

Delegated Report

Planning Ref: 24/00452/FUL
Applicant: Jamia Islamia
Ward: Ambien



Hinckley & Bosworth
Borough Council

Site: Cemetery, The Grange, Watling Street

Proposal: Erection of a single storey mausoleum

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

2. Planning Application Description

2.1. The application seeks permission for a single-storey mausoleum within The Garden of Blessings, a private Islamic graveyard situated within the Hijaz Manor Cemetery.

2.2. Designed as a square structure, the mausoleum would measure 6m x 6.2m with a flat roof height of 3.5m and a total height of 4.78m. Built on a concrete slab measuring 8.5m x 6.2m, it would feature a flat roof with a dome over the central area, measuring 4.5m wide and 1m high. The Mausoleum will feature a canopy at the front façade which will have an overhang of 2.1m. The canopy will rest on two concrete columns. The edge of the canopy will be coloured to match the corresponding banding and windows.

2.3. Officers requested amendments following concerns of the size of the new structure in the open countryside. The original proposal measured 6m x 6.2m with a flat roof height of 4.25m and a total height of 7.5m. Built on a concrete slab measuring 8.5m x 6.2m with a flat roof with a dome over the central area, measuring 3m wide and 3m high. The external materials would consist of crem rendered walls, a blue glass reinforced plastic dome, concrete painted columns and aluminium windows.

2.4. Description of the Site and Surrounding Area

2.5. The application site comprises a number of detached buildings for the purposes of Islamic worship and further education. The proposed extension on an existing building would be located within the existing grounds of the community facility, which is sited in an area of designated countryside. The site is set back significantly from the A5, accessed via a track. The existing building is approximately 700 metres away from the street entrance and the site is heavily screened with mature woodland.

3. Relevant Planning History

19/00206/FUL	Extensions to Ablutions building	PERMIT	16.04.2019
18/00785/FUL	Biomass/borehole storage room (retrospective)	PERMIT	23.10.2018
18/01070/FUL	Change of use of	PERMIT	17.12.2018

	office to mosque		
02/00185/COU	USE OF LAND AS A CEMETERY	PERMIT	24.04.2002
96/00620/FUL	STUDENT ACCOMMODATION DINING ROOM LECTURE ROOMS LIBRARY CHAPEL CHANGING ROOMS AND PRINCIPALS FLAT	PERMIT	16.10.1996
97/00417/FUL	ERECTION OF MAUSOLEUM FOR FOUNDER OF COLLEGE	PERMIT	25.06.1997
98/00490/FUL	PROVISION OF COMMON ROOMS FOR STUDENT ACCOMMODATION	PERMIT	14.09.1998

5. Publicity

5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.

5.2. There have been no comments received from third parties.

6. Consultation

6.1. LHA – No objection - Standing Advice

HBBC – Environmental Services – no objection

HBBC Waste – no objection

HBBC Drainage – no objection – notes to applicant

National Highways – no objection

Higham Parish Council have made no comments.

7. Policy

7.1. Core Strategy (2009)

- No relevant policies

7.2. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards
- Policy DM25: Community Facilities

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2023)
- Planning Practice Guidance (PPG)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Drainage
- Ecology

Assessment against strategic planning policies

8.2. Paragraph 12 of the National Planning Policy Framework (NPPF) provides a presumption in favour of sustainable development and states that planning applications that accord with the policies in the Local Plan should be approved unless material considerations indicate otherwise.

8.3. Policy DM1 of the SADMP sets out a presumption in favour of sustainable development and states that development proposals that accord with the development plan should be approved without delay unless material considerations indicate otherwise.

8.4. The application site is situated outside any defined settlement boundaries and is therefore situated within the countryside. The proposal would not comply with any of the criteria Policy DM4; however, it is not considered that there would be any harm identified with the proposal's conflict with DM4. The proposed mausoleum is situated within a private graveyard within a wider premises for Islamic worship and education. The mausoleum would be viewed and experienced within the context of these immediate surroundings, and as discussed later in this report, there would not be any visual harm as a result of the proposal.

8.5. Although the application site is not designated as a community facility within the SADMP, the site is a long-established place of worship and educational facility. Policy 25 of the SADMP supports the retention and enhancement of existing community facilities. Its supporting text identifies the following 'community facilities':

- Community, village and parish halls;
- Places of worship in rural areas;
- Educational Facilities;
- Healthcare facilities;
- Libraries;
- Public houses in the rural area

8.6. The application site is an educational facility and place of worship in the rural area. Enhancement of such community facilities is generally acceptable in principle according to policy DM25. The proposal complements the existing uses within the site and as such is considered acceptable under DM25 despite some minor conflict with DM4.

Design and impact upon the character of the area

8.7. Policy DM10 criterion (c) of the adopted SADMP requires new development to complement or enhance the character of the surrounding area with regards to scale, layout, density, mass, design, materials and architectural features. This is essentially also reflected in the provisions of Policy DM4 of the adopted SADMP.

- 8.8. The proposed mausoleum would lie towards the western boundary of the cemetery, which is bound by a dense and well-established hedgerow boundary which would screen views from the west, notably from the Barr Lane footpath to the north and the footpath from Hollow Farm to Main Street to the west. Views from the west along the A5 would not be possible due to the distance separation (approx. 750m) and intervening development.
- 8.9. The proposed design has been reduced in scale from the initial proposal following concerns expressed by Officers regarding the height of the structure in a relatively remote countryside location. The revised proposal is considered to be acceptable and would be viewed and experienced in the immediate context of the cemetery setting which already features a mausoleum and similar structures) and the wider site which is for Islamic worship and education.
- 8.10. Whilst there is an identified conflict with DM4 of the SADMP, the proposal would not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside, nor does it conflict with any of the other secondary criteria of this policy. It is therefore concluded that the proposed mausoleum would have no discernible impact on the character of the wider area or the existing buildings and in this regard the proposal is in accordance with Policy DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.11. Policy DM10 criterion (a) of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.
- 8.12. The nearest residential property is located approximately 90 metres north west of the application site boundary. There are no immediate neighbours in any direction; the site is set back from the A5 and is surrounded by woodland. As such, the proposed development would not have any impact upon the residential amenity of neighbouring properties, and as a result is assessed as being in compliance with Criterion (a) of Policy DM10 of the SADMP.

Impact upon highway safety

- 8.13. Policy DM17 requires all development to demonstrate that there would be no significant adverse impact on highway safety and impacts on the transport network are not severe. DM18 of the SADMP states that proposals should ensure that there is adequate provision for on and off-street parking for residents and visitors and there is no impact upon highway safety.
- 8.14. The proposal would not impact the existing car parking arrangements and will not increase the amount of visitors to the site.
- 8.15. In this respect, the proposal complies with Policies DM17 and DM18 of the SADMP.

Drainage

- 8.16. Policy DM7 of the SADMP requires adverse impacts from flooding to be prevented and that development should not create or exacerbate flooding and be located away from area of flood risk unless adequately mitigated.

8.17. HBBC Drainage have no objection to the proposal and have advised informative notes regarding surface water management and permeable surfacing.

8.18. In this respect, the proposal complies with Policy DM7 of the SADMP.

Ecology

8.19. Policy DM6 of the SADMP requires development proposals to demonstrate how they conserve and enhance features of nature conservation. If the harm cannot be prevented, adequately mitigated against or appropriate compensation measures provided, planning permission will be refused.

8.20. The proposal falls below a de minimis threshold for Biodiversity Net Gain requirements and is therefore exempt from providing a BNG of 10%. There are no other concerns regarding ecology and biodiversity.

9. Equality Implications

9.1. **Where No Known Implications** Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.2. Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

9.3. There are no known equality implications arising directly from this development.

9.4. The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

10.1. The application proposal, although strictly in conflict with DM4, would provide a place of prayer and worship for the established cemetery and community facility, and is acceptable in principle in accordance with DM25. The proposed layout, scale, design and appearance of the mausoleum would be in keeping with the wider operations and scale of the buildings within the site, would not have any adverse impact on the character and appearance of the surrounding area, and would not give rise to any material adverse impacts on the amenities of the occupiers of any neighbouring properties. The proposal would not result in any adverse impact on highway safety. The proposal for the extension for additional toilet facilities within an

existing community facility is acceptable under Policies DM1, DM10, DM17, DM18 and DM25 of the SADMP and is therefore recommended for approval.

11. Recommendation

11.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

11.2. Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 19 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:

- Site Location Plan – Drawing 22022-PL-001
- North Elevation – Drg. No. XX DR A 10200
- West Elevation – Drg. No. XX DR A 10201
- South Elevation – Drg. No. XX DR A 10202
- East Elevation – Drg. No. XX DR A 10203

Reason: To ensure a satisfactory impact of the development to accord with Policies DM1, DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document.

3. The external materials to be used in the development hereby permitted shall be in strict accordance with those documented in section 6.3 of the submitted Planning, Design and Access Statement (received 9th May 2024).

Reason: In the interests of visual amenity and to safeguard the character of the surrounding area, to accord with Policies DM4 and DM10 of the Site Allocations Development Management Policies Development Plan Document.

11.3. Notes to Applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. Surface water should be managed by sustainable methods, preferably those which disperse runoff by infiltration into the ground strata: i.e. soakaways, pervious paving, filter drains, swales, etc. and the minimisation of paved area, subject to satisfactory porosity test results and the site being free from a contaminated ground legacy. If the ground strata are insufficiently permeable to avoid discharging some surface water off-site, flow attenuation methods should be employed, either alone or in combination with infiltration systems and/or rainwater harvesting systems.
3. Any proposed access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-

permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet (See Environment Agency guidance on the permeable surfacing of front gardens).