
Report of the Head of Strategic Investment

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 29-Jun-2017

Subject: Planning Application 2017/91139 Erection of place of worship and associated car park and landscape works (within a Conservation Area) 10, Oxford Road, Dewsbury, WF13 4JT

APPLICANT

A Vania

DATE VALID

31-Mar-2017

TARGET DATE

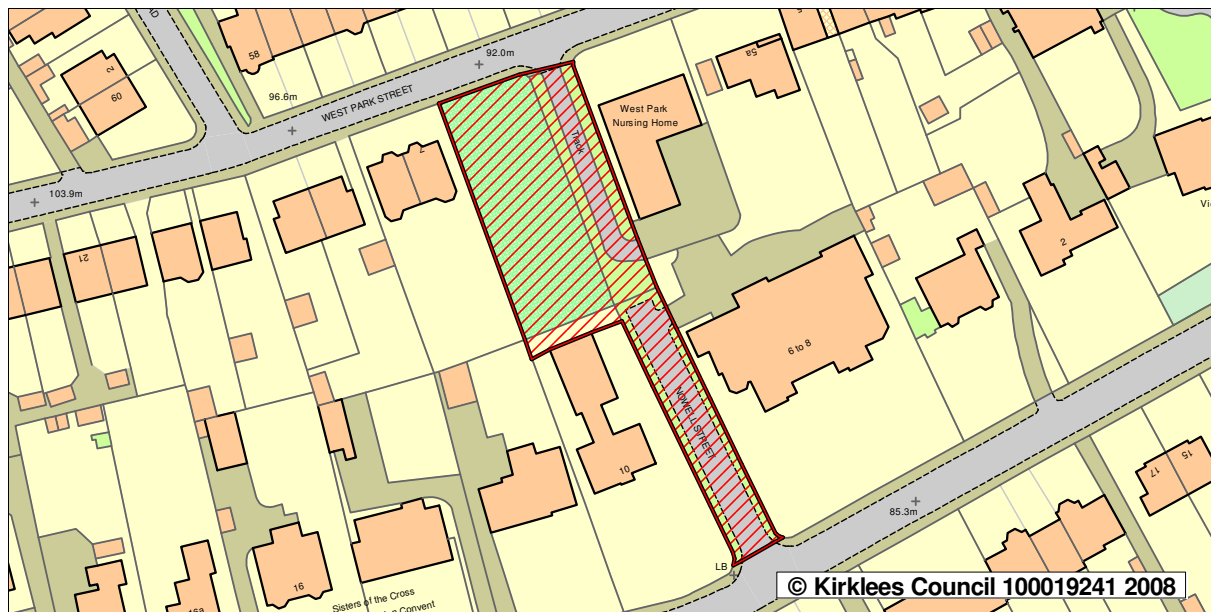
26-May-2017

EXTENSION EXPIRY DATE

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 West Ward

Yes

Ward councillors consulted

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions including those contained within this report.

1.0 INTRODUCTION:

1.1 This application is referred to the Heavy Woollen Planning Sub-Committee due to the high level of representations, both in support and in opposition, received in response to the periods of publicity of the application. This is in accordance with the Council's Scheme of Delegation.

2.0 SITE AND SURROUNDINGS:

2.1 The application site is located on the corner of Nowell Street and West Park Street and encompasses the derelict land to the rear of the existing Mosque building extending to West Park Street in addition to the inclusion of Nowell Street from the main site to Oxford Road.

2.2 The application site and land to the east is relatively level. West Park Street rises more steeply from east to west from the application site such that the site is around 2 metres lower than the gardens associated with nos.7-9 West Park Street. Nowell Street is an unmade/unadopted road linking West Park Street and Oxford Road.

2.3 There is a single mature tree that is subject to a Tree Preservation Order (TPO) located along the eastern boundary. The remaining area of the site is very much unkempt in appearance with limited vegetation or greenery. The area to the rear of number 7 and 9 is overgrown with a number of mature trees.

2.4 The site lies within the Northfields Conservation Area. The surrounding area is characterised by a mixture of large houses which are a combination of terraced and semi-detached properties of Victorian appearance. There is a more recent block of flats to the east, existing two storey flat roofed mosque to the south, and large Victorian properties to the north and west.

3.0 PROPOSAL:

3.1 The application has been significantly revised following negotiations with officers and now seeks full planning permission for the erection of a place of worship. The building proposed would be located to the front of the site in line with existing residential development on West Park Street. The building is shown to provide accommodation over three floors but has been designed to retain the domestic scale and appearance of neighbouring buildings.

3.2 The footprint of the building appears similar to that of a pair of semi-detached properties neighbouring the site and also occupies roughly the same position as the dwelling that was approved in 2014 (application reference 2011/92932).

3.3 Access is to be provided from Oxford Road via Nowell Street which is to be upgraded to adoptable standards. The road would then be closed just beyond the point of access to the car park. Car parking for 22 vehicles would be provided within the site to the rear of the Mosque.

3.4 The protected tree located within the site is shown to be removed, with replacement tree planting (1 "mature" tree) shown to the street frontage and detailed on the site layout. The plan also shows an area of landscaping to the front of the Mosque.

4.0 RELEVANT PLANNING HISTORY:

4.1 2015/92627 – Erection of place of worship and educational centre - Withdrawn

2011/92932 – Erection of single dwelling and garage – Approved in 2014

2008/93703 Erection of 10 apartments and studios – Withdrawn

2007/91345 Erection of 10 no. flats with basement garaging – Refused on grounds of visual amenity, impact on Conservation Area, impact on residential amenity, highway safety and insufficient information in respect to protection of trees on site.

2005/93484 Erection of 4 no. dwellings – Refused on the grounds of highway safety, impact on protected trees, impact on Conservation Area and overlooking of adjacent property.

2001/90608 Renewal of previous unimplemented permission for erection of 10 no. flats with basement garaging – Approved

1995/90733 Erection of 10 no. flats with basement garaging – Approved

1993/04301 Erection of 4 no. town houses – Refused

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Extensive discussions took place during the progression of the previous submission application 2016/92627. Following it being withdrawn the agent engaged further with Officers and resubmitted.
- 5.2 Whilst considering the current application the proposals have been further revised with the removal of the education block from the development. In addition the site location plan has been updated to include the access to the adopted highway at Oxford road within the red line and remaining ownership in the blue line.
- 5.3 The application is for the erection of the Mosque only with access along Nowell Street to Oxford Road.

6.0 PLANNING POLICY:

- 6.1 The statutory development plan is the starting point in the consideration of planning applications for the development or use of land unless material considerations indicate otherwise (Section 38(6) Planning and Compulsory Purchase Act 2004).
- 6.2 The Council is currently in the process of reviewing its development plan through the production of a Local Plan. The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The weight to be given to the Local Plan will be determined 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 Policies 2007) remains the statutory Development Plan for Kirklees.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.3 **BE1** – Design principles
BE2 – Quality of design
BE5 – Preservation/enhancement of conservation areas
BE6 – Infill sites
BE11 – Materials
BE12 – Space about buildings
T10 – Highway safety
T19 – Parking standards
NE9 – Retention of mature trees
EP4 – Noise sensitive development

National Planning Guidance:

- 6.4 **Chapter 7** – Requiring good design
Chapter 8 – Promoting healthy communities
Chapter 11 – Conserving and enhancing the natural environment
Chapter 12 – Conserving and enhancing the historic environment

6.5 Kirklees Publication Draft Local Plan: Submitted for examination April 2017

The site is without notification of the draft local plan.

Policies:-

- PLP21** – Highway safety and access
PLP22 – Parking
PLP24 – Design
PLP30 – Biodiversity and geodiversity
PLP33 – Trees
PLP35 – Historic Environment
PLP48 – Community facilities and services
PLP53 – Contaminated and unstable land

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application as originally submitted was advertised by press notice, site notice and neighbour notification letters. 115 representations supporting the proposals were received, in addition to 2 petitions with 446 and 32 names respectively. 29 representations against and 1 general comment were also received.
- 7.2 Since re-advertising the reduced scheme, relating to the erection of the Mosque only, there have been 4 representations in support and 15 against.
- 7.3 In view of the various periods of publicity it is considered appropriate, in this instance, to include a summary of comments submitted to the original scheme, as well as the amended proposal. These are summarised below and are subdivided into support and objections:

The Objections are as follows:

Heritage & Amenity:

- The development is within a Conservation Area and takes no account of the building vernacular.
- The proposed development will adversely affect the street scene from Oxford Road and West Park Street.
- The development neither enhances nor preserves the Conservation Area.
- Contrary to the NPPF as it does not sustain or enhance or make a positive contribution to the local character.
- It does not enhance or reveal the significance of surrounding buildings.

- The development is out of style, scale and character with existing Victorian buildings.
- Contrary to the notion of preserving the green space and trees (now removed) which contributed to the original Conservation Area, proposed as a car park and has been garden grabbing which the Government is keen to curtail.
- The roof lines of buildings on Oxford Road and West Park Street step down responding the changes in land levels.
- Conflicting styles include asymmetric roof gable, windows and minaret.
- The design and scale of the mosque is out of keeping and conflicts with the buildings in the Conservation Area.
- The minaret will be out of keeping.
- Overbearing
- The site has been subjected to fly tipping and has become unsightly.

Highways:

- The development will attract constant traffic
- Intensification of use and parking in addition to the two local schools
- The proposals represent a serious highway concern.
- Previous road usage/safety assessments have set a precedent on this street due to the restrictive nature of the West Park Street and Nowell Street junction.
- The road usage and parking problems on West Park Street have worsened.
- Congestion/the proposed site use would aggravate the present situation further.
- The car parking spaces are not sufficient for the intended uses.
- The proposal relates to the removal of all the existing parking spaces.
- The area is a car park and not currently vacant.
- Gritting cannot take place in the area as the vehicles cannot get access.

Other:

- There are covenants on the land which would not allow the development.
- Noise from the site
- Opening hours are specified as unknown however the agent has provided information that suggests that hours are known. In addition the applicants should be aware when the classroom will be used.
- There are plenty of existing mosques that can be used.
- The area was formerly a habitat for wildlife until it was spoilt by the present and preceding owners. All trees have been removed and TPO trees have not been replaced.

The application is supported for the following reasons:

- The proposed building will complement and enhance the surrounding environment.
- The community has outgrown the existing facility and the new facility will provide adequate space and dedicated classrooms in an upgraded environment.
- The existing facilities are poor.

- The road/car park is not adequate.
- Currently no separate women's WC and prayer area.
- Landscaping of the area will be an improvement.
- The new building is sympathetic to the conservation area.
- Improved parking facilities.
- Existing site is an eyesore.
- Improved access for all.

7.4 Following the re-advertisement of the reduced scheme, the comments are summarised as follows:

Objection:

- Proposed building will not fit in with the surrounding architecture in a Conservation Area
- Traffic increase and demand for parking
- Numerous mosques already

Support:

- Needed facility
- Delays and unjustified objections
- In keeping
- Adequate and improved parking
- Engaged with the community
- New building will be built to current regulations and standards

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

K.C. Highways Development Management – No objection subject to conditions and restricting numbers.

Historic England – No objection to the erection of the Mosque.

K.C. Strategic Drainage – No objection

8.2 Non-statutory:

K.C. Environmental Services – No objections subject to conditions.

K.C. Conservation and Design – No objections to the revised proposals

K.C. Arboricultural Officer – Object to the loss of the TPO'd tree

K.C. Ecologist – No objections subject to condition

9.0 MAIN ISSUES

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

10.0 APPRAISAL

Principle of development

- 10.1 The National Planning Policy Framework (NPPF) identifies places of worship as community facilities and states that planning decisions should “plan positively for the provision and use of community facilities to enhance the sustainability of communities and residential environments”.
- 10.2 Policy C1 of the UDP states that community facilities should be provided in accessible locations which will usually be in, or adjacent to, town and local centres.
- 10.3 In this instance, whilst not located within a town or local centre, the site is within an established area of residential development within a diverse community. Proposals to provide a facility separate from existing centres should be considered in relation to the needs of the community it is intended to serve. Such proposals will, however, need to be capable of accommodation without giving rise to problems of disturbance for occupiers of adjacent premises or prejudicing highway safety.
- 10.4 It is recognised that the development would be located within, and serve a part of, the community in which it is located. The erection of the mosque should therefore be assessed in respect of highway safety and impact on nearby occupants.
- 10.5 Whilst the provision of a community facility in a sustainable location accords with the overarching aims of the NPPF, this should not be to the detriment of heritage, visual and residential amenity, or highway safety.

Urban Design and Heritage issues

- 10.6 The site is within the Northfields Conservation Area which was designated in 1978. The Conservation Area does not have the benefit of an up to date appraisal but one exists from the date of designation. The Conservation Area is a residential suburb of Dewsbury built in the latter half of the 19th century and completed, in the main, around 1890.

- 10.7 The character comes from the layout of the streets, the unity of styles and building materials; the styles are of typical two storey buildings of large Victorian villas constructed of stone. The roof space of some of the buildings leads them to be three storeys in height with use made of traditional dormers.
- 10.8 It is accepted that the land to the east of nos. 7-9 West Park Street is untidy and does little to enhance the character of the Conservation Area and could benefit from development. To the south of the site is a two storey flat roofed building that equally makes no contribution.
- 10.9 In terms of the proposed mosque there has been permission granted previously for a single dwelling in this location so the principle of a building sighted as proposed has been established. In terms of the design, it is considered that the proposed building successfully blends into the style of building on West Park Street; the style is that of a Victorian villa. The proposed minaret echoes the octagonal towers evident on the row of terraces on the opposite side of West Park Street. The elevation of the mosque facing onto West Park Street has been redesigned to reflect better the architectural style of the surrounding buildings. The inclusion of bay windows provides greater articulation in the façade, it is considered that the erection of the building does not cause harm to the character of the Conservation Area.
- 10.10 The proposal requires the loss of a protected mature tree; concerns in respect of the impact on the tree have been raised by the Council's Arboricultural Officer. The tree contributes positively to the amenity of the area and character of the Conservation Area. In order to ensure the development retains the character and appearance of the Conservation Area the location of the building was revised to the front of the site. This inevitably results in the loss of the protected tree. The loss of the tree will be detrimental to the character of the Conservation Area. Any harm of the development to the character of the Conservation Area should be assessed against paragraphs 133 or 134 of the NPPF, where paragraph 133 relates to substantial harm and paragraph 134 is less than substantial harm. Paragraph 134 states that "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use."
- 10.11 In this case it is considered that the harm is less than substantial as there is no exceptional harm to the Conservation Area as a whole. Where less substantial harm occurs the harm has to be weighed against the public benefits the proposal brings. It is considered that the public benefit is of sufficient merit to override concerns regarding the loss of the protected tree. Furthermore replacement planting and landscaping is considered to add weight the balance in favour of the proposed development.
- 10.12 The residential development in the area is characterised by large residential dwellings set within long narrow plots with large back gardens. There is minimal 'backland' development in the immediate area meaning the open spaces to the rear of dwellings have been retained. The development retains

the open space between the buildings by providing parking for 22 vehicles. The car park, in effect, retains the prevailing character of the area and whilst it will be surfaced and upgraded this will improve the general appearance of the area and as such is supported. The site layout shows areas that could be utilised to provide landscaping thereby improving its contribution.

- 10.13 It is considered by officers that the merits of the proposed development and wider community benefits would outweigh any concerns and loss of the remaining protected tree within the site and as such would be in accordance with Policies BE5, BE1, and BE2 of the UDP as well as chapters 7 and 12 of the NPPF.

Residential Amenity

- 10.14 The application site is located within an established residential area and is therefore located in close proximity to existing dwellings.
- 10.15 The proposed Mosque occupies a similar position to the dwelling that was approved in 2014. It is of a scale and height that is considered proportionate to existing development located on West Park Street. The elevation to West Park Street is shown to step down from its neighbour with the minaret set to the rear corner of the building thereby minimising its presence within the street scene. Due to the scale and position of the building it is not considered to be overbearing to any nearby occupant. It is noted that there are windows proposed in the Nowell Street elevation which would be approximately 12 metres from the windows in the side elevation of residential accommodation opposite. In order to ensure the privacy of the occupants is retained it is considered appropriate to recommend that the windows within the east elevation are obscurely glazed.

Noise & Land contamination

- 10.16 The application form does not include any details of hours of operation but it is understood that the buildings would be used in to the evenings. In view of the use and proximity to existing residential development, Environmental Services have been consulted. They raise no objections to the development but recommend conditions regarding land contamination and time and noise level restrictions on call to prayer. It is therefore considered that matters of amenity due to matters arising from noise are adequately mitigated and as such the development is considered to be in accordance with Policy EP4 of the UDP as well as chapter 11 of the NPPF.
- 10.17 To summarise, it is considered by officers that the development will not result in any loss of amenity to surrounding occupants through loss of privacy, being overbearing or from nuisance arising from noise and as such is considered to be in accordance with the NPPF and UDP policies.

Landscaping Issues

- 10.18 The remaining protected tree within the site is to be removed to allow for the erection of the Mosque. The scheme does not allow for its retention. The plan shows a replacement tree as mitigation. It is acknowledged that the replacement of mature trees by new planting to accommodate development is usually less acceptable than the retention of existing trees because of the time required for replacement trees to mature and provide an equivalent level of amenity. However, taking into account the community benefit that the building will provide in addition to the mitigation measures proposed the development is considered, on balance, acceptable. As a result of the site development being reduced to exclude areas to the west it is considered that ecological matters can be addressed through the imposition of a condition to provide adequate mitigation to ensure the development is in accordance with Chapter 11 of the National Planning Policy Framework.

Highways

- 10.19 The application site is situated in an established residential area of Dewsbury, on the corner of Nowell Street and West Park Street.
- 10.20 Nowell Street is an un-made/un-adopted road linking West Park Street and Oxford Road. There is a point closure mid-way between West Park Street and Oxford Street preventing through vehicular traffic allowing only a pedestrian link between the two sections of the street. West Park Street and Oxford Road are both part of the adopted highway. Other than double yellow lines around the junction of West Park Street and Halifax Road, there are no on streets parking restrictions on West Park Street.
- 10.21 Parking is restricted on Oxford Road by permit parking zones and double yellow lines around the junction of Halifax Road and along the northern side of the carriageway.
- 10.22 High levels of on street parking on both sides of the carriageway does occur on West Park Road and can result in access difficulties for all vehicles. Visibility from Nowell Street onto West Park Street and Oxford Road is restricted by the height of adjacent boundary walls and hedges.
- 10.23 The applicants have now submitted revised proposals which remove the previously proposed education block and provide a three storey mosque with 22 off-street parking spaces.
- 10.24 The proposed Mosque building consists of an entrance hall, conference room and ablutions area to the lower ground floor, prayer hall to the upper ground floor and mezzanine library to the first floor. It is proposed to upgrade Nowell Street to adoptable standards from Oxford Road to the proposed site access. The existing point of closure is to remain and Nowell Street will not become a through road as a result of this application.

- 10.25 Sight lines are to be improved at the junction of Nowell Street and Oxford Road to meet the recommended standards of 2.4 x 43 metres.
- 10.26 The applicants have agreed to restrict the number of worshippers attending the mosque to 100 at any one time.
- 10.27 The existing building is to be retained and used for education purposes. Three classes will be run Monday to Friday between 5pm and 7pm. The total number of children attending the three classes is 40 aged between 4 and 16.
- 10.28 The recommended parking standards are as follows:
- Education block – 1 space per class room or 30 students and 1 space per 3 staff
 - Mosque – 1 space per 5 seat and 1 space per 3 staff
- As such 6 spaces are needed for the education block and 22 spaces for the proposed Mosque. If the two uses were to operate simultaneously there could be a potential shortfall of 6 spaces. This shortfall could potentially be accommodated on Nowell Street which is to be surfaced and improved to adoptable standards. It is also considered that there is unlikely to be a significant over-lap between the two uses; the peal hours for a Mosque is typically Friday lunch time and the education block is to be open between 5pm and 7pm in the evenings.
- 10.29 Highways DM have assessed the proposals and concluded that the site can accommodate the facility subject to the aforementioned restrictions in addition to the submission of a travel plan. As such, with the inclusion of relevant conditions, as suggested above, the proposal would not result in significant undue harm to highway safety or efficiency.
- 10.28 Officers consider that taking into account the provision of a community facility set within the community it is to serve, in addition to the provision of off street parking, the proposals are considered, on balance, to be acceptable from a Highways perspective, complying with the aims of Policy T10 of the UDP.

Representations:

- 10.26 Officers responses to the matters raised in the representations received as set out below:-
- 10.26 **Support**

The community has outgrown the existing facility and the new facility will provide adequate space and dedicated classrooms in an upgraded environment.

Officer Response: It is accepted that demands for a new/replacement madrassa and mosque are high but this is not justification to allow a development that is fundamentally unacceptable in terms of planning policy.

The existing facilities are poor.

Officer Response: It is accepted that there are benefits in terms of a new/replacement madrassa and mosque but this is not justification to allow a development that is fundamentally unacceptable in terms of planning policy.

The road/car park is not adequate.

Officer Response: It is recognised that there are inadequacies with the existing site. The erection of a new facility with lack of parking provision would also lead to congestion and parking on the streets surrounding the site to the detriment of highway safety.

Currently no separate women's WC and prayer area.

Officer Response: It is accepted that there are benefits in terms of a new/replacement Madressa and Mosque but this is not justification to allow a development that is fundamentally unacceptable in terms of planning policy.

Landscaping of the area will be an improvement.

Officer Response: It is probable that improvements to landscaping can be achieved through the development; however, there are significant concerns regarding the impact the proposals will have on the character of the area, residential amenity, and highway safety.

The new building is sympathetic to the Conservation Area.

Officer Response: The proposals have been assessed by officers in K.C. Conservation & Design and it is not considered that the scale, location and design are appropriate and would cause harm to the Conservation Area thereby failing to comply with Section 72 of the Planning (listed Buildings and Conservation Areas) Act 1990 and paragraphs 138 and 134 of the NPPF.

Improved parking facilities.

Officer Response: The application may provide improved parking and access facilities which may appear to be an improvement when compared to the existing situation on site however the development would significantly increase the opportunity for use of the site without the provision of adequate parking facilities contrary to Policies T10 and T19 of the UDP.

Existing site is an eyesore.

Officer Response: The site has been left in a very untidy state and detracts from the wider area. This is not justification for allowing a development that is not acceptable in principle.

10.27 **Objections:**

Heritage & Amenity:

- The development is within a Conservation Area and takes no account of the building vernacular.
- The proposed development will adversely affect the street scene from Oxford Road and West Park Street.
- The development neither enhances nor preserves the Conservation Area.

- Contrary to the NPPF as it does not sustain or enhance or make a positive contribution to the local character.
- It does not enhance or reveal the significance of surrounding buildings.
- The development is out of style, scale and character with existing Victorian buildings.
- There is a large combined bulk to the two connected buildings.
- The roof lines of buildings on Oxford Road and West Park Street step down responding the changes in land levels.
- The mosque façade and minaret are too high.
- Conflicting styles include asymmetric roof gable, windows and minaret.
- The design and scale of the mosque is out of scale and conflicts with the buildings in the Conservation Area.
- The minaret will be out of keeping.

Officers response to the points above where they may have not been addressed in the report: The proposals have been assessed by officers in Conservation & Design and it is considered that the scale, location and design of the mosque is acceptable and as such would not cause harm to the Conservation Area.

The scale, design and location of the education block is not considered acceptable and would result in the loss of mature trees. This part of the development would be harmful to the Conservation Area for which it is not considered that the benefit to the community outweighs the harm thereby failing to comply with Section 72 of the Planning (listed Buildings and Conservation Areas) Act 1990 and paragraphs 138 and 134 of the NPPF.

Highways:

- The proposals represent a serious highway concern.
- Previous road usage/safety assessments have set a precedent on this street due to the restrictive nature of the West Park Street and Nowell Street junction.
- The road usage and parking problems on West Park Street have worsened.
- Congestion/the proposed site use would aggravate the present situation further.
- 24 car parking spaces are not sufficient for the intended uses.
- The proposal relates to the removal of all the existing parking spaces.
- The area is a car park and not currently vacant.

Officers response to the points above: The proposals have been assessed by Kirklees Highways Development Management. There are significant concerns regarding the development and evidence to support the development resulting in a lack of parking provision contrary to Policies T10 and T19 of the Kirklees Unitary Development Plan.

Other:

- There are covenants on the land which would not allow the development.
Officer Response: Covenants are not considered material to the determination of the planning application. They are a private legal matter.
- Opening hours are specified as unknown however the agent has provided information that suggests that hours are known. In addition the applicants should be aware when the classroom will be used.
Officer Response: There are no details regarding the hours of operation of the site. K.C. Environmental Services have been consulted regarding the proposals and have raised no objections subject to conditions relating to unexpected land contamination and controls regarding call to prayer. They are satisfied that the development would not result in any harm to residential amenity providing conditions are imposed.
- Bats and owls have been resident in the mature trees in the area the development would impact on these.
Officer Response: Both an Ecological and Arboricultural survey has been requested to inform recommendations for landscaping and mitigation. It is not considered that the conclusions of the reports would prevent development of the site. As such the agent has requested that the reports be produced should Members recommend approval. Taking into account the costs involved in production of the reports, in addition to the likely conclusions of each, it is considered reasonable by officers that these are provided should the decision be taken to approve the application.
- There are plenty of existing mosques that can be used.
Officer Response: The agent has demonstrated that there is the need/demand for an additional facility in the area.
- The area was formerly a habitat for wildlife until it was spoilt by the present and preceding owners. All trees have been removed and TPO trees have not been replaced.
Officer Response: Both an Ecological and Arboricultural survey has been requested to inform recommendations for landscaping and mitigation. It is not considered that the conclusions of the reports would prevent development of the site. As such the agent has requested that the reports be produced should Members recommend approval. Taking into account the costs involved in production of the reports, in addition to the likely conclusions of each, it is considered reasonable by officers that these are provided should the decision be taken to approve the application.
- The site has been subjected to fly tipping and has become unsightly.
Officer Response: It is acknowledged that the site is unkempt and that redevelopment would improve the amenity of the area however this should be an appropriate development in terms of scale and design.

10.28 To summarise in relation to representations:

There are members of the community that the development would directly benefit but equally there are a number who consider the proposals to be detrimental to their environment. Affording weight to public benefit is not considered to be a simple process. For the aforementioned reasons Officers consider that the site can accommodate the development proposed with the inclusion of conditions regarding numbers of attendees and also mitigation planting and as such it is considered that any harm is outweighed by the community benefit of the accommodation provided.

11.0 CONCLUSION

11.1 The nature and scale of the proposed use would not result in any significant detriment to the amenities of nearby residential properties or highway safety. The proposal would result in a viable use for the building, in accordance with relevant local and national planning policy.

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, the draft local 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 of suggested conditions. The full wording of conditions including any amendments/additions to be delegated to the Head of Strategic Investment).

1. 3 year time limit
2. Development to be carried out in accordance with the approved plans
3. Submission of landscape scheme (to include wild life attracting species)
4. Obscure glazing to the east elevation
5. Reporting unexpected contamination
6. Call to prayer (noise levels and time)
7. Sight lines to be provided
8. Areas to be surfaced and drained
9. Up-grade of Nowell Street
10. Travel Plan
11. Materials

12. Restriction of numbers of worshippers attending the Mosque to 100 at any one time

13. Hours of use of the premises

Background Papers:

Application and history files.

Website link to the application details:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f91139>

Certificate of Ownership –Certificate D signed by the agent Hasan Dadibhai