
Report of the Head of Strategic Investment

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 14-Dec-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

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<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

N

Ward Members consulted
(referred to in report)

RECOMMENDATION: REFUSE

1. The proposal to provide additional class rooms in the form of a modular building to the rear of the main building would represent a significant increase in the capacity of the Masjid-E-Noor Education Centre. The parking provision included within the proposals is insufficient 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, Policy PLP21 of the Publication Draft Local Plan and the aims of chapters 7 and 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 after being deferred from the Committee meeting held on the 18th May 2017. The application was deferred to give the applicant the opportunity to provide additional information regarding parking provision which was proposed for the Masjid E Noor on Charlesworth Street and required the applicant to provide a parking layout plan and serve appropriate Notice on any owner(s) of the land.
- 1.2 The information submitted in response to the request of members from the committee meeting is inadequate. The parking layout for 6 vehicles on Charlesworth Street is considered to be impractical although it is appreciated that the amended arrangements for the main car park showing 23 spaces, has the potential to provide an additional 2 spaces. With only an additional 2 practical spaces shown, it is the opinion of officers that the proposal for the proposed single storey modular units would represent an increase in the users of the facilities with an insufficient 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 the aims of Kirklees Unitary Development Plan and the National Planning Policy Framework.
- 1.3 The application was originally referred to Heavy Woollen Planning Sub-Committee 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."*

- 1.4 It has previously been confirmed by the Chair of the Sub-Committee that Councillor Masood Ahmed's reason for making the above request was valid having regard to the Councillor's Protocol for Planning Committees.

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 original 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. The works have since been substantially completed for the approved alterations and the cabins to the front of the building have been removed.
- 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.
- 3.2 Following deferral of the application at the Heavy Woollen Planning Sub-Committee on 18th May 2017, additional parking has been shown on Charlesworth Street for 6 vehicles and the originally approved parking plan under 2014/93706 has been amended from 21 spaces to show 23 parking spaces. This was received on 2 December 2017. Revised Certificates have not been submitted.

4.0 RELEVANT PLANNING HISTORY (including enforcement 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 (including revisions to the scheme):

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.

5.2 As set out in section 1.0, the applicant was offered the opportunity by members of the Sub-Committee to provide additional information relating to the potential for additional parking to be formed on Charlesworth Street. The agent has supplied additional information in the form of an amended site plan showing 6 spaces on Charlesworth Street and an amended parking layout for the main car park showing an additional 2 parking spaces. The agent has also supplied an amended Design and Access Statement which clarifies the hours of operation for the school between 5pm and 6.30pm, the number of students as 60 and the number of teachers as 2.

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 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 Examination in Public began in October 2017. 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. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

The site is unallocated on the UDP proposals map and on the PDLP.

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
- **EP4** – Noise sensitive development

6.3 Supplementary Planning Guidance / Documents:

None relevant

Draft Local Plan Policies:

- 6.4 **PLP1** – Presumption in favour of sustainable development
PLP2 – Place shaping
PLP21 – Highway safety and access
PLP24 – Design
PLP48 – Community facilities and services

6.5 National Planning Policy Framework:

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 As a result of the statutory publicity for the application, two (2) letters of objection were received.

7.2 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 highway safety grounds.

8.2 **Non-Statutory:**

None

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 Kirklees 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”. Policy PLP48 of the PDLP also proposes support of development which enhances the provision for existing community and cultural facilities. 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 been substantially completed 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. The proposal could therefore be considered to be acceptable in terms of policies D2 and BE1 of the UDP, Policy PLP24 of the PDLP, and advice within chapter 7 of the NPPF.

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 and the proposal can be considered to be acceptable in terms of policies D2 and BE1 of the UDP, Policy PLP24 of the PDLP, and chapter 7 within the NPPF.

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 DM were consulted regarding the proposals.
- 10.10 The temporary modular building will be in addition to the extensions and alterations agreed through 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. Based upon the capacity of the two halls and the proposals to provide improved parking facilities with 21 spaces, Highways DM considered the 2014 application to be acceptable.
- 10.13 This application now under consideration provides an additional approximately 110 sqm of teaching space (D2 Assembly and Leisure). The amended Design & Access Statement provided with the additional information has stated that the anticipated numbers likely to attend would be 60 students and 2 teachers.
- 10.14 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.
- 10.15 Recommended parking standards for this use class, as set out in Policy T19 of the UDP, is for 1 space per 6 children, which should be in addition to the 2014 approval. As set out in section 1 of this report, the applicant was provided by members at the May 2017 Heavy Woollen Planning Sub-Committee, with the opportunity to investigate whether additional parking provision could be provided along Charlesworth Street.
- 10.16 The additional information submitted by the applicant's agent on 2 December 2017 includes a proposed site plan showing 6 parking spaces on Charlesworth Street and the layout of the main car parking being altered from the approved plan to provide an additional two spaces. The agent has also supplied an updated Design & Access Statement which confirms that the hours of operation for the school will be 5pm till 6.30pm, with 60 students and 2 teachers.
- 10.17 Discussions have taken place between the Planning Officer and the Highways DM to discuss the revised proposals. The 6 parking spaces shown on Charlesworth Street would be impractical, with parking shown over the existing footway and without facilities to turn a vehicle, resulting in potential for dangerous reverse manoeuvres onto Brewery Lane. It is acknowledged that the new main car park layout would increase the parking provision by 2 vehicles. However, the required parking would be 10 spaces minimum, and a shortfall of 8 spaces, given the location of the site, is significant.
- 10.18 The proposals under consideration do not meet the recommended parking standards set out in Policy T19 of the UDP (there would be a shortfall of 8 parking spaces). As such, it remains the opinion of officers that the proposals would result in significant detrimental harm in terms of highway safety because of the intensification of use at the premises and subsequent increased demand in on street parking provision, contrary to the aims of Policies D2 and T10 of the UDP and Policy PLP21 of the PDLP.

Representations

- 10.19 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.
Officer response: *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.
Officer response: *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

- 10.20 The amended site plan shows the newly proposed parking to be provided on Charlesworth Street. However, despite 6 months passing since the previous application was considered at the Heavy Woollen Planning Sub-Committee, no amended Certificates relating to ownership of Charlesworth Street have been submitted. Officers are of the opinion that sufficient time has been provided for the applicant to undertake the serving of notice and submit revised certificates and that, since they have not been forthcoming, members are advised to make a determination of this application on the originally submitted information. Since the additional parking shown on the revised site layout plan received on 2 December 2017 is impractical and would not address the significant highway safety concerns raised by officers, recommendation is once again to refuse the proposals.

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.
- 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 proposals do not accord with the development plan and the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material consideration.

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