. The main section of the building is traditional in appearance with stone

detailing. There is also a detached outbuilding in the grounds to the front of the building. At the time of the site visit (09/08/2016) work was underway for the approved extensions (2014/93706) and there were a number of cabins to both the front and the rear of the building.

- 2.2 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.

3.0 PROPOSAL:

- 3.1 The applicant is seeking temporary permission for the installation of modular units to the rear of the education centre. The modular building would have a width of 21m, a depth of between 9.8m and 6.4m, an eaves height of 3m and an overall height of 4m. The building would have a clad finish which would combine boarding and a render. It is the intention the applicant to utilise the modular building as additional classroom facilities.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 2002/90615– formation of access ramp – Conditional Full Permission
- 4.2 2010/91863 – conversion from church to 4 flats – refused for the following reasons
1. The proposed development by virtue of its design significantly alters the fabric of this undesignated heritage asset which plays a significant contribution to the visual amenity and character of the area. To approve the application would be contrary to Policies BE1 and BE2 of the UDP and the National Planning Policy Framework.
 2. The proposal by virtue of its internal arrangement would result in overlooking at close quarter from the habitable room window to the western site boundary of the residential units to the west of the application site. To approve the application would be harmful to residential amenity and would be contrary to Policy D2 of the UDP.
 3. Insufficient information has been submitted to enable the Local Planning Authority to formally assess the impact of the proposal on protected species to approve the application without a bat survey would be contrary to the National Planning Policy Framework.
- 4.3 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 – granted and work commenced on site

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The initially submitted plans included a flat roof with a height along the boundary of 3.7m. As such, there were originally visual amenity concerns regarding such a large flat roofed structure representing an incongruous feature when considered with the traditional stylings of the former Methodist church and with residential amenity given the proximity to the surrounding residential properties. Amended plans have been provided which reduce the eaves height of the structure and incorporating a hipped roof form.

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** – Unallocated Land
- **BE1** – Design principles
- **C1** – Community Facilities
- **T10** – Highway Safety
- **T19** – Parking standards

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 publicised by letters and site notice with the publicity expiring on 30/08/2016.

7.2 Two (2) letters of objection were received to the original publicity.

7.3 A summary of the issues raised are as follows:

- Proximity of the extension to the boundary of no. 98 Brewery Lane.
- Loss of privacy to 98 Brewery Lane.
- Proximity to the neighbouring 250 and 250a Lees Hall Road

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Highways Development Management - Object to the proposals on the grounds of highway safety.

9.0 MAIN ISSUES

- Principle of development
- Visual Amenity
- Residential amenity
- Highway issues
- 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.

These impacts will be considered in greater detail in the below assessment.

10.2 The existing building is an education centre and therefore would be considered to be 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.

Visual Amenity

- 10.3 The Masjid-E-Noor Education Centre is a traditional stone building with stone detailing on the main element of the structure. Originally the building was constructed as a Methodist church with a large area to the front between the building and the road and there is a smaller area to the rear. The building has existing single storey extensions to the front and rear.
- 10.4 It is appreciated that the building offers a community facility in the form of an education centre. The Local Planning Authority has supported the enhancement of these facilities with the previous planning application and permission was granted in 2014 to form an internal mezzanine, extend and alter the design of the existing extensions and other alterations to the building. The original building had a floor area of 240 square metres and the approved works increase the size to 378 square metres approximately. Construction has commenced on the approved scheme.
- 10.5 The current scheme for the modular buildings would increase the floor space by a further 180 square meters approximately. Given the significant grounds the front and rear of the main building are significant, the site as a whole is considered to be a sufficient size to host the new building to the rear without overdeveloping the site.
- 10.6 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 and negotiations did take place between the officer, the applicant and the agent to ensure that the decision would be based upon the most appropriate design. As a result of the discussions, the design has been amended from the initial larger flat roofed structure to produce a more sympathetic relationship between the traditional style of the former Methodist church and the neighbouring residential properties with the reduction proposed for the eaves height and the use of a hipped roof form. The overall single storey nature of the building would not have a particularly offensive visual appearance in the context of the site. The use of a combination cladding and boarded finish could result in an acceptable visual appearance of the building.

Residential Amenity

- 10.7 The nearest properties to the site which would have the potential to be affected by the proposals would be 98 Brewery Lane and 35-39 Providence Court. The building is proposed to be sited along the northern boundary with the properties on Brewery Lane and Providence Court occupying a lower position than the education centre. To a lesser extent, the neighbouring properties to the west, 248 to 256 Lees Hall Road and the properties to the east 100 to 106 Brewery Lane also share boundaries with the site.

- 10.8 The structure would be single storey and the height to the eaves has been reduced to 3m and the roof form would be hipped away from the neighbouring properties to the rear. There would be no windows in positions which could represent any loss of privacy and the use as a class room is not considered to have the potential to impact on auditory issues or produce odours. As such, the buildings are not considered to represent any significant harmful impact in terms of the amenities of the neighbouring properties.

Highway issues

- 10.9 The site is located close to the junction of Brewery Lane and Lees Hall Road and would have the potential to impact on highway safety. As such, Highways Officers were consulted regarding the proposals. The following assessment is based on the comments of the Highways Officer.
- 10.10 The proposed extension will be in addition to the extensions and alteration proposed by planning approval 2014/93706 and will create an additional approximately 110 sqm of teaching space (D2 Assembly and Leisure).
- 10.11 The 2014 approval increased the size of the proposed gentlemen's prayer hall to the ground floor by removing an existing stage. The existing hall is approximately 80 sqm which increased to approximately 105sqm. A second female prayer hall of an approximately equal size to the ground floor gentlemen's prayer hall was proposed to be provided to the first floor.
- 10.12 The capacity of the two Halls is confirmed at 110 (55 in each hall) with 70 anticipated to attend (45 in prayer hall 1 and 25 in prayer hall 2). This is based on the information submitted with the 2014 application.
- 10.13 Based upon the capacity of the two halls and the proposals to provide improved parking facilities with 21 spaces Highways considered the 2014 application to be acceptable.
- 10.14 This application provides an additional approximately 110 sqm of teaching space (D2 Assembly and Leisure). No information is provided with this application regarding the anticipated numbers likely to attend.
- 10.15 The survey information provided with the 2014 application dated 26th February 2015 is potentially out of date given that it would have been undertaken prior to any works being undertaken to the extensions and alterations proposed by the 2014 application.
- 10.16 Recommended parking standards for this use class is 1 space per 6 children which should be in addition to the 2014 approval. The proposals under consideration do not meet this requirement and as such the proposal would be considered significant detrimental in terms of highway safety.

Representations

10.17 Two letters of objection were received. The main issues are addressed by officers below.

- Proximity of the extension to the boundary of no. 98 Brewery Lane and to 205 & 250a Lees Hall Road – *The impact on the neighbour's amenities is a material consideration and amended plans were negotiated to reduce the height of the building along the boundary to reduce the impact. The extension is single storey with a hipped roof which would take the emphasis up and away from the neighbours and as such would not be considered to be harmful with regards to the amenities of 98 Brewery Lane or 250 & 250a Lees Hall Road.*
- Loss of privacy to 98 Brewery Lane – *loss of privacy is a material consideration. There are no windows proposed which would face towards the neighbouring residential properties. Furthermore, there is a fence along the boundary at a sufficient height to screen the building. There would not be any loss of privacy as a result of the proposed building.*

Other Matters

10.18 There are no other matters to be considered.

11.0 CONCLUSION

11.1 It is the opinion of officers that the proposed single storey modular units would be unacceptable as they would represent an increase in the users of the facilities with no increase in the parking facilities for the centre which would be contrary to Kirklees Unitary Development Plan Policy and the National Planning Policy Framework. This would result in increased on street parking to the detriment of highway safety.

Background Papers:

Application details

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f92558>

Relevant history

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2014%2f93706+>

Certificate of Ownership –Certificate A signed on 23/07/2016