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**Report of the Head of Planning and Development**

**DISTRICT-WIDE PLANNING COMMITTEE**

**Date: 31-Oct-2024**

**Subject: Planning Application 2023/91715 Demolition of existing mosque and erection of mosque and education centre Mohaddis E Azam Education Centre And Masjid E Madani, 225C, Ravenshouse Road, Dewsbury Moor, Dewsbury, WF13 3QU**

**APPLICANT**

Ayub Bapu, Naz Design

**DATE VALID**

23-Jun-2023

**TARGET DATE**

22-Sep-2023

**EXTENSION EXPIRY DATE**

04-Nov-2024

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

[Public speaking at committee link](#)

**LOCATION PLAN**



**Map not to scale – for identification purposes only**

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**Electoral wards affected: Dewsbury West**

**Ward Councillors consulted: Yes**

**Public or private: Public**

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**RECOMMENDATION:**

<p>DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report.</p>
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**1.0 INTRODUCTION:**

- 1.1 This application is brought to the District Wide Planning Committee due to receiving a significant number of representation contrary to officer recommendation in accordance with the Council's Scheme of Delegation
- 1.2 The Chair of the Sub-Committee has confirmed that the reason for referring the application to committee is valid having regard to the Council's Scheme of Delegation.

**2.0 SITE AND SURROUNDINGS:**

- 2.1 The application site comprises a Mosque and Education Centre on the western side of Ravenshouse Road, Dewsbury Moor, Dewsbury. The site is located within a predominantly residential area, with dwellings to the east and west, a retail unit to the north and the Spen Valley Country Park further to the west. The site is separated from a commercial unit to the south by a parking area, which is also within the red line boundary of the application site.

**3.0 PROPOSAL:**

- 3.1 Planning permission is sought for the demolition of the existing building and erection of a new mosque and education centre. This would provide a prayer hall, ablutions, wc, reception and office at ground floor level, with conference room, office, library, meeting room/seminar room and wcs at the first floor level. The roofspace would be used for storage. The proposals would also involve the addition of a dome on the roof and minarets.
- 3.2 The proposed extensions would be faced in stone to the front elevation and buff brick to the side and rear elevations.
- 3.3 The current proposal follows two previous approvals for extensions to the building.

#### **4.0 RELEVANT PLANNING HISTORY (including enforcement history):**

4.1 2021/93450 – Discharge of Conditions 4, 6 and 7 on previous permission  
2019/92515 for partial demolition of existing building and erection of first floor  
and two storey extensions – Pending consideration

2021/91211 – Discharge of Conditions 3 and 7 on previous permission  
2017/93161 for erection of extensions and alterations - Approved

2019/94147 (Quality Food Store) – Demolition of existing building and  
erection of two storey community centre – Refused

2019/92515 - Partial demolition of existing building and erection of first floor  
and two storey extensions - Approved

2018/92581 (land adjacent No.225c) – Change of use of land to car park –  
Approved

2017/93161 – Erection of extensions and alterations – Approved (not  
implemented)

2015/92957 – Erection of extensions and alterations – Approved (not  
implemented)

2008/91573 – Erection of extensions and alterations to Muslim education  
centre - Refused

2006/91570 – Change of Use from Off Licence and General Store to  
Mosque/Madrassa with alterations to form 6 no. parking spaces – Approved

#### **5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):**

5.1 Through the course of the application, the applicant was requested to provide  
additional information in relation to the amount and nature of the  
accommodation proposed and resultant trip generation. A Transport  
Statement and Construction Traffic Management Plan, in addition to a parking  
survey were submitted, and assessed by KC Highways DM.

5.2 Following concerns raised by officers relating to the extent of accommodation  
proposed, amended floor plans were requested and received. The  
amendments primarily related to the first floor accommodation which, as  
originally submitted, included the provision of 3 classrooms and 3 ladies  
rooms. Officers considered that this would amount to an intensification in use  
of the site over and above that which had been approved as part of the  
previous application. The amended first floor plan shows this accommodation  
to be replaced by a conference room, meeting room and ancillary  
accommodation. The applicant has confirmed that the education centre  
would operate in the subdivided part of the prayer hall on the ground floor.

## **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 statutory Development Plan for Kirklees is the Local Plan (adopted 27<sup>th</sup> February 2019).

### Kirklees Local Plan (2019):

- 6.2 **LP 1** – Achieving sustainable development  
**LP 21** – Highway Safety and Access  
**LP 22** - Parking  
**LP 24** – Design  
**LP 48** – Community Facilities and services  
**LP 52** – Protection and improvement of environmental quality  
**LP 53** – Contaminated and unstable land

### Supplementary Planning Guidance / Documents:

- 6.3 Highways Design Guide Supplementary Planning Document

West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance

### National Planning Guidance:

- 6.4 **Chapter 8** – Promoting Healthy and Safe Communities  
**Chapter 12** – Achieving well designed and beautiful places  
**Chapter 15** – Conserving and enhancing the natural environment
- 6.5 On 12<sup>th</sup> November 2019, the Council adopted a target for achieving ‘net zero’ carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change.

## **7.0 PUBLIC/LOCAL RESPONSE:**

- 7.1 As a result of the initial site publicity, 111 representations were received including both comments in objection (68) and support (43). Within the representations received were 2 petitions in support containing 186 and 204 signatures respectively, and 1 petition in objection containing 41 signatures.
- 7.2 Two further rounds of publicity were undertaken following receipt of additional highways information and amended plans. A total of 116 objections were received in response to these, in addition to 1 representation in support.

7.3 The comments received in objection are summarised as follows:

### **HIGHWAY SAFETY**

- Existing traffic problems caused by Mosque and their users – block drives, cause obstructions and congestion
- The extent of on-street parking that occurs is dangerous for pedestrians, including children crossing the road
- TRO and parking Enforcement officers been required due to parking issues
- Mosque been running for 12 years and they haven't managed to curtail the traffic problem
- Ravenshouse Rd already considered to be the worst in Dewsbury for parking and traffic. This would add to it
- Existing car park will not be adequate to serve additional vehicles that will arrive
- Existing parking issues prevent access to the Quality Food Store

### **AMENITY**

- This area is not suitable for the size of building planned by the Mosque
- Building will be overbearing on surrounding properties
- Result in loss of light and loss of privacy
- Out of keeping with character of area

### **OTHER**

- Larger Mosque on Pilgrim Avenue offering same services which does not generate any complaints
- Conserve existing education centre or staff will lose jobs and education of students will be affected for months
- The mosque has divided the community

7.4 The comments received in support are summarised as follows:

- Don't see an issue with traffic and parking
- Development would ensure the best education for children
- Any traffic issues are short-lived at specific times of the day
- Volunteers manage drop off and pick up before and after classes
- Committee Members manage the car park at Friday Prayers

- Much needed for the local community
- Development will benefit the residents and contribute to the overall development of the area
- Increased capacity will enable the Mosque to offer a wider range of services and activities
- The expansion of the Mosque will allow the car parking to increase in size
- The current building appears outdated and has a negative impact on the local area
- Mosque helps to give young people a focus and off the streets

## **8.0 CONSULTATION RESPONSES:**

### **8.1 Statutory:**

**The Coal Authority** – Note the conclusions of the Rotary Borehole Site Investigation Report; that coal mining legacy poses a risk to stability at the site and that remedial measures are required in order to ensure the safety and stability of the development. Recommend the imposition of conditions to ensure that the remedial measures are carried out.

### **8.2 Non-statutory:**

**KC Highways DM** – No objections subject to imposition of conditions requiring submission of Parking Management Plan and Construction Access Management Plan.

**KC Crime Prevention Officer** - Made recommendations with respect to security measures to be incorporated within the design of the development

**KC Environmental Services** - Recommended conditions relating to unexpected contamination and lighting, in addition to footnotes relating to hours of construction and Noise levels from the Azan

## **9.0 MAIN ISSUES**

- Principle of development
- Urban design issues
- Residential amenity
- Highway issues
- Representations
- Other matters

## 10.0 APPRAISAL

### Principle of development

- 10.1 The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.
- 10.2 Policy LP24 of the KLP is relevant to the proposal, in conjunction with Chapter 12 of the NPPF, regarding design.
- 10.3 The application relates to the demolition of an existing community facility and erection of a new one (place of worship). Policy LP48 of the KLP states that *“Proposals will be supported for development that protects, retains or enhances provision, quality or accessibility of existing community, education, leisure and cultural facilities that meets the needs of all members of the community”*.
- 10.4 The proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety. These issues, along with other policy considerations, will be addressed below.

### Urban Design issues

- 10.5 Relevant design policies include Policies LP2 and LP24 of the KLP and Chapter 12 of the NPPF. These policies seek for development to harmonise and respect the surrounding environment, with Policy LP24 (a) stating; *‘[Proposals should promote good design by ensuring]: the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape’*.
- 10.6 The existing building is of single storey scale with additions of varying design located to the rear, and is considered to have a neutral impact upon visual amenity and the character of the street scene. Surrounding the site the predominant character of existing development is that of two storey brick dwellings with hipped roofs, although immediately adjacent to the north is the attached retail unit. Further to the north lies a traditional two storey stone dwelling.
- 10.7 The proposals would result in a two storey building with parapet roof (providing storage within the roof space), and would include 4 minarets to each corner of the building, in addition to a green fibre glass dome which would be located centrally and to the front within the roof. The design of the proposals is, to a certain degree, informed by the religious function of the building.
- 10.8 The proposed building would be externally faced in stone to the front, with buff brick to sides and rear, in addition to brick window surrounds, and have a height of approximately 9.5m, with the dome on top of this. With respect to the scale of the development, section drawings submitted as part of the application demonstrate that the building (not including the dome) would not be significantly taller than the residential dwellings opposite (to the front). This would be comparable with the resultant development approved under application ref 2019/92515 for the partial demolition of existing building and erection of first floor and two storey extensions.

- 10.9 In summary, taking into account the previous approval on the site, the proposals are considered on balance, to be acceptable in terms of visual amenity and to accord with Policy LP24 of the KLP and guidance contained within Chapter 12 of the NPPF.

#### Residential Amenity

- 10.10 The application site is located on a predominantly residential street, and the existing building is located opposite existing residential properties both to the east and west. Furthermore, the topography of the site is such that the land falls away to the west.
- 10.11 Due to the circumstances set out above, the main consideration, with respect to the impact of the development upon residential amenity, relates to the impact on the properties to the west of the application site (205-209 Ravenshouse Road). The applicant has submitted a section drawing which demonstrates the relationship between the proposed development and the adjacent residential properties. Due to topography, the properties to the rear are set down in relation to the application site. Taking this into account in relation to the distance of the application property from the dwellings to the rear (approximately 20m), it is considered, on balance, that the proposals would not have a significant detrimental overbearing impact upon the occupiers of these properties. Furthermore, as the application site is located to the east of these properties, it is not envisaged that the proposals would impact detrimentally by reason of overshadowing. It should also be noted that this relationship has been previously established to be acceptable through previously approved application ref 2019/92515, which would have resulted in a building of the same height and depth. This is a material planning consideration in the assessment of the current application.
- 10.12 Several window openings are proposed to the rear elevation of the building as extended, and these would serve the Prayer Hall at ground floor level, and conference room, kitchen and wcs at first floor level. These are to be obscurely glazed. It is considered by officers that an adequate separation distance would be achieved between the proposed development and the dwellings to the rear, and no significant loss of privacy would result.
- 10.13 Turning to the properties to the east, these are located a further distance away from the site across Ravenshouse Road, and consist of relatively substantial two storey terraced properties with a relatively high eaves level. The impact of the development on the residential amenity of the occupiers of these properties is considered to be minimal.
- 10.14 The Planning Statement received in support of the application states that the use of any externally mounted amplification equipment for 'Call to Prayer' (Azan) will not be allowed. In the event that planning permission is approved, this could also be controlled by condition.
- 10.15 Taking the above into consideration, the proposals are considered to have no significant detrimental impact upon residential amenity and would accord with Policy LP24 of the KLP and the aims of the NPPF.



## Highway Issues

- 10.16 Paragraph 115 of the NPPF states that: *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*
- 10.17 Policy LP21 of the Kirklees Local Plan states that proposals shall demonstrate that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users.
- 10.18 Ravenshouse Road is a 30mph, two-way, single carriageway, unclassified, distributor road of approximately 9m width with a hatched central reserve to protect right turn lanes, a pedestrian refuge, footways on both sides and street lighting present. It hosts a medium frequency bus route with stops within 130m of the application site. To the north of the site the main road turns in to Low Road while the narrow estate road to the rear of the site takes the name Ravenshouse Road. This Back Ravenshouse Road is a narrow (4.75m to 5.5m) estate road that serves a small number of residential properties
- 10.19 Whilst the previous applications were approved on the basis that the additional floorspace proposed provided ancillary accommodation and would not materially intensify the use of the site, KC Highways DM have raised concerns in relation to previous applications due to the potential impact on parking and traffic generation through this residential area. As such, any increase in vehicle movements through the area must be carefully considered.
- 10.20 Since the previous approvals, the car parking area on Ravenshouse Road has been granted conditional planning permission (2018/92581) and has now been included as part of the current planning application and will provide 23 spaces. Previously the car park contained portable cabins used as teaching areas and these are not shown on the proposed layout drawing (AIB/01 dated Sept 2021) and have subsequently been removed.
- 10.21 A Transport Statement from TPS Transport Consultants dated December 2023 (issue 1) and a Construction Traffic Management Plan also from TPS Transport Consultants dated December 2023 (issue 1) was received on 19 December 2023. In addition to this information, amended plans were subsequently received through the course of the application which showed a reduction in the accommodation proposed compared to the original submission. Finally, a parking survey was received on 18 September 2024.
- 10.22 The parking survey of the area around the site was requested by KC Highways DM in order to ascertain the exact numbers of available spaces for proposed users of the site and also to assess the number of areas with parking issues.
- 10.23 The parking survey details submitted do not appear to represent what Officers have observed out on site and offers little weight to this additional information in the analysis of the proposals. It is noted that there is an increase in on street parking during prayer times on Fridays as indicated in the survey results, however Officer observations have indicated this is greater than the results submitted. The use of the on-site car park on a Friday does not appear to show occupancy above 50% during Friday prayers, although observations

show that the car park is occupied beyond its proposed capacity by using a stacking process, which is an acceptable way of managing the car park as it keeps vehicles off the adopted highway.

- 10.24 It has been observed by Highway officers that during the operation of the current mosque there is an increase in off and on-street parking within the area around the site and that some of this is observed to be anti-social parking. However, it is noted that these problems only occur during prayer times and disperse shortly after.
- 10.25 The latest iteration of the proposals for the upstairs rooms appears to be relatively similar in size and form of the previously approved application and as such, Officers do not consider that the increase in trips would be sufficiently greater to have a severe additional impact on the operation and efficiency of the local highway network. Whilst Officers acknowledge that some issues currently occur, they are not expected to be exacerbated by the proposals.
- 10.26 Should the application be approved, conditions are recommended requiring the submission of the following:
- Parking Management Plan to be submitted for approval prior to first occupation of the development and to remain in operation for the lifetime of the development;
  - Construction Access Management Plan that includes a layout plan of the site showing delivery and contractor parking, the location of site facilities and materials storage, location for larger deliveries and use of a banksman and the use and retention of wheel washing facilities to avoid mud or debris from being dragged on to the highway.
- 10.27 On the basis of the above, and subject to imposition of the recommended conditions, KC Highways DM raise no objection to the proposals, which would be in accordance with Policies LP 21 and LP 22 of the KLP.

### Representations

- 10.28 The representations received are addressed as follows:

### **HIGHWAY SAFETY**

- Existing traffic problems caused by Mosque and their users – block drives, cause obstructions and congestion.
- The extent of on-street parking that occurs is dangerous for pedestrians, including children crossing the road
- TRO and parking Enforcement officers been required due to parking issues
- Mosque been running for 12 years and they haven't managed to curtail the traffic problem
- Ravenshouse Rd already considered to be the worst in Dewsbury for parking and traffic. This would add to it.

- Existing car park will not be adequate to serve additional vehicles that will arrive.
- Existing parking issues prevent access to the Quality Food Store

**Officer Response:** The existing highway safety issues are acknowledged, however as set out within paragraphs 10.16 to 10.27 above, the proposals are not considered to exacerbate the existing situation. Furthermore, conditions are recommended, should the application be approved, to manage parking both whilst the development is in operation and during the construction period.

### **AMENITY**

- This area is not suitable for the size of building planned by the Mosque
- Building will be overbearing on surrounding properties
- Result in loss of light and loss of privacy
- Out of keeping with character of area

**Officer Response:** The principle of the scale, design and appearance of the development and its relationship with adjacent neighbours has been previously established as being acceptable by the granting of the previous permission ref 2019/92515. This is a material planning consideration in the assessment of the current application, on which a significant amount of weight can be placed.

### **OTHER**

- Larger Mosque on Pilgrim Avenue offering same services which does not generate any complaints

**Officer Response:** Whilst this is noted, this is not a material planning consideration in the assessment of the current application.

- Conserve existing education centre or staff will lose jobs and education of students will be affected for months

**Officer Response:** This is noted.

- The mosque has divided the community

**Officer Response:** This is noted, however the application has to be assessed on its planning merits.

#### **Other Matters**

##### *Coal Mining Legacy*

10.29 The site is located within a High Risk Area as defined by the Coal Authority. A Coal Mining Risk Assessment (including Gas Monitoring Report and Rotary Borehole Site Investigation Report) was submitted with the application. The Coal Authority concurs with the recommendations set out within the submitted CMRA, and raises no objections to the proposed development, subject to the

imposition of conditions requiring remedial works to be undertaken before the commencement of development. This would ensure that the proposals accord with government guidance contained within Chapter 15 of the NPPF.

#### *Contaminated Land*

- 10.30 The application site is within 250m of a former landfill site. The applicant has submitted a Phase I Desk Study, Rotary Borehole Site Investigation and letter by G&M Consulting.
- 10.31 Gas monitoring is referred to in the submitted information, confirming the presence of ground gases and a credible risk to end users, and as such, should the application be approved, contaminated land conditions would be required to secure the necessary remediation of the site and the safe occupation of the proposed development. This would be in accordance with Policy LP 53 of the KLP and guidance contained within Chapter 15 of the NPPF.

#### *Climate Change*

- 10.32 Chapter 12 of the KLP relates to climate change and states that “Effective spatial planning is an important part of a successful response to climate change as it can influence the delivery of appropriately sited green infrastructure and the emission of greenhouse gases. Planning can also help increase resilience to climate change impact through the location, mix and design of development”. This is also reflected in the NPPF as a core land use planning principle. The NPPF emphasis that responding to climate change is central to economic, social and environmental dimensions of sustainable development. This application has been assessed taking into account the requirements summarised and provides opportunity for development that is considered to meet the dimensions of sustainable development. There are controls in terms of Building Regulations, which will need to be adhered to as part of the construction process and which will require compliance with national standards.

#### *Crime Prevention*

- 10.33 The Council's Crime Prevention Officer has made recommendations regarding security measures which could be incorporated into the development, should permission be granted.

### **11.0 CONCLUSION**

- 11.1 This application for the erection of a mosque and education centre on Ravenshouse Road, Dewsbury Moor, Dewsbury has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations.
- 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**

1. Timescale for implementation
2. Development to be carried out in accordance with approved plans and specifications
3. Samples of external materials to be submitted
4. Call to Prayer (control hours, length of time and sound level)
5. Electric Vehicle Charging Points
6. Submission of remediation strategy
7. Implementation of remediation strategy
8. Submission of verification report
9. Intrusive site investigations (in relation to coal mining legacy)
10. Details of external artificial lighting
11. Parking Management Plan
12. Construction Access Management Plan

### **Background Papers:**

[Planning application details | Kirklees Council](#)

Certificate of Ownership – Certificate A signed:

